

# LEGISLATIVE ASSEMBLY

Thursday 10 August 2000

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

**Mr Speaker** offered the Prayer.

## YOUNG OFFENDERS AMENDMENT BILL

**Business called on, and postponed on motion by Mr Tink.**

## CRIMES (SENTENCING PROCEDURE) AMENDMENT (LIFE SENTENCE CONFIRMATION) BILL

**Business called on.**

*[Interruption]*

**Mrs CHIKAROVSKI:** Mr Speaker, I find it appalling that the honourable member for Coogee is trying to interrupt what is obviously going to be a serious debate in this House affecting the family of Virginia Morse. Brian Morse is in the gallery today and I would like the House to show him the courtesy of listening to this debate in silence. Mr Speaker, the legislation I am seeking to have passed through this House—

**Mr SPEAKER:** Order! The Leader of the Opposition has to present the bill.

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

## Second Reading

**Mrs CHIKAROVSKI** (Lane Cove—Leader of the Opposition) [10.04 a.m.]: I move:

That this bill be now read a second time.

**Mr Whelan:** Mr Speaker, only one copy of the bill is available. The procedure requires that three copies of the bill be available.

**Mr O'Doherty:** Why don't you want this to be debated, Paul?

**Mr Whelan:** I do.

**Mr SPEAKER:** Order! The Leader of the House has drawn the attention of the Chair to the lack of copies of the bill. I refer to the standing orders at chapter 16, which deal with the procedure for public bills. Standing Order 198 reads:

- (6) 3 copies of the bill shall be handed to the Clerk and the bill shall be read a first time without question put.
- (7) At each reading the Clerk shall read the short title of the bill.

Two more copies of the bill are required.

**Mr Whelan:** You have to abide by procedures. I want a copy of the bill.

**Mr SPEAKER:** Order! The procedure requires members who are introducing a bill to provide three copies of the bill to the House. I understand that the House is now in possession of the additional copies of the bill.

*[Interruption]*

Order! The honourable member for Gosford will resume his seat. The Leader of the Opposition has the call.

**Mrs CHIKAROVSKI:** Mr Speaker, as I said, the bill that I am seeking to have passed through this House is important. It is also urgent that it go through the House as quickly as possible. The Opposition wants to make sure that Allan Baker and other prisoners whose files are marked "never to be released" are denied the existing loophole which provides them with access to the Supreme Court, which could then allow them to walk out into the community. We do not want these people in our community as prisoners on leave, prisoners on parole or as free individuals. Any one of these outcomes is absolutely and totally unacceptable. They are totally unacceptable to the family and friends of Virginia Morse. They are totally unacceptable to the rural community of New South Wales, particularly to the thousands of women who live in isolated and exposed circumstances on country properties. They are totally unacceptable to the people of New South Wales and they are totally unacceptable to the Opposition.

The Government continues to hesitate and to prevaricate. The Government is paralysed over this issue. It seems incapable of taking a simple action which will prevent the release of prisoners who trial judges have already said are too depraved and too dangerous ever to be free in our community again. The Government's motivation for inaction seems to be that it is intimidated by legal doubts. We have been told constantly by the Premier, the Attorney General and the Leader of the House that there are difficult legal and constitutional issues involved. This is absolutely untrue. It is just not right. The Opposition has obtained legal advice from senior counsel. It states:

Since Parliament has provided those prisoners with a process which enabled them to have their sentences determined by being shortened from that originally imposed, if appropriate, there is no reason in principle why Parliament cannot remove or (substantially amended or alter) that process either with respect to all remaining prisoners in such a position, or with respect to a particular prisoner ...

And this Government has already amended the process which existed in the truth in sentencing legislation. All we are asking it to do now is to take away a right which this Parliament has already given it. This Parliament has the right to take away that right from these prisoners. I go on to quote—

**Mr Whelan:** It is a political stunt.

**Mrs CHIKAROVSKI:** It is a cheap, nasty interjection by the Leader of the House to say that this is a political stunt.

**Mr Whelan:** You are on record on 2BL.

**Mrs CHIKAROVSKI:** Say that to Brian Morse.

**Mr SPEAKER:** Order! The Leader of the House will cease interjecting. The Leader of the Opposition will address her remarks through the Chair.

**Mrs CHIKAROVSKI:** I am appalled that the Leader of the House—

**Mr SPEAKER:** Order! I call the Leader of the House to order.

**Mr Whelan:** You are giving them grounds for appeal. That is what you are doing.

**Mr Hartcher:** Mr Speaker, this should not be tolerated. The Leader of the House should be named.

**Mr SPEAKER:** Order! I call the Leader of the House to order for the second time. I call the honourable member for Gosford to order.

**Mrs CHIKAROVSKI:** I am appalled that the Leader of the House would show such discourtesy to Brian Morse, the family of Brian Morse and the families of other victims such as Janine Baldwin and Anita Cobby. I just cannot believe that the Leader of the House is not prepared to listen to this important issue, an issue that affects those people's lives. Why should Brian Morse, every seven years or even more frequently, have to sit in a court and listen to the disgusting facts of what Baker did to his wife? You are not prepared to give him the courtesy—

**Mr SPEAKER:** Order! The Leader of the Opposition will address her remarks through the Chair.

**Mrs CHIKAROVSKI:** The legal advice that the Opposition has obtained says:

It is within the power of the New South Wales Parliament to pass a valid Act which would have either a direct or indirect effect on the ability of Mr Baker to continue with his application for redetermination of his life sentence.

The Government argues that it cannot pass legislation while this matter is being heard in the Supreme Court. That also is untrue. There are precedents in both the Supreme Court and the High Court to support what I am saying. As I am sure the Government is aware, in 1986 a question arose as to the validity of particular legislation of the Commonwealth Parliament which had the effect of cancelling the registration of the Builders Labourers Federation whilst there were proceedings before the High Court of Australia dealing with that question. In dealing with the question of validity, the High Court said:

It is well established that Parliament may legislate so as to affect and alter rights in issue in pending litigation without interfering with the exercise of judicial power in a way that is inconsistent with the Constitution. Chapter 3 contains no prohibition, expressed or implied, that rights in issue in legal proceedings shall not be the subject of legislative declaration or action.

That is the High Court of Australia saying that what the Opposition is proposing is entirely within the purview of this Parliament. But it is not just the High Court and Federal legislation that have dealt with this issue. This very Parliament has passed legislation that falls into the same category. This very Parliament passed such legislation in 1986. Who was a member of the Cabinet in 1986? The Premier of New South Wales was in Cabinet in 1986 when the Cabinet approved, and this Parliament subsequently passed, legislation that sought to do what the Opposition seeks to do today—try to stop an action already in the Supreme Court. The Parliament has the right to do that. I quote again from what the High Court said in the case involving the cancellation of the registration of the Builders Labourers Federation:

Before the appeal was heard the New South Wales Parliament enacted the Builders Labourers Federation (Special Provisions) Act 1986.

In that decision Mr Justice Kirby said:

The Queen in Parliament is supreme.

In the same case Mr Justice Mahoney said:

Under the New South Wales constitutional arrangements it is, in my opinion, for the Parliament to determine the propriety and the desirability of a particular exercise of legislative power. The Parliament may, by legislation, intervene in the present exercise of judicial power in a particular case. The view may well be held that to intervene in judicial proceedings requires strong justification, not the least because intervention for good reason is apt to cause intervention without one.

But it is the prerogative of the Parliament to determine whether the reason for intervention be good or, whether good or bad, it will bear the consequences which constitutionally and electorally may flow from it.

I am prepared to bear the consequences electorally from bringing this legislation into the Parliament and having it passed and keeping Baker and his ilk in jail. The Parliament has that right. We as legislators have to stand before our community and say, "We have done this. Judge us, by your standards, as to whether what we have done is right or wrong." We should not, as the Government is doing, hide behind some legal fabrication which asserts that this Parliament does not have the power to pass such legislation. This Parliament has that power. Mr Justice Mahoney said further:

But in the end power, and so the responsibility, lies with the Parliament, and in my opinion it is proper that it be so, for the consequences of such legislation may be serious and it is the Parliament and those who comprise it who must be accountable for it.

This Parliament has the power, indeed the obligation, to pass this legislation to make sure that Allan Baker never ever walks free. The Opposition does not believe that there are any legal doubts or questions.

**Mr Whelan:** Your own barrister does. Your own legal advice does.

**Mrs CHIKAROVSKI:** That is absolute rubbish. The barrister agrees with the judges on this issue: that it is up to the Parliament to make the decision as to whether legislation is right or wrong.

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

**Mrs CHIKAROVSKI:** As I said, there is nothing to prevent this Parliament from passing this legislation. All that is lacking is the courage and commitment of the Premier to do so. I say to the Premier: Let's pass this legislation. We cannot do what the Government has done, that is, shirk the issue. We cannot abrogate our responsibilities and duties as a Parliament. The critical point is that, as things stand now, Allan Baker is

taking his steps towards freedom. This is a man who has been universally vilified and condemned for his horrendous actions in the rape, torture and murder of Virginia Morse. This is the man that trial judge Mr Justice Taylor branded as an "obscene animal". This is the man that the Premier himself has described as "evil incarnate". This is the man that the Premier believes revolted and repulsed people so much that he said:

I think the view of the majority of people in New South Wales was that capital punishment would have been too generous a treatment for them.

In April 1997 the Premier said of the crimes of Baker and his partner Kevin Crump:

These are the cases in which a life sentence in gaol must mean life and we will do whatever we can to see that it does.

That was April 1997, and it is now August 2000. The Premier has an opportunity to make good on his own words. Once again we are giving the Premier and the Parliament the opportunity to confirm what Mr Justice Taylor held so strongly: his view that Baker should stay in gaol. His Honour said that any application for release from Baker and Crump should be treated with the same mercy they extended to Virginia Morse while she begged for her life as they raped, tortured and murdered her. And that is the tragic theme that underpins our having to consider this bill. The genesis of all this was a foul and unspeakable crime committed by Baker and Crump—a crime that saw hardened detectives breaking down and sobbing over its very callousness, a crime that has horrified and shocked to speechless most people who have learned even some of its details.

This is a House of legislation. It is our responsibility to set the boundaries within which our community operates and within which society is protected. In setting laws, it is crucial that we remember that we act on behalf of people—normal, ordinary people throughout this State who expect us to protect them. Those people expect us to act on the basis of human values that honour victims of crime and express compassion and support for those victims and their families. People expect us to use every possible mechanism and device to protect them from predators like Crump and Baker. As I have said, this Parliament has an opportunity to do that. This legislation is that opportunity. Again I refer to the legal advice and the comments of Mr Justice Kirby, who stated:

[The] unbroken law and tradition [in Australia] has repeatedly reinforced and ultimately respected the democratic will of the people expressed in Parliament. As reflected political reality is in our society and the distribution of power within it. I also do so in recognition of the dangers which may attend the development by judges (as distinct from the development by the people's representatives) of a doctrine of fundamental rights more potent than parliamentary legislation.

The Parliament has the right. The bill before the House is simple in its intent. We have a precedent, and it is time to act. I bring this bill forward in the absence of any attempt by the Premier or the Attorney General to take action. We have read the judgment of the High Court in *Kable v Director of Public Prosecutions* (NSW) and we believe that the difficulties that arose in the Kable case do not exist in this bill. This is not about an individual; this is not about prospective acts of an individual. It is about confirming judgment on an act that has previously been committed. Our senior counsel has advised that nothing in the Kable case or in the Commonwealth Constitution would mark any influence on the legislation that I introduce today.

The Opposition seeks simply to eliminate the option of people who have had their papers marked "never to be released" seeking to have their sentences redetermined in a different time frame and in a different context. That was a right given by the Parliament. The Parliament can take that right away. We believe there are some crimes so horrific that penalties should not be re-evaluated at a later date. There is no need for a further consideration at a later date—a consideration tempered by a range of extraneous issues and arguments, including claims of personal reformation.

When a trial judge such as Justice Taylor is so moved by the obscenity, depravity and horror of the evidence that he has received that he imposes the strongest available penalty, we should respect his response. In the case of Allan Baker, Justice Taylor's response was that Baker should be locked away for the rest of his life. This bill confirms Justice Taylor's intention—in fact, it is the only step that we can take today. We have only one option and only one choice today: we must pass this bill unanimously, present it in another place quickly and move for immediate assent. I have written to the Premier requesting that he recall the Legislative Council for at least one day next week to deal with this matter. To do less would be a betrayal of the memory of Virginia Morse; it would be a betrayal of her husband, Brian, and of her family. To do less would be a betrayal of the trust that the people of this State have in this Parliament to protect them.

Just before the March 1995 election, the then New South Wales Leader of the Opposition and now Premier stood on the lawn with the honourable member for Smithfield, who is now Minister for Transport, and

Minister for Roads. The Premier promised Gwen Hanns that he would do everything he could to keep John Lewthwaite—who murdered Gwen Hanns' five-year-old daughter, Nicole, with such ferocity that blood splattered onto the ceiling of the room—and those like him in gaol. John Lewthwaite now walks free. The Premier failed Gwen Hanns. The Premier promised Brian Morse that he would do everything he could to keep Crump and Baker in gaol. Crump will eventually walk free.

**Mr Whelan:** Over my dead body.

**Mrs CHIKAROVSKI:** He is eligible for parole in 2003. The Minister knows that. The Premier has failed Gwen Hanns and he has failed Brian Morse once. Please, Premier, do not fail Brian Morse again. I commend the bill to the House.

**Mr WHELAN** (Strathfield—Minister for Police) [10.22 a.m.]: I move:

That the debate be now adjourned.

**Mrs CHIKAROVSKI** (Lane Cove—Leader of the Opposition) [10.22 a.m.]: I seek leave to move, pursuant to Standing Order 405:

That standing and sessional orders be suspended to allow this bill to pass through all stages at one sitting on this day.

**Leave not granted.**

**Question—That the debate be now adjourned—put.**

**Division called for and, pursuant to sessional orders, deferred.**

#### **BAIL AMENDMENT (CONFISCATION OF PASSPORTS) BILL**

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

#### **Second Reading**

**Mr TINK** (Epping) [10.24 a.m.]: I move:

That this bill be now read a second time.

The object of this bill is to amend the Bail Act 1978 so as to require bail granted to persons accused of offences occasioning death to be made subject, except in special circumstances, to conditions requiring the giving up of passports held by them. The particular issue that has given rise to this bill and highlighted the ongoing need for legislation of this type is the case of truck driver Moslek Hanna Mekhael who was involved in a fatal motor vehicle collision in Brookvale several weeks ago in which baby Scott Steele was incinerated in tragic circumstances. I understand that Mr Mekhael was charged with negligent driving occasioning death, which is a very serious charge under our criminal law inasmuch as it carries a maximum 18-month gaol penalty. According to subsequent media reports, more serious matters have come to light in the context of the alleged culpability of this person, and more charges are pending as a result.

The initial charge of negligent driving occasioning death is itself a grave charge. The failure of Mr Mekhael to attend court when required and his presumed absence overseas—I believe he was last heard of in Canada—call for urgent steps to be taken to amend the bail legislation. I commend particularly the honourable member for Wakehurst who was concerned about this issue from day one. He raised the matter with me and the Minister for Police extremely robustly in an effort to ensure that something constructive eventuated from this tragedy in terms of reforming the law. I am happy to propose this amending bill at the suggestion of the honourable member for Wakehurst, who offers his full support and guidance.

The bill proposes to put the onus on any person who appears before the court and is charged with any criminal act occasioning death—including a negligent criminal act, of which there are many—to show why his or her passport should not be confiscated in the event that bail is granted. This legislation is not about removing people's liberty or refusing to grant bail. It seeks to address the fundamental issue of granting bail on the

condition that a person's passport is confiscated. Passports are people's tickets out of a jurisdiction. My point, and that of the honourable member for Wakehurst, relates to every person—whether an Australian citizen or a foreign national. I hope that this issue will not become relevant in the coming weeks, but I believe we must put this urgent matter beyond doubt. Any person in this country who commits a crime occasioning death should have to make a case why he or she should retain his or her ticket out of the country. Everyone—Australian citizens and foreign nationals—requires a passport to leave this country legally and in all cases people should have to demonstrate to the court why they are a reasonable risk regarding bail.

That is not to say that all passports will be confiscated: the provision is not mandatory. However, this legislation puts the onus on the accused to demonstrate that he or she is not a flight risk. Many matters, such as a person's reputation here or elsewhere, a person's assets, ties or criminal record both in this country and overseas, must be weighed in the balance. It is for the accused to demonstrate to the court why he or she should be allowed to retain his or her passport. It throws up the retention of a passport—a person's ticket in and out of this country—as a central issue that the court must consider.

The Toula Soravia matter would be relevant in this context, as well as many others. Parliament needs to address this issue and clean it up. I commend the honourable member for Wakehurst for his concern and for his extremely constructive proposal for legislative change—and Parliament has that power—so that something constructive comes from this tragedy in Brookvale. I commend the bill to the House and I commend the honourable member for Wakehurst for suggesting it.

**Mr WHELAN** (Strathfield—Minister for Police) [10.29 a.m.], by leave: At first glance the Government has no objection to the bill in principle. The honourable member was good enough to give me a copy of the bill at five minutes to 10. On the face of it, it is a good idea, and we are glad to implement good propositions that are legally sound, and that will have to be determined by the Attorney. We are very happy to tighten up bail requirements in serious matters, and in the past have done so by removing the presumption in favour of bail in a number of serious matters. Let us not forget that the courts and the police also have the power to impose a huge number of bail conditions. We need to concentrate on them and impose conditions that are appropriate. If that means we prescribe to law officers a presumption to surrender passports, we can do that. That is what the honourable member is referring to.

We should also ensure that the law applies other appropriate conditions to the granting of bail. No member of this House would support an alleged offender escaping justice. As I indicated, I have not had an opportunity to look at the bill in detail. I will refer it to the Attorney. There are a couple of matters I want the honourable member to think about. He refers only to "passport". Many people have dual passports. The Attorney may have to consider the fact that although a passport may be surrendered, another passport may be held by an offender.

**Mr Hazzard:** You can move an amendment at the appropriate time.

**Mr WHELAN:** I will refer it to the Attorney for him to examine the bill.

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

## **CRIMES (SENTENCING PROCEDURE) AMENDMENT (LIFE SENTENCE CONFIRMATION) BILL**

### **Second Reading**

**Debate resumed from an earlier hour.**

**Mr SPEAKER:** The House will now proceed with the deferred division on the question, That the debate be now adjourned.

**The House divided.**

**Ayes, 46**

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

**Noes, 35**

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

**Pairs**

|            |              |
|------------|--------------|
| Mr Collier | Mr Armstrong |
| Mr Hunter  | Mr Brogden   |
| Mr Nagle   | Mr Fraser    |

**Question resolved in the affirmative.**

**Debate adjourned.**

**TECHNICAL AND FURTHER EDUCATION COMMISSION AMENDMENT  
(CONSULTATION PROCEDURES) BILL**

**Second Reading**

**Debate resumed from 4 May.**

**Mr HAZZARD** (Wakehurst) [10.43 a.m.]: The Opposition remains quite concerned about the failure of the Government to support education on the northern beaches peninsula. As I indicated when I spoke in this debate on the last occasion, Seaforth TAFE remains a much-needed facility for students on the northern beaches. The honourable member for Manly, who introduced this bill, has the full support of the Coalition, particularly the northern beaches members of the Liberal Party. The Opposition is concerned that, yet again, the Carr Government has failed to consult with and consider the needs of students on the northern beaches. This is not an isolated occasion! The Government's failure to consult has become its hallmark regarding education on the northern beaches.

Approximately six or eight months ago Seaforth TAFE closed without consultation, without discussion, on the pretence of higher maintenance costs. At the end of the day students from the northern beaches are

entitled to their fair share of the educational dollar. However, the Government responded with a knee-jerk lack of forethought because of short-term funding considerations that related to maintenance of the Seaforth site and became the catalyst for removal of the entire educational facility. That facility is situated in the electorate of Manly but serves the entire northern beaches area. Both the former member for Manly, Dr Peter Macdonald, and the current member, David Barr, have the full support of the Liberal members on the northern beaches. We do not agree on every issue, but we certainly agree on this one. The Minister for Education and Training has not bothered to come into the Chamber to hear this debate; what he has done is a complete abrogation of his responsibility to students from the northern beaches.

Seaforth TAFE allowed emphasis to be placed on vocational education on the northern beaches, which has become an increasingly significant part of secondary education everywhere. Many students take the opportunity of enrolling in extra courses through TAFE while undertaking the Higher School Certificate or senior studies. By taking this action the Government has now limited their opportunities dramatically. As I indicated when I spoke in this debate previously, students have been unfairly prejudiced. They may have tried to improve their skills and to perhaps develop self-esteem by undertaking courses. If we are to be a compassionate and fair society, education must be a central focus. Yet the Government, which claims to be the hallmark of social justice, actually reeks more of a lack of understanding and social justice.

The northern beaches area is coping more than its fair share of that lack of social justice. This has been demonstrated in the past few weeks by the Department of Education and Training denying students and parents on the northern beaches the right to have a say in their educational future. Recent events at Manly High School were appallingly handled by the Government, which indicates its continuing lack of commitment to education on the northern beaches. It is sad that the lives of families on the northern beaches have become enmeshed in the Government's failure to be reasonable.

I recount the unfortunate circumstances regarding Mr Terry Buggy, who was the principal of Manly High School. In addition to being a fine principal and great supporter of selective education, he was also a great supporter of comprehensive education. He understood very well the importance of having facilities such as Seaforth TAFE to provide vocational outlets for students who sought those opportunities. Terry Buggy is a very fine person. However, he was condemned by this Government. The Government used him as a scapegoat for its own failings, for its unpreparedness to address the fundamental educational needs on the northern beaches. Basically, Mr Buggy was knifed by the Government, the Minister for Education and Training and his emissaries.

The Government cannot continue to destroy the careers of professional people and the careers and lives of students by failing to consult people. It should be talking to people in the community. Many students at Seaforth TAFE have had to move to Brookvale TAFE, and some of them have had to go as far away as Meadowbank TAFE. The other night I was driving home from the Olympics site. As I was travelling across Concord Bridge I looked at the sign stating, "Meadowbank TAFE" and I thought again about how teenage students and people with disabilities feel about having to travel to Meadowbank each day to carry out their studies.

I am sure the honourable member for Manly remembers a meeting he held at Queenscliff Surf Life Saving Club, which I attended. One woman, who was in a wheelchair, spoke at the meeting. She was undertaking a fine arts course at Seaforth TAFE. She was almost in tears because she felt that her educational opportunities and her opportunities to develop her self-esteem and her skills were being condemned to oblivion by the Carr Government's failure to acknowledge people. In summary, the Government has the same attitude across the board. It talks big but delivers little. It talks about being committed to people but it does not walk that commitment to people.

We on the northern beaches are saying that we are part of the New South Wales community. If the Government continues to fail to listen on such issues, we will continually fight for the people on the northern beaches. When the issues are significant, the Government will find that Coalition members on the northern beaches will fight with the honourable member for Manly. We will ensure that the Government understands that it must deliver services to the residents of the northern beaches. It is not too late to put money into TAFE on the northern beaches. We implore the Government to reverse these decisions. The Government should not sell off the campus to make a fast buck. It should return the campus to its original purpose: providing for the development of educational outcomes for students on the northern beaches.

**Mr BARR** (Manly) [10.52 a.m.], in reply: I thank the honourable member for Georges River, the honourable member for Bankstown, the honourable member for Wakehurst and the honourable member for



Hornsby for their contributions to this debate. On the whole, I do not think they have fully done justice to this issue in the tone of the debate, and I shall refer to a few points. The honourable member for Hornsby spent a fair amount of time trying to insinuate that the Liberal Party had been the genesis of this bill and of the upper House inquiry. I simply give credit where credit is due. Basically, the matter was always in my hands. On 14 October 1999 I wrote to Parliamentary Counsel requesting that he draw up a bill to reform the TAFE Commission Act to bring it in line with section 28 of the Education Act.

Honourable members may be aware that 14 October is an important day; it is the anniversary of the Battle of Hastings. On the nine hundred and thirty-third anniversary of the Battle of Hastings I wrote to Parliamentary Counsel. My point is that I took action long before there was any move as far as Seaforth TAFE was concerned. On 20 October 1999 the Hon. Patricia Forsythe moved a motion in the upper House for General Purpose Standing Committee No. 1 to conduct an inquiry into the closure of Seaforth TAFE. Prior to that, I had written to the chair of that committee, Reverend the Hon. F. J. Nile, and asked him to establish an inquiry. That inquiry did take place. I congratulate the members of that committee. In particular, I congratulate the chair of the committee on handling the inquiry so well, and I congratulate the Hon. Patricia Forsythe and the Hon. Dr Peter Wong on their contributions to the inquiry.

Unfortunately, the honourable member for Hornsby spent much time talking about Manly High School. The purpose of this debate was to focus on Seaforth TAFE. In this debate the Opposition had an opportunity—this is what was disappointing about the debate—to do something. It had an opportunity to do some spadework, to investigate the whole TAFE issue. The Government's decisions relating to TAFE have wider ramifications. There was an opportunity to look at what has been happening in TAFE in the past 10 years in terms of the various restructurings and the literally hundreds of millions of dollars that have been spent over a decade since the so-called Metherell reforms of 1988. Restructurings are still taking place. Restructuring is taking place at the Sydney Institute of Technology, positions at the Northern Institute are being reshuffled and TAFE still has not established a proper equilibrium between teachers and managers. It is still out of kilter.

This debate was an opportunity for honourable members to look into those sorts of issues because the closure of Seaforth TAFE was justified on the basis of costs. What needs to be looked at are the costs in totality of what is happening in TAFE and how those costs can be pruned back. I am disappointed that these issues have not been investigated more fully. I shall give some examples of what has been happening in TAFE. First, there are 11 institutes but prior to those institutes being established, the original Metherell reform was to introduce 25 networks. Immediately the networks were formed, bureaucracies started to develop in each network, and it soon got out of hand.

The TAFE system then changed from 25 networks to 11 institutes. The idea of the original Metherell reforms was interesting. The idea was to free up specific colleges so that they could be more flexible to their local community. But, ironically, the 11 institutes resulted in more localised bureaucracy and more hindrances were placed on colleges as to the courses they could offer and their flexibility to react to the needs of their community. Course profiles were determined by a new breed of bureaucrats who often were not involved in teaching, or had not been involved in teaching, as a new class of managers developed. I think TAFE suffered severely, and still suffers, because of this.

Some 10 years ago there were teaching schools in TAFE. The head of school had jurisdiction across the State and was committed to people under him, such as the heads of division. For example, a head of division had responsibility for a particular subject area across the State. That responsibility included hiring teachers, setting the syllabus and setting examinations, whether they were so-called category A examinations, which were centrally set and centrally marked, or category B examinations, which were centrally set and locally marked. There was a system of quality control because different colleges across the State could be compared in terms of how they performed on category A examinations, how many students failed at a particular centre, how many students got A grades and so on.

The problem with TAFE is that it has been lurching ever since, and it is still trying to sort itself out. We have 11 institutes with institute directors, quality control managers and human resources managers. We have a plethora of management decisions in each institute. The amount of replication is astounding. Therefore, there is a great deal of wastage, in comparison to when there was a centralised head office. For example, the Sydney Institute of TAFE, which has its own finance manager, was developing its own financial and information technology systems at the same time that other institutes were developing their own systems. Furthermore, head office was doing the same thing. This replication, which is still going on, involves enormous costs.

The purpose of the bill is to ensure local consultation if a decision is made to close a TAFE establishment so that the local community can have input, the decision is transparent and the department is

accountable to the local community. Local communities have a vested interest in these sorts of educational institutes in their area. One of the surprises about the closure of Seaforth TAFE was the extent of public anger about the decision. The Government, and possibly the Opposition as well, was taken aback by the reaction. It had been assumed that the closure of a TAFE college at Seaforth—a leafy, affluent suburb—would not impact on the local community. It did impact on them. People from all walks of life and their children, people who want to retrain for a job opportunity or the unemployed who want to re-enter the work force all have a right to have access to a local TAFE establishment.

The strength of TAFE over the years has been its accessibility and its many outlets. Its establishments are readily accessible to the local community. People can undertake courses on a part-time or full-time basis, often completing them over several years. That opportunity was taken away from the people in the northern beaches area when Seaforth TAFE was closed. It is a regional issue because students come from all around the northern peninsula and other areas, such as Mosman and Frenchs Forest. I appreciate the support for the bill from the Opposition. As I said, I wish the Opposition had done more research into and dug up some hard data on TAFE and as to why this decision was made in the face of the wastage that has occurred over many years. The decision does not make any sense.

One of the themes I have always followed in this issue is that Seaforth TAFE was closed to make short-term gains when, in fact, the issue of TAFE in a broad sense should be looked at. I wrote to and met with the Auditor-General and I suggested that he should undertake an audit of TAFE. At present the Auditor-General is undertaking an audit of one or two TAFE institutes and a report will be available after the Olympics. That report will make interesting reading. As to the local community and its reaction to the closure of Seaforth TAFE, I express my admiration for the way in which the local community and the Save Seaforth TAFE Committee have worked on this issue. One could not find a stronger group of campaigners who believed in their cause and who were prepared to give many hours of their time during week days and over weekends to man a picket line.

For many months the picket line was manned 24 hours a day, seven days a week. People slept in an on-site tent overnight. Unfortunately, two incidents occurred involving the tent. In one incident a four-wheel drive tried to run over the tent while someone was inside and a month later the tent was firebombed. A tent is not on site now because it is too dangerous. The Save Seaforth TAFE Committee members have been stalwarts in this issue and have fought hard for their local facility. They have had the support of Manly Council all the way through, and they still have that support. That is an indication of how important the facility is to the people in the area.

The bill proposes to bring TAFE in line with section 28 of the Education Act. The reason for that is to allow for a proper process of planning if a college is to be closed and to allow for community input into whether the closure should take place. The closure of Seaforth TAFE was a rush job. At the end of 1998 northern beaches TAFE announced that the annex of Balgowlah Boys High School would not be reopened the following year. That decision was made unilaterally and the high school was not notified beforehand. The high school was cheesed off about that. I made an issue of this in the local media, and comments were made that Seaforth TAFE would not be closed. My fear was that once the annex was closed the campus would follow. It was closed. On 19 or 20 August last year it was announced that Seaforth TAFE would be closed, and there was no consultation.

At the time the closure was announced, the then Acting Director of the Northern Sydney Institute of TAFE, Mr Siva Kumar, stated that the Higher School Certificate [HSC] and art and design diploma would not be conducted in the northern beaches area. There was a great deal of reaction to this announcement. As a result, decisions were made on the run and those courses were reinstated. The HSC and art and design courses are being conducted at Brookvale TAFE, where Seaforth students were transferred to. I point out that proper planning was not undertaken to allow for appropriate facilities and for those courses to be run at the new facility. For example, at the moment the head teacher of art and design is scouting around the area looking for a print-making room because it is not available at Brookvale TAFE and the HSC students have to use the laboratory facilities at Freshwater High School because there are no laboratories at Brookvale.

One of the issues that concerned me most was access for disabled students. The honourable member for Wakehurst referred to a disabled student, Tanya Leah, who presented her case at the public meeting so well. Tanya is undertaking courses through Brookvale TAFE but she is doing it at home via a computer and telephone line. She is isolated because Brookvale TAFE does not have proper disability access. Seaforth TAFE had full disability access with lifts and students could move around the college freely. I have raised this issue of disability. I wrote to the Minister for Education and Training about it and received a reply from the Parliamentary Secretary, the honourable member for Bankstown. I asked a number of questions, one of which was about access. In his response to me on 6 March he said:

The campus has strategies in place to minimise access issues for disabled students. There are a number of vehicles, including a four-person people mover used to transport disabled people between the upper and lower parts of the campus. Students can book a vehicle in consultation with a disabilities consultant and thus gain access to those parts of the campus which may otherwise prove difficult for students with mobility problems. This system has been in operation at the campus for a number of years and has operated effectively without complaint from the many students with disabilities who utilise the service.

I asked people at Brookvale TAFE whether they knew anything about such a system, and they basically said that they did not. I asked a number of questions on notice. I asked about the registration numbers, make and model of the vehicles for students with disabilities, which people used the vehicles, who had responsibility for them, and so on. In response I received a list of vehicles used, which included two Holden Rodeo utes and a Toyota Hilux. A Holden ute is hardly suitable for moving around students with disabilities. One would think that a disability vehicle, with its hoists and so on, would be more appropriate to cater for people in wheelchairs. When the Paralympics are held, will we have a fleet of utes to transport Paralympians and people with disabilities who come to view the Games? I find it extraordinary that a ute is being used at Brookvale TAFE for transporting students with disabilities.

The staff at the Brookvale campus recognised only one of the ute registration numbers, and stated that that vehicle is in fact used by the gardener for moving garden refuse. The staff did not recognise the other two registration numbers and thought that the vehicles had not been around. They also said that they were never aware of any system of booking the vehicles for students with disabilities. The campus has purchased a golf buggy, which was apparently purchased to move around people with disabilities. But once again, a golf buggy is more appropriate for a golf course. There is a golf course a few hundred metres away, that is, Warringah golf course, but I do not regard a golf buggy as a serious means of moving around people who have any kind of serious disabilities.

The problem with the Brookvale campus is that it is built on a steep slope, the buildings are separate, and the amenities building, which comprises the cafeteria, the library and so on, cannot be accessed from another building by a person in a wheelchair. In essence, the only safe way to move such a person is by car. It is dangerous to either have such a person manually moved around in a wheelchair or in a wheelchair that is motorised. There are too many cross-falls in the site and it is dangerous.

In another question on notice I asked how many disabled students were enrolled at Brookvale TAFE. In response I was informed that as at 12 June 2005 students with disabilities were enrolled at the northern beaches TAFE and that 20 of those students have mobility-related disabilities. That includes Tanya Leah, who is still at home and still has not been properly and adequately catered for in the move from Seaforth TAFE. I do not think it is hyperbole to say that the lack of disability access at Brookvale TAFE is an absolute disgrace. In this day and age, it is inexcusable to have a big public educational facility that does not have proper access, and it is a terrible indictment of the department that it has not satisfied that issue.

These kinds of issues—that is, the HSC, the art and design course, disability access and many other issues—could have been worked through if there had been time to do so, but there was not. Decisions were made on the run, Seaforth TAFE was closed at the end of the year, and decisions were made about the art and design course, the HSC and the certificate of general education which meant that when the students arrived at Brookvale TAFE they were not properly catered for, even though their courses were being offered.

Many of the year 10 certificate of general education students are what have been referred to as students at risk; they are students who have dropped out. This is an opportunity for them to come back. The advantage of the Seaforth campus was that it was intimate and it contained all the necessary facilities, including the laboratories, the computer rooms, and so on. Laboratories are not on site at Brookvale, which means that the students have to move across to Freshwater. With those kinds of students, everything possible must be done to encourage them to stay on site and to complete their courses. About 40 students have been enrolled in certificate of general education courses at Brookvale, and it has been a hard job because the campus is not as suited to their particular needs as the Seaforth campus.

The closure of Seaforth TAFE and the move to Brookvale involved no proper planning, it was done on the run, and it was done to get Seaforth TAFE off TAFE books and therefore to make so-called savings. Much was made of maintenance costs, and extravagant figures relating to enrolments and the cost of maintenance were referred to. With regard to enrolments, over the years courses have been shifted from Seaforth to Brookvale, basically to make Brookvale viable. It is somewhat the reverse of what is being depicted. Seaforth has always been viable, yet courses were closed down there and sent across to Brookvale. For example, part of the accounting course was sent across to Brookvale before the Seaforth campus was closed. This had been going on for a number of years, to make Brookvale more viable.

The truth of the matter is that if Seaforth TAFE, as a business-type centre running HSC and art and design courses, had had all the courses that it originally started out with, it would have been booked to overflowing. With regard to maintenance, the project architect for the 1985 refurbishment of the college, which cost well over \$2 million, has repeatedly said that the building structures of the college are basically in very good shape and have many more years in them. He was quite offended that people would make these comments about works that he had supervised.

Over the past few weeks a number of significant events have taken place in relation to this matter. First, a month or so ago, after a review of the local high schools, the Minister announced the establishment of a new complex comprising a senior high school, a university of technology and a TAFE college at Freshwater high. I am very enthusiastic about the proposal and fully support it. The Government has said that it will put \$5 million into the project, which is to be welcomed. I think it will take much more than that amount to make it a success, but I think it is a good start. There are many "t's" to be crossed and "i's" to be dotted; the project is still very conceptual. However, it is a more imaginative way of dealing with a number of local high schools with low student numbers than merely closing down a high school, and I therefore welcome the proposal.

As I have said on other occasions, the high school review that has been undertaken should have included the Seaforth TAFE issue. All along the notion has been to have a closer association between the high schools, TAFE and the university. The findings of the review and the matters endorsed by the Minister were therefore not a total surprise to me. However, why on earth would a TAFE college be closed down before a review of high schools, involving close association with TAFE, is undertaken? It makes no sense whatsoever. What is now happening is that a TAFE site will be established at Freshwater, and that will involve business courses.

I welcome that imaginative way of dealing with the problem. But if, from the outset, Seaforth TAFE had been aware of the review, and of the intention of the department and the Government to move part of its operations to Freshwater and the other part to Brookvale in a proper way with disability access and all those sorts of things, there would have been far less angst, anger and frustration. The community's reaction to the closure of Seaforth TAFE highlighted the need for a proper planning process, which did not take place. In a very short time staff have been moved from Seaforth to Brookvale and some of them will now be moved from Brookvale to Freshwater. It makes no planning sense to have done it this way, but it has happened. Importantly, there remains a second TAFE presence in the area, and I welcome that.

Recently a constructive and cordial meeting was held between representatives of Seaforth TAFE, the federation, the Labor Council and the Minister about the future of the Seaforth TAFE site proper. After I spoke with the principal of Stella Maris School, representatives of Seaforth TAFE and the federation, and the Principal of Manly-Warringah Community College I proposed that the site be considered as a possible site for a community college, coupled with some high school use for the JSST programs, plus a possible use by Brookvale TAFE for art and design, for example, for printmaking. Although some of the facilities may need modernising, they are relatively good facilities and they are better than those available at Brookvale.

The proposal is that the Seaforth TAFE site be used to run self-improvement courses and vocational courses for the local community—on a fee-for-service basis so far as the Manly-Warringah Community College is concerned—which would enable members of the local community to access the site for computer courses, accounting courses or any other courses they may wish to undertake. I hope the proposal can be progressed. It would be a big winner for the community if that model were accepted and worked through further. The honourable members for Georges River and Bankstown said similar sorts of things. Both of them oppose the bill because it proposes an expensive process. But how many TAFE colleges do they plan to close because they are too expensive?

In the past decade—and maybe ever, but I do not know—the only TAFE college to close was Dover Heights, in December 1995. Opposition to the bill because the process would be expensive is silly. If dozens and dozens of TAFEs were being closed it would be an enormous issue, but I do not accept as a valid argument that the closure of one TAFE cannot be subject to due process because of costs. Their other argument was that TAFE had to be flexible. No-one would deny that: TAFE has to be flexible. So what? Does that mean the college will be closed down within three months? Flexibility does not have to be that quick. In fact, flexibility means responding to what the local community wants, using feedback from that community.

Questions of equity and spreading money fairly were also raised. In that regard I urge honourable members to examine TAFE overall, and to read the report I commissioned for the upper House inquiry

undertaken by the principal of Centennial Consulting, Betty Conn-Walker, who was a high Treasury official and at one stage an adviser to the then Premier the Hon. Nick Greiner. The report analyses the figures supplied by TAFE and their justification, and basically demolishes them. The report, written by someone who knows the ins and outs of how bureaucracy and Treasury work, is well worth reading, particularly in relation to costs and the spreading of costs. There has never been any real response to what was said in the report.

I would like to pay tribute to a number of people. I have mentioned the Save Seaforth TAFE Committee, but I will not mention names because so many people have been involved. They know who they are, and they have done such a good job. They rolled up their sleeves and got stuck into it. They took this issue far further than anyone ever dreamed. We have had an upper House inquiry, the Auditor-General is examining TAFE, the picket line has been active for many many months, and on 20 August we will hold a picnic on the site to mark the year of the date of the closure of the facility. The picket line is still active and it is still supported by the community. I also thank the local community for its support, particularly the local shopkeepers who sent over loaves of bread, who have tolerated what some may consider to be an eyesore, but the principle is much more important than the aesthetics of a few messy placards.

We have tried to keep them neat. After the tent was firebombed it remained in place for about 10 days, and then it was cleaned up. I would also like to thank the members of the upper House for their contribution. I would like to thank the Opposition for supporting the bill. I hope that the Government will see fit to support it because for the life of me I cannot understand how it could oppose the fundamental principles of consultation, transparency and the opportunity for people to have a say about what goes on in the community. The object of the bill is quite simple: it brings TAFE into line with education. That whole area is now under the one umbrella. Why should there be differences between the way we deal with TAFE closures and the way we deal with the closure of schools? I ask all honourable members to support the bill, and I commend it to the House.

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

**The House divided.**

**Ayes, 35**

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

**Noes, 45**

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

**Pairs**

|              |            |
|--------------|------------|
| Mr Armstrong | Mr Collier |
| Mr Brogden   | Mr Hunter  |
| Mr Fraser    | Mr Nagle   |

**Question resolved in the negative.**

**Motion negatived.**

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

**Mr WHELAN** (Strathfield—Minister for Police) [11.35 a.m.]: I move:

That standing and sessional orders be suspended to permit:

- (1) the consideration forthwith of General Business Notice of Motion No. 162 standing in the name of the honourable member for Liverpool and General Business Notice of Motion No. 207 standing in the name of the honourable member for Newcastle; and
- (2) an unlimited number of speakers on Notice of Motion No. 207 with the following speaking times to apply:

|                      |   |            |
|----------------------|---|------------|
| Mover                | - | 10 minutes |
| Member next speaking | - | 10 minutes |
| All other members    | - | 5 minutes  |
| Reply                | - | 5 minutes  |

**Mr HARTCHER** (Gosford) [11.36 a.m.]: The Opposition does not agree to the motion. Of the 210 matters listed on the business paper only two relate to Government members and they are the two matters which the Leader of the House wishes to suspend standing orders to debate. To give honourable members some idea of the ratio of matters for debate, I point out that the Government is allowed to debate two matters out of 210 for which notice has been given, and the Opposition gets zero. That is the manner in which the business of the House is conducted.

The most important matter before the House—the Crimes (Sentencing Procedure) Amendment (Life Sentence Confirmation) Bill—has been set down for a later hour of the day. Notice of the motion was given by the Leader of the Opposition and the Leader of the House sought to obstruct and hinder the progress of that motion in a most ungentlemanly and discourteous manner. That bill has been set down for a later hour of the day and should be debated at this stage. Instead, the Leader of the House has moved a motion to suspend standing orders to allow the honourable member for Liverpool to mount a tirade of criticism against the British Government. All Opposition members know exactly what the honourable member for Liverpool will say. Moreover, the honourable member for Newcastle will use the motion of which he has given notice to make a personal address about a matter that concerns his electorate.

**Mr Whelan:** That is unfair.

**Mr HARTCHER:** There are 208 matters which deal with important matters concerning this State. Is the Leader of the House prepared to allocate an additional sitting day to clear up the enormous list of matters on the business paper? It is a simple question. What is the answer—yes, or no?

**Mr Whelan:** They are your standing orders. I am prepared to re-examine your standing orders.

**Mr HARTCHER:** The answer to the question whether the Leader of the House is prepared to allow an additional day to debate Opposition motions is no. The Leader of the House is not prepared to allow the Opposition or the crossbench the opportunity to engage in reasonable debate. Let me inform the House of the matters of which notice has been given. They include a motion condemning the Carr Government's sewerage policy, a motion relating to Country Labor, and a motion concerning the honourable member for Murrumbidgee. Why are those matters not being debated? Why is the Government not prepared to allow these matters to be discussed?

Members of the Opposition want to know why we cannot discuss water policy, hospital policy, law and order policy, roads, railways, and all the other issues that concern members of this House. The reason non-

Government members of this House cannot discuss these matters is that the Leader of the House is determined, even on a private member's day, to obstruct the Opposition in carrying out its role and to ensure that the only members who will receive the benefit of this private members' day are the honourable member for Liverpool and the honourable member for Newcastle. No other member will get the opportunity to debate matters of importance to this State. Important issues which are of widespread concern in the community, associated with the Government's failure to successfully administer this State, will not be debated.

Barely one week remains before Parliament will close for the duration of the Olympic Games. Parliament will not sit during September and will not resume until 10 October. A six- or seven-week hiatus will eventuate. But today only two Government private members' motions are to be debated, one that is self-congratulatory and the other that is a personal attack upon the British Government by the honourable member for Liverpool. The only legislation that should be dealt with urgently and directly is the Crimes (Sentencing Procedure) Amendment (Life Sentence Confirmation) Bill, which relates to Allan Baker. The Opposition condemns the failure to bring on that debate. The motion to suspend standing and sessional orders is denied.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 46**

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

**Noes, 35**

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

**Pairs**

|            |                 |
|------------|-----------------|
| Mr Collier | Mr Armstrong    |
| Mr Hunter  | Mrs Chikarovksi |
| Mr Nagle   | Mr Merton       |

**Question resolved in the affirmative.**

**Motion agreed to.**

**DAVID HILL AND THE STATE RAIL AUTHORITY****Privilege**

**Mr FRASER** (Coffs Harbour) [11.48 a.m.]: I raise a matter of privilege concerning a press release issued by the Premier yesterday afternoon after you, Mr Speaker, quite unfairly ejected me from this Chamber. My first point is that it is most unusual for a Premier to issue a press release in an Opposition member's electorate, particularly on the subject of a member being ejected from Parliament.

My main point is that the Premier's press release was recklessly erroneous and maligned me in the process. The press release defamed me in my own electorate, and was no doubt designed to do just that. The Premier totally distorted the circumstances leading to my ejection from the Chamber and sought to present a picture of me acting in a childish and loutish manner. That he issued such a press release indicates to me and observers that my removal was orchestrated. That in itself represents an abuse of parliamentary privilege.

**Mr Whelan:** Point of order: This is nothing more than a political stunt. If the honourable member wishes to raise a point of privilege he has a duty and an obligation to immediately report it to the House. It is now almost 11.45 a.m. We have been here for 1¾ hours and the honourable member has failed to take the advice he was given and report it to the House. This is not a personal explanation or a matter of privilege at all.

**Mr FRASER:** To the point of order: I have taken legal advice this morning, which arrived at 11.35 a.m. The fax is here today. That legal advice states:

In my view Mr Carr 's press release is defamatory of you on the basis that he makes statements which are untrue, that is, it can be demonstrated to be untrue upon viewing of the video of events in the Chamber ...

In my view the implications that arise from these words in the Press Release have a defamatory meaning. They suggest that you abuse your duties as a member of parliament, that you abuse your duties to the parliament, that you engage in offensive behaviour.

On that advice I believe I have a right to raise a point of privilege.

**Mr SPEAKER:** Order! The point of order raised by the Leader of the House pertains not to any legal interpretation by an individual's legal advisers outside the Parliament but to the standing orders of this House. The standing orders are quite explicit. They state that a member must raise a point of privilege at the earliest opportunity. The Leader of the House made the point that the House has been sitting for almost two hours and that the honourable member for Coffs Harbour has had an opportunity in that time to raise his point of privilege. He did not raise it at the earliest opportunity. I also note by reading the article in the local press this morning that the honourable member for Coffs Harbour said he had received the press release when the newspaper was published. I do not know what time it was published, but I read it at 7 o'clock this morning. Although I uphold the point of order, I will allow the honourable member to continue with his point of privilege.

**Mr FRASER:** The Premier accused me of having no appreciation of the dignity and importance of my role in this Parliament yet he himself has stooped to a very low point by putting his name to a media release which was designed solely to defame and besmirch me. *Hansard* and the parliamentary video of the proceedings at the time of my ejection show how totally unfair my removal was, as some honourable members on the Government benches have privately confided to me. I demand that the Premier withdraw his press release, apologise to me and arrange for that apology to be published. With that in mind, I present this notice of motion:

That this House agrees that the Premier has breached the privilege of the member for Coffs Harbour by releasing an erroneous and defamatory public statement.

**Mr SPEAKER:** Order! The procedure is that the member must satisfy the Chair that there is a prima facie case that his privilege has been impugned, and, if the Chair agrees, have a motion ready to move. However, I do not believe that a point of privilege has been established; I do not accept that the member's authority, immunity or dignity has been affected. Therefore I will not accept the notice.

**ROSEMARY NELSON MURDER**

**Mr LYNCH** (Liverpool) [11.54 a.m.]: I move:

That this House joins Amnesty International and other human rights organisations in calling for an independent international investigation into the murder of Rosemary Nelson and the circumstances surrounding that murder in Lurgan, County Armagh, on 15 March 1999.



At approximately 12.40 p.m. on Monday 15 March 1999 a bomb exploded in the car driven by Rosemary Nelson in Lurgan, County Armagh, one of the northern counties in Ireland. Rosemary Nelson was pronounced dead at hospital at 3.10 p.m. The bomb exploded as her car braked at the bottom of the street in which she lived. The bomb had been placed under her car some time between the hours of darkness on Sunday 14 March and the morning of Monday 15 March. She was 40 years of age. She left a bereaved husband and three children. Her murder and the failure to locate the perpetrators have generated a genuine international outrage.

Rosemary Nelson was a solicitor in the northern counties of Ireland. Some, but not all, of her clients included those who were active in Nationalist and Republican campaigns. They included one prominent Irish Republican accused of murdering two members of the Royal Ulster Constabulary [RUC]. Most recently, she represented the Garvaghy Road residents' coalition in their campaign to prevent the Orange Order marches through Nationalist neighbourhoods. She had previously been threatened and indeed assaulted by members of the RUC and other security personnel because of those professional involvements.

Granted this background, it is totally inappropriate that the RUC has any role in the investigation of her subsequent murder, and that is what has generated this motion. Regrettably the RUC does have a role, which is why there has been so much international outrage. The point at issue is conveniently and well set out in a letter dated 30 March from Christine Harvey, Deputy Secretary-General, Law Council of Australia addressed to the British Prime Minister, which states:

Colin Port, Deputy Chief Constable of Norfolk Constabulary has been given responsibility for the day-to-day control, direction and command of the investigation into Rosemary Nelson's death. He reports, however, to the RUC Chief Constable. At the beginning of the investigation, the investigation team of 50 police officers, included 40 RUC officers and 10 drawn from six other police forces. By mid-September 1999, the number of RUC officers in the team had dropped from 80% to about 50%.

[*Quorum formed.*]

The quote continues:

Until late July 1999, the team reportedly shared RUC computers. The team was based at Lurgan where much of the abuse suffered by Rosemary Nelson allegedly emanated. RUC involvement in the police investigation has reportedly meant that some witnesses have been reluctant to speak to the police.

The Law Council is concerned that, given the allegations that Rosemary Nelson had experienced threatening behaviour from the RUC and the speculation of collusion in her murder by RUC, involvement by RUC in the investigation, as highlighted above, does not give the appearance of an independent and impartial investigation.

To reinforce those points, it is worth noting that local citizens of the area who potentially are witnesses to the murder and the investigation have not been prepared to co-operate with the RUC in the investigations it has been conducting. A number of people who have been interviewed by the Pat Finucane Centre report that RUC officers simply ignored them when they raised the issue of the high level of security force activity before the murder. The activity included vehicle checkpoints, helicopter operations and troop movements in the area in which the murder occurred. Granted the suspicions that people have about the involvement of the security force, it is obviously inappropriate for that sort of information not to be considered by the investigating officers.

The murder was not a disorganised or quick event. It must have taken a considerable time to confirm that the car was in the driveway. It must have taken considerable time and organisation to ensure a safe route in and out of a strongly Nationalist area. As I said, security forces were present in the area conducting considerable activity prior to the murder. The behaviour of security forces gives rise to concerns about the RUC continuing the investigation. There are claims that the RUC and others were laughing and sniggering at the scene of the murder. There was a jubilant, jovial and celebratory mood. A number of provocative comments were made by security force members.

Most concerning is that the death of Rosemary Nelson is not the first instance of a lawyer being killed in the north of Ireland. The most notorious example was the murder of Pat Finucane, who was described by Tim Pat Coogan in his book *The Troubles* as "one of the most prominent lawyers in the six counties". He wrote:

Finucane was having his evening meal with his wife and children on 12 February 1989 when Loyalist gunmen called at his Belfast home and shot him dead.

Another aspect of the background that led to my moving the motion is the specific threats and allegations made against Rosemary Nelson by members of the RUC. For example, on 11 February 1997 an RUC interrogator at Gough Barracks, Armagh, ordered one of Rosemary Nelson's clients to "Tell Rosemary she's going to die too."

In March 1997 details of threats against Rosemary Nelson were made available to the Independent Commission for Police Complaints, British Home Secretary Jack Straw, the Northern Ireland Office and the Royal Ulster Constabulary. On 30 June 1997 Ed Lynch of Lawyer's Alliance for Justice in Ireland wrote to Chief Inspector Day of the RUC and Chairperson Donnelly of the Independent Commission for Police Complaints and reported continuing intimidation of Rosemary Nelson. He wrote:

I am concerned that if prompt and responsible action is not taken, Ms Nelson will meet the same fate as Patrick Finucane.

On 5 November 1997 statements of witnesses giving dates, times and names and/or descriptions of RUC officers engaged in issuing threatening language directed at Rosemary Nelson were provided to the Independent Commission for Police Complaints. There were a number of other expressions of concern including some expressed to the British Government by the United Nations, Amnesty International, British and Irish Rights Watch and the Committee on the Administration of Justice. On 15 March 1999, after all those suggestions and expressions of concern, Rosemary Nelson was murdered. On 29 September 1998, about six months before her murder, she gave evidence before the International Operations and Human Rights Subcommittee of the House of Representatives International Relations Committee. In part, she said:

Since I began to represent [Nationalist and Republican] clients and especially since I became involved in a high profile murder case, I have begun to experience difficulties with the RUC.

These difficulties have involved RUC officers questioning my professional integrity, making allegations that I am a member of a paramilitary group and, at the most serious, making threats against my personal safety including death threats. All of these remarks have been made to my clients in my absence because lawyers in Northern Ireland are routinely excluded from interviews with clients detained in the holding centres.

This behaviour on the part of RUC officers has worsened during the last two years and particularly since I began to represent the residents of the Garvaghy Road, who have objected to an Orange Order march passing through their area from Drumcree Church.

In the light of those sorts of comments, it is totally understandable why I should have moved this motion, which essentially suggests that the RUC is a totally inappropriate body to have any role in the investigation of the murder. Most chillingly of all, Ms Nelson said in her evidence to the United States House of Representatives subcommittee:

Although I have tried to ignore these threats inevitably I have had to take account of the horrible consequences for my family and my staff. No lawyer in Northern Ireland can forget what happened to Patrick Finucane nor dismiss it from their minds. The allegations of official collusion in this murder are particularly disturbing and can only be resolved by an independent inquiry into this murder.

It is a matter of great horror that after those sorts of comments were made, Ms Nelson herself was then murdered. Another relevant issue that should be raised here is that there has been a consistent failure over a lengthy period by institutions in Northern Ireland to deal properly with allegations of this sort made against people involved in the Republican or Nationalist cause.

**Mr O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [12.05 p.m.]: May I first welcome residents from the electorate of Ku-ring-gai who are here to have lunch today. On behalf of the Opposition and as a member of Amnesty International, I support the motion moved by the honourable member for Liverpool. Some time during the hours of darkness on the night of 14 March 1999 and the morning of 15 March an explosive device was placed under the car of Rosemary Nelson, a solicitor in Lurgan. At approximately 12.40 p.m. on the Monday the bomb exploded as the 40 year-old mother of three braked at the bottom of the street where she lived. At 3.10 p.m. Rosemary Nelson was pronounced dead in hospital. She left behind a devastated family and a community in mourning.

In the aftermath of the murder two controversies have arisen which have dominated the investigation of the killing. The first concerns allegations that members of the Royal Ulster Constabulary, the RUC, had routinely intimidated and issued death threats against the victim. This in turn fuelled the second controversy: according to local people the attack took place against the backdrop of unprecedented security activity in the weeks and days leading up to the murder in the area surrounding the Nelson home. As a result there is widespread suspicion of any inquiry carried out by the RUC. In turn, this has led to demands for an independent inquiry.

The Opposition shares the concerns expressed by the honourable member for Liverpool and Amnesty International and other institutions, parliaments and congresses around the world about the matter. We all know the extreme circumstances that have applied in the north of Ireland for many decades. We know that in

attempting to deal with those extreme circumstances, additional powers were granted to the authorities. As a result of the granting of those powers there were clear infringements of the liberties of people living within the provinces of Northern Ireland. It is clear that where in those circumstances powers are granted and liberties are infringed, there is a greater than ever need for vigilance in the exercise of those powers. No-one in this Parliament, in any assembly in Ireland, or in any parliament around the world would suggest that the appropriate vigilance was always exercised by authorities in power in Northern Ireland during the Troubles.

That is history, and unfortunately the death of Rosemary Nelson is history. We do not have the opportunity to rewrite what happened, although of course we would like to, but what we can do and what we ought to do is try not to repeat the errors. Today the honourable member for Liverpool has made a very simple case: that, given the issues involved, this murder should be the subject of an independent judicial inquiry—international, if one likes, but certainly independent and judicial—so we can get to the bottom of what happened. The honourable member for Liverpool has dealt with the issues. In October 1997 the United Nations sent a special rapporteur to undertake a fact-finding mission to investigate allegations concerning the harassment and intimidation of defence lawyers by police officers of the Royal Ulster Constabulary [RUC]. In his report, the United Nations rapporteur stated:

There have been consistent reports of alleged systematic abuse of defence lawyers in Northern Ireland by certain police officers since 1992.

Before the publication of the final United Nations report, the Chief Constable of the RUC was provided with a draft copy of the report, which contained, I think regrettably, the names of those defence lawyers making the allegations. I am not sure whether the United Nations [UN] understood the seriousness of the situation and that by providing those names they potentially placed at risk those individuals. I was interested to note that in September 1998, a year later, when giving evidence to a United Nations subcommittee, Mrs Nelson expressed concern about the likelihood of threats. She said:

Although I have tried to ignore these threats inevitably I have had to take account of the possible consequence for my family and for my staff.

I note that, in talking about the nature of the threats, Mrs Nelson expressed concern not about her own safety but about the safety of her staff and her family. In late 1997, after complaints were laid by Mrs Nelson, the Independent Commission for Police Complaints investigation began. In March 1998 the UN rapporteur published his report and in it concluded "... that the RUC has engaged in activities which constitute intimidation, hindrance, harassment or improper interference". That is a concept which I believe is still unknown to us in this country. We do not understand the enormous pressures, the abuse of power, the intimidation and harassment that were going on. We might at times quibble about problems within our own legal and judicial systems but, regrettably, as history has shown, the problems that existed in Northern Ireland were serious and in many cases fatal.

In July 1998 the Independent Commission for Police Complaints raised with the British Government a number of serious concerns over the RUC handling of the investigation into death threats against Rosemary Nelson. The following year, Rosemary Nelson was murdered as she set off for work, leaving behind her husband and three children. We in this country are brought up to respect, obey and honour members of the Police Service. Despite royal commissions into the Police Service, that is the fundamental ethos that still exists across the Australian community. It is, regrettably, not an ethos that exists in a number of other communities across the world, and it is certainly one that has been shaken and shattered in Northern Ireland.

It is for that reason, and I think for that reason alone, that on this occasion I, as someone who has great respect for the rule of law, have no hesitation in saying that it is entirely inappropriate for the Royal Ulster Constabulary to investigate the murder of Rosemary Nelson, firstly, given the concerns about threats that members of that constabulary made about her safety and her life in the lead-up to that murder and, secondly, given the concerns expressed about how possibly this murder could have occurred in an area and at a time when there was a massive security operation under way. The Opposition supports the motion. We hope it is passed by the House unanimously. We hope that eventually there will be an independent judicial inquiry into this matter.

**Mr McBRIDE** (The Entrance) [12.13 p.m.]: I support the motion, and I commend the Opposition for also supporting it. This is a very difficult issue for, as has been said, it depends where one stands at any particular time to gain a perception of events and how they occurred. The substance of the issue is that Rosemary Nelson was a lawyer acting within the judicial system to legally defend persons. Rosemary Nelson was defending members of the community and assisting them to prosecute their rights as members of that community.

It is seriously believed that Rosemary Nelson was murdered because she was defending Republican people. Notwithstanding the enormous protection measures that were in place up until her death, she was murdered. But this was not the first such murder. Another leading lawyer in Northern Ireland who also had a history of defending Republican people on issues relating to internment and other civil rights was also killed. So it was not just one human rights lawyer who was killed, but two. Those lawyers were defending the rights of people in Northern Ireland. They had made a judgment to work for those people and defend their rights under the law. They should be protected by the same legal system under which they represented members of the community in Northern Ireland.

In July-August 1997 I visited my father's home in Derry. That was some six months after the twenty-fifth anniversary of Bloody Sunday, which was 30 January 1972. A number of my immediate family members were participating in the civil rights march held that day against internment without trial. The wife of one of my cousins was standing alongside a young person who was one of the 13 killed on that day. Later, she was in refuge in the home of Barney McGuigan. Honourable members might have seen the video of Barney coming out of his home holding a white handkerchief, one of the accepted protocols during the Troubles. He was shot through the head as my cousin's wife stood beside him.

As a result of that, my cousin's wife and a number of other people from Derry set about organising the establishment of a non-sectarian school which would respect the rights of all people in that community. That goes back to 1972. The murder of Rosemary Nelson was related to the internment policy of the then government of Northern Ireland. To give honourable members something of the picture, I note that 9 August 1971 saw the introduction of internment. I quote this account of events:

In a series of raids across Northern Ireland, 342 people were arrested and taken to makeshift camps. There was an immediate upsurge of violence, and 17 people were killed during the next 48 hours. Of those, 10 were Catholic civilians who were shot dead by the British Army. Hugh Mullan (38) was the first Catholic priest to be killed in the conflict when he was shot dead by the British Army as he was giving the last rites to a wounded man. Winston Donnell (22) became the first Ulster Defence Regiment (UDR) soldier to die in 'the Troubles' when he was shot dead by the Irish Republican Army (IRA) near Clady, County Tyrone. [There were more arrests in the following days and months]. Internment was to continue until 5 December 1975. During that time 1,981 people were detained; 1,874 were Catholic/Republican, while 107 were Protestant/Loyalist. Internment had been proposed by Unionist politicians as the solution to the security situation in Northern Ireland ...

It was a mistake, and the people of Northern Ireland rose up against the legislation, because the legislation was totally against human rights. In the current inquiry in Ireland into Bloody Sunday, a man named Finucane was one of the solicitors representing those demanding their civil rights. It was Pat Finucane, the legal rights lawyer, who was killed as a result of the Troubles.

**Mrs GRUSOVIN** (Heffron) [12.18 p.m.]: I support the motion moved by the honourable member for Liverpool. It calls for an independent international investigation into the murder of Rosemary Nelson and the circumstances surrounding that murder. Rosemary Nelson was executed on 15 March 1999 by a bomb that had been placed in her car. She was just 40 years of age and left behind her husband and three young children. Rosemary Nelson was a courageous human rights lawyer and an outstanding human being.

Rosemary Nelson's murder was the second execution of a defender of human rights, the first being the assassination of fellow lawyer Patrick Finucane just 10 years before, in 1989. Both were outstanding advocates murdered in an environment where Ulster paramilitaries were attempting to silence members of the legal profession who were defending human rights. Both murders were claimed by the Royalist paramilitary group the Red Hand Defenders. Many suspect that Rosemary Nelson was in fact the victim of collusion between the Royal Ulster Constabulary and paramilitaries.

The Rosemary Nelson Campaign seeks to establish an international independent inquiry to discover the perpetrators and the circumstances of her most untimely murder. Her son, now a lawyer in Dublin, has called for both an inquiry and an investigation, saying, "We don't just want to know who pulled the trigger; we want to know who pulled the strings." The subsequent investigation into Rosemary Nelson's murder was headed by a United Kingdom chief constable but the investigation was conducted by the Royal Ulster Constabulary in the same building where many of the alleged conspirators worked.

Northern Ireland must be the most dangerous place in the European Union for a human rights lawyer to practice, and Rosemary Nelson lived under threat for years. Since the death of Patrick Finucane in 1989 and her campaign for an inquiry into his murder, she had daily reminders that the threats she received were serious. Despite that, she remained at the forefront of defending the rights of women, children and gypsies. Rosemary Nelson fought to achieve fair employment and equal opportunities in the north of Ireland. She provided her

services in defence of persons, both Nationalist and Loyalist, who were accused of politically motivated offences. All the while, the harassment, intimidation and death threats from members of the Royal Ulster Constabulary—that most discredited Northern Ireland police force—continued.

Rosemary Nelson represented residents of Garvaghy Road against the Orange Order demands to conduct its intimidating and triumphalist march through the Irish Nationalist neighbourhood of Drumcree. In 1997 she represented a client accused of the murder of two RUC officers. In September 1998, just six months before her death, she testified to the United States House International Relations Committee that she believed these representations had led to her being physically assaulted by an RUC officer and to her receiving death threats from officers claiming that she was involved with paramilitary organisations.

During a mission to Northern Ireland in October 1997 the United Nations special rapporteur had the honour and the pleasure of meeting Ms Nelson. At the time she informed him that she had received more threats and had been subject to further intimidation. Based on the information he received from solicitors that he met with while he was in Northern Ireland, the special rapporteur concluded:

... the RUC has engaged in activities which constitute intimidation, hindrance, harassment and improper interference. The Special Rapporteur is particularly concerned by the fact that the RUC has identified solicitors with their clients or their clients' causes as a result of discharging their functions.

The special rapporteur recommended the establishment of an independent and impartial investigation into the allegations, and called upon the United Kingdom Government to take the necessary steps to ensure the physical security of the solicitors who had received threats. I strongly support the call for this House to join Amnesty International and other human rights organisations and governments throughout the free world in achieving the establishment of an independent international investigation into Rosemary Nelson's execution.

**Mr ANDERSON** (Londonderry) [12.23 p.m.]: I support the motion moved by the honourable member for Liverpool. At the outset, I must take the honourable member for Gosford to task about his comments earlier today. He claimed that this motion is an attack on the British Government. It certainly is not, and must not be seen to be, an attack on the British Government or any other government or assembly. The motion clearly calls for the establishment of an independent international investigation into the murder of Rosemary Nelson. We are not here to criticise the Northern Ireland Assembly or to attack the British Government; we are here to ensure that people get justice.

Australia contributed significantly to the peace process in Northern Ireland, in which Sir Ninian Stephen played an exemplary role. The people of Northern Ireland, from both Nationalist and Loyalist communities, welcomed those initiatives. After almost 30 years of terror and trouble, they were sick and tired; they wanted peace. The vast majority of people in Northern Ireland wanted to see an end to the Troubles. An august body came together to find ways and means through the many hundreds of years of accumulated baggage, searching for an opportunity to pursue peace. I compliment all involved on their great work.

The peace process is put at risk by the fact that there has been no independent inquiry into the murder of Rosemary Nelson. People must know that justice will be served. Justice must be seen to be done. Those who agitate to bring down the peace process must be taken to task because far too much blood has been shed and far too much effort has been made to stop the violence. This is an opportunity for people around the world, and for this House today, to lend support to the call for the establishment of an independent inquiry so that those on both sides of politics in Northern Ireland—but particularly those on the Republican side—can be sure that there will be no cover-ups. They must be confident that no-one will go out of his or her way to shield someone in a paramilitary organisation and that the Royal Ulster Constabulary [RUC]—the Northern Ireland police force—does not have the privilege to kill and maim whomever it considers appropriate. That is why this independent inquiry is so important.

Rosemary Nelson was not a political agitator or a leader of the Irish Republican Army or any other Republican group. She was a lawyer doing her job. Many concerns were raised about her work on behalf of her constituency and she was threatened simply because she was doing her job. She did not protest on behalf of any particular groups: she protected people and people's rights. Several honourable members who have spoken in this debate have described the sort of intimidation to which Rosemary Nelson was subjected for doing her job. For example, on 11 February 1997 an RUC interrogator at the Gough Barracks in Armagh ordered one of Rosemary Nelson's clients—whom she was working on behalf of—to "Tell Rosemary she's going to die too." That was not a veiled threat; it could not be considered an ambiguous statement. It was a clear and precise threat that Rosemary Nelson would die because of her work for her community. Those sorts of comments cannot be ignored. Issues such as that must be investigated by an independent inquiry, and I lend my total support to the establishment of such a body.

**Mr LYNCH** (Liverpool) [12.28 p.m.], in reply: I thank the Deputy Leader of the Opposition, the honourable member for The Entrance, the honourable member for Heffron and the honourable member for Londonderry, who have contributed to this debate. It is significant to note that all those honourable members supported my motion. The honourable member for Gosford suggested during earlier procedural wrangling that this debate would be a tirade against the British Government and took the unnecessary step of calling a quorum in the middle of my speech to reduce the time in which I had to speak. It is worth noting that this has not been the sort of debate that the honourable member foreshadowed.

It is true that the majority of speakers have come from one of the two historical and cultural traditions in Ireland. My grandfather came from County Tyrone, the father of the honourable member for The Entrance came from Derry, and the honourable member for Londonderry is from Belfast. However, that is not the basis upon which this motion was moved. The honourable member for Heffron reminds me that her antecedents are from County Kerry. The Minister for Local Government mentions the counties Galway and Clare. Undoubtedly, we are all from the same tradition. However, that is not the basis upon which this motion has been put. The motion has been put on very proper and specific grounds: that it is totally inappropriate for a body that was accused of making a range of threats against someone who was murdered to have any role in the investigation of that person's murder.

There is a long and fairly unfortunate history of official malfeasance in the northern counties of Ireland and in England. The case of Giuseppe and Gerry Conlon is well known. They were members of the Guildford four who featured in a movie. Additionally, there is the Birmingham six, the Maguire seven and a fairly long and unfortunate list of people who did not receive fair justice from institutions in Ireland or on the English mainland. The honourable member for The Entrance touched on Bloody Sunday. That is directly relevant to this debate because an investigation into the events of Bloody Sunday was ordered by the British Government. That was the Widgery inquiry. The book *Those are real bullets, aren't they?*, written by Peter Pringle and Philip Jacobson, states:

A generation later—

that is, a generation later than the Widgery report—

Tony Blair's Labour government took the unprecedented step of reopening the inquiry, this time under Lord Saville, to establish the "truth" of what happened on that day. Widgery was urged by the Prime Minister of the day, Ted Heath, to bear in mind the need to win the public relations battle over Bloody Sunday and he obliged.

The relevance of those issues to this debate is simply to underline the absolutely vital necessity to have independent inquiries into issues such as this, because there has been such a long history of inquiries being anything but independent and inquiries doing anything but getting to the truth. It is worth noting once again, especially in light of those extraordinary comments from the honourable member for Gosford, that there has been a large international outcry and a very strong international reaction supporting and being consistent with the proposition we are debating today. For example, on 14 March the following motion was tabled in the House of Commons in England:

That this House regrets that one year since the murder of Northern Ireland human rights lawyer, Rosemary Nelson, her murderers have not been brought to justice, and joins Amnesty International and other human rights organisations in calling for an independent judicial inquiry into the circumstances surrounding her murder.

Likewise, the European Parliament considered, and indeed adopted, a motion calling for a full independent judicial inquiry into all of the circumstances surrounding the murder of Rosemary Nelson. Moreover, the European Parliament stated an important principle in its motion. It stated that the Parliament:

Believes that any democratic society should ensure the safety of members of the legal profession and that such people should not be in danger of assassination because of their work.

The United States Congress also has turned its attention to this issue on a number of occasions. In April 1999 the United States House of Representatives called on the British Government to conduct an independent inquiry into the murder. It also touched on the issue of systematic harassment of defence lawyers. The call for an independent inquiry is also supported by the American Association of Jurists; Amnesty International, British Irish Rights Watch; the Brehon Law Society; the Centre for the Independence of Judges and Lawyers of the International Commission of Jurors; Human Rights Watch; the Human Rights Committee of the Bar Association of the City of New York; the International Association of Democratic Lawyers; the International League for Human Rights; the Irish Counsel for Civil Liberties; and Lawyers Committee for Human Rights. These matters are of great significance not just to the people of Ireland but to people all round the world who have regard to human rights and the right of defence lawyers to carry out their business without being assassinated.

**Motion agreed to.**

**CSIRO ENERGY CENTRE**

**Mr GAUDRY** (Newcastle—Parliamentary Secretary) [12.35 p.m.]: I move:

That this House notes the importance of the establishment of the CSIRO Energy Centre at the Steel River Eco Industrial Park in Newcastle to the development of energy research and sustainable energy industries in the Hunter Region.

I thank honourable members for the opportunity to address this issue today. It is of significant importance to the Hunter region, the people of New South Wales and to business in New South Wales. Today and tomorrow the Commonwealth Public Works Committee will be taking evidence regarding the CSIRO project. The project is to construct a new research laboratory complex known as the CSIRO Energy Centre, which will be located at the Steel River Eco Industrial Park in Newcastle. It will provide new research and support facilities for the CSIRO energy technology group, accommodating up to 110 research and support staff, comprising the existing staff that will be transferred from North Ryde and Lucas Heights, and new appointees to expand the research activities at that centre.

The proposal to establish a centre in Newcastle will provide a focal point for research excellence, particularly in the fields of cost-competitive and environmentally acceptable fossil fuel research and development, sustainable energy—and that includes energy storage and renewable energy—and research into the environmental impacts of energy, particularly those associated with greenhouse gas emissions. That centre will also provide a venue for collaboration between the CSIRO, the University of Newcastle, government agencies, resource companies and associated technology suppliers and providers in Australian energy industries. The House will be aware of the importance to New South Wales, and to the Hunter Valley in particular, of its coal and energy-related industries. We export through the port of Newcastle some 62 million tonnes a year. We produce 80 per cent of the power of New South Wales.

The major power stations of Eraring, Liddell, Bayswater, Vales Point and Munmorah are located in the Hunter and on the Central Coast. Growing out of that wonderful resource in the Hunter came the development of the steel industry in Newcastle. That underpinned the growth and development of Newcastle in the past century. Following from that, of course, have been associated research institutions in the Hunter, whether it be the Centre for Co-operative Coal Research at the University of Newcastle, the BHP research laboratories, the Centre for Sustainable Industry now set up at the university, or Pacific Power International's Advanced Technology Centre in the Hunter—all leading-edge research institutes dealing with the issues of making existing fossil fuel resources more effective and efficient, cutting back greenhouse gas emissions, looking for alternative fuel resources and utilising wind power and solar power.

Within that context and looking forward to this century, Newcastle and the Hunter region are going through a period of transition. We have seen the steel industry change. We have seen a wind back of BHP in the area, and the obvious need in the Newcastle and Hunter region to move to more elaborately transformed manufactures with a greater emphasis on information technology and higher technologies in manufacture. So, it is within that context that we see the CSIRO energy division and its proposal to place its technology centre on the Steel River site in Newcastle. This is a wonderful opportunity to demonstrate not only to New South Wales but to Australia and the world the great advantages of all levels of government working together—Federal, State and local government—with big and small business, the research capacities of universities and TAFE and the private sector research establishments.

The important issue is the collaboration between those organisations, the capacity of this advanced technology centre to be a leader in the bringing in of those new technologies and the incubating, if I can put it that way, of industries that can cluster either directly near the advanced technology centre on the Steel River site or that can share what I might call virtual clustering—the utilising of information technology to share that information and research.

This is extremely important infrastructure. I note that two precipitating agreements that allow it to occur are, firstly, the September 1999 agreement between the State Government and CSIRO to contribute \$10 million towards the cost and development of the centre and, secondly, a memorandum of understanding between CSIRO and the joint venture partners, at that stage Baulderstone Hornibrook and BHP, to provide several hectares of land free of cost.

To use modern technology, CSIRO will be an anchor tenant on the Steel River site—it has the capacity to attract other high technology industries and it has the ability to service all the major energy industry focus in the Hunter. I am sure my colleagues on both sides of this House recognise the importance of this development.

The public works committee of the Commonwealth Government is considering this proposal today and is taking submissions tomorrow. The committee will focus not only on its area of responsibility, which is to consider how funding the proposal stacks up as well as the future direction of the CSIRO, but also on the enormous support that the project has within the Newcastle and the Hunter. Support is given by the coal producers, transport companies, research institutions which I have listed, and local government—particularly Newcastle City Council which, after the Rio de Janeiro conference, held the Pathways to Sustainability Conference and has become a leading council in sustainability issues, particularly energy conservation.

A tremendous partnering possibility is emerging involving the university, research centres, State, Federal and local government, and big and small business, towards an energy-smart approach to industry in the utilisation of all energy reserves. I mention also the importance of more efficient and environmentally sensitive use of our coal resources so that we can transition to the new technologies and keep account of the fact that we need to reduce our greenhouse gas emissions. Much research is carried out into that. This is an important project for the region.

The Hunter Regional Development Organisation, through the Hunter Advantage Strategy, is concentrating on the development of cluster groups of industry within the Hunter, trading on the positive developments for the area. Two of those are the sustainable energy cluster and information technology cluster—both vigorously now pursuing collaboration and business in the region. Putting that together, we look toward CSIRO as being a pivot for the development of high-technology, energy-related, sustainable energy industries in the Hunter Valley. I look forward to this project and the continuation of the work of the CSIRO in the thriving Hunter Valley economy.

**Mr J. H. TURNER** (Myall Lakes—Deputy Leader of the National Party) [12.43 p.m.]: I support the motion moved by the honourable member for Newcastle in my capacity as the member for Myall Lakes, the shadow Minister for Hunter Development and as representing the shadow Minister for Energy in another place. I congratulate all those involved and note that the CSIRO comes under the auspices of the Federal Coalition Government. It is good that the New South Wales Government recognises the work of the Federal Coalition Government and the proposal to move the CSIRO energy technology headquarters into the Hunter Valley. That will be a fillip for the Hunter Valley. The only downside is that staff are to be moved from Sydney to Newcastle; although that will be good for Newcastle's economy I would have liked some home-grown employment opportunities. However, that is just a small part of the overall benefit of the establishment of the energy technology centre at the Steel River eco-industrial park.

More than 110 research and support staff will move from North Ryde and Lucas Heights to the site, and others will be appointed to expand the research activities. I hope they will be home-grown. In the Hunter Valley there is a significant amount of research availability which could fill those positions. The establishment of the energy centre in Newcastle will provide a focal point for research excellence, particularly in the fields of cost-competitive and environmentally acceptable fossil fuel research which goes hand in hand with the traditional coal resources that exist in the Hunter Valley. It will also provide sustainable energy including energy storage and renewable energy, about which I have no expertise. However, I know that one matter that has vexed people in that field for many years is energy storage. This is one area that will be investigated. If we can have energy storage it will lead to a better environment instead of having energy produced on a continuous basis.

Apparently that will also provide a focal point for the environmental impacts of energy, particularly those associated with greenhouse gas emissions. Energy storage and greenhouse gas emissions go hand in hand. Obviously Newcastle will be a significant point for the research centre not only because of its coal industry but because of other technologies that are used. At present Kooragang Island is running a prototype wind generator which the CSIRO would be interested in. In addition there are many other aspects of energy technology. Newcastle is a hub for transport by roads, ports, air and rail, and provides easy access and centralisation of resources which will be necessary for the energy technology people to conduct their work and to study its interaction with infrastructure.

Some innovative activities will be involved, not only with energy technology research but also in the manner in which they look at their own buildings. For instance, the centre will make the optimum use of the sun with facades that bounce light into the building and will have environmental controls. The buildings will be low energy and will use sensors to minimise energy use or loss and will employ natural ventilation. Architects may have thought of those innovations, but obviously the energy technology people are applying their research findings to the erection of their centre. The outside of the building will have solar panels to generate electricity and a solar pond will be used to heat water for space heating. Rainfall will be collected, stored and used for



landscape watering. In itself that is a simple extension of what people are expected to do in their homes. The innovations will provide a benchmark for excellence in energy technology and sustainability of our natural resources. We will probably have to rely on those resources more and more as we progress into the twenty-first century.

The Steel River project has the backing of BHP, Baulderstone Hornibrook, the New South Wales Government, Newcastle City Council, the Hunter Economic Development Corporation, the University of Newcastle, and the Newcastle Hunter Business Chamber. Overarching that is funding, through the CSIRO, by the Federal Government. This initiative is worthy of support and the benefits for Newcastle will be apparent. The project will have a wider benefit for the community, and Australia at large, in relation to energy technology resources and research. The CSIRO has a reputation for excellence in this sort of work. It is good to see that the CSIRO will be expanding that work, and expanding it in the Hunter Valley.

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [12.50 p.m.]: I have much pleasure in supporting the motion moved by the honourable member for Newcastle which relates to the CSIRO and sustainable energy on the Steel River site. Energy is a big part of what we do in the Hunter. We dig the world's coal, we generate the State's electricity and we transmit power throughout the State. One could say that, in a nutshell, we are at the cutting edge in these three areas. In the Hunter we want to stay at that cutting edge. That is why the CSIRO is coming to the Steel River site in Newcastle. I welcome its presence in the Hunter.

CSIRO Energy has an annual budget of \$22 million, of which \$15 million comes from the Government and \$7 million comes from major and minor industry contracts. It brings a welcome injection of a trained work force into the Hunter region's growing knowledge-based economy. That is why the Government is supporting the development of the centre to the tune of \$10 million. Energy use in Australia is pervasive. Coal-fired power stations provide the vast bulk of our energy needs for homes and industries. Coal and liquid natural gas provide us with a large share of our total export income. However, the Kyoto protocols mean that we must get energy smart now so that we can meet future challenges.

As honourable members know, coal has a long history in the Hunter. Indeed, the Hunter region, and Newcastle itself, was founded on coal. With an initiative like the CSIRO Energy centre we can save jobs and, importantly, create new jobs for the future. The latest unemployment figures for the region are heartening in light of BHP's departure from steel making. Having seen the coal industry not only in Australia but, more recently, in Asia—to which I have led trade missions—it is evident to me that we need to make coal a smart fuel in terms of both composition and, importantly, use. CSIRO Energy will concentrate its efforts on coal preparation and utilisation, as well as making the transmission and storage of energy more efficient. Alternative energy will also be a key feature of this CSIRO installation. Solar, hydro and biomass are three such examples, and the Steel River site gives them the flexibility to adapt to new energy challenges as they arise.

One has to be in the Hunter if one wants to change the culture of energy supply and demand. And make no mistake: in time that is what this organisation is about. The CSIRO needs to be near the coal mines, the generators and the energy supply system, as well as a large base of industrial and household consumers, to examine, refine and test new methods and practices. Being part of the Steel River site, which is in the industrial heart of Newcastle, will also give CSIRO Energy close contact with industry and the unique network of industry people and firms in the Hunter—that is, our technology base and the skills on which Newcastle is based. Almost all the industries that have established themselves in the Hunter have said that one of the major factors in their decision was the base of highly skilled people. It is in the best interests of Newcastle and the Hunter region that the CSIRO comes to Newcastle.

Steel River has had its share of criticism. I, for one, would like to have seen the project advance more quickly than it has. However, we must realise that all the initiatives at Steel River are private projects funded by private companies, and naturally they make decisions in the best interests of their shareholders. That is not to say that the New South Wales Government is shirking its responsibility. Certainly, as the Minister Assisting the Premier on Hunter Development, I give encouragement at every juncture, not only through my departmental staff but through the staff of the Hunter Economic Development Council, the Department of State and Regional Development—which is presided over by the Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs—and various people in the region working collectively.

BHP's purpose in establishing the Steel River industrial estate was to attract new industry to Newcastle as compensation for the closure of the steel mill in September 1999. The Steel River site is a 108-hectare eco-

industrial park. Industries which demonstrate that they can fit within the environmental envelope determined by the Strategic Impact Assessment Statement will get approval from Newcastle City Council within 28 days. That is one of the most innovative features of this project. It is interesting to note that effectively that has become a statewide characteristic. So we welcome the CSIRO to Newcastle; it will be of immense value to the Hunter region.

**Mr McGRANE** (Dubbo) [12.55 p.m.]: I support the motion moved by the honourable member for Newcastle. The location of CSIRO Energy on the Steel River site is great news for Newcastle. As previous speakers said, Newcastle has gone through a number of changes since the closure of the BHP steel mill. In a sense, the closure of BHP and what has developed from that is great not only for Newcastle but also for the northern and western regions of New South Wales. The CSIRO venture at Steel River will be the catalyst for further development. This venture will centre on research into the coal industry. Previous speakers have spoken at length about what the coal industry has meant for the Hunter region and the port of Newcastle. Coal is the biggest bulk commodity to pass through the port of Newcastle—more than 60 million tonnes per annum.

Before I entered Parliament I was a member of the Newcastle Port Corporation board for three years. Those years were probably the three most enjoyable years I have had in any organisation. During that period I saw the port develop from an authority to a corporation. The corporation's board, with the help of other interested parties, has helped to develop the shipping industry in Newcastle. The most recent annual report of the Newcastle Port Corporation shows that we exported about 90 million tonnes of coal, which was a record. And the coal industry is going from strength to strength. The region does not rely totally on coal, although the actual tonnage exported has increased. The port of Newcastle is a great natural port. There is great potential to export other major commodities through the port of Newcastle.

The CSIRO centre on the Steel River site will be the catalyst for other industries to come to the Newcastle area, and for other industries throughout regional New South Wales to expand the export and import of their commodities through the port of Newcastle. All in all, it will add not only to the development and prosperity of the city of Newcastle and surrounding areas; I suggest that it will add to the prosperity of regional New South Wales. I am concentrating on the port because potentially it is an alternative to the port of Botany in Sydney. Compared with Sydney, access to the port of Newcastle is easy in terms of rail and road access and the Golden Highway linking the port of Newcastle to the central west and western New South Wales and the city of Dubbo. The Golden Highway is the only road by which B-double vehicles can access a port in New South Wales. That is positive for growth of the city of Newcastle. Growth means jobs, and that is what this is all about. Members of this House are about creating industries that create jobs.

The CSIRO research facility in Newcastle will lead to more private money coming to this area. As the Minister said, it has taken some time to plan this CSIRO initiative. It always takes time to get the private sector involved in industries and developments on land around the port of Newcastle. This initiative is a great team effort between the Newcastle Port Corporation, Newcastle City Council and various other bodies in Newcastle. The CSIRO research centre will be a catalyst, and it will go from strength to strength. This is a great day for Newcastle.

**Debate adjourned on motion by Mr Mills.**

*[Mr Deputy-Speaker left the chair at 1.00 p.m. The House resumed at 2.15 p.m.]*

**INTERNATIONAL FIREFIGHTING TEAM**

**Ministerial Statement**

**Mr YEADON** (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [2.15 p.m.]: New South Wales has responded to an international call for help to fight the fires currently burning out of control in the United States of America. The United States of America has asked for a contingent of approximately 60 to 70 Australian forest fire control personnel who are experienced in incident control and field management. Both the Minister for Emergency Services and I are proud that New South Wales has been able to send a crack team of experienced rural firefighters. An incident management team and a team of divisional commanders will assist in fire control of the biggest fires America has seen in 50 years. The group will comprise an incident management team and five field commanders, who will be based in Idaho. The tour of duty will be for 31 days, plus travel time to and from the United States.

The request not only recognises the world-class firefighting service that we have in New South Wales, it also provides our State with a valuable opportunity to build on its firefighting skills. The request to the New

South Wales Government is a great compliment to our experienced and dedicated firefighting teams. The situation in the United States of America is very grave. Some 70 fires, raging across 12 states of America, are threatening people, wildlife and property. The ferocity of the fires sweeping the American west have never before been seen. Understandably, United States of America personnel are exhausted, having fought the fires for a number of months since April this year. The arrival of Australians and New Zealanders will provide much welcome relief.

Eighty people from across Australia and New Zealand will lend their experience in fighting the fires in rugged terrain. These dedicated people have been selected for their proven skills in dealing with large and complex fires. Five field commanders from New South Wales will lead firefighting teams and two specialists will join the incident command and control group, which is based in Idaho. Their experience will be used to maximise the efforts of the 20,000 civilian and military firefighters who have been working on containing the fires, as I said, for a number of months. Crucial work will centre on logistics and planning. Tasks include developing control strategies and mobilising resources into cohesive, effective firefighting teams. These officers are highly experienced, some of whom fought in the terrible fires of the summers of 1994 and 1997 that swept through New South Wales, threatening both remote areas and urban communities. Candidates with appropriate experience have been identified and, following necessary medical and fitness testing, New South Wales State Forests and New South Wales Rural Fire Service personnel will leave for Idaho tomorrow. I am sure that I speak on behalf of all honourable members when I wish our firefighters the best in their endeavours and a safe trip home.

**Mr D. L. PAGE** (Ballina) [2.20 p.m.]: Australia has a wonderful reputation for responding to emergency situations. This is the latest example in that tradition. It is unusual for our emergency services people to be requested to go overseas. However, these are unusual circumstances. As the Minister for Forestry indicated, these are the worst fires the United States of America has experienced in the past 50 years. Already some 1.5 million hectares have been burnt, causing tremendous damage and loss of people's homes, property, livestock and crops. It is a very bad scene indeed. I have been given some figures in relation to the number of people who are fighting these fires in the United States of America at the moment. Already 21,000 people have been engaged, and some 700 fire engines, 150 aircraft, two military battalions and eight military aircraft are involved.

It is costing the United States of America Government \$15 million a day to fight the fires. As the Minister indicated, the United States has a problem in relation to leadership in the logistical and operational area, an area in which Australia has considerable experience. As the Minister further indicated, it is a wonderful reflection on New South Wales State Forests that it is able to provide such high-quality leaders to go to the United States of America to assist in the firefighting efforts. The Opposition supports the Government's decision to send some of our firefighters to the western part of the United States of America. I am sure everyone would agree that fighting fires is a very dangerous activity. We are all aware of the recent tragedy involving the deaths of four officers from the National Parks and Wildlife Service. We wish our firefighters well and hope that they will return home safely.

## PETITIONS

### Drug Reform

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

### 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**.

### East Sydney and Darlinghurst Policing

Petition praying for increased police presence in the East Sydney and Darlinghurst areas, received from **Ms Moore**.

**Redfern, Darlington and Chippendale Policing**

Petition praying for increased police presence in the Redfern, Darlington and Chippendale areas, received from **Ms Moore**.

**Kings Cross Policing**

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

**Woolloomooloo Police Shopfront Closure**

Petition praying that the Woolloomooloo police shopfront not be closed and that adequate policing be provided before, during and after the Olympic Games, received from **Ms Moore**.

**Bondi Pavilion Olympic Stadium Proposal**

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

**Manly Hospital Paediatric Services**

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

**Queanbeyan Ambulance Station**

Petition praying for the allocation of funds for the construction of a permanent ambulance station in the Queanbeyan central business district to ensure faster response times and prompt emergency care for the residents of Queanbeyan and the surrounding region, received from **Mr Webb**.

**Seaforth TAFE Closure**

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

**TAFE Funding**

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

**Windsor Road Upgrading**

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

**Surry Hills Pedestrian Crossing**

Petition praying that a pedestrian crossing be installed on Belvoir Street, Surry Hills, received from **Ms Moore**.

**Oxford Street Pedestrian Crossing**

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

**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**.

**Moore Park Landscaping**

Petition calling for the permanent removal of car parking from Moore Park east, and praying that Moore Park be landscaped to meet the increased need of local communities for passive recreation space, received from **Ms Moore**.

**Surry Hills Bus Services**

Petition praying for an urgent increase in the reliability and adequacy of Surry Hills bus services, received from **Ms Moore**.

**Redfern Bus Services**

Petition praying for an urgent increase in the reliability and adequacy of Surry Hills bus services, 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**.

**Disorderly Houses Act**

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

**Septic Tank Inspection Fees**

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

**White City Site Rezoning Proposal**

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

**QUESTIONS WITHOUT NOTICE**

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**CABRAMATTA POLICING**

**Mrs CHIKAROVSKI:** My question is directed to the Premier. At a time when shopkeepers across the State are increasingly under siege from criminals, will he explain why the Cabramatta Chamber of Commerce

has been told by police that the local command does not have the resources to investigate even one of the record 58 robberies reported in the area in the last month alone?

**Mr CARR:** The veracity of claims made by the Opposition in this House at question time should be examined by this House.

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

**Mr CARR:** In the meantime I will seek a report on the claim made by the Leader of the Opposition.

### KNIFE LAWS

**Mr ORKOPOULOS:** My question is to the Premier. What is the latest information on the Government's knife laws?

**Mr CARR:** This is a day of good news for New South Wales but not only for knife laws. Did honourable members see the unemployment figures?

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

**Mr CARR:** They are the lowest in Australia, the lowest unemployment figures in 19 years. Not since 1981 has unemployment been this low, when this State had another Labor Premier, Neville Wran, talking the language of jobs, jobs, jobs.

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

**Mr CARR:** Let us look at the good news about knife laws. I was criticised by the Opposition when I stood in this place and said we would have the strongest knife laws in the country. I was told I was creating a police state. That is what the Opposition alleged when I said that we would give police the power to stop people, search them and remove knives.

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

**Mr CARR:** In the face of Opposition criticism we proceeded to pass that legislation and today the results are in.

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

**Mr CARR:** The official figures from the Bureau of Crime Statistics and Research show that the number of court appearances for carrying knives in a public place has increased by more than 500 per cent; that is, police are exercising the power we gave them to prosecute people for carrying knives. This is a Government that regards knives with zero tolerance. We have no tolerance for knives in the community, and that is why we trusted the Police Service, a trust that has been displayed with legislation equipping police to stop people, to search them, to remove knives and, where they wish to exercise that power, to prosecute. Police are searching for knives, confiscating them, issuing on-the-spot fines and dispersing gangs with the additional powers we gave the Police Service in the face of Opposition criticism that we were creating a police state.

**Mr Hartcher:** Point of order: I draw your attention to the standing orders that allow members to correct a misrepresentation. The Premier is now misrepresenting, and has misrepresented twice, the position of the Opposition on the knife legislation. The Opposition supported the knife legislation. The Opposition did not make any remarks about police—

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

**Mr Hartcher:** I am entitled to ask you, on a point of order, to correct a misrepresentation by the Premier.

**Mr SPEAKER:** Order! The honourable member can raise that matter at the end of question time.

**Mr CARR:** From July 1998 to May 2000 police searched 40,000 people for knives. They were able to do it because of legislation in this House, enacted in the face of the statement by Michael Photios, late lamented,

that we were creating a police state. Under this Act 8,860 knives and other dangerous implements were confiscated and directions to move on were given to 38,000 people. These are practical results. This is zero tolerance for knives at work. As a result of the legislation you passed, the legislation we sponsored, the legislation that gave the police the power the community wanted it to have, there are now more than 8,860 fewer knives in the community. We are all, each and every one of us, safer as a result.

### **COAL COMPANIES LATE DELIVERY PENALTIES**

**Mr SOURIS:** My question is directed to the Premier. What action will be taken to compensate coal companies that have incurred late delivery penalties because of their inability to transport coal from the Hunter Valley to Newcastle following last week's freight train derailment near Singleton?

**Mr CARR:** I have had no representations from coal companies on this matter.

### **CRIME INVESTIGATIONS**

#### **DEPARTMENT OF CORRECTIVE SERVICES COMPUTER SYSTEM ACCESS**

#### **DAVID HILL AND THE STATE RAIL AUTHORITY**

**Mr GIBSON:** My question is to the Premier. What is the Government's response to recent claims by the Opposition on policing, corrections and transport?

**Mr SPEAKER:** Order! A number of members have been called to order. After the exhibition yesterday, the Chair will be particularly tough on members who interject.

**Mr CARR:** Yesterday the Leader of the Opposition claimed that police had failed to investigate an attack on Rosemary Bartholomew's business. The Opposition leader went on to claim that Ms Bartholomew's business had been bombed. Let us look at the facts. The police have taken seriously all the reports about this incident. They continue to investigate the incidents, and we are sympathetic. When the family reported the first incident, a ram-raid according to the Opposition, the Police Service advised that police arrived on the scene within 10 minutes.

**Mr SPEAKER:** Order! The honourable member for Gosford is on two calls to order.

**Mr CARR:** Police advised that nothing was stolen. There were no witnesses, but there was damage to a front window, which is regrettable. I am advised that police recorded the incident. The Leader of the Opposition says the premises were bombed. The words she used were that there had been a "bombing". I repeat what was said by the Leader of the Opposition—"... why police failed to investigate the recent ram-raid on her shop and subsequent bombing"—and I ask honourable members to note the word "bombing". Police reported to the Government that when they attended the scene they "found evidence of a fire cracker".

**Mr SPEAKER:** Order! The Leader of the National Party is on one call to order.

**Mr CARR:** The police report stated:

The residue might be described as a bungler.

There was no damage; there was no ticking clock; there was no detonator; there was no gelignite wrapped in tape. The police investigation found that the Leader of the Opposition's "bombing"—for "bombing" was the word she used—was in fact a penny bungler. The police recorded the matter. The Leader of the Opposition alleged that police numbers in the local area command had been reduced. The number of police officers in the command in fact have been increased by 59.

**Mr Tink:** Point of order: The Premier has obtained the police version. When will he get the version from the victim of the crime?

**Mr SPEAKER:** Order! There is no point of order. The honourable member for Epping is on three calls to order.

**Mr CARR:** The police have interviewed the woman and the family. Let me reiterate: There was a claim of a ram-raid with nothing stolen and with no witnesses; there was a claim by the Leader of the

Opposition of a bombing—and nothing less than a bombing—with no explosives, no damage and no bomb. The only evidence was a penny bunger. Enough of that. Let me now examine the claims made by the honourable member for Davidson. I will strain the tolerance of the House by repeating his question in full:

Will [the Premier] investigate allegations that the Senior Assistant Commissioner for Corrective Services, Ron Woodham, covered up—

I ask honourable members to note the words "covered up"—

an incident when a senior officer at the former Campbelltown periodic detention centre allowed an inmate access to the department's computer system which contains sensitive information about individuals on the witness protection program?

That was the first question asked by the honourable member for Davidson in eight months. The honourable member is described by his local paper, the *Manly Daily*, as the quietest and laziest member in the House. He presented no evidence, no report, and there was no truth in the allegation.

**Mr Hazzard:** Point of order: I rise on two points of order and I will outline both of them.

**Mrs Lo Po':** Let us hear the quiz kid.

**Mr Hazzard:** The Minister for Community Services should be quiet. The first point of order relates to a ruling by a number of Speakers—including learned Speaker Ellis—that incorporating two questions into one is not permissible. The terms of the question asked by the honourable member for Blacktown pertain to three separate incidents.

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

**Mr Hartcher:** Point of order: On Tuesday the honourable member for Murrumbidgee asked a question of the Premier about honourable members of this House. Mr Speaker, you ruled that the question cast a reflection upon honourable members. That was the ruling you made on Tuesday.

**Mr O'Farrell:** On every member.

**Mr Hartcher:** The ruling was that the question cast a reflection upon every member. The Premier is now choosing to adopt words reflecting upon an honourable member and he cannot disguise that simply by quoting from a newspaper. He is adopting those words as his own. The Premier is going further than your ruling, Mr Speaker, because your ruling related to unnamed members. The reference on this occasion is to a named member and the Premier is using words that are as objectionable as were the words which were the subject of your ruling last Tuesday. In the interests of consistency and fairness I ask you, Mr Speaker, to observe the ruling that you gave on Tuesday and require the Premier to desist.

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

**Mr CARR:** Mr Speaker—

**Mr HARTCHER** (Gosford) [2.45 p.m.]: I move:

That the Premier, Minister for the Arts, and Minister for Citizenship be not further heard.

**The House divided.**

**Ayes, 29**

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

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

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



**Noes, 52**

|               |              |                 |
|---------------|--------------|-----------------|
| Mr Amery      | Mrs Grusovin | Ms Nori         |
| Ms Andrews    | Ms Harrison  | Mr Orkopoulos   |
| Mr Aquilina   | Mr Hickey    | Mr Price        |
| Mr Ashton     | Mr Iemma     | Dr Refshauge    |
| Mr Barr       | Mr Knight    | Mr Scully       |
| Mr Bartlett   | Mr Knowles   | Mr W. D. Smith  |
| Ms Beamer     | Mrs Lo Po'   | Mr Stewart      |
| Mr Black      | Mr Lynch     | Mr Torbay       |
| Mr Brown      | Mr McBride   | Mr Tripodi      |
| Miss Burton   | Mr McGrane   | Mr Watkins      |
| Mr Campbell   | Mr McManus   | Mr Whelan       |
| Mr Carr       | Mr Martin    | Mr Windsor      |
| Mr Crittenden | Ms Meagher   | Mr Woods        |
| Mr Debus      | Ms Megarrity | Mr Yeadon       |
| Mr Face       | Mr Mills     |                 |
| Mr Gaudry     | Ms Moore     | <i>Tellers,</i> |
| Mr Gibson     | Mr Moss      | Mr Anderson     |
| Mr Greene     | Mr Newell    | Mr Thompson     |

**Pairs**

|              |               |
|--------------|---------------|
| Mr Armstrong | Mr Collier    |
| Mr George    | Mr Hunter     |
| Mr Maguire   | Mr Nagle      |
| Mr O'Farrell | Mr E. T. Page |

**Question resolved in the negative.**

**Mr CARR:** The local member, described by his local paper as one of the quietest and laziest members of Parliament, asked whether there has been—

**Mr Hazzard:** Point of order.

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

**Mr Hazzard:** On page 59, *Decisions from the Chair* states:

It is not proper for a member to quote as fact statements contained in newspapers, unless that member can verify the accuracy of the report.

The report to which the Premier refers contains his own words. He made them up in the first place. How can he now verify the accuracy of his statements, which were inaccurate at the outset?

**Mr SPEAKER:** Order! No point of order is involved. Order! I place the honourable member for Wakehurst on three calls to order.

**Mr CARR:** The honourable member for Davidson is lazy, and quiet, and he asked only one question in eight months! He asked whether there was a cover-up in the Department of Corrective Services.

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

**Mr CARR:** It turns out that the incident he was referring to was investigated and reviewed officially on no less than four occasions by separate groups. It was first investigated by Superintendent Ian Maclean of the south-west region investigation unit. He reported to the Department of Corrective Services Investigation Review Committee. The report then went to the department's professional standards unit, which specialises in disciplinary matters. It then went to ICAC in February 1999. Some cover-up! The man who steered the matter towards this independent investigation was none other than Assistant Commissioner Woodham, who was allegedly in charge of a cover-up!

However, the worst is the performance of the honourable member for Ku-ring-gai. It has not been a good week for the Deputy Leader of the Liberal Party, although a much better one for his leader as a result. The

House will recall that he asked: "How much is a former Labor mate, a former head of the Water Board [David Hill], being paid for his current consultancy at State Rail?" The House will recall also that yesterday I reported to it no consultancy by Hill and no contracted services by Hill at State Rail. The House will recall my reporting that. What followed question time yesterday was a very interesting performance by the Deputy Leader of the Liberal Party. In a performance of breathtaking slyness he furtively entered the press gallery and did the rounds.

**Mr Hartcher:** Point of order: Standing Order 135 relates to questions to Ministers about the public affairs of this State. The Premier is demeaning that standing order by talking not about an individual's parliamentary capacity, but about what that person may or may not have said in the press gallery. That is not a proper answer to a question about the public affairs of this State. The Premier might wish to demean the standing orders but he should do that elsewhere and not use the question time of this Parliament for that purpose.

**Mr SPEAKER:** Order! There is no point of order. The honourable member for Gosford will resume his seat. Order! The honourable member for Gosford is on three calls to order. He will resume his seat immediately.

**Mr CARR:** He did the rounds of the press gallery. The Deputy Leader of the Opposition did not want to give a press conference but he just thought people should know that David Hill was in fact employed by Ron Christie, the co-ordinator general. He just wanted to meet people to clarify that little point. He moved around the press gallery saying, "David Hill is a consultant, it is just that he is not employed by the State Rail Authority; he is employed as a consultant by Ron Christie."

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

**Mr CARR:** Ron Christie has made it very clear in a public statement that he does not employ David Hill. Before the Deputy Leader of the Opposition sneaks furtively and slyly into the press gallery this afternoon, I can confirm—

**Mr Hazzard:** Point of order: It would be best if some commonsense were brought back into this debate. The Premier is not helping by defying Standing Order 82, which makes it clear that personal reflection on members of either House is disorderly, other than by substantive motion. In order to restore some sense of decency into the Parliament I ask you to ask the Premier to restrict his comments to the particular question.

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

**Mr CARR:** David Hill is not employed as a consultant by any of the Rail Authorities—Rail Access Corporation or Rail Services Australia—and is not employed as a consultant in any capacity by any rail organisation.

**Mr SPEAKER:** Order! The honourable member for Davidson is on two calls to order.

**Mr CARR:** It was interesting that Helena said to me the other day, "I seem to remember hearing Barry O'Farrell on Sally Loane's show one morning saying something very interesting about David Hill and rail." I asked my people to do a little research.

*[Interruption]*

No, they are not the Stasi and the honourable member should not use that term. They are diligent researchers who may or may not include a former CIA official or two. Their research capacity is splendid, and look what it yielded! The transcript of 26 May 2000 shows that Sally Loane said to the Deputy Leader of the Liberal Party:

Would you privatise or part privatise or go the Victorian road of franchising?

That is, in public transport. The response of the Deputy Leader of the Opposition was:

Well I think in the short term, Sally, I would bring David Hill back.

Presumably that would be on a voluntary basis! This is the man trailing his coat as a replacement for Chikarovski! This is the man who sees himself as the future Liberal leader! He went on to say in a self-

congratulatory mode, "Now there's a novel thought. A Liberal advocating a great Labor man to come back and run the railways." By what convoluted logic does the Deputy Leader of the Opposition fantasise an idea himself and then a couple of weeks later allege: "You done it! Remember doing it?" What kind of a coot is he? This is the bloke who gives speeches about the Menzies legacy! This is the bloke who goes to the Sydney Institute! This is the bloke who goes to lunch with editors and halfway through the entree introduces the subject of the latest polls! This is the bloke who wants to be regarded as the man who, when D-day comes, storms into the Liberal Party leadership! An official publication will come out today entitled "Barry's week of blunders".

### **EASTERN CREEK DRAG RACING**

**Mr MERTON:** My question is directed to the Premier. In line with your Government's repeated promise to provide a site acceptable to the drag-racing community at Eastern Creek, why are New South Wales championship drag racers forced to travel to Victoria or Queensland to participate in their sport, which has the potential to generate 1,000 jobs and \$40 million a year for the Western Sydney economy?

**Mr CARR:** The Minister for Sport has announced that the Government intends to open tenders for a privately funded drag-racing strip at Eastern Creek Raceway. Drag-racing enthusiasts want that to happen. They want a drag strip in Western Sydney. The Minister has comprehensively outlined a proposal under which that will happen.

### **BUILDING INDUSTRY CONSUMER PROTECTION**

**Ms MEAGHER:** My question without notice is to the Minister for Fair Trading, and Minister for Sport and Recreation. What is the latest information on recent changes to the Fair Trading Act relating to home builders?

**Mr WATKINS:** I am speaking as the Minister for Fair Trading at the moment, but I would be happy to answer a question about Eastern Creek any time.

**Mr Merton:** Point of order: The Minister was asked a specific question. His answer is not relevant, but if he wants to refer to Eastern Creek, I suggest he does it with Alan Jones tomorrow morning!

**Mr WATKINS:** I thank the honourable member for Cabramatta for her interest in this issue and for her question. During the last session of Parliament I introduced new laws to make it easier for the Department of Fair Trading to crack down on shonky operators who abuse consumers. The new laws mean the department now has the power to immediately suspend licences in industries such as real estate, pawnbroking and building. These tough new laws came into effect on 1 August. The department has wasted no time in putting them into action. I can advise that over the past few days two notorious builders—Rocco Vitalone and Westfield Concrete Company Pty Ltd—have been the first to have their licences suspended.

The new power can be exercised to suspend a licence for up to 60 days where the Director General of Fair Trading believes that: the trader has engaged in conduct that constitutes grounds for suspension or cancellation; it is likely that the trader will continue to engage in that conduct; and there is a danger that a person or persons may suffer significant harm, loss or damage unless action is taken urgently. Over the past 12 months the Department of Fair Trading has stepped up its enforcement action against undesirables in the building industry. For example, six builders are currently before the Fair Trading Tribunal facing action to have their licences permanently removed. Unfortunately, some builders have tried to avoid the department's reach through delaying tactics.

In the past disciplinary action against licensed builders has sometimes taken months to finalise, particularly if adjournments were sought and obtained. The builders against whom this suspension action has been taken—Rocco Vitalone of Harrington Park and Westfield Concrete Company Pty Ltd of Fairfield West—have been the subject of a number of serious complaints. Over the past year the department has received 21 complaints about Mr Vitalone. Prior to this another eight complaints had been made. The complaints range from defective work to overcharging. In relation to Westfield Concrete the department has received 12 complaints. They relate to failure to complete work, misrepresentations and double charging, and defective work.

In the case of both companies the department is also pursuing further disciplinary action to permanently cancel the builders' licences. These cases are to be heard in the Fair Trading Tribunal over the next couple of months. I can also advise the House that today I am releasing a number of new education materials including

two extensive new guides about home building: *Home Building and Renovating—a fair trading guide for consumers*, and one for the trade, *Builders and Tradespeople—a fair trading guide*. The new guides will be available through 23 Fair Trading centres across the State. Through the production of such material the Department of Fair Trading aims to reduce building disputes by helping consumers and traders to understand their rights and responsibilities before work commences.

### **CORRECTIVE SERVICES ACADEMY**

**Mr HUMPHERSON:** My question is directed to the Minister for Corrective Services. Can the Minister assure the House that he has personally investigated serious allegations involving fraud, the illegitimate graduation of incompetent officers at the Corrective Services Academy, and incidents of improper sexual relations between staff and students at the academy?

**Mr DEBUS:** I draw the attention of the House to an edition of the *Goulburn Post* of 10 July this year. It is headed "Hodgkinson slams Liberal comments".

**Mr Yeadon:** Where is she?

**Mr DEBUS:** She has left, in anticipation. The article reads:

Local member, Katrina Hodgkinson, has slammed comments made by the Liberal Party spokesperson for corrective services Andrew Humpherson.

"This is a very mediocre media release", she said. "Mr Humpherson did not contact me before making his statements. I have made sure that that won't happen again."

Ms Hodgkinson was referring to comments made by Mr Humpherson that the State Government had covered up the riot which [allegedly] occurred in the Goulburn Jail on March 15.

**Mr Hartcher:** Point of order: The question was specific. It related to sexual allegations at the academy; it did not relate to riots at Goulburn gaol. The answer is totally irrelevant to the question asked. I ask you now to enforce standing orders and direct the Minister for Corrective Services to at least attempt to answer the question put to him.

**Mr SPEAKER:** I am sure the Minister is coming to the start of his answer.

**Mr DEBUS:** The Premier has already referred to the question asked by the honourable member for Davidson yesterday. He has indicated that absolutely every allegation—

**Mrs Skinner:** It is a serious question.

**Mr DEBUS:** I agree that it was a very serious question. The Premier has indicated that every single alleged fact in the question asked by the honourable member yesterday was spurious or malicious. It was a beat-up. Every significant element of the question asked yesterday was wrong and utterly misleading.

**Mr SPEAKER:** The honourable member for Davidson is on three calls to order.

**Mr DEBUS:** I will attempt to make sense of the jumble of words that the honourable member asked. I will investigate what he has said. I have not the slightest doubt that the outcome will be the same as the result of what occurred in relation to the question yesterday.

### **OVINE JOHNE'S DISEASE VACCINE**

**Mr MARTIN:** My question is to the Minister for Agriculture, and Minister for Land and Water Conservation. What is the Government's response to the National Party's policy to make ovine Johne's disease [OJD] vaccine available to sheep producers on a commercial basis before the completion of scientific trials?

**Mr AMERY:** I thank the honourable member for Bathurst again for his interest in a very important rural issue. Of course, the honourable member represents the electorate with a large sheep-producing industry. It is one of the electorates most severely affected by OJD. Therefore he has been very keen to keep abreast of all the issues and debates relating to the evolution of the OJD program over the last couple of years.

**Mr O'Doherty:** Battery hens.

**Mr AMERY:** Battery hens? No, sheep. Chickens produce eggs; sheep produce wool. Mr Speaker, I am just clarifying a rural issue for the Liberal Party. In light of the knowledge of the Opposition on rural matters, Bob Ellis is not endorsing the spread of OJD amongst our sheep industries across the State, and David Hill has not been employed as a co-ordinator for the OJD program. For the Deputy Leader of the Opposition it is a shame, I think. Don't worry about it, Barry. People have had worse days. Think of Charles I, Marie Antoinette, General Custer.

The National Party's urgings that ovine Johne's disease vaccine should be made more widely available to sheep producers in New South Wales at this stage are very premature. In light of the need to cautiously proceed with the trials, they are also completely irresponsible. They were made by a member of the upper House and so far have not been endorsed by the shadow Minister for Agriculture. The National Party member in another place suggested that the use of OJD vaccine should be expanded beyond the residual zone. In his media release of 25 July he also said that it was time to reassess the use of OJD vaccine.

Clearly, the honourable member has little understanding of just how the vaccine currently works and the process involved in its evaluation and use. First, let me point out that the OJD vaccine is still being trialled in New South Wales. There are very good reasons for the trials. They test whether the product will effectively do what it is intended to do. It is vitally important that the trials are completed before a decision is made by the whole of the co-ordinating team across this country on whether to expand the use of the vaccine.

I am, of course, aware that many people would be keen to have OJD vaccine available for general distribution. Indeed, it would be very good news if we could actually use this vaccine to control or eradicate OJD in the future. But I do not believe we should jump the gun at this stage. Let us get it right in the first instance. A limited amount of the vaccine has been imported from Spain under strict regulations and permits issued by the Australian Quarantine and Inspection Service and the National Registration Authority.

Trials are currently being conducted on three properties in the Bathurst-Carcoar area of the Central Tablelands. Weaner sheep on one property were vaccinated in December 1999, and lambs in the trials on the other two properties were vaccinated in June this year. The effect on body weight, wool weight, mortalities, shedding of the OJD organism, and injection site reactions are now being analysed. All three trials are being funded under the National Ovine Johne's Disease Control and Evaluation program and are being co-ordinated and monitored by New South Wales Agriculture.

Effective results of these trials will not be available for another year or so. A number of theories and possibilities have to be assessed during that time. It is understood that vaccination of young sheep is more effective than vaccination of older sheep. It is hoped that the vaccine will prevent the OJD bacteria from establishing in a young sheep while, if we vaccinate older sheep, we are probably just masking the disease rather than preventing it, which of course will not necessarily prevent or slow down the spread of OJD in this State. We are also aware that the OJD vaccine could cause severe reactions in humans if it is accidentally injected—from isolated inflammations to maybe more serious reactions. Clearly, all of those implications had not been assessed by the National Party spokesman in the other place. Those are fairly fundamental considerations, and I would have thought all members of Parliament would have regarded them as such.

I can inform the House that we have managed to expand the use of the vaccine a little—beyond the closely targeted three properties in Bathurst and Carcoar. Following producer representation, we have gained approval to enable 50 other properties in OJD residual zones to be involved in an extended-use trial. These are also monitored, but not so closely researched as the other three. Producers, who are paying for their own vaccine, are asked to report back to New South Wales Agriculture on stock losses and other impacts. Nationally there is discussion to extend this trial for other properties within Australia. This is currently being considered by Animal Health Australia, which co-ordinated the national OJD program.

Ovine Johne's disease is a national problem, and that is why we have a national control program in place. Many people now recognise OJD as a significant problem, and that is why we have so many letters from landholders across the State supporting the program that is currently in place. Hopefully, that information satisfies the question asked by the honourable member for Bathurst. Though most of us would agree that vaccine is working in many instances, we would not like to introduce a vaccine to deal with this particular problem until all the scientists and technical people have had the opportunity to research and evaluate its implications.

**NEW ENGLAND AREA HEALTH SERVICE FINANCES**

**Mr FRASER:** I direct a question to the Premier. Given the Premier's claim in this House on 6 April that his Government has an unrivalled record in health, how does he respond to the Chairman of the New England Area Health Service, Mr Noel O'Brien, who is reported today as saying that the health service used its clients as "zero interest bankers" by not paying their accounts? Can the Premier deny that all other health services are doing the same?

**Mr CARR:** I think the health system is working very, very well under the pressures of winter. I notice that this is the—

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

**Mr CARR:** The local newspaper of the honourable member for Coffs Harbour, the Coffs Harbour *Advocate*, tells us that the hospital waiting list is on the improve. I understand that in the Coffs Harbour *Advocate* on 25 May none other than the honourable member himself said the rural health policy was a big boost for health.

**Mr Hazzard:** Point of order: The actions of the Premier were offensive and rude and do not reflect well on the House.

**Mr SPEAKER:** Order! What is the honourable member's point of order?

**Mr Hazzard:** The standing orders require members to act with decorum and not to be offensive and rude. The Premier was rude and offensive. I ask you to direct him in future to desist from such offensive behaviour.

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

**Mr Hazzard:** That is just farcical. The Premier really ought to grow up.

**Mr SPEAKER:** Order! The member will resume his seat. Does the honourable member for Coffs Harbour rise on a point order?

**Mr FRASER:** I ask a supplementary question. In the light of the Premier's answer, could he advise the House why the chief executive officer of the Mid North Coast Area Health Service, Mr Robert Gore, in correspondence to New South Wales Health in February this year, suggested as an option for the budget of the health service that it not pay bills?

**Mr SPEAKER:** Order! That is not a supplementary question.

**Mr CARR:** That was his first question this year. Talk about a lazy, non-performing member! We are proud of the record budget for health. We are proud of the measures introduced in May, with a big increase for rural funding in particular. We thank Ian Sinclair for his participation and the rural health policy that saw the debts of rural hospitals wiped off.

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

**Mr CARR:** When a member opposite tried to generate a negative story about health the Coffs Harbour newspaper looked at the evidence and it gave us a headline about improving waiting lists.

**Questions without notice concluded.**

**HONOURABLE MEMBER FOR KU-RING-GAI****Personal Explanation**

**Mr O'FARRELL, by leave:** At question time the Premier asserted, without qualification, on three occasions that after question time yesterday I went to the press gallery and did certain things. I did not visit the press gallery yesterday, which of itself is of no great interest. What is of great interest though is the Premier's

repeated preparedness to come into this Chamber and tell lies—lie, lie, and lie again. He is a serial liar. At some stage, if you are not prepared to discipline him, this House should discipline him.

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

## CONSIDERATION OF URGENT MOTIONS

### Locust Plague Control

**Mr AMERY** (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [3.28 p.m.]: Very briefly, I would ask the House to give my motion priority because there is now much speculation and concern in rural New South Wales about the implications of a major locust plague. Evidence is coming forward that this could be the worst in our history, or at least for 20 years. I ask the House to give priority to this important motion.

### Eastern Creek Drag Racing

**Mr MERTON** (Baulkham Hills) [3.28 p.m.]: My motion is urgent and it should be debated today on the following bases: There has been no championship drag racing in New South Wales for the past three years. Western Sydney is being denied 1,000 jobs which would be generated if drag racing were to take place at Eastern Creek. Western Sydney is being denied \$30 million to \$40 million per annum that could be generated by drag racing at Eastern Creek. New South Wales is losing important tourism business to Victoria and Queensland. Some 600 drag racing drivers have nowhere to compete in this State and have to travel to Victoria or Queensland. Some \$40 million worth of available drag racing cars are lying idle. Western Sydney businesses are suffering as a result of there being no competition drag racing in New South Wales.

Drag racing would solve many of the street racing problems being experienced in western Sydney and could also be a major answer to the youth problems in Sydney's west that have been overlooked by this Government. This matter is urgent because hundreds of drag racing enthusiasts, including owners and drivers, gathered in Macquarie Street earlier today to tell the Carr Government that they are sick to death of the bureaucratic revolving door treatment. The people of western Sydney believe the matter should be debated urgently and that facilities should be made available in that area. Even as I speak, valuable dollars are being lost to the western Sydney economy, and this issue must be decided today.

The honourable member for Bathurst may laugh, but his constituents attend drag races. This matter strikes at the heart of the electorate of the Minister for Agriculture, and Minister for Land and Water Conservation, who has a conflict of interest. The Minister is a sporting man who understands the finesse of such matters. The Volkswagen might not be a dragster, but the people of western Sydney want action. They are sick to death of being lied to and deceived by this Government, which is offering them no support. The people of western Sydney are being played for suckers by a Government that does not care. They are being treated like fools by a Government that has abandoned western Sydney. This matter is urgent and should be considered today.

**Question—That the motion for urgent consideration of the honourable member for Mount Druitt be proceeded with—agreed to.**

## LOCUST PLAGUE CONTROL

### Urgent Motion

**Mr AMERY** (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [3.31 p.m.]: I move:

That this House:

- (1) notes the warnings by New South Wales Agriculture that a major locust plague is expected in western New South Wales this spring;
- (2) notes that this locust plague could be the worst of its kind in more than 20 years;
- (3) congratulates New South Wales Agriculture and the rural lands protection boards for being well prepared for this locust plague; and
- (4) urges landholders in western New South Wales to be alert to hatchings of locust eggs and vigilant in reporting locust activities to authorities.

I thank the House for considering this matter as a priority. A major locust plague is expected to break out in western New South Wales this spring. New South Wales Agriculture has done a lot of work in preparing for this plague and last week it issued a media statement to highlight the expected outbreak to the community. The rural lands protection boards should also be acknowledged for their significant work in this area.

This locust plague could be the worst of its kind in more than 20 years. The worst-case scenario would develop if we had about 40 millimetres of rain in September followed by 10 days of moist, warm conditions. This would allow locusts to develop successfully and lay down fat reserves for migration and breeding. The plague is likely to occur in the Western Division of New South Wales and the south-west of the State. Locusts are also likely to be seen over the borders in central and southern South Australia and in northern Victoria. The reason for the outbreak is the above average rainfall in the locust-breeding areas of western New South Wales last summer and autumn. Although that rainfall was good news, it has brought some problems. The rainfall provided ideal conditions for plague locusts to lay their eggs, which will begin to hatch this spring—probably in mid-October. Extensive efforts were made last autumn to bring these locusts under control. However, the wet conditions and subsequent lush pasture growth made it very difficult to find and spray the young locusts effectively.

Farmers know that locusts can do extensive damage to crops and pastures. In plague proportions they eat their way through crops and can devastate the farm, turning everything green to little more than bare ground. The density of their swarms can block out the sun. I have heard stories of locusts eating green items of clothing and material off clotheslines in country areas. Locusts eat three times their own body weight each day and the nymphs found on the ground before swarming can have densities of more than 1,000 per square metres. In the event of a major swarm, we are talking about millions of locusts per hectare. Locusts can swarm and migrate quickly between different districts and different States. Therefore, a co-ordinated, strategic approach is extremely important. The most beneficial time for controlling the problem is when the locusts are still young and not yet on the wing and congregate together in bands. This makes chemical contact most effective and has limited impact on the environment.

The overall control of locusts in the eastern States is co-ordinated by the Australian Plague Locust Commission. This commission is funded jointly by the Commonwealth, which contributes 50 per cent of funding; the New South Wales Government, 32.5 per cent; Victoria, 10 per cent; South Australia, 10 per cent; and Queensland, 2.5 per cent. In 2000-01 funds will amount to \$3 million, of which the New South Wales component is \$1 million. These proportions are calculated according to the previous history of locust control and the risks of locusts migrating to other States and causing further damage.

In New South Wales the Australian Plague Locust Commission is generally responsible for controlling outbreaks in the area west of the Newell Highway. Areas east of the Newell Highway are the responsibility of New South Wales Agriculture through the rural lands protection boards. Control work is funded through the rural lands protection boards levy on landholders that is put into a noxious insect destruction account. New South Wales is fortunate in this respect as it is the only State with a rural lands protection boards system. It is the envy of other States which, many years ago, chose not to follow the same path as New South Wales and establish similar boards. Therefore, New South Wales is the only State with a regular fund for control programs such as this.

New South Wales is well prepared for the locust outbreak this spring. We currently have 30 tonnes of the fenitrothion chemical ready for free distribution to landholders and a further 30 tonnes of ultra low volume chemical that can be used for aerial control. Trials of this low-volume chemical have shown that there is no problem with chemical residues in beef carcasses so long as recommended slaughter withholding periods are complied with. The total amount of chemical—60 tonnes—is equivalent to about half the stocks used during the last major outbreak in 1992. That is in addition to significant stocks—about 70 tonnes of the aerial fenitrothion—held by the Australian Plague Locust Commission. If more of the chemical is needed, we can draw on the \$4.4 million currently in the noxious insect destruction account. That funding should be more than enough to purchase what is needed.

Meanwhile, the Australian Plague Locust Advisory Committee will monitor the situation closely to ensure that sufficient time is available to allow the purchase of further chemical stocks if needed. New South Wales Agriculture is preparing a web site that will include information on locust controls and situation updates. This should be ready at the end of this week and will provide a link to the Australian Plague Locust Commission web site. New South Wales Agriculture and the Australian Plague Locust Commission are starting to conduct training days for rural lands protection boards staff that are designed to ensure that they have the necessary skills to help landholders control locust outbreaks in the early stages. The training days will be held in Cobar and Hay in September and in Narrabri, Forbes and Wagga Wagga in October.



I must also inform the House of the environmental considerations that are taken into account in this program. New South Wales has contributed \$20,000—and New South Wales landholders have contributed a further \$70,000 through the noxious insect levy—towards ongoing research into the use of a biological control. This is a metarhizium fungus—that is another bit of good pronunciation—that is being co-ordinated by the CSIRO. It will be used in environmentally sensitive areas such as waterways and organic farms. This research is not complete, although some of this fungus will be available for use this spring in limited and controlled quantities under a special permit from the National Registration Authority.

This motion recognises the warning signs in rural New South Wales and the destruction that could be caused by one of the worst plague locust swarms in 20 years. It acknowledges the good work undertaken since last season by not only New South Wales Agriculture but officers in the rural lands protection boards and many within the farming community who watched the situation carefully and noted the early warning signs as a result of last season's good rainfall and good pasture. These warnings from experienced farmers have benefited everyone involved in preparing for the locust swarm. I hope that the locust plague will not be as bad as predicted by much of the rural press in recent days.

**Mr SLACK-SMITH** (Barwon) [3.40 p.m.]: The Opposition supports the motion of the Minister for Agriculture. Having been involved with and suffered under locust plagues on two occasions, I completely agree with the Minister when he says one can go to bed with a decent crop and wake up the next morning with nothing left. Locusts can be devastating insects. If conditions remain the way they are, with a little bit of rain, as the Minister said, we will face a huge problem. Torrential rain in the western part of New South Wales, South Australia and in the Northern Territory may help us. I congratulate the State of South Australia which, when the plague locusts first came to attention about a month ago, immediately provided \$4.5 million to eradicate them.

The spur-throated locust, as it is commonly called, hatches and while still in the crawling stage or the small hopping stage congregates or swarms in an area. That is when the ultra low volume chemical fenitrothion will be used to attempt to eradicate this pest. The biggest problem we are going to have is that this is the best season that western New South Wales, South Australia and the Northern Territory have had for more than 50 years. Identifying these swarms will be a massive task and many will escape. That is in spite of the great work done by the Department of Agriculture, which has been one of the world leaders in spur-throated locust eradication. Locusts have plagued mankind for a long time. The honourable member for Dubbo might remember that King Solomon had a problem with locusts and fed them to his wives.

**Mr Martin:** I can confirm that.

**Mr SLACK-SMITH:** The honourable member for Bathurst confirms that. I would like to know what King Solomon ate, because he had 200 wives. Locusts are high in protein and they have been used for human consumption, but we are a little more reluctant than King Solomon to eat them. I congratulate the Department of Agriculture on its positive attitude towards the problem. I was very pleased to hear the Minister salute the rural lands protection boards [RLPBs] of New South Wales. I totally agree with the Minister that the other States have problems because they do not have such a voluntary organisation. The local knowledge of the people on the rural lands protection boards is very valuable. It does not hurt me much to say it, but I am surprised that I totally agree with the Minister on all these facts. The Minister must have forgotten something.

Though I hope that conditions will not be such that we will have this plague, present indications are that it will come. Surveillance by the Department of Agriculture and the rural lands protection boards is paramount. As the honourable member for Murray-Darling knows, the task of discovering the hatching grounds will be very difficult. I wish the Department of Agriculture and the RLPBs the best of luck and I hope they get the majority of the locusts before they take wing. The best time to kill them is when they swarm. Once they start going into the air they are virtually uncontrollable until they settle on a crop. Then one has a number of hours in which to spray and kill them. I wish the aerial operators luck, and for the sake of the farmers in the locusts' path I hope we can intercept them. For the next few weeks regional New South Wales will be hoping that conditions are adverse to the spur-throated locust.

**Mr BLACK** (Murray-Darling) [3.45 p.m.]: It is a great pleasure to support my coastal colleague in coastal Labor once again. We have a Minister who is in touch, on all but a daily basis, with the problems of western New South Wales. I acknowledge the honourable member for Barwon and his comments about the Minister. He agreed with all the points the Minister made. He would obviously make a far better leader of the National Party than the incumbent. With him we might see a few policies emanate from the National Party. One question the honourable member for Barwon did not ask is whether, if locusts belong to phylum arthropoda, class insecta, that means that one's VW beetle is related to a locust?

This matter is more than serious for western New South Wales because it has the intrinsic ability to be yet another natural disaster, equivalent in outcome to a major drought. Last March I drove south of Broken Hill down the Silver City Highway on one of my regular tours. At Pine Creek I all but ran out of water in the windscreen washers. I was using the windscreen washers because without them I would not have been able to see through the windscreen, so dense were the locusts. Five days later, I hit another swarm of equal density at Emmdale, which is between Cobar and Wilcannia. These locusts have laid their eggs all over the Western Division as well as in a portion of F division and a portion of E division. These locusts—originating generally in South Australia, but also extending in their plague movement to Queensland—reached as far as Victoria and survived even the cold month of May. Cold months usually stop the spread of locusts; they usually perish. This year they maintained their numbers. This is a most serious matter.

Nevertheless, there is good news. Again I salute the Minister and all those involved, whether it be within the pastures protection boards—and there are 48 of them in New South Wales—the Australian Plague Locust Commission, which controls everything in the bush as far as locusts are concerned, or New South Wales Agriculture. These organisations are very well prepared for the coming outbreak that we know is going to occur in the spring. Further good news for the pastures protection boards of Broken Hill, Milparinka and the north-western corner of New South Wales is that New South Wales Agriculture is currently holding 30 tonnes of standard fenitrothion for distribution to landholders and 30 tonnes of the ultra low variety, which is used for aerial spray—60 tonnes, equivalent to the amount that was used in 1992. The honourable member for Barwon nods his head in agreement.

There is further good news. A study has been carried out of the potential residues of fenitrothion—and I know that other chemicals are being looked at—and cattle are not affected by this spray. Of course, that was a major concern to many people in the pastures protection boards. Further good news for the pastures protection boards is that staff from New South Wales Agriculture and pastures protection boards in other areas of the State may be seconded, if required, to join in what will be a major campaign to deal with the hatchlings that will appear in the first warm week of spring.

**Ms HODGKINSON** (Burrinjuck) [3.50 p.m.]: I appreciate the opportunity to speak to this motion for urgent consideration, which I support. Any plague—whether of locusts, mice or any other pest—is of great concern to people across the State. Warnings are always necessary and it is also important for farmers to react to those warnings in a timely manner. To that end I congratulate the Department of Agriculture and the rural lands protection boards on the timely manner in which they have warned farmers. It is possible that we could be faced with one of the worst plagues of locusts since the 1930s plague, which, according to the reports, devastated the State.

A locust plague would have a terrible impact on towns such as Hay and Deniliquin in the south-west. If measures are not taken early enough to control the plague, a spate of locusts could spread across the entire State, certainly into my electorate of Burrinjuck. I am extremely concerned that that may happen. If such a plague commences in the food bowl in the Deniliquin area, spreads through the Riverina and into the electorate of Burrinjuck, the results would be disastrous for our prime wheat-growing belt, and for oats and other grains that are grown in that beautiful area.

Locusts pose a massive threat to crops as well as to pasture, and the financial loss if an outbreak occurs would devastate any farmer, as most country members of this House would be well aware. Certainly the unpredictable weather earlier this year could be partly to blame for the widespread laying of locusts in the Western Division. Overgrown pastures have meant that locust hatchings were not easily visible. As the Department of Agriculture has advised, the cool, moist weather provided ideal breeding conditions for locusts.

Farmers in New South Wales must be assured of similar support to that which the South Australian Government is giving its farmers. Finance must be provided to farmers for eradication programs, including aerial spraying operations. If the spread of locusts is not stopped in the Western Division, experts suggest that this disgusting pest could eventually head north into areas such as Coonamble and Coonabarabran and pose further risks to those highly productive agricultural regions. As the Minister is well aware, we cannot afford any sort of pestilence in our country areas to spread that far.

We cannot be complacent with any threat of pestilence in this State. If the Government puts as much effort into locust and pest control as it put into the pesticide legislation we have nothing to fear—I certainly hope that will be the case. The locust plague could be the worst of its kind in more than 20 years, or indeed in more than 70 years. I ask that all citizens of this State heed the warnings given by the Department of Agriculture

and the rural lands protection boards and take every measure necessary to ensure that the locust plague that currently threatens New South Wales does not spread any further than is possibly avoidable. Indeed, I hope it does not occur at all. I am sure we will all act to ensure that a disaster does not occur across New South Wales. However, if for some reason there are hatchings of locust eggs across the State the result will be disastrous for agriculture and farmers in the months ahead.

**Mr MARTIN** (Bathurst) [3.54 p.m.]: I support the urgency motion moved by the Minister for Agriculture and I welcome the bipartisan support of all members of this House. We are talking here about eternal vigilance, a phrase that is well known to us as the price for peace. In this case the request for eternal vigilance comes from the Department of Agriculture and other bodies such as the rural lands protection boards to make us aware of this looming problem and to ensure that mechanisms are in place to control it, as much as possible. It is one of the ironies of mother nature that with every good season—and most parts of Australia have enjoyed good, record seasons in the past year—there is always a sting in her tail.

With every good season there is the potential for a problem, quite often of great magnitude. Potentially, the warmer weather will allow locust numbers to hatch in plague proportions. The concerns expressed by the honourable member for Burrinjuck about sufficient resources being available was addressed by the Minister in his speech. The money is there to purchase any further chemicals that may be needed if the anticipated outbreak occurs. We can always be hopeful that it will not occur but, as I said earlier, eternal vigilance is the only weapon we can use.

It is necessary to have co-operation across the agricultural industry including New South Wales Agriculture, the Australian Plague Locust Commission, the rural lands protection boards, and others—and I am sure that that will happen. Through this urgency motion the message will be conveyed to the community and it will be reinforced by the Department of Agriculture. The Minister's timely action in this regard is appreciated and it will deliver dividends further down the track. I again thank members of this House for their support of the motion and I commend it to the House.

**Mr Windsor:** Mr Speaker.

**Mr SPEAKER:** The honourable member for Tamworth.

**Mr Fraser:** Point of order: Mr Speaker, I draw your attention to Standing Order 120, which states that the procedure for consideration of urgent motions shall be as follows:

- |     |  |              |
|-----|--|--------------|
| (5) | When the motion for urgent consideration is determined and the motion is moved, the following time limits shall apply: |              |
|     | Mover  | - 10 minutes |
|     | Member next speaking   | - 10 minutes |
|     | Other Members (limited to three)   | - 5 minutes  |
|     | Reply  | - 5 minutes  |

I realise that this motion is important to the electorate of Tamworth, but three "other members" have spoken, and therefore the standing orders preclude further speakers.

*[Debate interrupted.]*

## BUSINESS OF THE HOUSE

### Urgent Motion: Suspension of Standing and Sessional Orders

#### Motion by Mr Amery agreed to:

That standing and sessional orders be suspended to allow the honourable member for Tamworth to speak to the motion for five minutes.

## LOCUST PLAGUE CONTROL

### Urgent Motion

*[Debate resumed.]*

**Mr WINDSOR** (Tamworth) [3.58 p.m.]: I accept the point of order taken by the honourable member for Coffs Harbour, but I thank the Minister for suspending standing orders to allow me to contribute to this

important and timely motion. As I said yesterday, I recently spent some time in the Western Division and the western deserts of Australia. As the honourable member for Bathurst mentioned, this year has been an extremely good season across Australia, but there is a sting in the tail. Some problems can evolve in desert areas following a good season, and this year an obvious problem is that the heliothis moth is breeding in large numbers. It indicates a particularly high-pressure season for cotton and other crops affected by the heliothis grub or, for those who live with American technology, the boll weevil.

Locusts are pests. The Department of Agriculture and others must be congratulated on the work they have done to control locusts; hopefully, they will continue that work in the future. As a member of this House I was involved in controlling the 1992 locust plague, which decimated large areas of New South Wales. There was a potential for the decimation of crops, and quite a lot of damage was done. Staff of rural lands protection boards, the Australian Plague Locust Commission, the Department of Agriculture, agronomists and others on the ground did an amazing job in controlling these pests. I am reminded of the Minister's recent visit to Tamworth to celebrate the one hundredth anniversary of the opening of the Lands Department building. When I received an invitation from the Minister to attend the unveiling of a plaque at the Lands Department building I was stunned because it referred to the unveiling of a "plague" rather than a "plaque". Obviously it was a misprint. A red alert went out at the research station in Tamworth and, indeed, throughout New South Wales, and a disaster was averted.

While I am talking about natural disasters—and there was some debate on this yesterday—I raise two matters that fall into a similar league as the locust plague. The first is the current mice plague, which will require great vigilance on the part of the Department of Agriculture. I am not aware of what is happening in southern New South Wales, but in northern New South Wales the mice plague could cause much damage in the coming warmer weather. I am aware of people on the Liverpool Plains—I know the Minister knows that area—who have had many hundreds of acres of crops decimated by the mice plague. In particular, with crops such as faba beans, damage at the growing point means sudden death to the plant or the productive value of the plant.

Another matter that falls into a similar league and requires vigilance on the part of the department—and I congratulate the department on its work in this area—is noxious weeds, particularly parthenium. There is great concern in northern New South Wales about the spread of that weed. My information may be incorrect, but I ask the Minister's staff to look at what progress has been made on installing in north-west New South Wales an officer to co-ordinate the program to control parthenium weed. As the Minister and his department would be aware, the outbreak of parthenium weed in northern New South Wales could incur massive damages at a cost that is far beyond the amount now being spent on controlling these pests. I thank the Minister for giving me the opportunity to contribute to this debate. I hope the media in country New South Wales pick up on these potential threats and support the eradication of locust plagues during the spring months.

**Mr AMERY** (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [4.03 p.m.], in reply: I thank the shadow Minister for Agriculture, the honourable member for Barwon, the honourable member for Murray-Darling, the honourable member for Burrinjuck, the honourable member for Bathurst and the honourable member for Tamworth for their contributions to this debate, in which there was no animosity or conflict. I shall make some points about matters raised by honourable members. Speakers referred to the potential for a major locust plague, which would have a devastating impact on what has been a very good season for our agricultural areas.

Reference extended beyond the potential locust plague. For example, the honourable member for Tamworth referred to the mice plague and the heliothis moth, which affects cotton crops in particular. It was pointed out that the damage caused by plagues can be equal to the impact of a drought, bushfires or floods. At a time when farming communities are experiencing probably their best season in many years, and when the drought figures are the best for perhaps 10 years—less than 1 per cent of New South Wales has been affected by drought—many people might believe that farmers will probably have a fairly easy time. But with droughts, bushfires, floods, mice plagues, as well as the frosts and storms that hit from time to time, farming is a difficult profession. Even in this very good season farmers need to be vigilant and to factor potential problems into their plans. With a good season come problems, and mice and locust plagues are only two of them.

I assure the honourable member for Tamworth that the department is monitoring progress on controlling the mice plague. The honourable member would be aware that there was a shortage of bait last year because the Melbourne supplier ran out of stock. An urgent shipment of prepared bait was flown in from America. New South Wales Agriculture acted as guarantor for the delivery of the shipment and the cost of any unused bait. The mice plague receded and many rural lands protection boards were left with unused bait. I

understand—although I will get more advice for the honourable member for Tamworth—that we are fairly well-placed with bait stocks at present. Our suppliers are keeping up with demand. That is simply another problem for farmers in what is supposed to be a very good season.

Reference was made to the locust plague in 1992. At present we have 60 tonnes of chemicals in stock, which I am advised is equivalent to about double the stocks used during the 1992 plague. So in terms of availability of chemicals, we are well placed to meet the challenge where necessary. The honourable member for Burrinjuck pointed out that farmers should heed all warnings. The threat of a locust plague is serious, and I support the honourable member for Burrinjuck's comment that farmers should heed all the warnings currently being issued by the various authorities. Overall, the contributions were positive, and I thank honourable members for them.

**Motion agreed to.**

**SPEAKER OF THE LEGISLATIVE ASSEMBLY**

**Motion of Censure**

**Mr FRASER** (Coffs Harbour) [4.08 p.m.]: I move:

That this House censures the Speaker for his display of bias in:

- (1) adopting the practice of prejudging the subject of a point of order contrary to Standing Order 105 (2);
- (2) failing to uphold the right of a member, under Standing Order 104, to take a point of order;
- (3) failing to assert the Chair's authority, under Standing Order 105, by not requiring the Premier's concurrence with that standing order;
- (4) deliberately provoking the circumstances under which he then used Standing Order 288 against the honourable member for Coffs Harbour; and
- (5) ignoring a member rising on a point of order until the Premier had finished his answer.

This Parliament, the mother of parliaments in Australia, has long had a fine tradition of responsible representative government. From time to time we engage in robust debates and thrust and parry as we exchange our different views and represent those who put their trust in us.

Like members of Parliament, Speakers come and go and leave their imprint on this Parliament. We look to the Speaker to deliver fair and reasonable rulings, free from party political bias and based on longstanding Westminster traditions. I am conscious of the fact that you, Mr Speaker, are required from time to time to exercise discipline on members who may place themselves outside the rules of this House and to administer the rules according to your tolerance and authority. Nevertheless, the Parliament deserves consistency in rulings and fairness in the treatment of all members. It does not give me pleasure to draw your attention, Mr Speaker, to the inconsistency of consideration you extend to various members. I point out that I have never before participated in a motion of dissent or censure in this House. A member of the Government benches frequently attends this House in a condition that renders him incapable of properly representing his constituents.

**Mr McManus:** Point of order: This is a censure motion against the Speaker of the House. It is intolerable that once again an Opposition member has raised an issue about another member in this House. That is totally against the rules of this House. I ask that the member be drawn back to the substance of the censure motion. The honourable member for Coffs Harbour continually interjects and needs censuring most of the time.

**Mr SPEAKER:** Order! The honourable member for Heathcote makes the point that members should confine their remarks within the parameters of the motion. I ask the honourable member for Coffs Harbour to do that.

**Mr FRASER:** I draw your attention, Mr Speaker, to the way you handled the House yesterday and again today. During question time today when questions were asked of the Premier, the honourable member for East Hills, the honourable member for Fairfield, the Minister for Transport and the honourable member for Blacktown interjected very loudly. The tape of today's question time will show exactly what happened. You placed the honourable member for Epping on three calls to order, and eventually placed the honourable member for Blacktown on two calls to order. When question time began today, the honourable member for Fairfield was sitting at the back of the House singing and clapping, which you chose to ignore.

**Mr McManus:** Point of order: I was in the House at question time today and I refute what the honourable member for Coffs Harbour has said. I heard you, Mr Speaker, call the honourable member for Fairfield to order. It is no good for the member in a censure motion on the Speaker to tell lies to the House.

**Mr J. H. Turner:** There is no point of order. Sit down!

**Mr SPEAKER:** Order! I will remove the Deputy Leader of the National Party if he continues to carry on like that. I place the Deputy Leader of the National Party on three calls to order. If the honourable member for Fairfield wishes to make a personal explanation he will have an opportunity to do so after this debate has concluded. No point of order is involved.

**Mr FRASER:** I draw the House's attention to the motion to censure the Speaker for his display of bias. Once again, you display bias, Mr Speaker. The member did not take a point of order pursuant to a standing order, yet you placed the Deputy Leader of the National Party on three calls to order. The decisions made by the Speaker in this Parliament are recorded in a book called *Decisions from the Chair*. When I speak further on this debate next week I will refer to decisions in that book. Under the Westminster system the Speaker's decisions are circulated to every Westminster-style Parliament. The decisions that you make—to which I will refer—expose you and this Parliament to ridicule on the basis that you do not display equity and fairness.

Even today in this House when points of order were taken according to the standing orders you ruled that no point of order was involved. When the members who took those points of order drew your attention to the relevant standing order you chose to ignore them. Once again the tapes of yesterday's and today's proceedings will show that I was evicted unfairly. I acted correctly according to standing order 104. Because the Premier chose to ignore my taking of a point of order and because of your biased attitude in this House, I was ejected from this House unfairly and with a great deal of bias.

**Mr McManus:** Unfairly?

**Mr FRASER:** Once again the honourable member for Heathcote interjects.

**Mr McManus:** You are forever interjecting.

**Mr FRASER:** Listen to him now. The member, who invented the word "interjecting", cannot keep his mouth shut in this place. Yet he has been called to order maybe twice in this Parliament.

**Mr McBride:** Point of order: Mr Speaker, I draw your attention to the fact that it is now 4.15 p.m. Pursuant to standing orders it is now time for private members' statements.

**Mr SPEAKER:** Order! There is still one minute to go.

**Mr FRASER:** Thank you for the fairness of your ruling, Mr Speaker. In the past when a Government member's time has been wasted by members opposite you have made a ruling, because of the numbers, that extra time be allocated. I have now lost approximately 30 seconds because of the honourable member for The Entrance, who is a bit of a vacuum in this place. He makes a lot of noise, like an empty drum. This shows once again inequity in your rulings.

**Pursuant to sessional orders business interrupted.**

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

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#### **ROCK EISTEDDFOD CHALLENGE 2000**

**Mr McBRIDE** (The Entrance) [4.15 p.m.]: On Friday 21 July I, together with 14,000 other spectators, attended the Superdome to see the Rock Eisteddfod Challenge 2000, which was celebrating 21 years of performance. The Rock Eisteddfod Challenge is a highly successful drug prevention and general education vehicle for secondary schools in the form of a performing arts competition. Drug prevention messages are delivered to youth, parents, teachers, schools and communities in a credible youth culture environment. The performances were unbelievable, by any estimation. I express my congratulations to all concerned. I wish to

make a well-deserved special mention of the organisers of the Rock Eisteddfod. They include the executive producer, Peter Sjoquist; event manager, Stephanie Barker; bookkeeper, Lorraine Smith; stage manager, John Meade; technical staff; and everyone else who contributed to this spectacular event.

I congratulate the 14 schools that made it to the open division grand finals and the 12 schools in the premier grand final, which was held on 21 July. Of the premier grand finalists two schools were from the Central Coast, Lisarow High School and Terrigal High School, as well as Toronto High School from the Lake Macquarie region. Given the breadth of the competition, this is an outstanding achievement by the region. It was my honour on the evening to assist with the presentation of the awards. As luck would have it, I was the joint presenter for the third place award. On this occasion it was a tie between Lisarow High School and Terrigal High School. Lisarow High School also won an award for excellence in sound—that is, the most outstanding soundtrack—and Terrigal High School for excellence in performance. In a letter to me Terrigal High School principal, Greg Dickinson, speaking of the school's experience with the Rock Eisteddfod, said:

Rock Eisteddfod is really part of the fabric of Terrigal High. We have been competing consecutively for the past eight years and have enjoyed quite a bit of success, including placing 4th, 1st, and now 3rd in the Premier Division over the past three years.

Terrigal High will certainly continue to participate in Rock Eisteddfod as it provides an ideal vehicle for blending students from Years 7-12 into a highly organised, well drilled team around the theme of a drug-free culture. There is tremendous support for Rock Eisteddfod from the students, staff and parents as well as from a number of local businesses who sponsor our efforts annually.

The school continues to rely on students to provide the choreography and to teach it to all members of the cast. This year two Year 11 students Shay Spencer and Lucas Newland were the main choreographers. There are five staff involved in getting our shows to performance standards—Mary Dyson, John Burn, Lynda Howes, Brian Semple and Lindy White together with two wonderful parent helpers Janet Westerdyk and Marilyn Rankmore.

Lisarow High School principal, Kay Peno, advised me that the school has been competing for six years and now competes in the top division, the premier division. This year's performance involved 120 students and the support of many of the teachers, including Deirdre Newman, Helen MacFadyen, Jack Langlois, Scott Patterson, Richard Neville, Sharon Russell, Cathy Connell and Jane McBride, who is no relation to me although I have a niece called Jane McBride.

The production was supported by parents too numerous to mention, extended members of the school community, and ancillary staff, some of whom included Tom Graham, Carol Griffiths, Jenny Jackson, Bev Paton and Prue King. Lisarow High School was also supported by a number of sponsors, including Simplot Australia, Sheryl Tanne of the Lisarow High School canteen, Holt Partners Pty Ltd, Albany International, Veritage Press, Brian Hilton Motor Group, Menzies Excavation, Sara Lee, Chickadee Chickens, Sea FM and Ampol Shop Stop, Lisarow. The information I have just provided was supplied by Helen McFadyen, the sponsorship co-ordinator. It has been a marvellous effort by the whole school community. Both Lisarow and Terrigal high schools have done extremely well over the past six years and eight years respectively.

In conclusion, I congratulate the performers, the techs, the backstage crew, the production crew, the designers, the supporters, the sponsors and all those who contributed to two equally stellar performances by Central Coast high schools. May the school communities continue this success into the future. The Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women also attended the event, along with a number of other members of the Government, including the honourable member for Heathcote, Ian McManus, and the honourable member for South Coast, Wayne Smith. Wayne Smith's school, Bomaderry high, bombed out everyone—I think the school won half a dozen awards. For a school production, the Rock Eisteddfod was just unbelievable. It was the most inspiring performance I have ever seen on stage. It is a great way of showcasing Australian youth, in particular New South Wales youth. It is great to go along to the event, to be uplifted by the students' performances and to be reassured about the skills of the youth in our society.

**Mrs LO PO'** (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [4.20 p.m.]: I agree with everything the honourable member for The Entrance has said. One of the things that inspired me on the evening was the quality of the way in which the young people spoke. Before every production half a dozen young people from the school were introduced and asked what it was like to be part of the performance. I was extremely impressed with their ability to get up and speak. There was a time when Australian youth used to stammer and stutter—I know, because I am an escaped teacher. As wonderful a tennis player as Rod Laver was, he was fairly inarticulate when interviewed at the end of a tennis tournament.

Every student who spoke on the evening of the Rock Eisteddfod was articulate and had something very clever and intelligent to say, and I am sure gave everyone in attendance the impression that Australian youth

have come a long way. Indeed, the students' ability to stand up and express themselves impressed me probably as much as the musical impressed me. As the honourable member for The Entrance said, the achievements of Bomaderry high are to be commended. The school performed a little piece on the willow pattern plate, the tragedy of the star-crossed lovers, and the sets, costumes, music and timing were just stunning. It was my first attendance at the event, but I certainly intend to go back again. I implore anyone who can get to the city to see the Rock Eisteddfod to go there; it is an excellent evening.

### **ALBURY-WODONGA AIR SERVICES**

**Mr GLACHAN** (Albury) [4.22 p.m.]: I raise the matter of air services to Albury-Wodonga, which now has three airlines. During the past few weeks Eastern Australia Airlines began a service to Albury-Wodonga, joining Kendell Airlines and Hazelton Airlines, which have served the twin cities of Albury and Wodonga for some time now. This is in stark contrast to the state Albury-Wodonga found itself in just a few years ago during an airline strike, when we had no air services at all. That made things very difficult for people in the Albury-Wodonga region who needed to get to Sydney. The train trip is long, the trains are invariably late, and of course driving by car takes a long time and is extremely fatiguing. A trip to Sydney for an Albury-Wodonga resident who has a day's business in Sydney and has to travel by car can take three days by the time the resident drives to Sydney, does his or her business and drives back again.

During the strike I have referred to, Hazelton Airlines, which was a relatively small organisation, provided an emergency service with twin-engined nine-seater aircraft. Although the aircraft were small—only nine people could travel at a time—at least we had a service. People in Albury-Wodonga were most grateful to Hazelton for helping out at that time. Kendell Airlines—which was originally based at Wagga Wagga but is now pretty well totally owned by Ansett—subsequently joined Hazelton in providing an air service to Albury-Wodonga, both airlines with Saab aircraft seating approximately 30 passengers. Albury-Wodonga has been well served by those two airlines. A third airline, Eastern Australia Airlines, now also provides a service to the region with Dash 8 aircraft, which also seat approximately 30 passengers.

However, it is disappointing that Eastern Australia Airlines aircraft often take off five minutes either before or after Kendell aircraft, instead of spreading the service out a little more and providing a more convenient service for the people of Albury-Wodonga. However, having said that, we are all very grateful to have those three airlines because it gives us some variety and it has also meant discounting of fares. The standard single fare between Albury and Sydney is \$248.60 plus \$11 in landing taxes. It costs almost as much to fly return between Albury and Sydney as it costs to fly between Sydney and New Zealand. It is quite ridiculous that the fares should be so high. However, competition between the three airlines is now starting to discount the fares. A single fare now costs \$88 plus \$11 tax, and that fare will apply until 9 September. That is a great relief for the people of Albury-Wodonga, because the fares are just ridiculous. Of course, we all know that that relief will continue only until Eastern Australia Airlines becomes established. Once the airline is established, the fares will go back to what they were and we will again be forced to pay an enormous cost just to get to Sydney. It is an enormous imposition on the community of Albury-Wodonga, and I hope that those airlines will see fit to keep those lower fares for much longer.

Another important issue for country people all over the State is the proposal to divert regional airlines to Bankstown Airport, a matter which was debated in this House yesterday. The people of Albury-Wodonga would be devastated if that ever happened. We need to get to Sydney (Kingsford Smith) Airport, and we need quick access to the city. When country people come to Sydney to do their business they do not have a lot of time. It is difficult enough getting here, and we would not want to have to travel in from Bankstown. My concern is that if country people were forced to fly to Bankstown Airport they might get lost in the traffic travelling to the city and might never be seen again. I do not think it would be fair to country people to do that to them. Country people have enough problems without being dumped off an aircraft at Bankstown and forced to find their way into the city. These days there is lots of convenient transport, particularly with the railway from Kingsford Smith Airport, and I hope that country people can continue to land there. I also hope that the discount fares will continue because I believe that country people need a fair go.

### **BUILDING INDUSTRY CONSUMER PROTECTION**

**Ms MEAGHER** (Cabramatta—Parliamentary Secretary) [4.27 p.m.]: No issue could be of greater importance to the average Australian worker than the purchase of the family home. Indeed, the purchase of the family home is also of significant importance to migrant families who attempt to set up in Australia, start their lives all over again and pursue a particular dream. However, their lack of English skills, and also their lack of



knowledge of our laws and procedures, makes them extremely vulnerable to rogues in the building industry. I draw attention to the statement made by the Minister for Fair Trading in this House today during question time. I congratulate the Minister on promptly implementing the Fair Trading Amendment (Enforcement and Compliance Powers) Bill so that the activities of rogue builders who manipulate and exploit vulnerable people and deprive them of the most important and only asset that many of them have can be stopped at once. I am particularly pleased to hear that a builder who has been operating quite heavily in the south-western Sydney area has had his licence suspended, effective as from 1 August.

I refer specifically to Westfield Concrete, which has also been trading as Boulevard Homes and which is auspiced by the building licence of Romulo Tomassetti. The amount of money the company has been able to secure is quite staggering. I know of 22 cases that are before the Fair Trading Tribunal, and I have interviewed 10 families and inspected their homes. A number of companies are also pursuing action against Romulo Tomassetti in the New South Wales Supreme Court. For obvious reasons it is not possible for me to go into specifics, except to assure the families I have interviewed that prompt action has been taken by this Government to ensure that what has happened to them cannot and will not happen to other vulnerable people.

I would particularly like to refer to the Trang family of Bonnyrigg. Recently, their story appeared in the newspaper. They lost \$120,000 in attempting to build a home in Cecil Park. An independent engineer who assessed the work on their home highlighted the fact that the brick course is unaligned, the slab is uneven and the rendering is varied throughout the house. He cited 24 defects and recommended that the entire roof structure, the first floor and pine-board flooring be demolished, together with the external brick veneer skin. At this stage experts consider that the house will have to be demolished. The impact of this treachery on the Trang family has been devastating. Mr and Mrs Trang have six children. Not only are they battling to meet mortgage repayments on a house in which they cannot live, but they are also trying to meet rent payments.

I know of other families experiencing similar financial stress, heartbreak and marital difficulties and, in many cases, those involved require a great deal of support. The Minister has acted promptly to give the Department of Fair Trading the power to put such builders out of business. But further issues need to be considered. I am particularly concerned that the Fair Trading Tribunal does not have precedence over building disputes when claims have been filed in other courts. I would like to see the Act amended so that people can readily seek justice from the Fair Trading Tribunal.

I have also taken up the matter with the Attorney General and I am discussing it with the Minister for Fair Trading. I am pleased to be able to advise my constituents who have been devastated by the impact of Westfield Concrete and the Tomassetti family that Mr Tomassetti et al will not be able take advantage of other people. We are doing our best to clean up the building industry in New South Wales so that people do not lose everything they own and so that they cannot be preyed upon by rogue traders. I advise my constituents that I will continue to pursue any outstanding matters on their behalf.

**Mrs LO PO'** (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [4.32 p.m.]: When I was Minister for Fair Trading the bane of my life were cases similar to those described by the honourable member for Cabramatta. People put their entire life investment into buying a home, the most expensive thing they will ever buy, and they are seriously ripped off by people who work so hard at being dishonest. If they worked as hard at being honest they probably would make a million dollars! They seem to work hard at being dishonest. I was very pleased when I heard the Minister for Fair Trading talk about relieving such builders of their licences. The quicker that is done the better. They prey not only on families as described by the honourable member for Cabramatta, but they make a fetish of preying on elderly, vulnerable people. We do not need those sorts of people in our community. They are a blot on the community. The sooner we get rid of them the better our society will be.

#### WALLIS LAKE CONTAMINATION

**Mr J. H. TURNER** (Myall Lakes—Deputy Leader of the National Party) [4.34 p.m.]: I wish to raise matters concerning the Wallis Lake area, particularly matters that arose in 1997 following a contamination of the lake and the disgraceful way in which the then Minister for the Environment, the Hon. Pam Allan, accused the Great Lakes Council of being responsible for the contamination. Yesterday the Full Bench of the Federal Court found that Great Lakes Council was not responsible for the contamination. At no time did the Minister ever apologise for her scurrilous attack on the council, an attack that included these words that appeared in the *Telegraph-Mirror* of 27 February 1997:

"The council is grossly negligent and in fact the council—if it is determined that the oyster contamination came from the depot—is in deep trouble," Ms Allan said.

The same article reported:

Environment Minister Pam Allan said yesterday the Great Lakes Shire Council could face fines of up to \$1 million for failing to respond to an order to clean up its sewage treatment system.

The article also stated:

The State Government will prosecute a council it says may be responsible for an outbreak of hepatitis A at Wallis Lake.

Yesterday, as I stated, the Full Bench of the Federal Court found that the Great Lakes Council could not be held accountable, but that the State Government would be held accountable, together with an oyster farmer in the area. This has been a disgraceful slur not only on the council, but on the mayor, Mr John Chadban, and it has never been rectified. Today I gave notice of a motion seeking an apology from the Carr Labor Government. This matter went to Cabinet, but it was shut down at Cabinet level and, under freedom of information, we could not get the necessary information to determine what gave rise to the problems associated with the outbreak.

The allegations levelled at the council besmirched every person within the council area, not just the council and the council staff. It had a terrible effect on the tourism industry, as well as the oyster industry. The former Minister was so outspoken in trying to remove the responsibility from the State Government, herself and her department that she urged people not to swim in the lake, which almost instantaneously closed down the tourist industry in the Wallis Lake Forster-Tuncurry region that is so vitally important to the wellbeing of the area. The former Minister has steadfastly refused to apologise. She has even used a form of satire and criticism to justify her untenable position during the period she was the Minister. I suppose when one looks at it this would have been one of the matters that led to her downfall and to her no longer being the Minister. I would like to quote from a letter from the Mayor of Great Lakes Council dated 4 March 1997 in which he stated:

It is tragic because it should not have occurred the way it has. In all my career in dealing with Governments [he was a local government person for 33 years] I have never, and I repeat never, seen such an example of mismanagement by a Government. There was no coordination, no communication and no proper assessment of the facts. The Government has been entirely ineffectual in its assistance and support and frankly has played a very minor role in dealing with the matter.

That has been clearly verified by the ruling of the Full Bench of the Federal Court. It is clear that the Carr Labor Government must apologise to the Great Lakes Council and the people of the Great Lakes for the manner in which it has handled this problem and criticism that was levelled at council during the three-year period.

### AUSTRALIAN AVIATION MUSEUM

**Mr ASHTON** (East Hills) [4.39 p.m.]: Today I congratulate people involved in setting up the Australian Aviation Museum at Bankstown. Many Australians are not as aware as they should be of the richness of Australia's aviation history and heritage. Australians were the first to fly across most of the world's oceans. Australia's greatest and largest airport was named after Sir Charles Kingsford Smith. Recently I was speaking to a young lad about the problems faced by the Kingsford Smith Airport and he said to me, "Who's Kingsford Smith? Where does that name come from?" Given that Australia is such a big country, Australians should recognise the great history and role played by Australian aviators and it is in Bankstown that the Australian Aviation Museum is now being established.

The first step taken towards realising the dream was the acquisition in 1994 of the Sir Charles Kingsford Smith hangar from Sydney airport. The next step was setting aside land at the Bankstown Airport site to establish the museum. The museum's mission is "to present a world-class museum showcasing the history and future of aviation, aircraft and space technology, and Australia's part in it, in a contemporary, educational and entertaining way." Sponsors for the Australian Aviation Museum include: Bankstown Airport Ltd; Bankstown City Council; Bankstown Historical Society; Hawker de Havilland, which has played a great role in the aviation industry by not only producing planes but also by being involved in teaching students who are learning to pull planes apart and put them back together at Padstow Technical and Further Education College; the Australian Warbirds Association, which is another historical society; the Historical Aircraft Restoration Society, which has reconstructed the famous Super Constellation aircraft known as Connie; the Antique Aeroplane Association of Australia; the Model Aircraft Association of Australia and the Aviation Law Society of Australia.

Howard Knox, who is the President of the Australian Aviation Museum at Bankstown and who recently retired as general manager of Bankstown Airport, deserves much of the credit for the museum. I pay tribute to him for the role he played at Bankstown Airport over approximately 20 years. It has not been easy for him to manage an airport in the middle of a residential area and Howard is to be commended for his efforts. In

1994, Prime Minister Paul Keating officially launched a project to commence work on the museum and an informal opening was held in March this year. The ceremony recognised that access roads to the museum had been completed; that bus and car parking facilities were available; that the exhibition hangar incorporating museum sales, services, shops and administration offices had been completed; that a library and education centre was at that time under construction; and that construction of outdoor and courtyard entertainment areas was also under way. Approximately two months ago I visited the site and noted that much of the work that was incomplete in March had been finished.

It is proposed to hold an official opening ceremony of the museum in February 2001. People who want to visit the museum now can do so and will be able to view exhibits and people working on the restoration of aeroplanes. Much of this fantastic work is being undertaken by volunteers, people who either work in and around the airport or who just love the aviation and aircraft industry. The official opening will coincide with the centenary of Federation celebrations in January-February 2001 and will be an occasion to look forward to. Currently the exhibits include Douglas Dakota-DC3s, Hawker Siddley HS125 aeroplanes, the Wheeler Tweetie hang glider, Hawker de Havilland Sabre jets, which were the first production aircraft, DH82 Tiger Moths, Fawcett 120s, the Lockheed Neptune 273, the Lockheed Super Constellation and the Canberra bomber. The museum is also home to the Australian Warbirds Association and the Model Aeronautical Association of Australia.

In conclusion, I give credit to Dick Smith, Nancy Bird-Walton, Dr Paul Scully-Power, who is the first Australian to travel into space, and Howard Knox who are the museum's patrons. The Federal Government, the Bankstown District Sport Club, the Powerhouse Museum and other organisations have contributed financial assistance towards the establishment of the museum. When the library and educational unit are set up, schools will be able to organise excursions and students who visit the museum will be given an opportunity to become aware of, and give recognition to, Australia's great history in aviation. I congratulate all the people involved in establishment of the museum. It is great for Bankstown and great for Sydney. I am sure that the Australian Aviation Museum will play a vital role in next year's celebration of Australia's 100 years of Federation.

#### **WAGGA WAGGA POLICE AND COMMUNITY YOUTH CLUB FUNDRAISER**

**Mr MAGUIRE** (Wagga Wagga) [4.43 p.m.]: I inform honourable members of this House of my impending demise. At the outset, I state that I am innocent. It is common knowledge that on 26 August, I will be gaoled—incarcerated, locked up, put behind bars and the keys will be thrown away! I reiterate that I am innocent and state that I am being gaoled because I am a prominent person. As Derryn Hinch would say, "Shame, shame, shame." I am surprised that the media have not picked up the news that I am to be locked up in relation to a serious matter. I know that honourable members on both sides of the House will agree that the cause for which I am to be incarcerated is a serious matter. It should be a matter of grave concern that a respectable member of Parliament such as I will be incarcerated. To raise bail and get out of gaol, I have had to email my Coalition colleagues to send cash to help me out.

**Mrs Lo Po':** That's a test of friendship.

**Mr MAGUIRE:** Coalition members have been really marvellous and have come to the party. It would appear that my colleagues have raised a substantial sum to ensure that I can make bail. Because bail has not definitely been set, I do not know how much money will have to be raised to enable me to get out of gaol. Other prominent citizens will be charged with conspiracy and also will be locked up on 26 August. Such is my need for cash that I am forced to come into this Chamber and appeal to all honourable members on the Government side of the House to help me out. I am hoping that honourable members will come forward to help by bailing out a colleague.

Honourable members who want to see me stay in gaol, however, will soon be given that opportunity because all the money that is raised will go to a good cause, namely, the Police and Community Youth Club [PCYC]. Of course, my incarceration, which is a very innovative approach, is a fundraising initiative of the PCYC—an organisation with a long and wonderful history of worthwhile work in the local community of Wagga Wagga and throughout New South Wales. I suggest that many honourable members at some stage in their lives would have visited a PCYC. Certainly, I am aware that many honourable members who have participated in sport received their training at PCYCs in New South Wales and would acknowledge that the PCYC is an important part of community life.

The Wagga Wagga PCYC has operated for many years on land that was donated by the Wagga Wagga leagues club and in a building that was constructed from funds raised by the very first Miss Wagga Wagga, Miss

Mary O'Donoghue, who was crowned Wagga Wagga's Princess of Youth. Mary raised funds and unveiled the foundation stone of the PCYC. Ever since then the PCYC has been actively involved in community issues in Wagga Wagga. Recently throughout New South Wales, PCYCs have fallen on hard times because of increased competition for the charity dollar. The Wagga Wagga PCYC committee suggested the incarceration of prominent members of the community as an innovative method of fundraising. The committee has challenged members of the public, including members of Parliament and other community representatives, to participate. I ask all honourable members of this Parliament to support the Wagga Wagga PCYC fundraising efforts.

**Mr Black:** I will give the first 50¢.

**Mr MAGUIRE:** I thank the honourable member for Murray-Darling and appreciate his contribution. My staff will be sending email messages to all honourable members to request them to support this good cause. I emphasise that the fundraising has nothing to do with helping me but is, rather, a way of supporting a great cause and a wonderful organisation that contributes significantly to strengthening the social fabric of New South Wales. Its role has been to intervene and to provide guidance for young people. It has provided participation opportunities for young people who may otherwise not have been able to participate in sports. Many great sportsmen in New South Wales and throughout the world had their first opportunity to participate in sport at a PCYC.

**Mr Ashton:** Such as Wayne Pearce and Paul Sironen from Balmain.

**Mr MAGUIRE:** I am sure that the honourable member for East Hills could name many prominent sports people who have been involved with PCYCs. I thank honourable members on the Government side of the House for their interest and enthusiastic support of my small presentation during this debate. I hope they look forward to receiving their requests for contributions through email and I look forward to receiving a response from each member of this Parliament for such a worthy fundraising cause.

#### WESTERN INFRASTRUCTURE CORPORATION

**Mr BLACK** (Murray-Darling) [4.48 p.m.]: I draw the attention of the House to a most important event that occurred last Friday at Broken Hill. It was an occasion of significance not only to Broken Hill but also to the far-western region of New South Wales generally. I refer to the public announcement that Western Infrastructure Corporation [WIC] will be formed in Broken Hill comprising an amalgamation of the Broken Hill Water Board and Australian Inland Energy. The purpose of this amalgamation and the concept behind the formation of this organisation is to provide a one-stop shop equipped with engineering and financial advice and all other skills necessary to attract new industry and new jobs to Broken Hill.

The background to the formation of this organisation is simple: some 12 months ago Pasminco, the principal mine in the Broken Hill region and employing about 630 workers, announced its intention to leave Broken Hill in 2006. The implication of that announcement is that we have to restructure Broken Hill away from mining and into new industries if the social and economic fabric of that city is to be preserved. The new organisation will examine important initiatives, first through an implementation committee process. I am happy to acknowledge today that, in addition to the chief executive officers of Australian Inland Energy and the Broken Hill Water Board, the third member and the chairman of the implementation committee will be Mr Ross O'Shea, who is regional director of the Premier's Department.

The new organisation will examine a number of matters and, for example, will link jobs to the environment. All government levels are being encouraged to examine renewable energy, carbon zinc plantations and salinity reduction. One of the first steps for the new organisation will be to consider the construction of a solar power station in Broken Hill that will generate green power. Even in Sydney the premium choice is green power and many citizens have elected to use green power albeit at greater cost.

Broken Hill is ideally situated for a solar power station as the Broken Hill to White Cliffs belt has the most cloud-free days of any area in Australia. Carbon credits will help us do what we have always done so well, establish large plantations and thus bring dollars back into the community through creation of jobs. Links to government with the Western Infrastructure Corporation will be strong, principally because the Premier's Department will be the supervising body. We have given an unqualified pledge that no worker at any level will lose his or her job through the creation of this new corporation.

No decisions have been made about who shall be appointed to senior executive positions within the new organisation. However, one job of the implementation committee is to examine how the organisation will operate. I am pleased to say that the trade union committee will be represented through the Construction, Forestry, Mining and Energy Union. [*Time expired.*]

## COUNTRY SHOW SOCIETIES

**Mr WEBB** (Monaro) [4.53 p.m.]: Show societies are important not only in Monaro but across the State and throughout the nation. Their history extends back before Australia's settlement to country fairs in England and beyond. Show societies carry out important cultural, social, fund-raising, educational, sporting and agricultural pursuits and on a yearly basis provide opportunities for business promotion and functions and for expression of pride and interest in local area attributes. Essentially they underpin everyday life in country towns. The Sydney Agricultural Association was formed in 1822. At that time it was, as it still is, the premier agricultural association in Australia.

I have had a connection with the Royal Canberra Show Society for quite a few years, as vice-president at one time and as head of the commercial industrial section. That society show is a premier show in Australia. Shows are held also at Queanbeyan, Bungendore, Braidwood, Cooma, Nimmitabel, Bombala, Delegate, Dalgety, South Pambula, Bemboka and other places throughout Monaro electorate. Those shows support everything that small communities represent.

Show societies have been the stepping stone for Olympic events such as show jumping, soon to be seen in Sydney. Agricultural products from beef cattle, sheep and other animals have won many prizes—especially our wool products. That outstanding record supports this State's bona fides in selling its wares across the nation. The Monaro region, regardless of present drought conditions faced by some parts of the electorate, is renowned for breeding livestock. Our livestock make a major contribution to breeding stock in Queensland, South Australia, Victoria, Western Australia and other parts of Australia and also throughout the world.

Show societies have made significant contributions through stock breeding and grain improvements. William Farrar, who began his wheat experiments in the Queanbeyan region, is known as the father of wheat. Australia has become a world wheat producer through the success of show societies, which enabled Farrar to continue and promote his important research work. I discovered only recently the first prize my grandfather won when he exhibited an angus steer at the Queanbeyan show in 1906. I duly framed that award and placed it on the wall.

Dairy, cotton, bananas and many other products showcase various production enterprises. Show societies have been a focal point in the life of country towns. Every year show societies present important fundraising events for the Country Women's Association, for Legacy and Rotary, for service and football clubs, and for many others who come on board. Local artists and makers of handicraft especially are assisted to show off their wares, and young people are encouraged to become involved.

Country shows face many difficulties today partly due to decreasing crowd numbers. In the 10 years since the 1980-89 period, when 68 societies flourished, no new societies have been established. Show societies are beset also with external problems, such as the licensing of bars, which have always been important social venues for show participants. Insurance ramifications and occupational health and safety problems associated with holding show events have impacted on their success. Bureaucratic red tape also creates management difficulties for secretaries and others trying to encourage new members to patronise show societies for the good of their town, the region, the State and the nation.

## DEATH OF STANLEY HENRY ALEXANDER GREEN

**Mr NAGLE** (Auburn) [4.58 p.m.]: Tonight I speak on behalf of friends of Stan Green. Stan died at The Hills Private Hospital, Baulkham Hills, on 2 August aged 81 years, three months and nine days. He was a great friend of mine and of everyone he met. I cannot recall him ever saying a bad word about anyone, except probably about Bob Menzies and Malcolm Fraser.

**Mrs Lo Po':** He had good taste.

**Mr NAGLE:** Indeed, he had good taste. St Gregory the Great, when talking upon friendships, said that a friend cannot be known in prosperity and an enemy cannot be hidden in adversity, for neither does prosperity show a friend, nor adversity hide an enemy. There was no mark of adversity to be found in this caring, generous, thoughtful, selfless, honest and loving man, Stan Green. The friendship that Stan showed me and many others, those who attended his funeral and those who could not, was one of the greatest love and selflessness. His most noble spirit and the heartiest counsel that he gave to me—and his many other friends—made him an extremely important person in my life. Stan was a good and generous man who did things common to all of us in the most perfect manner. This indeed he did. He journeyed through life touching our souls, spirits and minds. His marriage to Gladys was a happy one.

As was once said, how shall I sufficiently describe the happy state of that couple whom the Church hath joined, prayer and thanksgiving have confirmed, angels in heaven have proclaimed and parents on earth have approved? That was the marriage of Stan and Gladys, and is reflected in Stan's daughter Laurel and his grandsons, Anthony and Christopher. Who was Stan? In the real world he was the sum total of the history of the Green family, from its very beginnings with Adam and Eve to the present day. His ancestors survived all adversities that came before them, and Stan was the sum total of their heroic efforts.

Stan was born to James Henry and Mary Hannah Adelaide at Bay Street, Botany, on 23 April 1919. He grew up in and around Orange and Camden, where he and his brothers and sisters, whom he loved dearly, went rabbiting with their dad. Stan was always there for any of his family, no matter what their needs. He joined the Army and served in New Guinea and was always grateful to have been lucky enough to come home. In 1947 he married Ivy and they had their only daughter, Laurel. Unfortunately, Ivy passed away three years later. In 1955 Stan married Gladys and they had wonderful years together until her sudden death in 1986.

Stan worked voluntarily for Dr Dill Macky orphanage for 40 years. He was employed in the city council as a supervisor for two years and was an active member of the Protestant Alliance Lodge, the Auburn Dispensary and the Australian Labor Party. He loved all the little children in his street, Marion Street, Auburn, and was affectionately known to them as Uncle Stan. When I had personal difficulties, particularly in the 1987 Australian Labor Party preselection, and in more recent times, Stan Green would be there to attend upon me and to cast his vote in favour of me. In 1987 he cast his vote for me to succeed Peter Cox. He received life membership from the Australian Labor Party. Stan had more than 50 years in the Australian Labor Party. Today Stan is in a better place. As the hero in Charles Dickens' novel "A Tale of Two Cities" said, "... it is a far, far better rest, that I go to, than I have ever known".

At the funeral I looked at the coffin of my dear departed friend, Stan Green. He has gone to meet some of his old friends, namely my father Hilton, Paul McMahon, Tom Ryan and Jack Lang. I am sure they are having many discussions. To live in the hearts of those left behind is not to die. Stanley is in the hearts of people in the Auburn area who knew and loved him. Stan did a good job. Well done. Rest in peace.

#### **NARRABEEN SURF CLUB**

**Mr BROGDEN** (Pittwater) [5.03 p.m.]: Last Sunday I had the great honour accorded to me of opening the extension to Narrabeen Beach Surf Club. That club was established in 1964 when a death occurred on the beach between the North Narrabeen Surf Club and the South Narrabeen Surf Club patrol areas. At that time the need was recognised by the community and the surf lifesaving organisation to establish the Narrabeen Beach Surf Club between the north and south ends of the beach. In 1970 Furlough House, a veterans' retirement village across the road from the beach, donated a house to the surf club. The house was moved across Ocean Street and established as the surf club at that time. In 1980, with significant support from Warringah Council, the house underwent refurbishment and some newly built areas were added to the right of the house to provide more surf club facilities.

In 2000, 20 years later, a large crowd of nearly 200 people gathered to join in the opening of the new surf club facilities. It is a very modern and sleek facility built next to the original Furlough House. The club area is large, with a bar and modern refrigeration equipment. Eventually underneath there will be a totally refurbished storage area for the kit, and also public toilets and showers. All of a sudden it is the most modern and one of the best facilities of all surf clubs on the northern beaches. Narrabeen Beach Surf Club is the youngest surf club on the northern beaches. Many of the surf clubs go back 75 years and earlier. In contrast, though, the new Narrabeen Beach Surf Club is smaller.

Many people made possible the extensions to the surf club, which were valued at \$250,000 in cash and \$100,000 in kind. I note particularly the very generous support and donations of time, effort and money by: John Bruce and Partners, Architects, in particular, the principal Mr John Bruce; Crestway Construction Pty Ltd, in particular, Jeff Robinson and Chris Gordon, who I am told is the son of Lyn Gordon, the former Federal member of Parliament; club member Mr Ian Forbes, of All Star Electrical, who donated and assisted with all the electrical work in the club; and a number of other club members who deserve mention. They include the newest life member of the club who was appointed last Sunday at the annual general meeting prior to the opening, Mr Graham Cook, as well as Stephen Price, Bruce Warman, Jim Ball, and Ross Tester, my contact who did a fantastic job as the emcee and was a bit of a scrounger, as he had to be, in bringing together all the necessary resources to make the club opening happen.

All members donated in every way they could, in time, effort and money. Virtually every weekend during the past six months volunteer club members painted, hammered, installed electrical work and finished the

club to make it the beautiful facility it is now. In particular, I congratulate Mr Tracey Lake, club President, who was awarded a Distinguished Service Order last Sunday. The only reason he was not made a life member was that he had not been a member of the club for long enough. As a member of the club said last Sunday, if he had been a member of the club for the required period he would almost certainly have been awarded life membership on the day.

The club opening was fantastic, with 200 people present including presidents of most surf clubs on the northern beaches; members of the northern beaches branch, in particular Jeff Hewitt and Jenny Drury; the former Branch President and now New South Wales Vice President, Mr Richy Lytham; almost every single councillor from Warringah Council including Mayor Peter Moxham, and councillors from Pittwater Council. It was a terrific community event for the life and soul of surf lifesaving, and it all came together on that day. Surf clubs are not just about buildings, but buildings help. With its terrific new facility Narrabeen Beach Surf Club has a great future ahead of it.

### **NORTEL NETWORKS, UNIVERSITY OF WOLLONGONG**

**Mr CAMPBELL** (Keira) [5.08 p.m.]: Some weeks ago I had the opportunity to attend and speak at the official opening of an expansion of the Nortel Networks Research and Development Laboratories at the University of Wollongong. Also present were Pierre Pettigrew, Canadian Minister for International Trade; the Treasurer and Minister for State Development, the Hon. M. R. Egan; Mr Reg Bird, President Asia-Pacific region, Nortel Networks; Professor Gerard Sutton, Vice-Chancellor of the University of Wollongong; and Mr J. B. Clarke, Managing Director, Nortel Networks Australia, Research and Development.

It was a very special occasion. For some time Nortel Networks has had a research and development laboratory at the University of Wollongong. This expansion will involve investment of more than \$130 million over the next three years, with some \$80 million directly invested in the wireless Internet development centre at Wollongong. The Nortel centre will create 150 new highly skilled IT jobs in the Illawarra over the next three years. This comes about because of the expertise and effort of the University of Wollongong.

The purpose of the research and development laboratory in Wollongong is to conduct leading edge research and development in a range of areas that are essential to the creation of the next generation of global communication networks. These areas include wireless Internet, optical networking, cellular networks, Internet standards track protocol mobility, wireless local area networks and intelligent networks. It participates in both the development of Nortel Networks' global portfolio of products and in working with local customers to ensure that these products meet the specific needs of our region.

Much of the work done at the laboratory is the creation of software for development of products in the above areas. Work in these areas ranges from low-level protocols necessary to move information from one part of a network to another right up to the application layers, including the client software that users usually interact with. In addition, a great deal of system integration and solution configuration is included in the activities undertaken by the laboratory.

Nortel Networks' business in Australia and the entire Asia-Pacific region is growing. Nortel signed an agreement with the Australian Government to reinvest a percentage of its revenue earned in Australia into both an exports and a research and development program. As Nortel's business in Australia grows so also will its research and development investment. The other key reason for the expansion is that talented and highly skilled people are available in Australia—many of those people have studied at the University of Wollongong—to assist Nortel in meeting its global product development needs.

The new facility has the capacity to accommodate a great number of staff. It is expected that the capacity will be reached in the first half of 2001. This represents a growth in staff numbers in a 12-month period of more than 100 per cent. Nortel expects that growth to continue. It has a contingency facility plan to further expand the laboratory to accommodate up to 350 staff by the end of year 2001 if and as required. The University of Wollongong has been and continues to be an excellent source of graduates for employment at Nortel Networks.

The location of the laboratory on the campus and Nortel's continued involvement in scholarship programs and initiatives such as the IT spring school for girls help to ensure that the university is well adapted to produce graduates with the right skills and knowledge to take their place in this high-growth industry. In addition, the proximity of the laboratory allows Nortel to take advantage of knowledge within particular

faculties, whether for the purpose of training or collaboration. Similarly, the university benefits from having a significant industry partner on campus to provide direction for research and real-life work experience for undergraduates in relevant disciplines.

Nortel's investment is a direct result of a deliberate strategy by the University of Wollongong—with a great deal of support from the Department of State Development, Wollongong City Council and many people in the region—to build on the success and the understanding that people have of that success in telecommunications research and development at the University of Wollongong. Last year it was university of the year. It is an institution that makes a huge contribution to the economic and social development of the community that I represent. The team at Nortel Networks is very dedicated to its work and to the region. I acknowledge the investment and I acknowledge the contribution that the team makes to the region I represent.

#### **MACLEAY VALLEY WORKPLACE LEARNING CENTRE INC.**

**Mr STONER** (Oxley) [5.13 p.m.]: This afternoon I raise an issue concerning the Macleay Valley Workplace Learning Centre Inc. in Kempsey. The centre has a long history of outstanding achievement in relation to vocational education and training [VET] in one of the most difficult environments in the State. The Kempsey area, in which the centre has achieved excellent results, has more than twice the State average unemployment rate, one of the highest school truancy rates at 17 per cent, and one of the highest proportions of Aboriginal students, with only 5 per cent of year five students completing year 12.

The Macleay Valley Workplace Learning Centre has been a unique model of community and government co-operation, with a board made up of local businesspeople, with local government representation, and chaired by Mr Chris Voase, a local accountant. Co-operation with local schools has enabled the employment of a very committed and effective co-ordinator, Mrs Jann Easson, whose track record of working with disadvantaged and difficult students to find positions for them in workplaces has been second to none. Indeed, the Macleay Valley Workplace Learning Centre has been recognised with numerous awards. It received the Vocational Education Training in Schools Retail Excellence Award 2000. It was awarded for best practice for excellence in vocational education and training in schools for health in 1999, best practice for excellence in vocational education and training in schools for retail and health in 1999 and 2000, and national best practice in 2000 under the Wadu concept for Aboriginal education. The Prime Minister's task force identified its good practice in supporting youth transitions to independence. That is a mouthful but it is important recognition.

I am certain that all members present would agree that the Macleay Valley Workplace Learning Centre has been outstandingly successful in delivering vocational education and training in Kempsey. Unbelievably, this success seems to have been cut short due to what I can only describe as a bureaucratic breakdown. I have been informed that the newly formed Macleay Valley vocational education and training committee, which does not enjoy the support of the board of the Macleay Valley Workplace Learning Centre, has sought grant funding, which has resulted in the withdrawal of all hospitality and primary industries students from Kempsey High School from the Macleay Valley Workplace Learning Centre model. It appears that the other major high school in Kempsey, Melville High School, as well as Kempsey High School, has withdrawn staffing resources from the Macleay Valley Workplace Learning Centre.

As a result, the responsibility for vocational education and training in Kempsey is being taken away from a highly successful organisation to be given to the individual high schools. Whilst I do not underestimate the abilities and commitment of either high school, it would seem that the advantages of the close co-operation and input of the local business community will, to some extent, be diminished. I might add that the local Catholic high school, St Joseph's College, has decided to stay with the Macleay Valley Workplace Learning Centre and not support the new VET committee model. It is tragic to witness the fragmentation of a highly successful local organisation in this critical area of vocational education and training in Kempsey.

I have not raised this formally with the Minister yet but I take the opportunity today to formally ask the Minister to investigate this issue with a view to resolving any breakdowns between the VET committee, the schools and the Macleay Valley Workplace Learning Centre. I hope that the successful community-based model employed to great effect by the Macleay Valley Workplace Learning Centre can be reinstituted.

#### **OLYMPIC GAMES TRANSPORT AND SECURITY**

**Mr MOSS** (Canterbury—Parliamentary Secretary) [5.18 p.m.]: Tonight I raise two matters in connection with the Olympics that affect my electorate. I refer first to the bus service to the Olympics—one of



15—which commences at Canterbury racecourse. Some time ago I read a press release stating that Canterbury racecourse would be one of the designated areas for parking vehicles so that people could catch buses to the Olympics. In fact I advertised that fact, advising all constituents of Earlwood through a magazine that is circulated in every letterbox in the suburb.

When the tickets were issued at the weekend an official spectator guide—an excellent document, with one exception—also was circulated. On Monday I received a telephone call from a concerned Earlwood constituent who said, "You said I could park my car at Canterbury racecourse. I intend to drive from Earlwood to Canterbury to pick up a bus or train to go to the Games, but I see no reference in the guide to a park-and-ride facility at Canterbury racecourse." I made inquiries. Canterbury racecourse is a designated park-and-ride site for the Olympics. I am pleased about that; I had always understood that it would be.

However, the guide does not make that fact clear. It shows that a bus can be picked up at Canterbury racecourse but it does not advise that people going to the Games can park their cars at the course. In fact, there is provision for 2,000 cars to park there. I raise this matter tonight to clarify the matter in the hope that the local media will pick up the issue and perhaps give it some publicity. I am pleased that the park-and-ride service is to operate from Canterbury racecourse, but I want that fact advertised fully in view of the fact that that is not made clear in the official guide.

The other matter that concerns me relates to an article I read in a local newspaper only this week. The article pointed out that the Opposition spokesman on police matters, the honourable member for Epping, had stated that the Commissioner of Police, Mr Peter Ryan, had earmarked the Earlwood police station for closure during the Olympics but had refused to rule out its permanent closure thereafter. Nothing could be further from the truth. In fact, at the time it was announced that a number of police stations would be closed, the commissioner stated that those are temporary plans to meet the unique circumstances of the Olympic period.

Since I read the article I have once again had confirmation that Earlwood police station will not be closed permanently. In fact, it is scheduled to reopen after the Olympics, as the Commissioner of Police previously advised in a statement that he issued. I have also met with the commanders of the Ashfield and Campsie police command areas, Warren Fletcher and Maurice West, to discuss the issue of policing in the electorate during the Games. Those two commands are within that electorate. Those commanders have assured me that whilst there will be changes, such as the closure of Earlwood police station during the Games, in fact there will be a greater police presence in the area than there currently is.

At the time we heard some stations would close, it was pointed out that most people telephone police stations; they do not walk to the police station to report incidents. I have been assured that in the Canterbury electorate during the Games, because of the extended hours that police will be working due to their not being able to take leave during the Games, additional police will be on call during the Olympics to handle all inquiries. So, really, my constituents will be better serviced by police during the Olympic Games because of the huge concentration of police in the area, despite the fact that one station is to close temporarily. I repeat, there is no suggestion whatsoever that Earlwood police station will close permanently. In fact, it has been confirmed, since I read this quite malicious beat-up of the honourable member for Epping in the local paper, that that police station is to reopen after the Olympic Games.

### CASTLE HILL AMBULANCE SERVICES

**Mr ROZZOLI** (Hawkesbury) [5.23 p.m.]: I draw the attention of the House to a very tragic set of circumstances that affected a constituent and would appear to reflect no credit on the service involved. At 4 p.m. on 27 July Geraldine Denise Davis suffered cardiac-respiratory arrest whilst in a vehicle in the car park of the Roads and Traffic Authority office at Castle Hill. Initially, the woman was noticed by passers-by, who went into the RTA office to report that someone in the car park was in distress. A registered nurse and trained first aid officer who at the time were in the RTA office went to the car and immediately verified the very serious nature of the woman's condition, returned to the office and said, "Would you call an ambulance to attend to a woman outside who appears to be suffering cardiac-respiratory arrest?" An ambulance was rung for immediately. The first aid officer and the nurse returned to the car park to do what they could, but it was very clear that the woman was suffering from a severe lack of oxygen.

Despite the message being given to the ambulance service, when the ambulance had not arrived within about five minutes, because of the continuing stressful circumstances the people in attendance went back into the office and the ambulance service was again telephoned. Several telephone calls were made emphasising the

urgent need to have an ambulance on the spot quickly and for the woman to be administered oxygen. So frequent were the calls to the emergency number that, long before the ambulance arrived, Fire Brigade officers arrived at the site with oxygen equipment, and they endeavoured to administer oxygen to the woman.

The ambulance arrived half an hour after the initial telephone call. The Castle Hill Roads and Traffic Authority office is in an industrial area of Castle Hill. The ambulance station in Castle Hill is less than two kilometres from that industrial area. The ambulance that finally arrived came from St Ives. There must be many ambulance stations between Castle Hill and St Ives. The ambulance officers took Ms Davis to the Baulkham Hills private hospital, where she was ventilated and resuscitated. Unfortunately, because, amongst other things, of the long period over which she lacked oxygen, she lapsed into a coma, never regained consciousness and died a few days later.

I hasten to say that it is not certain whether Ms Davis would have survived the attack even if the ambulance had arrived quickly, but medical people at the hospital have said that failure to administer oxygen to the woman within a reasonable time after the attack would have greatly contributed to her condition and, even if she had not died, the brain damage was so severe that she would have been a vegetable for the rest of her life. It is a matter of very serious concern that in a major civilised city, which has easy access to and all the benefits of modern communication, and where an ambulance station is within two kilometres of the location of the incident, it takes half an hour for a medical support service to arrive.

There may be a logical explanation. But, on behalf of the lady's husband, Mr Ray Lees, I want a detailed explanation as to why it took so long for the ambulance to arrive. As long as Mr Lees lives, he will not be able to divorce himself from the very real impression that if the ambulance had arrived earlier his wife could have been alive today and they would have continued to enjoy their life together. In the circumstances he feels very much that the ambulance service is to blame for the death of his wife.

**Mr MOSS** (Canterbury—Parliamentary Secretary) [5.28 p.m.]: The honourable member for Hawkesbury has raised a very serious and sad issue. I am sure the Minister will take up the honourable member's suggestion and inquire into this matter. It may be that the Castle Hill ambulance service had reached workload saturation point on the occasion to which the honourable member refers. The fact that an ambulance from another station arrived may indicate that the Castle Hill service was involved elsewhere at the time. However, I understand the honourable member's concern about emergency calls and the fact that speedy backup should be provided.

### **CENTENNIAL PARK AND MOORE PARK TRUST DOG POLICY**

**Ms MOORE** (Bligh) [5.30 p.m.]: I feel passionately, as do many of my constituents, about the importance of companion animals in our lives. The Centennial Park and Moore Park Trust recently called for responses to a dog policy review, and there is much community consternation about what has been described as the policy's canine-phobic attitude to dogs and their owners. I refer honourable members to the Australian Companion Animals Council, which, in March 2000, said:

Pets are a Normal Part of Most Australians' Lives.

Australia has one of the highest rates of pet ownership in the world ... Pets are Good for Your Health.

Pets give pleasure and teach responsibility. They love and are loved in return, and their owners are healthier and happier than non-pet owners. If a new drug supplied the same benefits that pets provide, it would be hailed as a medical miracle. Because of the considerable benefits that pet ownership brings to individuals, the community and the economy, serious attention should be given to the issues limiting pet ownership. The needs of pets, pet owners and non-pet owners are all legitimate. These needs must be appreciated and integrated with society and the environment to ensure that people and pets live harmoniously.

In developing its dog policy in response to the Companion Animals Act 1998, the trust must acknowledge that its survey found that the greatest concentration and frequency of park usage comes from the residential areas surrounding the park complex. Many of those residents are dog owners. Centennial parklands are working parks in line with the original Macquarie bequest of common lands, and it is disappointing that the trust is inclined to sanitise the land and impose more and more restrictions. It is not supposed to be a showpiece, a monument or a wildlife sanctuary: it is a city park that is used by six million people every year.

A constituent pointed out that the title of the Companion Animals Act includes the very important word "companion". It is not called the "Nuisance Animals Act". The proposed changes to park regulations do not

reflect a government policy that is meant to improve the position of dogs as companion animals to humans—an issue of growing importance to older people in the community. All the situations that the trust's proposed regulations are supposed to prevent—such as dog attacks on humans and wildlife, the fouling of public places, noise and general nuisance—are already covered by the Companion Animals Act. These changes are totally superfluous and are a potentially costly additional layer of regulation. The main benefit of the changes is that they will enable the Centennial Park and Moore Park Trust to shirk its legal obligation under the Act to provide waste receptacles.

I am also concerned about the short time available for public consultation on the trust's proposed policy. I recommended that the trust review the Companion Animals Act with reference to the strict rules, enforced by extremely heavy fines, that require owners to control dogs and to pick up and dispose of dog waste. I suggested that the use of Grand Drive as the broad demarcation, which was established in recent years, between leashed and unleashed areas be maintained and reinforced so that dogs under control have a free run around the perimeter of the park. I recommended that large sections of leash-free areas that it is proposed should become prohibited areas when used for sport or sport spectator car parking be changed to "dogs under control" areas as defined in the Act and that dog owners be given equal priority to sport and park access.

I suggested that the large areas of public land adjacent to the growing residential areas of Redfern and Waterloo, such as the Moore Park Golf Course, be available for recreation and dog exercising on a shared basis when golf is not being played. After all, it is public land that is owned by the people. I urged the trust administration to respond more comprehensively to the provision of dog bag dispensers and bins in Moore Park West, Moore Park East and Centennial Park to permit dog owners to respond to the waste disposal provisions of the Act. I also recommended that the trust consultation process be expanded to include letterbox drops and public meetings in adjacent suburbs and surrounding communities whose residents are the predominant users of the park.

The trust has responded to the community outcry by undertaking a 12-month review and consultation process and by establishing a reference group to advise it. I welcome that response and I trust that the policy developed subsequently will respond to the needs of the city community and be in line with the Companion Animals Act, which is very important legislation. As I said at the outset, companion animals are an important part of many people's lives.

#### **VETERINARY SURGEONS INVESTIGATING COMMITTEE**

**Mr LYNCH** (Liverpool) [5.34 p.m.]: I draw the attention of the House to the scandal that is the Veterinary Surgeons Investigating Committee [VSIC]. I spoke about the VSIC on 24 June 1998 in response to concerns expressed by my constituents. On that occasion I pointed out the disproportionate penalty suffered by veterinarian Dr Bob May as a result of VSIC action, compared with the allegations against him, and I highlighted the plethora of procedural defects in the VSIC's dealings with Dr May. Despite legislative requirements, no practising lawyer then chaired or was a member of the VSIC. No consumer representative was appointed to the committee, which was also a breach of the Act. There was no sound recording of or shorthand reporter at the VSIC hearing. The VSIC lost some of the material that it was given and no-one was able to find any minutes of the meeting—indeed, Dr May was told in 1997 that they had been discarded. Interestingly, those minutes were miraculously rediscovered in 1999.

Dr May made the serious allegation that the two complaints against him, purportedly to be from two separate and unrelated individuals, were from the same person and there was significant expert evidence in support of his claim. However, it seems that the VSIC did not deal with that issue at all—which appears to me to be a pretty comprehensive denial of natural justice. There has been little positive action since these issues were raised. One of the few developments was the appointment of a new chairperson to replace the previous incumbent, who was not a practising solicitor. One could assume that that was a positive step, as appointing a practising lawyer as chairperson brought the committee into line with the legislation—if simply complying with the Act could be considered a positive step. However, this pious hope has not been realised.

The new chairperson has again focused attention upon the quite inadequate regard that the VSIC has for proper processes and procedures. There is absolutely no doubt that the newly appointed chairperson, John B. Stinson, is a duly qualified legal practitioner. In fact, he is a partner with the law firm Conway MacCallum. The only problem is that Conway MacCallum is the firm of solicitors that acts for the VSIC. I have seen correspondence from Conway MacCallum when acting on behalf of the VSIC that is signed by none other than John Stinson. On the face of it, this seems to be a rather acute conflict of interest in the commonly understood sense of that term. It also poses some fascinating questions about the contestability of obtaining legal work for the VSIC and raises real issues as to whether that legal advice is being organised at the lowest possible price.

It is not surprising that the issue has been ventilated with the VSIC. I have been informed of an occasion in 1999 when a committee hearing dealt with a veterinary surgeon. Mr Stinson was in the chair and his capacity and appropriateness as chairperson was challenged on the basis of his apparent conflict of interest as a partner of Conway MacCallum. I am advised that Mr Stinson initially refused to stand down but that his attention was then drawn to a letter on a letterhead from Conway MacCallum, which was read to the committee. I am advised that Mr Stinson agreed at that stage to step aside as Chairperson of the VSIC in that matter. There is a right of appeal from the VSIC, formerly to the Veterinary Surgeons Tribunal and now to the Administrative Decisions Tribunal, and Conway MacCallum acts for the VSIC in such appeals.

Not surprisingly, this matter has been pursued with the Legal Services Commissioner, and I understand that Jim Milne, Assistant Commissioner (Complaints), has formed a view adverse to Mr Stinson's position. In fact, the Legal Services Commissioner is of the strong opinion that Mr Stinson must either resign as Chair of the VSIC or arrange for a firm other than Conway MacCallum to carry out legal work on behalf of the committee. That strikes me as simple commonsense. The Legal Services Commissioner's view is now apparently shared by the ethics section of the Law Society. The Law Society had previously advised Mr Stinson not to cease as Chair of the committee when Mr Stinson—it should be noted in fairness to him—sought its advice. The Law Society's earlier position strikes me as curious to say the least. If I were in a slightly less charitable mood I might describe it as thoroughly incomprehensible.

In light of this advice, I assume that a new VSIC Chair will have to be appointed. I would appreciate advice from the Minister as to what will occur in that regard. I would also appreciate advice about how this fiasco occurred in the first place. Presumably, the matter must have been considered when Mr Stinson was appointed. The latest fiasco about who is or is not, or who can or cannot be, Chair of the VSIC serves to underline the grave concerns that surround the operations of this body. It is apparent to me that the current structure is wholly inadequate. I look forward to the Minister reviewing not just the matter of the Chair but the whole VSIC in order to determine possible alternatives.

#### **CHERRYBROOK PUBLIC SCHOOL STUDENT SAFETY**

**Mr RICHARDSON** (The Hills) [5.39 p.m.]: Tonight I raise a matter of the utmost seriousness: children's safety. The matter has been brought into even greater focus by the tragic death of seven-year-old Ella James on a pedestrian crossing outside Bulli Public School on 22 June. It took the death of that little girl to make the Government heed parents' warnings over the past 10 years about the dangerous location of that crossing. I sincerely hope the Government will listen to what I have to say today about the safety of students from Cherrybrook Public School and take appropriate action.

In November last year Mr Robert Williams of Duer Place, Cherrybrook, wrote to me complaining that his daughter Vicki would no longer be eligible for a school bus pass. Vicki is 10 years old and lives about two kilometres from the school. In walking to school she has to cross busy Boundary Road, a heavily trafficked truck route. The reason given for Vicki being ineligible for a bus pass is that the route is regarded as safe for children in year 3 and above to walk. The suggestion is that because of traffic lights across Boundary Road—installed about five years ago—the only dangerous point in the trip has been eliminated.

Any responsible adult inspecting the site would disagree. The traffic lights are located at the intersection of Francis Greenway Drive and Boundary Road. Francis Greenway Drive is a major collector road for Cherrybrook and carries a substantial volume of traffic for most of the day. Boundary Road is the main route from Sydney's north through to Cherrybrook and Dural, and carries most of the heavy trucks from the sandmining operations at Maroota. The average speed of traffic on this section of road is well above 60 kilometres an hour. The biggest problem is that the signals do not control all the pedestrian crossings at this intersection. The crossing over Boundary Road is signalised but the slip lanes are not and, as a consequence, are not safe for primary-school-age children. After I received Mr Williams' letter I contacted the school and obtained a list of 54 families that are affected by the decision on bus passes. I wrote on their behalf to the School Student Transport Scheme Appeals Panel [SSTSAP] as well as to the Minister for Roads, and Minister for Transport on 23 November 1999 in the following terms:

Dear Minister,

I understand that a large number of my constituents (54 families in all) have been sent letters notifying them that from the beginning of next year their children, who attend Cherrybrook Public School, will no longer be eligible for bus passes. This is ostensibly "as a consequence of the installation of pedestrian activated traffic signals at the intersection of Boundary Road and Francis Greenway Drive Cherrybrook" ...

I might find it easier to understand the decision if those traffic lights had just been installed but they have in fact been in place for more than five years. Nothing else has changed.

There are a number of alternative solutions to this problem:

- 1) Signalising the slip lanes.
- 2) Providing an am and pm "lollipop lady" for the children crossing Boundary Road.
- 3) Building a pedestrian bridge over Boundary Road.

The SSTSAP responded on 20 December last year stating that in its view:

... the designated walking route to Cherrybrook Public School now offers adequate safety from vehicular traffic and other safety hazards, provided basic safety standards are observed.

The Minister for Roads, and Minister for Transport did not respond until 9 May this year—more than six months after I had written to him—via his Parliamentary Secretary, who is currently at the table. The honourable member for Canterbury restated the SSTSAP advice regarding the reissuing of bus passes but did not address the alternative suggestions I had made to him. That is not surprising, because they were beyond his area of responsibility.

This is a matter of great concern. The intersection is not safe for eight-year-old children. I have seen how they cross the road and how drivers whiz around the slip lanes ignoring them. I can tell the Minister that this is another Bulli waiting to happen. Hornsby Shire Council agrees with me. I might accept the decision regarding the bus passes if the Minister had made some alternative suggestions regarding adult supervision or signalisation of the slip lanes. He did not. If he felt the matter was beneath his dignity—and I find it hard to believe the Minister would think children's safety was beneath his dignity—he should have asked both his Parliamentary Secretaries to reply.

This issue will not go away. I remind the Minister that the death of Ella James prompted a Staysafe inquiry into traffic control strategies around schools. This inquiry must examine the issue of what constitutes a safe route to this school, particularly for children under 10, who have limited road sense. As the Roads and Traffic Authority tells us in advertisements for its Safer Routes to School program, young children should hold a responsible adult's hand when crossing at traffic lights. To help the Minister resolve this issue, I conducted a survey of affected parents. Almost half of them wanted adult supervision at the crossing, a quarter wanted traffic signals, and a quarter wanted to have their children's bus passes reinstated. This should provide some sort of guidance for the Minister. I ask the Minister to respond to this request urgently and not delay a further six months. Children's safety is too important an issue for ministerial delay.

**Mr MOSS** (Canterbury—Parliamentary Secretary) [5.44 p.m.]: I am aware of the issue raised by the honourable member, because he has spoken to me personally about it. However, I believe that the chances of bus passes being reinstated are very slim indeed. We have an appeals mechanism. Any individual parent or group who is aggrieved by a decision has the right to appeal. As the honourable member for The Hills said, in this case he lodged an appeal on behalf of a number of parents. The matter was looked into thoroughly a second time, and the appeal was dismissed. However, the honourable member for The Hills has raised three possible modifications that could be made to that intersection with a view to assisting these schoolchildren. I am sure the Minister for Transport will take the honourable member's comments seriously and investigate the matter.

**Private members' statements noted.**

## **SPECIAL ADJOURNMENT**

**Motion by Mr Whelan agreed to:**

That the House at its rising today do adjourn until Tuesday 15 August 2000 at 2.15 p.m.

**House adjourned at 5.45 p.m.**

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