LEGISLATIVE ASSEMBLY

Thursday 16 November 2000

———

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

Mr Speaker offered the Prayer.

PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (ENROLMENT AND VOTING) BILL

Bill introduced and read a first time.

Second Reading

Mr FRASER (Coffs Harbour) [10.00 a.m.]: I move:

That this bill be now read a second time.

When I gave notice two or three weeks ago of my intention to introduce this legislation, Government members said, "Yet again, here we go." Again I am introducing legislation that deals with election fraud. This is the same legislation that I introduced in this Parliament in 1995—legislation which will cleanse the electoral rolls in New South Wales and give everyone a democratic vote. By "democratic vote" I mean that voters will have to prove who they are. On the news last night we heard about the woman in Queensland who, in giving evidence to the Federal parliamentary inquiry currently being conducted into electoral fraud, said that her cat had been enrolled to vote. I have told this House on other occasions that it is easy and quite possible to enrol one's dog to vote.

Whilst I have been tempted to do that to prove that loopholes exist in the Act, I realise that it would be breaking the law to commit that type of offence and I will not leave myself open to it. We now have evidence that a cat is on the electoral roll and we now have evidence that there are in Queensland false entries on the electoral role. This issue is not about multiple voting—something to which members of the Labor Party love to refer every time I speak about this matter. In 1995 I wrote to the then Electoral Commissioner in New South Wales, Mr Dixon, about the probability of people enrolling illegally and being improperly included on the roll. When Mr Dixon responded to me some months after that letter was sent to him—apparently the letter got lost—he advised me that 14 cases of multiple voting had been reported.

I stress that this issue is not about multiple voting; it is about people pretending to be someone else, and putting fictitious names on the roll. I draw the attention of honourable members to an editorial in the *Sydney Morning Herald* of 22 November 1995, which was some time after my last legislation was introduced, which stated:

> The State Government is wrong to oppose the Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Bill 1995 introduced by the member for Coffs Harbour, Mr Andrew Fraser, in the dismissing manner in which it has.
>
> Despite the fact that the bill has as its basis the fundamental principle of democracy, one vote one value, the State Government, unfortunately, is adamant in its opposition to it. The main objection for the legislation, according to Police Minister, Mr Paul Whelan, who was outspoken in his criticism of the bill, is that the provisions will entail an enormous administrative and cost problem.

The Minister for Police and Leader of the House said in debate at that time that it would entail enormous costs if we were to ask the Electoral Commissioner to provide everyone with a voter identification card, that the State could not afford it, and the Government, using its numbers, voted against the bill. However, at the 1999 State election, we were all issued with a voter identification card. I admit that a lot of people who presented at the polling booth on voting day did not show their card.

Let me explain to the House exactly what this legislation is about. Schedule 1 states that a primary identification document will be provided by people enrolling to vote in order that they may put their names onto the roll. That document is described as:

> (a) a certified copy, or an extract, of a birth certificate of the person that shows that name as the person's name, or
>
> (b) a certified copy of a citizenship certificate of the person ...
>
> (c) a current passport ...
>
> (d) an expired passport ...

The bill then refers to secondary identification—that is, another document that establishes the name of the person—and a voter identification card. The secondary identification would involve:

> ... a written reference by an acceptable referee, signed by the referee and setting out the name used by the person and stating that:
>
> (a) the referee has known the person for the period specified in the reference, and
>
> (b) during the whole of that period ... the person has been commonly known by that name, and
>
> (c) the referee has examined:
>
> (i) only a specified primary identification document ...
>
> (ii) a secondary identification document ... or
>
> (iii) only a specified secondary identification document ...

Anyone who hires a video from a video store has to provide identification. There is no reason why we should not have to show some form of identification when protecting our most sacred democratic right in this country, that is, our right to vote. When this matter has been debated in the past, members of the Labor Party have said that nobody carries identification. In my wallet at the moment I have six or seven—perhaps more—primary identification documents. These days most people carry in their pockets at all times driver's licences, firearm licences, Bankcards or Visa cards. There is no reason why anyone should be disadvantaged in any way by the provisions in this legislation. Members of the Labor Party have opposed this legislation with such venom in the past because of the rorts that go on within the Labor Party—rorts which started in New South Wales and which have been perpetuated in Queensland. I draw to the attention of the House various newspaper reports relating to electoral fraud in Queensland. A *Sydney Morning Herald* article on 12 October stated:

> Young, idealistic Queensland Labor Party activists yesterday described how party bosses forced them to falsely enrol in electorates by directly and indirectly threatening their future careers.

The article refers to members of the Labor Party who gave evidence to the inquiry in Queensland. These people are saying, "We have been forced." The article continued:

> One young man, Mr Kevin Court, 30, told Queensland's Criminal Justice Commission investigation into electoral fraud in the ALP that Labor's bosses had told him four years ago that he was "going to be f.… for all time" unless he agreed to falsely enrol in an electorate where he did not live.
>
> Later, when he expressed to the senior party organisers grave misgivings about what he had done, he was told that if he "kept quiet" he would be left alone.

Those are the bully-boy, roughhouse tactics that the Australian Labor Party used in Queensland to ensure that members of certain factions obtain preselection. The way I understand ALP preselection in Queensland is that those registered on the electoral roll are eligible to vote for the candidates seeking preselection. If candidates do not have the numbers in their own faction in a particular area, what they have done, as revealed by evidence given under oath, is make sure they do. The Labor Party will claim that that does not happen in New South Wales, but I draw the attention of the House to the fact that John Moran, an ALP organiser on the North Coast who stood as a candidate against my predecessor, Matt Singleton, in the 1988 Port Stephens by-election, enrolled to vote in Nelson Bay although he lived in Macksville. He was caught, charged and convicted.

That one instance of the conviction of a high profile person is proof that the Labor Party started these tricks in New South Wales. It has now exported the scheme to Queensland. In Queensland the factions have become so embroiled with infighting that the rorting has finally come to the fore. It is now out in the open and people have had to give evidence under oath which clearly demonstrated that this activity has been going on for some time. I refer honourable members to an article in the *Australian Financial Review* of 14 October which stated:

> Of course, neither Queensland nor the Labor Party have a monopoly on political corruption and branch-stacking …
>
> But the Townsville rorts have exposed again the crude vengefulness and slack ethics that characterise Queensland's distinctive frontier political culture, as well as the extreme personal and ideological hatreds that exist both within and between political parties in the north. They have demonstrated the brutality of Queensland Labor's dominant right-wing Australian Workers Union faction, and the ongoing high-stakes conflict between powerful development and conservation interests in remote North Queensland.

> The unfolding story is one of byzantine complexity that swirls primarily around the shifting and dangerous liaisons between three powerful Townsville personalities. They are the popular and successful Mayor of Townsville, Tony Mooney, the Townsville MP, Mike Reynolds, and a former Townsville councillor, Karen Ehrmann, who is now serving a three-year jail term after pleading guilty in August to 24 counts of forging and 23 counts of uttering Commonwealth electoral enrolment forms.
>
> Once known in Townsville as the "spider lady", Ehrmann is the only one of three convicted Townsville electoral rorters to be jailed …
>
> Two lesser figures—Andrew Kehoe and Shane Foster, another former councillor—received suspended three-month sentences after pleading guilty to 10 and 27 counts respectively in proceedings in 1997 and last year.

The article continued:

> The Mundingburra by-election became necessary when a Court of Disputed Returns invalidated Labor's narrow victory in the seat in the 1995 Queensland State election because some Townsville-based Australian Defence Force members, then serving in Rwanda, had been unable to vote.

The article stated that, once again, voter fraud prevailed in Queensland. I repeat, this is not about multiple votes; this is about putting one's name on the roll irregularly. I also refer honourable members to an article in the *Sydney Morning Herald* of 18 October, under the heading "Qld Labor facing its Watergate, says official". That article stated in part:

> Mr Jim O'Donnell, the former North Queensland head of the Federated Clerks Union, said he had access to documents implementing Labor figures in rorting other than those who had been identified to date.
>
> "I believe that this has the potential to be the Queensland Government's Watergate. It could prove to be very costly for them."

The article continued:

> The electoral roll rorting scandal extended to all levels of the party, said Mr O'Donnell, a leading Labor figure in Townsville.
>
> "It does go right into the party at the State, the Federal and the municipal levels," he said.
>
> "It really is quite sickening what's going on in the party."
>
> "It was a big joke to see who could outstack who," Mr O'Donnell said.

The Queensland Premier, Mr Beattie, denied that electoral roll rorting was widespread in the party, but Mr O'Donnell, a well-known and highly placed Labor Party figure, has put that onto the public record. Mr Beattie was quoted in the same article as having said:

> "This is not an inquiry into the Labor Party, it is an inquiry into certain individuals," he said.
>
> "If any of them have been found to have broken the law, then they should go to jail."

I would draw Mr Beattie's attention to the fact that one of those who gave evidence and admitted rorting was the Premier's secretary and these activities were taking place while he was State Secretary of the Queensland Labor Party. Mr Beattie wants to play Pontius Pilate, he wants to stick his head in the sand and pretend this is not going on—or have us believe it is not going on. We are not fooled.

Mr O'Doherty: Now he is calling for an Australia Card.

Mr FRASER: As my colleague the honourable member for Hornsby says, Mr Beattie is calling for the introduction of an Australia Card. He has also called on the Federal Government to do something about the problem. He wants to walk away from this and hopes that no-one will notice that he was involved. He wants everyone to think that the Labor Party is clean. The evidence in the Queensland inquiry has shown the factionalism and rorting of the system that has been going on in Queensland.

Mr O'Doherty: He might adopt your bill.

Mr FRASER: I feel confident that the Leader of the National Party will raise this matter in the Queensland Parliament and I challenge the Federal Government to adopt my legislation. It is simple—take your voter identification, or some primary or secondary identification and prove who you are when you enrol to vote and when you go to vote. That means that my vote will not be nullified by someone who says that 20 or 30 fictitious people are living at his or her address.

The manner in which the electoral rolls are checked and sorted in New South Wales is stupid. The officers who are sent out to check the rolls wander up to a house, knock on the door and say to whoever answers the door, "I have a list of the people who live at this address. Will you confirm that they do live here?" The officer reads out the list and the householder says, "Yes, they do." As a result those names remain on the electoral roll. That is not good enough. If we had a system, as envisaged by this bill, whereby people have to prove their identity and their names are registered on the roll, this type of rorting would not be possible.

Seats with very fine margins—such as the electorates of Dubbo, Clarence or Drummoyne—could be rorted very easily. All a candidate has to do is gather 100 of the party faithful and, by threat and intimidation, force them to enrol and vote illegally. I am not certain of the make-up of Sydney electorates, but the electorate of Coffs Harbour has 34 polling booths. It may not be possible to get around to all 34 in one day but if one persuaded 100 people to register 15 fictitious names on the electoral roll, one could easily get around to 15 booths, walk in unnoticed, say, "I am Bill Smith"—or Joe Bloggs or John Murray, or whoever—at the end of the day those 100 people would have registered a total of 1,500 false votes—1,500!

The Minister for Local Government, who is at the table, won the seat of Clarence by 143 votes. I would like to have a good look at the roll in Clarence and in every marginal Labor electorate. If this system were introduced we would soon see whether New South Wales in fact has the number of citizens who are registered on the electoral roll. In the past, Alan Jones on his program has put an estimate of there being between 200,000 and 400,000 illegal names on the electoral rolls throughout Australia. The Premier claimed that he has 5,900 new members in Country Labor. Once again, this is how the Labor Party plays with the truth. They are not new members of Country Labor; they have transferred from 117 ALP branches. They change the name on the door and on the documentation and it becomes Country Labor. They then claim new memberships. I challenge the Premier to tell us how many members he had prior to the formation of Country Labor and how many members he has now.

The National Party is seeing that people are becoming more aware and are joining political parties, but members on the Government side of the House cannot tell me that Labor Party branches have increased that much. At the end of the day, all we are seeing is a rebadging of Labor Party members and branches by the Premier. That in itself is fraud. It is fraudulent to say, "We have all these new members." It is indicative of the way the Labor Party controls the factions and tries to give the impression of massive support in the electorate which it does not have, and it gives them the opportunity to rort the electoral process.

Mr Woods: Three and a half per cent!

Mr FRASER: I take the interjection. I knew the Minister in the chair could not help himself. That is coming from someone who got 38 per cent of the primary vote at the last election. He just scraped in. That is why I want to look at the Minister's seat. I want to see how many duds are on his roll. I will bet there are more than 143! Steve Cansdell should be the member for Clarence. The Minister got 38 per cent. He dropped 18 per cent of his primary vote, yet he retained the seat by 143 votes. Why? I question fraud up there. No answer, was the stern reply.

Mr Woods: Your bloke got 19 per cent of the primary vote.

Mr FRASER: What happened when it came to a close count? They were like bees around the honeypot. They checked every one, because they were still not sure they had it right. They were still not sure that those postal votes were theirs. They were still not sure, with all that went on up there, that the Minister was going to make it. He made it by 143 votes. He will either jump or lose it next time—whether he or someone else stands.

Mr Woods: I have won by less in the past. Three times I have won by small amounts.

Mr FRASER: Exactly, and you will lose by a lot more. The Minister has done the job up there. I think he has rorted the roll—I cannot prove it. But let's cleanse it.

Mr Woods: Why don't you walk outside and make that allegation?

Mr FRASER: I don't have to.

Mr Woods: If you are fair dinkum, if you have any decency, if you reckon you are honest, you would be out there making the accusations and not being a lying fool in here.

Mr FRASER: I don't have to. The accusations are in the media in Queensland—by Labor Party people. They are giving evidence under oath. I refer to the *Australian Financial Review* of 24 October, which reported:

> Ms Lynda Kay Fraser—

no relation—

> until recently a junior clerk in the Premier's Department, told the inquiry that she quit her job just weeks ago after learning she was to be interviewed by the Criminal Justice Commission.
>
> She told the inquiry she had helped enrol party members at false addresses to boost the numbers of a Labor Unity candidate, Mr Dennis Mullins, in a 1996 Brisbane local government preselection.
>
> Ms Fraser said she participated because she was told it was "internal party stuff that happens all the time" …
>
> Mr Mullins, the former candidate for the 1996 preselection for the local government ward of East Brisbane, told the inquiry he falsely enrolled about 16 people into the area prior to the vote.
>
> Mr Mullins, aligned to the Labor Unity faction, or the Old Guard, said he had been informed that another inquiry figure, the former Australian Workers Union faction heavyweight Mr Lee Bermingham, was doing the same thing to boost his sister's chances in the preselection contest.
>
> Mr Mullins described his action as a "counter strike" against the AWU.

Here are two factions within the union in Queensland both admitting to rorting the rolls. They rorted the rolls for preselection but by the time preselection is over, if they both did 16, there will be 32 guaranteed votes for an ALP candidate that are illegal. They are phantom votes, because the people do not exist. It is known by the Labor Party that people are still on the roll who are deceased. This goes on. Let us be clear, this is not about multiple voting, this is about rorting the roll. It is about not being able to give me and every other citizen who is not a member of the Labor Party a fair chance in every election. I have pages and pages of this from the media. The *Courier Mail* of 25 October refers to a man who is now a State member of Parliament who witnessed an enrolment card of an ALP member at an address where the member did not live. There is an admission. The report stated:

> Mr Linden's first false enrolment was in March 1991 at the Annerley home of Robyn Twell, an AWU faction member elected to the Brisbane City Council …

I note also that the *Sydney morning Herald* editorial of 30 October stated:

> The Queensland Premier, Mr Peter Beattie, has called for the abolition of the factional system as a judicial inquiry has heard damaging allegations of vote-rigging by both right-wing factions …

Mr Beattie is now calling for a federal system. The editorial went on to say:

> It was the evidence of Ms Lynda Kay Fraser—

That I read a moment ago—

> … that prompted Mr Beattie's outburst against the factions.

This is not about getting rid of factions within the Labor Party. It is about getting a fair system. I implore members of this House to look at this bill and to take note of numerous editorials in the *Sydney Morning Herald* and newspapers all over the country. This is fair legislation. It does not disadvantage anyone and it will not cost the Government any more than it cost in the 1999 election when voter identification cards were issued. It will give us an opportunity to go ahead confidently to the 2003 election knowing that the rorts are no longer there. We will know that we can vote with confidence and our vote will not be negated by an official of a union, a Labor Party sympaphiser or member, who has put in one or more—or in the case I mentioned earlier, 16—dud votes. I want to see what is the old Australian adage—a fair go for all. Let us not have branch stacking create false votes and let us not have the ALP create false votes. Let us accept this legislation for what it is, a cleansing of the roll that will create a democratic future for all citizens of New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Woods.

STEEL TANK AND PIPE MANUFACTURING COMPANY WORKERS ENTITLEMENTS

Urgent Motion

Deferred Division

Mr SPEAKER: Order! The House will now proceed with the deferred division on the question, That the words stand.

The House divided.

Ayes, 47

Ms Allan	Mrs Grusovin	Mr Newell
Mr Amery	Ms Harrison	Ms Nori
Ms Andrews	Mr Hickey	Mr Orkopoulos
Mr Aquilina	Mr Hunter	Mr E. T. Page
Mr Ashton	Mr Iemma	Mr Price
Mr Bartlett	Mr Knowles	Dr Refshauge
Ms Beamer	Mrs Lo Po'	Ms Saliba
Mr Black	Mr Lynch	Mr W. D. Smith
Mr Brown	Mr Markham	Mr Stewart
Mr Campbell	Mr Martin	Mr Tripodi
Mr Collier	Mr McBride	Mr Watkins
Mr Crittenden	Mr McManus	Mr Whelan
Mr Face	Ms Megarrity	Mr Woods
Mr Gaudry	Mr Mills	*Tellers,*
Mr Gibson	Mr Moss	Mr Anderson
Mr Greene	Mr Nagle	Mr Thompson

Noes, 35

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 Collins	Mr O'Doherty	Mr Torbay
Mr Debnam	Mr O'Farrell	Mr J. H. Turner
Mr George	Mr D. L. Page	Mr R. W. Turner
Mr Glachan	Mr Piccoli	Mr Webb
Mr Hazzard	Mr Richardson	Mr Windsor
Ms Hodgkinson	Mr Rozzoli	*Tellers,*
Mr Humpherson	Ms Seaton	Mr Fraser
Dr Kernohan	Mrs Skinner	Mr R. H. L. Smith

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield—Minister for Police) [10.40 a.m.]: I move:

That standing and sessional orders be suspended to allow the passage through all stages at this sitting of the Workplace (Occupants Protection) Bill.

Mr O'Doherty: That's right, stifle debate on the Baker bill again!

Mr WHELAN: This motion will enable debate on the Workplace (Occupants Protection) Bill to proceed.

Mr O'Doherty: This will stifle debate on the Baker bill.

Mr SPEAKER: Order! The honourable member for Hornsby will have an opportunity to contribute to the debate at the appropriate time.

Mr WHELAN: Please bring back the honourable member for Gosford. At least he knows what he is talking about. This motion will enable debate on the Workplace (Occupants Protection) Bill to have priority. It will give all members of Parliament the opportunity to consider the bill that was passed, with only four members dissenting, in the New South Wales upper House. It will give all honourable members the opportunity to speak on this important legislation. I give this undertaking: Debate on this bill will not be gagged.

Mrs CHIKAROVSKI (Lane Cove—Leader of the Opposition) [10.41 a.m.]: This is nothing more than the Government trying to forestall debate on the Baker bill. I am absolutely appalled that yet again the House will not be debating a bill that has absolute and immediate consequences for the people of the State, that is, the Baker bill. If that bill is not debated today we run the risk of not finalising the bill before the decision of Justice James is brought down in the Supreme Court.

Mr Whelan: That is untrue.

Mrs CHIKAROVSKI: That is absolutely the case. Justice James reserved his decision. If the Leader of the House is not concerned about debating the Baker bill, he should bring it on today. Bring it on today and let us debate it! The honourable member for Northern Tablelands has been sucked in by the Government. He was duped by the Government, because the Leader of the House told him, "Come to us. We will support you on this bill", knowing full well that allowing debate on his bill would defer again or stop debate on legislation that is designed to ensure that the people of the State are protected from people like Allan Baker, the Cobby murderers and the Janine Balding murderers. The honourable member for Bathurst is laughing; he thinks this is an absolute joke.

Mr SPEAKER: Order! The honourable member for Murray-Darling will remain silent. I place the honourable member for Blacktown on two calls to order. Honourable members on both sides of the House will remain silent so that the Leader of the Opposition can be heard.

Mrs CHIKAROVSKI: Obviously the honourable member for Bathurst is not concerned about the possible release of Baker. I would have thought that as a country representative he would be concerned about country women and understand the seriousness of this matter.

Mr SPEAKER: Order! Despite the Chair having asked members to not interrupt, interjections are continuing from both sides of the House. The Leader of the Opposition is entitled to be heard in silence.

Mrs CHIKAROVSKI: I would have thought members opposite would want to do everything possible to protect women and children in the community. At present Allan Baker is before the Supreme Court seeking a redetermination of his life sentence. If a redetermination is granted it will enable him to get parole and eventually be released back into the community. Opposition members do not believe that people such as Allan Baker have the right to a second chance. I am appalled that the honourable member for Northern Tablelands, who is a country representative and should be more concerned about these types of issues, has allowed himself to be taken in and used as a puppet by the Labor Party, instead of standing up for those in the community who understand the need to keep Baker and people of his ilk in gaol. The honourable member has turned around and done a deal with the Government to ensure yet again that the Baker bill is not brought on today. The Leader of the House does not have the courage of his convictions. If he is so convinced that the Baker bill is bad legislation he should debate it, vote on it and throw it out.

Mr Whelan: We will.

Mrs CHIKAROVSKI: Then do it today. I give the honourable member for Northern Tablelands the opportunity to agree to postpone his bill and allow us to debate today legislation that would stop Allan Baker getting out of gaol. This bill is our only opportunity to ensure that Allan Baker stays in gaol. The honourable member has an opportunity to do the right thing by the Parliament and for his community, but he is chatting, laughing and ignoring me. His community will hold him responsible for his failure to act.

If Allan Baker gets out of gaol, it will be on the heads of Labor members; and also on the head of the honourable member for Northern tablelands. It will be absolutely on their heads! If Justice James gives Allan Baker a redetermination that he is eligible for parole, members opposite will have to answer to the people of New South Wales, who know that, as the judge said in the original sentence, Allan Baker should stay in gaol for the term of his natural life. He does not deserve compassion or sympathy. He does not deserve to be released. If this bill is not passed and he gets the opportunity to be released, the Labor Party and the honourable member for Northern Tablelands will be held responsible by the people of this State. Withdraw the bill now! Postpone it! Do the right thing!

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

Ms Allan	Ms Harrison	Ms Nori
Mr Amery	Mr Hickey	Mr Orkopoulos
Ms Andrews	Mr Hunter	Mr E. T. Page
Mr Aquilina	Mr Iemma	Mr Price
Mr Ashton	Mr Knowles	Dr Refshauge
Mr Bartlett	Mrs Lo Po'	Ms Saliba
Ms Beamer	Mr Lynch	Mr W. D. Smith
Mr Black	Mr Markham	Mr Stewart
Mr Brown	Mr Martin	Mr Torbay
Mr Campbell	Mr McBride	Mr Tripodi
Mr Collier	Mr McManus	Mr Watkins
Mr Crittenden	Ms Meagher	Mr Whelan
Mr Face	Ms Megarrity	Mr Yeadon
Mr Gaudry	Mr Mills	
Mr Gibson	Mr Moss	*Tellers,*
Mr Greene	Mr Nagle	Mr Anderson
Mrs Grusovin	Mr Newell	Mr Thompson

Noes, 34

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 Collins	Mr O'Doherty	Mr J. H. Turner
Mr Debnam	Mr O'Farrell	Mr R. W. Turner
Mr George	Mr D. L. Page	Mr Webb
Mr Glachan	Mr Piccoli	Mr Windsor
Mr Hazzard	Mr Richardson	
Ms Hodgkinson	Mr Rozzoli	*Tellers,*
Mr Humpherson	Ms Seaton	Mr Fraser
Dr Kernohan	Mrs Skinner	Mr R. H. L. Smith

Question resolved in the affirmative.

Motion agreed to.

WORKPLACE (OCCUPANTS PROTECTION) BILL

Second Reading

Mr TORBAY (Northern Tablelands) [10.54 a.m.]: I move:

That this bill be now read a second time.

The Workplace (Occupants Protection) Bill was introduced in the upper House by the Hon. J. S. Tingle. It is not a complicated bill and may even seem familiar to honourable members who were here during the previous Parliament. It is essentially the Home Invasion (Occupants Protection) Bill 1998 revisited and refashioned to cover the workplace rather than the home.

Mr O'DOHERTY (Hornsby) [10.55 a.m.]: This bill is not opposed. The Opposition wants to debate the Baker matter. Accordingly, I move:

That the question be now put.

The House divided.

Ayes, 35

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 Collins	Mr O'Doherty	Mr Torbay
Mr Debnam	Mr O'Farrell	Mr J. H. Turner
Mr George	Mr D. L. Page	Mr R. W. Turner
Mr Glachan	Mr Piccoli	Mr Webb
Mr Hazzard	Mr Richardson	Mr Windsor
Ms Hodgkinson	Mr Rozzoli	*Tellers,*
Mr Humpherson	Ms Seaton	Mr Fraser
Dr Kernohan	Mrs Skinner	Mr R. H. L. Smith

Noes, 48

Ms Allan	Ms Harrison	Ms Nori
Mr Amery	Mr Hickey	Mr Orkopoulos
Ms Andrews	Mr Hunter	Mr E. T. Page
Mr Aquilina	Mr Iemma	Mr Price
Mr Ashton	Mr Knowles	Dr Refshauge
Mr Bartlett	Mrs Lo Po'	Ms Saliba
Ms Beamer	Mr Lynch	Mr W. D. Smith
Mr Black	Mr Markham	Mr Stewart
Mr Brown	Mr Martin	Mr Tripodi
Mr Campbell	Mr McBride	Mr Watkins
Mr Collier	Mr McManus	Mr Whelan
Mr Crittenden	Ms Meagher	Mr Woods
Mr Face	Ms Megarrity	
Mr Gaudry	Mr Mills	
Mr Gibson	Mr Moss	*Tellers,*
Mr Greene	Mr Nagle	Mr Anderson
Mrs Grusovin	Mr Newell	Mr Thompson

Question resolved in the negative.

Mr TORBAY: The Home Invasion (Occupants Protection) Bill sought to codify the rights and responsibilities of the householder when it came to defending self, family or property against an intruder in the family home. That bill passed into law in December 1998. It explained to householders what very few people understood: what common law allowed them to do when they were under attack or apprehended attack in their homes—something that, until then, ordinary people did not feel confident about.

The common law allows self-defence—but what do ordinary people know of that? The common law resides in hundreds of thousands, perhaps millions, of judgments in myriad court cases in many places. It is not a simple, written-down code of procedure that the ordinary person can look up and understand readily. However, ordinary people are aware that there is a mysterious and intangible thing called "reasonable force". They have heard about it and they are sure it comes into play in a confrontation with an intruder, but they do not know what it is. They cannot get a definition of it anywhere, but they believe that it inhibits them in acts of self-defence and that therefore they had better be very careful about how they respond to a threat or an actual attack. For a long time the law has been seen as heavily weighted in favour of the criminal, the attacker, who obeyed no laws, and against the victim of his crime or attack, who was, being a lawful citizen, aware of the need to take only lawful action and felt restrained by the law.

Now, at least in the case of a householder, the law is clear and Parliament has guaranteed and explained his or her right to defence of self, family and property. After the Home Invasion (Occupants Protection) Bill became law, there were approaches to the Hon. J. S. Tingle in the other place from an impressive array of what we might loosely call "business people", who asked whether a similar bill could be devised to give them similar protection in their workplaces. There were chemists, newsagents, service station proprietors, liquor store proprietors, TAB branch staff, jewellers and many other people who, for various reasons, felt at risk in their workplaces or had been victims of robbery or attack. It was not easy to simply convert the Home Invasion (Occupants Protection) Bill into a workplace invasion bill. Indeed, even as the bill was being worked on it became clear that we had to widen it from the original concept, in which it was called the Commercial Premises (Occupants Protection) Bill.

Stallholders from Paddy's Markets and people working in warehouses and factories pointed out that their workplaces might not strictly be seen as "commercial premises" for the purposes of this bill. So the bill became the Workplace (Occupants Protection) Bill. But even then there were problems. For example, the Home Invasion (Occupants Protection) Bill was based on the premise that the home is sacrosanct, that the door is, metaphorically speaking, closed and that no-one can legally enter uninvited. Commercial premises or workplaces come into a different category. By definition, their doors are open—open to the street, open to the public—specifically inviting people to enter for the purposes of trade. So how could we give the occupants of an "open" place the right to defend themselves against someone who may not be an intruder in the sense of the Home Invasion (Occupants Protection) Bill, and who might be legally in the premises by implied invitation, but committing an offence?

With great help from the Parliamentary Counsel, the Hon. J. S. Tingle arrived at the situation where a person who was reasonably believed to have committed, or to be committing, a crime in a workplace and who was not an ordinary occupant of that workplace could be regarded as—what? An invader? An intruder? An interloper? Not really—that person might well be in the place legally. So various terms were explored and, finally, in consultation with the Attorney General, who has been very helpful in this, the term "suspected offender" was chosen. This bill was placed on the notice paper in the other place on 4 April, but it was awaiting its turn in the order of precedence of this House—until the John Lee case in Maitland. Publicity was given to the case where Mr Lee apprehended a youth he had seen taking videotapes from his store, where Mr Lee ended up being charged with assault and placed on a bond, and where the youth was merely cautioned. The top blew off this bill.

A copy of the bill had been sent for comment to the Retail Traders Association, which, I am happy to say, supports the bill. Reporters seeking comment from the association on the Lee case were told about the bill, and the resulting publicity brought a stream of support, including a number of letters to the Premier asking him to support the bill, as one answer to the problems facing shopkeepers, office workers and the like. The bill also has the support of the Newcastle and Hunter Chamber of Business, the Newsagents Association of New South Wales and the Australian Capital Territory, amongst others, and an impressive number of individuals. No-one will convince me that John Lee, or any other hard-working shopkeeper or office worker, or anyone in a workplace anywhere, wants to spend his or her work time in wary anxiety, feeling threatened by attack or theft, and unsure what he or she could do about it if it eventuated. I believe that people at work, whatever that work may be, want to concentrate on what is, very often, the hard slog of earning a living, without somebody detracting from that by stealing their stock or their earnings, let alone threatening them.

What does the Workplace (Occupants Protection) Bill do? Basically, it seeks to protect persons in their place of work from the consequences of an offence committed in their workplace and give them clearly understood rights to use physical force if the person believes, on reasonable grounds, that the offence has been committed or is about to be committed. It sanctions the use of physical force by somebody in the workplace in the defence of self or another person. Again, in both cases, physical force is sanctioned only when the occupant has a belief on reasonable grounds. Let me repeat that the occupant believes on reasonable grounds that it is necessary to do so. But what are reasonable grounds? How does the occupant know what reasonable grounds are? We seem to be getting back to the vexed and confusing question of physical force.

If physical force can be employed, how much physical force can be applied? The bill seeks to cut through the confusions and misunderstandings surrounding the use of the terms "physical force" and "reasonable grounds" by proposing a test. The test to decide whether reasonable grounds existed will be determined by the genuine belief of the occupants at the time, based on the circumstances as the occupants perceived them to be. I reiterate that the circumstances are as the occupant perceived them to be. The question is whether or not the occupant believes on reasonable grounds that the use of physical force was in fact necessary. The bill tries to do

away with the complexities of reasonable force and deals with force on reasonable grounds. And in the event of the occupant being charged arising from the confrontation with a suspected offender, the bill reverses the usual onus of proof by placing the onus on the prosecution to prove beyond a reasonable doubt that the occupant did not have the belief he or she claimed, or that the grounds of the occupant's belief were not reasonable grounds.

The bill also provides the occupant with immunity from criminal and civil liability when he or she acts in accordance with the proposed Act. There are provisions with which I will deal in more detail later, but first I will touch on some of the other matters that are relevant to the underlying intentions of the Workplace (Occupants Protection) Bill. When the home invasion bill was being debated in Parliament some honourable members expressed their fears that guaranteeing householders the rights to self-defence against an intruder might result in people being set upon when they merely knocked on a door without any evil intent at all. Some speakers painted a grim picture of a messenger knocking on a front door and being shot by a paranoid householder, or an innocent arrival being mistaken for an intruder and being attacked without being given the chance to explain the reason for being there. That has not happened, and it will not happen.

To my knowledge, and as far as I can find out, there has not been one single incident such as that since the home invasion bill became law. However, I am led to believe that the incidence of home invasions has slowed and that if they have not actually dropped off they have plateaued. I would like to think that is because the potentially suspected home offender—the sort of coward who would assault and rob people in their own homes—now knows that he or she will not be facing some frightened and confused person who is not game to fight back. A television interviewer suggested that if the workplace bill became law, shopkeepers might keep guns under the counter to deal with a suspected offender. But the law does not allow ownership of a firearm for self-protection, and an occupant of a workplace who kept a firearm at hand for such a purpose would be liable to be charged under the Firearms Act. Other interviewers have spoken of baseball bats and cricket bats and other instruments being kept at hand. Maybe they will be; I suspect that many of them are possibly kept within easy reach even now, and we hear of few instances of their being used.

If a potential thief were to believe that a potential victim might have some deterrent instrument handy, and if a potential thief knew that the law guaranteed the potential victim the right of self-defence, then I would think that a potential thief might change his or her mind and leave the victim in peace. And if that happens, that would satisfy the main purpose and intent of this bill. Let me now deal with the bill in some detail. Parts 1 and 3 contain definitions that are worth mentioning in some detail. For instance, the term "occupant", which has been used in the home invasion bill to describe the householder or a person legally in a dwelling place, has been expanded in this definition to include not only the owner or lessee of the workplace but also the staff and invitees, such as customers, clients and volunteers. The reason for that is that in a confrontation in a workplace, any one of these categories of people might well need to intervene and should be equally covered by the law.

The term "workplace" has been deliberately expanded to embrace virtually any place, not necessarily just a building where people work, other than the person's dwelling house, which is already covered by the home invasion bill. Parts 1 and 4 define the villain of this type of confrontation. The mover of this bill in the other place, the Hon. J. S. Tingle, settled on "suspected offender" because it fits neatly with the explicit requirement that occupant must reasonably believe that the person in question has committed, or is committing, a crime in the workplace against an occupant of the workplace or the property of, or within, the workplace. It avoids terms such as "intruder" or "invader" which would not be appropriate for someone who had entered the workplace legally but was now doing something inside it which was suspected of being illegal.

Part 2, as I have indicated, sets out the case for defence by an occupant of a workplace. Clause 6 declares that it is the public policy of the State that its citizens have a right to enjoy safety and be free from suspected offenders while at a workplace. That clause sets the baseline, the foundation, on which the other proposed laws are built. Clauses 7 and 8 enable an occupant of a workplace to act in self-defence, or in defence of another person, at the workplace against a suspected offender, if the occupant believes on reasonable grounds that it is necessary to do so. Amendments to the original bill in the other place, which removed the original clause 9, meant that protection of property would be viewed in a different light than defence of persons, and that no more force would be used in protecting property than is reasonable in all circumstances.

I feel that most honourable members would agree that life and personal safety are more important than physical property, and that the levels of force allowed for defence of self or another are not necessarily appropriate for defence of property. So, really, there is no change in the right to protect property except that, I hope, it is spelled out more clearly. Clause 10 sets the test as to whether reasonable grounds existed for the level of force that was used as being the need to determine the belief of the occupants, based on the circumstances as

the occupants perceived them to be. I think it goes without saying that the circumstances that the occupants perceived would have to be taken to include the level of threatened violence, the real fear of the occupant about his or her own safety, or the safety of another, and also the stressful nature of such a confrontation and the real difficulty of carefully reasoned reactions.

Clause 11 obviously relates to clause 10 and states that in the event of the occupant being charged after a confrontation the prosecution has to prove that the occupant did not really believe that such force as was used was necessary or that that belief was not based on reasonable grounds, subject to the test in clause 10. This is an attempt to address public perception—well founded, in my view—that the law, as it is, favours the offender rather than the victim. If charged, the victim has to prove nothing. The prosecution must prove that he or she did not have a real belief or that his or her grounds for that belief that were not reasonable.

Clauses 12 and 13 in part 3 grant immunity from criminal liability and immunity from civil liability to an occupant who acts in accordance with clauses 7, 8 or 9, which lay out the circumstances, mentioned previously, under which force may be used in self-defence or defence of others. Clause 12 (2) also carries forward from the home invasion bill the requirement that if proceedings are commenced against an occupant accused of a crime as a result of a confrontation with the suspected offender, the occupants must be brought before the court, whether by way of preliminary hearing or otherwise, within nine months after the proceedings are commenced. The purpose of this provision is to avoid the appalling situation which has developed in some notorious cases where a person who would normally have been the victim of a confrontation—that is, the person who was attacked—becomes the offender because of something that happened to the original offender.

The situation is that, on occasions, the person who was originally the victim of a crime, but who is now charged, has had to wait two years or more to go to court and have his or her fate decided. That is an unreasonable stress on somebody who did not originate the crime in question and the matter ought to be decided as quickly as possible. I take the view that that person ought to be dealt with as quickly as the law can manage to curtail the pain, humiliation and anxiety that comes from having a charge hanging over a person when all that person tried to do was defend himself or herself or others from an unprovoked, unexpected attack. So, the bill, in philosophy and in some detail, is not a weighty or a particularly complex bill, but it is a bill which I believe the community—particularly the commercial community—wants to become law. As I said earlier, it is designed to swing the weight of the law back behind the victim of the crime and remove whatever advantages the law, even inadvertently, can offer the offender, the criminal.

I will mention briefly one aspect of the need for this bill—that is, much of the petty crime of the sort that was committed in John Lee's video shop at Maitland is committed by juveniles. It is my firm belief that the combination of the present confusion about the right to use force in self-defence, together with the perceptions—and I use that word advisedly—of the effect of the Young Offenders Act, are sending exactly the wrong messages to young people about how seriously society views their offences. We seem to be saying to them, "Because you're young, you will be treated differently and with leniency. Because you're young, if you steal a video or some other item we will merely caution you and warn you not do it again. But if an adult tries to stop you, he might well be charged with assault." We should not be sending that message to young people, because it suggests that such an offence is trivial; it could even suggest that society can condone it; and, in some circumstances, it could persuade even a normally well-behaved young person that it is no big deal to steal or to commit a crime.

I understand that the Government supported the Home Invasion (Occupants Protection) Bill in the upper House and, indeed, even clasped it to its bosom. We are considering wide-ranging legislation that could extend to virtually every law-abiding person in the community the same codified rights of defence of self and property that are contained in the home invasion bill. I would welcome that. In the meantime, shopkeepers, office workers, warehouse staff, market stallholders and all other decent, hard-working, law-abiding people deserve the protection that this bill would give them. Parliament has the capacity to give the bill to them. I commend the bill to the House.

Mr O'DOHERTY (Hornsby) [11.21 a.m.]: As I indicated earlier, the Opposition does not oppose the Workplace (Occupants Protection) Bill. Indeed, it is similar to the provisions of a bill of which notice has already been given by the honourable member for Gosford, a bill that he initiated in the last Parliament. The Government has had the opportunity to hasten debate on bills initiated by the honourable member for Gosford on many occasions—they achieve the same protection for citizens, but has chosen not to do so for its own political purposes. Today the Government has choosen to assist the honourable member for Northern Tablelands to bring this bill forward so that it takes up the time that would normally be—

Mr Crittenden: It is private members' day. What are you talking about? He is a private member.

Mr O'DOHERTY: The honourable member for Wyong has interjected, saying that it is private members' day. The Opposition, together with the honourable member for Northern Tablelands, moved: That the question be now put. The honourable member for Northern Tablelands agreed to that motion; he voted with the Opposition. Members of the Government voted against it for one reason: they want this bill to take up all the time available today for private members' bills so that the Leader of the Opposition does not have the opportunity to debate her Crimes (Sentencing Procedures) Amendment (Life Sentence Confirmation) Bill, which is a critically important bill for the safety of women in this State. The honourable member for Wyong has conspired, together with his colleagues, to deliberately prevent that bill from being dealt with.

Mr Price: Point of order: I would like the honourable member for Hornsby to return to the leave of the bill. The debate before the last division has no relevance on this occasion. It would be nice to hear what the honourable member thinks about the Workplace (Occupants Protection) Bill.

Mr ACTING-SPEAKER (Mr Lynch): Order! It is certainly true that the member who leads for the Opposition is allowed a greater degree of latitude than is normally the case. However, the honourable member for Hornsby has exceeded that latitude. I ask him not to repeat earlier debate.

Mr O'DOHERTY: I will stop responding to the interjections of the honourable member for Wyong.

Mr ACTING-SPEAKER: Notwithstanding that, I have made my ruling.

Mr O'DOHERTY: I accept the ruling happily, absolutely.

Mr ACTING-SPEAKER: Order! I ask members on the Government benches not to interject and thus encourage the honourable member for Hornsby to exceed the latitude to which he is entitled.

Mr O'DOHERTY: The Opposition supports the rights of citizens to self-defence. We believe that what happened to Mr Lee was unjust and was seen by the community as being unjust. The Opposition congratulates the Hon. J. S. Tingle and the honourable member for Northern Tablelands on bringing these matters before the House, notwithstanding the fact that the honourable member for Gosford currently has a similar bill before the House which the Government will not allow to proceed. The Opposition believes that the community expects that the provisions in this bill will be enacted for the defence of people going about their business in a reasonable fashion. The community is saying that it wants a tougher line taken on those who transgress the values and laws of our community. Having said that, members of the Opposition will not be making long speeches in this debate because we want, as does the honourable member for Northern Tablelands, to debate the bill that the Leader of the Opposition has brought to this House. Government members who now speak to this bill are acting to prevent the Baker bill from being debated, and the Opposition will make sure that their constituencies understand the game they are playing.

Mr ACTING-SPEAKER: Order! The honourable member for Hornsby is again exceeding the latitude to which he is entitled.

Mr O'DOHERTY: I am just about to finish. The Opposition supports the provisions of the bill and the right to self-defence. The Opposition believes that Government members should make brief speeches so that we may debate the Baker matter.

Mr PRICE (Maitland) [11.25 a.m.]: I support the Workplace (Occupants Protection) Bill, which has great relevance to my electorate. As has already been mentioned, Mr Lee, a video shop proprietor in Maitland, apprehended several young people in his premises and he was eventually charged and convicted of assault. This bill is designed to take away the differentiation between the Home Invasion (Occupants Protection) Act and situations that occur in the workplace, where the provisions of that Act do not apply. The bill aims at codifying the law of self-defence and defence of property in the workplace. The proposal has merit. Clause 9 states:

9 Defence of property

An occupant of a workplace may use such force as is reasonable in defence of any property of, or within, the workplace against a suspected offender if the occupant believes on reasonable grounds that it is necessary to do so.

Unfortunately, from time to time shopkeepers, other workplace proprietors and their staff are confronted with people who are in the process of performing a criminal act or who have done so, and they would like to apprehend them. However, they are concerned about how the application of that apprehension may be dealt with by the courts and the police. A lot of this is left to interpretation, which causes difficulty when it comes to definitions. The bill certainly clarifies those definitions and it has the support of the Government. I express concern about the suggestion that the juvenile justice Acts do not cover the situation; I believe they do. It is a matter of application and understanding the various definitions. The Young Offenders Act, particularly where it deals with conferencing, has assisted to a great degree to bring young people back on the straight and narrow, has reduced the pressure on courts and has provided a better attitude to traders, particularly in shopping centres.

People are also concerned about how long this legislation will remain in effect. The Government accepts the bill. However, there is a move to review the provisions of the home invasion legislation, this bill and the ramifications of the common law, which protects people in the streets outside of homes and workplaces, and to combine their provisions into one piece of legislation. Therefore, these bills could be withdrawn or repealed. A consolidated bill could cover all the proposals and all the concerns. We look forward to that legislation coming forward next year. I refer to the Government's working party.

Honourable members may recall the publicity the Lee case received when the incident occurred. The Premier responded by forming a working party, comprising representatives of government, small business, retailers, police, employees, trade unions and people of that ilk. I understand that the working party has met on at least three occasions. It is moving towards providing the Government with evidence of how these bills could be combined in a way that reduces complications in relation to police investigation and interpretation, and makes positive rulings for the courts to follow. The current confusion would be reduced. I am very pleased that this legislation has come forward. It is certainly a move in the right direction. I look forward to the Premier's committee putting forward very positive proposals that will allow these bills to be combined and, hopefully, result in a better set of laws for New South Wales on this issue.

Debate adjourned on motion by Mr Crittenden.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield—Minister for Police) [11.31 a.m.]: I move:

That standing and sessional orders be suspended to allow the third reading of the Water Management Bill forthwith.

Mr O'DOHERTY (Hornsby) [11.31 a.m.]: This is, of course, another attempt to gag debate on a matter that is embarrassing to the Government. The Leader of the House uses this process on every occasion that the Opposition raises a matter of public importance. His motion for suspension seeks to prevent debate of our important matter. Mr Speaker, yesterday you set down this matter of public importance for debate. You determined that this matter was so important that the House needed to debate it. In the event, yesterday the Government was successful in removing this matter from yesterday's notice paper, effectively deferring debate on it until today. Today the Government again seeks to remove it from the notice paper. If that attempt is successful the result will be that this matter will not be heard of again in this House.

The Government is frightened of a report on the culling of feral horses in Guy Fawkes River National Park in October. Community members are horrified and appalled by this culling by the National Parks and Wildlife Service and those working for that organisation. The Government is allowing those culling methods to continue, although people have a right to expect that animals will be treated humanely in New South Wales in 2001. The Government continues to cover up what happened in Guy Fawkes River National Park and continues to thwart the opportunity for members of this House to exercise their right and raise this matter on behalf of their constituents. The Government stands condemned for allowing these acts of cruelty to take place. One thing is for certain: if the Government will not deal with this matter, this cruel and inhumane culling of feral horses will occur again. The Government, by its inaction and by not allowing the matter to be discussed, is saying that it endorses what happened in Guy Fawkes River National Park. Does the Leader of the House endorse what happened in Guy Fawkes River National Park?

Mr Whelan: I will vote for the motion.

Mr O'DOHERTY: This motion would stop this issue from being debated. I and the people of the electorate of Ashfield and the people of New South Wales generally say that the Government is covering up. It

is covering up what happened in the Guy Fawkes River National Park. I have in my hand photographs of horses that have been mutilated, in a most inhumane way, by bullets from a semi-automatic rifle fired from a helicopter, presumably in buffeting winds. There was no attempt whatever to be humane in this matter. I have a photograph of a horse that has at least four bullet holes along its back. How inhumane is that! Putting down a horse should be done with utmost care. A number of members are sitting opposite. I presume the honourable member for Newcastle is not smiling because he thinks this is funny. The honourable member for Wyong will vote on the suspension motion, as will the honourable member for Maitland. I presume those honourable members do not think this is funny. I should expect they will vote to maintain the right of this House to speak on this matter.

I have another photograph of a horse that was in the process of foaling, dropping its foal at the time it was shot from a helicopter. I can see several bullet holes in the animal, and one can clearly see the foal emerging. That is the most tragic photograph that one could see. I lay it upon the table of the House for members to peruse before they vote on the suspension motion. The Opposition wants the House to be able to discuss and debate this issue as a matter of public importance. The matter of public importance that the honourable member for Southern Highlands, the shadow Minister for the Environment, wishes the House to debate is the culling of brumbies in national parks. That motion will allow this House to express its view on the culling of these feral animals. I would imagine that every honourable member would want to express a view about the matter.

Ms Seaton: Let us hear the Minister for the Environment explain himself. He has not said a word about this in this Chamber.

Mr O'DOHERTY: The honourable member for Southern Highlands reminds us that the Minister for the Environment has not said a word about this in this Chamber. Where is he now? Will he vote in the division that will take place on this suspension motion?

Ms Seaton: He has contradicted the report.

Mr O'DOHERTY: The Minister has contradicted the report. He called for a report. That report has been presented. What is the Minister doing about it? Now he has contradicted it in a media release issued today which says that aerial culling of horses has been permanently banned in all New South Wales national parks, according to the Minister. But the report endorses this culling. So the Minister has a report that states—

Mr Crittenden: Point of order.

Mr ACTING-SPEAKER (Mr Lynch): Order! Members on the Opposition benches will cease interjecting to enable the Chair to hear the point of order. I call the honourable member for Hornsby to order.

Mr Crittenden: The Minister for the Environment is in Launceston at a meeting of Attorneys General.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 47

Ms Allan	Mrs Grusovin	Mr Nagle
Mr Amery	Ms Harrison	Mr Newell
Ms Andrews	Mr Hickey	Ms Nori
Mr Aquilina	Mr Hunter	Mr Orkopoulos
Mr Ashton	Mr Iemma	Mr E. T. Page
Mr Bartlett	Mr Knowles	Mr Price
Ms Beamer	Mrs Lo Po'	Ms Saliba
Mr Black	Mr Lynch	Mr W. D. Smith
Mr Brown	Mr Markham	Mr Stewart
Mr Campbell	Mr Martin	Mr Tripodi
Mr Collier	Mr McBride	Mr Watkins
Mr Crittenden	Mr McManus	Mr Whelan
Mr Face	Ms Meagher	Mr Woods
Mr Gaudry	Ms Megarrity	*Tellers,*
Mr Gibson	Mr Mills	Mr Anderson
Mr Greene	Mr Moss	Mr Thompson

Noes, 36

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

Question resolved in the affirmative.

Motion agreed to.

WATER MANAGEMENT BILL

Third Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [11.45 a.m.]: I move:

That this bill be now read a third time.

Last night I thanked all honourable members who contributed to the fairly lengthy debate on this bill. A large number of amendments were moved in Committee. The first batch of amendments was tabled in the first week of this current sitting. Other amendments were moved last night in Committee. Obviously, that could not have been done without the co-operation of the Opposition and members on the crossbenches. I acknowledge their co-operation and thank them for it, because I acknowledge that it sped up not only the debate on the bill but also the formulation of the final bill. It was of great help to the irrigation industry and bodies such as the Nature Conservation Council and others that are trying to get together a final document to be used to lobby members of Parliament and prepare submissions relating to proposed amendments in the Legislative Council.

A number of honourable members asked me why only one division was called in relation to this legislation, despite the fact that there was so much opposition to a number of amendments proposed by the Government—including those relating to local government, the 10-year plan, committees, the compilation of committees, the residential qualifications of committee members and the voting rights of the Government. I formally place on the record that that occurred because of arrangements with, and the strategy of, members of the Opposition. Rather than tie up debate in this House for a number of days the Leader of the National Party and the honourable member for Ballina, who is the shadow Minister for Land and Water Conservation, said they opposed a number of amendments but reserved the right to vote against them in the Legislative Council.

I hope that that deals adequately with the questions that have been asked about the number of divisions at the second reading and Committee stages of the bill. As I said earlier, it was by arrangement to facilitate the passage of the bill through this House. Any changes to the bill will be made in the Legislative Council. I was advised only an hour ago that the updated version of the bill, incorporating all the amendments, has been prepared. Obviously, depending on the formal vote on the third reading in this House, the bill will be received in the Legislative Council very soon. I do not think I dealt adequately with another issue that was raised in debate on the second reading of the bill.

Mr O'Doherty: Point of order: This is a debate on the third reading of the bill. On my understanding—and I invite you to seek advice from the Clerks—debate on the third reading is extremely limited, to questions such as the adoption of the report. The Minister is not entitled to make another second reading speech or to explain questions that were asked during the second reading debate. The second reading debate on the bill has been closed. We are debating whether this bill should be read a third time. The Minister is transgressing the procedures of this House. This is private members' day; it is not a day for Government business.

If the Minister wants to do this, he can do so at some other stage or in the Legislative Council. He talks about a co-operative process to speed up debate on the bill, but he is deliberately wasting time to delay the House proceeding with private members' day. I ask you to rule that the Minister's time for speaking has now expired.

Mr ACTING-SPEAKER (Mr Lynch): Order! I will not do that. It is true that debate on the third reading is a little different to other debates, but I refer to this ruling of Speaker Kelly:

> There is a very limited scope of debate on the third reading of a bill. A member may refer only to the principles of a bill; he may not refer to debate which has already taken place. Debate should be confined to the contents of the measure.

It seems to me that that ruling is a great deal broader than the point of order taken by the member for Hornsby. I rule in accordance with what was said by Speaker Kelly.

Mr AMERY: I thought I was dealing with only a couple of procedural matters. The other matter was the concern that too much power is given to the Minister about the establishment of regulations. I state the obvious to members of the House: that other regulations will be drafted. There is a statutory process for the formulation of those regulations and they are subject to disallowance motions of the House once they are published in the *Gazette*, and so on. Those regulations are still subject to public scrutiny if members opposite feel they have been ambushed. No vote was taken on the two matters raised by the honourable member for Tamworth, because his original amendments were defeated by the only division taken last night. His other two amendments were consequential on those amendments and therefore there was no debate on them.

Mr O'Doherty: Point of order: The Minister is clearly transgressing your ruling and that of Speaker Kelly. He is entitled to speak only on the principles of the bill. Debate on what did or did not happen last night is not relevant. I ask him to come back to the very narrow terms of the third reading debate.

Mr ACTING-SPEAKER: Order! I invite the Minister to resume but to confine himself to the general principles of the bill.

Mr AMERY: It is a shame that the level of co-operation is not being carried through by some of the city Liberal members—what the National Party might call city-centric members of the Liberal Party. I have wound up on those points and have clarified those procedures. My office is now ready for negotiation with the crossbench members of the Legislative Council and, of course, National Party members, led by the honourable member for Ballina. Again I thank everybody for their co-operation in the formulation of this major piece of legislation, which has been dealt with very professionally by all sides.

Ms ALLAN (Wentworthville) [11.52 a.m.]: I very much appreciate the opportunity to speak on the third reading of this bill. As a former Minister for the Environment and a former colleague of both the current Minister for Land and Water Conservation and the former Minister for Land and Water Conservation I saw, over a number of years, the evolution of this legislation, which, I believe—as most of the members who participated in this debate said—is the most significant piece of legislation to come before Parliament this year. The Water Management Bill has an almost infinite list of interested stakeholders. One of the things that needs to be commented on—

Mr O'DOHERTY (Hornsby) [11.53 a.m.]: We are keen for the debate to be finalised so the matter can go to the other House. Therefore I move:

> That the question be now put.

The House divided.

Ayes, 36

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

Noes, 47

Ms Allan	Mrs Grusovin	Mr Nagle
Mr Amery	Ms Harrison	Mr Newell
Ms Andrews	Mr Hickey	Ms Nori
Mr Aquilina	Mr Hunter	Mr Orkopoulos
Mr Ashton	Mr Iemma	Mr E. T. Page
Mr Bartlett	Mr Knowles	Mr Price
Ms Beamer	Mrs Lo Po'	Dr Refshauge
Mr Black	Mr Lynch	Ms Saliba
Mr Brown	Mr Markham	Mr W. D. Smith
Mr Campbell	Mr Martin	Mr Stewart
Mr Collier	Mr McBride	Mr Tripodi
Mr Crittenden	Mr McManus	Mr Watkins
Mr Face	Ms Meagher	Mr Woods
Mr Gaudry	Ms Megarrity	*Tellers,*
Mr Gibson	Mr Mills	Mr Anderson
Mr Greene	Mr Moss	Mr Thompson

Question resolved in the negative.

Ms ALLAN: Again I thank the House for the opportunity to participate in this debate. As I was saying before I was so rudely interrupted, this is the most significant debate we have had in this House for many, many years. That is because water, as both an issue and a program priority of governments, has become the most significant natural resource management matter not only in this State but across Australia. One reason for the large amount of input from various stakeholders—indeed, it is almost an infinite list of stakeholders—in the lengthy process of reviewing the water management legislation was the growing interest in the issue. Once upon a time the stakeholders were largely practitioners who use water—farmers, irrigators and people who lived on the land generally. However, in recent years there has been a massive explosion in the number of people taking a proprietary interest in water management as a public policy issue.

Debate on this important bill was always going to be significant. If 80-year-old legislation is not tidied up, often a huge amount of interest is expressed when amending legislation comes before the Parliament. It is timely that we are debating water management because of the national focus on this issue. Not only have the people of New South Wales taken an interest in the amendments and the progress of the bill. Indeed, the Commonwealth has taken an active interest, as have the other States and anyone who is taking an interest in water management. I come to this debate not only as a former Minister for the Environment but, more significantly I suppose, as the chair of the parliamentary—

[*Interruption*]

The little boys opposite might learn something if they listened carefully. More significantly, I come to this debate as the current chair of the Select Committee on Salinity. Last week I had the pleasure of leading a visit of that committee to Albury. The salinity committee is a bipartisan committee of this House and includes two Independent members.

Mr Humpherson: Point of order: This point of order has been taken previously and rulings have been made as to what honourable members can say in contributions to the third reading debate. The former Minister is transgressing significantly. I ask you to draw her back to the principles of the bill, which is all she is allowed to debate; otherwise she should be directed to resume her seat.

Mr DEPUTY-SPEAKER: Order! The practice of speaking in the third reading debate is not common. By and large, the honourable member for Wentworthville has stayed within the guidelines. She is now elaborating on one or two matters. If she returns to the substance of the bill in the next few sentences she will remain in order.

Ms ALLAN: It is difficult for city slickers to understand the profound issues of natural resource management that are dealt with in the Water Management Bill. The lengthy consultation period on this bill has ensured that groups such as the New South Wales Irrigators Council and the Nature Conservation Council of New South Wales believe they are part of the water management reform process in this State. That is not an easy task. One reason that outcome has been achieved is the leadership that has been shown by the Minister for Agriculture, whom I am pleased to see in the House. I had the opportunity recently—

Mr O'Doherty: Point of order: It is important that the House does not get this wrong. The third reading of a bill is specifically defined in a ruling that was canvassed earlier today. The ruling of Speaker Kelly states:

> There is a very limited scope of debate on the third reading of a bill. A member may refer only to the principles of a bill; he may not refer to debate which has already taken place. Debate should be confined to the contents of the measure.

That means that the honourable member for Wentworthville and other honourable members cannot congratulate the Minister and the shadow Minister or talk about the Irrigators Council. Members are entitled to refer only to the contents of the bill and the principles contained in it. I ask you to uphold the standing orders, which will be critical to the orderly management of the House.

Ms ALLAN: On the point of order: Unlike the honourable member for Hornsby, I have read the bill, and both the groups I referred to are directly represented in the bill. Therefore, my comments are pertinent to the third reading debate.

Mr DEPUTY-SPEAKER: Order! My earlier ruling stands.

Ms ALLAN: As I said, it is important for groups as diverse as the Irrigators Council and the Nature Conservation Council to have confidence in the water management process in this State. Water is a primary issue for all of us. As the chair of the Select Committee on Salinity, I am well aware of the current focus on water management. Some issues, such as the salination of water, have been with us for hundreds of years, since white settlement in this country. However, it now seems as if we are almost discovering the issues for the first time. It is important that the natural resource management laws made by this Parliament be relevant to changing circumstances and changing priorities. That is why this bill has attracted so much interest, focus, attention and debate, despite some of the more insignificant comments made by members opposite in the past few minutes. Generally speaking, those who have contributed to the debate have made some profound points, and they have done so because there is such a wide degree of interest in the issue.

The bill addresses the problems of salinity, land management, irrigation, rising water tables, acid sulphate soils, and availability and scarcity of water as a natural resource. However, those problems cannot simply be dealt with overnight. A system of public administration must be established that is able to deal with these issues as they arise. We must ensure that the bureaucracy, in this case the Department of Land and Water Conservation, is well equipped to deal with this changing and demanding area. We must ensure that we facilitate the participation of all groups who want to take a role in the management of this debate, whether they are irrigators or conservationists, and we must ensure that the Parliament appreciates the views and concerns of all those who are involved.

As I said, this profound legislation manages to do just that. It tidies up a number of anomalies in natural resources legislation of the past. At the same time it has provided an opportunity for new ideas to meet some of the changing needs. I reiterate that the Minister for Agriculture, and Minister for Land and Water Conservation deserves credit for having brought the legislation forward. Earlier this week I read some comments the Minister made in the early 1990s about these issues, and I must admit I have seen the Minister mature on these issues over the past decade. It is great that at least members on this side of politics support continuity in important issues such as this. We must ensure that those who are dealing with the issues are aware of the people's concerns. It must be extremely reassuring for the Irrigators Council of New South Wales that the Minister, whom the council often dealt with on these issues in the early 1990s, is still managing those issues. Stakeholders such as the Irrigators Council appreciate those sorts of matters, and with this legislation they can be confident that their voices will be heard. [*Time expired.*]

Mr D. L. PAGE (Ballina) [12.12 p.m.]: Although the Opposition will not divide the House on the third reading, we have a number of objections to various aspects of the bill which, by agreement with the Government, will be debated in the upper House. As I indicated in my

contribution to the second reading debate, the Opposition will move a number of amendments to the legislation. The Government has indicated that it will also move amendments, details of which apparently will be available in a consolidated bill to be provided to members in the next hour or so. The Opposition has some concerns with regard to the legislation about which we will seek to negotiate with the Government.

If the negotiations are not successful the Opposition will move the appropriate amendments and those matters will be resolved in the upper House. I believe third reading debates should be used for speeches on the third reading of the bill. The honourable member for Wentworthville endeavoured to use the third reading of

this bill to present a second reading speech which should have been delivered during the second reading debate. As I have said, the Opposition will not divide the House on the third reading. However, it has some concerns about the legislation, and those matters will be resolved in the upper House.

Motion agreed to.

Bill read a third time.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Mr AQUILINA (Riverstone—Minister for Education and Training) [12.14 p.m.]: I move:

That standing and sessional orders be suspended to:

(1) permit General Business Notice of Motion (General Notice) No. 255 standing in the name of the member for Newcastle to be called on forthwith;

(2) at 1.00 p.m. allow the introduction and progress up to and including the Minister's second reading speech on the following bills:

Valuation of Land Amendment Bill
Electricity Supply Amendment Bill: and

(3) postpone consideration of General Business Orders of the Day (Committee Reports) until Friday 17 November.

Mr O'DOHERTY (Hornsby) [12.15 p.m.]: The Opposition opposes the motion to suspend standing and sessional orders for a number of reasons. The Leader of the House is presumably listening in his office, having sent the Minister for Education and Training into the Chamber to move the motion. I am surprised that the Minister for Education and Training has moved such a motion, because I understand him to be a man of principle. Private members' days are set aside for private members to introduce bills, move motions, and to discuss matters of public importance. Erskine May's *Parliamentary Practice* confirms, when referring to the history of parliaments, that private members' days belong to private members. That is, they belong to the individual members of this House; they do not belong to members of the executive Government: in other words Ministers. In this House members other than Ministers have only Thursday mornings to proceed with their business.

The Government does not manage the business of the House on private members' days. But that is exactly what the Leader of the House—on this occasion the Minister for Education and Training in his stead—is seeking to do today, as he does every Thursday. He simply manages the business of the House by moving the suspension of standing orders. He has to do that because the Government does not control the business of the House on Thursday mornings. The Government exercises control and bullies the House by continual suspending standing and sessional orders. This motion for the suspension of standing and sessional orders is opposed, in the same way as the one before it was opposed, and the one before that, and the one before that. Private members need to be able to proceed with their business on behalf of their constituents and the people of New South Wales.

The Government cannot simply ensure that only Government business or motions moved by members supporting the Government, such as the honourable member for Newcastle, are dealt with. What has the Government denied the people of New South Wales the chance to hear about today? It has denied this Parliament the opportunity to express its view about life sentences meaning life for prisoners whose files are marked "Never to be Released"—prisoners such as Allan Baker. Virginia Morse was murdered in the most gruesome and horrendous fashion. For many years her murder has disgusted members of this House and members of the community, who, like the judge who originally sentenced him, do not believe that Baker—or Crump for that matter—should get out of gaol.

On eight occasions, including today, the Government has refused to debate a bill introduced by the Leader of the Opposition. The bill will ensure that anyone whose file is marked "Never to be Released", as Baker's file is, will not be released. The New South Wales community wants this House to ensure that Baker is never released. The Government is protecting murderers by continually refusing to allow the bill to be debated. The Government knows full well that there could be a ruling by a court any day now which will allow Baker to apply for a parole date. Before that happens, this House needs to express with unequivocal force what a life

sentence means. The Government has deliberately prevented this House debating that matter on eight separate occasions. If Baker ever walks free every single member of the Government, every Labor Party member and/or Independent who has voted to postpone debate on the bill introduced by the Leader of the Opposition will stand condemned.

Mr Aquilina: Point of order: The honourable member for Hornsby is referring to a matter that was debated in this Chamber earlier today. The matter the honourable member is currently referring to has absolutely no relevance to my motion to suspend standing and sessional orders or the reason for it. Indeed, the motion I have moved relates to allowing the honourable member for Newcastle the opportunity to debate an important matter: why the Opposition has expressed its lack of support for the Crimes (Forensic Procedures) Bill.

Mr O'DOHERTY: If the motion for the suspension of standing and sessional orders is successful the House will be prevented from debating the matter of public importance of which the honourable member for Southern Highlands gave notice yesterday and which currently has priority. If the House does not vote to suspend standing and sessional orders, that matter of public importance, which relates to the culling of feral horses in the most inhumane fashion, possibly by the National Parks and Wildlife Service, will now be debated. The approach taken by the Government and the Minister for the Environment is jeopardising environmental values and the value of animal cruelty laws. The honourable member for Southern Highlands should be able to tell the House about that disgusting act that took place, but members opposite are trying to prevent her from doing so. Shame on the lot of them!

Question—That the motion be agreed to—put.

The House divided.

Ayes, 48

Ms Allan	Ms Harrison	Ms Nori
Mr Amery	Mr Hickey	Mr Orkopoulos
Ms Andrews	Mr Hunter	Mr E. T. Page
Mr Aquilina	Mr Iemma	Mr Price
Mr Ashton	Mr Knowles	Dr Refshauge
Mr Bartlett	Mrs Lo Po'	Ms Saliba
Ms Beamer	Mr Lynch	Mr W. D. Smith
Mr Black	Mr Markham	Mr Stewart
Mr Brown	Mr Martin	Mr Tripodi
Mr Campbell	Mr McBride	Mr Watkins
Mr Collier	Mr McManus	Mr Woods
Mr Crittenden	Ms Meagher	Mr Yeadon
Mr Face	Ms Megarrity	
Mr Gaudry	Mr Mills	
Mr Gibson	Mr Moss	*Tellers,*
Mr Greene	Mr Nagle	Mr Anderson
Mrs Grusovin	Mr Newell	Mr Thompson

Noes, 36

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

Question resolved in the affirmative.

Motion agreed to.

CRIMES (FORENSIC PROCEDURES) LEGISLATION

Mr GAUDRY (Newcastle—Parliamentary Secretary) [12.27 p.m.]: I move:

That this House:

(1) condemns the Opposition for its opposition to the Crimes (Forensic Procedures) Bill, which would have deprived the New South Wales Police Service of the most important crime fighting tool this century; and

(2) congratulates the Government members and the Independent members in the Upper House, namely:

The Hon. John Tingle,
The Hon. Helen Sham-Ho
The Hon. Peter Breen,
The Hon. Malcolm Jones,
The Hon. Rev and Mrs Nile,
The Hon. David Oldfield; and
The Hon. Dr Wong.

on recognising the importance of this historic piece of legislation and opposing the attempt by the Opposition to have this bill expire and be defeated.

All members of this House would have in their electorates victims of violent crime. They would well understand the trauma, the heartache and the family destruction that those victims face. To their absolute amazement the Opposition in this House—

Mr HUMPHERSON (Davidson) [12.28 p.m.]: I move:

That the honourable member for Newcastle be not further heard.

Mr DEPUTY-SPEAKER: Order! The question is, That the honourable member for Newcastle be not further heard. All those of that opinion say "Aye", to the contrary "No". I believe the ayes have it.

[*Interruption*]

Order! I stand corrected. I will restate the question. The question is, That the honourable member for Newcastle be not further heard.

Mr Armstrong: Point of order: With due deference, you clearly responded to the vote and you called it in favour of the ayes. You cannot change your call. The standing orders are explicit on this matter.

Mr Gaudry: I clearly called for a division. I ask that you rule that the division proceed.

Mr DEPUTY-SPEAKER: Order! I may have been slow in responding to the call for a division, but I did hear it.

Mr Armstrong: To the point of order: What the member called for is irrelevant. It is your call that matters, and you have made your decision.

Mr DEPUTY-SPEAKER: Order! I have made my ruling.

Mr Armstrong: Thank you for your decision on the matter. We will now retire from the Chamber.

Mr DEPUTY-SPEAKER: Order! The call was for a division, and I propose to proceed with the division.

Mr O'Doherty: To the point of order: I simply ask that you state for the record under what standing order you are calling for a new vote.

Mr DEPUTY-SPEAKER: Order! I was speaking loudly at the time and I called for a division as soon as I realised there had been a call against the aye vote. I have made my ruling.

Mr Armstrong: Further to the point of order: I have great respect for you in your occupation of the chair. Because of your standing in this Parliament you will appreciate the standing orders. You have been

captured by the Government of the day. This is one of the worst cases of bastardry we have seen in this place for a long time. I commend you for your work to this point. If you go through with this you will destroying any vestige of probity and integrity you may have as the Deputy-Speaker in this House. I ask you to adhere to your original ruling and comply with the standing orders of this House.

Question—That the honourable member for Newcastle be not further heard—put.

The House divided.

[*In division*]

Mr DEPUTY-SPEAKER: Order! I have been advised that the bells are not ringing on level 9. I direct that the bells be rung again.

Ayes, 35

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

Noes, 49

Ms Allan	Ms Harrison	Mr Newell
Mr Amery	Mr Hickey	Ms Nori
Ms Andrews	Mr Hunter	Mr Orkopoulos
Mr Aquilina	Mr Iemma	Mr E. T. Page
Mr Ashton	Mr Knowles	Mr Price
Mr Bartlett	Mrs Lo Po'	Dr Refshauge
Ms Beamer	Mr Lynch	Ms Saliba
Mr Black	Mr Markham	Mr W. D. Smith
Mr Brown	Mr Martin	Mr Stewart
Mr Campbell	Mr McBride	Mr Tripodi
Mr Collier	Mr McGrane	Mr Whelan
Mr Crittenden	Mr McManus	Mr Woods
Mr Face	Ms Meagher	Mr Yeadon
Mr Gaudry	Ms Megarrity	
Mr Gibson	Mr Mills	*Tellers,*
Mr Greene	Mr Moss	Mr Anderson
Mrs Grusovin	Mr Nagle	Mr Thompson

Question resolved in the negative.

Mr GAUDRY: I understand the Opposition's embarrassment—

Mr O'Doherty: Point of order: I am reluctant to take the point of order, but the fact is that because of the proceedings of the House in which the Deputy-Speaker—

Mr SPEAKER: Order! What is the point of order?

Mr O'Doherty: The point is that the honourable member's time has expired.

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

Mr GAUDRY: I understand the embarrassment of Opposition members on this issue. They tried to block, to kill, to defeat the forensic bill and to have it lapse after one year—denying the people of New South Wales the ability to properly investigate criminal matters.

Mr Brogden: Point of order: Mr Speaker, before you took the chair the Deputy-Speaker ruled against a point of order taken by an Opposition member. I ask you, Mr Speaker, as the ultimate Chair of this House, to review that decision.

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

Mr GAUDRY: Given the circumstances, I seek an extension of time of 10 minutes.

Mr SPEAKER: Order! The question before the House—

Mr O'Doherty: Point of order—

Mr SPEAKER: Order! The member for Hornsby will wait until the Chair has finished speaking. He should know that the standing orders provide that members shall not interrupt the Chair. The honourable member for Newcastle has sought an extension of his speaking time. However, he is out of order.

Mr GAUDRY: I seek leave of the House for an extension of time for this very important debate. It is the right of the people of New South Wales to hear us on this issue and to know about the Opposition's attempt to deny the people that right.

Leave not granted.

[*Debate interrupted.*]

BUSINESS OF THE HOUSE

Extension of Speaking Time: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield—Minister for Police) [12.44 p.m.]: I move:

> That standing and sessional orders be suspended to permit the honourable member for Newcastle to resume his speech with unlimited time.

Mr O'DOHERTY (Hornsby) [12.44 p.m.]: I reiterate the principle that I laid out very clearly for the benefit of the Leader of the House earlier today. That principle is that whenever the Government seeks to use its numbers to bully this House to prevent a private members' day from proceeding properly, the Opposition will oppose those tactics and will divide the Chamber on the issue if necessary. The Leader of the House would have had a much more orderly morning if he simply allowed the normal procedures of the House to continue.

Mr Gaudry: Point of order: The member is attempting to convince the House that I am speaking on something that is not a private member's issue.

Mr SPEAKER: Order! What is the point of order?

Mr Gaudry: This is a private member's issue.

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

Mr O'DOHERTY: The procedure of the House is that on Thursday morning this Chamber deals with private members' business, not the business of the Government or the Leader of the House. I want the Leader of the House to know that every time he tries to subvert private members' day on Thursday by moving the suspension of standing and sessional orders as part of the bullying tactics of the Government, the Opposition will oppose him and will divide the Chamber on the suspension motion. To honourable members on the Government side who are angry about having to attend this Chamber for divisions, I say: Blame the Leader of the House. He should not seek to order the affairs of the House in such a way to allow Government business to proceed in place of private members' business. If it chooses to use the blunt instrument of suspension, we will oppose that every time. In doing so we stand up not only for the rights of honourable members to speak in this place but also for the rights of their constituents to have their matters heard.

Mr SPEAKER: Order! The honourable member for East Hills will remain silent. Members on both sides of the Chamber will refrain from interjecting.

Mr O'DOHERTY: Today the Government has prevented this House from debating the issue of Allan Baker being retained in gaol, a matter that touches on the conscience of every honourable member except, apparently, those sitting opposite. We are debating the motion of the honourable member for Newcastle because the Government did not want to debate the dreadful and inhumane killing of brumbies in a national park. The Government is afraid. We have seen the Leader of the House take the extraordinary action of moving in the middle of private members' day, for no apparent reason other than that he wants to control private members' day, that Government business become the order of the day. The Leader of the House could have moved to have the Water Management Bill brought on at any time today, but instead chose to take up time allocated for private members' matters to debate that bill.

The Opposition does not oppose the Water Management Bill. Suddenly, the Leader of the House moved to bring on the third reading of that bill. In an extraordinary, sudden and unprecedented move, the third reading of the bill became the matter that this House must debate, and we had the honourable member for Wentworthville entertaining us with the benefit of her knowledge of the irrigators council and so on. The Government could have moved to bring on the third reading of that bill later today when Government business is set down to be dealt with, after question time. The committee reports that are supposed to be dealt with at 1 o'clock today will not in fact be dealt with. Why is that? The Leader of the House will defer consideration of those committee matters until tomorrow. I challenge the Leader of the House to tell us whether we will have question time tomorrow. I challenge the Leader of the House to allow us a question time tomorrow. I ask him to state for the record whether we will have a question time tomorrow.

Mr Whelan: No.

Mr O'DOHERTY: "No," he says! This is another instance of the Government using its numbers to bully this House, to prevent Opposition members from asking questions about an alleged criminal offence by the member for Fairfield, and alleged corruption by the Speaker of this House, and collusion by other members, including the member for Kogarah, in preventing this House from asking proper questions, as it should be able to, of the Government about what it has done about the Tripodi affair. Suddenly the tapes have appeared. Where have the tapes been? We want to pursue that matter through this House. But what do we get? A Speaker who allowed three questions out of 10 for the Opposition. We have the Leader of the House preventing us from raising private members' matters.

Mr SPEAKER: Order! I will not allow the honourable member for Hornsby to reflect adversely on the actions of the Chair in relation to the number of questions asked in question time. If he wishes to pursue such matters he should use the forms of the House.

Mr O'DOHERTY: We have a Leader of the House who has a sitting day on Friday set down for business, but no question time. How democratic is that? What do they have to hide? [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

Ms Allan	Ms Harrison	Ms Nori
Mr Amery	Mr Hickey	Mr Orkopoulos
Ms Andrews	Mr Hunter	Mr E. T. Page
Mr Aquilina	Mr Iemma	Mr Price
Mr Ashton	Mr Knowles	Dr Refshauge
Mr Bartlett	Mrs Lo Po'	Ms Saliba
Ms Beamer	Mr Lynch	Mr W. D. Smith
Mr Black	Mr Markham	Mr Stewart
Mr Brown	Mr Martin	Mr Tripodi
Mr Campbell	Mr McBride	Mr Watkins
Mr Collier	Mr McManus	Mr Whelan
Mr Crittenden	Ms Meagher	Mr Woods
Mr Face	Ms Megarrity	Mr Yeadon
Mr Gaudry	Mr Mills	
Mr Gibson	Mr Moss	*Tellers,*
Mr Greene	Mr Nagle	Mr Anderson
Mrs Grusovin	Mr Newell	Mr Thompson

Noes, 34

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

Question resolved in the affirmative.

Motion agreed to.

CRIMES (FORENSIC PROCEDURES) LEGISLATION

[*Debate resumed.*]

Mr GAUDRY (Newcastle—Parliamentary Secretary) [12.58 p.m.]: Members of the Opposition have used every device to try to stop this motion being debated.

Mr O'DOHERTY (Hornsby) [12.59 p.m.]: I move:

That the question be now put.

The House divided.

Ayes, 29

Mr Brogden	Mr Kerr	Mr Slack-Smith
Mrs Chikarovski	Mr Maguire	Mr Souris
Mr Debnam	Mr Merton	Mr Stoner
Mr George	Mr O'Doherty	Mr Tink
Mr Glachan	Mr Oakeshott	Mr J. H. Turner
Mr Hartcher	Mr D. L. Page	Mr R. W. Turner
Mr Hazzard	Mr Piccoli	Mr Webb
Ms Hodgkinson	Mr Richardson	*Tellers,*
Mr Humpherson	Mr Rozzoli	Mr Fraser
Dr Kernohan	Mrs Skinner	Mr R. H. L. Smith

Noes, 53

Ms Allan	Ms Harrison	Ms Nori
Mr Amery	Mr Hickey	Mr Orkopoulos
Ms Andrews	Mr Hunter	Mr E. T. Page
Mr Aquilina	Mr Iemma	Mr Price
Mr Ashton	Mr Knowles	Dr Refshauge
Mr Barr	Mrs Lo Po'	Ms Saliba
Mr Bartlett	Mr Lynch	Mr W. D. Smith
Ms Beamer	Mr Markham	Mr Stewart
Mr Black	Mr Martin	Mr Torbay
Mr Brown	Mr McBride	Mr Tripodi
Mr Campbell	Mr McGrane	Mr Watkins
Mr Collier	Mr McManus	Mr Whelan
Mr Crittenden	Ms Meagher	Mr Windsor
Mr Face	Ms Megarrity	Mr Woods
Mr Gaudry	Mr Mills	Mr Yeadon
Mr Gibson	Mr Moss	*Tellers,*
Mr Greene	Mr Nagle	Mr Anderson
Mrs Grusovin	Mr Newell	Mr Thompson

Question resolved in the negative.

Pursuant to resolution debate interrupted.

VALUATION OF LAND AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [1.07 p.m.]: I move:

That this bill be now read a second time.

The Carr Government is introducing a number of reforms to the New South Wales land valuation system following last year's review into the operations of the Valuation of Land Act by independent consultant Julie Walton. This Valuation of Land Amendment Bill addresses the Government's commitment to refine the current system of land valuation by removing unnecessary complexity from the land rating system and simplifying rights of objection and appeal for property owners. The Government has adopted the majority of recommendations from the Walton report at an additional cost of about $900,000 this year. These changes will address the complexity of the existing systems, the limits of mass valuation and quality control, and the need for better customer service.

The existing valuation systems were introduced in 1992 by the previous Government, which set up two separate valuation and appeal systems. For example, under the current systems a property owner can appeal to the Land and Environment Court, but must take action against both the Valuer-General and the Chief Commissioner. The independent review found that these distinctions are both confusing to property owners and inequitable. Julie Walton made 21 recommendations, many of which will be implemented by the passage of this bill. The main thrust of the recommendations was that the two valuation systems be combined, standardised and simplified so that the Valuer-General takes responsibility as the State's valuing authority.

Two of Julie Walton's recommendations, numbers one and three, involved the formation of a specialist working group to advise on the valuation system and regular reviews. I can advise the House that the specialist working group has been established and has met on several occasions. It is made up of representatives from the Local Government and Shires Associations, the Property Council of Australia, the Real Estate Institute and the Australian Property Institute. Recommendation two was to commence a rolling program of handcrafting valuations for individual properties. More frequently valuations will occur in areas likely to experience significant value changes. We are changing the system to make it more responsive to fluctuations value-driven by the market and more reflective of the characteristics of individual properties. As a result, handcrafting has been carried out this year on all properties that have been subject to premium property tax in the past. Tender documents for contract valuations and valuation manuals have been rewritten to include handcrafting in future valuations.

The reviewing and rewriting of manuals and procedures satisfies the fourth recommendation of Julie Walton. This process is being carried out by an expert in the valuation process and a communications consultant at a cost of $40,000. The process should be complete by the end of November and also addresses recommendations 14 and 21. The fifth recommendation was to combine the two current valuation systems into one system which recognises the Office of State Revenue as the taxing authority and the Valuer-General as the valuing authority. This recommendation also included the expedition of a database project.

I am pleased that this bill creates a single statute and a single register for land valuations as recommended by Julie Walton, and that the new integrated property warehouse database project will be fully completed by April 2001. The sixth recommendation was to retain annual valuations and this is being done. Recommendation seven was about standardising assumptions and approaches to land value for rating and taxing purposes, and that is being achieved by this bill. Recommendations eight and nine were not supported by this Government. Recommendation eight was about separating notices for land value and assessments. The Government feels that this would be complex and cumbersome for people and not provide sufficient information on which to base a decision to appeal.

The ninth recommendation was about altering the base date for valuations from July to April, based on the assumption that this would improve budget forecasts for land tax. Budget forecasts are done using a conservative analysis of the property market and would not be improved by changing the base date. The tenth recommendation was that there should be an annual review of the advantages and disadvantages of competitive tendering. The Government is currently introducing competitive tendering in rural areas. The effects of this process in rural areas as well as metropolitan areas will be evaluated in 2001.

Julie Walton's eleventh recommendation was about allowing time for the new system to settle down before there is any further change. This is supported by the Government. Recommendation 12 was that any new mass valuation methodologies should be created outside the tendering process and be subject to rigorous testing. This is also supported and will be enhanced by the working group mentioned earlier. Julie Walton's thirteenth recommendation was about drafting of tender specifications. This has already been introduced for new tender contracts.

The fifteenth recommendation was about notifying people of the most recent valuation. When fully implemented in April next year, the integrated property warehouse will enable the Office of State Revenue to identify and send valuations to target landowners, such as those subject to the premium property tax. Recommendations 16 and 17 were about providing information to landowners about valuations and objections/appeals processes. A brochure outlining this information will be sent in the current round of valuations and is available on request or on the web site. The Valuer-General will also provide information on how a property was valued at the request of the property owner

Recommendation 18 was about an integrated approach to appeals against valuations. This bill will make the Valuer-General the single valuing authority and all objections will be handled by that office. Recommendations19 and 20 were about the need for objections to be dealt with by a person other than the valuer who did the original valuation, and for that to be done in a timely way. A new position in the Valuer-General's Office is being funded by the Government and will be advertised this week to address these recommendations. The right to appeal to the Land and Environment Court will be retained.

Part of the twentieth recommendation dealing with sanctions was not supported because it would prolong the appeals process and potentially lead to increased tender costs. With the passage of this bill, the Valuer-General will now make valuations annually that will be issued each year as valuation lists to the Chief Commissioner of State Revenue. These valuations will replace those currently being made and used under the authority of the Land Tax Management Act, and the relevant valuation provisions of that Act will be repealed. The bill makes a number of important changes to streamline the objection and appeal process for property owners.

Property owners will now be able to object directly to the Valuer-General when they receive their notices of valuation. Their objections will be responded to within 90 days. They may still appeal to the Land and Environment Court, but in a process in which only one authority will be involved. This will considerably streamline appeals and reduce the time and expense for property owners. I take this opportunity to advise the House of other progress that is being made in areas which do not require statutory changes.

This includes the formation of Land and Property Information New South Wales, which resulted from the merger of the former Valuer-General's Office, the Land Titles Office and the Land Information Centre. Valuation notices will now include better and expanded information on valuation and appeal systems. The Valuer-General's web site will be expanded to include the new methods of valuation and the rights of property owners. I am confident that the result of the passage of the bill will be to establish a more open, fair and clear valuation system for property owners in this State. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

ELECTRICITY SUPPLY AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [1.17 p.m.]: I move:

That this bill be now read a second time.

The Electricity Supply Amendment Bill provides the legislative foundations to complete the retail electricity reforms—reforms that have already delivered significant benefits to the community of New South Wales. This bill is all about facilitating customer choice. Electricity retail competition allows customers to switch from one retail supplier to another. Currently, many customers, including all households, are supplied with electricity under a franchise arrangement. This arrangement forces electricity customers to buy power from someone nominated by the Government. This bill changes that, allowing customers to choose their own supplier.

However, the legislation goes further than simply allowing customers to choose their retailer. It also provides a strong consumer protection framework. As part of this, the legislation provides for an ongoing role for the Independent Pricing and Regulatory Tribunal [IPART] in the regulation of prices for smaller customers. The bill allows customers to choose whether to obtain supply from the competitive market established by the Carr Government, or whether they obtain supply at a price regulated by IPART. In short, this bill is aimed at maximising customer choice and protection.

Maximising customer choice is crucial in driving competition, and the benefits of retail competition are real. The largest electricity customers in New South Wales, who have been able to choose their retailer, have seen cost savings in the order of $1.5 billion. In summary, this bill makes changes to the Electricity Supply Act to establish a regulatory regime to protect the interests of smaller electricity customers who may not always be in the best position to negotiate an electricity supply deal; clarify the roles and responsibilities of retailers and distributors in delivering services to electricity customers in order to facilitate the smooth operation of a mass electricity retailing market; and provide for new market rules to accommodate the requirements of a market in which there are many more customers who are able to switch their retailer. Each of these key elements of the amendments to the Electricity Supply Act will be described in turn.

The Government is determined to ensure that the benefits of electricity reforms are extended to the whole community. That is why we are proposing a new and comprehensive regulatory regime suitable for a mass electricity retail market. Customers who are already able to choose their retailer will continue to enjoy the same benefits of retail competition along with their existing regulatory protections. While this regime works well for customers who are large enough to look after their own commercial interests, the arrangements are not necessarily comprehensive enough to suit the operation of a competitive market for smaller customers, including New South Wales households.

New arrangements are required to ensure that smaller customers have sufficient bargaining power with suppliers and that there are strong incentives for suppliers to deal fairly with all customers. The first step in introducing these new protections is to identify customers who are eligible to receive the benefit of these enhanced regulatory arrangements. Currently the Act focuses on providing for a regulatory protection regime for franchise customers. However, a central aim of the retail reforms is to eliminate the concept of exclusive customer franchises in favour of encouraging customer choice.

In light of this, the bill establishes a class of customers known as small retail customers. These customers will be identified by regulation, anticipated by the end of this year. These customers will be those who are currently franchise customers, customers who consume less than 160 megawatt hours of electricity a year, or customers who annually spend less than about $16,000 on electricity. The key entitlements for small retail customers are: the right to choose between a competitive or regulated tariff; supply contracts containing minimum terms and conditions; and free access to an approved electricity industry Ombudsman scheme. There are a number of proposed changes to the Act to support these entitlements. New powers must be given to IPART to allow it to determine retail tariffs for small customers, since its powers to regulate electricity retail tariffs lapse at the end of this year.

The termination of IPART's powers was designed to coincide with the time when it was expected that all electricity customers would have the right to choose their retailer. However, this needs to be revised for two key reasons. First, it is clear that a national framework to support electricity retail competition is still another year away and therefore it is not practical to expose small customers to an ill-prepared market. Second, the Government wants to offer regulatory protection to customers who wish to remain on a regulated tariff. Customers should not be forced to choose a different supplier in the transition to a fully competitive market.

In addition, the legislation offers small customers the option of electing to return to a regulated tariff if they choose to. This will give customers the confidence to test the benefits offered by the market, knowing they can return to a regulated tariff at a later stage. This policy is consistent with the Government’s aim of maximising customer choice. In establishing new regulatory powers for IPART the amendments have been structured so that they reflect the fact that the retail supply of electricity will no longer be a Government monopoly service.

The key features of the IPART scheme are that IPART will determine regulated retail prices in accordance with a reference from the Minister for Energy; the reference from the Minister may specify a period for reporting and matters IPART is required to consider in making its determination; and, in making its determination, IPART must have regard to any matter its reference requires it to have regard to, and to the effect

of the determination on competition in the retail electricity market. IPART's determination may specify tariffs or charges, or determine the methodology by which regulated tariffs and charges are set. The bill makes it an offence for businesses not to comply with the IPART determinations.

This scheme has been carefully designed to balance the interests of customers and investors in retailing systems. It is important for a competitive retail market that investors do not face a risk that price determinations for regulated tariffs, designed to provide a safety net for customers, have the effect of undermining customer incentives to seek competitive supply. If such a risk were present this may undermine retailers' incentives to invest in the systems necessary to make the competitive market work to the benefit of customers. The bill establishes standard retail suppliers who will be responsible for offering regulated tariffs to small retail customers. Standard retail suppliers will be the government-owned retail suppliers in the first instance, who will be obliged to offer electricity supply to all customers in their electricity supply district.

The bill also provides for a scheme to ensure that standard retail suppliers who are obliged to offer regulated tariffs to customers receive a regulated return for providing this service, as has occurred in the past. Under current arrangements, retailers offering regulated tariffs are guaranteed a regulated return because all of their costs are regulated. For example, IPART sets the low voltage distribution charges, the ACCC sets the high voltage transmission charges, and the costs of buying electricity from the wholesale market for customers with regulated tariffs is fixed by a series of hedging contracts known as vesting contracts. Because of their anti-competitive nature, vesting contracts had to be authorised by the ACCC.

Regulation by IPART and the ACCC of the electricity networks will continue for all customers into the foreseeable future. However, the ACCC has indicated that it will not authorise any new vesting contracts. Therefore the Government needs a practical alternative to ensure retailers receive a regulated return in a way that is consistent with the Government's reform aims and the Trade Practices Act. The proposed arrangement included in the bill operates by compensating standard retail suppliers, that is, suppliers who are obliged to offer regulated tariffs to customers who wish to be supplied at regulated tariffs, for the costs of buying power from the wholesale market.

If a retailer's wholesale electricity costs are lower than the amount paid by regulated customers, as it will inevitably be at certain times, the retailer will be obliged to pay these surplus funds into the Electricity Tariff Equalisation Fund. The fund will then be used to compensate retailers for times when wholesale costs exceed the amount paid by customers on regulated tariffs. In the event of a sustained rise in pool prices and there is insufficient money in the fund, NSW Government-owned generators will be required to top up the fund to the extent that they have benefited from the high wholesale prices that caused the fund to dry up. This arrangement ensures that the retailers will always be in a position to economically provide electricity to customers at the regulated tariff and at the same time earn a regulated return.

The bill provides for the establishment of a ministerial corporation, the Electricity Tariff Equalisation Ministerial Corporation, which will be responsible for developing and administering the rules governing the operation of the fund. The rules of the fund will need to be approved by the Treasurer in consultation with the Minister for Energy. An important aspect of the bill is the restriction on the corporation from participating in the financial operation of the electricity market. The fund does not centralise the State's trading activities. The Fund will not trade electricity and will have no involvement with the operations of the national electricity market. The primary role of the fund is to ensure that retailers supplying customers at the regulated tariff will receive the regulated return set by IPART.

With regard to other forms of price protection, the bill establishes a legal framework for IPART to determine other retail charges including security deposits, and charges for late fees and dishonoured cheques. The bill also allows IPART to regulate a customer's contribution to the costs associated with connecting to the network. Currently distributors are free to decide the basis on which customers contribute to these costs. While the works associated with connecting customers must be contested in the market, this does not always provide adequate protection against distributors allocating to a particular customer an unfair proportion of the costs, which often benefits other customers. Thus the bill amends the Act to allow IPART to determine the proportion of the connection costs to be allocated to a particular customer.

To complement these new powers given to IPART to regulate retail prices and charges, the bill provides for the regulation of the minimum terms and conditions to be included in supply contracts. All small retail customers will be entitled to supply on the regulated terms and conditions of the standard form customer contract. Those supply contracts will include the existing requirements and some additional protections.

There will be a core set of terms and conditions that must be incorporated into small customers' supply contracts. This will ensure small customers do not lose basic customer rights when negotiating their own supply arrangements. The inclusion of minimum terms and conditions in supply contracts is designed to allow small customers to concentrate on negotiating key aspects of their supply agreement, such as price and the length of the contract.

The minimum terms and condition of these contracts will cover such things as the: methods for calculating consumption and charges; standards of service to be provided to customers; circumstances under which customers can be disconnected; and procedures for making inquiries and for managing customer disputes. It should be clear that the existing conditions, particularly for disconnection, will not be watered down. These minimum terms and conditions will be established through a regulation and are being developed in consultation with stakeholders.

While minimum terms and conditions provide protection for customers when they have a contract with a retailer, it is just as important for the Government to define how it expects retailers and other electricity marketers to behave when they are offering contracts to customers. This will be through a Marketing Code of Conduct. This code would regulate how marketers must behave when approaching customers to offer them different supply options. For example, it will describe what information must be made available to customers so that they may make informed choices about who supplies them. The code is being developed jointly by Government, customers, industry and regulators. The code will be subject to Ministerial approval and licensed retailers will be bound to comply with the code.

The bill also makes licensed retailers responsible for the actions of marketers who have acted on behalf of a licensed retailer, and by creating offences for marketers that do not have a retail license where they breach the code. The Government recognises that introducing nearly 3 million customers to a new market will mean that there will be an increase in the number of disputes between suppliers and customers. It is also recognises that the new market arrangements will widen the scope of activities over which disputes may arise. In order to address this, customers will have free access to an Electricity Industry Ombudsman. An important feature of these amendments is that access to the scheme has been extended to customers supplied by persons other than licensed retailers, such as customers living in caravan parks and boarding houses.

Further, the legislation has been amended to allow the ombudsman to examine a wider range of customer disputes. The bill ensure that retailers and marketers are bound by the decisions of the ombudsman. In short, the ombudsman's decisions will be binding. The Government will also ensure that customers' privacy is protected. Information about customers will become far more valuable as the mass retail market gets under way, and it is important that a balance be found between allowing retailers access to sufficient customer information to ensure competition emerges, and protecting the interests of customers and their privacy.

The amending bill therefore makes provision for regulations to be made to strike this balance. In delivering these protections, the Government will consider developments at the Commonwealth level, as well as consult widely with stakeholders. The current Act refers to electricity distributors who have combined responsibility for network services and retailing supply functions—for a range of reasons, the Government believes it is more sensible to delineate between the activities of distributors and retailers, for example; it allows the Government to impose or transfer similar obligations onto other retailers operating in New South Wales, that is, other than just the Government-owned retailers; and it provides for the legal separation of the vertically integrated distributor/retailers as recently recommended by IPART. This separation then allows IPART to more effectively regulate the distributors.

The bill amends the Act in the following ways: it renames the network business as a distribution network service provider which is consistent with the National Electricity Code terminology; it allows the Minister to request distributors to transfer their retail licence to an approved retail supplier; it redesigns the statutory arrangements in relation to the retail supply obligations of the electricity distributors in the form of a bundle of conditions which together constitute an endorsement on the licence of a standard retail supplier; and it clarifies throughout the Electricity Supply Act where the powers and duties of electricity distributors relate to distribution network service provider or retail supplier functions. For example, powers of entry to a customer's premises for retail suppliers are established for specified purposes.

Finally, to ensure the orderly operation of the new retail market, it is essential that participants be bound by a common set of rules. New rules are required for two reasons: first, to link the New South Wales retail market with the national electricity market and, second, to cater for the new arrangements. It is also necessary to develop rules that govern the metering of electricity. This is because the method by which electricity is metered will become a more important aspect of the electricity market with the introduction of full retail competition.

Allowing new technologies to be used to meter supply will provide retailers with a better understanding of their customer's demand, thereby allowing them to buy electricity from the wholesale market more cheaply, which will flow through to lower prices for customers. New rules need to be developed to govern the way that customer demand is measured, the nature of metering equipment allowed to be used, and the procedures for transferring, replacing and maintaining metering equipment.

There also needs to be new rules defining procedures for collecting and using meter data. The bill provides for such rules to be approved by the Minister. The bill makes it a condition of a retailer and distributor licence to comply with these rules. To ensure that this important aspect of the market is expedited, the bill provides for the appointment of a specific person who will be responsible for the development of these metering rules, known as the Metrology Co-ordinator.

In terms of the sorts of rules that become necessary with the introduction of a large number of new customers to the market, it will be important to oblige retailers and distributors to formalise their contractual relationship as a provider and user of network services. Up until now there have been few, if any, formal agreements on this important aspect of the market. In a market where significantly more customers are contestable, this could become a serious source of dispute which may, in turn, involve smaller customers. Of equal importance, if retailers cannot negotiate a contract for the use of a distributor's network, this could retard the development of competition and customer choice could be restricted.

Thus, the bill provides for the establishment of rules that would result in the development of a standard form network use of system agreement. This standard agreement would facilitate the entry of new retailers into New South Wales, thereby promoting competition and benefits for customers. The amending bill also makes some consequential amendments to the electricity distributors' levy [EDL] provisions. These amendments are necessary as, once full retail competition is operating, customers will no longer be identified as "franchise" or "non-franchise".

Once these amendments are fully operational, household and small business customers who consume less than 40 megawatt hours per annum will be excluded from the requirement to pay any increase in network charges. The Government will adjust the EDL rate to ensure that revenues from business customers do not exceed the previously stated revenue target. This bill introduces important changes to the structure and operation of the electricity retail market in New South Wales. Without these amendments, the Government will not be able to deliver a major plank in its electricity reforms commenced over five years ago. This bill is important in delivering ongoing benefits to electricity customers and the wider community. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

[*Mr Acting-Speaker (Mr Mills) left the chair at 1.39 p.m. The House resumed at 2.15 p.m.*]

BILL RETURNED

The following bill was returned from the Legislative Council with an amendment:

Sydney 2000 Games Administration Bill

Consideration of amendment deferred.

MINISTRY

Mr CARR: I advise honourable members that in the absence of the Minister for Transport, and Minister for Roads the Minister for the Olympics will take questions on his behalf. In the absence of the Attorney General the Minister for Urban Affairs and Planning will take questions on his behalf.

VARIATIONS OF PAYMENTS ESTIMATES 2000-01

Mr Aquilina, by leave and on behalf of the Treasurer, tabled the variations of the payments estimates and appropriations for 2000-01 in relation to the Ministry for Energy and Utilities and the Independent Pricing and Regulatory Tribunal, in terms of section 24 of the Public Finance and Audit Act.

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**.

Cronulla Police Station Upgrading

Petition praying that the House restores to Cronulla a fully functioning police patrol and upgrades the police station, received from **Mr Kerr**.

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**.

Inner East Sydney Policing

Petition praying that the House prevents the closure of Woolloomooloo, Paddington, Redfern and four other inner eastern suburbs police stations and praying for adequate police resources, including uniformed foot patrols, in the inner east area, received from **Ms Moore**.

Eastern Suburbs Police and Community Youth Club Closure

Petition praying that the House stops the Board of the Police and Community Youth Club New South Wales Ltd from closing and selling the Eastern Suburbs Police and Community Youth Club, 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**.

Randwick Police Station Downgrading

Petition praying that the House notes the concern of Randwick residents at the major downgrading and possible closure of Randwick Police Station 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**.

Keira Electorate Traffic Arrangements

Petition praying that the construction of the Northern Distributor from Bellambi Lane to Molloy Street, Bulli, be completed at the earliest opportunity and praying that pedestrian access facilities be provided between East Woonona and Woonona for people who use the railway station and the bowling club, received from **Mr Campbell**.

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**.

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**.

Surry Hills Clearway Restrictions

Petition praying that the clearway restrictions on Albion, Fitzroy and Foveaux streets, Surry Hills, introduced by the Roads and Traffic Authority, be removed, received from **Ms Moore**.

M5 East Tunnel Ventilation System

Petition praying that the Government review the design of the ventilation system for the M5 East tunnel and immediately install filtration equipment to treat particulate matter and other pollutants, received from **Mr J. H. Turner**.

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**.

John Fisher Park

Petition praying that the Government supports the rectification of grass surfaces at John Fisher Park, Curl Curl, and opposes any proposal to hard surface the Crown land portion of the park and Abbott Road Land, received from **Mr Barr**.

Guy Fawkes River National Park Animal Slaughter

Petition praying that the Minister for the Environment discloses to the public all findings, information and submissions relating to the inquiry into the inhumane and barbaric slaughter of brumbies in the Guy Fawkes River National Park by the National Parks and Wildlife Service, ensures that the NPWS is accountable for its actions in this matter and ensures that culling of this nature will not be inflicted on any animal in the future, received from **Mr Fraser**.

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**, **Mr Oakshott**, **Mr Souris** and **Mr Webb**.

White City Site Rezoning Proposal

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

QUESTIONS WITHOUT NOTICE

HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION

Mrs CHIKAROVSKI: My question is directed to the Minister for Women. Does the Minister recall launching the report titled "Heroines of Fortitude", which details how women who report sexual assault too often face accusations that they were drinking, dressed provocatively or had acted inappropriately? Given that

the Minister applauded the courage of women who endured that process, can she explain why she allowed her Labor colleagues to use these same despicable tactics to intimidate the young woman allegedly sexually assaulted by the honourable member for Fairfield?

Mrs LO PO': My stand on violent relationships between men and women is well documented.

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

Mrs LO PO': If the Leader of the Opposition is referring to this allegation, it is before the police, where it rightly belongs.

KU-RING-GAI MUNICIPAL COUNCIL INVESTIGATION

Mr McBRIDE: My question without notice is to my good friend the Minister for Local Government. What is the Government's response to the Department of Local Government investigation into Ku-ring-gai council?

Mr WOODS: I thank the esteemed honourable member for his question.

Mr O'Farrell: Point of order: The Minister's answer will relate to a departmental report. He is clearly going to announce policy. The question asked was what was being done in response to a departmental inquiry into Ku-ring-gai council. Standing Order 137(3) makes it clear that this should be done by way of ministerial statement. Ku-ring-gai residents are concerned about the way this inquiry is being held. We are concerned about statements that may now be made by the Minister involving people affected by the report.

Mr SPEAKER: Order! The Minister has the call.

Mr WOODS: I quite understand the honourable member's point of order. We all have allegiances and we need to stick up for people from time to time but on this occasion his allegiance is poorly placed. On 13 January the Department of Local Government began an investigation into Ku-ring-gai council because of ongoing conflict between the former mayor, Councillor Tony Hall, and council staff. I should add that the department only became involved when both the then mayor, Councillor Hall, and the council requested its intervention. Sixty-six witnesses were interviewed during the detailed investigation, resulting in a 500-page report. When I announced the investigation I said that the report would be made public. That report has now been forwarded to the council.

The report tells a sorry tale of threats, humiliation, witch-hunts and interference in staffing at Ku-ring-gai council during Councillor Hall's term as mayor. The report found the reactions of staff to Councillor Hall's conduct ranged from wearied acceptance to surprise, anger, distress, anxiety and stress-induced medical symptoms. At least two senior council officers retired on medical grounds and a number of others quit, attributing their resignations to Councillor Hall. Councillor Hall went through a veritable stream of 14 secretaries and personal assistants in nine months. It would seem that Councillor Hall was the Henry VIII of the typing pool. Up to 60 per cent of staff who sought counselling said it was related to Councillor Hall. Staff specifically asked to be relieved of their duties so they could avoid council committees and working groups. It is well known in local government circles that Ku-ring-gai council had staffing problems and this was reflected in problems with recruiting staff. The report concluded that:

> This sort of behaviour from a person in public office and in the public eye, and in particular from one holding the rank of mayor, is unacceptable. It is not calculated either to encourage respect for the person, the office, the council or local government in general.

It went on to say:

> We have found that Councillor Hall's behaviour has caused considerable problems at council and these problems ultimately come at a cost to the ratepayer and at a cost of the council's general manager and staff not being able to deliver to the community the services that the community rightly demands.

Another complaint related to his obsession with the mayoral car. Staff spent hours fixing so-called problems with the air-conditioning and brakes. He also complained about what turned out to be a speck of dirt in the boot. Councillor Tony Hall made Attila the Hun look like June Dally-Watkins. The report also details the acrimonious relationship between Councillor Hall and the general manager, Ms Rhonda Bignell. He berated her in front of junior staff. Councillor Hall himself said that when the general manager sought legal advice over his inaugural

mayoral minute, it was a "declaration of war". Councillors and staff testified that Councillor Hall's behaviour towards the general manager was derogatory and humiliating. One incident was related by a senior staff member in which the general manager wanted to excuse herself from a council meeting to go to the bathroom. The senior staff member said Councillor Hall told the general manager to sit down, refusing her permission to leave. The senior staff member concluded "Some in the gallery thought that was quite funny. I didn't think it was funny at all."

The report found that the relationship between the mayor and the general manager was further soured. The mayor pursued the general manager over her involvement in a minor car accident which took place before he became mayor. The accident occurred when the general manager was on her way to be at the bedside of her dying stepson. The report found the whole pursuit of these issues by Councillor Hall to be grossly improper. At this point I commend the work of the two departmental investigators. In spite of council's refusal to produce all relevant documents, some of which were unlawfully destroyed, and Councillor Hall's failed attempt to injunct the investigation in the court, the investigators produced a rigorous report. Councillor Hall's defeat in the mayoral elections in September should go a long way to healing the wounds at Ku-ring-gai council.

The report recommended that the council take prompt action to provide training and guidance to councillors as to their proper roles and responsibilities under the Local Government Act; review and revise its policy for dealing with interaction between councillors and staff; review and adopt a policy on public consultation; review and revise the terms of reference for its residential development strategy task force; review the need to commence or to proceed with its communications audit; and review its organisation structure, in particular, matters concerning internal audit and executive secretaries. In fact, if Councillor Hall were still the mayor, the focus on the recommendations may well be different.

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

Mr WOODS: Councillors are elected every four years to represent ratepayers and residents.

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

Mr WOODS: The Opposition may well support Councillor Hall. I am simply relaying information contained in the report to honourable members. I urge the council to adopt the recommendations of the report. Council must ensure that the processes are in place so that it can get on with its real job of delivering services for all ratepayers and residents of the Ku-ring-gai area. Mayors and councillors of other councils in this State should read this report to see what they should avoid when carrying out their duties. I seek leave to table the report titled "Investigation under Section 430 of the Local Government Act 1993 into Ku-ring-gai Council", dated November 2000.

Leave granted.

Report tabled.

HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION

Mr SOURIS: I direct a question to the honourable member for Fairfield, in his capacity as Chairman of the Public Accounts Committee. After standing aside from your public duties as chairman of the Public Accounts Committee, why did you demand to chair this morning's public hearing against the wishes of committee members, including the acting chair, the member for Wentworthville, who believe you should stand aside while serious sexual assault allegations are investigated by police and the ICAC?

Mr TRIPODI: I do not believe that that is what occurred at the meeting. I think the member asking the question is misleading the House.

POLICE USE OF DNA TECHNOLOGY

Mrs GRUSOVIN: I ask a question without notice of the Minister for Police. How is the New South Wales Police Service using DNA to help families locate missing loved ones?

Mr WHELAN: I thank the honourable member for Heffron for her question. For six long years—

Mr Hartcher: Point of order: The standing orders render the question out of order as it anticipates debate on a matter already before the Chair. In fact the honourable member for Newcastle has moved, and has been speaking to, the motion in question in anticipation of the debate in the Parliament.

Mr WHELAN: The question seeks information that I am very happy to give the honourable member. Nothing in the standing orders prohibits any member from asking a question of any Minister, whether or not a bill is currently being considered by the Chamber. In this case, the honourable member is referring to a motion. It is a ridiculous point of order.

Mr SPEAKER: Order! The question is in order.

Mr WHELAN: For six long years the Dennis family of western Sydney were forced to live with the torment of a missing family member. Thirty-one year old Laelani Dennis disappeared without trace from Penrith in 1994, leaving a distressed family and friends and a mystery beyond their grasp. As time moved on, and chances of finding Laelani faded, the biggest burden for her loved ones was simply not knowing. Today I am pleased to inform the House that, through use of a revolutionary new intranet database and DNA sampling, the New South Wales Police Missing Persons Unit has solved this mystery.

For the first time the New South Wales Police Service has used DNA to solve a missing persons mystery. Indeed, through the use of state-of-the-art technology, New South Wales police have changed forever the way they investigate and identify missing persons, especially the long-term missing. In 1998 some skeletal human remains were found in the Blue Mountains. But, as minimal bones were found, dental charts were of no use and extensive inquiries failed to identify the remains. In September this year the Missing Persons Unit's new intranet database came on line. Descriptive details from the post mortem of the recovered bones were matched against the database. Within seconds, police searched through thousands of missing persons files dating back to the 1960s. The results pointed to a possible match with Laelani. Laelani's mother volunteered a DNA sample, which was compared to DNA extracted from the skeletal remains. The match was positive. Laelani's family could end their torment, bury their daughter and begin their grieving process. And a six-year police inquiry was brought to a close.

No-one can underestimate the suffering that is caused when a family member goes missing without explanation. The use of DNA technology gives police investigating missing persons or unidentified bodies another important source of information to solve these cases. Previously police were forced to rely on dental records, X-rays and physical descriptions. The Missing Persons Unit can now provide a new source of information to the officer in charge of a missing person’s case. Solving such investigations, where DNA can assist, will reduce the trauma and suffering of the families concerned.

The officers of the New South Wales Police Missing Persons Unit are widely recognised for their work and their skill in dealing with the families of missing people. Indeed, as I informed the House yesterday, those officers recently set up East Timor 's first missing persons unit and won wide acclaim for their achievements. Today I am pleased to advise honourable members that these officers are moving further forward with the application of DNA technology. As I said earlier, this is the first time that the New South Wales police have used DNA to solve a missing persons mystery.

The Missing Persons Unit has developed a program whereby police will take voluntary DNA samples from willing family members of missing persons. Those samples will be collated, stored and matched against information on the police intranet database as it comes to hand. This program will reduce trauma and eliminate false hopes. It will lessen the waiting time that those families have to endure each time they hear that police have found an unidentified body. And it will give police the information they need to ensure a faster, surer clear-up rate for these very difficult cases. This program has the strong support of the families and friends of missing persons. It has the full support of the New South Wales Government. I urge all honourable members to support police in this important new initiative.

HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION

Mrs SKINNER: My question is directed to the Minister for Small Business, and Minister for Tourism. As a former Parliamentary Secretary for women, and as a member of the National Foundation for Australian Women, the Women's Network Collective, Women's Health in Industry Inc. and the Women's Electoral Lobby, what action has the Minister taken to protect the reputation of the young woman allegedly sexually assaulted by the member for Fairfield?

Ms NORI: Can I paraphrase the words the Premier has expressed on a number of occasions in this House. This matter is currently being investigated by the police. No doubt, if they feel it is warranted, the matter will go to the courts.

TELEFRAUD

Ms MEGARRITY: I direct a question without notice to the Minister for Fair Trading. What is the Government's response to recent reports of false billing?

Mr WATKINS: I thank the honourable member for her question. The issue of false billing—or telefraud—occurs when businesses are targeted by scammers who falsely claim payment for services or products.

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

Mr WATKINS: For all honourable members who represent business communities—which would be every member of this House—telefraud is an issue of concern in our electorates. The Department of Fair Trading estimates that this practice costs New South Wales businesses many millions of dollars each and every year. Many false billers use serviced offices or post office boxes to cover their tracks. From these, mail and telephone inquiries are often redirected to other premises, sometimes even in other States. In order to make a profit, these scammers need a small number of businesses to pay up after demands comprising a combination of bluff, trickery, deception and sometimes threat.

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

Mr WATKINS: With more than 370,000 small businesses in New South Wales, the number of potential victims is huge. Anecdotal evidence suggests that thousands of approaches are made to New South Wales businesses each week. I have spoken to members of the chamber of commerce in my area and they reported to me that false billing or telefraud is a problem. I suggest that every chamber of commerce across New South Wales, city and country, would have problems with telefraud or false billing. The scam relies on the fact that business operators and their employees are busy people who rely on the honesty of the person at the other end of the phone or on those who have written them a letter.

Some common false billing scams include the other partner plot, when a staff member is told that another person at the office has approved the payment, or the personal friend fraud, which occurs when a scammer poses as someone a business person has met before, sometimes months or perhaps even a year before. Another scam is the listings lurk, when a business is asked to advertise in a great new directory or a charitable organisation's publication. As with other scams, there are always many variations on these themes. Disturbingly, over recent months, the Department of Fair Trading has advised me that false billers have become even more aggressive. These scammers are repeatedly calling businesses, threatening legal action and even sending couriers to collect payment.

In one recent case, a South Coast woman received up to 10 phone calls a day demanding payment, two visits from couriers, and repeated warnings over a period of several weeks that she would be sued. In response to this disturbing trend the Department of Fair Trading is stepping up its efforts to stamp out the practice. We will use public naming, prosecution, and injunction proceedings in the fight against this conduct. Over the past 12 months the department has prosecuted companies such as Ibeeza (Queensland) Pty Ltd, which published the *National Facsimile Directory*; and Australasian Publications and Advertising Pty Ltd which publishes the *National Police Bulletin* and *Statewide Fire Fighters* magazines. Both were convicted of multiple breaches of the Fair Trading Act and were fined.

The department also recently investigated Universal Marketing Solutions. This particular business, whose proprietor has a long history of false billing-style conduct, was targeting some large and well-known public companies offering inclusion into a book titled *Australian Business Successes*. The department's investigations reveal that this book was a scam. The project was halted and refunds obtained for a number of the companies involved. A statement was released to the public warning businesses about Universal Marketing Solutions and advising them not to deal with the proprietor, Lara Boettcher. In addition to these prosecutions, I advise the House that the Department of Fair Trading is currently investigating 16 billing operators, while other State authorities are looking at scammers who operate in New South Wales.

False billing is prohibited in New South Wales under sections 44 and 58 of the Fair Trading Act. It imposes a maximum penalty of $22,000 for individuals, and $110,000 for corporations who are convicted of breaching the Act. However, in response to the recent trend, I have asked the department to examine the law in this area to determine whether any future improvements can be made. As part of that review of the Fair Trading Act, departmental officers are examining recent Queensland changes to the law which force greater levels of disclosure. I welcome comments from members of the public and small business people about this potential reform. I encourage honourable members to contact their local small business community, their chambers of commerce, to spread this message and come back to me or the Department of Fair Trading with any advice.

Any business that receives demands for unauthorised payment for advertising or for the placing of entries in business or community directories is under no legal obligation to pay for those services. I encourage recipients not to succumb to unauthorised demands for payment and to keep detailed records of any dealings with suspected false billers. Formal complaints accompanied by supporting documentation should be lodged with the Department of Fair Trading to facilitate timely and decisive investigation and action. Finally, a new fact sheet for business guidance dealing with business scams has just been released by my department. Copies are available from any Fair Trading office or by calling 13 32 20.

I encourage any honourable members who can distribute those fact sheets through their business communities to take advantage of that offer. Fair Trading can only better target these scammers with the co-operation of small business. I urge all small businesses and their staff who deal with accounts and invoices to be vigilant in this matter. This is just one other example of the fact that the Carr Government is a Government that is friendly to small business. It is doing all it can to assist small businesses, and they appreciate it.

HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION

Mr J. H. TURNER: My question without notice is directed to the honourable member for Fairfield in his capacity as Chairman of the Public Accounts Committee. In view of his answer to a question earlier today, is he claiming that no member of his committee expressed concern about his insistence on chairing the Public Accounts Committee, thus potentially compromising the integrity of those hearings?

Mr TRIPODI: I refer the honourable member to my previous answer.

LIQUOR ACCORDS

Mr COLLIER: My question without notice is directed to the Minister for Gaming and Racing. What is the latest information on the State Government's liquor accords?

Mr FACE: Once again I am happy to provide honourable members with an update on the good work that is occurring around New South Wales in relation to local liquor accords. Today's question dwells on the positive nature of what this Government is trying to do, as opposed to my answer in this House yesterday when I had to reveal the real problems being experienced in relation to under-age drinking. These accords continue to be recognised as an effective local response to community concerns about alcohol-related violence and antisocial behaviour and are an important aspect of the Government's liquor harm minimisation policies relating to the responsible service of alcohol.

One main advantage of liquor accords is that they are based on local participation by licensees at various licensed premises, police, councils and the community. This helps to create a sense of ownership by local stakeholders simply not achievable with the more centralised programs provided in the legislation. It enables those complying with accords to respond to local needs and issues that affect the community. That varies from place to place throughout the State, depending on the size of the community in which the accord is based. That is one of the strengths of using liquor accords to deal with alcohol-related problems.

Importantly, accords do not replace the requirements of the liquor laws and they are not a substitute for proper policing and enforcement in the way that I described in the House yesterday. These extra measures, in addition to the education programs that the Government is undertaking, complement the law. However, they play a vital role. They can also go beyond the law in setting standards to which local stakeholders agree in order to alleviate many community concerns. I am pleased to report to the House that New South Wales now has over 40 liquor accords in place or in the final stages of development. In most cases these accords have responded to local concerns—in the main, early morning alcohol-related antisocial behaviour and disturbance.

The Dubbo liquor accord, one of the best-known examples, has achieved considerable success. I congratulate the honourable member for Dubbo who in his time as mayor went along with the police initiative in

relation to this issue. That is not to say that Dubbo was experiencing problems that were worse than those being experienced in cities of a comparable size. Nevertheless, authorities in Dubbo realised the difficulties and the considerable concern being generated as a result of people walking between licensed premises after 1.00 a.m.

That does not mean that premises cannot stay open for as long as they are licensed. In many instances in Dubbo that is 3 a.m. It simply sets a standard that people cannot gain entry to premises after 1 a.m. Armidale is a city that has its share of young students, and it was having considerable problems in the vicinity of Beardy Street. Likewise, it imposed a time limit of 12.30 a.m. As I said, most of these places have overcome the problems of pedestrian traffic between the venues and, in turn, antisocial behaviour. Both police and licensees have reported that the accord in Dubbo is working well. In fact, there has been a significant reduction in assaults. Indeed, the reduction is 45 per cent, according to the last crime statistics.

There are many other accords. Some, like the Dubbo accord, have been in place for a few years. Many have not been in place for nearly so long. One of the more innovative accords is in the Hastings, where people from a wide geographic area have got together. The Hastings accord is a good example of an accord that has been crafted to suit the variations in size in a geographic area. Generally accords have four key themes: responsible service of alcohol, which is expected under our legislation; improved safety and security; commitment to being good neighbours; and, most importantly, co-operation with police and the community. Areas that now have successful liquor accords include Maitland, which originally had a memorandum of understanding and now has a full-blown accord. Those areas also include Bathurst, where one licensee chose to stay out. After a short period he was subject to an order under section 104 and was soon operating the same hours as the licensees under the accord.

I have already mentioned Armidale. Port Macquarie was involved in that good liquor accord in the Hastings. Wollongong and parts of Sydney are now starting to implement accords. The overall results of the accords are to be applauded. Reports from police and other stakeholders refer to a reduction in the number of alcohol-related problems such as assault, street offences and malicious damage. There were some difficulties in Taree. Most of them have been rectified and, despite that hiccup, the accord has worked well in reducing antisocial behaviour around licensed premises. The accords have also helped to alleviate community concerns about safety around licensed venues. People in areas with accords can now walk the streets late at night in greater safety. Before the introduction of the accords, brawling and drunks terrorising the streets were far too common a problem for police and local residents. That is what led to the late-night trading report that was conducted in the early days of my occupancy of the gaming and racing portfolio.

The Government commends the police, councils, venue operators and others who are directly involved with these accords. They our working well for the good of the community. The Government would like to have the successes of liquor accords extended to other parts of the State. I encourage the development of accords in places where specific late-night and early-morning disturbance problems have been identified. In the next few days the effect of that will be monitored. That approach has clear advantages, and it is having an impact. It allows a local community-orientated response, it complements the liquor laws and, most of all, it encourages police, local councils and venue operators to participate with their local communities to find and implement practical solutions.

Recent research from the Australian Institute of Criminology has highlighted the important role of liquor accords, and accords have been adopted by other State and Territory governments. Accords can play a part in reducing alcohol-related problems, particularly violence and antisocial behaviour associated with alcohol consumption by young males. That is especially so in regional and rural areas, and that is what led to the original late-night trading report. Accords can easily include practical measures such as specified trading hours and access restrictions. As an acknowledgement of the value of liquor accords, the Government has amended the law to support accords and to clear up uncertainties that were likely to make the them fall in a heap. That has ensured that stakeholders can concentrate on making the accords a success.

One community that is soon to benefit from an accord is the Sutherland shire. I will be launching the Sutherland liquor accord later this month. Local police, licensees and clubs have put a lot of time and effort into that accord. It has been some time in coming but it will be well worth it. I thank the honourable member for Miranda and the honourable member for Heathcote for the important roles they performed in the formation of this accord. I am confident that the benefits that have come to other communities from liquor accords will be repeated in the Sutherland shire.

HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION

Mr HUMPHERSON: My question is directed to the Premier. Did the Premier say in 1994 at the Labor Party conference in Hobart that under his own standards of conduct members of his team who had serious

allegations made against them had a duty to prove their innocence? Why has he lowered those standards of conduct in the case of the member for Fairfield?

Mr CARR: And he has a duty to prove he can do an honest day's work! His Liberal Party organisation is talking about getting rid of him at the next preselection. He is part of the deadwood. His preselection opponent, Jeremy Kinross, is in the gallery. I asked the Parliamentary Library to tell me how many press releases the member for Davidson has put out as the shadow Minister since 31 October. He has put out none! No wonder the *Manly Daily* described him as one of the laziest members of the lower House.

Mr SPEAKER: Order! I place the honourable member for Gosford on three calls to order. If he continues his present behaviour he will be removed from the Chamber.

Mr O'Doherty: Point of order: The Premier has made no attempt to answer the question. He has embarked on an attack on another member. The standing orders provide that an attack on a member must be by way of substantive motion. I ask you to bring the Premier back to the question, which is about his double standards.

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

Mr Fraser: Point of order: My point order relates to Standing Order 105, which says:

When a Member rises on a point of order:

(1) The Member who was speaking shall be seated ...

Mr SPEAKER: What is the point order?

[*Interruption*]

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

Mr Fraser: The point of order is that the Premier, not only today but on previous occasions, blatantly ignores the standing orders.

Mr SPEAKER: Order! There is no point order.

Mr CARR: What is before the House is this. An allegation of criminal behaviour has been made against a backbench member of the Government.

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

Mr CARR: That member has strenuously denied the allegation. The woman who originally made the allegation has chosen not to press it. The matter continues to be before the police. Why does it belong before the police? Because it is an allegation of a criminal act, a sexual assault, although it is strenuously denied by the member involved. An allegation of a criminal offence belongs, by definition, before the police. A police investigation is open; the police have the opportunity to take it to court. The matter remains with the police, with the potential to go to court. Not too long ago the people of New South Wales made a decision about who offers the best leadership in this place.

Mr SPEAKER: Order! I call the Leader of the National Party to order.

Mr CARR: With all due humility, I am happy to offer that choice to the people of this State again.

Mr SPEAKER: Order! I call the honourable member for Coffs Harbour to order. I place the Leader of the National party on three calls to order.

Mr CARR: The matter is with the police, with the opportunity of taking it into the courts. That is the proper place for it to be. If we had an Opposition with a single policy position on anything worth debating, apart from doing away with cashback and how indebted we are to you, we would not be talking about this matter in the House today.

Mrs Chikarovski: Point of order: In the past two days and now today, the Premier has lied to the House on three occasions. He lied about the honourable member for Baulkham Hills and he lied about words attributed to the Hon. Charlie Lynn.

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

Mrs Chikarovski: If you had any concern about the integrity of this House you would rule that the Premier cannot lie time and time again in the Chamber.

Mr SPEAKER: Order! The Leader of the Opposition has been a member of the House long enough to know that since I have been the Speaker I have always objected to any member of this House calling another member a liar. I will not ask the Leader of the Opposition to withdraw what she had said because that will create a further disturbance. However, when she takes points of order in the future I want her to ensure that she does so within the confines of the decency of the House.

Mrs Chikarovski: Further to the point of order: There is an obligation on members of this House to speak the truth. If the Premier had any concern—

[*Interruption*]

Mr SPEAKER: Order! The Leader of the Opposition is entitled to take a point of order.

Mrs Chikarovski: If the Premier had any concern about the integrity of the Chamber he would ensure that he tells the truth. Mr Speaker, you follow the processes of the House. You know that yesterday the honourable member for Baulkham Hills made a personal explanation, in which he clearly showed that the Premier had misled the House.

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

Mr HUMPHERSON: I ask a supplementary question. In view of the Premier's answer to my previous question, in order to satisfy himself, has he asked the honourable member for Fairfield if he is innocent of this serious allegation?

Mr CARR: I have answered that question a dozen times in the House. Of course, the answer is no—for this reason.

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

Mr CARR: The Opposition is suggesting a proposition that I have rejected since members opposite first started asking questions about this very matter, that is, as Premier I intrude into an active police investigation. I have said that on principle I will not do that.

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

Mr CARR: If I had started conducting interviews with the honourable member the subject of the allegation, with the Hon. Dr A. Chesterfield-Evans or anyone else whose name has been thrown at this, the Opposition would accuse me of intruding in a police investigation. Members opposite will have to live with the fact that that is an option that I have expressly and explicitly ruled out on principle. The matter remains with the police because it is an allegation of a criminal act. That is where it belongs. It is an allegation of a criminal act and by definition it remains with the police. I will continue to repeat this in Parliament whenever the matter is raised.

AUSTRALIAN CENTRE FOR ADVANCED COMPUTING AND COMMUNICATIONS

Mr MARKHAM: My question without notice is addressed to the Minister for Information Technology. What is the latest information on the New South Wales supercomputer?

Mr YEADON: The honourable member for Wollongong understands the importance of information technology infrastructure to creating jobs and investment in this State, and he is looking for opportunities for information technology implementation in his region. The Government is backing, initiating and fostering

numerous projects which demonstrate that New South Wales remains at the top of the Australian information technology ladder. We are Australia's information technology leader. This morning I had the pleasure of officially launching one project which is delivering computer power that we once would not have imagined. Australia's newest high-performance computer facility, the Australian Centre for Advanced Computing and Communications—affectionately known as ac3—has just been set up at the Australian Technology Park in Redfern. This supercomputing facility has the capacity to generate fantastic and complex graphics for the film industry, predict weather patterns faster and more accurately and crunch numbers for business at extraordinary speeds.

The Government went to the electorate in 1999 with a promise to deliver a higher-performance computing facility, and it was delivered to the people of New South Wales today. While the Government committed $12 million towards this $20 million project, it is successful because it is a joint effort between the Government, universities and the private sector. It translates to investment and jobs for New South Wales. It means that we continue to secure leading-edge research capability. The availability of these futuristic applications has certainly not been lost on business and researchers. Not only have they endorsed the set-up of this computing facility, the centre has already attracted almost $9 million and business contracts—and we are only starting today. Several millions of dollars in additional contracts are currently being negotiated.

The science, engineering and business communities had spoken clearly to the Government—and we listened—about a major gap between available computing resources and those necessary to meet demand. They were talking about essential infrastructure for the New South Wales information economy. It is interesting to note that we have the second largest information economy in the Asia Pacific Region after Japan. I am not talking about Australia, but New South Wales in particular.

The facility has extraordinary benefits not simply for Sydney but for regional communities as well. Key centres will be linked to the project—Western Sydney, Newcastle, Wollongong and Bathurst in the first instance. Other regions keen to be involved in the future include places like the Central Coast and the New England district. These regional nodes will be responsible for increasing the take-up of high-performance computing by local businesses and creating jobs in those regional areas. Honourable members would be surprised at the number of regional businesses that are seeking to get greater band width and better computer performance capability. This supercomputing facility, with its nodes, will provide them with that.

The New South Wales Government will be an active contributor to the work program. The node in Bathurst, an IBM with 12 parallel processors, has already been installed at the Department of Information Technology and Management office and will be used as a key feature in its spatial information display. That sort of computing power is a key to promoting Australia's economic growth and competitiveness, and it is available in the State's regional and rural areas. The centre is unique in offering processing and services on three different types of high-end computers at a number of locations. To do this, alliances have been formed with the computer vendors IBM, NEC and Silicon Graphics Inc. The Government is extremely appreciative of those computer organisations for their partnership in this project. Universities, the other major partners, have made cash contributions to the project of almost $3 million and in-kind contributions of about $9 million.

The power of these supercomputers will undoubtedly open up new and exciting areas of research which previously could not be pursued in this State. The facility also offers high-speed solutions to everyday practical applications such as weather forecasting and comprehensive mapping to assist people such as, for example, farmers and firefighters. The centre has a strong industry development focus and does not forget small and regional businesses. As the Minister for Fair Trading pointed out earlier, smaller firms are important to the Government, and we are always looking for opportunities for them. Smaller firms will be targeted through special awareness programs to increase their understanding of the advantages of high-performance computing and how it might be applied in their businesses.

Advanced Computing and Communications is also an important component of the proposed national network of supercomputers under the Australian Partnership for Advance Computing program. The recent announcement by that partnership that it was delaying any new agreement for a facility at the Australian National University in Canberra by at least six months—the indications are that it will be more like 12 to 18 months—has meant that in the meantime ac3 can step into the breach and pick up some very welcome business. However, I make it clear that once ac3 is under way the Government will work to collaborate with the centre in a fruitful and ongoing way. The nation's future prosperity requires a co-operative effort between governments, business and universities to help develop appropriate information and communication technology skills, capture new markets, boost employment and foster innovation. The Australian Centre for Advanced Computing and Communications is a sample of how such partnerships can succeed in New South Wales.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Country Labor

Mr BLACK (Murray-Darling) [3.23 p.m.]: There are many reasons why it is both urgent and relevant that the House debate my motion. I congratulate Premier Bob Carr, and the Minister for Regional Development, Harry Woods, on the release of "Beyond 2000", part of the Government's blueprint for jobs investment in regional New South Wales. I urge the House to debate this matter. The Premier officially launched the "Beyond 2000" document at the New South Wales Country Labor conference in Coffs Harbour last Sunday. The document contains 78 regional infrastructure projects, representing more than $10 billion in new investment in regional New South Wales. That is almost five times the amount spent on Olympic and Paralympic capital works, and that is another reason why the matter should be debated. Public and private investment will mean 50,000 new jobs for regional and rural families.

Mr Piccoli: Point of order: The honourable member for Murray-Darling is clearly debating the motion and is not arguing the case for urgency.

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

Mr BLACK: Before Australopethicus Murrumbidgeeitus butted in, I was attempting to outline some of the matters that I believe have relevance to why my motion should be debated.

Mr Fraser: Point of order: The member for Broken Hill is clearly canvassing your ruling.

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

Mr BLACK: I am the member for Murray-Darling. The honourable member for Coffs Harbour is living, as he usually does, umpteen years ago.

Mr SPEAKER: Order! The honourable member for Murray-Darling will confine his remarks to the reasons his motion should have priority.

Mr BLACK: The motion deals with a large number of matters that the House should debate urgently.

Disability Services

Mr HAZZARD (Wakehurst) [3.26 p.m.]: The Opposition and people with disabilities believe that my motion is urgent because currently people in our community with disabilities are being left high and dry, not knowing where they will live or what sort of services will be provided to them. Approximately 14 months ago the Government made a decision, which appears to have been part of a budgetary process, to review the circumstances of people with disabilities living in group homes. At that time there was a great public outcry—indeed, there was a public meeting—and the matter has remained urgent ever since that time because people with disabilities have continued to be extremely concerned about their future.

Today none of the heat, urgency or worry has gone out of the situation. In fact, since that time an upper House inquiry has been conducted. That inquiry, conducted by the Standing Committee on Social Issues, resulted in various recommendations being handed down in November-December 1999. Contrary to those recommendations, the Minister for Community Services, and Minister for Disability Services has failed to respond to the very important report of the committee, which is a committee dominated by the Australian Labor Party. That committee made some good recommendations. This motion should have priority because people with disabilities have not heard a peep from the Minister. It would appear from the Minister's lack of response that she either does not care about the concerns of people with disabilities, their carers and support people, or she does not care about their situation, the state of confusion they have found themselves in, and their concerns about stability in life.

All members of this House would have received many submissions from people with disabilities or their carers expressing concern about the Government's implementation of what would appear to be a budget-driven process of reviewing the running of group homes in New South Wales. Hundreds of people with disabilities are affected by what appears to be an arbitrary budgetary decision. In the 12 months that have elapsed since the recommendations of the social issues committee were handed down, the Minister for Community Services—who appears to have taken a Rip Van Winkle approach to the ministry because she has

gone to sleep on the job—has simply not responded to the many concerns expressed by the hundreds of people with disabilities and their carers.

The report I have referred to has now been lying somewhere in the Minister's office for a year. The motion is urgent because people with disabilities feel as though they are in a state of crisis, and that the 121 submissions received by the committee and the 42 recommendations of the committee are worthy of a response. The organisation People with Disabilities has called for an urgent response to the committee's report. A letter from the organisation reads:

> PWD believes the implementation of this project continues to be chaotic and unprincipled.

The motion is urgent because the process continues to be chaotic and unprincipled. The letter continues:

> This means that unless the serious deficiencies in this approach are remedied, thousands of people with disabilities and their families therefore stand to be adversely affected.

It is urgent that this House consider the problems of people with disabilities and the issues they face as consideration is given to the level of support they are to receive. The letter from People with Disabilities goes on to state:

> In essence, the New South Wales Government has attempted to implement the group homes project in a market model in which the service users supposedly choose a service with an array of equal options.

People who were told that this would affect only people with low-support needs have now found that it is in fact affecting people with high-support needs. The Minister has misled people who have disabilities. In a major meeting at the Penrith Panthers last year, she was accused of doing the wrong thing by not consulting with people who have disabilities. What she said was—and I can show you, Mr Speaker, because I took it straight from the newspaper —"Guilty as charged." The Minister was guilty as charged, and she admitted that she was guilty as charged. We have reason to urgently discuss this motion today. [*Time expired.*]

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

The House divided.

Ayes, 49

Ms Allan	Ms Harrison	Ms Nori
Mr Amery	Mr Hickey	Mr Orkopoulos
Ms Andrews	Mr Hunter	Mr E. T. Page
Mr Aquilina	Mr Iemma	Mr Price
Mr Bartlett	Mr Knowles	Dr Refshauge
Ms Beamer	Mrs Lo Po'	Ms Saliba
Mr Black	Mr Lynch	Mr W. D. Smith
Mr Brown	Mr Markham	Mr Stewart
Mr Campbell	Mr Martin	Mr Tripodi
Mr Carr	Mr McBride	Mr Watkins
Mr Collier	Mr McManus	Mr Whelan
Mr Crittenden	Ms Meagher	Mr Woods
Mr Face	Ms Megarrity	Mr Yeadon
Mr Gaudry	Mr Mills	
Mr Gibson	Mr Moss	*Tellers,*
Mr Greene	Mr Nagle	Mr Anderson
Mrs Grusovin	Mr Newell	Mr Thompson

Noes, 36

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

Pair

Mr Ashton	Mrs Chikarovski

Question resolved in the affirmative.

COUNTRY LABOR

Urgent Motion

Mr BLACK (Murray-Darling) [3.37 p.m.]: I move:

That this House:

(1) congratulates the Premier for his ongoing commitment to rural and regional New South Wales;

(2) notes the overwhelming response to the Country Labor annual conference at Coffs Harbour last weekend;

(3) further notes Country Labor is storming across rural and regional New South Wales and now has more members than the entire New South Wales Liberal Party; and

(4) expresses its regret at the decline of the once great New South Wales National Party, which is either unwilling or unable to represent country families.

Mr Fraser: Point of order: My point of order is related to the accuracy of the motion moved by the honourable member for Murray-Darling. Paragraph 2 of the motion refers to the "Country Labor annual conference", whereas it was advertised by the Premier and the Labor Party as the "Labor Party country conference". The motion should accurately reflect what the conference was.

Mr SPEAKER: Order! The technicality can be dealt with at a later stage of the debate.

Mr BLACK: Country Labor was formed on 28 October last year—that great day—and this was our first conference. The conference, which was held at Coffs Harbour, was a great success. I noticed that the honourable member for Coffs Harbour did not attend or put on a decent demonstration for us. The Premier, who attended the conference, said on Sunday:

> A mere 12 months after Country Labor was officially registered by the New South Wales Electoral Commission, it has become a true people's movement for the bush.

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

Mr BLACK: The Premier addressed more than 300 delegates from all over New South Wales at the first annual conference of Country Labor. The fact is that Country Labor membership is now equal to that of the entire New South Wales Liberal Party, with almost 5,900 members. There are 20 members opposite and 55 on this side—I forgot the National Party members! Country Labor's rank and file membership has risen by 20 per cent since last year's election. There are now 117 Country Labor branches—a massive number, which continues to increase every day. During the past year new Country Labor branches have been formed or revived in Parkes, Hillston, South West Rocks, East Nowra, Evans Head, Bombala-Delegate, Gerringong-Gerroa, Tanilba Bay, Wauchope and Leeton-Narrandera.

Numerous high-profile mayors and community leaders have joined Country Labor in the past two months. They include Terry Brady, Mayor of Lachlan; Ray Longfellow, Mayor of Central Darling; and Councillor Jenny Bonfield, Mayor of Coffs Harbour, who greeted us—not the local member. A number of country and shire councils have also elected Country Labor mayors, including Alan Smith, from Dubbo; Phil Yeo, from Wingecarribee shire; and Mick Veitch, the Deputy Mayor of Young. Who can forget the historic wins and amazing gains of Country Labor in the past 12 months? The good news is that Country Labor has been compared with the Southern Democrats in America by the leading American election analyst, Mr Bruce Wolpe.

Mr Wolpe is also the Director of the Australian American Leadership Dialogue, the Governor of the American Chamber of Commerce in Australia and he chairs its government committee. That is a huge honour for all our members. Country Labor is now recognised alongside a party that has had in its ranks Lyndon Johnson, Jimmy Carter, Bill Clinton and Al Gore. We are improving every day. I refer to the Opposition and the Leader of the National Party. On Tuesday in this House Country Labor moved an urgent motion calling on the

Prime Minister, John Howard, to once and for all rule out diverting regional airlines to Bankstown. Members of Country Labor, the Independents and members of the National Party supported the motion. But where was the Leader of the National Party? He was not even in the Chamber, and only minutes earlier he had moved a motion about—wait for it—Sydney roads.

While an issue of critical regional importance—regional airline access—was being debated in this place, the Leader of the National Party was nowhere to be seen. He was only interested in Sydney roads. His Sydney-first attitude would not surprise anyone who read the *Daily Telegraph* on Wednesday 8 November. Honourable members will be interested in what the Leader of the National Party said. He gave his views on matters of State, including Sydney dining and home cooking. He was asked about his favourite restaurants. He said they were Diethnes in Pitt Street, Le Sands in Brighton-le-Sands and Papillion in York Street. He was asked about his best restaurant experience. He said, "Sitting with the Hellenic IOC member during a Sydney bid 2000 dinner at Bilson's, Circular Quay." He said, "I can't remember what was on the menu, except that it was superbly done, as always at Bilson's."

He was asked about his most memorable meal. He said, "Gold crusted soup in another restaurant in South-East Asia. Real gold tissue paper crumpled over the soup. Thank heavens I wasn't paying." He was asked if he could eat at one restaurant anywhere in the world which would it be. He said, "Gaddis, Hong Kong." It was also reported that the Leader of the National Party does his own cooking, his favourite dish being a Greek spinach pie. He said, "I do all my own pastry. No packet pastry for me." What was his worst experience in the kitchen? He said:

> One day I left a dish stir-fry while I had a quick look at my e-mail in another room. The range hood caught fire and deposited a thin film of burnt carbon on every surface in the kitchen. It took all night to wipe down.

He was asked to name his best experience. He said:

> Cooking breakfast for a large number of teenagers attending my son's 18th birthday. My breakfasts are so legendary they all stayed until next morning to sample the delights.

Clearly, the National Party is in a bad condition. It is no wonder Country Labor has just on 5,900 members when we look at members of the National Party in Canberra—I refer in particular to Minister Truss and the Leader and Deputy Prime Minister, John Anderson. Honourable members should think about the number of times they have worked against New South Wales, against country families, against Country Labor. The National Party preselected Pickles and declared him Australopithecus Murrumbigeeitus! Let us talk about competition policy. Where was the National Party when Country Labor extended the West 2000 program? Where was the National Party when we fought and got an extension of the exceptional circumstances regime?

Where was the National Party when we tried to get the extension for the rural and country services? Where was the National Party when we tried to get a national insurance policy? Where was the National Party when we fought fuel prices? Where was the National Party for the last seven sessions of question time? Where were they when we were asking questions about matters pertaining to the bush, to the country? National Party members are only interested in sexual innuendo—I suppose it is what they were brought up on! We will continue to dine on the National Party carcass. I have described today what the Leader of the National Party cooks and eats, but we will continue to dine on the National Party carcass. [*Time expired.*]

Mr PICCOLI (Murrumbidgee) [3.47 p.m.]: I will make a couple of points in response to the fascinating address by the honourable member for Murray-Darling. Country Labor's endorsement by the Southern Democrats is interesting, I guess, because in that part of the United States of America they have a history of hanging blacks! It is rather appropriate that they should endorse his party. I also refer to his apparent enthusiasm for Country Labor. A few months ago Kim Beazley came to Griffith and the district for meetings. The Federal Leader of the Opposition managed to attract a crowd of 12 people at the meeting in Griffith—the town's population is 25,000. The support he received was fantastic! It is amazing.

It is quite interesting that Kim Beazley has distanced himself somewhat from the whole notion of Country Labor, so it would appear that the Federal Labor Party is not so keen on the idea of Country Labor. The honourable member's motion makes reference to the increasing membership of Country Labor. If we were privy to Labor Party membership numbers, I think we would see a decline in Labor Party membership to match any increase in Country Labor membership. This shift in membership is to be likened to creative accounting. There has been no overall increase in ALP membership, no matter how one seeks to rebadge it. My understanding is that membership of the Labor Party is declining as much as membership of unions. I find the motion rather amusing. In the first part of his motion the honourable member seeks to congratulate the Premier

on his ongoing commitment to rural and regional New South Wales. That is probably as good a lie as any that has been told in this Parliament. It is probably as good as any lie that the Premier has told in this Parliament which, just 18 months into the life of his Government, would number in the hundreds.

Mr Brown: Point of order: Mr Speaker, today during question time you ruled that the word "lying" is unparliamentary and should not be used during debate or in question time. I ask you to pull the honourable member for Murrumbidgee back into line and direct him not to use such unparliamentary language in this Chamber.

Mr PICCOLI: I would like to make a few points about the apparent commitment of the Premier to country New South Wales. First, I refer to FreightCorp. This is a very interesting issue from the Labor Party's point of view. I understand there is some internal wrangling between the Left and the Right over the issue. Unfortunately for members such as the honourable member for Bathurst and the honourable member for Cessnock, the fight for jobs in FreightCorp has seen those jobs taken up by the Left of the Labor Party, by predominantly sitting members of New South Wales Parliament. Members who represent rural electorates that will be most affected by this proposal, including Hunter Valley electorates and the electorate of Bathurst, have completely rolled over to the demands of the Premier and the Treasurer. As the honourable member for Upper Hunter, the Leader of the National Party, has said previously, they laid on the ground and let the bulldozer roll over them.

If this so-called Country Labor Party and ALP members representing rural electorates had any guts or power, surely they would have been able to overcome the opposition of the Premier and the Treasurer on what is such an important issue, particularly in the Hunter Valley, because it will involve thousands and thousands of jobs. I understand that several of the main unions involved with FreightCorp are opposed to the proposal. However, the Labor Party, which is completely beholden to the notion of privatisation, has abandoned any claim it might have had for the protection of workers. That is a shame. Members of the ALP who represent country electorates should hang their heads in shame for shirking their responsibility and allowing the job losses that will ensue from the privatisation of FreightCorp. This is a very tragic situation indeed. It is only right that those members should be quite embarrassed.

Earlier this year this House debated deregulation of the dairy industry. The National Party and the Liberal Party moved amendments to the deregulation bill which sought additional State funding to assist affected dairy farmers. The dairy farmers of this State, for the benefit of Country Labor members who are not aware, are a very important constituency in country New South Wales because they represent many family-owned farms. The loss of their farms and businesses will have a significant impact on many rural communities, particularly in coastal areas. The Labor Party had the opportunity to help those farmers with State assistance, but they were not prepared to do that because Treasurer Egan and Premier Carr were not keen on giving that assistance. Again, the Right of the Labor Party dominated. I have heard that some in the Left of the Labor Party were interested to protect dairy farmers but that they could not gain the support of rural members of the Labor Party. That is a great tragedy not only for the Labor Party but for the dairy farmers who lose their farms and incomes.

Another issue of great interest recently has been the Grains Board. The State Government is not prepared to do anything; it will not commit any government money towards farmers who inevitably will lose money as a result of the Grains Board fiasco that is now being unravelled. The Government had the opportunity to underwrite and guarantee the debts of the Grains Board or take over some of those debts. But the Government is not prepared to do that. So farmers inevitably will have to be the underwriters. The Australian Labor Party is in government in New South Wales, and good luck to it, but when it had the opportunity to do something to support the grain farmers of country New South Wales it failed. The incompetency of the Grains Board led to this disaster, but the Minister for Agriculture ultimately is responsible. Obviously, he has failed in his oversight of the board, and that has led to a $90 million debt. I guess he could affectionately be known as the $90 Million Man. This is the responsibility of the Minister and of the Government.

Another important issue for country New South Wales and its citizens is the recently conducted firearms review. Again, the National Party, after consultation with sporting shooters and farmers, sought an open and democratic review. But, no, the Labor Party and its country members were not able to support the National Party's call for an open review. The review was conducted by a senior bureaucrat within the police department, I imagine with a fairly predetermined outcome. Any honourable members on the Government side who took the opportunity to speak to sporting shooters and farmers would know that they are very dissatisfied with that review. This issue will return to haunt Country Labor. I move the following amendment:

That the motion be amended by leaving out the words "Country Labor annual conference" with a view to inserting instead "Labor Country Conference".

Mr MARTIN (Bathurst) [3.57 p.m.]: I will depart somewhat from what I had intended to say because I did not realise that the honourable member for Murrumbidgee would give the Government such a free kick. If ever anything underscored the hypocrisy of the Coalition parties it is their attitude to FreightCorp. In 1998, with the election of the Greiner Coalition Government, FreightCorp had 10,000 employees. When the people of New South Wales kicked the Coalition out seven years later there were only 3,700 FreightCorp employees—that is, more than 6,000 jobs were lost to country New South Wales. That was the number of people that the Coalition sent to the wall. The honourable member for Murrumbidgee should be more careful in his research. It was sloppy. The Government is now in the situation of having to defend FreightCorp.

The only reason that there has to be privatisation of FreightCorp is that John Howard and John Fahey, in an act of political bastardry, refused to allow the National Rail Corporation and FreightCorp to come together to form a publicly-owned organisation. Coalition members have failed their constituents on this issue, as they did with dairy deregulation. They should have been in Canberra talking to John Anderson. But they do not listen to their constituents. Look who was sent today by the Opposition to speak in debate on this motion. Where is George Serious? Where is Ian Armstrong? The only other Opposition member who is to speak in debate on this motion is the honourable member for Wagga Wagga. How seriously do Opposition members view this motion? They see their position as undefendable.

Mr Stoner: Point of order: Previous Speakers have ruled in relation to the use of props in this place. I ask that you call the honourable member for Murray-Darling to order for using props in this debate.

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

Mr MARTIN: I had to expose the hypocrisy of Opposition members. I hope that the honourable member for Murrumbidgee does a bit of homework and talks to his mates. Some magnificent articles were printed in the press in relation to last weekend's annual conference at Coffs Harbour. The headline in the *Coffs Harbour Advocate* was, "$10 billion rural boost". The headline in the *Grafton Daily Examine*r was "$10 billion boost for regional NSW". The headline in the *Tweed Daily News* was, "Carr says regions get $10 billion, 50,000 jobs", and the headline in the *Lithgow Mercury* was "Silicon plant approval, $120 million jobs boost". That announcement, which will affect my home town of Lithgow, was made after much negotiation by the Government.

One of the Government's major initiatives will result in 1,400 additional jobs in the Parkes region. The headline in the *Newcastle Herald* at the weekend was, "Country Labor booms" and the headline in the *Illawarra Mercury* was, "ALP surging ahead in bush". So even those regional newspapers picked up the story. On television that night George Souris, the Leader of the National Party, condemned members of Country Labor for going into the bush. George was seen on television raving against members of Country Labor and referring to them as socialists.

When I looked at the scenery behind the Leader of the National Party I was expecting to see rolling hills, sheep or a river behind him. But guess what was behind him? The Sydney Opera House, Sydney Harbour Bridge and the harbour. George followed the great tradition of the late Leon Punch of the National Party and was interviewed at his Darlington Point mansion. What an appropriate address for the Leader of the National Party! No wonder he has become a laughing stock in the bush. Where is he today? The honourable member for Murray-Darling has him on the run. Where is he? He is probably in his office with an apron on, making some puff pastry.

The honourable member for Murrumbidgee said earlier that the Federal Labor Party is not behind Country Labor. However, I point out to him that Country Labor has now been registered nationally. The army of lawyers from the National Party that attempted to oppose that move has again lost money for the National Party. Simon Crean, the next Treasurer of Australia, was at the annual conference, as were a number of frontbenchers from the Federal parliamentary Labor Party. So much for the Federal Labor Party not being interested in Country Labor. The Premier of New South Wales gave a fantastic keynote address at the Coffs Harbour annual conference. He said:

> When historians write about New South Wales politics at the beginning of the 21st century they will comment on the rise of a new political force—Country Labor—which is a new people's movement for rural and regional New South Wales.

The simple fact is that members of the National Party are simply unwilling or unable to represent the interests of rural and regional New South Wales. Recent opinion polls—and this is something that members of the National

Party do not want to hear—put the popularity of members of the National Party at 4 per cent of the State level, which is half of what they got at the last election. Let us not forget that: at the last New South Wales election, they achieved one of their lowest votes since they fought their first election in 1919. So where are they now? They are in regional New South Wales, taking up the fight for people in those areas, where their popularity is halved. The Australian Labor Party and Country Labor are stepping into the breach. [*Time expired*.]

Mr MAGUIRE (Wagga Wagga) [4.02 p.m.]: The motion that was moved today by the honourable member for Murray-Darling is a sham, just as the name "Country Labor"—the appendage to the Labor Party—is a sham. Knowing the honourable member Murray-Darling as I do, I am disappointed that he moved the motion congratulating the Premier on his commitment to rural New South Wales. People in rural New South Wales will not agree with him at all. The Premier should not be congratulated on his work. Let me recount some of the events that have happened in electorates over the mountains that Government members and I represent. Hundreds of jobs in the community were lost in the Department of Education and Training, and veterinary laboratories have been closed.

[*Interruption*]

Government members should not worry about members of the Liberal Party. The figures that the Premier bandied around at the annual State conference at Coffs Harbour were inaccurate and the Premier knows it. I am disappointed that the honourable member for Murray-Darling promoted untruths in this Chamber. The fact of the matter is that the figures the Premier gave are incorrect. The membership of the New South Wales Liberal Party is more than double the figure that the Premier quoted. Present membership of the Liberal Party is 1,000 more than it had this time last year. If the Premier is going to peddle those kinds of untruths to the rank and file of the Labor Party he should produce that information. Where is his statistical evidence? He does not have any.

I challenge the honourable member for Murray-Darling to produce those statistics to back up his claim that the membership of Country Labor, as Government members call the New South Wales Labor Party appendage or mudguard, is equal to the membership of the New South Wales Liberal Party, or vice versa. I challenge the honourable member for Murray-Darling to produce statistical evidence. As a matter of fact I heard him challenging members on this side of the House to come into this Chamber. I challenge Government members to come into the Chamber and to have their say. Let us get right into debate on this issue so we can all have a say and prove our point that this motion is a sham.

The Premier said, "This is good news for New South Wales. Here is $20 billion worth of investment." I heard him make that statement four times so it is a reannouncement of a reannouncement of a reannouncement of an announcement. In fact, he announced the construction of the Visy Board production plant at Tumut when it is already half built. That is old news. The people of New South Wales want members of Country Labor to stand up for them and to get these projects going. They want developments. They want Country Labor to provide an environment that will encourage business which will result in the commencement of these projects. That is not happening. Country Labor can do more.

At present New South Wales has the longest hospital waiting lists in the country. Country Labor members should ask Cabinet for more resources so that hospital waiting lists can be reduced. At the moment the waiting lists are the highest we have ever seen. Statistical evidence proves that hospital waiting lists are through the roof. If Government members make statements in this House they should be able to prove those statements. Hospital waiting lists are the highest ever. Statistics on the Internet confirm that. More important, those members who represent Country Labor should be batting hard for country people. They are not doing that.

As recently as two weeks ago two factories in New South Wales closed. We have to wonder why. Why are factories and businesses leaving this State? They are leaving because of workers compensation imposts and payroll tax. They are going to Victoria and to Queensland. Why? The Government is not providing the economic growth that is required for them to prosper. Country Labor should ask the Premier and the Treasurer to create an environment which will be more conducive for conducting business. Payroll taxes in New South Wales are higher than payroll taxes in any other State and workers compensation payments are driving businesses out of this State. Members of Country Labor are not in a position to congratulate their Premier for doing a good job for rural New South Wales. Nothing could be further from the truth.

Mr SPEAKER: Order! The House has heard enough interjections. I ask members to act with a little more decorum for the remainder of the debate.

Mr HICKEY (Cessnock) [4.07 p.m.]: It is a sad day indeed when members of the Liberal Party have to defend members of the National Party.

Mr SPEAKER: Order! Members will cease interjecting.

Mr HICKEY: The honourable member for Wagga Wagga referred earlier to health funding levels. I suggest that the honourable member talk to the Federal Government and suggest that it allocate fair and appropriate funding to the New South Wales Government for that purpose. The comments from the honourable member for Murrumbidgee clearly say quite a lot and show why the National Party has fallen in the bush. His sad comments referring to "hanging blacks" are disgraceful and distasteful. When a few members—the honourable member for The Entrance, the honourable member for Bathurst, and I—called for the comments to be withdrawn, he would not do so. It was sad to listen to those sorts of comments in this Chamber. To say we have a declining membership is false. The Country Labor team in the bush has 5,900 members, and growing. The membership of the National Party is falling.

Mr Stoner: No, it is not. It is growing. Country Labor is a gimmick.

Mr HICKEY: It may well be, but it is a credible gimmick. It is a gimmick that is fighting for the country people, putting runs on the board, announcing $10 billion worth of development in rural and regional New South Wales. That is five times the money spent on Olympic and Paralympic capital works. The honourable member for Wagga Wagga said we were falling down on our job. The honourable member for Lachlan said in the debate about Bankstown Airport that the country economy was the fastest growing in New South Wales. Is Country Labor failing? I don't think so! The honourable member for Wagga Wagga should speak with the honourable member for Lachlan. The honourable member for Lachlan knows—he was credible leader. Where is he now? He is sitting around twiddling his thumbs. It is very sad.

Almost $6 billion of the $10 billion announcement is for projects outside regional areas. That is great news for country New South Wales. The Beyond 2000 project includes mines, roads, residential developments, paper Mills, power stations, pipelines, telecommunications, hospitals, shopping centres, schools and hotels. The electorate of Cessnock is growing at a rate of knots. Development applications worth $1.2 billion are before the local council. We have some problems with infrastructure, because we cannot supply it quickly enough. That is the only thing that is wrong. We cannot stop people from developing out in the country.

The credibility of the National Party has to be questioned. There is only one member of the National Party present in the House, and one member of the Liberal Party. Members of the Liberal Party have to speak. They are like fleas on a dog, but the sad thing is that instead of it being a live dog it is a carcass. What the honourable member for Wagga Wagga said about Country Labor falling away is totally false. We are doing extraordinarily well.

Mr Stoner: What are you doing with FreightCorp?

Mr HICKEY: If the Federal Government did not sell National Rail, FreightCorp would not have to be privatised. The honourable member should go back to the country people and ask them.

Debate adjourned on motion by Mr Whelan.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield—Minister for Police) [4.15 p.m.]: I move:

That standing and sessional orders be suspended so that unless otherwise ordered:

(1) on any Friday upon which the House sits, whether as a continuation of the sitting of the previous day or as a separate sitting day:

(a) Government business shall have precedence of all other business, including the routine of business, except that until the House rises for the Christmas recess in 2000 notices of motions shall be called on at 2.15 p.m.;

(b) no quorums shall be called and any divisions called shall be deferred, as orders of the day for the next sitting day with precedence of all other business, to be conducted after questions without notice;

(c) private members' statements shall be called at 4.15 p.m. at the conclusion of which the House shall adjourn until the next sitting day; and

(2) the House at its rising this day do adjourn until 10.00 a.m. on Friday 17 November 2000.

Mr R. H. L. SMITH (Bega) [4.17 p.m.]: This is just another excuse for the Government not to face another question time. This comes up every time we have a Friday sitting: standing orders are suspended because the Government does not want to face question time. Ministers want to get out to their electorates. They do not want to be here. If they do not want to be here, they should simply call off the Friday sittings. The only reason they do not want to have divisions or have quorums called is that the Government will not have the numbers to win the votes in the House. If the House is to sit on a Friday, it should be a normal sitting day—with divisions and quorums—and the Government should face question time. It is just an excuse so that when the newspapers see how few days the House has sat this year the Government will be able to say it sat on Fridays. It is time the Government accepted the responsibility of Government and sat on Friday as a normal sitting day, faced questions and faced the people of New South Wales.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 47

Ms Allan	Ms Harrison	Mr Newell
Mr Amery	Mr Hickey	Ms Nori
Ms Andrews	Mr Hunter	Mr Orkopoulos
Mr Aquilina	Mr Iemma	Mr E. T. Page
Mr Bartlett	Mr Knowles	Mr Price
Ms Beamer	Mrs Lo Po'	Ms Saliba
Mr Black	Mr Lynch	Mr W. D. Smith
Mr Brown	Mr Markham	Mr Stewart
Mr Campbell	Mr Martin	Mr Tripodi
Mr Collier	Mr McBride	Mr Watkins
Mr Crittenden	Mr McManus	Mr Whelan
Mr Face	Ms Meagher	Mr Woods
Mr Gaudry	Ms Megarrity	Mr Yeadon
Mr Gibson	Mr Mills	*Tellers,*
Mr Greene	Mr Moss	Mr Anderson
Mrs Grusovin	Mr Nagle	Mr Thompson

Noes, 36

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

Pair

Mr Ashton Mrs Chikarovski

Question resolved in the affirmative.

Motion agreed to.

PRIVATE MEMBERS' STATEMENTS

CANTERBURY HOSPITAL WAITING LIST

Mr MOSS (Canterbury—Parliamentary Secretary) [4.25 p.m.]: I refer to the surgery waiting lists at Canterbury Hospital. I emphasise that what I am talking about has nothing whatever to do with the current statewide issue of waiting lists. The specific problem relating to Canterbury Hospital has nothing to do with the wider debate on surgical waiting lists that is currently taking place. I am concerned about the allocation of operating times for Canterbury Hospital, which are decided by the Central Sydney Area Health Service. The times allocated to Canterbury Hospital are disproportionate to the times allocated to other hospitals within the Central Sydney Area Health Service, namely, Royal Prince Alfred Hospital and Concord hospital.

A graph produced by Central Sydney Area Health Service clearly shows that the waiting times for patients for surgery at Canterbury Hospital are much higher than those for patients on the waiting lists at Concord hospital and Royal Prince Alfred Hospital. This graph was produced by the very body that allocates operating times. Figures also show that for the past two years—I also have monthly figures—the surgical waiting lists at Canterbury Hospital have increased. Indeed, in October of this year Canterbury Hospital had the highest number of patients waiting for operations. Canterbury Hospital is relatively new; it is only a couple of years old. The new hospital has five operating theatres which have never been fully utilised. That is understandable because the hospital was built for long-term accommodation and I hope that in years to come the five theatres will be operating.

Only three theatres have operated since the new hospital opened. I am told that that equates to approximately 30 operating procedures per week. Since that time the Central Sydney Area Health Service has reduced the number of procedures to 25, which means that the hospital was using only 2½ theatres. More recently the number of procedures—or listings, as the area health service calls them—has dropped to 20 per week, which means that only two of the five theatres are operating. Also, waiting times at Canterbury Hospital far exceed waiting times at the neighbouring hospitals within the same area health service.

Cutbacks in surgery defeat the purpose of getting people in and out of beds quickly. That is a Government objective, but it is being ignored by Central Sydney Area Health Service. I am told that one reason for the cutbacks is that Canterbury Hospital ran over budget last year. In my opinion the hospital ran over budget because of extended stays by patients waiting for surgery. Indeed, I am told that one orthopaedic surgeon has six emergency patients waiting for surgery who must wait for more than a week for their operations. Those patients must stay in hospital because they are emergency patients. Therefore Canterbury Hospital finds itself in a catch 22 situation when trying to cope with insufficient operation sessions. We must not forget that the hospital has the capacity to carry out these operations. That leads to beds being occupied by patients waiting for surgery which should have been performed in the theatres already available. This is why the hospital runs over budget.

I am also told that Prince Alfred Hospital was over budget. However, it seems that that hospital's waiting times are shorter than waiting times at Canterbury Hospital. I dare say that that may be because some specialists prefer who to stay put in Carillon Avenue and deal with their patients at Prince Alfred Hospital, and who may not know where Belmore is or not interested in travelling to Canterbury Hospital to perform surgery. I am sure that the Minister for Health will take this matter seriously on my behalf and ensure that Canterbury Hospital receives a more equitable distribution of theatre times. [*Time expired.*]

ELECTRONIC PETITIONS

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [4.30 p.m.]: Each member of this House is sent here, first and foremost, to represent the interests of their communities. Irrespective of political beliefs, we should try to do so to the best of our abilities. As times have moved on, the ways in which members of Parliament undertake electorate work have changed. While many of the characteristics of our representational work have not changed—for example, interviews with residents, attendances at meetings and gatherings of local groups, and dealings with correspondence—others aspects have changed. In recent years we too have been swept up in the communications revolution. Two decades ago facsimile machines altered the way we worked. A decade ago mobile phones did likewise. Today, Internet technology is also posing challenges for members of Parliament and for Parliament itself.

When I established a web site—*www.barryofarrell.com*—in 1995 I was the first State member of Parliament to do so. Web sites are now commonplace among members. Parliament itself has established its own web site. My intention in establishing a web site was to help disseminate information more widely, and I unashamedly looked to use a medium that was well used by young people, that is, those who often opt out or are left out of political processes. Over time, the use of my web site has changed. I have sought to make it more interactive. Not only can a resident access my media releases, newsletters and speeches, but students, who often contact my electorate office for help with assignments, can learn about the parliamentary process and even undertake a virtual tour of the Parliament.

In the past few years I have also provided opportunity for feedback and have run quick polls on local issues such as the need for railway station car parks, attitudes to the bridging of the Lane Cove River for the Parramatta rail link, and perceptions of crime in local suburbs. The State Liberal Party has introduced on-line forums in which people can interact with shadow Ministers. To date the feedback has been very positive. The hit rate is high, and I know from resident feedback that my web site is being regularly used by people of all ages. The web sites of other members who are equally active, such as the members representing the electorates of Epping and Hornsby, are undoubtedly also being regularly used. I now want to take this technology a step further. I want to add to the armoury of representational skills that members of Parliament have. I want to be able to lodge e-petitions, or electronic petitions, in Parliament. I regret that this week I was unable to present e-petitions from Ku-ring-gai residents protesting about the impact of State environmental planning policy [SEPP] 5.

The first e-petition I have on my e-petitions site is a page that is set up like a normal petition page. It is addressed to the Speaker of the Legislative Assembly, it expresses the concern of Ku-ring-gai residents about the abuse of SEPP 5 and calls for action. It asks visitors to the site to insert their name, e-mail address, street and suburb, and to submit the petition. I then receive a report. I am pleased that the first e-petition I received was from Robert Pallin, a Lindfield resident who, two years ago, was the first person to alert me to the problem of SEPP 5 in my community. Mr Pallin has the distinction of being the first person to have sent me an e-petition, and I hope he will be the first person to have his e-petition presented to this Parliament.

Each day that the House sits, paper petitions are presented. Unfortunately, the existing standing orders make no provision for the presentation of petitions received by other means. In part, the fault rests with the Carr Government, which has failed to enact the Electronics Transactions Act. That legislation establishes a means of providing signatures electronically. In the interests of improving parliamentary representation, I urge the Government to enact legislation. I also urge the Government to review the standing orders so that e-petitions can be presented to this Parliament. Notwithstanding concerns raised in a 1999 House of Representatives Standing Committee on Procedure report, I believe e-petitions could, and should, be responsibly introduced in New South Wales.

In my view, Parliament and politicians should be doing all we can to open up the political process. Fully embracing Internet technology can help. It allows greater immediacy of interaction between members of Parliament and their electors. Members of Parliament operate in increasingly cynical electorates. We are accused of being out of touch, and often the actions of a few of our number further diminish our community standing. I believe a willingness to better listen and better represent the views of our constituents—including, albeit in a small way, through the acceptance of the use of e-petitions—would go a long way towards helping us restore confidence in the political system and its representatives. Five years ago I persuaded the Speaker to approve the adoption of the use of laptops in this Chamber. A trial then ensued for something that should have been accepted without reservation; it was a modern technology. The Speaker ought to review the standing orders urgently to allow this sensible form of our electors communicating with us to be introduced into this Parliament.

2000 METRO PRIDE AWARDS

Ms ALLAN (Wentworthville) [4.35 p.m.]: In my capacity as member for Wentworthville and also as the Chair of the New South Wales Keep Australia Beautiful Council, I congratulate Parramatta City Council on winning an award at the 2000 Metro Pride Awards dinner, which was held last Thursday night at the Mandalay in Lane Cove. The final award winners were announced by the Deputy Premier, and Minister for Urban Affairs and Planning, Dr Andrew Refshauge. Lane Cove Council, the overall 1999 Metro Pride Award winner, was the host for the evening. Sutherland Shire Council was the overall Metro Pride Award winner, Warringah Council was runner-up, and Parramatta City Council came third. For those who are not aware, the Metro Pride Awards are a metropolitan version of the Tidy Towns Awards, which will take place in a fortnight's time in Tamworth. Tamworth Shire Council was the 1999 winner of the Tidy Towns Award, and the announcement for the 2000 Tidy Towns Award winners will be made by the Minister for Local Government in two weeks time.

A number of representatives of local government attended the Metro Pride Awards dinner last Thursday night. The honourable member for Lane Cove, Kerry Chikarovski, also attended, and we appreciate her attendance. Parramatta City Council won an award for the category of community facilities and services, an outstanding result for the council. Two years ago Parramatta City Council was the Metro Pride overall award winner. At times councils become a little complacent after being named overall award winner, but Parramatta City Council has demonstrated that it will continue its high standards in environmental achievements.

A number of other councils received awards on the night. Kogarah Council won numerous awards, and Newcastle City Council, Friends of Ku-ring-gai Environment, Leichhardt Council, Wollongong City Council and Hunter Waste Board were all award recipients. It was one of the most successful Metro Pride Awards dinners and presentations that the Keep Australia Beautiful Council has run in recent years. I believe it reflects increasing community awareness, and the increasing interest and commitment of local government in taking pride in local communities. That has been reflected in the participation of volunteers in the Sydney Olympics. Recently the Premier announced that to celebrate the International Year of the Volunteer next year the Government will set up a volunteers unit, and far greater attention will be paid to people who volunteer their efforts in a whole range of areas.

So far as Metro Pride and Tidy Towns Awards are concerned, the volunteers, as well as the people that they partner in local government, are working towards the overall improvement of their local environment, and they are doing an outstanding job. A number of private and public sector bodies sponsor the Metro Pride Awards. The New South Wales Masons, Multiplex, the New South Wales Heritage Office, Pacific Power, the National Parks and Wildlife Service and the Beverage Industry Environment Council are traditional sponsors of Metro Pride Awards. The North Sydney Waste Board was also a sponsor of this year's awards, as was Aristocrat, a company based in Lane Cove which is responsible for a number of the gaming machines in clubs around Australia. I appreciate their contributions, which demonstrate their willingness to make a community effort.

A number of new sponsors who will be joining Metro Pride in the next 12 months also attended. Both Collex and the Sydney Catchment Authority recently agreed to sponsor a major education program on environmental education which will be co-ordinated by Keep Australia Beautiful. Simsmetal and Landcom attended, and Sean O'Toole, who is the chief executive officer of Landcom, also attended. Landcom will be a major sponsor next year. I appreciate the provision by 2KY of Gareth McRae, who is an outstanding radio commentator, to chair the evening. I think it was a successful evening largely because of Gareth McRae's efforts. I congratulate the secretariat of Keep Australia Beautiful, who made the evening a success. Sarah Maloney was the officer who organised the outstanding evening. We all enjoyed ourselves. The people of Sutherland, Warringah and Parramatta can be very pleased that their local government is taking a great deal of pride in the area.

Mr JOHN St VINCENT WELSH AND THE CASINO CONTROL AUTHORITY

Mr OAKESHOTT (Port Macquarie) [4.40 p.m.]: I join in this debate because several concerns have been expressed by constituents about the ongoing case of John St Vincent Welsh in the Administrative Decisions Tribunal [ADT] which has broader implications for what is considered by several people as the "I don't know and I'm not responsible" culture that permeates several levels of departmental ranks. I congratulate Mr Stephen Wilson, who today did something fairly significant in the tribunal by changing evidence that he gave three months earlier. I certainly attach a great deal of significance to that because it was a courageous decision of Mr Wilson's part to do so. There are significant implications which accompany his decision, not only for Mr Wilson but also for the structure of the Department of Gaming and Racing about which the complaint was made. Mr Wilson is a civil officer with the Police Service. Three months ago he gave evidence in the matter involving Mr St Vincent Welsh. To a couple of questions asked of him, he gave the bland answer, "I don't know."

The underlying implication is that potentially Mr Wilson has been leaned on. I realise that is a very serious allegation to make in this House, but it seems to be the inference arising from Mr Wilson's change of evidence in the Administrative Decisions Tribunal today. Thankfully, Mr Wilson came forward and gave the true version of events. What came out is quite extraordinary evidence in the matter concerning Mr St Vincent Welsh. The evidence indicates that Mr Wilson, when he was an investigator with the Casino Control Authority, investigated the employee's licence of Mr St Vincent Welsh—not only his employee's licence, but also a whole range of allegations that had been made against Mr St Vincent Welsh. Today it came out in the ADT that none of the allegations was substantiated.

It is a matter of grave concern to this House and to the community that by coming forward and giving this changed evidence, Mr Stephen Wilson has indicated that he had been leaned on in some way approximately three months ago. For that reason, I call on the Minister for Gaming and Racing to forward all of today's transcripts of proceedings from the ADT case between John St Vincent Welsh and the Casino Control Authority to the Commissioner of the Independent Commission Against Corruption [ICAC]. The conduct of the Casino Control Authority has been a topic of significant debate in this House over the past 12 months and has caused broader community concern.

There have been allegations of gross inefficiency which were confirmed both by this House and in other places, such as the Peter McClellan inquiry. Allegations of structural problems have also be confirmed through the McClellan report. In addition to what has already been revealed in relation to this issue, allegations are being made in the courts of corrupt conduct by public officials. it is appropriate that the commissioner, Irene Moss, examine the full transcripts of the hearing. And wouldn't it be great if the Minister took the lead and referred these issues to the Commissioner of the Independent Commission Against Corruption!

The allegations I am making are serious. The allegations exposed in the court are serious and they are now recorded in the court transcripts. The culture of this Parliament and in the department of "I don't know and I'm not responsible" must change. Here is yet another opportunity to change it. In the media, in this House and now in the court there have been continued references to the "I don't know and I'm not responsible" culture, yet a gentleman such as Mr Wilson has come forward and confirmed otherwise. I urge the Minister for Gaming and Racing to refer the transcripts to the ICAC.

KIAMA HIGH SCHOOL OVERCROWDING

Mr BROWN (Kiama) [4.45 p.m.]: I address the problem of overcrowding at the Kiama High School, which is the school that I attended throughout the whole of my secondary education. In fact, my class will be having its 10-year reunion next Saturday. When I was a student at Kiama High School, it was already fairly crowded with approximately 900 students. Today, the school, which has approximately 1,300 students, is bursting at the seams and it is projected that more students will attend the school next year. First, I must say that the teachers at the school have done a terrific job of dealing with the large number of students who currently attend the school. The principal is Ron Findlay, who is assisted very ably by Lorraine Peade, and together with the teachers and the Teachers Federation representative, Peter Berriman, they have a endeavoured to continue the education process of the high school while working in very cramped conditions. Many of the school's buildings were built in the 1950s and are in need of urgent renovation or replacement.

One of the first things I did when I was elected was to arrange for the State Director of Properties from the Department of Education to take a look at the schools in the electorate of Kiama, primarily Kiama High School as well as Shellharbour Public School. When John Burkhart saw Kiama High School and realised that there was not enough space for parking and that kids were taking their recess or lunch on the footpath, he agreed that the school was definitely overcrowded. He said that he would organise a concept plan to present to the school community. At that time, I was continually lobbied by the chairman of the overcrowding committee, which is a subcommittee of the Parents and Citizens Committee at Kiama High. The chairman is Peter Moggach, a solicitor in Kiama with the firm Kearns and Garside. Peter has been actively pursuing this issue.

Last week I presented a petition in this House. Peter, the committee and I were able to circulate that petition throughout the community and we received over a thousand signatures. The petition seeks a concept plan to relieve the overcrowding. After we initiated the petition, a concept plan was delivered to the school community. I am quite happy with the concept plan in its current form. A number of other suggestions have been put forward. For example, to reduce the overcrowding at Kiama students could be taken from the north of Kiama to Warilla High School, or students from places to the south of Kiama, such as Gerringong and Gerroa, could be taken to Bomaderry High School.

A further option was that another school could be built, perhaps in Gerringong or Berry. The concept plan, however, proposes the consolidation of Kiama High School, and increasing its size through permanent structures. These permanent structures will be of great educational benefit to the students of Kiama High School, who are currently housed in demountable classrooms. The 14 demountable classrooms take up considerable space that could otherwise be used for parking or recreational areas. The concept plan replaces the old wooden portable classrooms—not demountables—with two- or three-storey blocks and it is receiving general support from the community.

Today I bring to the attention of the House the need for an injection of funds into Kiama High School, when the community decides which concept it will proceed with. I have spoken to the Minister and I have asked

him to consider including this project as a budgetary item in next year's budget. Once the concept plan is decided, money will need to be found next year. The Minister has shown a continued commitment to education in the electorate of Kiama. Last year when I raised with him the overcrowding at Shellharbour Public School he arranged for funding this financial year. I will continue to apply pressure on him to ensure that the best educational opportunities are provided for these students.

ATTACKS ON PLACES OF WORSHIP

Mr DEBNAM (Vaucluse) [4.50 p.m.]: I refer to attacks on members of the Jewish community in Sydney, and in other parts of New South Wales and Australia, to which the Premier referred this week. On 19 October I sent a message of support to a meeting of our local Jewish community which had convened to talk about the situation in the Middle East. The meeting was entitled "Hope for the future" and called for restraint in Australia during this period of tension in the Middle East. I was unable to attend the meeting because I attended another function at Parliament House. On 19 October I also wrote to synagogues in my electorate and said, in part, "Any abuse or attack on a member of our community is an attack on us all. We need to send a strong message that as a community we absolutely reject illegal and antisocial behaviour."

The next day the *Jewish News* published a story on the front page which explained those two messages. It was not news to many people in our local community because they have been under considerable pressure for many weeks. The *Jewish News* highlighted the attacks, harassment and intimidation. This week the Premier spoke out against those deplorable attacks on Sydney's Jewish community, and I join him in condemning those un-Australian acts of harassment, intimidation and violence. I hope we see no more of it after this week. On 1 November there was a fire attack on a synagogue in Bondi, the Roscoe Street Schule. That morning, as I drove past, I saw the activity of the police and the fire brigade at Bondi Beach. After I found out what it was all about, I met with the Minister for Police on the morning of 1 November. I raised a number of issues with him. We spoke about the Roscoe Street fire attack and many other instances of harassment and intimidation that had taken place in the preceding weeks.

We spoke about attacks on Rabbi Feldman's home—at that time there had been one or two attacks, but now there have been three attacks. I also spoke about a warning that I understood had been issued to some men who had been involved in acts of harassment and intimidation and who had been identified and interviewed by police. At that time I expressed my concern that only a warning was issued to them. I also said to the Minister for Police that for several weeks, in consultation with the Jewish Board of Deputies, we had agreed with the strategy not to raise the issue publicly. I suggested to the Minister that we needed a higher police presence and profile in periods of tension. Importantly, we needed to investigate that warning. This past month or so has been extremely difficult for a number of people. I thank the Jewish Board of Deputies not only for its calm manner in dealing with the situation but for its advice.

I thank the local police, who have been under a huge amount of pressure. I also thank Stepan Kerkyasharian, who issued a strong media release in mid-October calling for restraint and calm, and condemning acts of violence. I suggest that honourable members join me in calling for prudent actions on behalf of the Parliament. During this period of continuing tension we need greater police resources in areas suffering difficulties associated with the Middle East tension and a higher police profile to assist in public order in those times of tension. We need to seriously consider the basic use of technology that is available to us, such as video camera coverage of appropriate sites, especially synagogues and other at-risk locations.

I restate my request of the Minister for Police: the men who harassed people in the eastern suburbs after the weekend rally and were identified, interviewed and then released with a warning need to be further investigated. Why were they released with only a warning? I also call on honourable members to join me in calling on leaders of Arabic communities in New South Wales to issue a public call for restraint in protests and political activities, and a wholehearted rejection of any illegal activity, including harassment, intimidation and violence against people or property.

GENETICALLY MODIFIED ORGANISMS

Ms MEGARRITY (Menai) [4.55 p.m.]: Many people in my electorate have recently raised their concerns with me about genetically modified [GM] organisms, in particular, foods derived from genetically modified plants and animals. The term "GM food" also applies to foods that contain GM ingredients and food additives or processing aids produced using modern gene technology. New legislation regulating gene technology was introduced in the House of Representatives in June this year by the Minister for Health and

Aged Care, Michael Wooldridge. The legislative package comprises three bills: the Gene Technology Bill 2000, the Gene Technology (Consequential Amendments) Bill 2000 and the Gene Technology (Licence Changes) Bill 2000. Recently I read an article about this matter by Mr Bob Phelps in the May 2000 edition of the *Beacon*. I was surprised to learn that the concept of genetic engineering began with the Rockefeller Foundation in the 1930s. Mr Phelps, who is the director of the Gene Ethics Network, based at the Australian Conservation Foundation, stated that in the 1930s:

> Gene technology was considered the biological equivalent of splitting the atom. Breaking down biological systems to their smallest units could turn living things into industrial processors for food and fibre production. Agriculture could be managed like a factory.
>
> The foundation funded the Watson and Crick research that first described the structure of DNA, the genetic code that dictates every organism's unique make up. Its also paid to develop many of the techniques that allow genes to be cut and pasted from one living thing to another.

According to literature recently issued by the Australia New Zealand Food Authority, modern gene technology uses scientific techniques or tools to alter the genetic material of living cells and organisms, whether they be plant, animal, bacterial, et cetera. The particular characteristics of living organisms can be altered in a specific and directed way, usually by introducing new segments of genetic material. I repeat: these segments can come from any living organisms. It is significant that modern technology allows genes to be transferred across species boundaries, from any living organism into any other—animals to humans, humans to bacteria, microbes to plants, and so on. There are approximately 100,000 genes in a mammal. With GM technology any one of those can be isolated and crossed into an entirely different species.

It has been noted by researchers and raised with me by the Sutherland Shire Environment Centre, which services my electorate, that genes from genetically engineered organisms have the potential to move from their original release point to affect other plants and animals. I am sure all honourable members have heard reports from the United States of America and the United Kingdom that pollen has drifted up to eight kilometres and threatened crops. In his article, Mr Phelps also stated that gene transfers are possible in animals such as wild fish breeding with aquaculture fish which have been engineered for rapid growth. He said the result is the same:

> Disruption of our life-support systems, pollution of gene pools and depletion of the diversity of plants, animals and microorganisms in our environment. Once a gene has escaped it can never be recaptured.

I have already referred to the potential impacts on the environment as indicated by research. They included the growth of superweeds, the killing of beneficial as well as test species, and the creation of new viral diseases. Therefore food consumers, through the very food we eat, take the risks associated with new genes and proteins that have never before existed in our foods. All this is against the background of our knowledge of past Australian farming techniques and the unfortunate use of the chemical agricultural system. We have exploited soils and water to the point where the problem of desertification, salination and water pollution have become unmanageable in many places. Some of those issues are currently being addressed by this House through the Select Committee on Salinity.

Earlier I referred to the legislation about Genetically Modified Organisms raised by the Commonwealth Government a few months ago. It is significant to note that an overwhelming majority of Ministers rejected the Prime Minister's bid for wider exemptions from labelling regarding the genetically modified foods. John Howard pushed for a 1 per cent general threshold and for exemptions for a wide variety of foods. In any event, because of the delay, it is unlikely that there will be genetically engineered labels before July 2001. It should also be noted that the Gene Technology Office, announced in the Federal budget, will take at least two years to establish. Many of my constituents are concerned and confused about this technology. They are concerned that this controversial issue has moved too fast and gone too far. They perceive that the promoters of this technology in our food production have failed to show that there are any real advantages for the environment or for the public health from the introduction of genetically modified organisms into our foods. A significant number of constituents believe that, for all the research, it is impossible for anyone to be 100 per cent sure of the short- or long-term consequences of genetic modification.

OVINE JOHNE'S DISEASE PROGRAM

Ms HODGKINSON (Burrinjuck) [5.00 p.m.]: It is five minutes to midnight for the New South Wales ovine Johne's disease [OJD] program. There are now so many people tied up in OJD administration that many say it is an active breeding ground in bureaucracy—so much so perhaps that now it appears government jobs are reliant on not finding solutions. There is more than a little bureaucracy surrounding the real people affected by

OJD, not to mention the large number of local committees in various areas. Some of the groups involved with OJD include the national OJD control and evaluation program [NOJDP], the National OJD Industry Liaison Committee, the New South Wales OJD Industry Advisory Committee, the New South Wales Ovine Johne's Disease Advisory Committee—which was formed to replace the New South Wales OJD steering committee—Animal Health Australia, the NOJDP Management Committee, the technical subcommittee, the veterinary committee and the Subcommittee for Animal Health Laboratory Standards. It is therefore little wonder that producers are sceptical and resentful of the bureaucracy surrounding this disease.

The New South Wales Stud Breeders Association recently called for the scrapping of the OJD regulatory program saying, "The sheep industry is in an uproar over the direction of the policy." We must have deregulation of OJD, a freeing up of trade, continued support for the OJD Market Assurance program, better targeted research and compensation for affected producers, and a vaccine to be made available to all New South Wales producers experiencing OJD losses. Ian Cathles, the new Chairman of the New South Wales Ovine John's Disease Advisory Committee, said last week that his committee believes that affected sheep producers can no longer be expected to bear the financial brunt of the OJD regulatory program for the good of the wider sheep industry. He said that suspension of the regulatory program in New South Wales will have to be considered unless the national sheep industry and government are serious about helping New South Wales and other State sheep industries raise financial assistance by mid next year, following on from the recent Hassall and Associates consultancy report.

The need for financial assistance is largely a result of the impact of the regulations that have been imposed on affected producers. One local producer who has really been put through the OJD ringer is Mr Graham Privett of Glenleigh Merino Stud at Yass. On 15 August this year Mr Privett was found guilty in the Yass Magistrate's Court of offences under the Stock Diseases Act and was subsequently fined a total of $10,000 for two counts of failing to tender information requested by New South Wales Agriculture. In mid-1998 Mr Privett permitted a voluntary test on his property for the presence of ovine Johne's disease. Blood samples were taken from 476 sheep, and one ewe returned a positive reading. OJD blood tests are notorious for their inaccuracy. An autopsy was conducted, but there was ensuing confusion about the sample.

Despite continued requests by Mr Privett to the Department of Agriculture for a new test on the basis of the confusion surrounding the sample, this was denied. The Department of Agriculture refused to provide funding to carry out a confirming test. It was, however, willing to spend at least $33,000 of taxpayers' money prosecuting Mr Privett in a move which shocked many. Mr Privett can now no longer sell stud animals and he has lost income of at least $150,000 each year. As a result of the declaration of his property as being OJD infected, he lost an export contract for the supply of 26 rams worth $46,000. Those rams were slaughtered and subjected to autopsy on the orders of the Department of Agriculture, and not one was found to be infected. Mr Privett has not received one cent in compensation from the Department of Agriculture. Add to this his legal costs, which are estimated at around $38,000, and the fine of $10,000. All up, the cost to him in 1999 was $196,000. The cumulative cost for 2000 will be $394,000, and by 2001 this will have risen to $544,000.

Mr Privett is the first primary producer to be prosecuted on an OJD matter. He has acted as the magnificent example to other producers of how they will be treated by the Minister for Agriculture! The Minister's credo appears to be, "Come to me all you who are afflicted with OJD and, far from giving you rest, I will destroy your livelihood and prosecute you using draconian legislation." Mr Privett, a well-respected and well-known rural producer, who voluntarily tested for OJD, now has a criminal record. I ask the Minister again: When will he inject some justice and compassion into his OJD guidelines? The situation as it stands is out of control.

GOORAMA AVENUE-PACIFIC HIGHWAY INTERSECTION

Mr CRITTENDEN (Wyong—Parliamentary Secretary) [5.05 p.m.]: It is my pleasant duty to bring to the attention of the House an example of participatory democracy regarding the constituents of Blue Haven, within the Wyong electorate. This instance of participatory democracy arose because of the need to upgrade the intersection of Goorama Avenue and the Pacific Highway at San Remo. Coincidentally, the Pacific Highway in this vicinity forms the boundary between the State electorates of Swansea and Wyong. The nub of the issue is that Wyong Shire Council obtained money from developers over a number of years for the express purpose of improving that intersection. Council engineers worked on the basis of a roundabout being constructed at the intersection. Unfortunately, when tenders were sought last December there was a shortfall of nearly $1 million in the cost of the roundabout.

Today Wyong council has obtained about $1.3 million from developers. Therefore, because of the massive funding shortfall, the issue was whether to proceed with a roundabout or whether the funds that had

been obtained from developers could be used to install traffic lights and warning signals on the northern approach to the intersection. I am pleased to report to the House that on 15 September, the day of the commencement of the Olympics, my office sent out some 1,602 letters to the constituents of Blue Haven. Whilst there was a hiatus in the response, certainly after the Olympics concluded there was a gratifying response from constituents who felt very strongly about this issue. It seems that adults in these households took the opportunity to respond to the letter. In fact, 535 people voted for the installation of traffic lights and a quick solution to the issue, with 260 voting for a roundabout.

I informed the mayor of Wyong Shire Council, Councillor Fay Brennan, by letter of 13 October 2000, of those results. I was happy to outline the return from constituents in the hope of pursuing the erection of the traffic lights in the very near future. The overwhelming majority of constituents clearly want traffic lights. But, more importantly, they are concerned for the safety of their children who attend Northlakes High School and Northlakes primary school. They are concerned that a solution be arrived at expeditiously. They do not want delays in resolution of the issue through excuses and bureaucratic red tape. They want a solution that meets their needs and the needs of their families in respect of what is an increasingly dangerous intersection, given the increasing volume of traffic at it. Though some people sought to hijack the agenda, it was gratifying that so many of my constituents took the time to respond to this very important issue for the people of Blue Haven.

My colleague the honourable member for Swansea and I sent out the same letter, the same questionnaire. He got the same sorts of results in San Remo in his electorate—a matter that he reported in this House in debate on another matter. Around 69 per cent of his constituents in San Remo supported the traffic light proposal—they are affected as are my constituents—and they want an urgent solution to this problem. They want to ensure that traffic lights are installed. We must work together to ensure that traffic lights are installed. The other schemes that were proposed—perhaps with the best of intentions in light of current information and cost implications—simply cannot be met. I hope that we can ensure that safety at this intersection is improved in the near future, with the installation of a set of traffic lights as quickly as possible.

BOWRAL AND DISTRICT HOSPITAL HEALTH SERVICES

Ms SEATON (Southern Highlands) [5.10 p.m.]: I bring to the attention of the House the terrible state of health services in the Southern Highlands and, in particular, the lack of adequate services and surgery at Bowral and District Hospital. Only this week two beds were closed in the high-dependency ward at Bowral hospital, with the simple intention of saving money. This is something that local managers are forced to do as they are simply not given enough money to run the local hospital. One patient who has been waiting for orthopaedic surgery for 14 months missed out because there was no bed into which that person could go for the care that was needed after surgery. Ninety-four people are now waiting for orthopaedic surgery compared with 75 people in March 1999, and 12 people have been waiting more than 12 months for elective surgery compared to no-one waiting for elective surgery in March 1999.

Of course, the Minister for Health will tell us that he has made available $180,000 for additional surgery hours at Bowral hospital. Over the last year orthopaedic surgery has been cut back from one operation per week to one operation per month. So the money that has been made available by the Minister will be used simply to attempt to catch up on the number of people who missed out on surgery in the last few months. It will take an enormous amount of time to clear that backlog. In addition, the number of people waiting to join elective surgery waiting lists is increasing. The growth in demand is also increasing, which will make it impossible to clear that backlog. For nine weeks of this year elective surgery has been closed at Bowral hospital. That period of nine weeks includes the time that elective surgery was closed during the Olympic Games.

I know that many hospitals in New South Wales were closed to elective surgery during that time. But this has become one of the more unwelcome Olympic traditions. Apparently, next year elective surgery at Bowral hospital will also be closed regardless of the fact that Olympic Games are not being held. That means that for a nine-week period next year Bowral hospital elective surgery will be closed. It is routine for local orthopaedic surgeons and ophthalmologists to advise people that they have a wait of nine months, 12 months or sometimes more. The situation is desperate. Ophthalmology services must be made available at Bowral hospital. Mr Tom Reid from Jamberoo Road, Robertson, a person who sought my help, was informed that he was able to access his operation only through the local private hospital as a private patient. He has an urgent matter that needs attention. His only alternative is to have the operation elsewhere, away from his family and support network.

If Mr Reid is not prepared to do that, he has to pay a large amount of money to have the surgery done at the local private hospital—an excellent hospital with all the necessary equipment. However, only 100 yards

down the corridor, the public hospital is unable to access those facilities on any sort of contract arrangement for public patients. The Minister for Health is not prepared to duplicate those facilities at the public hospital. Every year 25,000 patients leave the boundaries of the area health service in the Southern Highlands to go to other area health services and access the services that they desperately need. Whilst we have ophthalmology and orthopaedic specialists in our area, they do not have sufficient time to deal with every patient. No public ophthalmology services are available at Bowral hospital. We also have a shortage of specialists for geriatric services and psychiatry—a particularly important area as a lot of young women in the area suffer eating disorders.

Any juvenile suicide rate is unacceptable, but we have one of the highest rates of youth suicide, particularly among young men, in the world. We also have a shortage of specialists in oncology and a shortage of ear, nose and throat specialists. I understand that this phenomena is acknowledged by people such as Jenny Harper, the Chief Executive Officer of Campbelltown Hospital, but this issue must be addressed by the Government. The Government cannot continue to say, "Sorry, there is a worldwide shortage. We just cannot get these people." We must make an effort to obtain the services of these specialists in local areas so that patients are dealt with close to home and they do not have to travel long distances to obtain the services they need.

IMPORTED FURNITURE HEALTH RISKS

Mr LYNCH (Liverpool) [5.15 p.m.]: I draw to the attention of the House a matter of great significance to my constituents: the health dangers of imported furniture, which is a particularly significant issue for me because many factories and businesses in south-west Sydney are importing furniture. There is a higher density of such factories in south-west Sydney than anywhere else in the State. The health consequences from such furniture thus has a direct impact on my constituents. Potential problems are well illustrated by the recent case of Jati Outdoor Furniture, which is located at Artarmon. But the problems that I highlight cover a wider area than just that suburb. Jati imported furniture is manufactured in Indonesia. Before the furniture is exported it is sprayed with a pesticide. It is now clear that that pesticide is methyl bromide.

Over a period of about two years workers at the company experienced health difficulties. They unsuccessfully raised their concerns with their employer. To be polite about it, their employer was unresponsive to their concerns. They went to their union, the Furnishing Trades Division of the Construction, Forestry, Mining and Energy Union, and its current Secretary, Brad Parker. Investigations revealed the seriousness of the situation. Once the pesticide was identified as methyl bromide, the union was horrified. The technical information revealed that the substance was—to use the non-technical description—"real skull and crossbone stuff". It potentially could cause people to fall into a coma. The employer provided no safety gear. After the workers demanded safety gear, it took more than six weeks for some gear to be provided, but that proved to be inadequate. The union then resorted to turning away containers of imported furniture.

WorkCover also became involved. I should add that the union has only praise for the efforts of Peter Robinson, the WorkCover officer involved. A prohibition notice and an improvement notice were served by WorkCover. No doubt it will take whatever action it thinks appropriate in the circumstances. The purpose of my raising this issue tonight is not only because of the incident involving this company or the call for action against the company, as WorkCover seems to have that matter well in hand, but also to raise the broader issue of pesticides on imported furniture all over the State and especially in south-west Sydney. Some of the technical advice that is available about methyl bromide, which is also known as monobromomethane, is quite frightening. That advice, in part, is as follows:

> It is a highly toxic agent almost comparable with cyanide with an insidious onset. Symptoms may be delayed for 48 hours. It gains access to the body by inhalation, ingestion and through the skin. Repeated minor exposures may produce symptoms of a serious nature. It principally affects the lungs but also affects the central nervous system.

The Chemwatch material safety data sheet refers to its "acute health effects" as follows:

> Depression of the central nervous system is the most outstanding effect of most halogenated aliphatic hydrocarbons. Inebriation, passing into narcosis, is a typical reaction. In severe acute exposures there is always a danger of death from respiratory failure or cardiac arrest due to a tendency to make the heart more susceptible to catecholamines (adrenalin).
>
> The material is considered to be harmful by all exposure routes. Chronic exposure in humans at low concentrations may produce neurological signs, ataxia, hepato and nephrotoscicity and behavioural changes such as malaise, headache and visual disturbance.

Reading the usual symptoms referred to in the technical data, one is struck by how precisely these signs have been detected in the two workers concerned. Some of the symptoms described to me that the workers have

suffered included dizziness, nausea and vomiting, skin rashes, headaches, impact on vision and eyesight, and lethargy, both at home and at work. The degree of exposure is such that it has been detected in the workers' blood. The medical professionals who dealt with these workers did not at first expect that it would be detected in the blood, but the fact it has been so detected underlines the fact that these workers are very, very ill. The union's research has found some international examples. In the early 1990s there were reports of deaths in California after a house was sprayed with methylbromide.

A number of broader issues are involved here, well beyond the specific instance that I have quoted. Obviously there is a need for greater vigilance over health and safety conditions for workers in this industry. Indeed, the union fears, as I do, that this one case may well be just the tip of the iceberg. Of course, it is not just the impact of this pesticide on workers, there is also its potential impact on consumers. One suggestion has been to insist on changing the pesticide. However, that proposal apparently involves the use of ethylene oxide. Granted that the technical material I have seen refers to this as a dangerous poison, I am not sure that is much of an improvement! The union seeks what seems to me to be a quite reasonable proposition: that there be an inquiry into the importation of all items exposed to fumigants and pesticides. That inquiry would, of course, involve the Federal quarantine service. Obviously, there should be a prohibition on the importation of furniture that has been treated with such pesticides. Clearly, some people will object to that because they have ideological obsessions about free trade, but in a case like this those sorts of obsessions must be a secondary consideration. In relation to those persons, Frank Stilwell writes in his new book, *Changing Track*:

> There is the familiar assertion that " there is no alternative "—or tina for short. Following the dictates of the capitalist market is said to be both inevitable and desirable, subject to relatively minor qualifications … It is possible to confront these prevailing orthodoxies with an "economics as if people and nature matter".

[*Time expired.*]

COURT DELAYS

Mr ARMSTRONG (Lachlan) [5.20 p.m.]: I wish to raise a matter today that I hope comes to the attention of both the Attorney General and the Minister for Police, as well as members of this Parliament and the public of New South Wales. This week the Premier is claiming credit for the nickel and cobalt mine at Fyfield that he announced with great gusto for the big end of town—though I am not too sure whether he actually put the nickel and cobalt there to allow the mine to go ahead. Let us come back to the people and get away from the dreamtime. In April 1997—some three years ago—in the town of Young a Mr Tyler was charged with dealing in drugs after he was arrested on a farmer's property. He had been working for the farmer. He appeared before the court in Young in January 1998, and the police prosecution brought, at the State's expense, 22 witnesses from many parts of New South Wales. For two days they sat around the court and not one of them was called to give evidence.

The Young court sat a second time and on that occasion some six witnesses were brought to Young. Again, none were called. So, within 14 or 15 months, 28 people were transported to Young but not one of them has been able to give evidence in this case. That was in 1997 and 1998. At a hearing in the court in Young eight months ago the defence lawyers objected to the witnesses to be presented by the prosecution. The case was adjourned, as the judge needed time to consider the objection. Again we have the spectre of witnesses being brought from all over New South Wales, as well as the court attendants and the police, expecting that the case against this gentleman—who is now nearly four years older than he was when he was arrested—would be processed.

The matter is listed again in December in Sydney. No doubt some, if not all, of those witnesses will be brought again to Sydney for the hearing. By any standards, that is an unacceptable chronology. Obviously there has been a major lack of organisation, which has caused considerable expense, and if that were to apply to every case in the State the courts would be held in far less esteem than they are now. I have another point to make. As is the case with many country towns, Young does have some drug problems, particularly with marijuana and, allegedly, with some harder drugs. What is to inhibit a person who has been arrested in 1997 and who has come before the court on three occasions because the court cannot get its act together, from continuing to trade in drugs? It is not up to me to say whether this person was trading in drugs, but we can certainly agree that nothing has occurred since he was arrested that would inhibit his desire to trade if he wished to.

The legal system has always had two responsibilities. One is to penalise those who transgress against the laws of the land. The second is to ensure that the penalties imposed on those who do transgress are seen as warnings to the rest of the community. The example I have given tonight is in no way a warning to others in the

community that their lives will be inhibited if they are charged with trading in drugs. So, I hope the Minister for Police and the Attorney General—and perhaps the Premier himself, but let us stick with the two law enforcers in this Parliament—will take note of this case, which, I suspect, is not far from the norm, and try to rectify the situation.

CESSNOCK ELECTORATE RACING FACILITY

Mr HICKEY (Cessnock) [5.25 p.m.]: I wish to tell the House about the concerns brought to my office by the greyhound fraternity in the electorate of Cessnock. They concern the funding allocation made by the Greyhound Racing Authority [GRA] for a premier track at Maitland. The site and associated funding has been the centre of concern and revolves around three groups vying for a premier greyhound facility. The Cessnock Agriculture Society and the Stanford Merthyr group ask for fairness in this matter. I am in no way questioning the probity of the Greyhound Racing Authority, which seeks only a fair decision for the betterment of the greyhound racing industry.

I shall provide a brief overview of the process that the two groups have related to me. In the first instance the premier track was offered to the Cessnock Showground Society. The conditions imposed on the committee were that the showground committee was to have a weighting towards the GRA—in fact, the GRA was to have a majority on the board, which would give a community facility and its future to the GRA; and that all trotting events were to be moved from Cessnock and taken up by Maitland. This would leave all local owners and trainers with no local facility.

The local community was not prepared to lose the right to host local events that have been a part of the coalfields heritage since the showground was built. At the meeting to decide the fate of the Cessnock Showground, members of the Cessnock Agricultural Society passed a clear, decisive motion that they would embrace the concept of a premier track only if the other users had continued access after the greyhound track was developed. Unfortunately, the vote in favour of the premier track development was 63 per cent, whereas the constitution of the Agricultural Society required such a motion to be passed by at least 75 per cent of members.

It is untrue to say that the local community was opposed to a premier track being based in Cessnock. What is true is that some sectors of the community were keen to see the new premier track constructed at a greenfield site at Stanford Merthyr, which again is in the Cessnock electorate. The Mindaribba Land Council would provide the funding, or part thereof, on a dollar-for-dollar basis, and this proposal would be seen as having the full support of the local land council. Mr Rick Griffiths of the Mindaribba Land Council contacted my office to discuss offers made by his organisation to the Greyhound Racing Authority and the stonewalling his organisation was encountering. The mayor of Cessnock and I contacted the Minister for Gaming and Racing and a meeting was arranged in a matter of days to discuss the issues outlined by the Stanford Merthyr group. At no stage was a commitment made by the mayor or me to the group promoting the Stanford Merthyr proposal. The only offer we could make was to have a meeting to discuss the pertinent points, and that was done.

I then met with representatives of the Cessnock Agricultural Society, who requested a guarantee to ensure that they would retain 44 events on the greyhound racing calendar. My office drafted a letter and relayed the sentiments to the Minister. A meeting was then called by the Greyhound Racing Authority to discuss the option of Maitland becoming the premier greyhound racing facility. In attendance at this meeting were only three members; two members were unable to attend because of personal reasons, and another member was in Queensland on holiday and was unable to be contacted. The decision to site the premier track at Maitland was made with the two members corresponding by fax machine. One must ask why there was such a rush to make a decision on this important issue. Why hold a meeting when half the membership was not able to discuss an important issue that affects the whole region?

One must also ask why the premier track should be sited at Maitland, where the facilities are not of the same standard as those at Cessnock? Why site the premier track at Maitland when trotting meetings are held there regularly? If trotting was an issue at Cessnock, why was it not an issue at Maitland? It seems that the goalposts were moved without due consideration given to the first few proposals. Members of the greyhound racing fraternity are simply asking for fairness. I believe that the book should not be closed on the Cessnock proposals. A new process should be commenced that is both fair and transparent to ensure that the best site is chosen for this important gaming and racing facility.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.30 p.m.]: During December 1996 the Newcastle Jockey Club advised me that it

intended to discontinue greyhound racing at Beaumont Park on 30 June 1997 because of financial losses incurred in recent years. The decision by the club prompted discussions about the declining state of greyhound racing in the area, particularly in relation to the position of the Singleton, Cessnock, Maitland and Newcastle clubs. Consequently, I requested the Greyhound Racing Authority to undertake an examination into the future of greyhound racing in the lower Hunter Valley area.

In turn, the authority commissioned independent consultants to conduct the review. The consultants concluded that Cessnock Showground would be the most appropriate location for a premier track greyhound complex. In early 1999 the authority called for submissions from parties interested in being involved in the premier track concept in the lower Hunter. All the relevant stakeholders, including the Cessnock and District Agricultural Association and advocates of the establishment of a premier greyhound track at Stanford Merthyr, had the opportunity to make their case to the Greyhound Racing Authority.

I also received representations from other interested parties. On each such occasion I have advised that the decision regarding the location of a premier greyhound racing track in the Hunter Valley is solely a matter for the Greyhound Racing Authority. I am not empowered by the Greyhound Racing Authority Act 1985 to give the Greyhound Racing Authority board a direction on this or any other commercial matter. Such arrangements were agreed to by the racing industry during the post-TAB privatisation process. There was a clear intention that the industry wished to have deregulation on commercial matters.

The Greyhound Racing Authority has made a decision to locate the premier greyhound racing track at Maitland Showground. The authority's press release dated 7 November 2000, which announces the board's resolution, indicates that the decision was made only after considering the merits of the competing claims. I do not envy the Greyhound Racing Authority having to make such a decision. It is a difficult decision to make, and clearly all the aspirants consider their claim to be the most superior. However, I assure all the participants that the Greyhound Racing Authority has given due consideration to the merits of all the proposals. The authority's board has only the best interests of the greyhound racing industry in mind and has, in my view, acted in good faith.

Sadly, various players in this matter will not accept the Greyhound Racing Authority's proposal. The greyhound racing industry in the Hunter is on a collision course in terms of its future when different sections of the industry are tearing themselves apart and trying to destroy the industry if they do not get their way. No matter what the Greyhound Racing Authority or I do, sections of the industry will never be happy. It is a sad affair, but the decision has been made. [*Time expired.*]

SOUTH-WESTERN SYDNEY DENTAL SERVICES

Dr KERNOHAN (Camden) [5.32 p.m.]: Recently I have had a spate of complaints from a number of elderly constituents that they cannot get dental treatment from or dentures repaired or replaced by Narellan Community Health Centre for six months. It came to a head when an elderly man showed me the thin two-centimetre crack in the centre of his upper denture which in my mind would take five minutes to fix. He told me that he was afraid to use the denture in case it broke, and was living on liquids plus bread and butter because he felt sick if he ate solid, unchewed food. A receptionist told him he could not get an appointment for six months because of the new system. My investigations indicate that a new system proposed statewide is being trialled by the South Western Sydney Area Health Service. It is a priority access program, subtitled "waiting time management", under the banner of "Information System for Oral Health (ISOH)". The patient information sheet states:

> After 1st October 2000 if you are seeking oral health care simply phone this dental clinic ... where you will need to answer several questions about yourself and your oral health. The answers you give will be assessed by the new computer system.

The questions are: Will you require an interpreter? A yes or no answer is required. Why have you contacted the clinic today? There are six boxes: the first box is "trauma/swelling/bleeding", the second is "pain", the third is "general treatment need"; the fourth is "referral", the fifth is "denture" and the sixth is "serious medical conditions/disabilities". On the basis of the ticks put in the boxes, the computer says whether a patient will see the dentist. The receptionist puts ticks in the boxes on the sheet, and then puts them into the computer. The computer then categorises patients into groups to determine whether they will get an appointment to see a dentist.

Only five major categories are relevant to actual treatment, because category 6 is a check-up and category 7 cuts patients off the list completely. It would be irresponsible of me to publish the details of these

treatments because that could lead to absolute misuse by some people. However, patients who are allocated as category 1 by the computer get an appointment within 24 hours and category 2 patients get an appointment in less than three days. There are three subcategories of category 3: category 3a patients get an appointment in three to five days; category 3b, between five and 10 days; and category 3c, between 10 days and a month. The computer allocates an appointment accordingly.

However, patients in category 5, which is headed "oral health need" and includes extractions, periodontal work, dental caries, impacted wisdom teeth or dentures, go on a waiting list ranging from six to 12 months. Category 4 patients, who have a serious medical condition or belong to a special needs group, get a bonus; they have to wait between one month and six months for an appointment for these treatments. As appointments are given for categories 1, 2 and 3, which occur all the time, category 5 patients have to wait longer and longer for treatment. And if there is no cut-off at 12 months they could never see a dentist!

A minority of people will exaggerate pain or lie about their condition to get an appointment. The honest ones or those with a high pain threshold must wait. Anyway, who wants to have a healthy tooth extracted or filled? The dentists have been ordered to strictly follow this protocol and not to use any discretion whatever. The irony is that there are some funds for dental work in Macarthur as extra funding has been allocated, but there are not enough dentists to utilise the funds. The Tahmoor Health Centre cannot find a dentist willing to work there. In the past, after assessing a need, the dentist could use Government funds to pay private practitioners. Now, because of the computer, he does not get to see some patients for six months. The situation is ludicrous, demeaning for the dentists involved and not looking after the dental health of my constituents. Minister, a little commonsense is required.

Mr MOSS (Canterbury—Parliamentary Secretary) [5.37 p.m.]: I understand the problem that has arisen in the Macarthur area but we must ask what is the source of it. The honourable member for Camden said that one health centre could not find a dentist to do the work. I suggest that a dentist cannot be found to do the work because such a small amount of funding is available, thanks to the cutbacks of the Howard Government, that we cannot pay dentists enough money to encourage them to move into the Macarthur area to do the work.

I remind the House that some years ago the Keating Government, in its wisdom, matched State dental services funding for pensioners dollar for dollar. The Howard Government took away Federal funding entirely. Dental services funding was reduced from about $70 million per annum to $35 million per annum as a result of the Howard Government's cutbacks. The Carr Labor Government has increased dental funding by between 40 per cent and 50 per cent. However, we are still not back to where we were under the generous funding of the Keating Government. If the Federal Government were to honour the scheme established by the Keating Government, more funds would be available to pay dentists extra money and encourage them to get involved in the scheme, and members' constituents would then be satisfied. The honourable member for Camden's argument is with her Federal member, not this Government.

HUNTER REGION EMPLOYMENT

Mr MILLS (Wallsend) [5.39 p.m.]: A principal focus of my work as the member for Wallsend is on jobs, particularly jobs for people in the Hunter. This is important to me as a local member. It is also important to the team of Labor members in the Hunter, and to the Carr Government. If I had been at home in my electorate yesterday instead of doing my duty here in Parliament, I would have attended a huge rally on the theme "Make It Here or Jobs Disappear". This was a Hunter region community-based campaign in support of retaining Aussie jobs in manufacturing in Australia, particularly the Hunter region. About 3,000 people attended the rally, which was held at lunchtime at the Newcastle Workers Club. As it was raining on the day, the rally was held indoors, rather than on the harbour foreshore, so those who attended were denied the thrill of a helicopter arrival by Dick Smith.

The community task force, as the members call it, which organised yesterday's rally, comprises a wide-ranging group of people representing many organisations in the Hunter. They include Catholic Bishop Michael Malone of Maitland-Newcastle; Don McDonald; Bryce Gaudry; John McColl, the Executive Manager of Stelform Engineering; Cec Shevelles, the Executive Director of the Samaritans; Ann Lawler; Captain Gary Masters, the Public Relations Manager of the Salvation Army; Gary Kennedy, the Secretary of the Newcastle Trades Hall Council; Ray Hendley, the General Manager of Sankey Pty Ltd; Bob Mitchell; Ken Ford; and Mike Matheson.

It is clear that such rallies are needed. In August this year the Vice-President of the United States of America, Al Gore, spoke of the United States Government injecting $US24 billion into the American

manufacturing industry. Our Asian trading partners, such as America and Europe, vigorously promote and expand their manufacturing industries. In Australia, tariffs are not a single solution, but it is interesting to hear many politicians suggest that zero tariffs and free trade are good for us, with Australia operating therefore in a totally unlevel playing field.

This was a community campaign for companies, jobs, communities and our children's future. Manufacturing will be dead only if we allow it to be killed. Hence the struggle is starting. Some people obviously have a lot to gain in supporting free trade, but we believe that the Hunter community will not be a beneficiary. Key speakers at yesterday's rally included Sharon Burrows, the President of the Australian Council of Trade Unions; Bishop Roger Herft, the Anglican Bishop of the Hunter; Doug Cameron, the National Secretary of the Australian Metal Workers Union; and millionaire Dick Smith. All were welcomed by the Lord Mayor of Newcastle, John Tate. As one would expect at a rally such as this, a number of recommendations were made. I should like to quote those recommendations, which were soundly supported by the rally:

1. Following this assembly the task force will meet and help develop Australia-wide community alliances like ours, that support what we are doing.

2. Representatives from those community alliances will be brought together to establish draft policy that reflects what is needed for the future of Australia's Manufacturing Industry.

3. Following proper community consultation in each region and state, we involve the politicians that support our companies, our jobs, our communities and our kids' future.

An article in today's *Daily Telegraph* reported on the rally. The article reads in part:

> Dick Smith, a self-confessed capitalist, stood side by side with staunch unionists in Newcastle yesterday as thousands joined a rally to demand more manufacturing jobs …
>
> But it was not a unionist who received the loudest cheer, it was Mr Smith, capitalist and head of the buy Australia-made campaign.
>
> "I certainly support the idea of a summit, where the union movement, business community and everyone gets together to discuss globalisation and how we are going to handle it," Mr Smith said. "When it gets down to it, it is making things, manufacturing things, growing things, mining things which creates wealth."
>
> Garry Kennedy, secretary of Newcastle Trades Hall Council, described yesterday's rally as historic because it represented the first time that Australia had seen a "coalition of forces".
>
> "There's church groups, unions, business council, state and federal parliamentarians—it is an absolute coalition of the community," he said.
>
> "The focus is on protecting and enhancing the manufacturing industry in Australia."

During the rally Dick Smith said that the giant Walmart retail chain in the United States has an annual income that is 40 per cent greater than Australia's economy. He said that if Walmart expanded to Australia it could cause severe damage to Coles and Woolworths. Bishop Roger Herft spoke of churches and welfare groups seeing the ugly side of the fracturing and dislocation of the work force. [*Time expired.*]

SAPPHIRE COMMUNITY HOUSE CLOSURE

Mr R. H. L. SMITH (Bega) [5.44 p.m.]: I raise a matter of concern to members of the Bega Valley Shire Council area and to me regarding the imminent closure of Sapphire Community House in Merimbula. The community house is run mainly by volunteers and has a co-ordinator who works a 20-hour week. It also requires the services of one part-time administrative assistant, one part-time bookkeeper, and one full-time community development worker. Funds are required to pay wages for these people.

Sapphire Community House, which has been operating for the past 10 years, provides support for at least 12 organisations from within the township of Merimbula and the surrounding district. The facility is used for a number of purposes, including a child care facility, a baby health clinic, a drop-in centre, a toy library, U3A, and a baby change and feeding room. The figures provided by the co-ordinator show that the facility is used extensively on a daily basis by many people, and it plays an important part in the lifestyle of the people of Merimbula and surrounding towns.

Last year the total number of contacts to Sapphire Community House was 9,612. Given the population of the township of Merimbula, that is a substantial number of people accessing the house for various reasons.

Merimbula is a rapidly growing seaside town in my electorate of Bega, with a population of approximately 6,000 to 8,000 people. It depends solely on tourism for its economic survival. As is the case in other regional areas, the unemployment rate among the young is extremely high.

One of the main functions of the Sapphire Community House is the much-needed assistance it provides for the young people of the area. The house is used extensively as a meeting place and drop-in centre. The staff and volunteers at the centre assist young people with résumés and job hunting, and also provide emotional support to many unemployed people. The centre also acts as an information and referral centre. Given the latest figures on youth suicide, particularly amongst teenage males, the service is of the utmost importance to the area.

In 1999 the staff were supportive of the formation of a local women's choir, which subsequently proved to be very popular. Later that year the staff were successful in gaining a grant of $6,160 for the formation of a Koori women's choir, which now performs regularly at functions in the shire. Both choir groups use the facility to rehearse on a regular basis. This has been a marvellous achievement for the staff at the community house. So often these days we hear of the need for reconciliation. Obviously, the women who sing in those choirs would feel badly let down if closure of the house were allowed to occur. The establishment of before-school and after-school care for the children of working parents and assistance with the promotion of native title and International Women's Day are other issues that have been dealt with at this facility.

The rooms at the community house are rented at an economical price for groups or activities such as the baby clinic, art classes, the Lions Club, the View Club, Alcoholics Anonymous, singing classes and kids' birthday parties. Those groups would be severely disadvantaged should the community house close. Full rental would most likely have to be forthcoming at other premises. It is unlikely in a town the size of Merimbula that alternative arrangements could be found easily. Clubs where alcohol and cigarettes are sold would be the only alternative. I do not think the ambience of such a place would suit some of the groups I have mentioned, particularly Alcoholics Anonymous. At present, this facility is in real danger of closure owing to a lack of funds. The Bega Valley Shire Council has given assistance in the past and recently applied to the Minister for Community Services, as I have, for further funding to help to keep the facility open. The sum of $20,000 is needed now. The community house requires $60,0000 on a recurrent basis to remain viable. I appeal to the Minister to provide $20,000.

JOHN FISHER PARK, NORTH CURL CURL

Mr BARR (Manly) [5.49 p.m.]: I have spoken in this House previously on the issue of the development of John Fisher Park, Curl Curl. In June, I outlined the situation as it then was. Warringah Council has proposed to take this parkland, which is bisected by Greendale Creek, Curl Curl Lagoon and some of the revegetated area, and cover it with asphalt in order to increase the number of netball courts. For many years, netball has co-existed happily with other uses of the park, with a limited number of hard-surface courts and the rest of the area being maintained as grass. When I last mentioned the matter in the House, public meetings were being organised to oppose this proposal. Things have progressed significantly since that time. There has been a great deal of public comment about the merits or otherwise of the proposal, which I believe has revealed a high level of community support for the maintenance of parkland.

Warringah Council brought in an independent consultant to run community consultation over the question of how the land should be categorised. Under recent changes to the Local Government Act, community land must be categorised as park, sportsground, natural area, et cetera. Warringah Council is proposing to categorise over 90 per cent of the park as sportsground, which would threaten future multiple use, passive recreation, revegetation and rehabilitation. A sportsground classification would enable it to become a highly developed regional sports centre, against the wishes of the local community. At the most recent public meeting, the overwhelming majority of residents spoke against this proposal and wanted the land to be categorised as park. I believe that the latter categorisation would protect the diversity of uses to which the land is put and would also guard against future overdevelopment.

Today I again bring this matter to the attention of the House because the State Government has an opportunity to intervene for the benefit of the community in this matter. Of the additional hard surface netball courts proposed for construction, eight are on Crown land. The Minister for Land and Water Conservation, therefore, has a clear role in the management of the land. The Government has a range of excellent policies applying to the management of Crown land, rivers and estuaries. These policies set out standards of protection, and sustainable use for sensitive areas and public land.

On 13 October, Warringah Council received advice from the Department of Land and Water Conservation supporting the conservation of the area in keeping with these policies. The department has

requested the council to establish a buffer of 20 to 40 metres between the high bank of the creek and the hard surface netball courts. The buffer is to protect the riparian zone and is in keeping with the New South Wales rivers and estuaries policy. At the moment, Warringah Council is proposing the installation of courts within five metres of the creek. I quote from the letter from the department, which states:

> The NSW Government and Council have spent over one million dollars in works cleaning up this catchment and therefore it is appropriate that this investment is protected by the continued enhancement of the riparian zone.

I could not agree more. I know that the Curl Curl residents feel the same way. One of the key issues in this matter relates to categorisation. The department's letter points out that the council is overstepping its powers by trying to impose a categorisation on Crown land. I again quote from the department's letter:

> The crown reserve land is reserved for the purpose of Public Recreation. The Plan of Management defines what public recreation means for that reserve. A separate administrative process is required to change the purpose of a crown reserve.

The letter also raises some technical points relating to the management of the area as Crown land. It encourages the multiple use of the land and states that it cannot be seen solely as an area set aside for netball. Again, I strongly agree. Clearly, taking out grass and putting in asphalt can greatly limit other uses such as walking, playing casual games or other passive recreation. The essence of the argument by the John Fisher Park community group, the Harbord Community Alliance and many others has been that the area should be shared. I am pleased that the department also takes that view. I welcome the letter from the Department of Land and Water Conservation as recent and valuable input to this debate. I hope that Warringah Council will closely consider the implications of the flawed plan of management it proposing. I also call upon the Minister to stand by his department when the time comes to assess the plan of management as it applies to the Crown land.

Private members' statements noted.

JOINT STANDING COMMITTEE UPON ROAD SAFETY

Membership

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

MR SPEAKER

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

That Mr West be appointed as a member of the Joint Standing Committee on Road Safety in place of Mr Manson, resigned.

Legislative Council — MEREDITH BURGMANN
16 November 2000 — President

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Membership

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

MR SPEAKER

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

That Mr Ryan be discharged from the Committee on the Independent Commission Against Corruption and that Mr Pearce be appointed as a member of the Committee.

Legislative Council — MEREDITH BURGMANN
16 November 2000 — President

JOINT STANDING COMMITTEE UPON ROAD SAFETY

Membership

Motion, by leave, by Mr Whelan agreed to:

(1) That John Richard Bartlett be appointed to serve on the Joint Standing Committee on Road Safety in place of Peter Laurence Black, discharged; and

(2) That a message be sent acquainting the Legislative Council of the resolution.

House adjourned at 5.57 p.m.