

LEGISLATIVE ASSEMBLY

Thursday 2 November 2000

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

Mr Speaker offered the Prayer.

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

Second Reading

Debate called on.

Mr THOMPSON (Rockdale) [10.01 a.m.]: I move:

That this debate be now adjourned.

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

PAY-ROLL TAX AMENDMENT (COUNTRY EMPLOYMENT) BILL

Second Reading

Debate called on.

Mr THOMPSON (Rockdale) [10.03 a.m.]: I move:

That this debate be now adjourned.

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

JURY AMENDMENT (DISSENTING JUROR) BILL

Second Reading

Debate called on.

Mr THOMPSON (Rockdale) [10.05 a.m.]: I move:

That this debate be now adjourned.

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

BUSINESS OF THE HOUSE

Order of Business: Suspension of Standing and Sessional Orders

Mr SPEAKER: Order! To bring forward the matters listed for 11.30 a.m. the Leader of the House may have to move that standing and sessional orders be suspended.

Mr Hazzard: Point of order: The standing orders make quite clear that at 11.30 a.m. certain things are to happen, and the Leader of the House cannot now play stupid games. He has taken advice from the Clerks, who are telling him precisely that. He does not know what to do. The Opposition wishes to debate substantive bills in the Parliament, including the bills relating to life sentences, an important matter for the memory of Virginia Morse. It is time that debate came on. Baker should not be allowed out of gaol or to go through these procedures. We should be allowed to debate the matters this morning instead of the Parliament being treated like a chook raffle.

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

Mr WHELAN (Strathfield—Minister for Police) [10.08 a.m.]: I move:

That standing and sessional orders be suspended to allow consideration of General Business Order of the Day (General Order) No. 1 and General Business Notices of Motions (General Notices) Nos 1 to 14.

Mr HARTCHER (Gosford) [10.08 a.m.]: The Leader of the House has made a mockery of the standing and sessional orders because he is seeking to change the routine of business.

Mr THOMPSON (Rockdale) [10.08 a.m.]: Mr Speaker—

Mr Hartcher: You cannot move the gag.

Mr THOMPSON: I withdraw that.

Mr HARTCHER: A callover was held yesterday to work out which matters were ready for debate this morning. Honourable members came to the Chamber expecting to debate various bills in the proper sequential order, including the bill involving Mr Crump, payroll tax in country regions and majority verdicts for juries, all important matters before the Parliament. Now, without any warning, the honourable member for Rockdale seeks to prevent debate occurring on each of those matters.

Mr Whelan: No. He has adjourned them.

Mr HARTCHER: He seeks to prevent debate occurring on each of those three bills, all of which are important, because the Government is afraid that the implications of those bills will impact badly on the Government. Each bill is an electorally popular issue in New South Wales. The Crimes (Sentencing Procedure) Amendment (Life Sentence Confirmation) Bill is a significant bill. When a judge says to a murderer, "You get life and are never to be released," that is to be embodied in statutory form. The Jury Amendment (Dissenting Juror) Bill provides that a jury, in cases involving matters on indictment before the Supreme Court and the District Court, can return a verdict by 11 jurors to stop one individual obstructing the proper deliberation of the jury.

The Pay-roll Tax Amendment (Country Employment) Bill seeks to help our country regions to encourage industrial development in those areas by allowing payroll tax concessions in certain appropriate circumstances. These are all important matters of legislation, each of which the honourable member for Rockdale, at the behest of the Leader of the House, seeks to prevent from being debated. Accordingly, the time of the Parliament is being taken up, not with these important bills and not with the important matter of the disgusting antics of the honourable member for Fairfield, but with the more routine matters that have been on the parliamentary notice paper for some time. This is simply an ongoing tactic of the Government to prevent the Parliament from functioning properly.

The Government is not interested in matters of serious debate. The Government is not interested, in particular, in the policy initiatives of the Opposition. The Leader of the Opposition brings before this Parliament two important policy initiatives on law and order: majority verdicts, which is something that is overwhelmingly wanted by the community, and life sentence confirmation for convicted killers who have been told they should never be released, which is also something that is overwhelmingly wanted by the community. These are important policy initiatives by the Leader of the Opposition on law and order. Every member of the community overwhelmingly would support those initiatives. I challenge the Government to fight the Campbelltown by-election on those two issues.

Why does this Government not go before the people of Campbelltown and say that if those people are opposed to majority verdicts and life sentence confirmation and if they believe that killers should be allowed out of gaol and that individuals should be allowed to obstruct jury verdicts, then they should not vote Labor. But if they think that killers who are told to stay in gaol should remain in gaol, they should not vote Labor. Let that be a choice that the Labor Party puts before the people of New South Wales during the Campbelltown by-election, which will be held in 2001. The Opposition would be interested to see the voters' verdict.

Alternatively, the Government could hold a referendum. Why not have a poll in conjunction with the by-election and ask people their views on Baker and Crump being released and ask their views on majority verdicts? Such a step would be nothing more than seeking the opinion of the people of Campbelltown at a time

when a poll is already under way. The results would not be binding and would not involve a referendum, but would be just a gauge of public opinion. Let that be a test of the New South Wales division of the Australian Labor Party. The Coalition does not agree to this motion. When the time comes, the Coalition will vote against it because it is yet another attempt to distort the proper working of the Parliament in the interests of the Government preventing proper debate on the real issues, including the real issue of the disgusting conduct of the honourable member for Fairfield on the night of 14 September.

Mr SPEAKER: I understand that the Leader of the House wishes to withdraw the motion.

Mr WHELAN (Strathfield—Minister for Police) [10.13 a.m.]: The fact of the matter is that, regrettably, the Clerks have provided the wrong advice, and for that reason the suspension motion will proceed.

Question put.

Division call for and, pursuant to sessional orders, deferred.

HORNSBY ELECTORATE CAPITAL WORKS EXPENDITURE

Debate resumed from 4 May.

Mr Hartcher: Point of order: My point of order relates to a procedural matter. What has now happened is that the Leader of the House has moved for the suspension of standing orders to enable debate to take place which would otherwise have taken place at 11.30 a.m.

Mr Whelan: No.

Mr Hartcher: That is what has happened.

Mr Whelan: No, that is not correct.

Mr Hartcher: The Leader of the House has put that motion.

Mr Whelan: That is not correct.

Mr Hartcher: The decision of the Leader of the House was challenged and a division will take place.

Mr Whelan: The House has made a decision. The fact of the matter is that the honourable member for Hornsby is not in the Chamber and the honourable member for Gosford is filibustering. That is what the honourable member for Gosford is doing.

Mr Hartcher: There he is over there.

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

Mr Hartcher: Mr Speaker, I am taking a point of order.

Mr SPEAKER: Order! The honourable member for Hornsby will cease interrupting. The cross-current of exchanges between members makes it difficult for the honourable member for Gosford to speak to his point of order. The honourable member for Gosford has the call.

Mr Hartcher: My point of order is simply this: The only way that motions that the bills to which I have referred can come on for debate is if standing orders are suspended. Whatever the Leader of the House says about what the Clerks should say or should not say is not the issue. The position is that that is the motion that is before the Chair. The decision to proceed has been challenged and that decision is not therefore operative until the challenge is resolved. The division on that challenge does not take place until 10.30 a.m.

I therefore put the point of order to you, Mr Speaker, and I ask you to consider it carefully in accordance with proper parliamentary procedure. The point of order means that the procedure cannot be followed until the division has taken place. That is the clear-cut position because the decision of the Leader of the House has not been accepted by the House. His assertion of awarding the vote to the ayes has not been accepted by the House. Mr Speaker, I ask you, as an independent Speaker, to uphold my point of order.

Mr SPEAKER: Order! I have discussed that point with the Clerk, who has indicated that it was in order to call the next item of business, which is Order of the Day (General Order) No. 1, which relates to capital works expenditure in the electorate of Hornsby. I put the question, which is that the motion be agreed to. The Deputy Leader of the Opposition has the call.

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [10.17 a.m.]: I apologise to the schoolchildren who are in the public gallery for the shemozzle that they have seen today. But these are the rules of debate that honourable members have to put up with every day in this place because of Sergeant Schultz, who is in charge.

Mr SPEAKER: Order! If the Deputy Leader of the Opposition does not address his remarks to the question before the Chair I will direct him to resume his seat.

Mr O'FARRELL: I was indeed trying to address the matter that is before the Chair. Colonel Klink came to Hornsby to address the Chamber of Commerce and to extol the virtues of—

Mr Whelan: Who?

Mr O'FARRELL: The Premier, and the Leader of the House is Sergeant Schultz.

Mr SPEAKER: Order! The Deputy Leader of the Opposition is well aware that he is out of order. He will adopt the protocols of the House when addressing the question before the Chair. I place the honourable member for Wakehurst on two calls to order. I call the honourable member for Wakehurst to order for the third time.

Mr O'FARRELL: Mr Speaker, as I was saying—

Mr SPEAKER: Order! The Deputy Leader of the Opposition will address honourable members by their proper titles.

Mr O'FARRELL: The Premier went to Hornsby in February to address the Hornsby Chamber of Commerce. All those involved in commerce in Hornsby turned up at the Hornsby RSL Club to hear the message from the Premier about what would be done locally to boost the Hornsby economy. Not a single project was outlined by the Premier that had any relevance to the Hornsby electorate or to the district around it. The closest the Premier came to that was to talk about a Parramatta project. That is a clear indication of the lack of interest by this Government not just in the northern suburbs of this city but in suburbs that are not represented by honourable members opposite whose electorates are marginal.

During the most recent State election, the Labor candidate in Hornsby campaigned on a large number of issues. Since the election, not a word has been heard from the Labor Party on those issues, notwithstanding the fact that the Premier and other Labor Ministers went to the Hornsby electorate to support the Labor candidate and promised that, regardless of the results, something would be done about those issues.

There are three main issues that this House should urge the Carr Government to address in the electorate of Hornsby. They are, first, car parking at Hornsby railway station. Nothing has been done to improve car parking at that station since the demise of the former Liberal Government. It is only the Liberal Party that addresses those sorts of issues in the area of Hornsby and across this State. Second, the Duffy Avenue rail bridge continues to be a cause of concern during the morning and afternoon peak period to those who live in Thornleigh, and particularly those who live in Westleigh. That two-lane bridge across the main north railway line does not cope with the current population growth west of Pennant Hills Road. One only has to visit the area each morning and afternoon to see the chaos that is occurring there. Not only do people have to worry about cars, they also have to worry about concrete trucks and other trucks accessing the nearby industrial park.

Third, sewerage facilities at Cowan are in desperate need of upgrading. This Government cannot have it both ways. It cannot continue to pursue a policy of increasing density in areas such as the Hornsby electorate and not upgrade basic infrastructure and services to those areas. The people who live in the Hornsby electorate pay the same taxes as people in other parts of this city and deserve a fair share. I note that the honourable member for East Hills amended the motion to argue that all people across the State ought to get a fair share from this Government. I could not agree more. But that is not what is occurring.

People who live north of the harbour, people who live north of the Parramatta River with the exception of one electorate, are not getting a fair share from this Government. This Government only puts resources into marginal seats held by marginal members. They are indeed marginal members, as exhibited by their contributions in this House. This motion ought to be pursued by this Chamber. The electorate of Hornsby deserves better. It certainly has good representation and the Carr Government should back it further.

Mr RICHARDSON (The Hills) [10.21 a.m.]: It is highly significant that the Government does not want to speak further in this debate. The Government has absolutely nothing to say about Hornsby, there is no question about that. The litany of Government budgetary achievements set out by the honourable member for East Hills during debate on this matter in May is indicative of the fact that the Government cares not one whit, not one jot, for the electorate of Hornsby. That was amply demonstrated earlier this year when the Premier—who was attending a local business seminar held at the RSL Club in the electorate of Hornsby—took a cheap political shot at the honourable member for Hornsby merely because he had the temerity to get up at the function to defend his electorate and speak up for the need for a fair go for the electorate of Hornsby. I believe it is worth repeating what the *Hornsby Advocate* had to say about that political shot on that day. I quote from an article in that newspaper on Thursday 10 February 2000 under the headline "A cheap shot":

The Premier made a blunder at a Hornsby business lunch this week when he underestimated the home ground advantage.

A distinct collective groan was heard when Mr Carr delivered a broadside to Member for Hornsby Stephen O'Doherty.

The message from those at the lunch was clear—they thought it was uncalled for.

Mr O'Doherty asked a simple question about the absence of local projects on the Government's post-Olympic agenda.

Mr Carr's reply was nothing more than an ill conceived attempt at political pointscoring. It was inappropriate and uncalled for.

The people of Hornsby are still waiting to hear the question answered.

The support behind Mr O'Doherty and disapproval of Mr Carr's actions were obvious—the cheap shot backfired.

While it is unclear what motivated such a vitriolic retort from Mr Carr, one thing is certain—out-of-towners come off second best when they take on the hometown boy.

I do not think anybody in this House could have put it better. There is absolutely no question but that the hometown boy is out there fighting for his electorate, and fighting against the extraordinary level of neglect that has been practised by this Government since the last election. During the last election campaign, the late, unlamented, Labor Party candidate for Hornsby—

Mr O'Farrell: Don't mention him.

Mr RICHARDSON: I think honourable members should know that this man was a failure Scott Cardamatis, who was a Hornsby councillor—a totally undistinguished Hornsby councillor, I might add—said at a public meeting that Carl Scully had promised \$600,000 for a railway bridge at Duffy Avenue. Honourable members heard the Deputy Leader of the Opposition speak about Duffy Avenue. However, absolutely no funding was allocated in the last State budget for that railway bridge. Honourable members have heard about the urgent need for that railway bridge but there has been no indication that the bridge will be built.

I know this will be of interest to the Deputy Leader of the Opposition. The Government has spoken to Hornsby council about this matter and has asked council to design a four-lane railway bridge—and provide the money—because at some time in the future, apparently, the Government is planning to duplicate the main north line. I think that is going to be on the same sort of drip feed as the Castle Hill rail line and the commitment to spend some money in the electorate of Hornsby! The Government does not seem to understand that in order to govern properly it should be governing for all the people of New South Wales, not merely for those in Labor electorates and for its mates.

The people of Hornsby have exactly the same rights to a fair go as do people in the electorates of East Hills, Hurstville or The Entrance. I believe it was an absolute disgrace that the Premier should have taken such a flippant, cheap shot at the honourable member for Hornsby at a public meeting—it was not a political party meeting—when he was asking for some benefits for his electorate, the same sorts of benefits as other honourable members in this House enjoy. The Government has been condemned by the rhetoric of its own failed candidate for the seat of Hornsby in the last State election. Let me say that I expect a significant increase in the majority of the honourable member for Hornsby at the next election as a consequence.

Mr O'DOHERTY (Hornsby) [10.27 a.m.], in reply: The Government has nothing to say about the electorate of Hornsby. Government members should be embarrassed that on a significant motion relating to an electorate that the Australian Labor Party says it actually pays attention to and cares about, the Government has nothing to say about, or to, the electorate of Hornsby in this debate. One contribution was made on behalf of the Government by the honourable member for East Hills. I mean no disrespect, but he is well down the food chain in the Australian Labor Party. When this motion was first debated—so long ago that I have forgotten; I have lost track—he was the only member able to speak on behalf of the Government about the issues I have raised.

Since that time the Government has cancelled private members' days and has adjourned motions, and five months elapsed before the Government allowed this motion to proceed. The House should note that the Leader of the House even tried a tactical, strategic trick this morning by adjourning everything on the business paper that preceded this motion, because he was under the mistaken impression that we were not ready to proceed. He even defamed me by saying that I was not in the House when I was. Hansard probably did not record the fact that, across the table, he apologised to me.

Those are the tactics of the Australian Labor Party. The Government does not want this matter to be debated. The Government does not want the electorate of Hornsby to be reminded of the fact that it made clear promises to the electorate during the election campaign last year, promises it has since forgotten and conveniently neglected in its funding of capital works across the State. Those promises were made loud and clear to the electorate of Hornsby. There was the promise about the Duffy Avenue railway bridge. During the election campaign the Labor candidate said, "I have spoken to the Minister for Transport. He has \$600,000. It is ready to go for this project."

As soon as the election was held, and the Liberal Party candidate won the seat of Hornsby, the Government forgot about its promise to the people of Westleigh and Thornleigh, and to this day the Government has not provided funding for that project. When funding is asked for, the Minister for Transport says, "What promise?" The people of Westleigh have not forgotten the promise. The Government has an obligation to build better car parking facilities at Hornsby station. Last week I learned that the Government will build those facilities when it extends the car parking levy to Hornsby. So Hornsby is the next place to get the dubious benefit—and I put that in the most cynical terms—of a car parking levy, and then the Government might think about increasing car parking at Hornsby station. The people in my electorate know that the facilities are needed and that the Labor Party used that as a promise in its 1999 election campaign.

Car parking facilities are needed at Berowra station, something about which the Government also campaigned during the 1999 election. The Government has not provided a cent for it, said a word about it or expressed an interest in it. Letters written to the Minister are simply returned with no commitment whatsoever. The Government said it was committed to Hornsby hospital—it also tried to close it down—but the budget provides nothing whatsoever for the hospital. It has been impossible to get a capital works commitment out of the Government for local schools, with the single exception—and for this I give the Minister credit—of an allocation of some tens of thousands of dollars to commence planning for Mount Colah school, and so he should. In 1995 that school was to receive planning provision under the previous Government but the incoming Labor Government took it off the capital works list. Earlier this year when I was finally able to get the Minister to agree to see a delegation from the school he agreed to reinstate the school for planning for capital works, for which I give him credit. That is very small compared with the commitments that the Labor Party made to the electorate of Hornsby during the election campaign.

The honourable member for East Hills criticised me for being selfish on behalf of my electorate. He said, "I do not recall while I have been a member of the Parliament"—which by the way is not that long—"any member moving a motion that specifically whinged about his own electorate." If whingeing about the needs of my electorate is an offence then I am guilty. I will continue to do that because that is what I was elected to do. I am elected to represent the people of Hornsby in this place and to ensure that they get a fair go, despite a Labor Government.

Mr SPEAKER: Order! The original question is the motion moved by the honourable member for Hornsby, upon which the honourable member for East Hills has moved, That the question be amended as follows:

That all words after "That this House" be left out with a view to inserting instead the following:

- "(1) notes the State Government's commitment to capital works spending as a means of improving government services, creating jobs and strengthening the State's economy.
- (2) commends the Carr Government for ensuring a fair share for all of New South Wales."

Mr O'Doherty: Point of order: I ask the Clerk to provide advice as to whether the amendment is competent. The subject of the motion is the electorate of Hornsby, not capital works for New South Wales. Therefore, the amendment needs to deal with the substantive motion in some way. The amendment does not; rather, it talks about capital works generally. The subject of the motion is specifically Hornsby. Therefore I submit that the amendment is out of order.

Mr SPEAKER: Order! I see no conflict. I will put the amendment.

Question—That the amendment be agreed to—put.

The House divided.

[In division]

Mr O'Doherty: Point of order: For the benefit of honourable members and before the vote is taken, I refer to my previous point of order in which I asked for advice from the Clerk as to whether this amendment was competent. I ask you to state for the record the advice you received from the Clerk so that members can make up their minds.

Mr SPEAKER: The honourable member for Hornsby may approach the Clerk if he wishes to do so. I have ruled that the amendment is in order and the House is now voting on it.

Mr O'Doherty: What advice did you receive?

Mr SPEAKER: I did not seek advice. That is the honourable member's job.

Ayes, 49

Ms Allan	Mr Greene	Mr Nagle
Mr Amery	Mrs Grusovin	Mr Newell
Ms Andrews	Ms Harrison	Ms Nori
Mr Aquilina	Mr Hickey	Mr Orkopoulos
Mr Ashton	Mr Hunter	Mr Price
Mr Bartlett	Mr Iemma	Dr Refshauge
Ms Beamer	Mr Knowles	Ms Saliba
Mr Black	Mrs Lo Po'	Mr Scully
Mr Brown	Mr Lynch	Mr W. D. Smith
Miss Burton	Mr Markham	Mr Stewart
Mr Campbell	Mr Martin	Mr Watkins
Mr Collier	Mr McBride	Mr Whelan
Mr Crittenden	Mr McManus	Mr Yeadon
Mr Debus	Ms Meagher	
Mr Face	Ms Megarrity	<i>Tellers,</i>
Mr Gaudry	Mr Mills	Mr Anderson
Mr Gibson	Mr Moss	Mr Thompson

Noes, 36

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

Pair

Mr Woods

Mr Brogden

Question resolved in the affirmative.**Amendment agreed to.****Question—That the motion as amended be agreed to—put.****The House divided.****Ayes, 49**

Ms Allan	Mr Greene	Mr Nagle
Mr Amery	Mrs Grusovin	Mr Newell
Ms Andrews	Ms Harrison	Ms Nori
Mr Aquilina	Mr Hickey	Mr Orkopoulos
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Mr Humpherson	Mr Rozzoli	Mr Fraser
Dr Kernohan	Ms Seaton	Mr R. H. L. Smith
Mr Kerr	Mrs Skinner	

Pair

Mr Woods

Mr Brogden

Question resolved in the affirmative.**Motion as amended agreed to.**

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

Deferred division

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

The House divided.

Ayes, 48

Ms Allan	Mr Greene	Mr Nagle
Mr Amery	Mrs Grusovin	Mr Newell
Ms Andrews	Ms Harrison	Ms Nori
Mr Aquilina	Mr Hickey	Mr Orkopoulos
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Mr Collins	Ms Moore	Mr Tink
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Dr Kernohan	Ms Seaton	Mr Fraser
Mr Kerr	Mrs Skinner	Mr R. H. L. Smith

Pair

Mr Woods

Mr Brogden

Question resolved in the affirmative.

Motion for adjournment agreed to.

PAY-ROLL TAX AMENDMENT (COUNTRY EMPLOYMENT) BILL

Deferred division

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

The House divided.

Ayes, 48

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Tellers,
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Pair

Mr Woods

Mr Brogden

Question resolved in the affirmative.

Motion for adjournment agreed to.

JURY AMENDMENT (DISSENTING JUROR) BILL**Deferred division**

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

The House divided.

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Mr Glachan	Mr Oakeshott	Mr R. W. Turner
Mr Hartcher	Mr D. L. Page	Mr Webb
Mr Hazzard	Mr Piccoli	Mr Windsor
Ms Hodgkinson	Mr Richardson	
Mr Humpherson	Mr Rozzoli	<i>Tellers,</i>
Dr Kernohan	Ms Seaton	Mr Fraser
Mr Kerr	Mrs Skinner	Mr R. H. L. Smith

Pair

Mr Woods

Mr Brogden

Question resolved in the affirmative.**Motion for adjournment agreed to.****BUSINESS OF THE HOUSE****Order of Business: Suspension of Standing and Sessional Orders****Deferred question**

Mr SPEAKER: Order! I will again put the question, That standing and sessional orders be suspended to allow consideration of General Business Order of the Day (General Order) No. 1 and General Business Notices of Motion (General Notices) Nos 1 to 14.

Motion agreed to.**Notices of Motions**

General Business Notice of Motion (General Notice) No. 1, relating to a statement by the Minister for Mineral Resources, and Minister for Fisheries, called on and lapsed.

KU-RING-GAI ELECTORATE BUILDING DEVELOPMENTS

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [11.11 a.m.]: I move:

That this House notes:

- (1) the results of the Ku-ring-gai Municipal Council elections held on Saturday 11 September 1999, and
- (2) the clear message delivered by ratepayers in opposing the Government's attempts to impose inappropriate, high density development upon Ku-ring-gai.

In September last year councils across the State went to the polls. In the municipality of Ku-ring-gai, the Ku-ring-gai Preservation Trust had been formed prior to that election expressly because of concerns about State Government planning policies, in particular, State Environment Planning Policy No. 53 and State Environmental Planning Policy No. 5. It is rare in this day and age that any of us go to political meetings, community meetings at which more than 1,000 people are present. But because of the way the Carr Government, in particular the Minister's predecessor the Minister for Urban Affairs and Planning had handled planning in relation to Ku-ring-gai council, the Ku-ring-gai Preservation Trust was formed at a meeting of more than 1,500 of the Ku-ring-gai municipality residents in the lead-up to 1999 municipal election.

The people who formed the trust, those who subsequently joined the trust, and the many thousands of people who voted for trust candidates in September last year did so because they wanted to protect the

residential and environmental amenity of Ku-ring-gai. They are concerned that State Government planning instruments are adversely affecting their area. This is not an attempt by Ku-ring-gai municipality to put up walls. It is not an attempt by Ku-ring-gai municipality to say to the other parts of Sydney: This is your problem, not ours. Rather, this is a response by Ku-ring-gai municipality to say: Ku-ring-gai has a number of unique residential and environmental features. We have a particular style of housing. It is not appropriate that blunt instruments like SEPP 53 and SEPP 5 be used to change that character across the whole of the municipality.

To say that the Ku-ring-gai Preservation Trust was successful is an understatement. Some 10 councils were elected in September last year, seven of which represented the Ku-ring-gai Preservation Trust. Only two councillors from the former council retained their seats, one of whom is a member of the Preservation Trust. Two other councillors were elected on an anti-development platform but they were not members of the Trust. There was an overwhelming endorsement by electors in Ku-ring-gai against the State Government's intention to increase densities across that municipality.

I moved this motion, notice of which was first given on 14 September last year shortly after the council elections, because of my concern about ongoing State Government actions towards Ku-ring-gai. I want to address this in two ways. First, I want to talk about SEPP 5. I want to acknowledge, given that he is in the House, that in dealing with development issues in Ku-ring-gai, the Minister for Urban Affairs and Planning appears, on the surface at least, to be listening and to be proactive. But the concern of Ku-ring-gai is that notwithstanding the attitudes that he has expressed there seems to be a reluctance on the part of his bureaucrats and the department to understand what the Ku-ring-gai Preservation Trust representing the wider community and represented on council by seven councillors, is on about.

As I have said in this House time and time again, SEPP 5 is a cancer across the Ku-ring-gai electorate, despite the fact that in February 1998 this Government revised the policy, despite the fact that in revising the policy it was intended to increase the availability of housing to aged and disabled people, despite the fact that housing should make efficient use of existing infrastructure and services, and should be of good design. On none of those counts is it being following correctly in Ku-ring-gai. Last night I told the House that in some cases a single housing block in Ku-ring-gai is having a SEPP 5 development placed on it so that up to 16 new housing lots can replace the one home. That is one family in one house being replaced by 16 family units in 16 housing lots.

That is a policy that is simply out of control. As I have said previously, it is a policy that developers are driving a truck through. These developers are not buying blocks of land in areas that are already zoned for increased densities. They are buying blocks of land for far cheaper prices in areas where single homes exist. Why are they doing that? Because there is a bigger buck to be made. It is also obvious that there is no good design necessarily to be effected in these SEPP 5 developments, despite the Premier's protestations from time to time about the need to bring better design rules into planning. Time and time again the Land and Environment Court has expressed a view about some of these developments. In 1998, in a rare rejection of one of Ku-ring-gai's SEPP 5 developments, the court described it as "Nothing more than residential flats by another name."

Second, the other big problem about SEPP 5 developments is the fact that neither local councils nor State Government can ensure that they are being occupied by people to whom the SEPP was targeted. The policy cannot be policed and therefore it should not exist. I am also disturbed that because of a decision by the Premier in 1987, SEPP 5 developments are exempt from section 94 developer contributions. Notwithstanding the fact that the residents of those SEPPs are having an impact on community infrastructure and services, they are not required to make a contribution to the further development of those facilities and the like. The fourth point is that these SEPP 5 developments are not restricted close to service and infrastructure. It is a nonsense for anyone to suggest that they are being built close to public transport, shopping centres, medical facilities and the like.

I have streets in my electorate that are well away from such facilities where one SEPP 5 development is fundamentally altering the character of that street. It is that to which the trust objects, it is that to which Ku-ring-gai council is objecting and it is that to which fundamentally the Ku-ring-gai municipality has objected. The second issue revolves around SEPP 53. I will not be too provocative because I am still hopeful that the Minister for Urban Affairs and Planning will produce a sensible outcome. Before I go on I should say that the Minister initiated a review into SEPP 5. He included, at my request, Ku-ring-gai council in that review last year with Ku-ring-gai council representatives. We are still waiting for the review to be released. We have had an interim report, but the final report is well overdue. If the Minister can make a contribution to the debate the one thing I would ask is: When will we see the report of that SEPP 5 review?

It is not only Ku-ring-gai but Sutherland, Penrith and many other councils across this city that want to see an end to the abuse going on with SEPP 5. SEPP 53 is being considered by the Minister's department at the present time. Ku-ring-gai council, which has acted far more responsibly than the former council, has tried to put together a residential strategy that is consistent with the broader nebulous criteria that the Department of Urban Affairs and Planning sets out, and that is currently before the Minister and his department. I hope that the Minister does the right thing in terms of the Ku-ring-gai community. But I make the point about SEPP 5 that notwithstanding that councils adopt residential strategies in line with the Government's demand, these SEPP 5 developments can make a mockery of those strategies.

They can increase densities in areas that were never intended to have increased densities. They can fundamentally affect a streetscape and landscape and the environment of a particular area. I could easily characterise this as a NIMBY—not in my backyard—argument, but it is not a NIMBY argument. People from all over Sydney and from areas represented by members on the other side of the House have moved to the Ku-ring-gai electorate for the great schools, both public and private, that are offered, the choice of housing stock, the fact that that housing stock often has large blocks of land, which is terrific for bringing up children, and the fact that it has national parks are on two sides. We live in a fortunate part of Sydney that has been recognised by the National Trust. Our urban conservation areas were put on the endangered list by Tom Uren.

The purpose of this motion is to ensure that the reasons Ku-ring-gai Preservation Trust councillors were so successful in September 1999 and that so many people in the Ku-ring-gai community supported them are reflected, recognised and acknowledged by this Government. We do not want a continuation of threats to our community or to the residential environmental amenity currently being proposed by SEPP 5 and SEPP 53. We need this Government to recognise that local communities do have intrinsic worth and that State governments need to exercise planning instruments with a great deal of care. We have been critical of former Liberal and Labor governments for this one-size-fits-all attitude to planning in this State. SEPP 5 is a terrible example of what can happen under that approach. I say again: we hope the Minister looks favourably at SEPP 53.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [11.21 a.m.]: The first part of the motion obviously is strongly supported by the Government. We note the results of the Ku-ring-Gai Municipal Council elections on 11 September 1999. It is hard to oppose that. The second part of the motion is absolutely outrageous. It is not true to suggest that the Government is attempting to propose inappropriate high density development in Ku-ring-gai.

Mr O'Farrell: Well, it's true.

Dr REFSHAUGE: It is not true at all. Especially when your mate the former Mayor of Ku-ring-gai came to see me, the one who has just been deposed by his own lot, to talk about appropriate development. He said, "Yes, that's what we want, appropriate development." Your argument has been cut by your own mate, whom you put up to be mayor and who, unfortunately—I do not know whether his behaviour has caused problems—has decided now not to stand as mayor again and somebody else has taken over. Again, it is another one from your fan club, or is it the other way? Are you part of his fan club? We sat down and discussed appropriate development and the mayor said, "Yes, that's fine, we are happy to do that." The Opposition has no facts to support the claim that the Government is trying to impose inappropriate development. I will judge the proposal of the council by the same standards as the Deputy Leader of the Opposition on whether it produces density close to public transport and shopping centres. That is what the Opposition said should happen; we will see if it follows the transport corridors that are in place. That is what I talked to the mayor about and that is what he said he would do.

Sure the mayor has changed, but presumably the general tenor of the council has remained. We will be keeping a clear watch on that issue. No doubt when councils do the wrong thing they can be chucked out. When councils do the right thing by their residents, they get endorsed. When residential strategies have been endorsed by councils and have been done well, like the City of Sydney and some of the great councils of western Sydney, such as Fairfield and Blacktown, those councils get ringing endorsements. But where it is done very badly—a classic case of that is Sutherland council because it kept using State environmental planning policy [SEPP] 1 totally inappropriately—councils get chucked out. The old Liberals on Sutherland council got chucked out. You get chucked out when you do badly on council. It was not in any way a comment on the policy; it was how it was being implemented.

I find it difficult to comprehend also from the Deputy Leader of the Opposition his ability to decide that older people should not have choices in his electorate. Part of the Opposition policy is to abolish SEPP 5. Of

course, SEPP 5 is intended to provide accommodation for aged people. His interest is, "Let's get rid of that." That is the Opposition's policy. After 18 to 20 months we have actually had few policy suggestions from this Opposition. One policy is to abolish SEPP 5. Opposition members seem to have differences of opinion with that. In fact, there was some indication from the Deputy Leader of the Opposition that he may support changes to SEPP 5 rather than abolishing it, but he can work out his own difficulties.

Mr O'Farrell: Is SEPP 5 working?

Dr REFSHAUGE: Yes, it is. In a number of areas it is working very well. Clearly, the Deputy Leader of the Opposition's anti-elderly policy will come back to haunt him. . When the people who live in Ku-ring-gai now become empty nesters and want to remain in the area but live in smaller dwellings he will say, "No, you can't have them." They will have to move out of that area because they cannot have smaller dwellings. That is what he is saying and that is his policy. His other policy was dual occupancy, and that was a one-size-fits-all Liberal policy that was an absolute disaster. It is interesting the Opposition is not going back to that policy because its other policies have not worked and it has not come up with anything else. What will the Deputy Leader of the Opposition do about the need for aged people in his area? Nothing. All he says is to abolish SEPP 5 and not provide accommodation for older people. That is a great policy! That is something I am sure will win him the great favour of the elderly constituents in his electorate.

I cannot understand why the honourable member is being so stupid about this. Why does he not come up with something sensible, a policy that might work for people. All he says is, "I've got no ideas, so we'll abolish anything the Government might be doing." We have had genuine and strong support from all councils throughout the metropolitan region for getting a better residential development strategy. When any council has said to me it wants to review its residential strategy, I have said, "I'm quite happy for you to do that." It is a matter of agreeing to the general policy. We need to make sure there is accommodation for people who are coming to live in Sydney and that we do not contribute to the urban sprawl unnecessarily. There is certainly commonality of support for that.

None of the councils I have spoken to disagrees with that. They say they want to be able to maintain the local sensitivity. I said, "Fine, do that." In fact, the Deputy Leader of the Opposition is saying that high density development should be close to transport and shopping centres, and that is exactly what we are saying. We are not saying anything different. If he has a policy he thinks will help to actually advance things for his constituents, it would be really nice to hear it. All we have had is 18 months of carping and negativity, but no policies, from a no-hope Opposition with no hope of being in government. That is really not very productive and it is certainly not what his constituents would want from him. His constituents want him to find solutions, not just to say, "Oh, I don't like that." The reality is that he has no policy.

Mr O'Farrell: Where are your solutions?

Dr REFSHAUGE: We have reviewed SEPP 5 and the reason we have taken time over it is that councils wanted to be consulted. I am a consultative Minister, I like to talk to councils and get their views. I know the honourable member may not want his councils to listen, but he asked me to include Ku-ring-gai, so I did. Sutherland wanted to be included, so I put Sutherland in. Obviously, this all takes more time. We have to put that information back to the councils who participated, and to the other councils and major stakeholders to get their views. That is important. If you want to cut down on consultation, put that as part of your policy; say that you will not consult with people. Certainly in due course we will publish a response to that review and to the input. I see already that people opposite will say, "No, get rid of SEPP 5." I issue a challenge to the Deputy Leader of the Opposition: If you want to be leader—you are showing signs that it might be a useful thing for you to do, it might be worthwhile your thinking about being leader—come up with a policy. This is the first test for him, because it is very much about his area. Come out and say, "Yes, that policy is good and I'd change it in this way to make it better."

I challenge the honourable member to do that. He should show some leadership, show that he is thinking about policy. The Opposition spokesperson will say, "No, we do not want this at all," but he will not come up with an alternative. The Coalition will condemn itself to the Opposition benches forever if it does that. I do care about the older constituents in all Coalition electorates. It is important to provide them with housing choice that enables them to stay with their networks in their local communities, but the Opposition's proposition to abolish SEPP 5 will not allow that. I spoke to the councillors but make no comment on their proposed local environment plan. They understood what was required and committed themselves to it. If they are able to deliver that, things will go well.

The Deputy Leader of the Opposition put up the clear test that any concentration of accommodation should be close to public transport and to shopping centres. That is appropriate, and obviously the Government would give it a tick. However, it will not do that if the council does not live up to the test of the Deputy Leader of the Opposition. Honourable members will see how he responds to the final assessment of the residential strategies that are delivered. I reiterate that every other council has played ball, come to the party and delivered the goods. Ku-ring-gai has not, and it has been obstructive all the way. I hope that the present councillors have clearly understood the residential strategy. They have given me a commitment that they will consider the criteria that the Government has laid out, which includes the necessary criteria for higher density development—proximity to public transport and shopping centres. I oppose the motion.

Mr HUMPHERSON (Davidson) [11.31 a.m.]: As many members probably know, the Ku-ring-gai Municipal Council area is characterised and made special by substantially treed streets, substantial amounts of vegetation, reserves, a couple of national parks and, threaded throughout, a predominantly residential area. In many respects it is a dormitory area. Many people moved to the Ku-ring-gai area, have remained and hope that their children can grow up and live there for those reasons. They feel protective and should be respected for having that feeling. One hopes that governments and their elected representatives would acknowledge that and take the concerns of the residents on board.

The council area is divided into a couple of State electorates. My seat of Davidson picks up about one-third, largely that part in the catchment of upper Middle Harbour. The larger part is in the electorate of the Deputy Leader of the Opposition. The people in Ku-ring-gai feel that the area, their lifestyle, their investment and their choices are threatened by the style of housing that is being interspersed amongst their homes in what is predominantly a single-dwelling residential area. These were the issues that influenced voters at the September 1999 election. The majority of people who cast their votes were influenced by a desire to protect what they had and support those who respected that desire and wanted to preserve the character of Ku-ring-gai. The concerns they expressed then—a large part of which involve State environmental planning policy [SEPP] No. 5 and SEPP 53—remain.

To many people, State environmental planning policy No. 5 is a greater ogre than dual occupancy ever was. It has been under review now for the best part of 12 months. Only minutes ago the Minister could not guarantee when it would come back or what it would contain, which demonstrates that he does not understand the concerns of the residents, nor does he seem to care about the impact that SEPP 5 is having. The new Mayor of Ku-ring-gai, Laura Bennett, was present at a meeting at Lane Cove a week or so ago attended by the Hon. Henry Tsang from the upper House. In speaking to a number of applicants in her mayoral office she said, "We have areas zoned for medium-density housing that are appropriate for that sort of housing. Why do you not go there and put in an application for that land rather than going into residential areas?"

The answer is simple: It is financially far more attractive to buy land zoned residential single-dwelling than to buy land zoned medium density. Furthermore, developers who buy residential land and lodge a SEPP 5 application do not have to pay the section 94 contributions towards community facilities and services. Under the current circumstances with SEPP 5, most applicants who lodge applications for medium-density housing—the choice that the Minister talks about—will not do so in the areas in which the council and the community want developments commenced and constructed. As a member of Parliament I have for many years advocated the need for housing choice. Diversity of housing is needed, particularly for the elderly, but it must be provided in such a way that it preserves the character of the existing area. We do not have to throw the baby out with the bathwater.

We do not have to destroy the character of streets in Roseville or Lindfield or other parts of the Ku-ring-gai Municipal Council area. Simply put, when the State Government and the Minister allow a single SEPP 5 development in the centre of a streetscape that is treed on both sides and has large dwellings surrounded by vegetated gardens it destroys the character of an entire street. If multiplied by several streets throughout a suburb, the character of the suburb is substantially destroyed. State environmental planning policy 5 is an abomination that, the Minister fails to recognise, is far less attractive than the residential strategy put together and adopted unanimously by Ku-ring-gai council. The Minister should acknowledge that unanimity and support the council's desire to provide choice in appropriate places, close to transport, protecting and preserving the character of buildings and ultimately respecting the wishes of the entire population of the Ku-ring-gai council area.

Mr BROGDEN (Pittwater) [11.36 a.m.]: The Minister, in replying to the speech of the Deputy Leader of the Opposition, stated that the Opposition's policy is to abolish SEPP 5. He is right. The Coalition will abolish

SEPP 5 in its current form because it is bad planning policy. The Minister knows that because he has instituted a review of the policy. If there were nothing wrong with it, we would not be waiting for a report on SEPP 5. The Minister has admitted his problems with the policy. They were not his fault but that of the former Minister for Planning, now Minister for Health, who in January 1998 rewrote the old SEPP 5 to open it up to gross distortion. State environmental planning policy 5 as it stands today is a green light to developers for backdoor urban consolidation. It is destroying the neighbourhoods and the character of many Sydney suburbs. Together with places like Ku-ring-gai and Pittwater it is hurting suburbs like Ryde.

In many places across suburban Sydney developers are seeing SEPP 5 as an opportunity to put through backdoor urban consolidation projects, which are leading to overdevelopment in Sydney suburbs and the destruction of the character of our city. That is being done in a clever way by some but stupidly by others. There are many applications under SEPP 5. In Ku-ring-gai not a month goes by when the council rejects an application for a standard development under its own rules. Then surprise, surprise, a few weeks later in goes a SEPP 5 application. What is wrong with SEPP 5? At the top of the list is the problem that it is totally unenforceable.

Even if it sought to meet the objectives of the policy, which are admirable and with which the Opposition agrees, nobody would agree with the objectives of SEPP 5, which are to increase the availability of housing to provide a wider choice of residential accommodation for aged and disabled people, to make efficient use of infrastructure and services and to be of good design. Nobody disagrees with those objectives; no-one in this Chamber would; no-one in the community would. The problem is that the Carr Government's SEPP 5 does not meet those objectives. The gate is open and it is being abused widely across New South Wales. Its greatest fault is that its objectives cannot be enforced. Nobody—not the State Government, the intellectuals, the Department of Urban Affairs and Planning or the local council—can ensure that the person who buys and/or occupies a SEPP 5 development is over 55 or disabled.

Quite simply, at the age of 31 I could buy a SEPP 5 development and move in tomorrow. There is nothing to stop me from doing that. The policy is fatally flawed in achieving its initial objective, that is, to provide a greater choice of housing for elderly and disabled people. It is failing and will continue to fail to do that. The Opposition wants to know when it will receive the Government's final report on SEPP 5. I attended a meeting almost a year ago with the Minister and several mayors and general managers of councils, including Ryde, Ku-ring-gai, Pittwater and Warringah councils. In that meeting the Minister said, "I don't want this to take forever. I want a quick inquiry and report."

Councils requested a very open inquiry to allow the community to participate fully and the Minister said, "Trust me, we will have a short inquiry. This will not take long." It has been one year now. The interim report identifies the strong concerns of councils about SEPP 5 on behalf of their communities and the Department of Urban Affairs and Planning reflected that fairly in its report. However, it has done nothing since that meeting, and the report was due in September. The best the Minister can do today is to say that it will be out in due course. Will he still be the Minister or will he be in private practice in Marrickville by the time this happens? Will he have resigned from the Ministry and the Parliament before SEPP 5 is reviewed? We need the review now, and we demand that the Minister deliver the SEPP 5 review immediately. [*Time expired.*]

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [11.40 a.m.], in reply: One of the things that I will regret when the Minister for Urban Affairs and Planning retires from this place is his singular ability to distort the truth and twist words. We saw a bit of that skill from the Leader of the House but at least with the Minister there is an intellectual impetus and some substance. The Minister for Urban Affairs and Planning says that the second part of the motion is opposed because the Government has not attempted to foist inappropriate housing densities upon Ku-ring-gai. That is a lie. This motion was moved in September last year. The preceding two years were characterised by the Government and the former Minister for Urban Affairs and Planning endeavouring to do exactly that.

This Minister says that the only increased densities that this Government is pushing for are around public transport modes and shopping centres. That is a lie. The former Minister for Urban Affairs and Planning endeavoured to increase densities in Warrawee, for instance—a suburb with no shopping centre and completely characterised by typical Ku-ring-gai residential homes. The Minister for Urban Affairs and Planning tells lies; he is dissembling. From the outset the Government has sought to inappropriately increase densities across Ku-ring-gai. When the new council was elected, dominated by Ku-ring-gai Preservation Trust [KPT] candidates, it set about trying to undo some of the bad work of the previous council and to relieve some of the pressure placed on the council by the former Minister for Urban Affairs and Planning.

It put together a residential strategy that reflects increased densities in appropriate areas in Ku-ring-gai. It accepted the strategy unanimously. All 10 councils, KPT and the like, accepted that. It is up to the Minister and his department to accept that strategy or make changes to it. Notwithstanding that, despite the department having had that strategy for more than two months, there has been no agreement to it. If the Government was committed to working with local communities, surely a strategy that had been unanimously accepted by council and developed in co-operation with the Department of Urban Affairs and Planning would have been signed off far more quickly, but it has not been.

The Minister for Urban Affairs and Planning comes into his own on SEPP 5. To suggest that I do not have an interest in older or disabled people in my electorate is a complete and utter nonsense. I wish the Minister had been with me at North Turramurra Bowling Club on Monday morning, when I met with 100 senior residents. Those residents expressed concerns about the effect of SEPP 5 upon their community. They have a direct interest in this planning instrument and, like I, support the aims of the planning instrument. However, like the road to hell, this planning instrument has been paved with good intentions.

As the honourable member for Pittwater pointed out in this House and outside, SEPP 5 simply cannot be enforced and, even worse, it is being abused by developers to line their pockets. The people with whom I met at North Turramurra on Monday morning want a choice in housing, and that choice is being proposed by Ku-ring-gai Municipal Council. The seniors want affordable housing. I can tell the House that the SEPP 5 developments being constructed in Ku-ring-gai are not affordable and are not within the reach of many of those people for whom they are allegedly designed.

Contrary to the comments of the Minister for Urban Affairs and Planning, most of those SEPP 5 developments are nowhere near public transport, so even if aged and disabled people could afford to buy them, they would be locked in; they would not be able to get around. Some of the SEPP 5 developments I have seen have more stairs than I have in my home. If I was fitter I could use those stairs, but many aged and disabled people could not live in those developments. Some of the developments are narrow and are completely unsuited to the people this Government claims they are designed for.

The honourable member for Pittwater made the point that the Minister has promised a review of SEPP 5. If there were no problems the review would not be necessary. The review has been going on far too long, and in the meantime developers have been making a fortune. Given the elements of corruption that hang over this Government, I do not know whether there was a deal between planning Ministers past and present and developers to make a buck out of this. There is clearly something wrong when a policy such as this has been the subject of review and the problem cannot be fixed. This motion seeks to fix the problem.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 37

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

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

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

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

Noes, 49

Ms Allan	Mr Greene	Mr Nagle
Mr Amery	Mrs Grusovin	Mr Newell
Ms Andrews	Ms Harrison	Ms Nori
Mr Aquilina	Mr Hickey	Mr Orkopoulos
Mr Ashton	Mr Hunter	Mr Price
Mr Bartlett	Mr Iemma	Dr Refshauge
Ms Beamer	Mr Knowles	Ms Saliba
Mr Black	Mrs Lo Po'	Mr Scully
Mr Brown	Mr Lynch	Mr W. D. Smith
Miss Burton	Mr Markham	Mr Stewart
Mr Campbell	Mr Martin	Mr Watkins
Mr Collier	Mr McBride	Mr Whelan
Mr Crittenden	Mr McManus	Mr Yeadon
Mr Debus	Ms Meagher	
Mr Face	Ms Megarrity	<i>Tellers,</i>
Mr Gaudry	Mr Mills	Mr Anderson
Mr Gibson	Mr Moss	Mr Thompson

Pair

Mrs Chikarovski

Mr Woods

Question resolved in the negative.**Motion negatived.****TURKEY EARTHQUAKE****Mr ARMSTRONG** (Lachlan) [11.56 a.m.]: I move:

That this House:

- (1) extends its deepest sympathy to the government and people of Turkey as a result of the recent horrific earthquake occurring in that country; and
- (2) calls upon the people of New South Wales to support the people of Turkey to the best of their ability during the rehabilitation process within that country.

Quite clearly my motion is now more than one year old. It refers to the horrific earthquakes that occurred in Turkey in August 1999. The only reason we are debating the motion this long after the event is because of the way in which the Government manages business in this House. I place on record that I deplore the fact that such motions—which will undoubtedly enjoy bipartisan support and are very important to our international relationships and the goodwill of the State of New South Wales—are allowed to languish on the business paper until well after the event has passed. It is demeaning and demonstrates that the Government is insensitive and cannot organise the business of the House.

Turkey is a country with historic links to Australia, particularly in respect of World War I. The Australians and the Turks were enemies during World War I, but since then an enormous friendship and bond have developed between the two countries—as often occurs when former enemies find peace. Subsequent to World War I, and more so after World War II, a great many Turkish families emigrated to Australia and are now highly respected business people, particularly in the western suburbs of Sydney. Auburn, for example, enjoys a population of Turkish people who are industrious, hardworking and great Australian citizens.

I am sure that unless one had been involved in a major earthquake one could have no idea of the horror and fear and the aftermath of such a traumatic event. In recent weeks we have enjoyed the benefits of the Olympic Games in Sydney and we have joined with the rest of the world in the celebrations. The excitement has been at absolute fever pitch. However, many people in a number of countries around the world are still suffering as a result of wars and other atrocities. Many Turkish people have yet to find homes and are living in makeshift homes, and in some provinces in tents, as a result of earthquakes in the region.

To give honourable members some idea of the horror surrounding these events, it has been said of the earthquake that levelled thousands of Turkish homes and other buildings in 1999 that it was inevitable but not

predictable. An article in the *Sydney Morning Herald* of 19 August 1999 reported Dr Chris Browitt of the British Geological Survey as saying it was not predictable in terms of where or when, but predictable in the sense that it was going to happen, and is going to happen again. It is probable that at some time in the future, who knows when—tomorrow, next year, 10, 20, 30 years from now—30,000 people, maybe more, will lose their lives or perhaps just disappear. Two years after the quake the authorities still do not know how many people died. So many disappeared that it is not known whether they died, left the country or what happened to them. To give some idea of the fragility of Turkey, I will read some extracts from newspapers. An article in the *Sydney Morning Herald* of 19 August 1999 stated:

Turkey is caught in a kind of global vice—squeezed between the Arabian and Eurasian land masses, which are moving at the rate of centimetres a year. When continents grind together, something has to give.

One weakness—known to seismologists as the North Anatolian fault—is a huge crack in the ground that runs across north-west Turkey.

North of the fault, the land is shifting eastwards; south the rocks flow to the west. Like the San Andreas fault in California, the movement is intermittent. The rocks below the surface stay locked together for years, or even decades, and then suddenly move all at once.

When they do, bedrock that normally flows imperceptibly accelerates briefly to speeds of 8,000 kph.

An earthquake has been recorded as racing across the land mass at something like 8,000 kilometres an hour. The article continued:

The huge energies released at the epicentre of an earthquake have to be dissipated as waves, travelling at terrifying speeds. If the earthquake is shallow, the waves have less time to dissipate: if they hit soft sediment, they are likely to be amplified dangerously.

One set of waves makes the ground quake vertically; a second, slightly slower set of waves shakes the ground from side to side.

Anyone who has been in a boat in rough seas would know what it is like to pitch and roll at the same time. I suspect that pitching and rolling in a building such as Parliament House would be one of the ultimate horrors. I was in San Francisco during a mild earthquake. I looked out from the window of my hotel to the building opposite in which a light was hanging from a six-foot or eight-foot cord. The light was bouncing in a semi-circle from one part of the ceiling to another. That was a demonstration to me of the power of earthquakes, and that earthquake was minuscule compared with what the Turks experienced in August 1999. I have given an overview of some of the horrors of earthquakes, particularly the earthquake that hit Turkey. The *Australian* of 20 August 1999 stated:

Turkey is an important market for Australia, with total trade of about \$650 million in 1997-98 delivering a \$500 million surplus.

As is the case in Australia, Turkey is basically a country of primary industry. It produces wool, meat and, of course, wines, particularly some of the better-known ports that are popular with some members of this place from time to time. Turkey also undertakes a great deal of light engineering. The article in the *Australian* continued:

The World Bank gave weight to the international relief effort, reallocating \$US100 million (\$157 million) out of existing loans and pledging a further \$US120 million in reconstruction funds. Our Federal Government has promised \$1 million in Australian aid ... More than 1000 experts from 19 countries—including Britain, the US, Israel and Japan—have joined the frantic search for survivors.

On the second day after the earthquake the official death toll stood at 6,300 with an estimated 30,000 injured. To put that into perspective, 6,300 people would equate to the entire population of the towns of Young or Cootamundra: the entire population of those towns would have been wiped out. The number of 30,000 injured equates to two-thirds of the population of Wagga Wagga and about half the population of Dubbo. That gives some idea of the enormity of the problem. An article in the *Australian* on 21 August 1999 carried the headline "Rubble Entombs 35,000". One can hardly imagine digging out 35,000 people, or the horrors a couple of days later with the stench, no water and no power. Those figures reinforce the reason for respecting countries, particularly Turkey, which have suffered so much at the hands of nature. The economy of Turkey has been routed in many ways. The costs of not only rehousing people but getting businesses back on track must be extremely difficult.

I know of one Turkish family, a successful business family, who had a small block of flats in Ankara. Those flats were flattened. They had a restaurant and that too was flattened. Through their success in this country they have been able to reconstruct their properties in Ankara. Nevertheless, they talk about other members of their family to whom they have given assistance. That was an enormous effort. It gave me enormous pleasure to move this motion of recognition and sympathy and I ask the House to carry it. I am pleased to have had the opportunity to talk about the horrors of that earthquake, if only for a brief time.

Mr LYNCH (Liverpool) [12.05 p.m.]: The Government supports the motion moved by the honourable member for Lachlan. It is regrettable that the bipartisan nature of the debate was marred by his trying to score a couple of cheap political points when he opened his contribution. I respond by saying, first, that if he wanted this matter to have been debated more quickly he could have used the standing orders to seek priority. He did not do so, and it ill behoves him to now criticise the Government. Second, referring to the co-operation and help that has been given, it is worth acknowledging that soon after the earthquake \$100,000 was donated by the State Government towards relief work in Turkey. A number of Turkish organisations joined to form the Australia-Turkish Earthquake Relief Fund. In August 1999 the Premier donated \$100,000 to that organisation to assist with charity and relief work. In relation to the timing of giving notice of the motion, I do not think I misheard the honourable member for Lachlan when he referred to having given notice of the motion some two years ago. In fact, he gave notice of the motion shortly after the earthquake occurred, which was last year, rather than two years ago.

The earthquake we are talking about was undoubtedly one of the worst natural disasters in Turkish history. It was certainly the greatest disaster to strike Turkey in recent decades. It was so massive that its magnitude is in the top one-tenth of 1 per cent of all recorded earthquakes. It lasted for some 45 seconds when it first hit and its maximum force was 10 miles below the earth's surface, leaving a 40-mile tear in Turkey's surface. It reached 7.4 on the Richter scale. Its epicentre was in the western part of Turkey and, as I understand the geology of it, it resulted in the sudden slip of two gigantic tectonic plates along the western tail of the North Anatolian fault line. Particularly badly hit were centres such as Golcuk, including the naval base site south-east of Istanbul, and Yalova, which is south of Istanbul. It is a resort town on the Sea of Marmara. Another badly hit centre was Izmit, an industrial town 10 miles north-east of the epicentre.

The destruction was absolutely horrific and many thousands died. The best estimate is that 17,000 people died as a result of the first earthquake, 35,000 people were injured and 22,000 buildings were destroyed or rendered uninhabitable. As a result of the first earthquake, 500,000 people were rendered homeless. The earthquake started a fire in the oil tanks at Turkey's largest oil refinery, Turas, which damaged the area immediately surrounding the oil refinery and polluted the Sea of Marmara. The cost of that consequence of the earthquake was approximately \$US5 billion. Two weeks after the first quake there were two aftershocks. The first occurred at 11 o'clock one morning and reached 5.2 on the Richter scale and 20 minutes later a further quake registered 4.6 on the Richter scale. Those aftershocks were centred at Izmit and were felt at Istanbul, some 80 kilometres away. On 12 November there was yet another quake which reached 7.2 on the Richter scale, rendering even more horrific the disaster in Turkey.

The consequences of this earthquake were made much worse because of the rapid process of urbanisation that has occurred in recent decades in Turkey, particularly in western Antalya, where the earthquake was centred. Industrial towns have developed in that area. If there was a part of Turkey where an earthquake would have maximum adverse consequences, that was it. After the first quakes there were cool temperatures and rain, leading to massive amounts of mud. The mud made the process of recovery and survival much worse. The quakes captured massive international attention and led to a tremendous international effort, particularly from Germany, France, Italy and the European Union. Out of such an incident one can imagine tremendous stories of horror and heroism from individuals. I should like to refer to one such story. An article in the *Washington Post* in August 1999 stated:

It was just past 3 a.m. last Tuesday when Yuksel Er shuffled from his bedroom to extinguish the bathroom light. Er, a 40-year-old accountant, had to catch a ferry early that morning, and he was sleeping fitfully.

Then disaster struck. His apartment imploded, and for the next 97 hours and 33 minutes—more than four days—Er's world was reduced to this:

The heavy door that lay crosswise across his body, suspended 10 inches above his torso. The chest of drawers behind his right ear and the two small armchairs behind his left. The fragrant scent of his wife's soap collection. The searing thirst that parched his throat and chapped his lips. And, for a few hours, the fly that buzzed unseen around his head, nearly driving him mad.

Entombed in the ruins of his apartment by the massive earthquake that pulverised northwestern Turkey, Er lay on his back day and night in a pitch black space no bigger than a coffin. He could neither roll over nor sit up. He had no food, no water. He fantasised about drinking a Sprite but had nothing more than his own urine to wet his lips. He knew nothing of his family. He dreamed about heaven.

For 97 hours and 33 minutes, Er meditated and thought and prayed. And then his prayers were answered. Before dawn Saturday, he was pulled from beneath 15 feet of debris by a Turkish rescue team.

I note that Yuksel Er had a few advantages. He was about six foot two, a little under 200 pounds and fairly athletic. That obviously allowed him to survive an horrific experience. The article continued:

Calm, resourceful and disciplined, he eats moderately and fasts every year during the Muslim holy month of Ramadan. He has a spiritual bent that appears to give him a quiet confidence.

Yuksel Er said:

It was awful. It was like a science fiction movie when a fireball rushes toward you and blows open your doors. I saw it coming clearly through the window in my son's room. It looked like a red fireball.

The article continued:

The front door of Er's third-floor apartment flew from its hinges, and he grabbed at it as the six-storey building collapsed. He fell and revolved "like in a whirlwind, incredibly fast," then landed on the tile floor as the beams and debris crashed above the door and furniture that shielded him. Miraculously, he had just one injury; the nail on his left index finger was torn.

In circumstances in which 17,000 people died, in some ways it is invidious and inappropriate to dwell on one person. But that story depicts the horror that people must have endured. It shows the courage and strength of character of the people who survived and did the things they had to do until they were rescued. There is no doubt about the severity of this disaster. Equally, there is no doubt about the consequences on the Turkish community in Australia. The honourable member for Lachlan has already mentioned the suburb of Auburn. There are other significant Turkish communities in New South Wales, particularly in the seat of Liverpool. I do not think there is a family of Turkish origin in Australia that did not have a relative or friend who was affected by this earthquake. In a sense, that fact, probably more than all the statistics, gives an idea of the magnitude of this event and the horror that people went through.

I have attended a number of functions held by the Turkish community since the earthquake occurred. There is no doubt that the earthquake and the consequences of it are very much on the minds of those Australian citizens. As recently as last Saturday night I was at an event organised by the Alevi cultural centre to celebrate the establishment of the Turkish Republic. Even at that event people spoke to me about the consequences of the earthquake on their friends and relatives in Turkey. As I have said, there is absolutely no doubt about the horror of the event. Many individual members of the Turkish community have spoken to me about it and have been actively involved in fundraising for the victims. Thankfully, an event of this magnitude and horror is rare. I have some pleasure in supporting the motion moved by the honourable member for Lachlan.

Motion agreed to.

DAIRY INDUSTRY DEREGULATION

Mr STONER (Oxley) [12.15 p.m.]: I move:

That this House:

- (1) notes the measures developed by the Federal Government in consultation with the dairy industry to compensate dairy farmers for the likely loss of milk quotas;
- (2) condemns the Government for its inadequate response to New South Wales dairy farmers of \$2.1 million for counselling, funded by the dairy industry itself; and
- (3) calls upon the Government to adequately assist New South Wales dairy farmers who need to substantially restructure their operations through funding for retraining, land improvement and equipment upgrade, similar to the Forest Industry Structural Adjustment Program [FISAP], with a commensurate level of funding.

I gave notice of this motion on 23 September last year. Since that time the Government has deregulated the New South Wales dairy industry, effective from 1 July, without any assistance package whatsoever for New South Wales dairy farmers. The National Party won a concession for dairy farmers when the Government agreed to set up a committee of inquiry into the financial impact upon dairy farmers and their communities. But the Government has not taken urgent steps to energise the committee to tackle this most serious issue in regional and rural New South Wales. It is now four months down the track and no hearings have been held. Meanwhile, dairy farmers are being screwed to the wall.

Dairy processors have played a role in the present crisis. In their efforts to secure supermarket contracts, they have made ridiculously low tenders. The price of milk in supermarkets, particularly home brand milk, is now selling for much less than soft drinks, juice and even water. The supermarkets are selling home brand milk in my electorate for less than the small regional co-operatives can produce it. I am sure consumers would think that cost reduction is a good thing, but it has been achieved at the expense of dairy farmers. Prior to 1 July farmers were receiving up to 54¢ per litre for their market milk. Average prices have now dropped to about 24¢ per litre, as the Bega co-operative recently announced.

However, the cost of production for farmers has not decreased. As we all know, diesel costs have gone through the roof. During a recent drought on the north coast of New South Wales farmers had to buy in a great deal of feed. Farmers pay for the cost of Safe Foods inspections. That is the result of a proposal by the Minister for Agriculture to have the costs of the Safe Foods organisation paid for by the users, that is, the farmers. Those costs are increasing at a time when farmers are receiving greatly reduced prices for their product. Those who have been on dairy farms or come from farming families know the amount of work that goes into producing every litre of milk. Farmers get up early every morning seven days a week to milk their cows. They have to maintain their equipment to a very high standard of hygiene and be quality accredited. They do not take holidays because they cannot afford to employ people to run their farms. Their blood, sweat and tears go into every litre of milk, for which they get 24¢. The cost of three litres of milk in the supermarkets is about \$2.95.

Mr Torbay: Your party voted for that.

Mr STONER: All I can say to the honourable member for Northern Tablelands is that he should have a look at *Hansard*. It is easy for him to sit in this Chamber and go wishy-washy either way. That is what Independents do. The cost of milk production has not gone down. The farmers are desperate; they are feeling the pinch. Many have left their farms. Many are trying to survive. They are hanging on, but the only way they can do that is to bring down the unit cost of production of a litre of milk. How can they do that? They can buy more cows, more land and more equipment, or perhaps they can go into some sort of alternative agriculture such as aquaculture or agriforestry. There are all sorts of different products they can get into. But the cost of trying to survive is spending money on extending their dairy activities or on moving to other forms of farming.

Those costs come at a time when their incomes have dropped and their assets, including previous quotas, have also dropped. What has the Federal Government done about this? At the request of the Australian dairy industry, the Federal Government co-ordinated a \$1.74 billion dairy structural adjustment package for dairy farmers, and they are starting to get some money. But I stress that this does not compensate the farmers for the drop in price about which I spoke previously. The Federal Government has also delivered a \$45 million dairy community package. We recently heard an announcement about money going to some of the dairying communities. The honourable member for Bega might be aware that some money has gone into his electorate, which is certainly of assistance.

The Western Australian Government decided that a State-based structural adjustment program was necessary to help dairy farmers through this difficult time. What has the State Government done? Apart from using its numbers to vote down the Coalition amendment which would have provided a structural adjustment package for New South Wales dairy farmers, the Government has co-ordinated the \$2.1 million counselling package, which was funded by the dairy farmers themselves. Unfortunately, that has had a less than optimal effect. Sadly, at least two farmers in New South Wales of whom I am aware have chosen to suicide because of the unfortunate state in which they have found themselves.

The other week the Minister for Regional Development announced a \$500,000 regional economic transition scheme package. That is a minuscule amount to cover the 1,800 dairy farmers across the State of New South Wales, and the numerous small towns and communities that rely on the dairy industry. In fact, just one regional co-operative would take that \$500,000 to retool its operations to be able to continue in the marketplace. It may be acceptable as a first instalment, but the Government has to come good with some money, whether it is under the regional economic transition scheme or another program. We recommend a State-based structural adjustment program. The Government has sat on its hands. There has been no action by the dairy deregulation committee. The National Party has provided a submission to that committee in which it recommended public hearings throughout regional New South Wales, and an increase in the membership of the committee to provide more farmer representation, such as a representative of the Australian Milk Producers Association.

The National Party has also recommended that the committee consult extensively with farmers, and consider the impacts of downstream employment in regional economies and the efficacy of the Federal and State programs that are currently available. Without pre-empting the findings of the committee, whenever it decides to get together to conduct this inquiry I would suggest that it will find the need for a State-based structural adjustment package. It is simply not good enough to allow unemployment and social dislocation, to bring farmers to their knees and then introduce welfare programs to deal with broken families, unemployment, et cetera. The money would be far better spent on proactive programs such as a State-based structural adjustment package to help them with retraining, growing their farms and moving into alternative agriculture. The Government has to do better than the \$2.1 million counselling package and the \$500,000 regional economic transition scheme.

Mr TORBAY (Northern Tablelands) [12.25 p.m.]: I must admit I was a little surprised to hear the motion moved by the honourable member for Oxley, given the hypocrisy that has been shown on dairy deregulation since the introduction of the deregulation bill. It is worth remembering the various acts of hypocrisy. The first came from the Federal Government when it put forward the so-called rescue package, when it clearly knew that deregulation would devastate the industry. It held a gun to the heads of the States: if they did not deregulate, the farmers could not access the compensation package. That in itself is an act of hypocrisy. The next act of hypocrisy came from the State Government when the Minister, as I have indicated previously in the House, said on numerous occasions that neither he nor the Government supported deregulation. However, given the issue of compensation and who could access it, they were able to blame the Federal Government. The State Government said, "We are reluctantly putting forward this deregulation bill to ensure that we can protect the dairy farmers in the future." Again, that was an enormous act of hypocrisy.

Perhaps the greatest act of hypocrisy came from the National Party, which had been publicly claiming that it would support dairy farmers: It would stick by the dairy industry. Nothing could be further from the truth. I understand the concerns from the National Party which are evident in the House today. I would be concerned too if I had acted in that fashion: saying one thing to the dairy farmers and voting exactly the opposite way. That is why the opinion polls reflect the situation in which the National Party finds itself. The dairy industry, the dairy deregulation bill and the deregulation of the industry are good examples of the process of telling your community one thing and voting the opposite way. Undertaking that process has a devastating impact on political parties who choose to do so. In this instance the National Party clearly finds itself in that position.

Honourable members would be aware that when the deregulation bill came before this place I spoke about what the Minister had said and what the responses had been. The Leader of the National Party moved a number of interesting amendments. The first time we had the opportunity to vote on this bill, it should have been opposed. I have the *Hansard* to which the honourable member for Oxley referred me. It shows that when the first opportunity to vote against deregulation took place there are five noes recorded in *Hansard* against the second reading, and they happen to be the five lower House Independent members.

Who could forget the Liberal Party running around and voting with the Government on this issue and National Party members nearly bumping their heads on the door as they ran out of the Chamber and not voting at all. National Party members were not in a position to stand up for the dairy industry. They hid behind positive comments and voted a different way, which will reflect very badly on them. It does not end there. What happened? The bill went to the other place. What happened in the other place? The honourable member for Tamworth, the honourable member for Dubbo and I took a keen interest in that, given the hypocrisy shown in this place. When the bill was in the other place it was clear that there was an impasse. The National Party had put forward amendments and the Government would not accept them. What happened? I have a letter that was sent from the Minister for Agriculture to the Leader of the Opposition and the Leader of the National Party. I am happy to table the letter, but let me read the middle paragraph, which states:

In accordance with our discussions that we agree on behalf of the Government that the New South Wales Government in consultation with the dairy industry form a committee to examine the report on the New South Wales dairy industry in a deregulated environment and make a report and recommendations on the financial impacts of deregulation on this State.

They asked for a committee and then they withdrew all their amendments. The honourable member for Oxley's today suggested that certain things be done by the State. The National Party withdrew all its suggestions, all its amendments, and voted. I refer the honourable member for Oxley to *Hansard* of the upper House. The Labor Party, Liberal Party and National Party voted together to pass the bill without amendment. The honourable member for Oxley is a hypocrite! It is unbelievable that anybody could stand before this House, as he does, when the National Party clearly voted with Labor and Liberal on this issue, and suggest that he or she represents dairy farmers on this issue. I have a copy of *Hansard* and I have already spoken to it.

Mr George: You've got *Hansard*. How did you vote?

Mr TORBAY: I have it here. I have just tabled it. It is important that we see what happened here, and this is where I agree with the honourable member for Oxley: this bill was always going to devastate the dairy industry. He is absolutely correct when he says that. The difficulty is that we cannot take a partisan position and say the Federal Government is wonderful and the State Government is not. The truth is that they were all in this together. That is how they voted. The real blow came in the upper House. I understand the difficulties they were in.

Mr Stoner: Did you support our amendments?

Mr TORBAY: I was opposing the dairy bill deregulation per se and that is the issue. The first opportunity to oppose deregulation should have been taken, but the real act of hypocrisy came in the upper House. I have tabled *Hansard*. I am not sure who the members are that voted against it as I have not met all of them. I know members opposite are upset about this because the *Hansard* of the upper House is pretty damning. I understand all the crossbenchers in the other place opposed the legislation. I just hope that when this is debated the honourable member for Oxley looks at it objectively because it is true that the dairy industry has been torn apart in this process. In the end, if all efforts to oppose deregulation had failed and there was nothing that could be done, it would have been appropriate then to pursue compensation issues.

It was appropriate in the first instance to reject the suggestion of deregulation, and that is what the lower House Independents did. But when it went to the upper House the deal was done. As I understand it, and *Hansard* is clear, the bill went through the upper House without amendment. All the suggestions that have been revisited by the honourable member for Oxley today were previously in the form of National Party amendments, but they were withdrawn. I should like to read an extract from the Legislative Council *Hansard* of 29 June. The Hon. John Della Bosca, Special Minister of State, said:

The Government has given close consideration to the amendments put forward by the Leader of the National Party. However, the Government's position remains the same. The proposed new amendments do not change the fundamental principle of the original amendments. Despite continued negotiations with both Opposition and crossbench members over the course of today, it seems that the Opposition has retreated from its open-ended demands for unspecified amounts of money from taxpayers of this State.

As I said, the bill went through unamended.

Mr R. H. L. SMITH (Bega) [12.35 p.m.]: It is interesting to note that the Government did not lead in this debate. Obviously it does not have any speakers able to lead. It is not really interested in dairy farmers. We hear all the time in press releases how interested Government members are in rural industries, but they cannot put up a lead speaker in this debate on what is probably one of the most important issues this Parliament has dealt with in the last 12 months or longer. Of course, the fellow who did lead the debate, the honourable member for Northern Tablelands, simply showed how irrelevant he is to this Parliament. He can go on with all the politics he likes and he can vote whichever way he likes, but at the end of the day he is completely irrelevant to almost every issue that comes up in this Parliament. It is time he and his electorate realised that, because he has no real power whatsoever. He just moves from one side to the other and plays politics.

I believe that the real issue here has been lost on those opposite, including the honourable member for Northern Tablelands, who does not understand the dairy industry at all. The simple fact is that Victoria produces 64 per cent of the milk produced in Australia. It produces a massive amount of milk and for years we have had Federal schemes trying to stop milk coming across the borders, not only into New South Wales but into other States in an attempt to get over section 92 of the Constitution. That arrangement was fracturing well before deregulation on 1 July. I remember talking to the President of the Dairy Farmers Association, Reg. Smith, on a number of occasions and saying, "It's going to break down. Let's do it in a formal way so that we protect as much as possible the people concerned," the dairy farmers. For goodness sake, please stop the bickering about who is right and who is wrong and playing politics. The simple fact is that dairy farmers are suffering. When the bill was passed through both Houses there was an agreement between the Government and the Opposition that a committee would be set up to examine the financial impact of deregulation.

We call on the Carr Government to fulfil its obligation and form that committee. The Federal Government's compensation adjustment package of \$1.8 billion has nothing to do with the quota system. The quota system is a State system, as was pointed out in the Woodley Senate inquiry, which even recommended that the millions of dollars the State gets out of the national competition policy should go into a compensation scheme to repay dairy farmers who have traded quota for years. Some dairy farmers produce up to 90 per cent of their milk under quota, and some only 20 per cent. Those who had 90 per cent and were managing their properties in a responsible way, often buying out their neighbours' quota, paid hundreds of thousands of dollars for those quotas. Those responsible and progressive farmers have now lost a great deal of capital, in some instances up to \$1 million in quota.

If the State Government is not going to discuss this issue, it will be similar to what happened in 1981 when coal was confiscated from New South Wales coal owners. There has been no compensation from this Government. It is not looking at all the impacts of the loss of quotas. Many progressive farmers, certainly in the Bega electorate, are being punished simply because they were progressive. I call on the Carr Government, and Minister Amery particularly, to now form this committee. The written agreement is signed by the Government and the Opposition to form this committee to examine the financial impact of deregulation. Months have now passed since deregulation happened. The committee should be formed forthwith.

Mr W. D. SMITH (South Coast) [12.38 p.m.]: The dairy industry has been debated at length in this House on a number of occasions, and views on the future of the industry have been well documented. I find it particularly interesting that the honourable member for Oxley has left the Chamber, having now decided to jump into the debate, and particularly as he remains somewhat misinformed. Firstly, I must clarify the so-called Federal Government adjustment package, to which the Opposition has referred. It was not a Federal Government package but a consumer-funded package. No Federal money is going into the package, not one cent. The Opposition member has clearly been misled by his Federal Coalition colleagues. I am sorry that he believes the rhetoric they have fed to him.

The Federal Government is taxing the consumer by stealth by imposing a levy of 11¢ a litre on milk sales. This will be offset by the farm gate price received by dairy farmers, who have lost around 20¢ a litre on their product. Many dairy farmers have not been winners under the proposed deregulated system, but, as the motion of the honourable member for Oxley states, the adjustment package is designed to compensate dairy farmers for the loss of milk quotas, to give them a soft landing, if you like. The total fund will amount to about \$1.7 billion nationwide. This provides dairy farmers in New South Wales with a range of payments. Those wishing to exit the industry can opt to receive a tax-free lump sum of up to \$45,000, and those wishing to remain in the industry can receive an adjustment entitlement based on their 1998-99 output of 46.23¢ a litre for their market milk and 8.96¢ for manufacturing milk. These restructuring payments will be paid quarterly for the next eight years.

The package is being co-ordinated by the Federal Government, which has led the deregulation charge with its own legislation to facilitate the change. That legislation was passed through the Federal Parliament on 16 March. The Commonwealth is now expecting all States and Territories to follow suit. Let me remind honourable members on both sides of the House that the New South Wales Government was forced to deregulate the dairy industry following recommendations from the industry itself. The move started in Victoria earlier this year and the New South Wales industry pushed in the same direction. The Victorian Minister for Agriculture, the Hon. Keith Hamilton, announced earlier this year that the dairy industry in this State would push for deregulation with or without the adjustment package. Victoria, of course, is a stronger player in this debate as it produces more than 60 per cent of the milk on the nationwide market.

The Federal Minister for Agriculture, Warren Truss, also made it clear that the adjustment package would be made available only if the States and Territories took the same deregulation path. Following numerous meetings across New South Wales, 65 per cent of dairy farmers in this State voted in favour of deregulation in conjunction with that adjustment package. Deregulation of the dairy industry in New South Wales has never been the Carr Government's preferred option. It has always resisted it. My personal beliefs on whether the industry should be deregulated have been widely reported.

The dairy industry was regulated way back in 1932 by the Hon. Jack Lang. As a result, it has had direction, strength, credibility and healthy prospects. It is a modern rural industry that has provided job security and development for families and communities across New South Wales and it enjoys ongoing support from this Government. Despite my own resistance to deregulation, I reluctantly complied with the majority view held by this important rural industry. I will continue to assist dairy farmers where I can. The Minister has already put in place an assistance project that will, I believe, help dairy farmers and their families to adjust to the impending change that lies ahead. This is a \$2.1 million package. It comprises a number of elements, including Dairy Assist, Dairy Family and Dairy Check.

Mr Armstrong: Point of order: The honourable member is reading his notes. The standing orders state that members shall not read their speeches but may use copious notes for reference purposes. The honourable member must comply with the standing orders and desist from reading speeches in this Chamber—particularly speeches written by other people.

Madam ACTING-SPEAKER (Ms Beamer): Order! The honourable member for South Coast was referring to copious notes. However, his speaking time has expired.

Mr SOURIS (Upper Hunter—Leader of the National Party) [12.43 p.m.]: I am pleased to have the opportunity to join this debate and to point out one or two basic facts about the situation in which the dairy industry now finds itself. Although the motion was moved a year ago, the principles it seeks to debate nonetheless still apply, perhaps even more forcefully than ever because the forced deregulation by this State Government ramming through legislation in this Parliament has now started to produce the impacts and consequences that had been predicted by the Opposition and commentators in and outside the industry. Dairy

farmers are receiving unsustainable returns for their production and their effort. Dairying communities are suffering impacts on an increasing basis in relation to the way in which the industry, which is so important to those communities, is being ravaged by the deregulation by the Carr Government forced through this Parliament in one of the most prolonged parliamentary exchanges between both Houses of this Parliament in which I have ever been involved. "Forced through" this Parliament is the key expression to use in this debate.

The Carr Government and the other State governments deregulated the dairy industry. The industry was regulated by State legislation, not Federal legislation. The role of the Federal Government has been simple and mechanical: it has acceded to the requests of the States to co-ordinate a package based on a levy and redistribute the proceeds as a compensation package to dairy farmers over a specified period. The Federal Government did not deregulate the dairy industry; that was done by a ministerial council comprising the Ministers for Agriculture of the six States, led by the New South Wales Minister for Agriculture. His was the first hand in the air to deregulate the dairy industry in this State and the other States.

The legislative battle occurred in this House, in case honourable members on the other side had not noticed. Did they not notice that they were exercising their numbers to ram through the deregulation of the dairy industry? It was the Coalition that stood up for the rights of the dairy industry and expressed concern about the impact of deregulation not only on the dairy industry but on the dairying communities and the fate of the orderly marketing of a very important product in our country. It was the National Party and its Coalition partner that expressed those concerns and fought the Government's legislation and introduced amendments to that legislation that would have protected and ameliorated the impacts that are now being so viciously imposed by the deregulation on the dairy industry as I speak. It was the Coalition that sought to introduce an amendment that would provide a price-support mechanism for milk production that would have kept the dairy industry intact whilst the awful impacts were starting to be felt.

The honourable member for Cessnock need not bother saying that the Federal Government deregulated anything. It was the Federal Government that acceded to the request to co-ordinate a compensation package. The New South Wales dairy industry would be in dire straits if the Federal Government had not accepted the involvement of the industry in the compensation package following the deregulation of the industry which was forced through this Parliament by the Carr Government.

The current Minister for Agriculture forced through the legislation without the amendments so strongly recommended by the Coalition parties that would have supported the industry and helped it get through this awful period in which returns are at rock bottom and farmers are faced with the awful prospect of exiting the industry or remaining and hoping for better times in an utterly unsustainable return period. The Coalition forced the Government to eventually accede to setting up a committee to examine the financial impacts and I look forward to the work of that committee. I encourage all honourable members to make a contribution to it because its aim will be to assist the dairy industry to get through the deregulation that the Government forced upon it.

Mr NEWELL (Tweed) [12.48 p.m.]: I join with my colleagues in this debate on the dairy industry and seek to correct some of the comments made by honourable members opposite about the history of the deregulation of the dairy industry and its impacts on New South Wales. I shall correct first the comments made by the Leader of the National Party because they were political in an attempt to move the responsibility away from the Federal Government, which since 1994 and 1995 refused requests from the industry to become involved.

Mr Fraser: It is a State issue.

Mr NEWELL: I will respond by saying that the Kerin plan was a Federal Government plan from 1995 to July 2000.

Mr Armstrong: Point of order: The plan was introduced in 1986.

Madam ACTING-SPEAKER (Ms Beamer): Order! No point of order is involved.

Mr NEWELL: I am referring to the 1995 plan, which expired on 1 July 2000. The plan maintained the orderly marketing of milk across New South Wales and farm gate regulation. The Leader of the National Party and his members are attempting to transfer responsibility for the inaction of the Federal Government on dairy deregulation to the State Government. The Federal Government could have worked with industry to maintain regulation across Australia. However, the Howard Government refused to act at all. The Federal Government

said to the States that if they did not agree to deregulation they would not get the deregulation package. I have not heard one member of the National Party say that. They seem to have forgotten that John Howard said to the Minister for Agriculture that if New South Wales did not deregulate, New South Wales farmers would not receive the \$1.8 billion package. The Federal Government likes to trumpet that package as the saviour of the industry but New South Wales farmers would not have received it if they did not deregulate. With one hand tied behind its back the industry was forced to agree to the deregulation, much to the regret of everyone.

Farmers across New South Wales and Australia pointed out that the 11¢ levy based on the projected price, which fell from 45¢ to 50¢ for farmers down to 33¢ cents to 35¢, was mooted then as unlikely to be sufficient if what the processors were paying farmers was to fall. In fact, the farmers' worst fears have been realised and the price went down to 22¢ a litre. However, even though the Federal Government has had an opportunity to alter the package, it has chosen not to do so. It would not cost the Federal Government to do that because it would be funded by the consumer and farmers would then receive the proper compensation.

As our national leader, the Federal Government has abrogated its responsibility to the dairy industry and in relation to other adjustments because the real fall in prices is impacting upon farmers. The honourable member for Bega mentioned the committee that has been set up to look at the impact of deregulation and he said that it had not met. That committee has met and has reported back to the Minister. The Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs announced that \$500,000 will be available to the dairy industry to help farmers reposition themselves economically. The Federal Government has offered farmers in my area a chance to do research into growing herbs and so on. I think we had better keep the dairy industry going!

Mr STONER (Oxley) [12.53 p.m.], in reply: This motion includes a constructive suggestion, made in September last year, to assist New South Wales dairy farmers in regional and rural New South Wales with employment and their economies. The alternative was to pull the rug out from under farmers and their communities and just walk away, which is what the Government has done.

I would like to refer to the pathetic non-contribution of the honourable member for Northern Tablelands. Once he had spread his misinformation, he scurried from the Chamber, although he may be watching on the television somewhere. He has made zero contribution to assisting New South Wales dairy farmers. His response today was to attack both major parties, in particular, the National Party because he is frightened that his seat will be regained by the National Party. He has not made any recommendations to help dairy farmers but has merely sought to score cheap political points. Indeed, if the National Party had not drawn his attention to this issue he would have been unaware of it because he did not even know there were dairy farmers in his own electorate!

The facts will show that the National Party opposed the Carr Government's deregulation legislation and introduced an amendment to provide for a State-based structural adjustment package. No Independent supported the amendment. In particular, it was not supported by the honourable member for Northern Tablelands, who takes hypocrisy to a new level. He quoted *Hansard*, but not the full picture. He was simply grandstanding, but his vote counts for nothing at the end of the day, so he can afford to grandstand.

There was an impasse in the upper House and the Government threatened to pull the bill and jeopardise the \$1.8 billion Federal Government assistance, which depended on each State being on the same level playing field for deregulation. The Federal Government could not assist a State that has not agreed to deregulate. In fact, right up until the eleventh hour dairy farmers and industry representatives applied pressure to members of the Coalition to ensure that the \$1.8 billion Federal package was not jeopardised because they knew that the Victorian industry would go ahead and deregulate anyway; that there was no impediment between free trade between the States and that Victorian milk would come. They were on a hiding to nothing and that is why we were pressured to allow the legislation to go through.

However, if it were not for the position taken by the Coalition on this matter the Government would have just deregulated the dairy industry and washed its hands of the matter. We now have a committee to investigate the financial impacts of dairy deregulation on regional communities. The dairy industry representatives obviously did not speak to the honourable member for Northern Tablelands because they realised he is impotent in this place, as reflected by his lack of knowledge on this complex issue.

The honourable member for South Coast claimed that I had just entered the debate. This motion was before the Parliament on 23 September 1999 and I have spoken on it on numerous occasions in the intervening

period. The Coalition introduced an amendment to provide assistance to dairy farmers, which is a lot more than the Government and Country Labor have done. They have done nothing constructive for the dairy industry. They sought to deregulate and just walk away. We have provided a submission to the Dairy Deregulation Committee. We are constructive, and we are trying to help the farmers and the regional communities that are involved. The honourable member for Tweed had nothing to say about helping New South Wales dairy farmers either. It is just another case of: Well, we will deregulate, walk away from them and leave them in the lurch. He seems not to realise that there would have been no need for the Federal Government to produce the package if the States had not deregulated. This is an important issue, a fact that is lost on those opposite and on the honourable member for Northern Tablelands. It is for the Dairy Deregulation Committee to investigate these issues and recommend effective State-based assistance.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 31

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

Noes, 52

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

Pair

Mrs Chikarovski

Mr Woods

Question resolved in the negative.

Motion negatived.

[Mr Speaker left the chair at 1.10 p.m. The House resumed at 2.15 p.m.]

PETITIONS

North Head Quarantine Station

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

McDonald's Moore Park Restaurant

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

State Taxes

Petitions praying that the Carr Government establish a public inquiry into State taxes, with the objective of reducing the tax burden and creating a sustainable environment for employment and investment in New South Wales, received from **Mr Debnam** and **Mr Maguire**.

Kings Cross Policing

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

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**.

Malabar Policing

Petition praying that the House note the concern of Malabar residents at the closure of Malabar Police Station and praying that the station be reopened and staffed by locally based and led police, received from **Mr Tink**.

Engadine Police Station Downgrading

Petition praying that any downgrading of Engadine Police Station be opposed and praying that the station be staffed 24 hours a day by locally based and led police, received from **Mr Tink**.

Orange Police Station Upgrade

Petition praying that consideration be given to the upgrading of Orange police station from category three to category two, received from **Mr R. W. Turner**.

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**.

Coffs Harbour Health Services Funding

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

Genetically Modified Food

Petition praying that the House take action to prohibit the sale and distribution of food containing genetically modified organisms, received from **Ms Moore**.

Non-government Schools Funding

Petitions praying that the Government reimburse the \$5 million in funding that has been withdrawn from non-government schools and reverse its decision to withdraw a further \$13.5 million in funding in 2001, received from **Mr Brodgen, Mr Hazzard, Mr Humpherson and Mrs Skinner**.

Kiama High School Facilities

Petition praying that the House recognises the substantial population growth that is occurring in Kiama and praying that the overcrowding at Kiama High School be relieved, received from **Mr Brown**.

Rural and Community Schools Staffing

Petition praying that the House instruct the Department of Education and Training to review the formulas for staffing small rural and community schools to ensure that a full-time ancillary staff employee is appointed at each such school, received from **Mr R. W. Turner**.

Queanbeyan Preschool Services

Petition praying that funds be made available to construct a new and permanent preschool in Queanbeyan, received from **Mr Webb**.

Tumut Regional Roads Upgrade

Petition praying that regional roads in the Tumut area be upgraded and that a regional roads summit be conducted, received from **Ms Hodgkinson**.

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**.

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**.

South Dowling Street Traffic Management

Petition praying that the Roads and Traffic Authority investigates all possible traffic management options and implements measures to restore residential amenity and safety to South Dowling Street between Flinders and Oxford streets, received from **Ms Moore**.

Moore Park Passive Recreation

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

Oxford Street Pedestrian Crossing

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

Wagga Wagga Electorate Fruit Fly Campaign

Petition praying that the Government resources the Fruit Fly Campaign for the years 2000, 2001, 2002 and 2003, upgrades the Wagga Wagga electorate to a fruit fly control zone, and develops and implements a fruit fly strategy to eliminate fruit fly from the electorate within the next five years, received from **Mr Maguire**.

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**.

Coleambally Water Property Rights

Petition praying that the House understands the importance of irrigation water to the residents of Coleambally and ensures their future security through water property rights and appropriate timing of allocation announcements, received from **Mr Piccoli**.

National Parks Entry Fees

Petitions praying that the proposal to introduce a \$6 entry fee per car per day into national parks be rejected, particularly in Bundjalung National Park and Iluka Nature Reserve, received from **Mr George, Ms Hodgkinson, Mr Piccoli, Mr Souris and Mr J. H. Turner**.

White City Site Rezoning Proposal

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

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**Report**

Mr Hunter, as Chair, tabled the report of the committee entitled "Report on Mandatory Reporting of Medical Negligence", dated November 2000.

Ordered to be printed.

STANDING COMMITTEE ON PUBLIC WORKS**Report**

Ms Beamer, as Chair, tabled the report of the committee entitled "The National Conference of Parliamentary Public Works and Environment Committees 2000 Darwin, Northern Territory", dated November 2000.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION

Mrs CHIKAROVSKI: My question is directed to the Premier. Will the Premier demand that the Speaker explain why, when he was first told that serious sexual assault allegations had been raised against the member for Fairfield, he failed to follow the Parliament's own guidelines, which require that as chief executive officer the Speaker take appropriate and immediate action whether or not a complaint has been lodged?

Mr CARR: It is not the job of the Speaker, or the Premier, or anyone else in this Parliament, to do the work of the police.

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

Mr CARR: It does not fall on anyone in the executive arm of government; it does not fall on the Speaker to call in witnesses, to call for material, to assess the witnesses and the material and to lay charges.

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

Mr CARR: That is by definition the work of the police. An accusation of sexual assault is a serious matter under the criminal law. For that reason it is a matter to be investigated by the police and, if the police warrant it, to be taken to the courts of New South Wales. It is little wonder that an Opposition leader who is so deeply unpopular with the public and with her own party has fallen with relish on an accusation of sexual assault against a member of this party.

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

Mr CARR: The fact is that under the law of the land this belongs with the police and, if the police believe it is justified, with the courts.

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

Mr CARR: The idea that the Speaker should be calling in people and interviewing them, accumulating evidence—given the police inquiry was proceeding, and given that a complaint had been made with the police—would represent nothing less than interference with the police function.

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

Mr CARR: If either the Speaker or I had behaved in that fashion, we would be condemned today for interfering in a police inquiry. I will put it another way. Suppose there were an accusation of this level of seriousness against a member of the other side. Suppose it had come to the attention of the media that there was a police investigation into serious matters of sexual assault levelled against a member of the Coalition, and that the police investigation was taking its course and could well lead to action in the courts. If I then set up a judicial inquiry, members of the Opposition would be outraged. They would say that it was second-guessing the police, that the inquiry was set up to extract political advantage from a matter that was being investigated under the laws of the land. This is a matter for the police and, if warranted, for the courts.

Mr Tink: Point of order: It is the police who cannot be trusted in this investigation because the police officer was a member of the Labor Party.

Mr CARR: I had finished my answer, but after that invitation I cannot resist making the point that the Police Service we have today has been reformed and cleaned up by the Wood Royal Commission, which was established by a vote from those on this side of the House and opposed by those opposite.

ILLICIT DRUG SUPPLIERS

Mr NAGLE: I direct my question without notice to the Premier. What is the next stage of the Government's ongoing fight against illicit drug suppliers?

Mr CARR: One of the major issues identified by the Drug Summit was the manufacture of illicit drugs from legal products such as headache and migraine tablets. Cold and flu tablets containing pseudoephedrine can be used to produce speed. Pseudoephedrine is extracted from legal drugs in backyard laboratories and then made into illegal, addictive drugs. Police raids on clandestine laboratories have collected evidence that shows that pseudoephedrine is the major chemical used in the manufacture of amphetamines. In some cases police have reported that a mobile laboratory is loaded in the boot of a car, the driver stops at a number of pharmacies and buys out the entire stock of cold and flu tablets.

Mr SPEAKER: Order! There is far too much audible conversation on both sides of the Chamber. I include the honourable member for The Entrance in that warning.

Mr CARR: Police have also found evidence of people wholesaling prepackaged sets of ingredients to backyard manufacturers. In the past four years the national demand for lawfully imported pseudoephedrine has almost doubled from 15 tonnes in 1995 to 28 tonnes in 1999. There is no ready medical or commercial explanation for this increased usage. It is a strong warning signal. The new challenge, therefore, must be to catch criminals in the early stages of the manufacturing process. The Drug Misuse and Trafficking Act is not clear on this matter. If we want to attack a drug supplier we need to get to the source. The final product of these ingredients has been criminalised, but it makes sense to control the elements in the mix as well.

First, the Government will amend the Drug Misuse and Trafficking Act to prohibit possession of precursor chemicals with intent to manufacture or with intent to supply to manufacturers of illicit drugs. It will be illegal to possess these chemicals for the purposes of manufacturing illicit drugs. Breaking this law will carry a 10-year gaol penalty. That is, of course, in addition to the penalties for the actual supply of illegal drugs, which can carry a life sentence. The legislation will ensure that there is no inhibition of legitimate business practices.

Second, the Government will introduce legislation to make it illegal for large-scale transactions in these precursor drugs to be made in cash. That means that wholesale customers and suppliers will be required to establish accounts that can be tracked and checked by police. This will be a blow to the easily hidden cash trade. Given its importance, it will not be an unreasonable burden on manufacturers and wholesalers of illegal drugs. In each case the penalty will reflect the amount of the drug involved: the higher the quantity the tougher the penalty. Commercial quantities will be dealt with as the most serious. The Government will not target legitimate use and supply of pharmacy medicines. We will take some care about any risk of unintended consequences in that regard; this is an assault on the predators who take advantage of the legitimate supplies of these legal drugs.

HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION

Mr SOURIS: My question is directed to the Minister for Police. Following his admission to Parliament yesterday that he first learned on September 19 of serious sexual assault allegations against the honourable member for Fairfield, did he or anyone on his behalf inform the Speaker or anyone in his office? If so, when?

Mr WHELAN: No.

SENTENCING GUIDELINES

Mr HUNTER: My question without notice is directed to the Attorney General. What is the latest information on the Government's sentencing guidelines?

Mr DEBUS: I am pleased to be able to report to the House that there has been a major shift in the consistency of sentences handed down in cases of dangerous driving. In 1998 the Government introduced the Criminal Procedure (Sentencing Guidelines) Act, which gave the Attorney General power to apply to the Court of Criminal Appeal for guideline judgments. The courts have always had an ability to establish guidelines. However, prior to the decision of the Chief Justice of New South Wales in the matter of Jurisic, the process was not widely utilised. The Government's move formalised a sensible approach to consistency in sentencing. Guideline judgments guide the judiciary in its consideration of cases where offenders are brought before the courts for the same offence. They are a powerful and formal set of precedents that require all subsequent courts to consider them in determining sentence.

Today guideline judgments have been issued for dangerous driving occasioning death or grievous bodily harm; break enter and steal; armed robbery; and drug importation. Today the first survey of the effect of guideline judgments for dangerous driving has been completed. The Judicial Commission has provided me with some heartening statistics on the manner in which the courts are following through with the sentencing principles established in the first guideline decision. Put simply, the results are tougher and more consistent sentencing. In 1998 the guideline judgment in the Jurisic case overturned a sentence of 18 months home detention for dangerous driving. The new judgment was a two-year prison sentence. Before the decision in Jurisic, offenders found guilty of dangerous driving causing grievous bodily harm, with the aggravated element of being under the influence of alcohol or drugs, 7 per cent were placed on bonds, 13 per cent received community orders, 40 per cent received periodic or home detention, 7 per cent received compounded sentences, and 33 per cent went to prison.

Since the Jurisic decision 33 per cent of offenders have been sentenced to periodic or home detention and 67 per cent have gone to prison. There were no bonds and there were no community services orders. Before

Jurisc, for the offence of dangerous driving occasioning death with the aggravated element of being under the influence of drugs and alcohol, 17 per cent of offenders were sentenced to periodic or home detention, and 83 per cent went to prison. In all nine cases since Jurisc in this category every single offender has received a custodial sentence. These are the early results in this category of offence. Next year we will be in a better position to evaluate the ongoing influence of judgments in armed robbery, drug importation, break enter and steal offences, and guilty pleas.

I hope to be in a position to advise the House in due course about that. In the meantime two things are absolutely clear. First, the courts have accepted and are using guideline judgments to assist with sentencing. Second, the courts today are taking a tough line against dangerous driving. The courts consider non-custodial options to be inappropriate and are imposing prison sentences for dangerous driving. The courts are sending a serious message to the community. At this time the courts are saying: If you cause harm by driving dangerously, if you are under the influence of drugs or alcohol, you will be sent to prison. In addition, the length of time offenders are spending in prison has increased from between two and six years prior to Jurisc to an average of between three and nine years in prison today.

Sentencing guidelines are working well. Discretion is maintained in the courts, community values are being acknowledged and the right results are coming through. It is a far cry from the kind of result we might have had if at any time we had accepted the suggestions from the Opposition that we should introduce mandatory sentences in these kinds of circumstances. I intend to provide details to the Parliament regarding other guideline judgments as they come to hand.

HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION

Mr O'FARRELL: My question is directed to the Premier. Will he ensure that the member for Kogarah, who has publicly dismissed allegations of sexual assault against the member for Fairfield as "complete nonsense", advises police of her relationship with him, namely, a \$10,000 donation towards her campaign fund?

Mr CARR: They have revealed a lot about themselves today! Question time is supposed to put the spotlight on the Government. They have revealed a lot about themselves!

Mr SPEAKER: Order! The honourable member for Gosford and the Leader of the National Party will remain silent.

Mr CARR: For example, they have revealed that they have no confidence in Commissioner Ryan because, as the shadow Minister for Police said, "The Police Service cannot be trusted." He is the shadow Minister for the police! He said, "The Police Service cannot be trusted." Could these people seriously believe they can be trusted with government? Can they believe themselves that they can be trusted to be in government after declaring recklessly in this House that the reformed, effective and efficient Police Service that we created with great effort over the last 5½ years cannot be trusted? That is a revelation about their thinking and their attitude.

Mr Tink: Point of order: I said, "The Police Service cannot be trusted to investigate this matter," and I stand by that comment. The Police Service cannot be trusted to investigate this matter. Your branch member was running the investigation. It cannot be trusted to investigate this matter.

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

Mr CARR: It is hopeless! What a team! What an alternative government! That reminds me of a good book about State politics that I have been reading that is full of the most salacious detail and of the most wonderful incidental accumulation of fact about both sides.

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

Mr CARR: This is a published book. This is a good serious family book!

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

Mr CARR: Of course I refer to Christopher Cuneen's biography of William McKell! I strongly recommend it to the House. Come on, take this seriously! Whenever there is claim and counterclaim about a

matter to be investigated by the police, we have a call from the Opposition for a judicial inquiry—"There must be a judicial inquiry!" This State has an Independent Commission Against Corruption, which does not exist in many other jurisdictions. There is one in Queensland but none in the other States. We have a Police Integrity Commission; an Anti-Discrimination Board whose powers were expanded after the Griffiths affair. I am happy to answer questions about the Griffiths affair, ask me a question! We have a privacy commissioner; and an Ombudsman, and that does not complete the list of the powerful statutory review agencies in this State.

The matter is being investigated by the police with the capacity for it to be carried into the courts of New South Wales. A serious criminal accusation, a police investigation, and into the courts is the logical next step if the police believe the evidence warrants it. In that context and with that full panoply of additional review bodies I can say now that there will not be a knee-jerk response to Opposition demands, whenever it thinks there is political capital to be made, to set up a judicial inquiry. There is no need for it. The police are capable of doing their job.

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

Mr CARR: Unlike the honourable member for Epping, we have confidence in the reformed, effective, efficient and well-led Police Service in this State. That statement could not have been delivered in that unqualified fashion before the royal commission that we and the crossbench forced on this House in May 1994, but it can be said now. This matter is before the Police Service.

INTERNATIONAL YEAR OF VOLUNTEERS

Mr BARTLETT: My question is directed to the Premier. What is the latest information on the Government's plans for the International Year of Volunteers?

Mr Hartcher: Oh, lovely!

Mr CARR: The honourable member for Gosford mocks the volunteering effort. How typical of him!

Mr Hartcher: Point of order: The Premier ought to be called to account. This is the second distortion in question time.

Mr SPEAKER: Order! Does the honourable member for Gosford take a point of order?

Mr Hartcher: Yes.

Mr SPEAKER: He is not making a personal explanation?

Mr Hartcher: No.

Mr SPEAKER: Then he has not got the call.

Mr CARR: He has not been the same since he gave up wearing that cap with the propeller on top! The volunteer effort during the Olympics and Paralympics was one of the greatest things I have witnessed in this State. The city is not the same without those cheerful, ever-helpful, knowledgeable and well-trained people. Indeed, they were well trained because they were trained by TAFE volunteers. They distinguished themselves during the Paralympics and Olympics. I praise the Leader of the Opposition, as I am inclined to do. Her excellent idea of a medal for the volunteers is being pursued by my department, but those medals should go all round to those who trained them and those who organised them. Oh, don't grumble! Be cheerful! Hugs, hugs, hugs!

Mrs Skinner: Not you, mate!

Mr CARR: Don't be nasty. I am not talking now about the McKell biography but about the Collins book! She comes into his office and says, "Peter, Peter, Peter, Peter, votes no, hugs yes." I did not write the book, do not blame me. I am quoting it. I did not even get to launch the book. I wanted to; I was available. I trailed my coat rather like the Leader of the Opposition when she was shadow Minister for the Environment and she was being recruited as leader. Then I trailed my coat trying to get in to launch the Collins book. It has breached our longstanding friendship when I was overlooked for Mike Carlton in this place and I was on the bench where I sit!

Those volunteers put in a sterling effort. I want to capture some of that volunteer spirit and use it for the future of this State for the community of people who provided the greatest the Games the world has seen. I want to see if we can expand that pool of volunteers who protect us during the bushfire season, patrol our beaches, look after us after hailstorm damage, deliver meals on wheels to the elderly, read to children in schools and coach weekend cricket and football. These are the volunteers. 2001 will be the Year of the Volunteer. I announced in the Domain at the volunteers parade that the theme would be active citizens building communities. Honourable members will be interested to hear that I have approved a budget of more than \$600,000 for the New South Wales Year of Volunteers. During the year the Government will fund volunteer expos in communities across New South Wales. Each expo will help recruit and place volunteers for local projects. The honourable member for Miranda brought to my office yesterday some splendid bushfire volunteers whom I presented with a certificate. As I was reading the *St George and Sutherland Shire Leader* today I noticed a photograph of the honourable member for Miranda and the volunteers. I want to be included so the honourable member should ask them to return so they can be presented with the photos. They are the sort of people that the Government stands behind and encourages.

Lines of communication to volunteers have grown out of the Olympics. I am setting up a State advisory committee comprising people with experience in volunteering and people who have helped to clean up the environment—Ian Kiernan would be one whom I intend to approach—people involved in improving welfare, helping our older citizens; and people involved in emergency services, of course, assisting communities in rural and regional New South Wales. The committee members will act as ambassadors for volunteering. The committee's role will be to persuade people who had experience of volunteering during the Games to take up volunteering on a continuing basis in some other area of endeavour. I say that because many of the people who worked as volunteers in the Games are already committed to Meals on Wheels, the Rural Fire Service, the State Emergency Service and other bodies.

The Government's goal is to increase the pool of volunteers who work for the community in the International Year of Volunteers. Who should the Government get to co-ordinate the job, to draw the grants together, to set up the organisation? My colleague the Minister for the Olympics suggested that Sandy Hollway do it, and that is what will happen. He will, with the co-operation of my colleague, be working with the Premier's Department from Monday to oversee the Government's comprehensive plans for the International Year of Volunteers. He will formally remain Chief Executive Officer of SOCOG while it continues to exist but work on secondment to the Premier's Department to pick up and drive the volunteering legacy out of the Olympics. Many legacies have come out of these Games. Volunteering will be one of them. Sandy Hollway's official role will be Chair of the International Year Advisory Committee. In addition to that role, he will take responsibility for ensuring that government agencies, businesses and community organisations learn and are guided by our Olympic and Paralympic experience. The Government is lucky to have a public servant like Sandy Hollway available to do that.

Mrs Chikarovski: A gold medal for his services.

Mr CARR: It will be a long while before the Leader of the Opposition is given a gold medal for parliamentary service. I am delighted to sign up Sandy Hollway for this new responsibility.

MEMBERS OF PARLIAMENT SALARY AND RETIREMENT BENEFITS

Ms MOORE: My question is addressed to the Premier. What action has been taken to close the loophole exposed in media reports that allows members to receive simultaneously a salary and retirement benefits?

Mr CARR: I saw the report. I understand the loophole emerges from Commonwealth legislation, if my recollection is correct, that actually mandates it as a possibility. The Commonwealth legislation, I think in the early 1990s, not only created this but, if my advice is correct, mandated it. If I am wrong, I will report back to the House. My view is that what is, by all accounts, an anomalous situation has been created out of the Commonwealth legislation that states how superannuation works.

NEW SOUTH WALES POLICE SERVICE SALARY NEGOTIATIONS

Mr ANDERSON: My question without notice is directed to the Minister for Police. What is the latest information on the Government's salary negotiations with the New South Wales Police Association?

Mr WHELAN: The honourable member for Londonderry, who has an abiding interest in police matters, has asked a most important question. From the outset I wish to say on behalf of the Government how much the Government supports the great work done by the men and women of the New South Wales Police Service, a police service that has just completed and received world acclaim for its role in organising the security of the Olympic Games, a police service that recently achieved the *Australian Financial Review* IT Award, a police service whose power installations at Lithgow and Tuggerah have also just won an award and, as honourable members have heard in this Chamber, a police service that received international recognition and first-class status from the FBI itself.

It is not often that I am embarrassed, but the remark of the honourable member for Epping that he cannot trust the New South Wales Police Service will go down and be remembered by every hard-working police officer in the State of New South Wales. Compare the Government's position with the remarks of the honourable member for Epping. As the eyes of the world's security experts were on the New South Wales Police Service, under the leadership of Commissioner Ryan, the men and women of the Police Service delivered a safe and secure Olympics without one security breach. This was delivered in the usual unobtrusive and professional manner that we have come to expect from the New South Wales Police Service, the Police Service that we on this side of the House trust.

I am delighted to advise the House that a draft enterprise agreement has been reached with the executive of the Police Association. That draft agreement will go to a full vote of the members of the association. The offer made by the commissioner is 16 per cent over four years. This agreement will ensure that New South Wales will continue to have the highest paid police officers in Australia. For example, a probationary constable will have a starting salary of \$45,518 at the end of the proposed agreement, which will make New South Wales probationary constables among the highest paid graduates in the country, and that is as it should be. We should be encouraging our best and brightest to undertake one of the hardest and most important jobs in the country. A constable currently receiving a salary of \$39,856 per annum will receive \$56,735 per annum. That includes the 16 per cent increase and standard progression through constable levels outlined in the award. This is further proof of the Government's commitment to the proper recognition of our police and the fact that this Government trusts them.

The Government will bring the pay rises offered by the Carr Government to police to 50 per cent since 1995. Fifty per cent has to be a record pay rise to employees in the public sector in Australia. I welcome the manner in which these negotiations were carried out by the association and the Police Service. Like all negotiations at this level, they were robust. I make no secret of the fact that the Police Association drives a very hard bargain. It is entitled to. Its members have embraced enormous changes in the past five years. They have been supported by the Government in those five years and will continue to be supported. There have been positive changes to policing practices and there are more to come: new DNA laws, which were opposed by the Opposition; new mobile data terminals; the new IBIS system; and specialist crime mapping technology, just to name a few. The Government is committed to increasing frontline police numbers over the period of the agreement. Not only will there be more police but their jobs will be more interesting.

The Government is freeing up police from desk duties, with approximately 500 already being freed up following the operation of the police assistance line. The co-operation of rank and file police for this initiative is very welcome. The commissioner's offer honours the commitments the Premier made at the Police Association Biennial Conference at Wollongong earlier this year. The Premier assured police that they would receive nothing less than the rest of the public service receives. It is important to note that the draft agreement must be approved by a plebiscite of Police Association members. I congratulate the association on a tough round of talks that extracted the best possible deal for its members. A fair outcome has been reached, one that all parties are willing to implement with continued goodwill. I look forward to the outcome of the plebiscite later this month. I again indicate to the hardworking men and women of the New South Wales Police Service how much the Government appreciates the job they are doing, in stark contrast to the scurrilous remarks made in this Chamber by the honourable member for Epping.

INFORMATION TECHNOLOGY INDUSTRY EMPLOYMENT

Mr MARKHAM: My question without notice is to the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney. What is the Government doing to help put young people into information technology jobs?

Mr YEADON: The honourable member for Wollongong takes a keen interest in information technology, and particularly how communities can be enabled through using information technology. Last week

I had the pleasure of visiting his electorate to launch a new Internet initiative of the local indigenous community called Koori Internet World. That is the second indigenous community that I have had the pleasure of working with in launching Internet initiatives. I commend the young Aboriginal man driving that effort in Wollongong, Michael McLeod, who is an extraordinary individual driven to ensuring that his community maximises the benefits of the Internet. He has put together a formidable group of people and support to get Koori Internet World up and running, and what a resource it will be for that community! It will enable the community to present its activities to the world and do business over the Internet, not only with the world but with the local community. Many people do not realise that although the Internet has an extraordinary global reach, it is also a useful tool in one's local neighbourhood.

The Government is skilling young people and finding them jobs in booming information technology industries as well. The Government is trying to capture the revolution for the benefit of the people of New South Wales. However, honourable members do not need to take my word for it. I shall tell the House how a young person, Joseph Jammo, summed up the help he received from the Government's initiatives. Joseph, who is 20 years of age and lives at Edensor Park, completed a State Government information technology course. He said:

Before the Corporate Partners for Change Information Technology course I was working in a job that had nowhere for the job to progress to—no real career prospects. Now I have a job with OzEmail and it's a great job, very interesting ... They have given me the encouragement to persevere.

Over the past five years the New South Wales Government has invested heavily to boost technology skills. For example, it has spent more than \$260 million on putting computers in schools. It is telling to inform the House, as did the Minister for Education and Training yesterday, that to my knowledge New South Wales remains to this day the only Government in the world that has connected all of its school computers to the Internet. Other major developed countries such as America and Canada, are still struggling to do that, and honourable members would find it profound that New South Wales had all schools connected to the Internet as far back as 1996—really cutting edge policy.

We continue to roll out those resources for schools, not only connecting to the Internet but also taking the innovative approach of providing schools with the latest technology, which can be upgraded every three years or so. Again, that is in stark contrast to places such as Canada, which seeks superseded technology from industry, such as 486 computers that are off the technological pace. Not only is New South Wales connected to the Internet; it also has the latest computer technology.

Mr Hartcher: Did you enlist help with the Internet or are you claiming credit on your own?

Mr YEADON: No, but we were the first government in the world to do so. The honourable member for Gosford would not know one end of a keyboard from the other. Fancy members from the other side speaking about information technology! The Minister for Health and the Minister for Education and Training can identify at least two paragraphs of policy in their respective areas! I have never seen one line on information technology from Coalition members. They would not even know what a cable was.

Ms Beamer: They would not know how to turn a computer on.

Mr YEADON: They literally would not know how to turn a computer on. The Government is spending more than \$25 million on training 25,000 teachers in the use of technology in classrooms. But we did not just load these computers, connect them and walk away; we said we would provide teachers with the necessary training and skills to enable them to use the Internet and computers effectively in the classroom. The Government will spend \$9 million getting rural, regional and metropolitan libraries connected through the intranet program *nsw.net* by 2003. That project not only provides Internet connection for libraries across New South Wales but allows local government to effectively tap into the Internet through the intranet as well. I am pleased that many rural councils are taking advantage of that program and are enabling themselves on the intranet.

The Government is spending \$121 million on 33,000 young people enrolled in 57 different TAFE information technology courses in New South Wales. These are a few highlights of the work that we have done across government. The initiatives the Government is taking are making a real difference in the community. The Government will not rest on its laurels. It is always constantly striving to improve its policy position. I am pleased to inform the House today that the New South Wales Government is taking another important step towards helping young people obtain jobs in rural and metropolitan areas. All honourable members would be aware of the severe worldwide skills shortage of information technology and telecommunications professionals. The industry has lamented this for a considerable period.

However, the Federal Government has exacerbated the problem with its policies of vacating the area of research and development. This has resulted in a major brain drain of scientists, researchers and, in particular, information technology specialists, a brain drain that will go against us in the future. As a result of that skills shortage in the information technology area, the Premier held an information and communication technology skills forum in Wollongong in August. The forum was attended by 150 leaders in the information and communication technology industry as well as in business, government, community and academia who offered solutions to issues such as access, skills and jobs.

The clear message from the forum was that fixing the skills gap would involve partnerships between government, industry, educators and the community. There is a familiar theme in this industry: collaboration. There would need to be collaboration between all sectors of the community to ensure that we overcome this skills shortage. Out of that forum a communique was developed as a guide to where we should go from here. The Premier has already announced that we will develop a skills action plan by the end of this year. Today I can also tell the House that the action plan will have input from a new consultative group, which includes industry leaders such as IBM, Cisco and Compaq, as well as educators from universities and, of course, TAFE.

In other words, the action plan will be a joint initiative with industry and will build on what this Government has already done to boost basic and specialist information and communication technology skills across the community. We are making a difference to job prospects of young people. We are taking advantage of new technologies and providing jobs in exciting careers like web design and programming and integrating new technologies into existing industries. From our strong knowledge and skills base the action plan will give this State more opportunities to help young people such as Joseph to find satisfying and well paid jobs.

Mr MARKHAM: I have a supplementary question. In view of the Minister's answer will he advise the House of proposals to encourage the use of the Internet specifically in regional communities?

Mr Humpherson: Point of order: My point of order is twofold. Firstly, the supplementary question does not arise from the answer given by the Minister.

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

Mr Humpherson: Secondly, you have allocated six questions to the Government and only three to the Opposition—double the number of questions to members on that side.

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

Mr Humpherson: You have wilfully given double the number of questions to the Government. You have ignored the conspiracy and cover-up. Whilst you have a cloud over your head you consistently taunt the Opposition.

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

Mr YEADON: The Government is doing many things to assist regional communities. I do not have time to go through them all, but I will highlight a couple of examples. The Minister for Agriculture has indicated that his department is working very closely with farmers to explain to them the benefits of being enabled. There are two other things I would mention. The Government is rolling out its Government network service, the Government's own intranet, which is a physical network being put in place across New South Wales. Clearly we are building extra capacity into that network so that we will be able to use it for some period into the future. We are looking at a very innovative approach whereby we can use some of the spare capacity to enable local communities to get onto the network and therefore provide them with a reasonable bandwidth. That is progressing very well indeed and it is a very sensible approach.

The other matter relates to community technology centres, a collaborative effort on the part of the New South Wales Government and the Federal Government under Networking the Nation funding where we are looking to sight 50 to 55 community technology centres through particularly remote areas of New South Wales. These centres will have decent telephony connections with bandwidth and will allow for computers, fax machines, telephones and so forth, which will be a resource centre for remote communities, to enable them to conduct business and, importantly, conduct that business in cyberspace in an enabled way.

There are a whole range of other initiatives that the Government is looking at and I hope to be able to advise the House soon of some very exciting initiatives that we are working on in relation to very high bandwidth networks throughout regional New South Wales that will really catapult New South Wales to the forefront of bandwidth accessibility in Australia and, indeed, the world. That will be a very exciting development and I look forward to informing the House about that in the not too distant future.

Questions without notice concluded.

HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION**Personal Explanation**

Mr TINK, by leave: The Premier and the Minister for Police misrepresented a point of order I took earlier. My remarks related to the police inquiry into the member for Fairfield. I did not trust an inquiry conducted by a member of the Labor Party and no decision was taken to remove him until the *Sun-Herald* broke the story. My remarks were not directed at police generally: they were directed at a member of the Labor Party who is investigating a member of the parliamentary Labor Party for sexual assault. That is a disgrace and nothing happened about it until the *Sun-Herald* broke the story. That is the matter that I have no confidence in. As to the police generally, I have no problem. I support them. As to this disgraceful matter, it took the *Sun-Herald* to blow the whistle about you people having somebody before an inquiry where a member of your party was investigating it.

Mr SPEAKER: Order! The honourable member for Epping should not become involved in abusive exchanges across the Chamber with the Minister for Police. If he wishes to continue his personal explanation he will address his remarks through the Chair.

Mr TINK: Thank you, Mr Speaker. I repeat: my remarks were not directed to police generally; they were directed to the grave concerns about this particular police inquiry, which was not publicly revealed until it appeared in the *Sun-Herald*. Following the revelations by the *Sun-Herald*, the concession was made that a member of the Labor Party was investigating a complaint against a member of the parliamentary Labor Party. I am saying that I have no confidence in that police investigation. As to police generally, they are good and honest people. As to this matter, it is a disgrace!

CONSIDERATION OF URGENT MOTIONS**Banking Services**

Mr WATKINS (Ryde—Minister for Fair Trading, and Minister for Sport and Recreation) [3.17 p.m.]: My motion is urgent because the National Australia Bank profit figures were released today.

Mr SPEAKER: Order! I call on the Leader of the Opposition to address the House on why her motion for urgent consideration should be proceeded with. As the Leader of the Opposition is not present, I shall put the question.

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

BANKING SERVICES**Urgent Motion**

Mr WATKINS (Ryde—Minister for Fair Trading, and Minister for Sport and Recreation) [3.18 p.m.]: I move:

That this House:

- (1) notes this morning's Cannex economics report showing families are paying almost \$50 a month in bank transaction fees;
- (2) further notes the report found pensioners are paying almost \$20 a month, exploding the myth that they are exempt from fees;
- (3) expresses alarm at the record \$3.2 billion profit announced today by the National Australia Bank;
- (4) condemns the four largest banks for reducing face-to-face service; and
- (5) calls on them to immediately reverse their plans for widespread branch closures.

One of the most important consumer issues in Australia today is the responsibility that Australian banks have to the community.

[*Interruption from gallery.*]

Mr SPEAKER: Order! I ask the attendants to remove the man responsible for the interruption.

Mr WATKINS: Consumers have every right to ask why banks have abandoned communities across Australia. Australians want to know when the Federal Government will act to stem the tide of every-increasing fees and ever-decreasing services. Those questions are even more pertinent today, because this morning the National Australia Bank [NAB] announced its eighth consecutive record profit. Today NAB customers learnt that the bank's profits are now \$3.2 billion, which means that NAB is making \$8.8 million a day in profits. Tomorrow Westpac will release its good news; I cannot wait! It is expected that this year the combined profits of the four major banks will exceed \$9 billion. That is enough to run not only the entire New South Wales health system but also the New South Wales Police Service. At the same time banks continue to jack up fees and slash services. I for one am not surprised that the most recent fee increases were by the banks that announced their profits this week, the NAB and Westpac.

On 17 October the NAB announced a 50 per cent increase in over-the-counter fees. It also announced the closure of 100 branches, with all the heartache that would cause to staff, families and customers. Two days later, Westpac announced over-the-counter fee increase from \$2 to \$2.50. In a final insult for bank customers, both sets of increase will be in place before Christmas. Is anyone surprised that the banks announced their fee increases before announcing their record profits? It would have been a hell of a lot harder to explain what they had been doing if they announced it next week. Fee increases and record profits have again outraged the community, and rightfully so. Bank customers, and that is virtually all of us, are being ripped off. Bank customers are being taken for granted. And why? Simply because the banks can get away with it.

Over the past decade consumers have been forced into electronic banking by branch closures, hefty fees for over-the-counter transactions and heavy advertising. This was going to be the way of the future; a way for customers to reduce the costs of banking. Is anyone surprised that fees for electronic banking are also now going up? New South Wales families know that they now pay more to access their money than they ever had. But not everyone knows just how much they pay. That is why my Department of Fair Trading recently asked the financial services research group, Cannex, to document fees for different classes of bank customers. The results were surprising, in fact they were shocking. Research by Cannex found that the average cost of over-the-counter fees has risen by a staggering 376 per cent from 50¢ to \$2.38 since 1993.

Over the same period the average cost of ATM transactions has risen by 140 per cent, from 25¢ to 60¢. Cannex also found that New South Wales families or individuals who make 59 transactions a month, including six over-the-counter transactions, six ATM cash withdrawals, six EFTPOS and three BPay transactions can pay as much as \$48.55 a month in fees. No-one would deny that the older members of the community and pensioners have been hardest hit by those banking changes. Cannex found that a pensioner using a pensioner deeming account and making just five transactions a week can pay as much as \$19.05 a month in fees. For those battling on low fixed incomes that is a hefty impost. To add insult to injury, in rural and remote areas where banks have been withdrawing branches at a horrifying rate, sometimes the only option is to do one's banking through GiroPost at the local post office. From yesterday consumers using that service will have to pay a \$3 withdrawal fee. Previously it was \$2.

There is an answer to the continuing attack on consumers and that is to recognise banking as an essential service, along with the supply of water, electricity and communications. In Australia it is impossible to avoid having a bank account and that is why an increasing number of people are calling on the Federal Government to adopt that approach. At this year's meeting of the Ministerial Council on Consumer Affairs I presented a paper calling for minimum standards of banking in Australia. With the support of my colleagues in other States I forced the Federal Minister, Joe Hockey, to respond to the proposals that were put forward. This week I received that response from Mr Hockey. To say I was disappointed by it is a massive understatement. He wrote:

Consumers would be the losers in the long term if banking is recognised as an essential service.

Really! I say that they are the losers now. And why? Consumers now pay more to do their banking and receive less service. Joe Hockey does not believe that banking is an essential service. He does not believe that local communities deserve to keep their local bank branch. He believes, as his response stated:

In many instances the requirement to maintain existing services may not be in the long-term interest of communities as it may constrain innovation and competition which has the potential to deliver benefits to consumers and businesses.

What competition? What benefits? What a load of garbage Hockey has come out with. When Mr Hockey can show me a community that has benefited from the closure of a bank I will believe him. The closure of bank branches forces consumers to travel longer distances to larger towns or suburbs to transact their banking business. If members do not believe me they should ask any National Party member whose town has suffered a branch closure, let alone the city-based members who have also suffered from banks withdrawing services from suburbs. At best, withdrawal of a branch is inconvenient; at worst, it is impossible for those with no transport or low incomes. The Federal Government should commission an inquiry into the level of competition in various sectors of the Australian banking industry.

The inquiry should examine the level of competition, identify any barriers and suggest steps to increase competition. Mr Hockey has responded to that issue as well. He said that that issue can be addressed in a review by the Financial Sector Advisory Council and the Government's response to the Financial System Inquiry [FSI]. Not a bad idea, so I continued reading his response. When is this review going to happen? Not until 2003. How many branches will close, how many services will be withdrawn? How much higher will bank fees be in 2003? Faced with ever-decreasing services and increasing fees the public has rightfully turned against the banks. Banks once had strong links with communities and used to be widely respected, they now rank the lowest of the low. Until the banks and the Federal Government start to give these issues the attention they deserve that problem will only get worse.

Mr O'DOHERTY (Hornsby) [3.28 p.m.]: The Minister asked for inquiries. As honourable members are well aware, there are and there have been many inquiries into the banking industry in Australia over a long time. Currently the House of Representatives is conducting an inquiry and the banking industry has taken steps towards a code of practice that would go beyond the legal requirements. It was in that context that Joe Hockey, the Federal Minister for Financial Services and Regulation, wrote to Mr Richard Viney about the code of banking practice review on 12 October. Some of the material contained in that letter gives the lie to what the Minister was trying to entertain the House with. For example, in his letter to the banking code of practice review, Minister Hockey stated:

I also believe that financial institutions that neglect their branch networks are likely to risk customer attrition and it is in their own interests to maintain adequate face to face banking facilities.

That is not a Minister who, as Minister Watkins said, is unconcerned about what happens in the country. He is saying, quite correctly, that the banks themselves will face the opprobrium of their communities if they neglect to provide branches where their customers need and want those facilities to be located. That is the Commonwealth Government's stated position.

Mr Watkins: That is not what he said.

Mr O'DOHERTY: That is what I just read. The Minister was not even listening; he was talking to his advisers. The letter from Joe Hockey continues:

Moreover, the Government is supportive of the thrust of the Hawker Committee's recommendation that the financial services industry should develop a protocol which provides a guideline of the minimum standards of service delivery in the event of closure of regional and remote branches.

That is a proactive move being taken by the Commonwealth Government. It is saying that it wants the industry itself to take the lead in setting a code that provides for minimum levels of service.

Mr Watkins: They will not.

Mr O'DOHERTY: Let us see whether the industry does or does not. The Australian people will be rightly able to judge whether the banking industry will leave the community behind or live up to its responsibilities to serve the Australian community, if the industry accepts a challenge that has been laid at its feet by Joe Hockey. Joe Hockey goes on to say in his letter:

I will therefore be writing to the Australian Bankers' Association and other relevant industry associations to facilitate discussions on this matter.

The Commonwealth Government is taking a proactive stand on the banks.

Mr Watkins: The Commonwealth Government has written a letter. That is proactive?

Mr O'DOHERTY: Joe Hockey is going to convene a meeting with the Australian Bankers Association to get them to assume their responsibilities as an important industry sector. He continues in his letter:

More broadly, I would like to make the observation that there is community concern regarding the imposition of some bank fees and charges. This is particularly the case for customers who are essentially obliged to operate accounts so that they can receive payments. These sorts of issues are also touched on in the Hawker Report.

Minister Watkins has called for an inquiry. There is an inquiry before the House of Representatives. I hope that Minister Watkins makes a submission to that inquiry. Joe Hockey goes on to say:

It is important that fees are economically justified, especially as technological developments reduce the cost of handling transactions.

We are not going to quibble with the idea that bank fees and charges have become unjustifiable in the eyes of members of the public. We do not quibble with that idea for one second. Nor does the New South Wales Coalition quibble with the idea that banks are forgetting their obligations to the communities that made them, particularly when they close branches in rural areas and also in many metropolitan areas. In my electorate, as an example, a number of bank branches have closed down in Asquith and the shopping centre has suffered as a result. The customers are not going to Asquith to do their banking as they once did and, therefore, they are not doing their shopping at Asquith, as they once did. These are important issues for our communities to debate. We do not quibble with the ideas that have been promoted by the Minister in relation to those two issues.

We do say that it is a question of how to achieve those objectives. Joe Hockey, in the letter I have read out, has a way of proceeding that allows the banks themselves to take responsibility. If they do not, perhaps more stringent measures are needed. I would not rule out consideration of other matters, but the bankers need to listen to the voices of their shareholders and their communities. As I understand it, it is very clear that communities and shareholders are saying that they are not happy and they want change and reform.

I understand the point that is made by the Australian Bankers Association and many others, and it is quite right. We received a lecture today from the Minister for Information Technology about how information technology and the Internet is changing the way we do business in our schools and in our communities. Undeniably, it is changing the way people are doing their banking. According to figures published by the Australian Bankers Association, less than 20 per cent of transactions are now carried out in bank branches, while the number of branch transactions fell about 9 per cent last year. The bulk of transactions are now carried out electronically through automatic teller machines [ATMs], EFTPOS, and telephone and online banking. The figures bear that out.

There are now 42.9 million ATM withdrawal transactions, 42.7 million credit card transactions and 49.7 million EFTPOS transactions per month. Australia is becoming an electronic banking economy, and so it should. If we are ever to be able to hold our head up as a new economy, we have to understand what is happening in the banking industry because of the implication of information technology on the way we do business. Let us not bury our heads in the sand, as I suspect Minister Watkins might want us to do. Let us understand the change in the banking industry and let us see the banks' progress into the new business opportunities and new ways of serving industry as Australia evolves to a new economy. We are not there yet. In doing so, let us not forget the important obligation we have to maintain to the community.

It is a matter of great regret that in many cases the disappearance of banks has started to rip apart the fabric of a community. It is immensely regrettable that we see those shifts happening in country towns and in many suburbs. How do we get the balance? It is a difficult thing to achieve. The Coalition will not quibble with the thrust of much of what the Minister said, but we want him to be fair dinkum about what the Commonwealth has sought to do in working with the banking industry to have the banks live up to their obligations and responsibilities to the people who made them what they are.

I want to touch on one final matter, that is, the revenue collected by the New South Wales Government through banks. The Minister talks about bank fees and charges. As the shadow Treasurer I receive a steady stream of letters from people complaining to me about the bank charges that are ripped off on behalf of the New South Wales Government. Notwithstanding the GST and the changes that will take place in the future about the collection of revenue on behalf of the State, the fact is that this Government is raking in money. For example, stamp duty is now levied by the State Government on top of the GST. Everywhere it possibly can, the Government is raking in money.

Mr Watkins: That is our responsibility.

Mr O'DOHERTY: The Minister correctly identifies that State taxes are his responsibility. Taxes under the Carr Government have increased by about 53¢ over the dollar. Every family that was paying \$1 in State taxes and charges in 1995 is today paying \$1.53 in State taxes and charges. To that end, I move the following amendment to the motion:

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

"this House notes the record amounts being charged bank customers in State taxes, as part of the Carr Government's dramatic increase in taxes, fees and charges across the board since 1995."

For example, financial institutions duty has been absolutely booming under the Carr Government. The latest figure that has been provided to me is for 1998-99. The amount collected by the Government was \$551 million. That is money that could be spent in our communities. Is it being spent to develop the regional areas of New South Wales? Is it being spent to provide additional TAFE training in country New South Wales? No, it is not. We cannot get the Government to spend money on job creation programs anywhere other than at Homebush Bay. That is where the Government has spent the money over the past five years.

Country New South Wales has suffered because of the Government's deliberate program to rake in record amounts of State taxes, including bank charges on bank customers. Every time a transaction of that category is made, money goes into the pocket of the New South Wales Treasurer. Does he spend it on the communities that the Minister for Fair Trading was talking about today? No, he does not. The money has been spent largely at Homebush Bay. We are yet to see the results of the Olympics for country New South Wales. My colleague the shadow Minister for Regional Development will address that issue in our next contribution.

Mr COLLIER (Miranda) [3.38 p.m.]: Those groups most affected by changes in the delivery of banking services over the last decade have often been the most vulnerable in our community. Groups such as the elderly, the disabled and those on low incomes are particularly disadvantaged by the move towards electronic banking and the closure of bank branches. I know only too well the effect on the elderly of bank closures. When the Commonwealth Bank shut the only bank at Kirrawee after 40 years, seniors attended their local doctors in a state of distress. They were distressed because the one bank to which they had been loyal was closing; they were distressed because they were being forced to travel to other centres to obtain face-to-face banking; and they were distressed from being forced to use automatic teller machines.

In Australia in 1999, 2.3 million people, or 12 per cent of the total population, were aged over 65. By 2016, 3.6 million or 16 per cent of the population will be within that age group. We are growing older as a population. When the Commonwealth Bank shut down its only branch in Kirrawee, the only bank in the suburb, some 20 per cent of the population were seniors, but the bank was still shut down. The Minister for Fair Trading noted earlier that a 1999 Australian Bureau of Statistics study indicated that older Australians have lower rates of usage of electronic commerce and service facilities than almost any other community group. In the three months surveyed only 29 per cent of persons aged 55 years or more used EFTPOS facilities and 40 per cent used an ATM. Even fewer people aged 55 years or more use telephone banking or telephone bill payment services. Few older people use the Internet at all, let alone for Internet banking.

These findings are important as banks increasingly force consumers into relying on electronic service delivery methods. Use of particular banking services is affected by disability. Overall some 19 per cent of the Australian community, or 3.6 million people in Australia, have a disability. For those with mobility problems, impaired vision, or an inability to understand computer screen programs, the use of ATMs is not possible. It is vital that adequate face-to-face services be maintained for such people. To allow banks to simply exclude these consumers from accessing banking services is neither equitable nor acceptable in today's society. In the Kirrawee case, one wheelchair-bound constituent could not reach an automatic teller machine and was forced to go two or three kilometres by public transport to do her face-to-face banking.

For consumers who wish to use electronic banking, banks must be required to ensure that ATMs are accessible for people with a disability, including people with impaired vision and people in wheelchairs. The honourable member for Port Stephens tells me that one of his constituents, a disabled 80-year-old pensioner, incurred bank fees of \$34 last August and had to hock some of his personal belongings to pay them. Banks also need to ensure that customers receive assistance to make the transition to electronic banking by means of training programs that are widely available and well promoted. A number of security issues surround ATMs, and they must be addressed.

Many people, particularly women and older consumers, feel unsafe using ATMs for various reasons. These include a fear that their personal identification number [PIN] number will be discovered, a fear that their

money will be stolen, a fear that their belongings may be snatched, and fear for their personal safety. These fears may be either real or perceived. Some older people, and women, have direct experience of theft at an ATM. Others feel vulnerable because they would not be able to defend themselves if someone demanded or grabbed their money. It is the outdoor or public nature of ATMs, combined with the absence of bank staff, that makes the consumers particularly susceptible. The feeling of insecurity is particularly strong at night and where ATMs face a street.

The Federal Government has a responsibility to require banks to ensure that ATMs meet customer personal safety standards. These include minimum levels of lighting, installation of security cameras, elimination of nearby hiding places, and assurance that ATMs are placed in open and easily accessible locations. Aside from physical considerations, accessibility of banking services is also affected by cost. Constant increases in bank fees have led to a situation where those on low incomes do not have access to affordable basic banking services. The recent fee increases by the National Australia Bank and Westpac are the latest reminder that if banks are not required to provide affordable banking services they will continue to ignore the needs of ordinary Australians.

Although people on low incomes and pensions are concerned about hefty fee increases, they do not feel safe when withdrawing large sums of money at once. The attempt to minimise monthly fees is made even more difficult by the continued failure of banks to provide information about the cost of transactions in undertaking banking services. Clearly, if the most vulnerable members of our community are to gain access to banking services, it is essential that banks be required to comply with certain minimum standards of service, including face-to-face banking services, assistance with the transition to electronic banking, provision of safe and accessible automatic teller machines, and provision of affordable basic banking services.

Mr ARMSTRONG (Lachlan) [3.43 p.m.]: I am surprised that the Minister for Fair Trading has chosen to come in here today and speak about the banks escalating their charges, and almost feigns disgust when he sits in the Cabinet room—and no doubt he was there when the decision was made in the last few weeks—that has imposed the most massive change ever seen in this State: an increase in charges on a motorway. This Government is the highest taxing State Government in the history of New South Wales. It has more taxes than any other Government in Australia. It charges everything from taxes to sleep in a bed to taxes to walk your dog down the street and now taxes to drive your car on the M4. It lifts the charges and breaks all the promises it made five years ago. Yet the Minister has the audacity to come in here today to try to change tack, and change the perception of the media. It is what you call atrading sardine.

The Government has no credibility whatsoever when it talks about being embarrassed at the amount of money being charged by the banks. But it is compounded, as my colleague the honourable member for Hornsby said, by the amount of money the Government has taken from bank customers since it has been in power. Just a few weeks ago the Premier announced that the Olympic Games and other construction were paid for, and that they cost a bit over \$7 billion. In the last five years when the banks tried to put their hands in the pockets of their customers to increase their charges, they found they could not get their hands in very far because Bob Carr and the Minister for Fair Trading had their hands right at the bottom. Guess how much they got out of it? They got \$5.3 billion out of the pockets of bank customers in five years.

If you deduct \$5.3 billion from \$7.2 billion, the State Government has effectively paid for the Olympic Games by the charges levied on customers of banks. Only a couple of billion dollars had to come from elsewhere; not by accounting. But the bottom line is that the Government has had a massive hand in the fob pocket, the side pocket and the handbag of every bank customer. Little old ladies do not understand it. They open up their little purses, they look in and they see Bob's hand in there.

It is hypocritical for the Minister to come in here and try to pull this one off. The banks are among the most controversial businesses in the community. I remember when the State Bank, as it was then, was about to close some branches three or four years ago. Some of its public relations people came along to see me because I was the local member. The public relations man, who was very good, did a darned good job. He said that they had conducted some surveys and they found that when people walked past banks they sped up. The bank was trying to decide whether to put bigger windows in so that people could see what was going on. I said, "Hey, you have got it wrong. It is not that they cannot see in; it is simply that they do not like you. That is why they want to get past in a big hurry."

My criticism of banks is primarily that their public relations is atrocious. As the honourable member for Hornsby said earlier, we are becoming an electronic society and that will not stop. At breakfast this morning in

the staff dining room I heard one of the staff talking about her 11-year-old daughter, who now has some sort of schooelectronic card, which will be updated when she is 12. To facilitate changes and public need this Government must be honest and tell the truth as we go through these inevitable changes. The Government has a responsibility not to make politics out of people's problems. There is no doubt that older people are having problems adjusting to the banks and understanding the changes.

The bottom line is that it is grossly unfair, let alone uncharitable, for the Minister to come in here today and complain about this issue until he gets his hand out of the pocket of the pensioner, the kid, the housewife, the businessman, and stops ripping a billion dollars a year off them. In the meantime it is hypocritical for him to come in here and tell us that the toll on the M4 can be increased without an announcement. This is the ultimate socialist Government that lives off lies and innuendo. The cars you drive are being paid for by the people who use the banks of New South Wales.

Mr W. D. SMITH (South Coast) [3.48 p.m.]: In this debate I shall concentrate mainly on country New South Wales as rural and regional communities have been particularly hard hit in the reduction of banking services and closure of bank branches. In October 1999 the Finance Sector Union reported that there had been 615 bank branch closures in New South Wales since 1993, with 259 in rural and remote areas. Clearly, that is not acceptable for country people. In 1998 alone New South Wales lost more than 60 branches. Added to this is the fact that many branches that close may change from stand-alone branches to in-store agencies or electronic kiosks. The scale of the decline in services is quite clear. People may have to do their banking with the local real estate agent or newsagent, or by using personalised services through electronic banking. The closure of branches and reduction of services has had profound negative effects on small communities.

When a community loses its only bank, local people may be forced to travel to larger neighbouring towns to do their transactions. That is a major inconvenience for most people, particularly those with transport difficulties such as the elderly, those with disabilities and people on low incomes. Bank branch closures cause an inevitable reduction in service levels for all consumers. Small business people are subjected to long waiting times to deposit their takings and an increased risk of robbery if there is a lengthy period between deposits and money has to be transported over long distances.

While some banks are replacing full branches with automatic teller machines [ATMs] or agencies inside shops, this type of arrangement does not offer a full range of services or provide fully trained staff. In addition, customers who may wish to switch their business to a bank remaining in their town or suburb have to pay the transfer costs of switching mortgages or loans. When the number of banks operating in a small town or suburb declines, the level of competition is reduced. People will not necessarily have access to the type of banking service that best meets their needs. When only one bank is operating, it becomes a take-it or leave-it situation, as there is no choice. Bank branch closures have an economic impact on those in rural and regional New South Wales.

If people have to travel to a larger town to do banking, that usually leads to their business being carried out in that larger town away from their small community. That causes a drop in trade to other local businesses and ultimately can lead to business closures. Bank branch closures also hurt the local economy directly by the loss of jobs and salaries as well as the loss of skilled people who understand and make valuable contributions to their local community. Pay packets and valuable skills are being removed from local communities. There have been a number of responses to branch closures in rural and regional areas. The Commonwealth Government has committed up to \$70 million over five years to help rural communities establish their own rural transaction centres. That money comes from Telstra—which is another debate altogether.

Whilst rural transaction centres are welcome in small towns, they are an inadequate response to bank branch closures as they cannot replace the normal range of services provided by banks. A more appropriate response would be for the Federal Government to demand that banks maintain service levels. Transaction centres are better than a poke in the eye with a sharp stick, but not a hell of a lot better. In reality, the level of support given to communities to establish these centres is inadequate. Federal Government funding provides only for a feasibility study and establishment costs. The onus is then on the centres to become self-funding rather than receive ongoing Federal Government funding.

Finally, the scale of response is quite inadequate. Considering the statistics I outlined earlier and the large number of branch closures, these centres really are just a drop in the bucket compared to the number of communities that have suffered. Community banks also operate. For example, the Bendigo Bank operates in about 20 locations across Australia, including three in New South Wales, and another six on the way. The New

South Wales Local Government Association at its annual conference raised the fact that the Federal Government is not doing enough to help rural and regional New South Wales communities with their banking. I support the Minister for Fair Trading in his call on the Federal Government to pass legislation to define the level and type of banking services communities have the right to expect and to ensure that all sections of the community receive adequate banking services.

Mr WATKINS (Ryde—Minister for Fair Trading, and Minister for Sport and Recreation) [3.53 p.m.], in reply: I thank all honourable members who took part in the debate, particularly those from this side of the House in highlighting the real problems banks are causing in their local communities. I thank also Opposition members who spoke in the debate because, clearly, behind much of what they were saying was agreement about the problems being faced by bank customers in this State. The honourable member for Hornsby acknowledged that there was a need to listen to the community as it wants change and reform of the banks' operations. He referred to the fact that only 20 per cent of transactions now take place in banks, and said that there was a 9 per cent decline in the number of transactions last year.

In fact, that is exactly what the banks wanted to achieve: to drive out those customers. One way to do that is with long queues. Others include charging high prices and getting customers into electronic banking, automatic teller machines, EFTPOS and Bpay. Once you have them, charge them, hit them hard, because there is nowhere else for them to go. I am not burying my head in the sand with this issue. We are moving towards a new economy. New forms of banking are essential, and we will have that in any modern economy, but the banks are forgetting their customer base. They are abusing the control they have over their customer base. That is at the heart of the problems felt by the community. The massive profits and profiteering of the banks are unacceptable.

The honourable member for Hornsby spoke about the impact of bank closures on communities: they are ripping them apart. I do not quibble with that. Banks leaving communities, especially in country and regional New South Wales, are having a massive impact. Banks are not fulfilling their responsibility to retain services or provide new electronic services to support them. Unfortunately, the honourable member then defended Minister Hockey. Minister Hockey has had this problem for at least two years. He has written to the banks and is convening a meeting. Meanwhile, banks are profiteering; they are walking out of towns and suburbs across Australia. We have to say, "No more. Let us look at what we are doing and maintain as much as we can of what is left. Yes, go to the new electronic banking but make sure the customer is at the heart of what is happening."

The honourable member for Lachlan seemed to be debating taxes. This is a debate about banking, closures and fees. He knows as much as I do that the people who live in the small towns, hamlets and villages in his electorate are wild about the loss of services. People are crying out about what has happened to their towns and communities because of the banks moving out. They are outraged at the amount of money they are expected to hand over to complete essential banking. It is my duty to speak out on behalf of consumers of this State; that is the job of the Minister for Fair Trading.

Banking is a Federal responsibility but it is my duty to speak up for New South Wales consumers in the towns and suburbs across the State who are damaged and hurt by the Federal Government's lack of policy on banking. The people of New South Wales agree with what this Government is saying today: The bottom line of this debate is to go to the numbers—one bank made \$8.8 million per day, which is \$3.2 billion in a year. Tomorrow Westpac could come out with similar record profits. People are being fleeced by the major banks, and they are fed up with it. If we do not listen and do something, we stand to be condemned.

Amendment negatived.

Motion agreed to.

SYDNEY WATER SLUDGE TREATMENT

Matter of Public Importance

Mr BARR (Manly) [4.00 p.m.]: The subject of my matter of public importance flows logically from question time today—sludge. At the end of August, Sydney Water completed a document entitled "The North Head Sewage Treatment Plant Biosolids Handling and Transport Strategy" as part of its "Water Plan 21". In that document, Sydney Water demonstrated once again that it has never missed an opportunity to miss an

opportunity. That is what it is doing here. The plan itself is a short-term, lazy, unimaginative, quick fix with a back-to-front approach in relation to biosolids and it should be sent back to the drawing board. There is no long-term strategy to devolume and decommission the ocean outfalls. "Water Plan 21", which is basically Sydney Water's vision for the next 21 years, is pretty much a visionless vision.

The strategy has to be ticked off by the Department of Urban Affairs and Planning. That department is responsible for co-ordinating a response to the strategy in consultation with other State government agencies. The strategy was developed by Sydney Water after a purported community consultation process involving more than 30 meetings with community groups, primarily along the eastern seaboard. Although the document has the words "North Head Sewage Treatment Plant" in its title, it relates also to Malabar and to Bondi. The three plants carry about 80 per cent of Sydney's sewage, with the North Head Sewage Treatment Plant carrying about 40 per cent all up. I have grave concerns about the consultation process and the way it was carried out. A number of options were presented to the community. Among those options was a sludge-return pipeline to Camellia that was promised for the Northside Storage Tunnel and also the possibility of a sludge pipe down to Bunnerong, which would, along the way, pick up Bondi and Malabar.

Sydney Water either knew or ought to have known that both those sites were off limits. The amellia site has been set aside for the Parramatta-Chatswood rail link, and it is also likely that any sludge treatment there would be in breach of the Parramatta Regional Environmental Plan. Bunnerong is off limits because the Ports Authority wants to keep the site for port activities. Therefore, the question must arise: why did Sydney Water go to a public consultation process offering those two as options when they were never possible? Furthermore, an article in the *Manly Daily* on 24 June reported a government source as saying:

At the end of the day, if you have to look at the options, it is completely not viable to be able to spend \$560 million to transport sludge from North Head Sewage Treatment Plant to a new STP at Bunnerong or to ship it the other way to Camellia. The concept of spending \$560 million to stop truck movements in Manly when there are unsewered communities in western Sydney is just not viable.

I wrote to the Minister for Land and Water Conservation about that matter and asked him to clarify it, but I have yet to receive a response. As I said earlier, 40 per cent of Sydney's sewage flows through the North Head Sewage Treatment Plant and what is called the NSOOS, the Northern Suburbs Ocean Outfall Sewer. That begins at Blacktown and wends its way 46 kilometres through Manly to North Head. When the good citizens of Blacktown have their constitutional each day, if they have been taking their roughage, that organic matter takes 18 hours to reach North Head Sewage Treatment Plant. Once it reaches that plant, 30 per cent of it is captured as sludge. The other 70 per cent goes out to sea. In other words, 70 per cent of biosolids are pumped straight out to sea, along with the effluent—all the water used in the flushing of toilets as well as the water from taps, baths and showers inside our houses.

We have an extremely primitive treatment process. North Head is basically an open sewer. Sydney is a modern, technological city that was internationally admired during the Olympic Games, but its dirty secret is that it has a sewerage system that is only slightly better than running an open sewer straight off the Heads. This problem has a long and sorry history. There have been any number of reports over the years by Sydney Water and other bodies suggesting that Sydney Water should be moving towards decommissioning the ocean outfall sewers. The Government's 1997 Waterways package promised there would be no further centralisation of ocean treatment in Sydney. But, in essence, the Northside Sewerage Tunnel and the new proposal by Sydney Water will further entrench the North Head Sewage Treatment Plant because Sydney Water is proposing that North Head will capture more solids—up to 60 or 70 per cent—and then truck them away.

Sydney Water argues that it will reduce the truck movements from roughly the present 60 a week down to 30, but the increased capture would, all other things being equal, increase the number of truck movements to 140. Sydney Water is saying that it will dehydrate and pelletise the product and that that will reduce the number of trucks to 30. However, their figures on truck movements are rubbery and the community does not believe them. There may be a depiction outside the northern suburbs area that it is a not-in-my-backyard attitude and that all that Manly cares about is trying to reduce the number of the trucks. However, the essence of the matter is that the trucks symbolise an outmoded way of dealing with Sydney's sewage problem. They are just a symbol of how old-fashioned and retrogressive Sydney Water is in its approach to this issue. Instead of looking at interception, at decentralising and long-term decommissioning of the ocean outfalls, Sydney Water is doing the reverse and entrenching further for many decades to come, for the indefinite future, the North Head Sewage Treatment Plant and the treatment of biosolids and the treatment of effluent.

Biosolids constitute roughly half the stream flow in the sewerage system. The other is the effluent water. There is nothing in Sydney Water's proposal in relation to dealing with effluent and reusing water—one

of the scarcest resources in this dry continent. Many cities of the world reuse water, either as grey water for watering gardens and golf courses, for agricultural purposes and so on, for refushing toilets or producing potable water for drinking. In many cities water is recycled to the degree that it can be used for drinking. Sydney Water is totally bankrupt in not coming up with a strategy for dealing with effluent. It is outrageous that we are not mining this facility. Many promises have been made over the years, including the promise by Sydney Water to the people of Manly when it was pushing for the Northside Storage Tunnel that there would be a sludge return pipe in the tunnel.

The Waterways Advisory Panel when it was reformed basically said that Sydney Water never had any intention of honouring the promise, that it was deceitful and that it had misled the people of Manly. Sydney Water has not made good its promise and this strategy shows that it has no intention of doing so. When Sydney Water focused on the issue of sludge management it had a back-to-front approach. It looked at biosolids and how they could be marketed and moved backwards from there. Instead of treating the biosolids as an end product that may have an incidental beneficial use, it focused on how to market the stuff. Everything that Sydney Water has done has been targeted to marketing biosolids.

Tomorrow I am holding a public forum in room 815 of Parliament House to which I invite all honourable members. The aim is to draw to the attention of the Government and decision makers the possibility of using alternative technologies to improve the management of Sydney's waste water. The forum is cohosted by the Nature Conservation Council and will feature presentations from water industry practitioners, alternative technology providers, engineers and academics, and I cordially invite everyone.

Mrs GRUSOVIN (Heffron) [4.10 p.m.]: It is important to put the facts on the table. Sydney Water released a consultation paper concerning its biosolids management strategy for North Head sewage treatment plant. My electorate was potentially impacted by the options contained within the consultation paper, so I am well aware of the background to this matter. It has been the subject of local discussion in my own area and we must be clear about it. There is no doubt that the previous management of Sydney Water made commitments about installing a pipeline northside storage tunnel from North Head to Camellia and there is no doubt that Sydney Water has examined the matter on numerous occasions since then. I am pleased that it further examined the matter because I have some concerns about some aspects of their proposals not just relating to storage tunnels from North Head to Camellia but also relating to tunnels from Bondi and across to Malabar sewage treatment works.

I was not sure that what was being proposed was a viable option. In accordance with government requirement Sydney Water has produced a strategy as a way forward to resolve the issue. All of the options were evaluated on a number of criteria, including environmental, economic, community and technological concerns. Community concerns raised by residents of the Manly and Heffron electorates and elsewhere were considered very carefully by Sydney Water in this process. A survey conducted during the consultation found that 73 per cent of Manly residents believed that local traffic congestion has become worse in the last few years, although six in 10 people believe this is due to too many cars rather than the number of trucks. However, the survey found that trucks are said to be the next main contributor to local traffic problems in Manly, with 38 per cent of residents on or next to Darley Road attributing local traffic congestion to an excess of trucks.

About half of Manly residents and 55 per cent of residents on Darley Road are aware that trucks carry sewage sludge from the North Heads sewage treatment plant along Darley Road to areas where the material is beneficially reused. The survey found that many residents are unclear or are misinformed about the number of trucks from the plant and the contribution of these trucks from overall truck movements on Darley Road. The honourable member for Manly must take credit for some of this misinformation. The survey also found that, of those residents who are aware, half of them perceive that there are less than 20 trucks per day travelling from the sewage treatment plant along Darley Road. Approximately 40 per cent of residents on or next to Darley Road feel that the sewage treatment plant trucks represent over half of local traffic movement. Astonishingly, one in 10 residents believe that the sewage treatment plant trucks represent more than 90 per cent.

The honourable members for Manly should do the right thing and provide his community with accurate information rather than spreading misinformation. I can only reiterate the comments made previously by the Minister that there are five or six trucks a day working at the North Head sewage treatment plant. This is compared to the 15,000 vehicle movements each and every week day on Darley Road, Manly. That accounts for 0.08 per cent of the daily traffic flow and this will reduce even further as part of Sydney Water's long-term biosolids management strategy.

The question that needs to be answered is why we are talking about two trucks a day in Manly? It is important to understand that about 4,000 community members were consulted throughout the process and 293

submissions were received from the community, local government and State government agencies. This matter of public importance should be about the waste of taxpayers' money on attempts to discredit good environmental projects, because \$1 million has been wasted on inquiries by the upper House just on Sydney Water issues.

Mr BROGDEN (Pittwater) [4.15 p.m.]: It is a disgrace that the honourable member for Heffron has distorted the facts on this matter. The real issue is that Sydney Water lied to the people of Manly some years ago when it promised in two advertisements, on 1 November and 8 November 1997, that there would be a sludge pipe in the northside storage tunnel that would take the trucks off the streets of Manly. The people of Manly have been lied to by Sydney Water and the best it could say was that it was a mistake. It was not a mistake, it was a lie. The strategy Sydney Water now has is more crap in Manly.

Pursuant to sessional orders debate interrupted.

PRIVATE MEMBERS' STATEMENTS

WESTERN NEW SOUTH WALES SERVICES

Mr BLACK (Murray-Darling) [4.18 p.m.]: I draw the attention of the House to the recently released Australian Bureau of Statistics figures released in New South Wales through the Office of Regional Communities, "Population Projection for Individual Communities to the year 2016". I wish to read these figures onto the parliamentary record because of what we have heard recently. Yesterday there was debate about the need for an insurance industry ombudsman and the disgraceful conduct of the Federal Leader of the National Party, John Anderson, in not recognising the need to establish an ombudsman for bush people.

Today the House heard about the 1,100 bank branch closures across Australia between 1990 and 1998, and that is just for starters. Most of the bank branch closures are in the bush yet the Federal Government has done nothing about it. Also, some weeks ago the Chief Magistrate of New South Wales, Pat Staunton, informed the people out west that magistrates are not public servants and, therefore, her decision to take away the resident magistrate from Broken Hill and replace that person with a visiting magistrate would stand. We were told it related to a separation of powers and that nothing could be done to reverse that decision.

I go on regular tours of western New South Wales and two of the principal issues of concern are Federal matters. The first relates to fuel, which is regularly up to 20¢ dearer in the bush than in the city. That is a disgrace, given the fact that we have in writing from Caltex that it can take fuel anywhere in New South Wales, even to Tibooburra, for up to 3¢ a litre. We have also heard about the disastrous situation of Telstra services being withdrawn from shires such as Windorah and not being replaced with a CDMA service as promised by the Federal Government. That should be contrasted with what has occurred in western New South Wales under this Government. Western New South Wales is doing extremely well under the most bushy Premier in living memory, Bob Carr. I do not go back to Renshaw because that is beyond living memory for most of us. But Bob Carr leads the way and the evidence is in the budget, with increased funding for the west on roads, hospitals, sport and recreation, and schools.

The Minister for Education and Training has announced that 10 new schools will be built in western New South Wales. The report projects that for western New South Wales there will be a decline in population for the Bogan shire from 3,294 in 1996 to 2,777 in 2016; Bourke from 3,974 to 2,217; Broken Hill from 21,950 to 9,266 and Central Darling from 2,473 to 389. These are ridiculous projections by the people in the ephemeral place called Canberra and it is upon those projections that planning decisions are being made. The Premier of New South Wales said that the figures are not logical. We are talking about the Central Darling shire, Wilcannia, Menindee, Ivanhoe, Louth and White Cliffs.

Wilcannia alone will have a bigger population than 389—if it got down to 389, it would be a minor miracle! Cobar will go up slightly. Lachlan will be down from 7,500 to 5,100. The figures for the unincorporated area project a decrease from 921 to 84. What does that mean? Tibooburra is off the surface of the map because Silverton will have at least that population in the year 2016. To achieve the figure for the unincorporated area you would have to put it on the wilderness list and lock up the entire unincorporated area. That is not right. Balranald is set to decrease from 2,934 to 2,608 and Carrathool from 3,200 to 2,562. What nonsense is that? I attended the \$20 million opening of the Namoi cotton gin at Hillston, which is going to generate jobs. These figures are a nonsense and I am sure the House will support my views on this matter and that it will be bipartisan support.

BAULKHAM HILLS BUS SERVICES

Mr MERTON (Baulkham Hills) [4.23 p.m.]: On 22 June I raised in this House my concerns in relation to the lack of response from the Minister for Transport to my numerous representations on behalf of my constituents regarding Westbus services. At that time I mentioned that I had 30 outstanding representations, dating back to March, on behalf of individual constituents seeking answers from the Minister. Ironically, responses came into the electorate office at the same time as my staff were flooded with a round of additional complaints in relation to the city express service. I might add that these replies were from the Parliamentary Secretary and not from the Minister.

I now have an additional 38 representations on the same subject that have been awaiting responses from the Minister since September. In September the Parliamentary Secretary stated that Westbus was reviewing M2 bus services to provide additional passenger capacity and improve services generally, and that the Minister has asked the department to conduct regular meetings with Westbus Pty Ltd to ensure that any passenger concerns with bus services are quickly addressed.

My constituents believe that their concerns are not being addressed. They are still waiting on answers from the Minister and, even this morning, commuters were telephoning my electorate office to express their disgust with the service. At the Baulkham Hills junction people waited from 7.50 a.m. until 8.30 a.m. to board a bus to the city. Every day my office receives complaints in relation to the bus service and nearly every week either one or both of the local newspapers—the *Hills Shire Times* and *Hills News*—feature complaints about the service, both newspapers this week again having articles. An article in the *Hills News* stated "Westbus in hot water for breach". An article in the *Hills Shire Times* stated "Merton angry over Westbus hostage saga". I have received a letter from Jaclyn Plunkett, which said in part:

I have been catching the Westbus city service for approximately two and a half years. In this time I have had nothing but problems with this service. They are constantly late, don't turn up and when they do show up they are either full or have no seats ... I catch this service every day from either Castle Hill or Baulkham Hills junction. I have been told in the mornings by a bus inspector not to completely rely on the bus timetable as they rarely show up on time ...

Surely it is now well over time for the Minister to take some action to ensure that the people of my electorate have a safe and reliable public transport service to the city. Many of my constituents have reported that it is now costing them more to go to work. Westbus has increased their fares—talk about a red rag to a bull! On some occasions commuters have even been forced to travel to the city by taxi because they have been unable to get onto the overcrowded buses. If the bus timetable states that a bus will pick up passengers at 7.50 a.m., those passengers should be able to get on the bus at 7.50 a.m. If there are more passengers than can be safely carried, the bus company must provide a second bus in order to adhere to the timetable. In a letter dated 2 November Laureen Ingell wrote:

I phone the complaints line every time there is a problem (nearly daily) and I have had the following responses from Westbus staff, "If you don't like it find another way to get there". That was after standing at the Baulkham Hills junction stop for over 45 minutes with no sign of a single bus when according to the timetable five buses should have come.

The people from my electorate are paying more than \$50 a week to travel to work in the city. I have been told that this is about 25 per cent higher than commuters who travel by bus a similar distance from the northern beaches. Regular comments are made that passengers believe they are captive to Westbus. This is rather ironic, in view of an article that appeared in the *Hills Shire Times* recently, "Hogtied by bus cowboys". The article related to an incident involving two overzealous bus inspectors who held about 30 passengers hostage before they were released on police orders. It is understood that two Westbus ticket inspectors ordered a city express bus to be driven straight to Castle Hill Police Station when a male passenger allegedly failed to produce a ticket. Fare paying passengers were refused permission to get off at their designated stops along the way and when the bus arrived at the Castle Hill Police Station inspectors locked the doors, preventing passengers from leaving. I find this unbelievable; nevertheless, that is the story.

Overcrowding on the city express service has caused many commuters to fear for their safety. As one person said, it is a journey of 35 kilometres with buses reaching speeds of 100 kilometres per hour. Many of those forced to stand have worked very long hours and are tired, and buses are often forced to brake suddenly. In light of the increase in density of residential housing being forced on the Baulkham Hills shire by the State Government, the need for a safe and reliable public transport service is a matter of urgency. With Windsor Road being the biggest car park in Sydney it is unbelievable that more motorists are now opting to drive their cars to work simply because they have had enough of a bus service that they consider to be unsafe and unreliable. There has been a crescendo of calls from people in the hills district to the effect that the city express service should be opened up to competition because it is clear that Westbus cannot provide the required service. I ask the Minister to act to ensure that my constituents have a safe and reliable public transport service.

TRIBUTE TO Mr JOHN GODSCHALL JOHNSTON

Mr ASHTON (East Hills) [4.28 p.m.]: I am pleased to tell the House of the outstanding achievements and life of Mr John Godschall Johnston of Padstow in my electorate. John is well known, not only in our State but in many parts of the world as the "Violin Man". John Godschall Johnston has crafted, in the traditional way, violins of the world's finest standard. His violins have been used by hundreds of young people, yet not one violin created by John has ever been sold by him.

John Godschall Johnston, the eldest of eight children, was born 88 years ago in Townsville. As a young artist, John painted the Vidler Dairy as a protest because his mother could not afford to buy milk at four pennies a day, as the week's milk bill would have taken up half the dole. In 1934 John joined the Communist Party. He remained true to his view of sharing his knowledge and possessions. His protests have grown in a lifelong struggle for a better system, based on his experience as a young man and that of his family. In the 1950s John bought his mother a violin. Contemplating "this little box of strings" as he called it marked the start of his study into the science of the violin, in the tradition of Stradivarius, Guarneri and Amati, the old Italian violinmakers of 300 years ago.

John makes his violins, violas and cellos with maple, spruce and pine taken from trees grown and felled in about 1720 in Switzerland and Dalmatia. He gouges out the bellies and backs with 100-year-old tools, one as small as a man's thumb. The sole electrical device permitted in his workshop is a machine which measures the frequencies of vibration emitted from the timbers as they yield their characteristic sounds. John leaves the wood in tubs of urine to constrain the gums and resins, and he produces his own varnish. John grinds madder root into a paste to give his instruments their glowing tone or, with additives, a deep dark colour in the cabinet.

John selects his custodians to play his violins, violas and cellos. He regards these instruments as his children. As I said before, he has never sold one of these instruments. There is no charge to the artists and students he selects as gifted and talented musicians, all those unable to afford a handmade violin which might cost \$5,000 or more. These players are given the opportunity of a lifetime to join youth and professional orchestras as soloists or members of chamber groups. Those who do not make the grade willingly return the instrument to assist other young artists saddled with factory "boxes".

John's violins are not turned out on a fast assembly line. Some makers will produce an instrument in seven days with market prices starting at \$5,000 but John's instruments are both priceless and timeless. People have watched John on television and have heard him on city radio stations, and rural photographs have been shown in city and country newspapers. He has been interviewed and photographed and has answered hundreds of telephone calls, and has met artists, singers and makers in his workshop in Padstow.

John became well known as he demonstrated his skills annually at the timber and working with wood exhibitions in Sydney, Melbourne, Adelaide, Perth and Brisbane. He received many accolades including the Order of Australia for his work in the arts, particularly instrument making. He received the Distinguished Service Award from the Museum of Arts and Sciences in Sydney. Above all, the real love John has is for children, including preschoolers. His face lights up with pleasure as those children take up his half and three-quarter violins. He sees in those children potential woodworkers, wood carvers and, perhaps, instrument makers or future violinists.

On 12 June 1998 two major strokes left John with impaired memory and slow movement, and unable to make more violins. He recently donated 12 of his baroque instruments to the Brisbane orchestra and still has a long list of potential players for his instruments. I pay tribute to John's wife, Phyllis, a community activist, a leader of the women's movement and defender of those who are disadvantaged and discriminated against. She was also a great spark to John's creativity. Phyllis was mainly responsible for setting up the Betsy Women's Refuge in Bankstown more than 20 years ago. She was a leader in the campaign against rising prices, which was known as CARP.

Bankstown city library exhibited John Godschall Johnson's works, instruments, paintings, writings and photographs at its central library from Monday 15 October to Sunday 22 October. A smaller version of the exhibition of John's work will rotate around the Bankstown's branch libraries, beginning with Padstow, where it will be shown from 6 November to 20 November. It will then move to Greenacre, Chester Hill and Panania in that order. I place on record my appreciation for the lifelong achievements of John Godschall Johnson. Pat Rogan has known him for much of that time and would support what I have said today.

FORMER TAFE EMPLOYEE Mrs VAL KERRISON

Mr STONER (Oxley) [4.33 p.m.]: Mrs Val Kerrison of Kempsey was formerly a teacher at the Kempsey TAFE campus. In 1994 she complained about the conduct of another teacher at the campus. A subsequent investigation by TAFE management found that the complaints were made out, but no action was taken against the teacher mentioned. A letter from Mr Gregor Ramsey, Managing Director of TAFE, dated 17 January 1995, stated:

The comprehensive audit unit investigated Mrs Kerrison's allegations of irregular student enrolment and assessment practices by a teacher and provided me with a report. I accepted this report and wrote to that teacher informing her that I was satisfied that the allegations were true but that in all the circumstances no further action would be taken in respect to the allegations. I have enclosed a copy of a further letter I have received from Mrs Kerrison together with my reply. I would urge you to continue to provide support to Mrs Kerrison. In this context it may be appropriate for the North Coast Institute to make arrangements to have Mrs Kerrison medically examined by HealthQuest to determine her fitness to continue in employment.

It is extraordinary that out of the blue there was a referral to a doctor of a woman who raised a complaint which was proven. Suddenly she was referred for a medical examination to determine if she was fit for continued employment. It sounds suspiciously like the old public service treatment of troublemakers: send them off to the doctor and then have them retired and moved out of the way. Prior to that time Mrs Kerrison had taken sick leave. Her claim for workers compensation was accepted, because she had been victimised in the workplace as a result of her complaints against the other teacher. With the referral to HealthQuest for the medical examination, further information was included on the form which came out of the blue. A letter from Kerry Walshaw, Acting Manager, Human Resources, dated 1 May 1985 stated:

At present Val is very fragile and is exhibiting symptoms of sleep disorder, crying with little provocation and in her words "despair". What is of greatest concern though is the fact that on a number of occasions recently she has said that the only way to solve the situation is with a gun. This has been in relation to both herself and another staff member.

That statement was not proven; no investigation was undertaken into that allegation. A file note was simply placed on her personnel file to the effect that she said something about a gun. Mrs Kerrison certainly denies making that statement. The inclusion of that information in the referral to the doctor may have prejudiced her medical examination. Subsequently HealthQuest issued a retirement certificate, but she was shown no documents that were used to come to that decision. The doctor allegedly did not have a copy of the duty statement for her teaching position. Contact was made with a local psychiatrist whom Mrs Kerrison had seen previously in what she described as a bad year. Subsequently the HealthQuest doctor diagnosed a personality disorder. The form issued by HealthQuest with the retirement certificate stated:

I find that she is suffering from personality disorder.

It is signed by two doctors and there is a file note scribbled on that referral which states:

Kerry urgent. Need to terminate her as at close of business today!!

That reaction is a little extraordinary. In short, Mrs Kerrison feels that she has been denied natural justice during this process. She feels she has been stigmatised by terminology referring to mental illness or personality disorder. She presented to me as being extremely lucid. She has had no pension paid, her employment status is unclear, and she has fought for justice in this matter for more than six years.

BLAYNEY WIND FARM

Mr MARTIN (Bathurst) [4.38 p.m.]: Last Saturday the Minister for Energy, Kim Yeadon, opened the State's biggest wind farm at Blayney, which is in my electorate. The farm has 15 of the most powerful turbines in the country, with a total capacity of 10 megawatts. That is enough power to supply a town of 3,500 people. That demonstrates that the New South Wales Government is at the forefront of renewable energy in Australia. Legislation which will shortly pass through Federal Parliament will require all States to have 2 per cent of their energy needs produced by renewable energy. New South Wales already exceeds that figure. Last Saturday in Blayney the Minister mentioned that a further 22 sites in New South Wales were under consideration. His department is producing the first wind atlas for the State, which will make it easy for people to access points at which further wind turbine sites will operate.

In recent weeks Lithgow City Council received a development application from the Litchfield family at Hampton. They have been negotiating with the Sustainable Energy Development Authority for funding to get their project under way. The two turbines will be slightly bigger than the unit at Blayney. Once again that will

focus on the electorate of Bathurst as being at the forefront of renewal energy in this State. Turbines are fascinating machines. They are 43 metres high; the blades are 47 metres in diameter. The 15 turbines are situated on a hill that has a scenic 360 degree panorama. The flexible turbines move to pick up the wind and, if the wind changes, the computerised blades turn into the wind. The turbines demonstrate that we are up there with the leading technology in this important area.

I congratulate the Minister and the Government on leading the way in the development of wind powered energy. Whilst we acknowledge the contribution that renewable energy such as wind power can make, we also should acknowledge that the conventional forms of energy are still needed, notwithstanding some of the problems with greenhouse gases. The electorate of Bathurst is home to two major power stations at Mount Piper and Wallerawang. They have a combined capacity of 2,320 megawatts. When one contrasts the amount of power that can be generated by wind power with the capacity of the power stations, obviously wind power will be a supplementary form of energy, although it has a valuable role to play. We must have a balanced view. We must realise that we still have to invest in and maintain the integrity of our coal-fired power stations.

Mount Piper power station is the newest power station in New South Wales, and probably in Australia, although smaller plants will come on line in Queensland next year. It has basically has nil emissions from its stack and its 1,320 megawatts of power is probably the cleanest power one can get using fossil fuels. One of the interesting features of the operation at Blayney is the involvement of two property owners who are longstanding graziers in the area. They have co-operated with the Eraring power authority, which constructed the wind turbines. Wind power is delivering a good source of revenue for those landowners who want to get involved. The power is being on-sold to Advance Energy, with a financial arrangement with the land-holders over a 25-year period. The use of wind power makes farms more sustainable and helps us in our quest to maximise the use of renewable energy.

GUY FAWKES RIVER NATIONAL PARK ANIMAL SLAUGHTER

Ms SEATON (Southern Highlands) [4.43 p.m.]: Today I ask for the Minister for the Environment to stand aside the Director-General of the National Parks and Wildlife Service [NPWS]. This request is not made lightly. The public reaction to the horrific story of the mass culling of horses by helicopter gunfire in Guy Fawkes River National Park is genuine and justified. Regardless of the merit of argument about the need to control non-native animals in national parks to enable parks to achieve vital conservation objectives—and I am certainly a critic of the National Parks and Wildlife Service methods of achieving effective control of feral animals in parks and reserves—the method chosen for this exercise was appalling and the execution was botched.

There is no defence for the horrific slaughter of horses in this fashion. Even worse is the idea that when this exercise started—and horses undoubtedly went berserk and those not hit by bullets injured themselves—the carnage, the horror and the complete lack of control must have been evident to those in charge. Regardless of that, they proceeded until about 600 horses lay dead or dying. What motivated the continuation of this carnage when any sensible person would have abandoned it? That is why reasonable people are wondering why the Minister has failed to answer questions about whether the so-called accredited marksmen were National Parks and Wildlife Services officers or paid contractors and, if so, if they were paid on a fee-per-carcass system. There is little other possible explanation for the extent of this carnage.

Worse still was the fact that there seemed to be no plan for a follow-up of the exercise on the ground to ensure that injured animals were quickly put out of their misery. I would have thought that the director-general or the Minister would have asked for such an effort to be made as a matter of urgency, if they had failed in the first instance to plan such a response. But no. Thank goodness for the RSPCA, which did what the NPWS failed to do. Today we hear the horrific news that a horse had been wandering for two weeks amongst the carcasses of its herd in such an injured state that the RSPCA officers put the animal down immediately they found it. Yet for the last several days we have heard a spirited defence of the exercise by the director-general.

The Minister has said that it had to be done, that it was a professional exercise and that it was done in the best possible way. We do not accept that. If members of the horse fraternity and neighbours in the area had been consulted, they would have been able to plan a humane and less dramatic plan to remove non-native horses from the park. By capturing live animals some of the gene pool which could represent the antecedents of horses of the Australian Light Horse could have been preserved.

Mrs Lo Po': You should have asked the Minister a question.

Mr R. H. L. Smith: He can make a statement in the House. The Minister has a right of reply.

Ms SEATON: As the honourable member for Bega rightly points out, the Minister has the right of reply. I have advised his office that I am making this statement. He has had plenty of opportunity to respond to the issues I am raising. He had the opportunity to respond to questions I put to him yesterday in a letter. The reality is that most people have no confidence that the NPWS has done any research about the heritage value of the gene pool of these animals, which are in its charge. This incident has fatally destroyed confidence in the Minister and the Director-General of the National Parks and Wildlife Service. The only way to salvage any semblance of confidence is to have the Minister stand aside the director-general until the findings of Professor English have been made public.

In addition, the Minister must guarantee that the report by Professor English will be completed quickly and publicly released. I have heard conflicting reports about the date and timing of the release of the report. I have heard variously that it will be available by mid-December or in two weeks. Whatever the result, it must be done quickly and thoroughly and it must be made public the moment it is available. The Minister must also answer many questions about his involvement in the incident. He must also answer the criticism by the Australian Veterinary Association of the handling of this incident by the NPWS. I particularly point to the statement released by the Australian Veterinary Association on 31 October:

The Minister for the Environment, Mr Bob Debus, and later, his departmental head, Mr Brian Gilligan, used careful phraseology in media interviews to imply that the operation had the endorsement of the AVA. Any such suggestion is absolutely untrue.

The NPWS did not even approach anybody in an official capacity at the AVA until the evening of October 30—about two weeks after the culling took place—and that belated effort was clearly designed only as an attempt to moderate criticism of what they did.

[Time expired.]

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [4.48 p.m.]: Honourable members would be aware, if they have been following the media at all, that several days ago I appointed the distinguished veterinary scientist Dr Tony English to undertake a review of all procedures and protocols governing culling operations in national parks and also to directly investigate the incident in Guy Fawkes River National Park. His report will be made directly to me. I emphasise again that there is no way at all that I condone any inhumane treatment of the horses that have been culled in Guy Fawkes River National Park. Honourable members would also be aware, if they have been listening to the media, that I also directed that the National Parks and Wildlife Service fully co-operate with the RSPCA investigation that is now under way.

As I have only a short time to speak, I draw particular attention to the remarks that the honourable member for Southern Highlands has made about the Australian Veterinary Association. Again she has completely misrepresented my position and the true facts. I never at any time claimed, nor have I sought to imply, that the Australian Veterinary Association had sanctioned this specific operation. That was never my intention. I certainly do not believe that was the case. Earlier today I spoke to the Vice-President of the Australian Veterinary Association, Dr Garth McCarthy. I believe he accepted the explanation that I made. We agreed that at a later time there would be some further meetings between the AVA and the National Parks and Wildlife Service. In any event, Dr Tony English, the person whom I have asked to review the situation, is the acting head of the Veterinary Clinical Science School at the University of Sydney and president of that committee of the AVA which specifically deals with wildlife issues. I suspect that he will give me a full and adequate report on the matter.

DEATH OF Mr HARRIE DENING, OAM

Mr COLLIER (Miranda) [4.50 p.m.]: It is with a sorry heart that I inform the House of the passing of Mr Harrie Dening OAM on 1 October. Mr Dening was one of the true legends of soccer in the Sutherland shire. While he played soccer in his earlier years, Harries' contribution to this great sport was not so much on the field but as an administrator off the field. Mr Harrie Dening's contribution to soccer in the role of an administrator was simply outstanding. He was a committed individual who gave his all to the sport he loved.

Mr Dening was a true volunteer in every sense of the word, and it is only fitting that we recognise his unselfish contribution and dedication to the community. Harrie Dening was President of the Sutherland Shire Junior Soccer Football Association [SSJSFA] for 27 consecutive years, from 1973 until his recent death. The SSJSFA currently has 13,000 registered players, and I understand it is the largest junior soccer organisation in

the Southern Hemisphere. This season more than 900 teams—junior and senior, boys and girls, men and women—participated in the association competition within the Sutherland Shire. Some 27 consecutive years at the helm of such a large and growing organisation is an extraordinary achievement in anyone's language.

But Harrie's contribution as an administrator goes back much further, to the early 1960s. Like many of our truly great sporting officials, Harrie first became involved with soccer as a parent with his two sons, Robert and Warwick. They were members of the Caringbah Rangers Soccer Club. Harrie managed teams for Caringbah Rangers and became the president. He was elected a life member of that club in 1969. Mr Denning's contribution to soccer went beyond the shire. He was president and life member of the Sydney branch of the New South Wales Amateur Soccer Federation from 1981 to 1985 and senior Vice President of that organisation for 11 years until 1997. He was instrumental in improving facilities for players in the shire, including the establishment of the Bates Drive Soccer complex at Kareela.

No statistics can describe the long hours of committed hard work and service that Harrie gave without pay to soccer at the club, district association and State level. I am told that whilst in the work force he would take leave just to undertake the complex task of formulating the competition draw for the forthcoming soccer season. After his retirement and until his death, Harrie worked six hours a day, five days a week at the association headquarters in Bates Drive and, of course, was unpaid. Such was his commitment to the sport. I played soccer in the shire in the all-age competition with Miranda Magpies and with Sylvania Heights Youth Club during Harrie's term as president of the local association and I, for one, as the team captain and a player was always impressed with the organisation of soccer throughout the Sutherland Shire during that time. Much of this was due to Harrie's enormously hard work. In 1992 Harrie Denning received the Order of Australia medal for his services to soccer.

This year Harrie was awarded the Australian Sports Medal for sports administration. He was well respected and held in the highest esteem by all those who knew him and who worked with him. While he was affectionately known simply as "H", Harrie would not shirk from making tough decisions when it was required in the interests of soccer. It is important to recognise that through his dedication and commitment to soccer in the shire Harrie Denning also made a positive and lasting contribution to our youth, their families and the wellbeing of the Sutherland Shire. This is the true, local legacy of Harrie's devoted service to soccer. On behalf of the people of the electorate of Miranda, the soccer coaches, players and administrators throughout the shire, past and present, I thank Harrie Denning for his services to soccer and the community. I extend to his family our deepest sympathy. Soccer in the Sutherland Shire is deeply indebted to Harrie Denning, OAM. His passing is a great loss to the sport and to the shire in southern Sydney.

Mrs JOANNE VINE AND THE NEW SOUTH WALES AMBULANCE SERVICE

Mr J. H. TURNER (Myall Lakes) [4.55 p.m.]: I speak on behalf of a constituent of mine, Mrs Joanne Vine from Stroud. She has experienced what I can only describe as the worst case of bureaucratic heavy-handedness I have seen since I have become a member of this place. Mrs Vine works as a part-time ambulance officer in the New South Wales Ambulance Service. During other times she is out helping her community. One of the things she does, and has been doing for many years, is assisting the Stroud Rodeo Association in day-to-day matters, whether by working on the rodeo days or by cleaning up; she works on all manner of things.

Because she is an ambulance officer, she was approached a while ago and asked if she could organise an ambulance for the rodeo. She rang the Ambulance Service to do so and was told that she had to be a member of a committee to do it. Consequently she was made an assistant secretary of the association. That has nothing to do with the association; it was only to facilitate the booking of the ambulance. That duly occurred. Subsequently she received a letter from the Ambulance Service which said, *inter alia*:

It has come to my attention that you are involved in employment, other than the Ambulance Service of New South Wales and have not sought prior approval.

The letter said that she must seek prior approval to undertake other employment. The letter also says:

Following discussions with the A/State Superintendent, the following is to occur:

1. You are required to advise me in writing of the reason that you did not seek prior approval for other employment.
2. You are required to apply for approval to undertake other employment in accordance with clause 8 of the Ambulance Service (Staff) regulations 1995, and a local Area policy. A copy of the relevant application form is enclosed.

I cannot believe the matter has got to this position. Honourable members should bear in mind that all she did was book an ambulance for the rodeo and work at the rodeo in a voluntary capacity to help the rodeo contain its costs.

The application for other employment is five pages long. She had to abide by these requirements just so that she could help out the community. Since the rodeo began it has raised \$150,000. In the past five years it has raised \$60,000 and in that time it has donated in excess of \$60,000 to the Hunter region Department of Health—specifically to the Mater Hospital, John Hunter Hospital, Kids with Cancer, Ronald McDonald House, the Hunter Region Westpac Helicopter, Hunter Medical Research and the New South Wales Ambulance Service, which is seeking to knock her around in the manner it is doing. A further letter has now been received which says that the matter has been referred to the State Superintendent.

The matter is completely out of hand. I wrote to the Minister and received a reply from the Parliamentary Secretary for Health on 12 October saying that the matter has now gone to the Chief Executive Officer of the New South Wales Ambulance Service, who is supposed to have written to Mrs Vine. As at 19 October she had not received that letter. I will quote from the letter Mrs Vine sent me. She said:

I would also like to add that I am EXTREMELY upset and angry at the way this matter has been handled (?mishandled). According to the Standard Operating Procedures of the ASNSW (1999), I have not been treated fairly in accordance to any grievance or disciplinary procedure, or treated fairly under the ASNSW code of ethics. Firstly, I was not informed of the allegation regarding outside employment without prior permission from the ASNSW. Secondly, I was not informed in writing or verbally of any investigation of this allegation. Thirdly, I was never given an opportunity to respond to the allegation prior to Mr Smith passing judgment on the matter, and referring it to yourself (State Superintendent). Fourthly, under the ASNSW Code of Ethics (June 1977) it states under the section entitled "Outside Employment" — **"We are Free (and encouraged) to fully participate in voluntary community organisations and charities and in professional associations, so long as this involvement does not conflict with our official duties or give rise to a or potential real conflict of interest."**

This matter should now go away so that Mrs Vine is allowed to get on with the community work she does so well and so lovingly. She should not be ostracised. There is a letter from the Stroud Radio Association to the Acting State Superintendent of the Ambulance Service saying that Joanne has been ostracised for doing what she loves to do: helping people. It is atrocious that the Ambulance Service has come over the top of this lady, who works 24 hours a week as an ambulance officer, goes out and helps the community, and now has to go through this bureaucratic nightmare. It is terribly wrong.

LIDCOMBE HOSPITAL SITE DEVELOPMENT

Mr NAGLE (Auburn) [5.00 p.m.]: As I have said in this House on many occasions, the electorate of Auburn is a very historic electorate, particularly the areas of Lidcombe, Berala, Regents Park and Auburn. Jack Lang, a former Premier and Treasurer of this State, was a great leader of the State and a great leader amongst the community in the seat of Auburn in the 1930s. Even today he is spoken about with reverence by our senior citizens at their Probost meetings. One of the most significant historical areas in the electorate of Auburn is the old Lidcombe State Hospital. The hospital began life as a small hospital. It was later turned into an asylum and then into an old men's home, then back into a major hospital. It was closed in the time of the Greiner-Fahey Government when it was combined with Bankstown Hospital, despite much opposition.

The hospital stands on about 400 hectares of land, and temporary dwellings were built on the site to house our interstate and overseas media visitors during the Olympic Games and Paralympic Games. To the north-eastern corner of the old Lidcombe Hospital site stands approximately 35 newly developed homes of high standard and quality along the lines spoken about by the Premier in his plans for future architecturally designed houses, units and town houses that should now be built in the Sydney metropolitan area. The significance now is that the rest of the hospital site will be developed with these type of houses and town houses at medium cost. They will not be expensive, nor will they be cheap, priced somewhere between \$250,000 and \$450,000 depending on the size of the land and the house. I mention this because there are still historical buildings on the Lidcombe Hospital site. Those buildings are unique and should be preserved. Some of them are the subject of heritage orders. For example, the old superintendent's house, which I was lucky enough to inspect, is worthy of being preserved as it is 100 years old, together with all the timber houses that are between 80 and 90 years of age.

Under the current scheme I have been assured by the various people involved, including Auburn Council, that those historical buildings will be maintained. I will seek from the Minister for Urban Affairs and Planning that when he signs off on the future development of the Lidcombe Hospital site he ensures that those buildings are preserved. Many of them were built in the 1950s and 1960s and should be preserved as part of the historical analysis of the types of buildings at the hospital during those periods.

However, I am concerned further that when final development is approved, an area will not be set aside for parkland. If the population is to increase from zero when the hospital was closed to approximately 3,000 in a

housing development, sufficient parkland must be provided. The Auburn electorate is not bereft of parkland, but when the developers move in with huge development strategies, I ask that they be required to set aside appropriate parklands and playing fields for those who will live in the area.

Particular regard must be paid also to the possibility of flooding, to ensure that drainage structures and stormwater channels are adequate. For hundreds of years rain has fallen onto the ground and been soaked up, but with this development much of the land will be concreted and there will be considerably more run-off. I hope the development of the old Lidcombe Hospital site will be of a high standard that the people will be proud of, and that sporting, park and recreational facilities will be maintained for generations to come. I ask the Minister to look into the matter and, hopefully, produce a good result.

DEATH OF Mr HARRIE DENING, OAM

CRONULLA ELECTORATE PARKING FACILITIES

Mr KERR (Cronulla) [5.05 p.m.]: I join with the honourable member for Miranda in his tribute to Harrie Dening, who was a fine man. I attended a soccer association dinner some weeks ago when it was announced that he was in hospital. His son spoke on his behalf at that function. The honourable member for Miranda outlined the service Harrie Dening made to the community. He will be a great loss to the community. His legacy to sport and to generations of soccer players in the shire will be a fitting tribute to him.

Many honourable members in this House who spend their summer time in Cronulla will know of the terrible parking facilities in the area. I drew attention to this issue by letter to the *Sutherland and St George Leader* on 25 January, and the *Leader* ran a front page story about traffic gridlock at Cronulla on 11 April. An NRMA report was provided about measures that could be undertaken to mitigate traffic problems in Cronulla. Sutherland Shire Council's answer to these problems is that it will appoint a consultant, who is expected to complete a report by March next year. So, we will endure with all its dangers a summer season with horrendous traffic and parking problems multiplied. Sutherland Shire Council owes its people an explanation for delaying the proposed extension to the multistorey car park in Croydon Street Cronulla. The extension of the present five storey car park was strongly recommended in the Cronulla Centre Development Control Plan and would provide additional badly needed car parking spaces. The present multistorey car park was built in 1988 with bicentenary funding.

Twelve years down the track, no additional car parking spaces have been provided in Cronulla despite the plethora of new development. In fact, parking spots have been reduced in the area. The council can make no excuses for delaying the car park extension as the development control plan recommended that work be undertaken in any major redevelopment through a partnership with the council and the developer. In recent years there have been no shortages of major developments in Cronulla.

Sutherland council has been the subject of serious criticism by the Land and Environment Court for failing to institute a section 94 contribution scheme for car park space acquisition in the Cronulla town centre. The section 94 contribution scheme incorporates the strategy of providing cash in lieu of a contribution for car parking from developments and council was to acquire land to provide car parking. This has not occurred and council should be asked what it has done with the money it received in section 94 contributions. How has it been spent? Has it been spent for what might be loosely termed traffic management instead of providing car spaces?

As every resident of and visitor to Cronulla knows, it certainly has not been spent on the acquisition of car park spaces. We will now suffer an acute parking problem this summer. The article in the *Leader* shows that this traffic gridlock poses great danger to the safety of south Cronulla residents and the general public. Council papers contain an interesting segment that shows that council was to receive a report on funding priorities of section 94 funds and the completion of the upgrade of the Coles Caringbah car park and associated covered walkways, and the resurfacing of Hay Avenue Caringbah car park. However, it appears that a full report will be provided from an investigation by council auditors on the inconsistency of information on section 94 funds available for the Miranda planning area. No decision is to be made on the spending of the section 94 funds until the investigation is complete. What is going on?

DUNGOG SHIRE STOCK THEFT AND ROAD MAINTENANCE

Mr PRICE (Maitland) [5.10 p.m.]: I wish to highlight the problem of cattle theft that is emerging within my electorate, particularly in the shire of Dungog. I acknowledge the Government's recent moves to

correct or improve the detection system by the introduction of on-the-spot fines and the use, where required, of electronic ear tags. Nevertheless, some thefts have been reported to my office. Mr and Mrs Wilson have suffered thefts from their property at Lstock and a property where I believe they agist cattle. It has been of great concern to them. I am not sure that the existing paper-trail system of the transfer of cattle between owners, properties, transporters and abattoirs is adequate; or, if it is adequate, whether it is being checked properly to ensure that all the pieces are in place.

I will not go into too much detail about the family's problem, but they have a concern about the way the matter was handled. I have referred the issue to the appropriate authorities for further investigation. The exercise highlighted that there are still glaring gaps. I am sure that the honourable member for Lachlan would agree that stock theft is a serious problem for rural families. With the dairy deregulation program, which will encourage a number of dairymen in my electorate to transfer to cattle production almost totally, it will become an acute problem for them as well.

I mention also the condition of the roads, purely and simply because the trucks that ply the area are getting larger. They are probably carrying more cattle in many cases and are contributing significantly to the deterioration of the roads in the shire. As well as Dungog being an almost completely rural shire in the true definition of the word it also has a beautiful natural environment that attracts a tremendous amount of tourist traffic, including large buses and coaches, to say nothing of the normal sedan vehicles and flocks of motor cycles that come in astounding droves. They look a little formidable, but I am assured they are quite reasonable people who are just touring. Nevertheless, the net result is severe damage to the roads in a huge road network where there is a relatively light population and a relatively light rate base.

The State Government provides some funding to assist with local roads but I wonder whether the Federal Government could not also be encouraged, in the formula for distribution to local government areas, to make a specific allocation for road construction and maintenance in country shires. As well as the general driving hazards, accidents that have resulted from the condition of the roads are causing a great deal of angst in my community. I cite the crazy example of an accident occurring, and when people or their insurers go to photograph the potholes or the destruction they find that the council has dumped a load of gravel and tar on the road in an attempt to sidestep its responsibility. I can understand why that occurs.

Road maintenance creates problems for council finances, particularly when the pegged-rate arrangements produce only a relatively small rate base. With the possibility of a climbing rate base because of the shift in emphasis in rural industries, the problem will get worse and not better. I would encourage the Minister to consider a greater contribution towards rural road maintenance now that the 3 x 3 funding arrangement has finished. I would also seriously encourage the Federal Government to look closely at what it can do in its redistribution to local government accounts to tie grants specifically to country roads based on information supplied to it by the councils and the Roads and Traffic Authority.

BENJAMIN WALKER CORONIAL INQUIRY

Mr ARMSTRONG (Lachlan) [5.15 p.m.]: I wish today to bring to the notice of the House a most unfortunate and very sad sequence of events concerning the death of Benjamin Walker. Benjamin, the son of Mr and Mrs John Walker of Young, was 17 years of age when he died on 2 January 1992 from a gunshot wound that severed his left femoral artery, causing massive blood loss. The reason I raise the matter is that since the date of their son's death the parents have been trying to get some clarification of police and coronial investigations and processes. A series of letters have gone from the parents and myself to various government departments and to the New South Wales State Coroner. The New South Wales State Coroner last responded to me on 28 August this year, when he said in part:

The death of Benjamin George Walker was poorly investigated from the outset. Further the Young Coroner at the time dispensed with the holding of an inquest in circumstances where, with hindsight, an inquest ought to have been held.

In a further paragraph he said:

I became convinced that the matter had to be re-investigated and that an inquest had to be conducted by a senior Coroner.

Then the letter says that in 1998 a Dr Elms, who was at the time the Acting Deputy State Coroner, was called in to hold a coronial inquiry. However, in many ways the Coroner's finding probably raises more questions than it answers. I have made representations to the Commissioner of Police, to the Police Integrity Commission and recently to the Premier to try to get some clarification, preferably from the Premier or somebody appointed by the Premier, of the interpretations and deliberations of the authorities involved. The Coroner finished up by saying:

It was initially poorly investigated and dealt with. It has since been thoroughly investigated and dealt with.

Just to give honourable members some idea, I turn to part of the Coroner's report, in which he mentions Sarah Walker, who was the sister of Benjamin Walker. The Coroner said:

Sarah Walker was never interviewed by the original investigating Police. She was, however, interviewed by Senior Constable Wall on 20 July 1998 [six years later].

She was in the house listening to the radio when she heard a shot. She looked out the window, saw nothing, turned the radio off, walked to the front door, opened it and saw Jason running towards the house saying "Ben's been shot". Although she asserted to the contrary, in my view, timewise there is nothing in her account which jars with anything Jason said in his statement about what occurred inside the shed. In other words, there is no extended time delay between the shot and his exit from the shed which would give rise to a suspicion that events had occurred within the shed in a fashion otherwise than the manner he described. The conversations he and she related about calling 000 are also virtually identical.

The importance of her evidence, and the reason she should have been interviewed, is that she was the last person to speak to Ben when he was alive.

Mr Deputy-Speaker, the last person to speak to the deceased was never interviewed by the police until six years later. The local coroner did not think the matter was important enough to have a coronial inquiry. I think you can appreciate the angst and distress of the parents. Mr Walker has recently been elected as Mayor of Young. He is a long-time practising surveyor with a considerable practice in the Young district and obviously has the support of his peers because he has been in local government for some time. I am today appealing to the Premier to follow up my recent letter to him in an attempt to close off this matter with the parents in a sensible fashion, by asking the Commissioner of Police to meet with them and explain to them why it took six years to get some positive action, why the death of their son was never investigated by the coroner and why the police were so cavalier in their handling of the tragic circumstances that beset that family.

LAKE MACQUARIE ELECTORATE CARERS AND VOLUNTEERS

Mr HUNTER (Lake Macquarie) [5.19 p.m.]: Today I pay tribute to a group of dedicated people in my electorate and thank the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women for visiting the Lake Macquarie electorate for two special events on Wednesday 25 October. The Minister visited the Toronto Multipurpose Centre to attend Indulgence Day for carers of people with dementia and other illnesses. The function was held at the Alkira Respite Centre, located in the Toronto Neighbourhood Centre. The aim of Indulgence Day was to pamper and provide a stress-free environment for carers of all people who suffer dementia and other illnesses. Indulgence Day was to increase community awareness of carers in society. I commend the co-ordinator of the Alkira Respite Centre, Betty Lawton, and her team of dedicated workers for devising this concept.

I should also like to congratulate Anne Mearrick, co-ordinator of Westlakes Dementia Respite Service, part of the Hunter Area Health Service. Anne said on the day that some 35 people who work with frail, aged and disabled people in the local area, and some 20 community volunteers would dedicate their time to give carers a break. About 100 carers attended. Lunch was donated by local businesses, and staff from the Hunter Area Health Service Carers Respite Centre ensured that those who needed to be looked after while their carers enjoyed the celebration were cared for. Mrs Lawton said that Indulgence Day brought together a range of health professionals and volunteers from different agencies, all of whom shared the wish to say thank you to a group of people who perform a very important role. She said:

These people give ongoing support and loving care unselfishly to family members with a range of chronic illnesses and disabilities. Caring for a loved one at home can be lonely and demanding and can impact significantly on the health of the carer.

Indulgence Day enabled carers to put up their feet for a massage, to be pampered with manicures, to relax while someone else prepared lunch, to chat with like-minded people and to laugh their way through a range of activities. I was proud to be part of this and I know that the Minister enjoyed the belly dancing. We both put up our hands to have a foot massage but thought that the carers deserved the attention more.

Also, while attending the Toronto Neighbourhood Centre the Minister presented a cheque for \$6,080 to the Westlakes Stroke Recovery Group for the purchase of a pool-lifting device. The device will allow people recovering from stroke to use the therapeutic benefits at the local heated pool. The pool access hoist is just one way to help those who have suffered a stroke to use public facilities in the same way as other community members. Representatives of the Westlakes Stroke Recovery Group attended Indulgence Day and Lee Hughes and Lorna Hewson, a survivor of stroke, were on hand to accept the cheque from the Minister.

Today I thank the Minister for recognising community organisations in the Lake Macquarie electorate that carry out excellent work within the local community, such as the Alkira Respite Centre and the Westlakes Stroke Recovery Group. I congratulate everyone involved in Indulgence Day and the wonderful people involved in the stroke recovery group. I thank the Minister for coming to Lake Macquarie and supporting those hardworking community people.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [5.24 p.m.]: The Government is well aware of the magnificent efforts of carers, who very often give up their own careers and aspirations to stay at home and look after people. I find it very moving when husbands and wives change positions. Often the husband has been the traditional strength in the family and when he becomes sick—perhaps with Alzheimer's disease—the wife finds she has to attend to all the financial matters and so on. It is very hard and frightening for those people.

Carers come in all shapes and sizes. Indulgence Day was a wonderful day in recognition of those who give above and beyond their own comfort. When I first attended I saw people's feet being rubbed. I had attended another event at Abermain and as it was a hot day my feet were sore. I thought if I had time I would declare myself a carer so that I could have my feet rubbed. They pampered the people, did massages, aromatherapies, facials, manicures and made the carers feel special, in the knowledge that someone was caring for them in the way they care for others.

The Government will contribute \$12.9 million over the next four years to programs that will benefit carers. As we are all living longer and the dementia end of my portfolio grows, this will be an important area. I congratulate the honourable member for Lake Macquarie, who is so highly regarded in his area that it is frightening. I also congratulate the stroke victims who made it known that they needed a hoist to help each other. It was a great day and I pay tribute to every one of them.

BEROWRA GATEHOUSE

Mr O'DOHERTY (Hornsby) [5.26 p.m.]: Recently a young teenage boy walked into the Berowra Gatehouse, a youth centre that operates in the heart of Berowra, right at the crossroads of Alan Road and Berowra Waters Road. He had not lived with his family for six months and had nowhere to go. He was immediately assisted with crisis accommodation by the Gatehouse and was then found suitable long-term accommodation. He had left school but the Gatehouse helped him find a course in the automotive field, his choice of career. He was accepted and completed the course. He is now working full time in the motor industry.

As a result of the relationships he formed at the Gatehouse he joined a local youth group and a church. He still has his ups and downs but the people of the gatehouse still support him and many other people in Berowra like him, young people in need of a hand whose lives sometimes go wrong, for reasons outside their control. For them, the care and support provided by the Gatehouse, and the relationships formed, could be the most restorative event that happens to them in their lives.

I pay tribute to the work of Berowra Gatehouse, which will celebrate its third anniversary on the weekend and is holding an open day. In doing so, I wish to particularly pay tribute to Christine McPherson, who originally had the vision to begin the Berowra Gatehouse and singlehandedly set it up. She hand-selected her committee and approached local business people, service organisations and authorities to support the Gatehouse. Christine McPherson's vision was a timely and correct one. She saw the need for the youth of Berowra to have somewhere like the Gatehouse to go at a time when increasingly, sadly, in Berowra, as in so many other parts of Sydney, young people are coming under pressure to be involved in the culture of drugs, alcohol and wild parties on Friday nights.

To underline how important this initiative is, in recent months a young person was killed in Berowra following a party in which there was drink and so on. That person was walking home and was knocked over by a car in the early hours of Saturday morning. The police had to respond en masse to this party because it had got out of control. Berowra is coming under that sort of pressure and the community is extremely concerned. The word "community" figures prominently in everything Berowra does and it is with great anguish that the residents of Berowra see what is happening as young people come under pressure.

Four years ago Christine had the vision to set up the Berowra Gatehouse as a place that could, without judgment and with a strict set of values and rules—including no drugs, no alcohol, strong relationships and no violence—draw people to it and give them a safe place to go, particularly on Friday and Saturday nights. In

paying tribute to Christine on the third anniversary of the Gatehouse I report to the House with great sadness that Christine is leaving the Gatehouse. She has recently been married and is now expecting a child. She and her husband are moving to the Central Coast, in fact I think this weekend, and within a month or so Christine will have to leave the Berowra Gatehouse. The people of Berowra will be all the poorer because Christine has moved on. I hope that after she has her family Christine is able to maintain contact with the young people in Berowra who owe her so much. I know that hundreds of young people have been contacted personally by Christine and formed relationships with her.

Christine is a trained youth worker and is also involved with Teen Challenge, an organisation well known to honourable members because of its work in drug and alcohol rehabilitation. She has dedicated her life to trying to help young people in Sydney and New South Wales through these most difficult times in which they come under increasing pressures. That is where Christine's heart has been. I know that will not change when she leaves the Gatehouse. I can envisage her being involved in that field for many years to come. One could say that the Central Coast's gain is definitely Berowra's loss.

Christine has been successful in the How to Drug Proof Your Kids program. The program designed to help parents build those values within their families that make it less likely that their children will be susceptible to the lure of a drug culture. She has provided homework assistance and she has run organised classes, open nights, drop-in nights on Fridays and Saturdays, sporting and recreational camps, recreational activities—such as bowling and kart racing—counselling and so on. Christine Brown will be missed by Berowra Gatehouse. We thank her for everything she has done and wish her well for the future.

DEATH OF Mr KEN THOMPSON

Mr GREENE (Georges River) [5.31 p.m.]: Tonight, with some sadness in my heart, I report that on 24 October I attended the funeral of Mr Ken Thompson of The Kingsway at Kingsgrove. Ken, who was 79 years of age, died tragically in a motor accident in Queensland on Saturday 14 October. It seems strange to say just "Ken" Thompson because in all the years I have known Ken I have traditionally used the term "Ken and Joan" Thompson. Joan, Ken's wife, sadly remains in a critical but stable condition in hospital in Brisbane following the car accident in which Ken lost his life.

The funeral service was conducted by Father Terry Brady, Parish Priest at Our Lady of Fatima, Kingsgrove. Even in these very sad circumstances he was able to provide us with a joyful reflection of the enormous contribution that Ken had made, not only to the community of Our Lady of Fatima Parish at Kingsgrove but also to the wider community. At the funeral the eulogy was delivered by Ken's son Laurence on behalf of the family. Sadly, one of Ken and Joan's children, Rodrick, passed away a number of years ago, so it was Laurence and their daughter, Elizabeth, who attended the service with their families.

Because Joan was hospitalised and unable to attend the service the ceremony was videotaped for her to look at later. Although it was a sad occasion it was very much a celebration of the life of a man who had given so much. Ken served in the Second World War, and whilst he was a member of the Army he was asked to be an escort at a debutante ball. It was at that time, in 1944, that he met Joan. They were married in 1945, just before the end of the war, and when Ken was demobbed in 1946, having served in the jungles of Borneo, he returned to the pawnbroking business, where he stayed for the remainder of his working life.

On his retirement Ken made a significant contribution to the local community and was well known for his work in and around Our Lady of Fatima parish, attending to the gardens. Father Terry Brady commented most positively on his contribution. On reflection I think there was only one occasion in all the years that I have known Ken and Joan that I saw Ken without Joan. That was one day when the honourable member for Canterbury and I, together with other local parliamentarians, attended a function at Our Lady of Fatima parish at Kingsgrove. As we were leaving I bumped into Ken, who was tending the gardens for the parish community.

Ken was also known as a great worker for Jacinta Village. The villas were established for retired people and Ken would go down there to mow the lawns, tend the gardens and offer assistance to others in the local community. I am a director of the Illawarra Catholic Club and I was pleased to see members of staff from the Coastline Restaurant at the requiem mass for Ken. Just about every Saturday night Ken and Joan would dress up and go out together for dinner. It was a tradition for Ken, always with a flower in his lapel, to take his bride to dinner at the Coastline Restaurant at the Illawarra Catholic Club.

Whenever we walked into the club on a Saturday night my wife, Frances, and I would say hello to Ken and Joan. They were always happy and pleasant regardless of whether they were in the best of health, and they were always pleased to have a chat. Joan and Ken were a great partnership for 55 years. As my wife commented last week after the funeral, at 79 years of age Ken Thompson still had so much more to give. Unfortunately his life was cut short in this tragic motor vehicle accident. May he rest in peace.

COURAGE TO CARE EXHIBITION

Mr McGRANE (Dubbo) [5.36 p.m.]: Dubbo Regional Gallery is presently showing the Courage to Care exhibition, which was opened last week by Archbishop Harry Goodhew. The guest speaker was the human rights activist Alan Gold. Courage to Care is an anti-discrimination exhibition based on the theme that each individual has a personal responsibility to do the right thing. It makes history come alive for young and old. The exhibition, started by Raoul Wallenberg of B'Nai B'rith, has been presented in Melbourne and regional Victoria. It had its successful debut in New South Wales in Armidale in February 1999. More than 12,000 young people and adults in New South Wales have visited Courage to Care, and exhibition organisers are predicting that over 2,200 people from the Dubbo district—including 1,000 schoolchildren—will view the exhibition.

The theme of the exhibition revolves around to the German occupation of various countries, and the Nazi persecution of the Jews and other minority groups during the Second World War. The exhibition honours individuals who had the courage to stand by their own principles in order to save the lives of others. Several of those people have attended the exhibition, which includes a moving video of the holocaust and interviews with some of the thousands of rescuers. Large panels with photographs and text relate the stories of those who helped others. The exhibition highlights their stand against racial prejudice, intolerance and injustice—a lesson both important and topical in today's society.

The exhibition also honours other contemporary modern individuals, such as Fred Hollows and Mother Theresa, who have aided oppressed minority groups. The objective of the exhibition is to convey a message about the importance of individuals standing up against discrimination, racism and oppression; to celebrate the bravery of individuals who saved lives while risking their own; and to illustrate the historical consequences in contemporary terms of past indifference—such as the holocaust and genocide. We should always remember that when someone experiences discrimination it scars not only the victim but also the larger community. It is against the basic Australian attitude of giving everyone a fair go. Difficult as it may be to do something at the time, the dishonesty of discrimination must be confronted with courage.

Hence the exhibition is called Courage to Care. It is important that many people see this exhibition as it travels throughout the country, because we have discrimination in Australian communities. The exhibition highlights man's indifference to man, as has happened in the past; but Australia is currently experiencing that indifference. We have taken great strides forward to bring us all together during this year of reconciliation, as was highlighted recently during the Olympic Games. However, there is still a long way to go.

We must all work together as a team to stop the discriminatory effects that exist in some areas of the community. It is apt that this exhibition will be held at the Dubbo Regional Art Gallery, which serves the north-western New South Wales population of 160,000 people, which a very large Aboriginal population. Many schoolchildren will view the exhibition. It will be the first time that young people from the western areas have had a chance to view, in graphic form, what happened during the Second World War, especially against our Jewish friends.

Private members' statements noted.

[*Mr Deputy-Speaker left the Chair at 5.41 p.m.*]

Friday 3 November 2000

[*Continuation of Thursday's sitting.*]

[*The House resumed at 10.00 a.m.*]

BUSINESS OF THE HOUSE

Order of Business: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield—Minister for Police) [10.00 a.m.]: I move:

That standing and sessional orders be suspended to enable consideration of General Business Orders of the Day (Committee Reports) forthwith followed by the consideration of the Water Management Bill by Government members only.

The Water Management Bill is a difficult and complex bill. The Government recently circulated 160 amendments to the bill and the Opposition has rightly asked for time to consult with stakeholders. The Government agrees with that request. Simply because Government members only may be speaking to the debate, no criticism should be made of the Opposition. The Government recognises that it is a difficult bill and would like to see it debated to its fullest. I repeat: no criticism should be made of the fact that no Opposition members will speak to the debate at this stage. I thank the Opposition for its co-operation in allowing Government members to speak today.

Motion agreed to.

JOINT STANDING COMMITTEE UPON ROAD SAFETY

Report: Review of the Road Safety Situation in New South Wales in 1998

Mr McBRIDE (The Entrance) [10.06 a.m.]: The oversight of actions undertaken to reduce road trauma is a central aspect of the Staysafe committee's terms of reference to monitor, investigate and report on the road safety situation. The Staysafe committee has now conducted five annual reviews of the road safety situation in New South Wales, covering the years 1994-1998. The report I speak to today contains the record of examination of road safety activities in New South Wales during 1998.

After five years work documenting road safety activities in New South Wales, the Staysafe committee can now identify major and continuing issues that require closer attention. In particular, the committee found that the publication of road safety statistics and road safety-related research remains a critical problem. In previous reports the committee discussed the need for transparency of action, an improvement in the accessibility of policy-related research, and increased accountability of senior executives. It is the committee's view that these discussions have remained unheeded.

In just one example, the Roads and Traffic Authority's capacity to publish up-to-date statistical information has collapsed in recent years. In the first half of the 1990s, the Roads and Traffic Authority typically released annual statistical tables of road crashes and trauma by six months from the end of each calendar year—that is, six months after the calendar year all this information was available. The current time frame for publication of the annual statistical tables of road crashes and trauma has extended beyond 18 months from the end of each calendar year. This means that in mid-2000 road safety workers must use road crash and road trauma data from 1997 in planning and decision making, that is, data reflective of a road transport situation that is almost three years old. This is obviously a major issue when it comes to planning and designing road safety matters associated with our roads and also with our schools.

With regard to other continuing issues, in earlier annual reviews the Staysafe committee recommended that the Roads and Traffic Authority should act to ensure that road safety statistics and road safety-related research was made available to the community through a variety of means, including hard copy publication and Internet access. That has not occurred, notwithstanding the fact that most government departments are now connected to the Internet and that sort of information is available. It is also available in terms of the parliamentary intranet site and other major government sites. It is surprising that a technological department such as the Roads and Traffic Authority has not yet provided Internet access to that information.

The Staysafe committee also suggested that the concept of an annual road safety omnibus may be appropriate—that is, that all the information relating to road safety should be gathered together and be accessible through one document. Once again this has not occurred. However, the committee now recognises that its annual reviews go some way towards servicing this requirement. This is an important issue that needs to be addressed. Given that road safety officers have been instituted throughout New South Wales councils, it is important that the information is available so councils can properly respond to the needs of their communities.

The Staysafe committee is impressed with the scale and range of the work performed to address road trauma, not only by the primary portfolio agency, the Roads and Traffic Authority, but also by the other government bodies involved, for example, police, transport, health, education and training, Attorney-General's and the environment. The police department's co-operation in road safety issues has been both exemplary and proactive. The attitude within that department, which is led by Rod Sorensen, is excellent. The committee had the opportunity to visit the Parramatta headquarters of the department and also to go out in the field with the police. They explained their operations with regard to road safety, traffic enforcement and other measures, and I thank Rod Sorensen for that opportunity. The committee noted and endorsed the comments of Mr Bill Grant of the Attorney-General's Department, who in 1998 was the chairman of the Road Safety Advisory Council. He said:

It is good to get differing views for the Roads and Traffic Authority, from community groups and from other government agencies. There have been a lot of programs, particularly involving health or education, where you have a real chance to put views around the table as to whether the programs are designed correctly and how effective they are and to get some integration down through the organisations.

The Staysafe committee is pleased to contribute to this process of integration and collaboration through these annual reviews of the work performed in major portfolio areas involved in road safety-related activities. As I said earlier, it is very important that we maintain this integration of ideas, because road safety can no longer be regarded as being the sole responsibility of the Roads and Traffic Authority and the police. We need to look at the big picture in terms of the health of the whole of our community.

The Staysafe committee notes that with the recent establishment of the Government Agencies Road Safety Council, which replaced the now defunct Road Safety Advisory Council, an opportunity is created to mirror the committee's annual review process of the work of government portfolio areas. The new Government Agencies Road Safety Council, administered through the Roads and Traffic Authority, should allow for an explicit focus on the Government's policies and efforts to address road trauma, unimpeded by the potentially parochial views of non-government organisations such as the NRMA, the Pedestrian Council of Australia and the Insurance Council of Australia. The committee understands that these latter organisations will be invited to participate in a separate consultative forum, where their important contributions and assistance in addressing road trauma will continue.

A major point of contention during the public hearing into road safety occurred during debate about the Staysafe committee's concern that the program for a strategic reduction in the overall number of road fatalities and serious injuries in New South Wales, that is the road toll, was plateaued or stalled. Under targets endorsed in late 1995 by both the Premier and the Minister for Roads, the Roads and Traffic Authority is committed to taking such necessary and sufficient actions to achieve a New South Wales road toll of fewer than 500 road deaths and fewer than 5,500 serious road injuries by the end of the year 2000. An interim road fatality target for 1999 was established to be fewer than 532 deaths.

The debate occurred over the Staysafe committee's estimate that, with a stalled or plateaued road toll, the total road deaths in 1999 would be 570 plus or minus 10. In contrast, Roads and Traffic Authority witnesses contended that the interim target of fewer than 532 deaths would be achieved. Sadly, the committee's estimate was accurate, with the preliminary final 1999 road toll of 578 deaths. Had the 1999 year been of only 11 months duration, the Roads and Traffic Authority's prediction would have been borne out. As at midnight on Tuesday 30 November 1999, 532 people had died on New South Wales roads since the beginning of the year. Despite a number of initiatives having been taken, the plateauing of the road toll remains an important road safety issue in New South Wales, and indeed Australia. The Staysafe 51 report contains a wealth of documentation on road safety activities in New South Wales. Clearly, government agencies in New South Wales—and the Roads and Traffic Authority in particular—are performing world-class work. However, I believe that this work has not been used as effectively as it could be.

I take this opportunity to acknowledge the role of the vice-chairman of the Staysafe committee, the Hon. A. B. Manson, who recently retired from the other Chamber after completing the Staysafe 51 report. During the years 1995 to 2000 Andy completed some 23 reports with the Staysafe committee. He was a valued colleague and active participant in the work of the committee, and always a keen advocate for new and better ways of reducing road trauma. Andy was a highly valued member of the committee; he was an excellent vice-chairman and an excellent committee man. He was always willing to visit country and regional New South Wales with the Staysafe committee and to take up the issues raised during those visits. I wish Andy, his wife, Jacqui, and his family the very best in future years.

I also take this opportunity to thank the public officials who worked to identify, collate and document the information required by the Staysafe committee in order to conduct the review. In conclusion, on behalf of my colleagues on the Staysafe committee I place on record and acknowledge the able assistance of the committee staff, including the Committee Manager, Ian Faulks; the committee officer, Violeta Brdaroska; and Carolyne Allen, the assistant committee officer. I also thank the parliamentary reporting staff for their excellent efforts, as well as the parliamentary printing section for the printing and publication of the report.

Mr STONER (Oxley) [10.16 a.m.]: I support the remarks of my colleague from across the floor the honourable member for The Entrance, who is also the chairman of the Staysafe committee. The Staysafe 51 report reported on the Staysafe committee's inquiry into the road safety situation in New South Wales in 1998. The report provides an account of the work of the major government agencies involved in road safety activities,

including the Roads and Traffic Authority, the police, the education sector, the health sector, and also areas such as the Attorney General's portfolio and the Motor Accidents Authority, which comes under the portfolio of the Special Minister of State.

I note in particular the issues that were subject to formal recommendations of the Staysafe committee. I stress that these recommendations received unanimous support, as is the accepted practice of the committee. One of the strengths of the committee is that, by tradition, it does not deliver reports with dissenting opinion. Rather, its members, regardless of which side of the House, work very hard to arrive at a joint view of what is needed to improve road safety in New South Wales.

The particular concerns subject to recommendation by the Staysafe committee in this report are twofold. First, the committee recommends that the Minister for Roads should take such action as necessary to ensure that the Roads and Traffic Authority prepares and publishes an annual statistical statement for road traffic crashes within an appropriate and timely period. The committee suggested that an achievable period for the preparation for the annual statistical statement for road traffic crashes is six to eight months after the period of data collection. The latest annual statistics for road trauma in New South Wales relate to the 1997 calendar year. This is simply not good enough. We are almost at the end of 2000, three years later. How can local councils, community groups, the media or any other interested person work effectively with data that is several years old? What is even more perplexing about the delay is that the Roads and Traffic Authority produces up-to-date monthly summaries of road trauma. The available monthly data extends to mid-2000, but there is a significant delay in compiling the annual statistics.

The Staysafe committee's second recommendation is of more general import. The committee recommends that the Roads and Traffic Authority should adopt and publish a standard range of benchmarks or key performance indicators to be used to monitor and report road safety performance. The committee has asked for the quality reporting of road safety performance. This requires information that is benchmarked against strategic objectives, relevant and quantifiable, consistent and standardised across time periods, concise, and provides possible explanations for variations against the targets. Most importantly, the committee wants information that is user-friendly through the use of graphic displays to indicate trends, or achievements against the benchmarks.

The Staysafe 51 report is a comprehensive document that contains a large amount of information. I would like, if I may, to record one point that I noticed as I prepared my notes for today's debate. I think that from the users' point of view the report would benefit from the addition of an index of the issues. When I run my eye down the contents pages, the array of matters examined by the committee becomes apparent, and not just the core issues of concern. It includes what research was conducted, what legislation was introduced, what are the staffing and budgets for the agencies, and so on.

A large number of specific issues are discussed including the Sydney 2000 Olympics, licensing issues affecting older drivers, recidivism by traffic offenders, the Interdepartmental Penalties Review Committee, whiplash injury, electronic signage, agenda papers for the traffic law enforcement forum, railway level crossing safety strategy, Safe Routes to School program, the national coronial information system, the New South Wales Injury Risk Management Research Centre, brain injury and road crashes, Aboriginal road trauma—to name a few. The inclusion of an index in the report would, I think, enable a fuller use of the information by road safety workers and others in the community. Lastly, I add my thanks to Ian Faulks, Committee Manager, and his staff for their competent and efficient support of the committee in compiling this latest Staysafe report.

Mr CAMPBELL (Keira) [10.21 a.m.]: I am pleased to speak in support of the Staysafe 51 report, which is an examination of the road safety situation in New South Wales in 1998. In that year 556 people died on roads in New South Wales and more than 5,500 were admitted to hospital after a road crash. That is not just a bald total, it represents nearly 6,000 Australian families who were touched by tragedy, mostly from New South Wales. The Staysafe committee has an important role to play in ensuring that the actions of government are developed and managed to provide effective and efficient legislation, policies and programs to reduce road trauma in New South Wales.

The Staysafe committee's annual reviews of the actions of government agencies to improve road safety are one means of fulfilling the committee's role. When one considers the scale of road safety activities in New South Wales, one must be impressed. It is not only State government agencies such as the Roads and Traffic Authority, police, and the Motor Accidents Authority that are strongly involved in road safety, but also the health sector and the education sector. The Staysafe 51 report describes and discusses the work of the Roads and Traffic Authority and, in particular, the Department of Education and Training in developing a range of road safety educational materials from preschool through to the end of high school, from P to 12 to use the jargon.

During 1998 there were a number of successful road safety education outcomes. For example, the Roads and Traffic Authority won the International Gold Hugo award for communication in adult learning for the development of the physics of car crashes module for high school teaching; in October 1998 a Road Safety Education Conference developed greater cohesive interaction between the three school education sectors, government, Catholic and independent schools; the Road Whys Program was evaluated and found to be effective especially when schoolteachers presented the materials; and the Street Sense Program was completely updated and redeveloped.

A continuous focus on improving our road safety educational resources is crucial to ensuring that there is an understanding of safe road behaviour among our kids and, through them, their parents and others in the community. I also identify the important role played by local councils in developing and delivering community initiatives to address road trauma problems. In the Wollongong and greater Illawarra areas, for example, the Roads and Traffic Authority, local councils and the Motor Accidents Authority have implemented a number of important projects. They include the introduction of a 50 kilometre per hour urban speed limit, which has been well received in the area I represent and is highly regarded, and the summer bus program, which is a joint initiative between a number of government agencies and the private sector that links the licensed premises of the Wollongong central business district to the more outlying suburbs of Dapto, Austinmer and Shellharbour. It is meant to encourage young people not to drink and drive and to provide an alternative means of transport for people who have been imbibing alcohol. The Motor Accidents Authority has funded projects, including the Illawarra bicycle safety facility involving the Lake Illawarra Police Citizens Youth Club.

I note that beyond those road safety projects the Government has put jobs into the Illawarra with the establishment in June 1998 of the Country Operations Support Office in Wollongong as part of the Roads and Traffic Authority Country Road Safety program. Safe and efficient use of country roads has become a specific issue in the Roads and Traffic Authority's strategic plan to 2004. A country road safety action plan has been developed. A Country Road Safety Management Committee has been established to assist the country program's manager to develop rapid deployment interventions for country areas experiencing an increase in crash rates. This is a necessary and needed initiative and I am pleased that it is through offices in the Illawarra that this program is being developed.

In conclusion, I reiterate the comments I made in media interviews in my electorate about road safety in recent times. Road safety is the responsibility of all of us, whether young or old drivers, passengers or pedestrians. With that responsibility in mind and the continued focus by government agencies as outlined in the Staysafe 51 report, I look forward to a reduction in the road toll. Along with my committee colleagues, the Chairman, the honourable member for The Entrance and the honourable member for Oxley, I record my thanks for the support that the committee has received from the committee secretariat, in particular its manager, Mr Faulks, and also the bipartisan way in which the task is approached by the Staysafe committee.

Mr HUNTER (Lake Macquarie) [10.26 a.m.]: I will briefly comment on the Staysafe 51 report, a review of the road safety situation in New South Wales in 1998. The current chairman of the road safety committee commented on the work carried out for that committee by the Hon. Andy Manson, who has now retired from Parliament. When I was deputy chairman of that committee from 1995 to 1999 I worked with Andy Manson on road safety issues. Andy was a dedicated and hardworking member of that committee. Many inquiries were undertaken during that four-year period and Andy gave his all to ensuring improved safety on our roads and to improve the road toll situation in New South Wales. It was a pleasure to work with Andy Manson on the inquiry into the 50 kilometre per hour speed limits and I am glad that the Government has taken note of our report. Across the State the 50 kilometre limits are being introduced in residential areas. Andy put a lot of work into this Parliament and a lot of work into the road safety situation in New South Wales. I wish him well in his retirement.

Report noted.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report: 4th Meeting on the Annual Report of the Health Care Complaints Commission

Mr HUNTER (Lake Macquarie) [10.28 a.m.]: I am pleased to present the report of the joint committee's annual meeting with the Health Care Complaints Commissioner as required by section 65 (1) (c) of the Health Care Complaints Act 1993. This was the committee's fourth annual general meeting with the commission and it was my first as chairman of the committee. The report covered the financial year 1997-98. The ongoing review of the commission's annual report ensures greater accountability to the Parliament on the part of the Health Care Complaints Commission.

I believe that the annual meetings are extremely important for the committee because they are an opportunity for the committee to gain a better understanding and appreciation of the work of the commission and the particular issues it faces in its day-to-day operations. Some of the committee's functions are a review of the exercise by the commission of its functions under the Health Care Complaints Act; to report to Parliament on any matters connected with the commission's exercise of its functions; and to report to Parliament any change that the joint committee considers desirable to the functions, structures or procedures of the commission.

The annual report meeting gives the committee an opportunity not only to look at the commission's exercise of its functions and whether it has met its goals and objectives in the broader sense, but also to look in greater detail at the complaint-handling process, such as the number of complaints; the source of those complaints; what the complaints were about; how long complaints and investigations took; what the most complained-about professions were; and how the commission dealt with the complaints. Many of the issues examined by the committee in past reviews were again raised at the fourth annual report meeting and have been discussed in this report. For example, complaint-handling times continue to be a major consideration for the commission and a matter of concern to the committee.

While 85 per cent to 95 per cent of all complaints received by the commission were finalised within three months, some investigations continued to be overly lengthy with an average of 701 days, or approximately two years, for investigations against practitioners, and an average of 755 days for investigations concerning facilities. The commission has identified inefficiencies within the complaint-handling process and is developing and implementing protocols and benchmarks in order to better handle complaints. The committee intends to monitor this situation in the future. Another issue raised in the annual report which was of interest to the committee was the increase in different categories of complaints. In particular, the complaints against unregistered health practitioners was of interest to the committee, given its inquiry in 1998 into the adequacy and appropriateness of current mechanisms for resolving complaints against that category of practitioner. The committee recommended in that report that certain mechanisms be implemented to ensure better consumer protection for the future.

While complaints against the category of unregistered health practitioners increased from nine in 1996-97 to 20 in 1997-98, the number was still surprisingly low. Rather than being an indication of consumer satisfaction, this low number was more likely to be an indication of the fact that consumers were unaware of the role of the Health Care Complaints Commission [HCCC]. In the past the committee has recommended that the commission take a greater role in educating consumers about its ability to investigate complaints concerning unregistered health practitioners through the production and dissemination of pamphlets and other information. The committee will continue to monitor this situation in the future.

In the year that is the subject of the report, the commission had an internal restructuring and replaced the deputy commissioner with two new director positions, namely, the Director of Alternative Complaints Resolution and the Director of Investigations and Prosecutions. The Division of Alternative Complaints Resolution includes the Patient Support Office and the Complaint Assessment and Review Division. The division focuses on options for resolving complaints that, following assessment, are not considered to require investigation. The revised structure will allow the commission to concentrate on the broader range of options for resolving complaints and will shift the emphasis from investigation and prosecution to looking at the range of options and the most appropriate course for resolving each complaint.

The commissioner recognised the commission's need to educate consumers about the range of options for resolving complaints and that not all matters require investigation or warrant prosecution. At present, there is a perception that resolution other than by investigation and prosecution is a less than satisfactory outcome. This annual report meeting indicated to the committee that the commission is aware of the need to review and evaluate its procedures and, when necessary, to implement new structures, or modify existing structures, in order to increase efficiency of its operations and achieve its statutory functions. I congratulate the commission on its efforts in this regard.

The committee will continue to fulfil its own statutory functions by examining each annual report and other reports made by the commission. The committee will also monitor and review the exercise by the commission of its functions under the Health Care Complaints Act or any other Act. I thank Ms Marilyn Walton, who is a former Health Care Complaints Commissioner, for her attendance before the committee for the fourth annual report meeting. I thank members of the committee secretariat for their efforts in the preparation of the report. I commend the report to the Parliament.

Mr WEBB (Monaro) [10.34 a.m.]: I support the remarks made by the honourable member for Lake Macquarie as Chairman of the Committee on the Health Care Complaints Commission. In the report that has

been tabled, the Health Care Complaints Committee has reported on the fourth annual meeting of the Health Care Complaints Commission covering the period 1997-98. That is a period that was prior to my becoming elected as a member of this Parliament, so it was a steep learning curve for me to be appointed as a member of the committee and take on board consideration of the commission during previous years—matters that are referred to in the report. I appreciate the very important function performed by the committee in taking note of the commission's operations.

As the honourable member for Lake Macquarie who preceded me in this debate mentioned, the commission underwent an internal restructuring during the period covered by the report. The restructure will allow the commission to concentrate on a broader range of options in resolving complaints. The whole issue of health care delivery across New South Wales needs scrutiny that the Health Care Complaints Commission and the parliamentary committee can provide to assure the provision of the best possible health services across a broad range of medical fields to people in New South Wales—not only those who live in metropolitan areas but also those who live in regional and remote areas.

Some of the key issues dealt with in the report deal with complaint handling times. That is obviously a matter of major importance and therefore is a matter warranting appropriate scrutiny. The Act prescribes a 14-day time frame for notifying respondents about claims, and a 60-day time limit for the initial assessment of complaints. Of the 1,835 complaints received by the commission in 1997-98, 419 complaints were assessed following investigation under section 23 of the Health Care Complaints Act. The 1997-98 annual report also shows that complaints investigated by the commission took an average of 701 days in the case of a provider and 755 days in relation to facilities. The latter figure reflects a rate that is slightly less than is recorded for the year before.

The commission has identified inefficiencies with the complaint-handling process and is developing and implementing protocols and benchmarks in order to better handle complaints. Part of that strategy involves the production of targets and performance indicators to measure response times and success. Examination of the type of complaints received reveals that of the 1,870 complaints, matters related to clinical standards accounted for 60.4 per cent. Other categories of complaint included provider-patient/client relationship matters, business practice matters, quality of care matters, patient rights and the prescribing of drugs. The commission considered that the low number of complaints was not indicative of the real story. Local complaint handling is a matter in which the commission needs to be more involved.

The inadequacy of investigations being done by area health services has been recognised by the commission and ways of improving the situation are being examined. The data provided in relation to local complaint handling provides a comprehensive picture of complaints within the health system. Approximately 3,003 concerns were raised by 2,019 patient support office clients. Investigations were carried out by other bodies during the period covered by the report. During 1997-98, 584 complaints were referred to another body and 220 reports were requested. Peer review is an area in which the report shows that a greater percentage of complaints were substantiated, rising from 36 per cent in 1996-97 to nearly 45 per cent in 1997-98. The increase can be attributed to peer reviewers becoming more forthright and willing to establish appropriate standards. The commission now has a peer review panel.

The Health Care Complaints Commission has instituted a new management structure that will deal with ways of resolving complaints other than through investigation and prosecutions. The chair of the parliamentary committee referred to that matter previously. The resources of the commission were noted, as was the greater workload that has been taken on by the commission and the commissioner without additional resources. The report goes on to detail an inquiry into the notification of medical negligence actions, discusses the annual report, and then deals partly with malpractice. An appendix to the report deals with questions on notice.

Ms ANDREWS (Peats) [10.39 a.m.]: I welcome the opportunity to comment on the fourth meeting on the 1997-98 annual report of the Health Care Complaints Commission. I am pleased to say that local complaint handling is becoming a more acceptable way to handle complaints within our hospital system. It was therefore pleasing to note from the fourth meeting on the annual report of the Health Care Complaints Commission that funding has been secured by the commission to fund a position within the commission to assist area health services to conduct independent investigations. This funded position is assisting area health services in selecting those complaints that should be referred to the commission. This is particularly relevant when the matter raises issues about public health and safety.

The patient support officers, or PSOs as they are commonly known, are making a big difference at the local level. The fact that 3,003 concerns were raised by the 2,109 PSO clients is more than sufficient proof that

they are doing a remarkably good job. More importantly, consumers of the public health system seem to have confidence in the PSOs. I am sure that based on this success rate the number of PSOs will be increased over the next few years. I would like to place on record my appreciation to members of the secretariat for the wonderful job they do in helping in the compilation of these reports and for their co-operation.

Mr OAKESHOTT (Port Macquarie) [10.41 a.m.]: I wish to speak briefly to this report, which is a valuable contribution to health care—a priority issue on the mid North Coast and in the Port Macquarie electorate. Many local residents use the health care complaints process. This streamlined and efficient process is a critical part of the delivery of government at the local level. It is one of the few times that many people in the Port Macquarie electorate deal with the processes of government, and they form their perceptions through the work of bodies such as the Health Care Complaints Commission. An efficient and streamlined health care complaints process is critical in my local area, where many complaints are received about elective surgery and other services, such as mental and dental health.

I am pleased that the report refers to the importance of the role of patient support officers in the local complaints process and in finding more appropriate ways to deal with complaints other than through investigation and prosecution. I would hope that their work is a valuable contribution to providing a better service for the many local individuals who have serious health complaints. Health has been, and will continue to be, the number one issue of concern in the Port Macquarie area. Intense debate over the past decade about the funding structures of Port Macquarie Base Hospital has raised interest in health issues. It is timely that this report is delivered today, as the Mid North Coast Area Health Service is in the process of finalising the details of a \$46 million funding increase to the service.

The local area health service and the Minister have been encouraged at the local level to provide details of this funding injection. This report should also provide a valuable contribution to that debate. I hope that the funding for the establishment of the patient support officer positions is made available as quickly as possible and, importantly, the establishment of those positions does not take away from the need for delivery of front-line health services on the mid North Coast. For example, there is a desperate need for more support work in mental health services at the local level, particularly in community mental health services. There is no case management at a local level, which is placing huge demands on the local delivery of mental health services.

I am sure that honourable members would also be appalled about the situation in other area health services. The recommendations in this report, such as the introduction of the PSO positions, should not detract from the priority need for the delivery of front-line health care in our local area. Apart from the issues I have raised, this is a good report that contains good recommendations. The Government must now follow through with the delivery of these recommendations, in particular the patient support officer positions within all area health services.

Report noted.

**Report: 5th Meeting on the Annual Report of the Health Care Complaints Commission
and Final Briefing from Commissioner Merrilyn Walton**

Mr HUNTER (Lake Macquarie) [10.46 a.m.]: Once again I am pleased to present this report to the Parliament, being the report on the fifth annual general meeting with the Commissioner of the Health Care Complaints Commission, as required by section 65 (1) (c) of the Health Care Complaints Act 1993. This report marks my second annual general meeting as chairman of the committee and the final meeting of the committee with Ms Merrilyn Walton as Commissioner. Once again, the report summarises the key issues raised during the meeting. These include a number of the issues raised at the previous annual report meetings, such as complaint handling times, types of complaints, categories of complaint and how the commission dealt with each complaint.

In addition, this meeting looked at other issues that were documented in the annual report that the committee considered to be important. In particular, the committee was interested in the new management structure that was implemented in the year of the report and whether it had achieved its objective of shifting the emphasis in resolving complaints from investigation and prosecution to the wider range of options available. The commission's annual report shows that as an alternative dispute mechanism, the commission's Patient Support Office has been very successful. In 1998-99 the office assisted more than 2,500 consumers and had the positive impact of reducing the number of complainants who have been referred for conciliation following initial assessment. The commissioner advised the committee that surveys of complainants indicated that many people want the commission to remain involved in the resolution of their complaints. The Patient Support Office is an alternative to complaints being referred to an external body for conciliation.

The resolution of complaints through referral to external conciliation was considered a significant issue at this annual report meeting. Currently the commission refers parties to a complaint that is assessed as suitable for conciliation to the Health Conciliation Registry, a section of the New South Wales Health Department. This process requires consent from both parties. The commissioner advised the committee during its meeting that trends were showing that the conciliation model currently in place in New South Wales is fast becoming redundant. The annual report indicates that 43 per cent of complaints originally assessed for conciliation were not referred to the Health Conciliation Registry because one or both parties failed to consent to the complaint being referred. The commissioner advised that there was also a significant drop-out rate from conciliation which was due, in her opinion, to complainants wanting the commission to remain involved in the resolution of their complaint.

The commissioner advised the committee that it was her view that the commission could have a conciliation role, as happens in other jurisdictions such as Victoria and Queensland. The commissioner is of the opinion that if the commission were to have conciliation as well as investigation and prosecution powers it could develop better alternatives for resolving complaints. This model is currently being implemented in the Australian Capital Territory. Following this meeting and consideration of the issues surrounding conciliation raised by the commissioner, the committee resolved to inquire into the conciliation processes for dealing with complaints within the New South Wales health system and reported findings to Parliament. The terms of reference for this inquiry will allow the committee to have a closer look at the effectiveness and efficiency of the health conciliation registry within the current legislative and administrative regime governing conciliation, the effectiveness of the commission's Patient Support Office in assisting the local conciliation process, and client satisfaction with the conciliation process as it currently stands.

The committee is some way into this inquiry. It has called for a number of submissions which have come forward and has spoken to staff who handle complaints at one of the area health services where they are very keen to have a patient support officer established in their area. The feedback the committee has received has shown that the work of the Patient Support Office is very good. I believe that the lines of communication between the Health Care Complaints Commission and the conciliation registry have certainly been worked on by the commission. The committee will look very carefully at how the conciliation process in New South Wales can be improved. It will study extensively the good systems in Victoria and Queensland. The committee hopes to visit the Australian Capital Territory to see what is happening there. I hope that early next year the committee will report to Parliament on ways in which the conciliation process in New South Wales can be improved.

Other issues raised with the commissioner at the fifth annual meeting included the presentation in the annual report of performance indicators, consumers' awareness of their right to complain, the need for the commission to address that issue, and the progress of the new initiative of the collection of statewide complaints data. The 1998-99 annual report states that the commission, the Department of Health and the area health services had agreed that statewide health complaints data be collected. The data collection would provide the commission with a better picture of complaints made at the local level, and allow it to perform its function of reporting to the Minister on all complaints made within the New South Wales public health system. At the time of reporting, the memorandum of understanding between the three parties was yet to be signed as concerns about the sufficiency of the identified information to be passed on to the commission continued to be debated. As at November 2000 the memorandum of understanding has been signed and the technical details are still being worked on.

There is no statutory requirement for complaints made at the local level to be referred to the commission. The collection of comprehensive statewide complaints data would assist the commission in its function of identifying problems and trends. It was the commissioner's view that the public is entitled to know the total body of complaints against a particular facility. The fifth annual report meeting not only allowed the committee to discuss the 1998-99 annual report and the commission's efforts to achieve its statutory obligations and internal objectives, but also provided an opportunity to discuss with Ms Walton the challenges, successes and frustration she experienced as Commissioner of the Health Care Complaints Commission since its establishment in 1993. I will read Ms Walton's final words to the committee, which I believe sum up the relationship the committee forged with Ms Walton and her dedication to the commission. She said:

A number of people have said that it must be difficult being a Commissioner working with a joint parliamentary committee. Certainly I have read in the papers some notorious relationships between statutory officers and joint parliamentary committees. But I have a firm belief in the democratic process of accountability. Notwithstanding the gruelling cross-examination today and at other times, I think that this Committee is absolutely essential. With such a volatile community and the involvement of stakeholders, the Commission needs an overseeing body that is independent and truly bipartisan, that is not only questioning and holding us accountable, but is also supporting our existence and warding off a lot of criticism.

I think I speak for all past and present members of the committee when I say that at all times the committee appreciated Ms Walton's considerable knowledge and willing co-operation. As Ms Walton expressed in the words I have just read, the committee's examination of her during numerous meetings to discuss the exercise by the commission of its function has, on occasions, been difficult and intense. Yet the committee has been able to rely on an excellent relationship with the commissioner and the staff of the commission. I put that successful relationship down to the commitment of Ms Walton to her position of commissioner and to the objectives of the commission. Since this meeting with the commissioner Ms Walton has taken up an appointment with the medical faculty of the University of Sydney. I have no doubt that the faculty can only benefit from that appointment. I wish her well in the future.

Also contained in the annual report of the Health Care Complaints Commission for 1998-99 was the commissioner's report of the ministerial appointment of a committee to investigate cosmetic surgery. Because that was reported on in the annual report of the Health Care Complaints Commission, the joint committee could investigate that. Certainly it is one of the issues I have raised with the committee members. It was interesting to speak to Ms Walton about that inquiry and the assistance the Health Care Complaints Commission gave to the former Minister for Health. Next year I hope that our committee will be able to review some of the findings and recommendations Ms Walton made and see how we have moved down the path to resolve some of the problems in the cosmetic surgery industry. I thank the secretariat for the preparation of this report. I commend the report to the Parliament. [*Time expired.*]

Mr WEBB (Monaro) [10.56 a.m.]: I support the honourable member for Lake Macquarie, the chair of the Committee on the Health Care Complaints Commission, in addressing the report on the final briefing with the former commissioner, Merrilyn Walton. The report provided the committee with the opportunity to discuss with the commissioner her challenges, successes and frustration as the commissioner of the Health Care Complaints Commission since its establishment in 1993. The words quoted by the honourable member for Lake Macquarie from the commissioner's final response to the committee clearly says it all. Her aggressive approach in dealing with the work of the Health Care Complaints Commission and endeavouring to provide the very best health care to New South Wales people certainly need to be commended. It will be interesting to note that the commission will no doubt follow a different pathway under the new commissioner in place at this point of time, Amanda Adrian.

I support the comments in the report that deal with Ms Walton's considerable knowledge and her willing co-operation with the committee. The committee certainly relied on that good relationship with the commissioner and the commission staff in order to fulfil its prescribed functions. I thank Ms Walton for her assistance before the committee, congratulate her on her new appointment and wish her well in the future. The options for resolving complaints and the effectiveness of the Patient Support Office is a key issue where the commission has addressed consumer complaints in the health sector. In 1998-99 more than 2,500 consumers were assisted in that area. The commissioner's view is that the commission should have a reconciliation role, as happens in other jurisdictions such as Victoria and Queensland, and that it needs to develop better alternatives for resolving complaints. A model is currently being implemented in the Australian Capital Territory and, as the chair of the committee said, the committee is yet to visit there to see how it works.

The statewide complaints data is another area in which complaints that are currently made directly to the health area service are not automatically referred to the commission. We and the commissioner feel that this is probably essential for the commission to provide the best service. The need, obviously, is for the commission to identify problems and trends. The commission's view is that the public is entitled to know the total body of complaints against a particular facility. Improving consumer awareness is a vital role the commissioner has played. Through the period the commission distributed 90,000 rights and responsibilities brochures, 16,000 copies of the new complaints brochure and 1,500 copies of other brochures to multicultural centres in 15 community languages.

The Ombudsman-style powers for the Health Care Complaints Commission have been the subject of the report. The commissioner's reflection on her time at the commission was also taken on board. The commissioner said that she believed "The integrity of the place depends upon not becoming an advocate for patients, not becoming an excuse for the profession, and not becoming bureaucratic in our approach to the problems of the health system." The commissioner said that her biggest frustrations after questioning had been a poor understanding of the commission's jurisdiction and a lack of public involvement in debate about many of the issues confronting both the medical profession and health care generally.

The commission identified three big picture items that it would focus on over the next three years, including improving investigation timeframes, the profile of the commission for alternate complaint resolution,

and feedback to the health system when deficiencies have been identified. The chair of the committee spoke about data collection, a fundamental area where the commission can carry out its role. I offer my best wishes to the former commissioner. I offer my thanks to the committee director and staff. The Health Care Complaints Commission committee fulfils a valuable role in maintaining the best possible health care for the people of New South Wales, particularly in regional areas, where populations must be maintained. [*Time expired.*]

Ms ANDREWS (Peats) [11.01 a.m.]: It gives me great pleasure to speak to the fifth annual report, which provided the opportunity for health care complaints committee members to discuss the 1998-99 annual report of the Health Care Complaints Commission. The Health Commission Registry, the functions of which are separate to those of the Health Care Complaints Commission, is a very underutilised facility. I note that the chairman of the committee has already outlined to the House the committee's intentions to have the conciliation process better developed and better utilised within our health system. The Health Care Complaints Commission has brought separation of the functions of the Health Conciliatory Registry to the attention of the Department of Health. The commissioner is of the opinion that the Health Conciliation Registry's independence from the Health Care Complaints Commission should be given wider publicity; there is a lot of confusion surrounding those two bodies. Hopefully better education will unfurl that confusion.

The final report of the Health Care Complaints Act review committee recommended that the Health Conciliation Registry take on the administrative responsibility of obtaining consents, and that attendance by respondents be made mandatory. In the next financial year the commission will be involved in training registry conciliators in the role of the commission and the nature of public health and safety issues. This will ensure that appropriate matters are referred back to the Health Care Complaints Commission. I have been a member of the joint Committee on the Health Care Complaints Commission since my election to this Parliament in 1995. During that time I have attended many public meetings at which the former Health Care Complaints Commissioner, Merrilyn Walton, was in attendance.

I now wish to place on record my appreciation to Ms Walton for her dedication to the important position she held for so many years. I trust that she is enjoying her new academic position. The main thing I noted when I attended a farewell function for the then commissioner was that so many consumers of the public health system within our State were so complimentary of the work that Ms Walton had done in her role as commissioner. It is well known by many people, or certainly most people within the State, that the Health Care Complaints Commission is there to consider any complaints they wish to raise. To the committee's secretariat I say thank you for a job well done. I acknowledge that their duties are demanding and that their tasks are onerous. Each one of them performs his or her duties in a most professional and efficient manner. I commend the report to the House.

Report noted.

Report: Study of International Jurisdictions (*Japan, Germany, England and the United States of America*) 24 September – 16 October 1999

Mr HUNTER (Lake Macquarie) [11.05 a.m.]: I am happy to speak to the report of the Committee on the Health Care Complaints Commission entitled "Study of International Jurisdictions." As Chairman of that committee I travelled overseas with my senior Opposition committee member, the honourable member for Monaro. This report is a result of the study of those overseas jurisdictions and their methods of dealing with health complaints, quality assurance, mandatory reporting of medical negligence and re-accreditation of doctors.

Certainly as part of the committee's inquiry into the reporting of medical negligence, which was tabled in the Parliament yesterday, the delegation felt it was imperative to visit the United States, which has had such a system in place for a number of years. The delegation, which comprised the honourable member for Monaro, the committee director, and me, visited the Massachusetts Board of Registration in Medicine and the National Practitioner Data Bank in Washington. I would like to quote from the Chairman's foreword on page 7 of the report, which states:

The National Practitioner Data Bank is a clear example of how mandatory reporting of pertinent information by insurers, employers and registration boards can provide useful information for relevant bodies to help ensure standards within the health system are maintained. While Australia does not share the same complications of transmission of information across fifty State borders as the United States, there is merit in the establishment of a similar body here, as long as it can be assured that the information is handled sensibly and fairly.

The Physician Profile system which has been introduced by the Massachusetts Board of Registration in Medicine is revolutionary in the amount of professional information which it allows the public to access concerning doctors. The interpretation of the First Amendment of the United States Constitution has, of course, traditionally allowed for greater freedom of access to information

without fear of defamation proceedings than in other similar countries. Also, such profiling is problematic in that it can be open to misinterpretation and has the ability to unfairly prejudice particular doctors. Still, in a consumer driven market, which offers easy access to volumes of information about other services, there is arguably a public demand for information which empowers consumers to make decisions concerning an issue as vital as their health care.

While in the United States of America we visited the Massachusetts Board of Registration in Medicine and we met with the Executive Director, Nancy Auchin Sullivan, a former senator, and Sue Burke and Kerri Luicas. I would like to thank those people for the time they gave the delegation. It was interesting and important to the inquiry we were undertaking, whose report, as I said, was tabled in Parliament yesterday. At the National Practitioners Databank in Washington we met with Vivienne Chen and Cynthia M. Grubbs, and I would like to thank them for the time they gave to the committee.

While also in Washington we met with Mary Jo Malone and Margaret D. Baviskes of the American Medical Association. In New York we met with Agnes Lawson, the Regional Program Director, Office of Professional Conduct in the New York Department of Health. We also met with Dr Spritz, Dr Barondess, Dr Heischman and Dr Studwell of the New York Academy of Medicine. I thank them for the time they gave us. While we were there we met with James Rob and Donald Fager of the Medical Liability Mutual Insurance Co. As I said earlier, the information we gathered from the United States was critical in the report that was tabled in the Parliament just yesterday.

While overseas the delegation also examined the National Health Service response to paediatric cardiac deaths in Bristol. The deaths, which highlighted a number of systematic flaws in the adverse incident reporting system in the United Kingdom, led to the establishment of the Institute for Clinical Excellence. The committee intends to follow the future work of that agency very closely. It was certainly beneficial to meet with representatives of the group Action for Victims of Medical Negligence, which for more than 17 years has helped victims of adverse medical incidents. The work that it is currently doing with the medical defence organisations in educating doctors is important. The delegation wishes the Australian chapter, which was formed earlier this year, the same long life and success. I hope it will work as well with the organisations in Australia. The final paragraph of the foreword states:

The delegation's meetings in Germany provided a unique example of how a once divided country has managed to ensure uniform quality of health care within a reasonably short period. It is quite clear that this has been an expensive process which is reflected in the current proposed reforms which were before the Reichstag when we visited. The arbitration process which is employed for dealing with health care complaints also offers benefits for both parties to a complaint.

I particularly thank the Australian Embassy in Germany—which had just moved to Berlin and was settling in—for providing us with a capable staff member to act as an interpreter when we met with the Ministry for Health. I thank Paul O'Sullivan, the then Ambassador. I also thank a German member of Parliament, Dr Wolfgang Wodarg, who was on the Reichstag Health Committee, for briefing us and for our tour of the Reichstag, where we watched the Parliament in session. It was very interesting. I thank also Dr Otmar Kloiber from the Federal Medical Council. We very much appreciated the time that those people gave us; it greatly helped us with our inquiry into medical negligence.

The delegation also visited Japan and saw an interesting example of how consumer activism can gradually make a difference within a health system that has offered no traditional avenues for health care complaints. The Medio organisation, which is offering a path for complainants, appears to be making significant gains as it increases in experience and sophistication. I thank Mr Craig Peacocke of the New South Wales Government Office in Tokyo for helping to arrange our appointments and also for being on hand to act as an interpreter for the delegation. I also thank members of the Australian Embassy for their assistance with Medio and the Medical Treatment Trouble Ombudsman and for taking the time to meet voluntarily with the committee.

I thank the members of the Japanese Health Policy Bureau for meeting the delegation at the New South Wales Government Office and for giving us an extensive briefing on the law in Japan and how that helps health consumers in that country. I thank everyone for their assistance. Honourable members would be aware that Tokyo is a sister State of New South Wales, and while we were in Japan we took the opportunity to visit the Tokyo Metropolitan Assembly. I thank the people at our sister Parliament, in a sense, for the assistance they gave us. Finally, I quote again from the foreword to the report:

Overall, I believe the study was a productive one and has, above all, assisted the Committee in approaching its inquiry into mandatory reporting of medical negligence equipped with all the relevant facts. Issues involving quality of health care are, after all, universal and it is enlightening to observe how different jurisdictions have acted in relation to issues we also face here in New South Wales.

I thank the hard-working committee secretariat for organising in advance meetings that took place while the delegation was overseas. I also thank the Australian New South Wales Government Office in London and Diana Morphew, Gary Offner and the staff of that office for assisting the committee. It was certainly appreciated. I thank members of the Commonwealth Parliamentary Association in New South Wales and in the United Kingdom for their assistance. I thank everyone who assisted the honourable member for Monaro, the director and me in undertaking this study tour. I believe that the benefits have been shown in the report that was tabled in the Parliament yesterday. I commend the report to the Parliament.

Mr WEBB (Monaro) [11.15 a.m.]: I support the remarks of the chair of the Committee on the Health Care Complaints Commission, the honourable member for Lake Macquarie, and I commend to the New South Wales Parliament the committee's report entitled "Study of International Jurisdictions". The delegation's tour, which was an interesting trip, covered a lot of ground. I will not thank all those we visited, as the Chair of the committee has already done that very well. However, my thanks go to all those who contributed to and arranged our meetings. The information that we gathered on this whirlwind tour will assist the committee, the commission and the New South Wales Government in providing the best health care for people in New South Wales.

After investigating health services in Japan, the United States of America and the United Kingdom I believe that the New South Wales Government is breaking new ground and leading the world in the provision of health care. After meeting with members of the National Practitioner Databank in the United States of America the delegation gained some insight into mandatory reporting. As the Chair of the committee said earlier, a report which has just been released reveals that, in Massachusetts, 28,000 doctors and 430 acupuncturists are on the board of the National Practitioner Databank.

That body, which has a budget of \$3 million, believes that the provisions for mandatory reporting in the United States Medical Practice Act 1986 enable it to provide the best health care in America. I am not sure whether similar legislation would be beneficial in Australia, but we should take that legislation into account. Another issue which the delegation examined was physician profiling. The Massachusetts Medical Society pointed out that the United States Physicians Profile Bill states in part:

... the Board shall collect the following information to create individual profiles on licensees, in a format created by the Board that shall be available for dissemination to the public.

The board's profiling web site, which has been publicly available since May 1997, contains 50,000 profiles of practitioners across the United States. That web site receives 175,000 hits per month and the board receives 65,000 telephone a month. I am sure that all honourable members would agree that those are mind-boggling figures. Another body in the United States that the delegation investigated was the Medical Liability Mutual Insurance Co. in New York. We discussed mandatory reporting with representatives from that body, from the New York Academy of Medicine, the New York City Department of Health and the Medical Office of Professional Conduct.

The parallel between New York and Australia is quite real, especially in the area of health care providers and budgets for health care provision. The delegation met also with the American Medical Association and the National Practitioner Databank in Washington. The National Practitioner Databank is somewhat different in its collection of information, in that it does not provide that information to the general public. However, any person may request aggregated data, provided it does not identify any individual patient, health care provider, supplier or practitioner. It is a separate organisation and it is funded differently, but it certainly had some useful information that will go a long way towards helping the Health Care Complaints Commission establish protocols for the collection and identification of material to assist in the provision of health care.

The American Medical Association commented about the chance of American obstetricians or gynaecologists being sued during their working lives and that that is not always a reflection on whether they are a good physician. The information we gained in Japan certainly showed that it was a long way behind us, which was certainly very interesting. Other information obtained showed that Berlin does things differently and that England has a lot of problems. The delegation certainly took on board a lot of information. I commend the report to the House.

Ms ANDREWS (Peats) [11.20 a.m.]: I thank the House for giving me the opportunity to comment on the report of the Committee on the Health Care Complaints Commission's study of international jurisdictions. Whilst I was not a participant on the study tour I believe it is worth noting from the report that the State of New

York commenced a mandatory reporting system in 1975 when there was a perceived crisis in medical malpractice in that State. Currently before the New York State Legislative Assembly is a proposal for physician profiling, although the New York State Medical Society is strongly opposed to it.

The Office of Professional Medical Conduct [OPMC], which is a division of the New York Department of Health, found there is little correlation between matters that are subject to litigation and those that attract disciplinary action. The OPMC maintains that a doctor with multiple claims against him or her does not necessarily mean that particular doctor is incompetent; it could mean that the doctor may be rude in dealing with patients or a bad communicator, or perhaps does not keep good records.

The value of claims is not always a reliable indicator of the case as indemnity funds and insurers make the reporting of informational claims as benign as possible. However, it is considered that mandatory reporting of malpractice claims is useful in identifying trends and researching malpractice cases. This committee is particularly looking at that aspect. Mandatory reporting is used also to highlight malpractice cases for the information of the medical field and to assist in discussing problems that may have come to light through the availability of this information. Therefore, this report has been of invaluable assistance in the preparation of the Committee on the Health Care Complaints Commission's report on mandatory reporting of medical malpractice, which was tabled in the House yesterday. I take pleasure in commending the report to the House.

Report noted.

WATER MANAGEMENT BILL

Second Reading

Debate resumed from 31 October.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [11.21 a.m.]: I support the Water Management Bill. The Minister for Land and Water Conservation has already highlighted that many people who commented on the bill support the clear recognition of indigenous interests both in the water planning process and in the right to take and use water. This support comes from a broad spectrum of the community, including water user groups, conservation groups, local government and government departments.

The New South Wales Aboriginal Land Council made a very strong and reasonable case for greater recognition of indigenous interests in the bill. For these reasons, the Government has accepted the challenge of amending the bill to ensure that indigenous interests are adequately addressed. I know the Minister met with Rod Townie, who is the Chair of the New South Wales Aboriginal Land Council. The establishment of the Water Advisory Council was up for discussion. At page 189 of the bill, under Chapter 8 Administration Part 1 Water Advisory Council, clause 380 (g) Establishment of the Water Advisory Council states:

at least one is to be an Aboriginal person appointed to represent the interests of Aboriginal persons ...

The Government will move an amendment to the bill to increase the membership of indigenous representatives on the Water Management Committee—[*Quorum formed.*]

This bill is important and the calling of a quorum by the honourable member for Bega was petty. The Government will move an amendment to the bill to increase the number of indigenous representatives on the Water Management Committee and the Water Advisory Council from a minimum of one to a minimum of two. I congratulate the Minister on this initiative and on recognising the rights of indigenous people of this State who have had a longer association with the waterways of this State and country than any other group of people. We are aware that within any particular sector or group often there exists a broad range of views regarding a particular issue. Therefore, by increasing the number of Aboriginal representatives within the water planning process a wider range of indigenous views can be brought to the table. This can be at the statewide level via the Water Advisory Council and at the regional level via the water management committees. This is a win-win for indigenous people.

I shall now talk about the importance of native title rights to water. At this stage the Government is uncertain whether native title rights to water exist in New South Wales, but it has taken the view that the bill should address the possibility that the courts may determine that it does, at least in the form of a sustenance-type right. Such a right would not exclude other rights from operating. The Government proposes that where native title has been determined to exist, a native titleholder should be able to exercise rights, which an amendment to

the bill will define as a native title right. This right will consist of the non-exclusive right to take and use water for personal, common, domestic and non-commercial communal purposes. This includes drinking, food preparation, washing, manufacture of traditional artefacts, watering domestic gardens, hunting, fishing and gathering, recreation, culture and ceremonial purposes.

It is intended that the legislation will provide for the taking and use of water by a native title holder to the extent provided for under the right. It is also intended that these rights be given the same priority for water-sharing purposes as basic land-holder rights. As such, the legislation itself does not create a native title basic right; rather, it provides that where determined by the courts its existence may be formally recognised. Furthermore, where the courts determine that native title also exists in land that has frontage to river or access to ground water, the holder of this title will also be entitled to exercise basic land-holder rights as if they held ordinary title to the land. This right will be in addition to any basic native title right. It is possible that the courts may decide that native title for water extends beyond those rights that I have previously discussed. I can assure the House that when Rod Townie spoke with the Minister he expanded upon that view quite extensively. I congratulate the Minister for taking on board the views of the Aboriginal Land Council, which is representative of the indigenous people of New South Wales.

It is proposed that where these interests are restricted the native title holder could be entitled to compensation under the Commonwealth Native Title Act. However, where a water management plan identifies that sufficient water is available to enable these interests to be exercised, the legislation will enable access to this water to be taken into account in a water management plan and, where available, for access to be facilitated by way of exemptions. The Labor Government is committed to ensuring that the rights of indigenous people are addressed, both in relation to land and water. Over the past 10 years, as the shadow Minister and now as Parliamentary Secretary Assisting the Deputy Premier on Aboriginal Affairs, I have travelled extensively with members of the Aboriginal caucus committee and looked at river systems right throughout the State.

Often Aboriginal people have brought to my attention and to the committee's attention the appalling state of the river system in this State. I remember a number of years ago I was at Gunnedah and a couple of Aboriginal elders said to me, "Col, come down to the river, I want to show you something." The honourable member for Rockdale was with me at the time. We wandered down to where the bridge goes across the Namoi river at Gunnedah. The elder said to me, "This has never ever happened as far as I can remember or any of my ancestors can remember." We came down off the river bank, walked across the bottom of the river and up the other side. There was not a drop of water in the Namoi river; the flow had totally ceased. The elder said to me, "That has never happened in living memory. If you politicians don't do something about it, you are going to kill the river system in this State." That is just one example.

I was at Collarenebri and the Bogan river on the same trip. I was taken out to the weir where the town water supply comes from. There was no water running over that weir. There was no water in that great river. At Brewarrina, on the Darling-Barwon, at the fish traps no water was flowing. There were blue-green algae blooms in the river system throughout New South Wales. The Minister is aware of those problems and has moved to make sure that water continues to flow in the river systems of this State. Recognising the rights of indigenous Australians in New South Wales makes sure that their voices are heard, because I believe no other group of people in our community knows how to manage the environment of this State. The advice coming from the Aboriginal representatives on these advisory committees will be invaluable.

I applaud the Minister for his initiative in taking on board the concerns of the New South Wales Aboriginal Land Council when he had discussions with the council recently. It is important that we listen to what Aboriginal people have to say about the river system—not just the rivers but the waterways—in inland New South Wales. The rivers and waterways are the lifeblood for them and for many other people. If the river systems in New South Wales die, we can forget about what happens in country New South Wales. There will be no towns in country New South Wales because nothing will be going on in country New South Wales. Let us listen to what these people are advising the Minister, put those concerns well and truly on the table and put the solutions that those people might have into practice.

In summary, this bill will achieve a number of results in a couple of ways. Firstly, the Government will amend the bill to ensure that indigenous groups are well and truly represented. That can be seen on page 189. Secondly, the bill will make provision for the exercise of native title rights to water, which are found by courts to exist, in a way that is consistent with the environmental and water-sharing provisions of the proposed legislation. The provisions put forward by the Government in relation to indigenous rights and interests represent a good starting point. I have no hesitation in commending the bill and the proposed amendments to the

House. I congratulate the Minister and his people on bringing forward this lengthy bill which covers many aspects of water usage in the State. It was a long time coming but the Minister has taken the first step to make sure the river system of this State will be protected for many centuries to come. I congratulate the Minister, and I commend the bill to the House.

Mr W. D. SMITH (South Coast) [11.36 a.m.]: It is a great pleasure for me to participate in this debate on the Water Management Bill. My electorate is among the most likely to be affected. It is not because my communities are prone to water shortages and drought, as are the western areas of the State; on the contrary, it is because water, essentially, governs the region's life. In fact, my electorate is more likely to suffer from flood damage than the effects of severe drought. Every factor of the Water Management Bill is relevant to the South Coast and it is important that a fair balance be implemented to satisfy a growing economy, agricultural concerns, saltwater and freshwater fishing, manufacturing industries, the natural environment, increasing population and the rights of Aboriginal communities.

The city of Shoalhaven rests beside the Shoalhaven river, once a river route for transporting produce to Sydney, before the introduction of rail. Significant waterways include Lake Wollumboola, Lake Conjola, St Georges Basin, Shoalhaven Heads, Broughton Creek, Jervis Bay, Sussex Inlet, Crookhaven River, Currambene Creek, Comerong Canal, Danjera Creek Dam, Tianjara Falls, as well as numerous creeks and inlets. The diversity of demands upon South Coast waterways is immense: fragile marine and aquatic environments, farming and fishing communities, Aboriginal communities, recreationalists and tourists, manufacturers and businesses and, of course, the general community. Increasing education in water usage practices has been very effective in alerting communities to the importance of valuing water.

A great deal of attention has been given to water-related issues, such as studies into acid sulphate soils in 1996; diminished fish stocks during periods of arrested water flows in 1997; ongoing restoration programs for fragile mangroves; this year's *Caulerpa* weed plague in Lake Conjola; fears of severe water shortages for farmers in 1997; the "clear water" signs painted on town kerbsides by Lex Metcalfe; Shoalhaven City Council's water awareness schemes and schools' water education programs.

Nevertheless, with such diversity and, in some cases, oppositional standings, it is important that water management policies address every associated facet of water access and production. This Government has not only taken a meticulous and logical approach to water management; it has incorporated the value of the environment, native title and general community access. In what can only be described as a significantly complicated overhaul of the State's water management policies, the Government has reminded us that we can no longer take for granted the availability of clean and clear water. The fact that water is recognised as a tradeable commodity does, for the most part, puzzle many. However, it is clear in this new century that the precarious nature of water production warrants specific and definitive measures to allow for the seemingly never-ending demands on water supply. There are great costs involved in the provision of water to communities and the control of water collection.

It is a great credit to the Minister—and I am delighted that he is in the Chamber today—that he has been able to draw together an extremely complicated policy and, additionally, incorporate changes based on community consultation to develop a comprehensive bill. The policy seeks to establish a well-founded balance in water management by addressing the outdated Water Act 1912 and consolidating other water-related statutes. Most importantly, this bill addresses the demands of all stakeholders. The Government is honouring its commitment to the environment in this bill with environmental water standing as a specific category with three types devised to ensure that the natural environment is not denied appropriate water access. It is a great credit to the Government that it has recognised the needs of the environment and moved to address the health of rivers and water ecosystems. It is also a great step forward, which includes the consideration of indigenous culture and spiritual needs and the place of recreation, scientific research and scenic objectives. I applaud the inclusion of environmental water in this bill.

In the Water Management Bill the concerns of farmers have been addressed, with domestic and stock water rights to be defined by purpose only, rather than by volume or method. Farmers have been given security assurances with the term of licences brought to 15 years, with periods of less than 15 years accommodated at the request of the applicant. The New South Wales Farmers Association has shown great concern over the potential effects of the Water Management Bill on its members, with long-term security of water supply the most salient issue. As Chief Executive Jonathon McKeown said, farmers need continued access to water from rivers, streams and dams for their livestock and domestic use. This bill has addressed those matters fully, providing for the Minister to make water management plans for a term of 10 years instead of five years. Irrigators will have much greater resource security. Included also is a requirement for a mid-term review of local plans to assess performance.

I was disappointed to hear that in Federal Parliament yesterday, Thursday 2 November,—the Deputy Prime Minister and National Party Leader, John Anderson, attacked State governments, and specifically the Carr Government, over water rights, suggesting that States must pull their weight and meet their moral responsibility. Referring to the matter of compensation, Mr Anderson said, "There must be a willingness to pay compensation to landowners where the rules change to achieve sustainable natural resource use." This Government has addressed the matter of compensation for the impact of changes to conditions of water licence where these changes occur before the time set for formal review of the relevant water management plan. Also, compensation will be based on the market value of water forgone as determined by the Valuer General, where diversions available to individual licence holders are decreased.

Mr Anderson should know that this Government is particularly understanding of the concerns of landholders and that it is the smaller family holdings that are like to be largely affected by changes in water management. I praise the Government and Country Labor for their determined efforts to work with farmers and rural communities to address their concerns. It would seem that the National Party has a good deal of catching up to do on rural and regional issues. Ecologically sustainable development is a central focus in water management, as well it should be, and the management of supply of town water to residents, business and industry sectors is a formidable part of this bill. I am pleased by the Government's commitment to overseeing the health and purity of water supplies. I welcome the expansion of powers for water supply authorities to achieve modern water management business outcomes with the provision of a better framework for the effective and efficient management of urban water services consistent with the water pricing principles of the Commonwealth Government. Regional areas across the State will find that the overhaul and improvements to the management framework will mean that their water supplies flow more cleanly and easily.

I congratulate the Government on the new Water Management Bill and I am delighted that the bill has been drafted through consensus and consultation. We can be proud of this Government's commitment to listening to the concerns of our communities and acting accordingly. The complexity of fair water distribution and management is quite daunting. Minister Amery has responded positively and thoroughly to this challenge. I commend him for his comprehensive approach to consultation via peak bodies and the community in general. I look forward to listening to the contributions of members from both sides of the House on this incredibly complex and far-reaching bill. I commend the bill to the House.

Mr HICKEY (Cessnock) [11.47 a.m.]: I support the Water Management Bill. Like my Country Labor colleagues, I feel that this bill is one of the most important issues to face this Parliament. The Water Management Bill is designed to provide for protection, conservation and ecologically sustainable development of the water resources of this State. It uses a series of mechanisms, including community participation by way of management committees, plans and programs to establish water-sharing principles. The catalyst of this action has been widespread degradation of both rivers and their catchments. In 1995 the New South Wales Labor Government introduced water reforms almost immediately. These were followed up with reforms in 1997. In December 1999 the Government released a white paper foreshadowing legislative reforms.

Subsequently, the Water Management Bill was released on 22 June. Regulating river systems has reduced and changed the natural flows that are essential for maintaining aquatic ecosystems. Regulation has had a profound effect on these ecosystems, which have adapted over time to a natural regime of a succession of droughts and floods. There are several thousand dams and weirs on the rivers throughout the State. I have been fortunate enough to travel with the Aboriginal affairs committee and have sighted many of the weirs in the State. I understand that claims have been made by the Director of the Total Environment Centre, Mr Jeff Angel, that the Government has reneged on its promise to provide water to the environment as a prior right. A prior right means that the environment is allocated its share of water before commercial consumptive use.

Let me make it very clear that there has been no change to the Government's policy. The environment will still have prior right over consumptive use. For the first time in history the environment has been allocated its own share of water to ensure the fundamental health of our river, groundwater and dependent ecosystems. This is a major historic step forward in itself. Water for the environment has had a prior right over other commercial consumption use such as irrigation or industrial use. This is very important. Last year the Government made a commitment to this end and now it is fulfilling that commitment. Let me identify some of the relevant points laid out in the amendments to the Water Management Bill as foreshadowed by the Minister. Part 1, division 1, clause 5 (2) (a) sets out the principles of the bill. These clearly state that water sources, flood plains and dependent ecosystems, including groundwater and wetlands, should be protected and restored.

Clause 5 (2) (b) states that habitats, animals and plants that benefit from water or are potentially affected by management activities should be protected in the case of habitats and restored. Clause 5 (2) (c) states

that water quality of all water sources should be protected and, where possible, enhanced. Clause 5 (3) (a) of the same division states that sharing of a water resource must protect the water source and its dependent ecosystems. Further, division 3, clause 51 (3), clearly lays out the priority of water allocations. Here we find that apart from the basic needs of household water for families or domestic stock the first water allocation goes to the environment. So only after these allocations are made to the environment can allocations be made for commercial consumptive use, such as industries, power utilities, high security licence holders, et cetera.

This should reassure members of this House and the conservation movement that this Government is totally committed to ensuring that the environment has its fair share of water for sustainable health. Any claims that the Government has reneged on this promise are clearly wrong and purposely mischievous. So a fundamental platform of the Labor Government's water management policy is its commitment to building a solid partnership with all stakeholder groups. This means that the Government works hard to ensure that all interests are actually involved in the decision-making process and, importantly, they all contribute to the achievement of sustainable outcomes for the environment, for water users, for rural towns and communities, and for New South Wales as a whole. The Government has always recognised that it will secure better and longer lasting solutions to issues if it involves the people who are affected in one way or another.

In 1995 water reform initiatives included extensive community consultation on many areas, including interim river flow, water quality objectives, the establishment of the Healthy Rivers Commission, the referral of bulk water pricing to the Independent Pricing and Regulatory Tribunal process, and the establishment of a peak stakeholder advisory group—the Water Advisory Council. In 1997-98 the Government also established water management committees for the six regulated river systems and the Barwon-Darling. These committees are now in their third year of implementing agreed environmental flow rules. There is already substantial positive feedback from these committees and the early results are encouraging. The committees report annually to the Minister on their progress and achievements. I understand that in total about 30 water management committees are now established across the State, and these committees are at various stages of the planning process. There can be no denying that this Government is committed to open, accountable, community-based water management planning using broadly representative water management committees.

The Water Management Bill formalises in legislation the water management committee and water management planning reforms that have to date taken place through administrative means. This change meets the Government's obligations, under the Council of Australian Governments' agreement, for community consultation and planning. The provisions in the bill relating to the role and composition of water management committees and the Water Advisory Council received considerable attention during the consultation process, and rightly so because they are critical to the integrity of the process. There has been broad support for continuing the water management committee approach with some refinements, and also for increasing the representation of indigenous people on these committees, as we heard from the honourable member for Wollongong. The Government will increase from a minimum of one to two the indigenous representation on water management committees and the Water Advisory Council.

Slightly more controversial were some of the suggested refinements from various stakeholder groups. For example, some sections of the farming community asked that the bill be amended to ensure that membership of the committees is drawn from the local area. I have also discussed this matter with the Minister. However, the Government is of the view that this provision can be accommodated, and this is largely its intention, without prescribing it in legislation. Some people also wanted the bill to be amended to ensure that Government representatives on the committees are there only in an advisory capacity. However, the Government has rejected this suggestion because these committees should be an equal and meaningful community-government partnership. An important part of this partnership is for agencies to be full members working under the same disciplines as other members.

The Department of Land and Water Conservation will be a member of all committees, and the Minister can appoint other portfolio representatives when appropriate. It is expected that the environment portfolio would often have a representative member. Overall, the Government is confident that the membership and public consultation provisions in the bill will lead to a committee process that reflects both local and broader community concerns. The bill will provide a sound basis for the government-community partnership on water management, informed by the best information and knowledge available. During the consultation period many concerns were also raised about the provisions in the bill for committee decision making. A quorum model with voting was proposed but this received very little support.

The Government will therefore move an amendment in Committee so that committee decision making is based on consensus. In fact, some decisions will require formal evidence of consensus in the form of a

unanimous vote; Government amendment 120 contains this detail. All peak stakeholders support this approach. Another common theme among the submissions and comments was that more guidance was needed for committees in the development of plans. The Government is therefore proposing some amendments to the bill to provide for this. First, as the Minister indicated earlier, there will be provision for development of a State water management outcomes plan. This whole-of-government plan will set the context, targets and strategic outcomes expected from the management of New South Wales water resources. It will include targets agreed both nationally and at the State level.

These targets will provide a unifying direction for water management. They will also provide better integration of water management with other planning and natural resource management. All peak stakeholder groups support this amendment. The Government will move an amendment to include new planning principles for water use and to clarify existing principles in the bill. The amendments will address some drafting inconsistencies and provide more uniform and comprehensive planning provisions, consistent with the objects of the bill. These provisions are outlined in foreshadowed amendment No. 1. The bill also contains several provisions to ensure that water management planning is integrated with other natural resource policy making. This includes national and international strategies and agreements, and catchment strategies or plans.

The bill provides for plans to be statutory and for parts of some plans to have regulatory effect under the Environmental Planning and Assessment Act. The intent of the bill remains the same. However, amendments will be moved to clarify the status of plans and ensure harmonisation, when necessary and appropriate, with existing land use planning arrangements. This recognises more clearly the role of local government in natural resource management. It also enables greater consistency between local environmental planning instruments and water management plans. These provisions are contained in amendments Nos 6, 8 and 13. They replace the provisions in relation to water protection zones. The bill provides for water management plans to be up to five years with possible extension to 10 years, subject to review. These plans essentially share water between the environment and consumptive use. They also set environmental flows and mandatory conditions for water access licences. The term of plans is thus a trade-off between adaptive environmental management and security of investment for water users.

The Government has accepted the widespread view that five years is not a sufficient period for investment certainty. It will therefore extend the term to 10 years but to safeguard the environment and allow adaptive management, the bill provides for a mandatory mid-term review. This review will assess the implementation of the actions and outcomes specified in the plans, in particular, focusing on the environmental and socioeconomic performance of the plans' provisions. Any actions arising from the mid-term review may be implemented before the end of the planning period. A new 10-year plan would only be put in place where there is agreement between the relevant water management committee and the Minister.

Honourable members should note that the bill required implementation programs to be developed to put the water management plans into effect. The implementation programs are to be reported on annually to Parliament. These provisions are not to change and this should ensure an adequate level of accountability for these plans. It will provide the opportunity for all members of Parliament to scrutinise progress. I congratulate the Minister on doing such a good job with this onerous task. I commend the bill and the Government's proposed amendments to the House.

Mr MARTIN (Bathurst) [12.02 p.m.]: I support the Minister on the Water Management Bill. There is no doubt that it will be the most important legislation to be dealt with by the Fifty-second Parliament. We must acknowledge the open and consultative approach of the Minister, the Government and the department. Approximately 6,700 submissions were received in response to the white paper that was released in December 1999. The draft bill was then laid on the table of the House in June and more submissions were received. The consultative approach was fair dinkum and over the past week the Minister has shown that he is listening because the list of amendments to the draft bill are comprehensive.

I should like to paraphrase the amendments for the record. They are to establish a Water Investment Trust; to provide for the development of a New South Wales water management outcomes plan; to provide for the Minister to make water management plans for a term of 10 years; to allow the Minister powers to set the initial bulk access regime for water management in priority areas; and to provide for domestic and stock water rights to be defined by purpose only. That is important and will take a lot of pressure off people, particularly those with riparian rights.

The amendments are further to specify that the term of licences for water users, excluding utilities, will be for 15 years; to increase certainty of licence renewal after 15 years, with criteria for assessment and

subsequent renewal; to provide compensation based on the market value of water forgone, as determined by the Valuer-General, where diversions available to individual licence holders are decreased; to replace opportunistic water licences with supplementary access licences to manage off-allocation water, for example, access to high flows, and link the latter with general security access licences; and to set initial volumetric allocations for town water and to allow for readjustment every five years on population growth. I shall speak about that in detail later.

Mr Amery: And local government.

Mr MARTIN: Local government is a very important stakeholder, as the Minister acknowledges. The amendments are also to address indigenous rights and interests—and we have heard the honourable member for Wollongong speak eloquently on that—and to provide for the full separation of water rights from land in the bill, as required by the Council of Australian Governments [COAG] agreement, but need to allow the Valuer-General to take account of the value of water rights in land valuations in the short term. That is a comprehensive list of amendments demonstrating that the Government is serious in listening to sensible arguments from people.

I should like to concentrate on local government matters. The Minister acknowledges that it is an area in which I have had some interest, as has the honourable member for Murray-Darling and the honourable member for Cessnock. I have received many representations from councils. A number of councils are unique in that they manage the whole water system; they own their own dams and reticulation so they are basically water utilities in their own right. They do not tap into any of the department's system. Three that come to mind are Bathurst, Orange and Tamworth, as the honourable member for Tamworth would acknowledge. I have no doubt that he has received representations from the Tamworth City Council on the matter. Part of the submission of Bathurst City Council was as follows:

Council seeks unfettered access, under Operating Guidelines, to its water storage and to extraction;

Seeks the maintenance of common law and just compensation principles within the Act;

Acknowledges the need for demand management principles;

Seeks the Government's acknowledgment that Local Government is a responsible manager of the small per cent of the total water resource that it is responsible for; and seeks the abolition of additional layers of approval, where the existing resources, if well managed, can perform the necessary tasks and thereby streamline the process. In particular, Council is concerned that single property owners or high water users, can make recommendations to the Minister on a regional city's water usage, when in the most part, regional cities have not been represented on the Minister's committees.

They are legitimate concerns of the council and no-one could suggest that stakeholders—whether environmental stakeholders, irrigators or town water suppliers, can claim to have unfettered access. The bill acknowledges that we need to change direction on the way we manage water. This is a major rewrite of the Act, the initial legislation being enacted in 1912. It is dramatic legislation. The time frame for completion of the bill was brought about by the demands of the Federal Government under the COAG legislation and while some people would like more time, we must comply with that time frame. The longer we leave it the more the problems in the current system will be exacerbated.

It is clear from the many submissions received from local water utilities and councils that there is considerable concern with regard to the way existing town water requirements will be dealt with. It is also clear that many regional centres are worried about their future ability to supply water to areas of high population growth and to attract new business and investment. Country Labor has raised these issues on many occasions with the Minister for Land and Water Conservation and his response is encouraging. In fact, the Government will move amendments to the bill with relation to town water entitlements, and I referred to that earlier. In order to understand these amendments it is necessary to understand the facts behind the issues.

Towns have always had priority to water supply and, indeed, through the early 1900s did not need a water licence. While some towns have a licence with a volumetric entitlement, others do not. Some have licensed volumes far beyond their current demands, while others have licences that simply specify a pump size or storage works with no volume limits. Town water licences were not embargoed. If a town needed more water it could simply apply to have its licence volume increased. In recent times, with water now a truly scarce and valuable resource, some towns have sought to attract industries to their local area by offering them an assured water supply from their entitlement.

That is perfectly understandable. However, while it is good for the town and those individual businesses, it is really a means of bypassing the licence process that was put in place to protect river health and

the water rights of other established users. Honourable members will see the pressure that can be brought to bear on local government organisations. For instance, in the city of Orange, the proposal for a new abattoir would increase water usage by something of the order of 18 per cent through one single consumer. That is the type of problem that council has to deal with and the issue that we need to address. I know that the Minister recognises that. There has to be some capacity to allow for that growth.

The Government is aware of these issues and is moving to put all town water licences on an equivalent footing. By way of more background, I am told that in the regulated river systems of the State town water accounts for only 2 per cent of total licensed entitlements. For the unregulated river systems and aquifers, town water accounts for 5 per cent of licensed entitlement. One can see that these are not big sums in the overall scheme, but they are vital to those individual communities. Overall, town water use is of the order of 350,000 to 400,000 megalitres each year for all areas, excluding Sydney and Newcastle. Under the Labor Government's proposal town water will maintain the highest priority. Our intention is to amend the bill to ensure that all towns will be converted to a volumetric allocation. The relevant amendment is No. 133.

The Government's consultative approach, which has been the hallmark of the process so far, will continue. The method of calculating the initial allocation will be set out in the regulations only after consultation with local government. As part of this process, I am sure that consideration will be given to the assessed water supply needs of the town, its established commercial and industrial development, the water supply infrastructure, and the demand measurement measures in which the town has invested. In the case of Bathurst, it is currently receiving considerable financial support from the department for \$30 million to double the size of Ben Chifley Dam from 16,000 to 32,000 megalitres. Council investment in that project is \$15 million and the Minister has generously agreed to meet 62.5 per cent of the total cost of the project. Notwithstanding that, it is a substantial investment for a country centre.

There is no doubt that the Government places considerable importance on maintaining water supply security to all towns, particularly in fast-growing areas. The Government will move an amendment to the bill to provide for five-yearly reviews of the town water allocation, with adjustment based on population growth. The relevant amendment is No. 28. The population growth reviews will also be developed in consultation with local government and specified in the regulations. This will ensure that five-yearly reviews of the effect of population changes on town water allocations is evaluated, using agreed rules that are applied consistently on a case-by-case basis.

The Government is determined to ensure that regional centres are provided with the capacity to grow and attract new investment and industry. That is a very important part of the Government's regional development policy and, of course, the management of water plays a vital role in that. This is critical from a social and economic standpoint, particularly as the future of many rural communities across New South Wales hangs in the balance. [*Extension of time agreed to.*]

To maximise the potential for water to be provided for the development of new industries, the Government proposes to amend the bill to allow town water utilities to trade water, with appropriate safeguards put in place. This will allow them to sell any surplus water or purchase additional water on the market. Clause 61 of the bill and amendment No. 33 provide the detail. In addition, for the first time town water utilities may be eligible to receive a credit for treated effluent returned to rivers that meets certain conditions—for example, local water quality and river flow objectives. This returned water would be reccredited to the town water utility's water account. To ensure that any such scheme is consistent with the Government's land-based effluent reuse policies, it is proposed that they be set out in a regulation. The concurrence of the Minister for the Environment will be required, rather than through Ministerial Order as in the current bill.

The Government is confident that by implementing water efficiency savings and providing scope for water trading and effluent credits, local water utilities will be in a much better position than they are at present to attract major new industries to regional centres and to provide for sustainable development. The proposals I have outlined here today will provide country towns with a much better basis for planning their future. Let me repeat that towns will still enjoy the highest priority to the available water supply. They will have their licensed entitlements clearly spelt out and periodically adjusted to allow for population growth. The Minister recognises, of course, how important local government is in the scheme of things. Indeed, it is local government that makes the State tick. I am confident that country towns will benefit from the Government's proposals. I therefore commend the bill and the amendments to the House.

Mr BLACK (Murray-Darling) [12.16 p.m.]: I support the Water Management Bill. At the outset I acknowledge the tremendous leadership in the water reform process demonstrated by my colleague the Minister

for Agriculture, and Minister for Land and Water Conservation. Only moments ago he acknowledged his admiration for local government and I appreciate his involvement with local government in the consultative process. I also wish to acknowledge the contribution of some members of the Minister's staff in the consultative process. Ken Long was with me in the southern regions when I was talking to the irrigators of the western Murray and the Murray. In addition I acknowledge the contribution of Zoe De Saram, the pocket dynamo, who has had an extensive role in bringing the debate to this stage.

On behalf of the nine members of Country Labor in this House I also acknowledge the role of the three country Independents. I note that the honourable member for Tamworth and the honourable member for Dubbo are in the Chamber and the third member in the country alliance, the honourable member for Northern Tablelands, is not present in the Chamber but is certainly with us in spirit during this debate. I place on record my appreciation of the co-operation in the consultative process exhibited by the irrigators of western New South Wales. In my electorate of Murray-Darling I probably have all of the substantive irrigators of New South Wales. They have, jointly and severally, played an enormous role in bringing the bill to this stage.

I want to focus on the vital issue of water rights, which is understandably one of the major aspects of this bill. Security and clarity of water rights are of paramount concern to our irrigators. They are all major deliverables so far as the COAG agreement is concerned. Meeting the State's obligations in this area is linked to valuable competition policy payments. However, we must not lose sight of the fact that one of the fundamental reasons for the water reform process is simply that New South Wales is now at the limit of its available water resources. With the Murray-Darling basin cap in place on all the inland valleys, and licence embargoes in place along most of the coast, there is great uncertainty over future access to water. Therefore, there is an immediate need to clarify and strengthen the rights of existing businesses.

Since early last century people who have extracted water for commercial use from rivers, ground water and other water bodies in New South Wales have required a water licence. These licences to access water have traditionally been granted for a five-year period only. The bill tabled in June provided access licences for up to 15 years. This new, longer term of 15 years was the minimum period to apply to all licensed water, except utilities and opportunistic licences. I will return to the reference to opportunistic licences later in my contribution.

As well as providing a longer term of security for water users, the bill tabled in June contained a simple presumption in favour of renewal of a licence when it expired, for a further 15 years. In other words, when a licence expires it does not go back on the market and the holder can apply for renewal. The bill also provided that any changes to mandatory conditions of access licences within the 15-year period would be through a transparent management planning process. This process would include clear provisions for water for the environment, and socioeconomic assessment of the impacts of changes. These provisions allow for much greater certainty than the current Water Act 1912. They create more business security for our industries that rely on water, and also more certainty for the environment's need for water as a priority right.

The bill also proposed changes in the way that off-allocation water was managed. Off-allocation of water is additional or supplementary water made available periodically, via an announcement by the Department of Land and Water Conservation. Supplies are available on some of our regulated river systems when the water cannot be captured in dams and when it is not needed for agreed environmental flow regimes. The current Water Act 1912 provides no security for off-allocation users, and the bill intends to address this with a specific licence category. The bill also provided for compensation where changes within the term of a plan reduces access to water, and also for compulsory acquisition of a licence.

The bill clearly specified priorities between the categories of licence. These priorities are designed to guide allocation decisions so that the environment comes first, basic land-holder water rights come next, and then various categories of licence holders have their priority and security clearly stated. The provisions in the bill relating to access licences of up to 15 years are strengthened under the amendments foreshadowed by the Government. Licences will be for 15 years, unless the applicant asks for less than this. Review of licence conditions will also now be linked to 10-year water management plans—double the time provided in the June bill. These two changes will provide much more security to water users.

The Government also proposes amendments to further clarify the existing provision in the bill for a priority right of renewal. Criteria in regulations will provide for renewal of access licences after 15 years, except in specific circumstances—for example, where there has been a breach of conditions or there is the potential for significant environmental impact if renewal occurs. Having these circumstances specified provides greater

security for long-term planning and investment financing. Both the term and renewal proposals are now more consistent with the requirements of the Council of Australian Governments to provide greater levels of secure water rights and greater definition of those rights.

The compensation provisions are also to be changed through the Government's amendments. The Minister will determine compensation for changes within the term of a plan, on the advice of the Valuer-General. That advice is to be based on the market value of the water forgone, rather than determined by the Minister and the Treasurer. This is a more independent process called for by many stakeholders. As I said earlier, the tabled bill provides for a special class of licence termed "opportunistic access" on regulated rivers. These are rivers where the supply is augmented by releases from the major rural dams. The proposed term of these licences was up to two years. The old common name for this type of water use was off-allocation, and it was not a separate right; it was merely covered under general administrative powers.

Under the Government's amendments, the licence category is now to be renamed "supplementary access water" to better describe its true nature. To hold a supplementary access water licence one must already hold an access licence. It is intended that the term for these supplementary access licences will be the same as the term of the access licences to which they will be linked. Rules for actually gaining access to this water will be contained in the water management plans. As has always been the case with off-allocation access, there is no guarantee of its availability in any season or year, or into the future. However, it is an important water supply in some river systems and its extent and nature will be defined in the water management plan through a transparent, consultative planning process. It still retains the lowest priority and security of any category of licensed access, and is not subject to any compensation provisions.

However, providing access to this water through a licence with sharing arrangements prescribed in the plan will provide clearer rules and guidance on the management of this water. That is important because this water is essential to meeting environmental needs in many valleys and is also used by many licence holders to supplement their normal water allocations. The June bill provided for the establishment of a register of all access licences and transfers, and for the regulations to determine its form and content.

A number of stakeholders wanted the register to be similar to the land titles register which guarantees title, but the Government is taking a different approach. To address the issue of security for investment borrowings, the Government's amendments include a requirement that the applicant must obtain the written consent of any registered third party interests before a transfer can be approved. The licence or approval holder can register these third party interests. We believe this is a reasonable compromise between the banking sector preference for a register which guarantees title and other interests who prefer a minimalist approach.

A major issue during the consultation phase revolved around who should bear the cost of any reductions in water availability to provide for increased environmental flows or river health requirements, and to provide for investment in water savings infrastructure. The Government's amendments provide for the establishment of a Water Investment Trust to fund activities that result in environment enhancement and investment in water savings. This would be in a similar fashion to the newly announced Snowy River initiatives. Details of the operation of the trust will be provided in a regulation.

Honourable members should note that all the major peak stakeholders supported a trust or partnership funding model in one form or another. The Government intends to continue consultations with agencies and community stakeholders to resolve details of the trust arrangements. As I have indicated, this will come forward as a regulation under the new Act. The tabled bill deals with a number of other water rights provisions, but some minor administrative matters warrant specific mention during this debate on licensed water rights.

The Government proposes an amendment to provide for exemptions from access licensing in certain circumstances. This is a clarifying amendment to ensure that minor water extraction activities do not require a licence. Examples might be pumping ocean water into a ship's hold for ballast water or the filling of swimming pools from estuaries. The definition of water sources is to be amended to clarify that flood-plain harvesting is covered by access or approvals licensing. This again is a clarifying amendment to the drafted bill. There are also amendments to the water pricing section of the bill. [*Extension of time agreed to.*]

Stakeholders were concerned that the bill did not refer to the Independent Pricing and Regulatory Tribunal [IPART] and that it appeared that the Minister would set charges. A reference to IPART is not strictly necessary because IPART has its own legislation. The reference to IPART on bulk water services would naturally continue to apply under the bill. However, for the purposes of removing any doubt, the finance section

of the bill will be amended to remove references to pricing principles. The ability of the Minister to set and recover water charges will now be similar to the provisions of other government authorities subject to IPART references.

The bill requires water use approval to be advertised to allow third party objections, but not other types of approvals. That approach has been criticised as being too inflexible. The Government's amendments enable the Minister to advertise approval applications for the purposes of third party objections and appeal rights. The regulations will set out the matters which are to be advertised. Finally, there is no explicit emergency water provision in the bill for times of extreme water shortage. The Government's amendments include a provision to specify priority at such times. The Minister will be provided with an emergency power which will not affect access rights in normal times. The Minister has other longstanding powers under the Water Act 1912 which have been carried forward in this bill. The New South Wales Labor Government is offering the best deal for its water users and the environment compared with those provided in the other States and Territories. I have no hesitation in commending the bill and the Government's amendments to the House.

I turn to the role of the irrigators of New South Wales, particularly western New South Wales, in bringing matters to this stage. It is always a risk to single people out for special mention, because the upshot will be that some will be offended by omission. I acknowledge Colin Thomson, from Wentworth, the President of the New South Wales Irrigators Council; Laurie Arthur, from the south, who represents the interests of general security, particularly the rice growers; and Ian Cole from the north, who represents the interests of the cotton growers. I have had a long association with one or two of them. Earlier I made mention of the Minister's admiration for local government. Ian Cole is now secretary of the Bowen-Bourke users group; he was the deputy mayor of Bourke for four years, when Wally Mitchell was mayor. Col Thomson and Laurie Arthur do not have a long association with local government but they have worked together and with all the interest groups in bringing the bill to this stage.

I acknowledge the role of the Irrigators Council and also the salient role of the New South Wales Farmers Association in the process to this stage. John Cobb, John McEwen and others of that ilk have played a big role in the process. I salute them and congratulate them on bringing forward this difficult issue. I am not an admirer of the Nature Conservation Council. However, I acknowledge that it has played a role in this process. In June last year, at the request of the irrigators, a meeting was held in the Broken Hill Trades Hall for the purpose of forming the New South Wales Irrigators Council. At that time I was advised that little agreement would be reached between the irrigators, the cotton growers in the north and the rice growers from the south. It was high security versus general security.

I will always remember a fantastic letter I got from Tooleybuc on behalf of the high-security irrigators which stated that rice should not be grown anywhere south of the equator. If I ever get to write my memoirs, that correspondence will be included. We have moved forward a long way since that time. That meeting in June last year led to the formation of the New South Wales Irrigators Council. Two months ago I attended a meeting at Victor Harbour which was also attended by irrigators from four States. The traditional enmities were put aside. The argument from South Australia that New South Wales was stealing all of its water and that somehow New South Wales was contaminating the water was put aside.

I am happy to report that a meeting will be held in Deniliquin next January for the purpose of setting up the Murray-Darling Irrigators Council, which will reflect the interests of the four States concerned. Surely that is a landmark decision from western New South Wales, northern Victoria, southern Queensland and South Australia. As we go forward we will gradually eliminate all the nonsense that has gone on in the past: New South Wales blaming Queensland for blocking the rivers and not allowing the water to come down; New South Wales blaming Victoria for wasting water on fat lambs and flood irrigation, and not using it sensibly on high-value horticulture or whatever. The formation of the council means that South Australia will take part in discussing how we can go forward with one voice for the benefit of the Murray-Darling Basin.

Irrigation is of the utmost importance to western New South Wales, which has two growth industries: irrigation and tourism. It is regrettable that the pastoral industry is on its knees. One reason for that is low commodity prices and another is that we cannot get our sheep down to the magic 22 microns. Traditionally our sheep produce around 24 to 26 microns, the old carpet standard product. Unfortunately that market is no longer available. Similarly, the mining industry is on its knees in relation to employment. We have to progress irrigation. We must put aside the objections—not from my colleagues but from members from the north shore. People blame irrigation for all the sins of the world. Irrigation is and will continue to be of vital importance to western New South Wales. Currently in Broken Hill there are only 630 people employed, including contractors, compared with Bourke where there are 670 people employed on irrigation, full-time.

Mr WINDSOR (Tamworth) [12.36 p.m.]: This is an important bill. Before outlining the major issues I ask the Minister to consider before final deliberations take place, I will make a few general observations. The country Independents have been concerned about this whole issue and have put a tremendous amount of work into it. With the honourable member for Dubbo and the honourable member for Northern Tablelands, I travelled to various river systems in New South Wales. After the white paper was published earlier this year, we raised the issue of water management with members of catchment management committees, councils, et cetera, over some months. It is of critical importance to people west of the range, given the cap on the Murray-Darling system, the Salinity Summit that was held in Dubbo last year, and the various utterances from members of the Federal Government in relation to salinity and other issues.

Water management is probably the most critical issue that this Parliament will deal with in its lifetime. As I said it is absolutely critical to those west of the range, but I appreciate that the bill has implications for parts of the coastal system. Given the significance of the Murray-Darling system to eastern Australia, the bill arrives at an opportune time. I thank my country alliance colleagues—the honourable member for Dubbo, and the honourable member for Northern Tablelands—for their work in organising meetings with the Minister and his staff, with members of various parties represented in the Parliament and also with the departmental officers, who have been willing to talk about the various issues that have been raised.

This bill will always receive some degree of criticism. I will make some points at a later stage. The Minister has attempted to listen to the wide-ranging concerns that have been expressed. Water resource management is a vexed issue. It is very difficult for anybody to come to grips with such an issue because in many circumstances it involves allocating a resource which in the past has been subject to overallocation. That description may not apply to every valley, but it would certainly apply to some. The Namoi ground water system, with which the Minister is very familiar, must be examined if we are to come to grips with sustainability in the future.

I note the point made by the honourable member for Murray-Darling about the movement that has occurred over the last few years within the irrigation industry. That is a very important matter. Some years ago people were entitled to take as much water as they wanted. The considered position was that the fight for water would soon be on. All water users, particularly the irrigation industry, farmers and others, as well as graziers and domestic consumers, recognise that the issue of sustainability must be addressed and that legislation must be implemented that can deal with the problems associated with that issue.

A great deal of consultation has taken place. As all honourable members would know, the bill is a massive piece of legislation, and I had not intended to speak to it today. The Government has circulated 161 amendments and the Opposition and I may also propose some amendments. The bill is enormous, and if people are expected to come to grips with it, that will take time. I will reserve most of my comments until the Committee stage, when honourable members, having found their way through the provisions of the bill, will surely have suggestions for improvement. The Minister has demonstrated that he is willing to listen. I appreciate that he also has nature conservation supporters and others breathing down his neck. His task is to try to draw a thread through the fabric of consultation, and I ask him to give consideration during the next week's recess to logical suggestions made by the irrigation industry representatives and farmers. In my opinion there is room for improvement in the provisions pertaining to some of the issues addressed by the bill.

I now address the philosophy that has woven its way through the bill. One of the difficulties I have noticed, about which I have written a number of articles, is that at a meeting between the country Independents and the Treasurer, Minister for State Development, and Vice-President of the Executive Council, Michael Egan—and I thank the Treasurer for that meeting—one matter that was discussed was the conundrum of the theory of competition being applied to a scarce resource such as water. Although the amendments that have been circulated improve the situation, the bill appears to impose among all the competing users a market mechanism over the allocation of water. Although I can understand the logic, a difficulty I have is that the same logic has not been applied to flows described as being for environmental purposes.

Irrigators and other consumers have had to face a market mechanism, but access to water for environmental purposes can be determined by the Minister or through the catchment plans. That position has been improved by extension of the compensation period and management plans to 10 years. If the Minister intervenes in the process and takes water out of the system and allocates it for environmental purposes, that triggers a compensation process. One of the matters that has been raised is that the original bill had a five-year trigger mechanism. The country Independents argued quite strongly—as I am sure Country Labor representatives who are involved later did—that that was not sufficient.

Since that time the Minister has amended that provision and the management plans have been extended to 10 years. If there is a change, that change will trigger a process which will give the irrigators access to compensation for the loss of the resource. I ask the Minister in his reply to flesh out those matters and make the position clear. There is confusion in the irrigation industry about the 15-year licence, the 10-year management plan and the five-year review of the management plan. If there is a change in the bulk access regime after the five-year review is completed, the catchment committee and the Minister can extend the licence for another 10 years at that time, if there is agreement. Perhaps some finetuning can be done because there is still concern in the irrigation industry. It could be the case that in year nine a consumer may not know what will happen in year 11. The banks may suddenly freeze lending facilities because of uncertainty.

Mr Amery: They will know one way or the other within five years.

Mr WINDSOR: I believe that the provision should be set in concrete because, effectively, that builds a 15-year framework which will fit much better with what the Australian Bankers Association and others have been saying about certainty for the future. The provision has to be stated very clearly for all and sundry to indicate that that is the purpose of the bill. I would be grateful if the Minister would examine that issue during his reply. A very positive aspect of the bill is the establishment of the Water Investment Trust concept. That could be the vehicle to deal with some of the water adjustment problems that will arise, particularly in areas where an overallocation and overuse of the resource has occurred, and could also be the vehicle to address salinity issues at a later stage.

The type of partnership involving Federal, State and industry funding could drive water use sufficiency programs and other programs that will move this nation towards resource sustainability. I notice that the Deputy Prime Minister recently made a few comments in what appeared to be an attempt to upstage a few people. I interpret his comments to mean that he may well be quite prepared to be involved in the funding of a Water Investment Trust. I am not sure whether that is what he was saying, but it is certainly a matter that should be fleshed out. We need to know whether the Deputy Prime Minister is prepared to be involved in a partnership to come to grips with some of the adjustment problems in making sustainability a reality.

As I said earlier, the water management plans have been extended from five years to 10 years and the term of the licence has been set at 15 years. I have asked representatives of the Irrigation Association of Australia and the New South Wales Farmers Association to comment on the change from opportunistic water to supplementary water and on the extension of the term from 10 to 15 years. At first glance those provisions appear to be encouraging. Those matters were examined very carefully in relation to the Namoi ground water issue, and the Minister will receive a report on them fairly soon. The Minister should be complimented on the amendment which builds into the access regime a greater degree of certainty.

Amounts of compensation are still an issue. I ask the Minister to attempt to dispel confusion associated with periods of five, 10 and 15 years that are being bounced around. I am disappointed that the Government did not go along with a 15-year property right and the triggering of compensation by the 15-year period. However, finetuning associated with the five years and 10 years review may bring about some improvement.

Mr Black: There could be some difficulties in the upper House.

Mr WINDSOR: I appreciate that, and I think the irrigation industry appreciates that also. There could be difficulties in the upper House, but if the lower House can agree on a process, that is a start. Difficulties associated with having the legislation passed serve as a warning for the irrigation industry. If the lower House can agree on a process, that indicates some certainty or likelihood that the bill received in the upper House will be accepted. However, if all hell breaks loose in this Chamber, the Minister has threatened to go back to the original draft of this bill. I do not think anyone wants that to happen, and I hope that is not the case. [*Extension of time agreed to.*]

Mr Amery: The Nats opposed you again.

Mr WINDSOR: I am pleased to see that the National Party is right behind me. I ask the Minister to consider whether there is any further room to adjust the time scale in the compensation process. If 15 years is not acceptable within the Cabinet, perhaps 12 years would be acceptable. Perhaps the Government could finetune the detail on the 10-year plan and the five-year review. At the Salinity Summit in Dubbo last year I told the Premier that one of the problems the Government has to overcome is that people, particularly country people, do not trust anyone anymore.

Mr Amery: They trust you and Country Labor.

Mr WINDSOR: The Minister is half right. People would like to be able to trust the process in this bill. But the history of government suggests that they cannot trust the process because there is always some devil in the detail. The Government has to flesh out the detail, whether it is about the workings of the investment trust or local government water. The Government has to clearly spell out the fine print. Some of these matters are being left to regulation, which is a matter of concern to people. I do not mean that the Government has a sinister motive, but the community is concerned about what the Government will do in regulation. The Government says that once the bill goes through it will treat some of these issues in the regulations.

Even if it means delaying the bill—and I do not think the Federal Treasurer would withdraw the COAG payments if the bill were delayed for improvement—people must be allowed to have access to the facts and the way the bill will work. Many country people believe they have been conned in the past, particularly in the resource management area. The honourable member for Bathurst raised the issue of local government, which is also of great concern. He, like me, represents an area in which one of our communities has been involved in the financing of a dam. Over many years Tamworth has been involved in a sharing process with irrigators on the Peel River. Tamworth City Council has very great concerns about the effect of the framework within the bill on its capacity to grow in the future. I appreciate that the Minister will be meeting with those people next Thursday week to talk about this issue. However, it is a matter of great concern.

There are some unique cases, and Tamworth City Council is one of them. Money was put into construction and a legal document was drawn up to guarantee access of up to 16,400 megalitres to the council. It is concerned about what is actually in the bill. The amendments have changed the meaning of "town water access"; it is now slightly different. The Minister in his speech said that the town water issue would be covered in the regulations, that the Minister would set an initial allocation and that a growth factor would be built in on population statistics. We have recently seen what plucking population statistics out of the Australian Bureau of Statistics figures can do in terms of country areas. We must be very careful about that, and the effect of the regulations on the growth of these communities has to be explained.

My advice, for what it is worth—and some councils would disagree with me—is that a special licence should be set up for regional communities that have a longer-term horizon in the growth of their access to water but may not have access to the market to sell off that water; that for regional development growth within their boundaries the communities have a limit higher than 2 per cent over their current usage, or whatever the process determines; and that if they are not using the water allocated in the higher horizon, water be allowed to go back into the allocation pool to other water users. Perhaps there is some way to establish a special licence with a higher degree of certainty for growth than is currently within the bill and may not be within the regulations.

Again, I am talking about the fine detail, which I believe is very important. I know that the honourable member for Bathurst, local government and others are concerned about this issue. I hope that out of our meetings the Government will clarify some of those issues. I will consider moving an amendment on that issue. As my time in this debate is short, I will refer to a very important matter. The bill will put in place a register of access licence, and I agree with that. I would suggest very strongly that the department should not be empowered with that function. The Land Titles Office, which has highly skilled staff and the capacity to do that sort of work, should be considered as the organisation to conduct the register. In conclusion, the Parliament has a unique opportunity to come to grips with this issue. Hopefully the bill will pass through the lower House with the agreement of all members. There will obviously have to be some movement on some of the issues. I hope that on this bill we, as a Parliament, back the one horse.

Debate adjourned on motion by Mr Anderson.

[Madam Acting-Speaker (Ms Beamer) left the chair at 12.57 p.m. The House resumed at 2.15 p.m.]

BUSINESS OF THE HOUSE

Order of Business: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to enable:

- (1) the resumption of the second reading debate on the Industrial Relations Amendment (Council Swimming Centres) Bill; and
- (2) the taking of private members' statements after the consideration of the order of the day on the Water Management Bill.

Suspension of Standing and Sessional Orders

Mr HARTCHER: I seek leave of the House to move a motion for the suspension of standing and sessional orders so that the routine of the House may be interrupted at 3.00 p.m. this afternoon and Ministers may assemble for the taking and answering of questions.

Leave not granted.

Suspension of Standing and Sessional Orders

Mr FRASER: I seek the leave of the House to move a motion for the suspension of standing orders to move and debate the following motion—

Mr Whelan: Leave is not granted; it would not matter what you were seeking to do.

Mr FRASER: Just listen to the motion.

Mr Whelan: No, I am not listening to the motion. Leave is not granted. The Government is running the program; this is the Government's program. You had all day yesterday to put this up.

Mr FRASER: The motion is:

That this House:

- (1) Condemns the National Parks and Wildlife Service for indiscriminate, inhumane and barbaric slaughter of brumbies in Guy Fawkes River National Park.
- (2) Notes the finding of a horse by RSPCA officers which had been injured, with two heavy calibre bullet wounds, barely alive and suffering for 14 days following this barbaric slaughter—

Mr Whelan: Leave is not granted.

Mr FRASER: I have not finished my motion.

Mr SPEAKER: Order! The Leader of the House has indicated that leave will not be granted. Obviously, it is futile for the honourable member for Coffs Harbour to continue. Is leave granted for the moving of the motion to suspend standing and sessional orders?

Mr Whelan: No.

Mr SPEAKER: Order! Leave is not granted.

Mr Souris: Point of order: The point of order relates to the way you are handling this debate. How can you possibly adjudicate a reply of that nature—which is nothing more than an interjection—without hearing the text of the motion? Leave cannot be granted or refused unless you know what is being requested. The fact that the honourable member stood up is not a ground to refuse leave.

Mr Whelan: This is a stunt.

Mr SPEAKER: Order! I will hear no more on the point of order. As I said earlier, the Leader of the House has indicated that the Government will not agree to any changes in the program. The honourable member for Coffs Harbour cannot again seek leave to suspend standing and sessional orders in relation to the motion he has referred to, as that matter has been dealt with. That does not preclude him or any other member from seeking to suspend standing and sessional orders in relation to another motion. If the Leader of the National Party wishes to seek leave to move a motion to suspend standing and sessional orders, he may do so. However, that does not mean that he will be allowed to read his motion in its entirety.

Mr Souris: Further to the point of order: If you are referring to the program for today as published, then that is what I am working on. But if you are referring to the way in which the Leader of the House is changing the program arbitrarily, summarily and verbally during the process, then that is not good government or good management of Parliament and does not reflect well. The issue today in relation to the slaughter of those brumbies is being swept under the carpet, like everything else this week.

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

INDUSTRIAL RELATIONS AMENDMENT (COUNCIL SWIMMING CENTRES) BILL**Second Reading****Debate resumed from 31 October.**

Mr HARTCHER (Gosford) [2.20 p.m.]: The Coalition does not oppose the Industrial Relations Amendment (Council Swimming Centres) Bill, which was introduced in the Legislative Council. This is a Government bill that follows a private member's bill introduced in 1998 by the Deputy Leader of the Opposition in the Legislative Council, the Hon. D. J. Gay. That bill sought to achieve what this Government's legislation now seeks to achieve—to remove swimming centre operators from the schedule in the Industrial Relations Act that makes them employees for the purposes of the Act.

The Australian Labor Party has a long history in this State of passing legislation deeming people to be employees who are in reality independent contractors. This is not done for their benefit, of course, it is done for the benefit of the trade union movement in its attempts to ensure that people are liable for employee status and, therefore, can be, according to the union, attracted into union membership. We have had countless incidents of the economic life of this State and the industrial relations of this State burdened by legislation that has no real purpose other than advancing the cause of trade union membership, and this is yet another example.

The Government, in that long schedule to the Industrial Relations Act, deems all sorts of people as set out in the schedule to be employees, even though they are by any other legal standard independent contractors, and it cares little for the consequences of its legislation, as long as the relevant union is happy. In this case the relevant union is the Municipal Employees Union. However, the impact on swimming centres across the State has been enormous. As the swimming centre managers and their staff are deemed to be employees, they have to be paid at an award rate, given award conditions and work a 38-hour week, even though swimming pools in country towns, especially, operate for very long hours as a community facility. This has led to a great financial burden being imposed upon councils; so much so that councils are reluctant to operate the swimming pools.

The traditional way of leasing out the pool to a contractor so that he can manage it, open it at the appropriate hours, employ the staff and ensure that the community gets a facility and gets it at a reasonable cost, was simply overturned by this schedule to the Industrial Relations Act. It had such an impact that finally the Local Government and Shires Associations went to the Government and demanded that the law be changed. The problem with the legislation was identified a long time earlier by the Coalition parties. An appropriate remedy, a private member's bill, was proposed in the Legislative Council by the Hon. Duncan Gay, but that was ignored by the Government, which used the weight of its numbers to try to ensure that it was not advanced in the name of the Hon. Duncan Gay, but it is the Hon. Duncan Gay who must get the credit.

It is the Hon. Duncan Gay who has worked for this, it is he who has been in consultation with the Local Government and Shires Associations, it is he who introduced the private member's bill, and it is he who sought to ensure that swimming pools and swimming centres across New South Wales are effectively open for the benefit of the community, and that such community facilities are run so that everybody can enjoy them and are not so financially burdened at the behest of the relevant trade unions that they become a massive liability for the councils.

The legislation is certainly not opposed by the Coalition. But the Coalition points out that in no way can the Government take any credit for it. The Government is two years behind the private member's bill of the Hon. Duncan Gay. We look for other provisions in that schedule to the Industrial Relations Act to be corrected as well. There are sections in the schedule that deem persons to be in the information technology industry, even though they operate from home and are, effectively, completely independent. There are sections dealing with truck drivers, sections dealing with people in the housing industry, and sections dealing with people in the film industry, some of whom are people self-employed, operating their own businesses, running their own show, looking after their own finances, making their own deals and entering into their own contracts. Yet, they are caught by this Act in an attempt by the Australian Labor Party to advance the cause of trade union membership.

They do not have to speak for them an association as powerful as the Local Government and Shires Associations. Accordingly, their chances of getting remedial legislation from the Government is far more limited than it is for the Local Government and Shires Associations. But we are here to plead their cause and we will plead it for them. Upon reattaining government the Coalition will look at industrial relations and try to establish a sane and workable policy that looks after the people of this State, rather than one that seeks to

advance the cause of the big right-wing unions, in this case the Shire and Municipal Employees Union. This Government is two years behind the times. This Government has now been dragged screaming and kicking into presenting to Parliament legislation that it should have agreed to a long time ago. The whole credit for the legislation goes not to the Government but to the Hon. Duncan Gay.

Mr WHELAN (Strathfield—Minister for Police) [2.27 p.m.], in reply: I thank the honourable member for his contribution.

Mr Souris: On the grounds that the Leader of the House has denied me the opportunity to move my motion, I seek to move that the Leader of the House be no longer heard.

Mr SPEAKER: I propose first to put the question that is before the Chair: That this bill be now read a second time.

Question put.

Motion agreed to.

Bill read a second time.

Mr SPEAKER: Did the Leader of the National Party wish to address the Chair?

Mr Souris: Well, the Leader of the House is no longer speaking. By way of explanation, I am seeking leave of the House to move a very important motion, for which leave has been denied. I am trying to create the space and time to move my motion.

Mr SPEAKER: Order! I will allow the Leader of the National Party to move his motion when the business that is before the Chair is concluded.

Mr O'Farrell: Point of order: I regret to say that that last little episode confused me mightily. I thought the motion that you were putting was, in fact, the motion put by the Leader of the National Party. It was not clear until after you had rushed through the "Ayes have it" that it was then clear that you were not dealing with that motion, but with the second reading of the bill. Can I ask you to resubmit that vote?

Mr SPEAKER: No, I will not resubmit the question.

Bill read a third time.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Mr FRASER: Mr Speaker—

Mr SPEAKER: Order! What does the honourable member wish to do?

Mr FRASER: I seek leave to move a motion for the suspension of standing and sessional orders to permit the immediate moving and debate of the following motion—

Mr Whelan: Leave is not granted.

Mr Souris: Well, wait until you hear it.

Mr Whelan: Whatever it is, leave is not granted.

Mr FRASER: I seek leave to move the following motion:

That this House:

- (1) condemns the National Parks and Wildlife Service for the indiscriminate, inhumane and barbaric slaughter of brumbies in the Guy Fawkes River National Park—

Mr Whelan: Leave is not granted.

Mr SPEAKER: Order! The Chair has been lenient about discussion across the table. Earlier the House refused leave for the motion of the honourable member for Coffs Harbour to proceed. However, it seemed to me that the Leader of the House may have changed his mind and was prepared to let the matter proceed despite the earlier resolution of the House. However, it is now obvious that the Leader of the House has not changed his mind, and the refusal of leave stands. The honourable member for Coffs Harbour will resume his seat.

Mr SOURIS (Upper Hunter—Leader of the National Party) [3.21 p.m.]: I move:

That the honourable member for Coffs Harbour be now heard.

The House divided.

Ayes, 31

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

Noes, 34

Mr Amery	Mr Hickey	Mr Nagle
Ms Andrews	Mr Hunter	Ms Nori
Mr Ashton	Mr Iemma	Mr Orkopoulos
Mr Bartlett	Mr Knowles	Mr Price
Ms Beamer	Mr Lynch	Mr Scully
Mr Black	Mr Martin	Mr W. D. Smith
Mr Campbell	Mr McBride	Mr Whelan
Mr Collier	Mr McManus	Mr Yeadon
Mr Face	Ms Meagher	
Mr Gaudry	Ms Megarrity	<i>Tellers,</i>
Mr Gibson	Mr Mills	Mr Anderson
Mr Greene	Mr Moss	Mr Thompson

Pair

Mr Collins

Mr Woods

Question resolved in the negative.

WATER MANAGEMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr ANDERSON (Londonderry) [2.41 p.m.]: I support the Water Management Bill. To give the House a brief background as to its importance and why it is so timely, I point out some of our experiences. In 1995 when I was first elected to the Parliament I went with the then Minister for Land and Water Conservation, the Hon. Kim Yeadon, on a trip to the Murray River. Our first reception was the mayor's welcome at Wilcannia airport when he talked about concerns he and his community had about the lack of an adequate water supply and

how desperately low the Murray was at the time. He took us in his own vehicle to a number of places where the Murray was so low that it was a matter of ponds. He explained that over a few short years the water levels had depleted so greatly to be of major concern. He introduced us to some people who related how their businesses were being affected dramatically by the lack of an adequate water resource.

We went on trips further down the Murray and the Minister chaired a number of community meetings during that trip. Those meetings were quite hostile and strong in their references to the Minister that something had to be done about the water levels of the Murray, that there had to be some guarantees and that this Government was going to be held responsible for providing that level of guarantee. This brought home to us quickly the major problem that existed in this part of New South Wales. I listened with interest this morning to the contributions of my colleagues, particularly those of the honourable member for Murray-Darling about the impact of the inadequate water resource in his region, what had to be done and how everybody was working in a co-ordinated fashion to find solutions to these major problems. However, I signal to those honourable members that as much as their concerns are great, they are not the only concerns. The north of the State and the Sydney metropolitan area also have major concerns with water supply.

I will talk about my Londonderry electorate at another time. Last year, with the honourable member for Wollongong, the Parliamentary Secretary assisting the Deputy Premier on Aboriginal Affairs, I went to Moree and other places in the north and north-west. We were amazed at some of the issues that faced us when we met with communities. As members of the Aboriginal committee on a fact-finding trip, we looked at a number of initiatives that Aboriginal people had taken up and were being assisted by the north-west area health service. They were trying to develop a program of growing healthy foods for their own communities. When we saw the project they had planned and read their submissions, we made representations to the area health board for a response to the service and submissions. The recommendation was that although the initiative was great, it could not be supported because there was not enough water in the McIntyre River to carry the program over future years.

Last year was a pretty good year with lots of water in the system, but previous experience indicated the McIntyre and other tributaries did not have enough water to guarantee that even if many hundreds of thousands of dollars were invested in this project, that it would be successful in future years. Right along the system there were major concerns about the level of water and how sustainable the supply was—a number of projects could not proceed, and we had seen just one. We found that other people in the system also had grave concerns.

The Murdi Paaki Aboriginal group, who are just out of Moree, showed us their investments in the future. They had great hopes and aspirations because they were doing great things. Their wheat crop had already been pre-sold to Uncle Toby's, and they had received guarantees for the sale of their wheat crop for years ahead provided they were able to grow it. However, they were not sure there would be enough water to grow their products because no guarantee was given. Along the whole river system there was real concern, which was holding back investment and the opportunities of indigenous people to do things for themselves and to make their communities sustainable.

This whole issue has tremendous impact right across the State, not just in the Greater Murray. Again, I thank the Minister for his tolerance and his co-operation, because when the water issue first raised its head, there was an element that created a great deal of debate in my electorate of Londonderry. For a large part my electorate is bounded by the Hawkesbury-Nepean system and the South Creek system. Over the years a tremendous amount of investment in agricultural industries has taken place within that system. I was inundated with requests for meetings with different water user groups to talk about the security they seek for their businesses and investments.

One of the issues was water allotments. The Minister was only too pleased to meet with the stakeholders. He came out to Hawkesbury council and sat with the economic development board and council officers. The meeting was chaired by the mayor. The Minister had very frank discussions. Even though we were talking about water allocation, the debate developed quickly into the total management package for the water system. The concern was so great that these people developed a full-blown debate on water management issues.

At a later time, and as a result of that meeting, the Minister agreed to receive a deputation in his office of some of the members of the Hawkesbury-Nepean irrigators. When we had that meeting in his office he had difficulty finding a seat, because so many turned up there was standing room only. These were people who wanted to come and talk about water issues in the Hawkesbury-Nepean area. They all had an opinion and they all wanted to voice it. They were all talking about water management issues. They very quickly got away from

the allocation to talk about total water management. In all the discussions we had in every part of the State we got away from water allocations to talk about water management issues. That is why this bill is so important and the issue is very sensitive to people right across the State.

The Minister has to be congratulated for bringing this matter on in the way he has. Many honourable members have talked about the details of the issue, and I will not go into those. I want to talk about the level of co-operation and consultation. I was able to meet with officers from the Department of Land and Water Conservation. I thank the Minister for allowing two of his officers, David Dekel and Marwan El-Chamy, from the Penrith office to go with us and meet the people individually to talk about their issues. We set aside a number of days and went along the Hawkesbury-Nepean River and talked to each of the water users who indicated they wanted to meet with us. We spent some considerable time looking at their issues.

Again, as we talked about the volumetric allocation, the debate immediately returned to water management issues, because these people wanted a guarantee that in the future they would have some security. They wanted to know that what they were getting was going to be there for them in future years, because the investments they made were quite significant. For all those reasons, this bill has to be supported. It is putting in place a great deal of things that should have happened under the previous Government but did not happen. The Minister and his team are to be complimented on the way they have brought this together and for their level of consultation.

The meetings that I have spoken about were not part and parcel of the consultation the Minister mentioned in his speech to the House earlier this week. These were all issues on the side that the Minister took on board so everybody in every region could have a say in what was important to them. Most of those issues and lots of the suggestions have been taken on board by the Minister, hence the 160-odd amendments that he referred to in his speech to the House. A lot of good things have come out of the consultation. I look forward to future meetings when we get down to the detail of these issues and the opportunity to participate with the Minister to make sure that all people who have an interest in water rights and water usage issues get the hearing and consideration that they deserve. Congratulations to the Minister, and I support the bill.

Mr PRICE (Maitland) [2.55 p.m.]: I support the Water Management Bill. In particular, I would like to address the important issue of basic land-holder water rights. The bulk of the northern and eastern sections of my electorate is intertwined with the river systems that support the Hunter River catchment, and water issues are extremely significant to irrigators as well as cattle and dairy producers in my electorate. The Minister has already stated in relation to basic water rights that the Government will be moving amendments in Committee to prescribe domestic and stock rights by purpose only. The current bill also provides for the setting of a maximum volume, but the Government does not intend to carry this provision forward.

To put the Government's amendments into perspective, some background is warranted. Land-holders in New South Wales with river frontages have had the right for more than a century to take the water they need for their domestic and stock needs as riparian rights. On average the extraction of water for stock and domestic purposes represents about 7 per cent of the total annual water extractions throughout New South Wales. Total water extractions are about 8.5 million megalitres each year. The 7 per cent of water extracted for stock and domestic purposes amounts to half a million megalitres from our river systems and about 100,000 megalitres from our aquifers.

The Government is not only preserving these traditional rights but is also extending them in a formal legal sense to ground water users. I want to briefly explain these basic land-holders rights. They are the most fundamental rights of farmers to obtain water for their basic household needs. As I said, the bill seeks to protect and preserve the existing right of land-holders with river frontage or access to ground water. Under the bill people can continue to obtain water for their homes and household gardens and to water their stock without going through a licensing process. The bill also seeks to limit the potential for the overuse of water to cause water shortages or damage the environment. The bill, as is currently the case under the Water Act of 1912, does not allow for the taking and use of stock and domestic water for commercial purposes, for the irrigation of crops or intensive animal husbandry. This is particularly relevant for rivers used for town water supplies. The honourable member for Bathurst commented at length on the need to preserve the water allocations for country councils and also to provide for the growth of those cities and towns, as hopefully will occur over the next several years.

The Government wishes, through amendment, to ensure land-holders are able to access water for domestic and stock watering purposes with no restriction on the volume or method by which the water is taken, as is the case under the tabled bill. This amendment accommodates the concerns of the New South Wales Farmers Association in that the existing riparian rights of farmers might be diminished under the bill.

Furthermore, the Government does not intend to establish a rule whereby all land-holders with domestic and stock rights would be required to measure, record and report the volume of water they take for purely domestic needs.

That scenario was suggested by some, but it could lead to enormous and prohibitive compliance and enforcement costs. It is simply not practical either for government or for water users. Accordingly, it is proposed that land-holders with river frontage or access to groundwater will be able to obtain, without the need for an access licence, sufficient water for normal household purposes. This would include the watering of domestic gardens of up to half a hectare. This is well over one acre for those of us who think in the old imperial system. I am sure most honourable members would agree that that is a reasonably sized garden and keeping an area of this size weed-free would constitute a major headache for the average home gardener. In addition, land-holders will be able to obtain sufficient water for watering of stock raised on the land without the need for an access licence. The intent of the bill will remain.

Just to dwell briefly on water quality in some of our rivers, in our area over recent years we have noticed reasonably significant degradation of the waterways with increased use by some farmers of phosphates and nitrates and the increase in faecal solid levels in some streams. There is a need not only to preserve the use of water but to look closely at the quality of water and institute some mechanism for keeping cattle away from the streams, either by fencing or some other means, and also to check carefully the need for the use of excessive chemicals in terms of agricultural production.

Returning to the bill, domestic and household use will not include irrigation, intensive animal husbandry, horticulture, aquaculture or similar commercial operations. Land-holders accessing their basic right from groundwater will, however, need to have an approval for their bore or well. This confirms the current situation and is an important requirement. These works, if not properly constructed and maintained, can cause contamination of the whole system. In addition, it is important to know the location of these bores in the event of ground water contamination in an area. This knowledge is also important so that other larger access extractions are kept at distances that minimise interference with the stock and domestic bores or wells. This is an essential provision to protect the interests of the land-holders and not erode their basic rights.

The Government, however, has heeded the concerns of many people, mainly from the North Coast and the Hawkesbury-Nepean catchments, who consider that the subdivision of rural properties into smaller holdings for hobby farms and rural residential use is causing local water supplies to become scarce. This problem is considered to be real but localised. Existing land-holders would be unable to access their basic right owing to a proliferation of hobby farms. These situations can be better dealt with on a case-by-case basis with the active involvement of local communities and councils rather than by imposing a uniform rule across the entire State. Whilst it is a problem of note, it is interesting that in my electorate at least two councils are moving towards variation of their local environmental plan to restrict hobby farm proliferation for a variety of reasons, water being one of them, but probably just as importantly to maintain the amount of arable land and farmland generally within the boundaries of their shires.

The Government's proposed amendments provide an emergency power to limit the exercise of these rights in specified circumstances. For example, where there is a threat to public health or of significant harm to the environment, a Minister should have the power to take appropriate and prompt action. This is an important provision to protect land-holders in circumstances where the water source from which they access their basic home water needs becomes contaminated. Other legislation contains such emergency powers and they are not used capriciously. I would remind the House that the bill also contains the harvestable rights provisions that the Government first put into legislation in 1998. In addition to domestic and stock rights, land-holders can capture a minimum of 10 per cent of the rainfall run-off from their land in farm dams.

I believe that should provide the incentive needed for many land-holders to ensure that they keep their dams clear and free of aquatic vegetation, as often occurs, and do not destroy the rainfall capture provisions they have over many years paid to obtain. It would probably resolve the problem to a large extent of domestic pumping or unlicensed pumping from a river, which will be illegal under the terms of the legislation. This access to water is also free of licensing provisions and the water can be used for any purposes. These arrangements will provide land-holders with basic entitlements that should be adequate for their fundamental household needs, free of red tape and without compromising the water supply to each other, for licensed water users or the environment. I congratulate the Minister on this piece of legislation and commend the bill to the House.

Debate adjourned on motion by Mr Maguire.

Pursuant to resolution private members' statements taken forthwith.

PRIVATE MEMBERS' STATEMENTS

**INDEPENDENT COMMISSION AGAINST CORRUPTION
FORMER COMMISSIONER BARRY O'KEEFE, OAM, QC**

Mr GIBSON (Blacktown) [3.07 p.m.]: I am motivated by questions I am often asked as to what happens when a senior officer has abused his or her office. The 36 judges of the Supreme Court in this State are of the highest calibre. They are on a very high salary and have a non-contributory superannuation scheme, about which I have no worries whatsoever because the higher the standard of integrity the better for the community. That leads me to the Judicial Officers Act 1986 No. 100 and the previous Commissioner of the Independent Commission Against Corruption [ICAC], Mr Barry O'Keefe. Part 1, section 15 of the Act states that any person may complain to the commission about a matter that concerns, or may concern, the ability or behaviour of a judicial officer.

In my opinion, it is time that the Judicial Commission fully examine the five-year tenure of former ICAC Commissioner Mr Barry O'Keefe. It is ironic that although he was appointed to build up the ICAC and commenced with a vision to look after the proper expenditure of public funds, through his behaviour he turned his position into what the ICAC was really looking at. He used to travel from Mosman to Redfern in a Bentley at taxpayers' expense. It would have been far less expensive to have had people carry him across the bridge. There is no doubt that the previous commissioner, Barry O'Keefe, stuck his nose in the trough and had a really good guzzle. He had more trips than Christopher Columbus and Captain Cook. In the last four months of his tenure, from July to November, knowing full well that he was going to leave the job and depart in November, he took no fewer than four major overseas trips, visiting Thailand at a cost of \$1,814 and London at a cost of \$4,312. That did not include air fares, which were paid for by unknown benefactors. He also visited the Philippines, Hong Kong and South Africa at a cost of \$22,573 at taxpayers' expense, as well as Singapore, New Delhi and Bangkok at a cost of \$9,861.

I should like to know what value there was in those trips for the taxpayers of New South Wales and if he visited those places because he had the ability to go or whether he had a sincere purpose for going. What did the taxpayers of New South Wales get out of these trips? Where are the reports on these trips that the commissioner, by rights, should have given to the Parliament to scrutinise to ascertain the value of the trips? Compare the performance of Irene Moss, the new Commissioner of the ICAC. To my knowledge, she has not had one trip in the past 12 months. She is rebuilding ICAC to the height at which it should have been left by the previous commissioner.

There has also been much talk about people who have been given bonuses of \$30,000 while working for ICAC. I believe there were four employees in this category, and they have all since left ICAC. One must ask whether these bonuses were incentives for favours or whether they were incentives or bonuses above and beyond their contracted agreements. If so, for what purpose? Such bonuses go beyond employee contracts and beyond a just reward for the job. This in itself is questionable. To pay a bonus to someone over and above the contracted agreement is very close to corruption. It is also discriminatory in relation to every other employee at ICAC.

In my view the Judicial Commission must have a look at the case of Justice Barry O'Keefe so that the public of New South Wales can maintain its faith and confidence in all Supreme Court judges. Some honourable members may argue that we should not be talking about or criticising judges. However, if we cannot do so, that is discriminatory against members of Parliament. The Judicial Commission must examine this case, because we are talking about public expenditure. The record of Justice O'Keefe over the last four months of his tenure must be examined because ICAC had the temerity to sack a member of Parliament who used a warrant of another member of Parliament in order to do his job, rather than travel around the world and excite himself in the last four months of his employment. As I said, Justice O'Keefe has had more trips than Christopher Columbus and Captain Cook put together. It is time the Judicial Commission had a good look at Justice O'Keefe.

Mrs DOROTHEA DAVIS HOSPITAL TREATMENT

Mr MAGUIRE (Wagga Wagga) [3.11 p.m.]: Earlier this afternoon I contacted the Parliamentary Secretary assisting the Minister for Health to tell him that I intended to raise this issue, and I thank him for coming to the House to listen to my speech. On 7 September I had two constituents in my electorate of Wagga

Wagga, Mr Brian Davis and his wife, Mrs Dorothea Davis, in my office. They came to talk to me about a health issue that they had had to deal with. Mrs Davis came into my office assisted by Mr Davis. She needs to use walking sticks to aid her because her knees need replacing. After discussing the problem for some time, I made representations to the Greater Murray Area Health Service to see if Mrs Davis's operation could be brought forward. Appointments were made, and Mr and Mrs Davis attended those appointments, after which they corresponded with me.

I shall raise concerns detailed in that correspondence and ask the Parliamentary Secretary to look into them. The first concern is the delay of the operation. Unfortunately Mrs Davis had to postpone the operation originally because her husband became seriously ill and needed post-operative care. That placed her at the bottom of the queue again. The original forecast for the operation to replace the two knees was November. We were then informed that it would be January next year. Since then Mrs Davis has been advised that it will be April 2001, and I am advised today that that has been revised to June 2001. Mrs Davis was told by the local hospital that she should make inquiries with her specialist, which she did.

The specialist surgeon consulted by Mr and Mrs Davis put a different light on why the operations could not take place. They were told by the base hospital that waiting lists were not controlled by the hospital but by the surgeon, and if they were not satisfied they should consult another surgeon and try to get an appointment with someone who had a shorter waiting list. When Mr and Mrs Davis consulted the surgeon he put a different perspective on the situation with waiting lists. He said that the hospital controlled the operations that could be performed and when he could do them. In fact, the hospital had scheduled only one joint replacement operation for him in the past six months, and that was an emergency operation necessitated by a fracture.

The surgeon also said that although the hospital authorities would not admit that it was its policy, it was not scheduling joint replacement operations because of the expense and time involved. He further said that he was angry about the frequency with which the hospital cancelled scheduled operations. The letter provided to me, which I shall table for the edification of the Parliamentary Secretary, states that when Mr Davis was very ill he was appreciative of the treatment he received at Wagga Wagga Base Hospital and he is thankful for the attention he was given. He went on to say that last year the public hospital system provided prompt, efficient and inexpensive treatment which definitely saved his life.

Mr Davis said that the greatest benefit of the service was the consolidation of treatment which enabled him to be with his wife. However, he feels guilty because although he has been saved and his health is fine he is unable to help with his wife's pain and suffering. Seeing Mrs Davis walking from my office, I feel from the heart that I would like to help wherever possible. I ask the Parliamentary Secretary to look into this matter and to try to get Mrs Davis's operation brought forward so that Mr and Mrs Davis can remain at home together. It is obvious from the correspondence that they are deeply in love and want to be able to share their years together. They are 70 years of age. [*Time expired.*]

Mr McMANUS (Heathcote—Parliamentary Secretary) [3.16 p.m.]: I appreciate having the opportunity to respond on behalf of the Minister for Health to the concerns raised by the honourable member for Wagga Wagga. It is of concern that someone of such an age and with such incapacitation should be placed in this situation. All local members seem to be dealing with the difficulty and conflict of who is at fault in relation to hospital waiting lists. As a local member of Parliament I have had similar experiences assessing whether it is the doctor's waiting list or whether the doctor is blaming the hospital. I give the honourable member an undertaking that I will take this issue in hand urgently and initiate investigations on his behalf to ensure satisfactory answers for his constituents as soon as possible.

CENTRAL COAST REGIONAL ATHLETICS CENTRE

Mr McBRIDE (The Entrance) [3.17 p.m.]: The official opening of the Central Coast Regional Athletics Centre is on this Sunday, 5 November. A pageant and ceremony will run from 10.00 a.m. until 2.00 p.m. with the official opening at 11.30 a.m. or thereabouts. Between 9.45 a.m. and 12.30 p.m. there will be a number of demonstration events and demonstrations by successful athletes. For example, there will be a sports demonstration by Sydney 2000 Olympic athletes and Paralympic athletes. Ji Wallace, who is a resident of Terrigal and who won an Olympic silver medal in trampolining, will be there. Also there will be Liesl Tesch, Melissa Willson and Andrew Newell. Liesl Tesch, a Paralympic basketballer, won a silver medal—she is a teacher at Berkeley Vale Community High School—and will be doing a demonstration.

Anyone who has the opportunity to meet Melissa Willson, who is a Paralympian swimmer, will realise what an inspiration she is for everyone in the community. She is a magnificent young girl who unfortunately

suffered brain damage as a result of a cycle accident. She is a marvellous competitor. Another Olympian, Andrew Newell, won an athletics bronze medal. There will also be demonstration sports, for example, judo. We have an incredibly strong judo contingent on the Central Coast. There is a judo group at Kangy Angy, and its facilities were used for training by some Olympic personnel before the Olympics.

The sports also include Kanga cricket, athletics, Oz kick and Oz tag. Four years ago the Central Coast did not have one regional standard facility. Two have now been partly constructed by the Mingara Recreation Club, which deserves congratulations. The Olympic swimming pool is regarded as a regional swimming pool and was used for training by the Americans in the Panpacs last year and by the Belgium swimming team this year. It also was completed in the past four years. The NorthPower Stadium is owned by a consortium comprising the Federal Government, the State Government and Gosford City Council. It is a tremendous asset to the Central Coast and has had spectacular success with attendances. It was used during the torch relay celebration, in which 25,000 people attended. The stadium only holds 20,250 people, so another 5,000 had to watch the celebrations from surrounding areas. It was the most highly regarded celebration in the history of the Central Coast.

On Sunday the Central Coast Regional Athletics Centre will be opened, a world standard facility built by a number of different bodies. It should be noted that even though the facility is located in the Wyong Shire Council, Gosford City Council made a substantial contribution to its construction, because it is a regional facility. To my knowledge, and that of experts in local government matters, Gosford City Council is the only council to make a major contribution to a facility outside its local government area. Wyong Shire Council is a partner with Gosford Shire Council, along with the New South Wales Government, Mingara Recreation Club and Central Coast Region of Athletics New South Wales.

The contribution of the Mingara Recreation Club was the administration of the contract, preliminary activities related to the facility and provision of the land at Mingara. The all-weather synthetic track will be used by students from 46 local schools and will attract competitors from all over the country for sporting carnivals and meetings. It is estimated that some 60,000 athletes will use the track each year. I should point out that previously there was no synthetic track on the Central Coast, which is the third largest population centre in New South Wales, following Sydney and the Hunter. It is larger than Wollongong. The Central Coast is tremendously underresourced when compared with other areas in other States. The centre is a magnificent facility and I commend all those associated with the development and successful completion of this project. [*Time expired.*]

RETT SYNDROME

Mr STONER (Oxley) [3.22 p.m.]: I was recently honoured to attend the sixty-fifth birthday luncheon for the Macksville Country Women's Association [CWA]. I was invited to attend the luncheon by the President of the Macksville CWA, Marjorie Ashley, and the Secretary, Mavis Donnolly. The guest speaker was a gentleman who travels around New South Wales talking about a little known disease called Rett syndrome. This gentleman attends many CWA meetings because the Country Women's Association of New South Wales contributes funding towards research into Rett syndrome. Rett syndrome is a unique neurodevelopment disorder that begins in early infancy and almost always only affects girls. A child with Rett syndrome is usually born healthy and shows an early period of apparently normal or near normal development until six months to 18 months of life, when there is a slowing down or stagnation of skills.

A period of regression then follows when she loses communication skills and purposeful use of her hands. Soon, stereotyped hand movements, gait disturbances and slowing of the normal rate of head growth become apparent. Other problems may include seizures and disorganised breathing patterns that occur when she is awake. There may be a period of isolation or withdrawal when she is irritable and cries inconsolably. Over time, motor problems may increase, while other symptoms may decrease or improve. Many girls are misdiagnosed with cerebral palsy or autism. There is no known treatment or cure for Rett syndrome. Girls with Rett syndrome have unusually bright eyes and seem to understand more than they can express. The most severe handicap in Rett syndrome is apraxia, which means that the will to move is present but the child is unable to carry through the movement.

Most girls affected need assistance for all activities of daily living—feeding, dressing and toileting. Twenty-five per cent of the girls may never walk at all and about half of those who do walk will lose the ability at some time; 80 per cent have epileptic seizures that can be mild to severe; and 100 per cent are at risk of some degree of curvature of the spine. Other problems include digestive disorders and osteoporosis. This is a particularly nasty disease. At the meeting I met Jeff and Colleen Hannah from Scotts Head, who have a 19-year-old daughter with Rett syndrome. The guest speaker at the luncheon was trying to raise funds towards research into this syndrome.

The New Children's Hospital at Westmead is undertaking research into Rett syndrome, and the Parliamentary Secretary may be aware of this. Some recent genetic discoveries have been made in the field by a team headed by Dr John Christodoulou into the identification of the gene involved in Rett syndrome, a major breakthrough in understanding the syndrome. Scientists have begun screening DNA for mutations—that is, gene errors—in the MECP2 gene using samples from girls and women from all over Australia. This research and the breakthrough in the identification of the gene will assist with early diagnosis, which can result in the initiation of early treatment strategies in the short term.

The long-term goal of the research team is to develop specific therapies that may potentially cure the disorder. One of the other research goals is to enable accurate genetic counselling for both immediate and extended family members so that people know the risk of a child of theirs having Rett syndrome. The money raised by the CWA and those involved with Rett syndrome research will be used in the purchase of equipment, chemicals and re-agents necessary for the research and possibly also the employment of additional researchers at the New Children's Hospital. I congratulate the Macksville Country Women's Association, and indeed all branches of the CWA that have been involved in fundraising towards curing Rett syndrome.

Mr McMANUS (Heathcote—Parliamentary Secretary) [3.27 p.m.]: I join with the honourable member for Oxley in congratulating the Country Women's Association. I am aware of Dr Christodoulou's hospital work. Rett syndrome is a debilitating disease that affects many young females in the community. I congratulate Dr Christodoulou on the work that he is doing and the CWA, particularly at Macksville, on acknowledging the problems associated with Rett syndrome and doing something about it within the community. I hope that the honourable member for Oxley will convey to the Country Women's Association my appreciation and that of the Minister.

KURRI KURRI COMMUNITY GST RALLY

Mr HICKEY (Cessnock) [3.27 p.m.]: I wish to congratulate Northern District miners on organising a community rally in the electorate of Cessnock to challenge the myths touted by the Federal and State Coalition on the GST. The Federal Government and the State Opposition continually promote retrograde steps as policy to cut health, education and welfare services. The Liberal-National Coalition would have Australia and New South Wales step back into the 1950s as it sees that period as the golden years of Australian prosperity. The 1950s were indeed the economic golden years, but at what price? Minority groups were disfranchised, the welfare state was only just beginning to develop, and capital investment was due to the rebuilding of the world's economy, post-World War II. This is a vastly different scenario from what we face in the early years of the new millennium; we are entering the twenty-first century.

This State and this country need forward thinkers and policies that reflect the modern world and the modern economy, which is affected by global transactions of both capital and resources. The Northern Districts Retired Miners Association realises the impact of this new economic paradigm and has invited the Hon. Kim Beazley, our Federal Labor Leader, and the President of the ACTU, Sharan Burrow, to a community rally this Saturday in Kurri Kurri to address the issue of the GST. The rally will be attended by representatives from all sectors of the community and I am sure that the speakers will dispel the myths being propagated by the State Coalition at the direction of the anachronistic Mr Howard.

Our Labor Government in this State is committed to the welfare and wellbeing of our communities, and the policies being enacted before us each sitting day are proof of our commitment to a fair and just society. The community rally in Kurri Kurri will provide an opportunity to all those interested in rolling back the five years of suffering that the current Federal Coalition Government has inflicted on our families and communities. Unions, employer groups, service clubs, church groups, welfare groups and peak bodies are all concerned about the direction that the Federal Coalition is taking, and I often hear the same concerns about the rhetoric coming from the leaders of the New South Wales National and Liberal parties.

As elected representatives, we must have a commitment to this great State and country to rebuff all moves to take social policy back 30 years or more. New South Wales is at the cutting edge of the Australian economy and we have achieved this while maintaining the public infrastructure that is so important for the continued wellbeing of our communities. I applaud the efforts of our Government to protect workers' rights while maintaining a buoyant economy. Only a Labor government has been able to achieve and maintain this balance of economic prosperity, while ensuring that the rights of workers are protected and the welfare state is maintained.

The rally to be held in my electorate is proof of the fighting spirit of the coalfields and I thank the organisers for such a momentous event to ensure that local communities have the opportunity to have input into the future direction of the Labor Party. Many of the retired workers have worked long and hard. Cooper Frame, Peter Smith, Bill Chapman, Bob Brown, Jim Comerford and Alex Horne are just a few people who are working extremely hard to bring this issue into the coalfields and make people understand the problems that beset the communities and families in the coalfields.

GUY FAWKES RIVER NATIONAL PARK ANIMAL SLAUGHTER

Mr FRASER (Coffs Harbour) [3.33 p.m.]: For the second time this week I refer to the slaughter of brumbies in Guy Fawkes River National Park on the North Coast. The motion I sought to move in regard to this matter was disallowed. I want the House to understand that my motion was not a condemnation of the Minister; it was a condemnation of the National Parks and Wildlife Service [NPWS] for the indiscriminate, inhumane and barbaric slaughter of the brumbies at Guy Fawkes River National Park. Honourable members will be aware that the proposed inquiry must find that the treatment of these animals was inhumane. The National Parks and Wildlife Service must be taken before the court, and I believe it will be found guilty and convicted of a charge under the Cruelty to Animals Act.

The RSPA inspector who went into the area this week found a pony with two high-calibre bullet wounds to its shoulder. The pony had been living in the park in this condition for about two weeks and had to be put down. Honourable members would be left in little doubt about the condition of a horse with two bullet wounds to its shoulder for two weeks. That is absolutely disgraceful. It is proof that the NPWS has breached the Cruelty to Animals Act—and has done so on at least one occasion. The photographs I laid on the table of the House only the other day are further evidence of the barbaric nature of the slaying of these icons.

As I have mentioned before, Australian horses featured in the opening ceremony of the Olympic Games recently. I call on the Minister for the Environment to ask the Police Service to instigate proceedings against the NPWS because of its actions. I wrote to the police commissioner yesterday and asked him to do so and I seek the support of this House, the Minister and honourable members opposite to ensure that that takes place. We cannot allow a government department that supposedly looks after wildlife to behave in this way. One woman who rang me this week believes that ancestors of these horses formed part of the 12th Regiment Light Horse Brigade. She believes that some of the horses were descendants of horses released after the Second World War into that area at Ebor. If they are descendants of those horses they truly are icons and part of the history of New South Wales—horses used to transport settlers across the Blue Mountains. They have also been utilised in two world wars.

I also ask that the Minister for the Environment instruct officers from the Environment Protection Authority to visit the area and assess the pollution that has been caused by rotting animal carcasses. So far 85 carcasses have been identified, but, if there are 617 as suggested, that would constitute 300 tonnes of rotting flesh that will be washed into waterways in that area. These waterways flow into catchments from which people draw water. In my view that constitutes an offence under the Protection of the Environment (Operations) Act. If any farmer or other individual in the community committed such an offence, the department would be on to them so fast it would not be funny. If, for example, the owners of a piggery released effluent into a waterway, they would be convicted.

I ask the Minister to instruct the Environment Protection Authority to investigate the NPWS with a view to prosecuting the service for a breach of the Act. If the service is telling the truth and 617 animals have been shot—with more than 3,000 rounds of semiautomatic fire, as I have heard—that constitutes 617 offences. Each offence carries a fine of \$250,000, which means that the National Parks and Wildlife Service could be subject to fines up to \$150 million. The Minister announced an inquiry after I raised this matter in the House the other night, and I thank him for doing so. I ask him to expedite that inquiry. The Minister is hopeful of receiving a report within two weeks. I ask him to table that report in the House and to have it released publicly, to ensure that we satisfy all members of Parliament and representatives of the people of New South Wales that action has been taken that reflects the horrific and heinous nature of the offence perpetrated by the National Parks and Wildlife Service.

MOUNT DRUITT MUSIC FESTIVAL

Mr ANDERSON (Londonderry) [3.38 p.m.]: I bring to the attention of the House a festival that took place in my electorate just before the start of the Olympic Games. I refer to the Mount Druitt Music Festival,

which was held on 5 September. Obviously, the festival did not receive the attention that the Olympic Games received, but I was pleased to attend the festival. We all go to many functions where we see young people and children perform; we feel good about it, we say it was a great effort and they did their best. However, the performance of our schoolchildren on that night was simply outstanding. A number of schools took part in the festival, and they all performed with a great deal of dignity and enthusiasm, and they put in 110 per cent effort. The schools that participated made up the Mount Druitt District Combined Schools Choir, and the songs they sang—*Let's Sing Together*, *Blowin' in the Wind* and *You are my Sunshine*—set a brilliant tone for the night. The hall was absolutely chock-a-block to the door, with standing room only.

I was very pleased to receive an invitation to go along. Indeed, the entertainment was so spectacular that I went along for the second night's performance and watched another display of the great talents of the young people of our local community. The schools had invested a tremendous amount of time and resources in putting on the festival, and the children, who had been practising for many, many months, certainly performed with relish. These kids did not make the Olympics and they did not get on television, but they put in as much effort as the kids who participated in the great Games. I congratulate all the schools who performed at the festival—Rooty Hill Public School, Emerton Public School, Rooty Hill primary school, Whalan Public School, Dawson Public School, Eastern Creek Public School, Noumea Public School, Blackett Public School and St Marys North Public School. I am sure that the children would have performed all night had they been given an opportunity to do so. They certainly performed outstandingly. It was just like a mini schools spectacular—the junior equivalent. The costumes that the parents had provided were simply stunning and lent a great atmosphere to the entertainment.

Just a week prior to the Mount Druitt Music Festival, the Chifley College held its first Pacific Islander Festival. My electorate of Londonderry and the neighbouring electorate of the honourable member for Mount Druitt, Richard Amery, have quite a large Pacific Islander population, and it was suggested that the high schools in the two electorates put on a performance of Pacific Islander culture, which they did, but they made it a competition. The performances of the schools that participated were simply outstanding. I was simply amazed at the talent and performance on display. Many guests from Pacific Islander nations attended the festival. The Prime Minister of Samoa was invited to attend but, because of a sudden illness, he had to decline. However, he sent his Consul-General along.

I spoke to him at the end of the evening, when he told me he regularly represented Samoa in attending these sorts of school performances around the world, but he had never seen anything as outstanding as the performances of the children from the Mount Druitt district. On the evidence before us on the night, clearly each and every one of them could take up a career in performing. Seven hundred people turned up for the Pacific Islander Festival. Again it was standing room only. Eventually on the night there was one winner, and the enthusiasm that greeted the judges' decision was simply unbelievable. The cheering and reaction of the crowd was deafening. I offer my congratulations to all the schools who participated in both festivals. They certainly did us proud. [*Time expired.*]

UPPER MIDDLE HARBOUR POLLUTION LEVELS

Mr HUMPHERSON (Davidson) [3.43 p.m.]: I raise my concerns about the pollution levels in upper Middle Harbour in the centre of my electorate, which bridges both sides of that waterway. The most recent Beachwatch and Harbourwatch state of the beaches report prepared by the Environment Protection Authority was tabled in Parliament recently and included water sampling data from Davidson Reserve below Roseville Bridge. The report showed significant increases in pollution levels over the last few years, specifically in relation to enterococci. During the summer of 1997-98 there was a 9 per cent non-compliance with required standards, which increased to 58 per cent non-compliance in the 1999-2000 year. That clearly demonstrates approximately a sixfold increase in the pollutant level, which raises serious concerns about the pollution levels in Upper Middle Harbour.

As has been said on many occasions, the northside sewerage tunnel, which was a \$450 million investment by the Government, was never expected to solve many of the waterway pollution problems in northern Sydney. Indeed, none of these problems will be assisted by the introduction of that tunnel. Far more needs to be done by the Government to address those problems. I well recall a lot of discussion taking place in 1993-94 between the then Leader of the Opposition and now Premier, Bob Carr, and members of the Clean Waterways program. He indicated that he believed that the Clean Waterways program should be legislated to ensure that our waterways and the pollution levels in our waterways and beaches were substantially improved. That certainly has not been the case.

A 25-metre netted swimming enclosure, which backs onto a very large recreational reserve with barbecues, is a popular spot that is used by many hundreds of people, particularly in the peak of the summer picnic season. In fact, it has been used on numerous occasions by the Sunnyfield Association for its annual duck race. However, the pollution levels there are so high that, for the vast majority of the time, it is a high risk for people to have contact with the water. Given the uncertainty of pollution levels, clearly most people would be well served simply not to have any contact with the water. There is a dramatic need for far more to be done by the Government in relation to water quality in the Upper Middle Harbour catchment area. Far more research must be conducted to ascertain the sources of the pollution, and substantial infrastructure investment must be effected to ensure a dramatic reduction in pollution levels.

Unless there is a substantial reduction in those pollution levels, this will continue to be a substantial hazard to all people who have any contact with the water there. Pollution levels at northern beaches beyond the Upper Middle Harbour area have also increased. I note that the report states that over the past three years pollution levels of enterococci in Darling Harbour have doubled. In 1996-97 there was a 42 per cent non-compliance with the standard, which increased to an 84 per cent non-compliance in 1999-2000. That should have been a much more significant concern for the Government. Given that there are now so many international visitors, with Darling Harbour being the centrepiece of the recent Olympics, one would have thought the Government would have done more to address those pollution levels.

Clearly, people simply having contact with the water in Darling Harbour in itself poses a substantial health threat. Not only are the enterococci levels in Darling Harbour high, but the faecal coliform levels have increased from 22 per cent non-compliance in 1997-98 to 65 per cent non-compliance in 1999-2000, which is a threefold increase in the level of non-compliance. The waterways in Upper Middle Harbour and throughout the general harbour now have pollution levels that are far higher than they were three, four or five years ago, and too little is being done by the Government to address these pollution levels.

JUSTICE OF THE PEACE APPLICATION FORMS

Mr MOSS (Canterbury—Parliamentary Secretary) [3.48 p.m.]: Many of my constituents who have applied to become Justices of the Peace [JPs] have experienced difficulties because of the overzealous and inconsistent attitude of the Attorney-General's Department. Recently an application that was returned to me was rejected on six counts—and I will concede only one error in those six counts. One of the reasons the department rejected the application was that white-out was used. At least half of the applications I have forwarded to the department have had white-out applied to them, and one reason for that is that the explanatory notes attached to the application form are so involved that they confuse rather than explain. However, not all applications are returned, and that is where the Attorney-General's Department is clearly inconsistent.

I am advised that as the application is a statutory declaration white-out is unacceptable. Therefore, in future, when my constituents apply white-out to JP applications I will advise them to initial the alteration rather than go through the rigmarole of filling out a new form. If this procedure is unacceptable to the department I will suggest to it that a variety of legal documents should be reproduced rather than initialled when altered. Other objections raised by the department to this particular application are petty, to say the least. For example, the applicant produced two character references, both of which referred to the applicant's suitability to become a JP. I stress that they both used the wording "Justice of the Peace". However, the Attorney-General's Department requires referees to state that the applicant "is a fit and proper person to be appointed as a Justice of the Peace".

I would have thought that so long as the reference was to a person's good character and suitability to become a JP that that would be sufficient, rather than having to state exactly that he or she is a fit and proper person to be appointed. Both references in question were, in fact, glowing and exceeded what should be required by the inconsistent form checkers of the Attorney-General's Department. I mention this because on some occasions references that do not follow the exact wording but convey the sentiments required have been accepted. Therefore, as well as disagreeing with the i-dotting and t-crossing that often occurs, I also question the lack of consistency in processing applications, which appears to operate like a lucky dip.

I have been advised that one of the character references in question, which was supplied by a doctor, should have been submitted on letterhead or an explanation should have been provided as to why it was not. On examining the reference I, together with any court in the land, would have to regard that document as sufficient. The Attorney-General's Department should be reminded that all professionals, including doctors, do not necessarily have official stationery. Furthermore, a number of persons entitled to provide references in support of JP applicants do not have letterhead of the high quality apparently required by the Attorney-General's Department. Again, this is what I mean by i-dotting and t-crossing. In that instance, the doctor provided a reference, signed it, and gave his address and contact number. But, oh no, he did not provide a letterhead suitable to the department. Let's get real!

The last point I raise is the over-the-top lulu of them all. I have been told that a reference was rejected because it did not state that the referee was not related to the applicant. I know that this is a requirement, but in more than 14 years as a member of this Parliament I have never been told that a reference should specifically state that a referee is not related to an applicant. It is about time that the application process was overhauled. The current system is inconvenient for applicants and frustrating for persons doing the honour of providing a reference. I wonder whether the authorities realise how difficult it is for a person to approach, say, his local general practitioner for a character reference in order to become a Justice of the Peace and then have to revisit that person to advise him that his reference was unacceptable because it did not address the numerous and sometimes petty requirements of the department. May I suggest that if the Government insists on the necessity for referees to state that they have known the applicant for more than three years, are not related to the applicant, and consider the applicant to be a fit and proper person to become a JP, and whatever else is required on the reference, we should produce a declaration form to be signed by the referee in lieu of calling for references.

NORTHERN BEACHES TAXI SERVICES

Mr BROGDEN (Pittwater) [3.53 p.m.]: In recent times I have been approached by residents of the northern beaches, particularly Pittwater, and taxi drivers with respect to the time it takes to respond to a request for a cab. The cabs used on the northern beaches come mainly from the Manly-Warringah Taxi Co-operative. This co-operative, which was created in 1953, generally provides an excellent and outstanding service to taxi passengers across the northern beaches. In 1996 the Manly-Warringah Taxi Co-operative was forced, due to financial difficulties, to discontinue its radio room and to enter into a bureau radio room owned by Taxi Combined Services Ltd [TCS]. The bureau comprises Manly cabs, southern districts cabs, St George cabs, RSL cabs, ABC cabs and TCS cabs.

The arrangement was entered into in good faith on behalf of the co-op and its members on the proviso that the same level of efficiency in answering calls and dispatching jobs to drivers would be maintained. It has been reported on many occasions that drivers and residents are concerned that that is not the case. Instead, when a call is made to the bureau the caller is put on hold and the call is rolled over time and again. It can take as much as five minutes for the call to be answered and the request for a cab logged. I do not know with any accuracy what happens between the time that the call is answered, the details taken and the taxi dispatched. It has been reported to me that on many occasions people who call for a cab are not far from a cab rank at which many cabs may be standing by. However, it can still take in excess of half an hour for a cab to answer the call. I am also advised that the TCS bureau handles about 80 per cent of all cab calls in the Sydney metropolitan region. There are two other players in the field, but 80 per cent is not far from a large monopoly relationship that TCS has over a large majority of cab services in Sydney.

Therefore, it is necessary for the Department of Transport and the Minister to provide a strong regulatory watchdog role on behalf of taxi users to ensure that the regulatory system is up to scratch. It is important for that regulatory system to protect consumers from a provider that has 80 per cent of the market. If there are only three players in a taxi telephone call dispatch system it is open to some abuse by operators at the expense of customers. I would appreciate the Minister for Transport taking my concerns on board and having the department look into the relationship between the Manly-Warringah Taxi Co-operative and Taxi Combined Services Ltd to ensure that the people of the northern beaches, Pittwater in particular, receive an adequate service.

I am concerned that that is not the case and that the new relationship that TCS has over the Manly-Warringah Cab Co-op is unhelpful to passengers. To some extent I am not pleased that we appear to be the poor cousins in the process. A number of people in the northern beaches area, and many other areas, rely solely on taxis for transport. Many of the people who have approached me have been deeply concerned about the inefficiency of the cab service for disabled people. I would appreciate the Minister asking the Department of Transport to look closely at the TCS radio room to ensure that people from the northern beaches receive a fair system, to the letter of the law, provided under the jurisdictions of the department.

Private members' statements noted.

SPECIAL ADJOURNMENT

Motion by Mr Whelan agreed to:

That the House at its rising this day do adjourn until Tuesday 14 November at 2.15 p.m.

House adjourned at 4.00 p.m.
