

LEGISLATIVE ASSEMBLY

Wednesday 29 November 2000

Mr Speaker (The Hon. John Henry Murray) took the chair at 10.30 a.m.

Mr Speaker offered the Prayer.

AUDIT OFFICE

Report

Mr Speaker tabled, pursuant to the Public Finance and Audit Act 1983, the Performance Audit Report entitled "Judging Performance from Annual Reports—Review of Eight Agencies' Annual Reports", dated November 2000, and a separate volume entitled, "Better Practice Guide—Reporting Performance: A guide to preparing performance information for annual reports".

Ordered to be printed.

OFFICE OF THE OMBUDSMAN

Report

Mr Speaker tabled, pursuant to the Ombudsman Act 1974, the report entitled "NSW Ombudsman Annual Report 1999/2000".

Ordered to be printed.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No 2)

Second Reading

Debate resumed from 17 November.

Mr HARTCHER (Gosford) [10.31 a.m.]: The Statute Law (Miscellaneous Provisions) Bill (No 2) is part of the custom of Parliament of having omnibus bills to make inconsequential or uncontroversial amendments to wide-ranging legislation. Clearly that is appropriate and important and it is an effective way of ensuring that the mechanism of government is properly carried out. However, this legislation is starting to get closer in certain areas to consequential amendments than inconsequential amendments. I draw the attention of the House to the amendment to the State Owned Corporations Act 1989 No. 134, which includes the authority of Ministers to act on behalf of voting shareholders. It inserts a comprehensive new section. Following that there is a further comprehensive section on State-owned corporations.

Without making threats and a big song and dance, I believe that it would be more appropriately put to Parliament as an amendment to the State Owned Corporations Act. Most of the other amendments are appropriately dealt with by statute law revision. I do not hold the Government accountable for these matters. Clearly the amendments come from the bureaucracy, and from time to time, because the bureaucracy believes it will not get an amending Act through in a session it deals with it in the statute law revision. An example of appropriate amendments is the amendment to the Motor Accidents Compensation Act, which increases the amount of damages from \$260,000 in line with the consumer price index to \$284,000. Statute law revision makes corrections and necessary adjustments in line with price rises and amends minor matters which the courts draw attention to when dealing with legislation. Matters of substance should be addressed in amending bills.

Accordingly, while the Coalition is only speaking through me and is not making an issue of it, I draw that to the Government's attention. Those matters should be addressed by the bureaucracy when it submits statute law revision legislation to Cabinet and to Parliament. I also note that legislation which has not yet been proclaimed, such as the Crimes (Forensic Procedures) Bill, is being amended. The Parliament has passed a bill and the Government, for whatever reason, has refused to proclaim it. Ironically, we are being asked to vote on amending legislation that has not yet been proclaimed. The Minister for Police is in love with the Crimes (Forensic Procedures) Bill.

Mr Whelan: He talks about it all the time. He had his little toadies in the Legislative Council move motions criticising the Government. We voted for it, you voted against it.

Mr HARTCHER: We voted for a time limit review.

Mr Whelan: The word was "extinguish" or "expire".

Mr HARTCHER: Let us not rewrite history. The Minister is very good at rewriting history. One of his many good points is that he can rewrite history a la Joseph Stalin. I will not debate that issue. I will not go down that rabbit warren. I will confine my remarks to this bill. The Crimes (Forensic Procedures) Bill, which the Government has not proclaimed but touts around regularly, is being amended by this bill. With those few words, I say to the various agencies that the statute law revision legislation is an important system that should not be abused. The various government agencies should be conscious that amendments such as those to the State Owned Corporations Act should be in a separate amending bill.

Mr WHELAN (Strathfield—Minister for Police) [10.36 p.m.], in reply: I thank the honourable member for Gosford for his contribution. I acknowledge the point that he raised that the Statute Law (Miscellaneous Provisions) Bill (No 2) is for inconsequential amendments, not consequential or major amendments. The honourable member has raised several issues. I take his point about the amendment to the State Owned Corporations Act. I advise that the State Owned Corporations Act provides that State-owned corporations are to have two voting shareholders. An issue has arisen concerning the exercise of the functions of the voting shareholder when the voting shareholder is absent on leave or ill. The amendment allows the voting shareholder to authorise another Minister to act on his or her behalf when the voting shareholder is unavailable.

The amendment provides also that the following Ministers may not be authorised to act on behalf of the voting shareholder: the Treasurer, a Minister who is already of voting shareholder on the same Corporation or a Minister who by virtue of the State Owned Corporations Act or any other Act cannot be a voting shareholder. I assume the reason that amendment is before the Parliament is because there is no other amendment to that major Act. However, as I said, I take the honourable member's point. I looked up the definition of the word "expire". It means to come to an end, to terminate. When the Opposition voted to terminate and to bring to an end in the upper House the Crimes (Forensic Procedures) Bill, it sounded the death knell on forensic law in New South Wales. Thank goodness for the crossbench members in the upper House who voted with the Government so that the legislation survived. It will be on the Opposition's head. I am sure that voters in my electorate and in every other electorate will want to know the truth, and we look forward to giving it to them. I again thank the honourable member for Gosford for his contribution.

Motion agreed to.

Bill read a second time and passed through remaining stages.

NATIONAL PARK ESTATE (SOUTHERN REGION RESERVATIONS) BILL

Second Reading

Debate resumed from 28 November.

Ms HODGKINSON (Burrinjuck) [10.40 a.m.]: The object of the bill is to make additions to national parks in the southern region of the State. The legislation creates additions to the national park estate of some 385,000 hectares of new national park in the southern region. That will have the effect of creating a continuous corridor of around 350 kilometres from Nowra to the Victorian border. In addition, the Minister, in his second reading speech, gave commitments to industry in relation to the availability of timber. The legislation, as it currently stands, creates new national parks but any commitments from the Government on industry outcomes appear to be restricted to those referred to in the Minister's second reading speech.

Last night the shadow Minister stated that it had been suggested to him that it would be possible for the Government to allow the legislation to go through, but to not honour the other side of the agreement. It is important to the timber industry that the Parliamentary Secretary, or at least someone, is able to give those commitments and thus reinforce the Minister's commitments. I think I can speak on behalf of the timber industry, which comprises a huge section of my electorate in the Tumut region. A large proportion of the Tumut population is employed within the timber industry; in sawmilling, logging, chipping, or other industries pertaining to timber.

The Minister's second reading speech referred to the delivery of 48,000 cubic metres per annum of even-flow high-quality logs in the Tumut subregion and stated that when the Commonwealth signs the agreement, New South Wales will agree to share with the Commonwealth the cost of the increase from 46,000 cubic metres to a total of 48,500 cubic metres. On the one hand the legislation refers to an additional commitment of 42,000 cubic metres to industry, followed by increases of up to 48,500 cubic metres for the south coast subregion. On the other hand, the legislation confirms the commitment of 48,000 cubic metres per annum of even-flow higher-quality logs in the Tumut subregion.

Tumut has done probably better than most out of the agreement. However, loggers and millers must have the Minister's reassurance about the commitment he gave in his second reading speech. In many ways it may have been better if the Commonwealth had already signed off on the agreement before this legislation was introduced into Parliament because, as the shadow Minister said, we must simply place our trust in the Minister that he will keep to his commitment. If the New South Wales Government makes conservation a priority and leaves industry in the lurch, which could happen in this case, I am sure the Minister would acknowledge that would be a disaster.

Dr Refshauge: It won't happen.

Ms HODGKINSON: I welcome the Minister's comment that it will not happen. Apparently there has been no discussion between the Government and the New South Wales Forest Products Association in relation to the development of a 20-year forestry agreement and integrated forest operation approvals. Another concern that has been expressed by the association is that there have been long-promised but not implemented five-year filter strip studies in each of the forest agreement regions. I have been informed that the Environment Protection Authority has obstructed progress in that regard. In relation to land-holder interests, the Resource and Conservation Assessment Council process has provided the timber industry with a good vehicle for putting forward its position and that of the conservation movement.

It would appear that people on neighbouring lands, people with Crown leases in State forests, and people who hold occupational permits in State forests—which, for the most part are grazing leases—will lose their grazing leases as a result of State forests being converted to national parks. They have been left out. I am not criticising the hard work of people such as Steve Horsely or those who work for the National Parks and Wildlife Service [NPWS] in Tumut; they do an exemplary job and go to great lengths to keep me informed about what is happening in the process. I appreciate their hard work and their dedication. However, quite often it has been expressed to me that the resourcing of NPWS has been severely curtailed.

The number of hectares that they now have to cover, compared with the number of staff on the ground in areas such as Tumut—and I believe that about 22 are employed, and if you do not count the administration staff—it does not leave many people available to do the job. They do the best that they can to keep the national parks under control within the constraints of their very limited resources. In the Kosciuszko National Park and the Brindabella National Park there has been an explosion in the wild dog and feral animal population. Most times there is only one trapper, sometimes two at a stretch, to control the dogs which move around the parks at a rapid rate and multiply at a rapid rate. Farmers have to use their own resources to control feral animals, which have come from national parks onto their properties as a result of the inability of the NPWS to control the feral animals.

There are also problems with noxious weeds getting out of control. Honourable members would have heard about the disaster following the removal of Frenock—serrated tussock spread across the south-western slopes. In addition, there is a huge problem in the Kosciuszko National Park with blackberries that have spread at a rapid rate. It is very difficult for NPWS staff to control feral animals and noxious weeds. I have received correspondence and phone calls from John Parker from Wee Jasper Station. Earlier this year he lost 332 head of sheep within a couple of months because of the wild dog problem. Noelene Franklin from Brindabella has done an excellent job in researching where the wild dogs go in the Brindabella and she could certainly use some additional resources. She is doing an outstanding job, but certainly more needs to be done.

Further, it is a huge increase in responsibility when the number of employees have to be divided by the number of acres they have to look after. We are heading again into the bushfire season and the terrific rains have resulted in long grass and an increase in fuel. The weather has changed, it is becoming very hot and the grass will dry out quite quickly. What will happen with bushfire control and burning off? How many hectares will be covered by the small number of NPWS staff available to control it? The question of resources must be addressed; it was not addressed in the last budget. There is no doubt that the need for resources in NPWS is

great. I call on the Government to make sure that those resources will be put in place this year. A wide-sweeping bushfire will put at risk life, property and the environment if the personnel are not available to back-burn and carry out the other important jobs that need to be done to properly look after our national parks.

We should also show respect to the employees currently with the National Parks and Wildlife Service; they are doing the best that they can, but there are only 24 hours in a day and only so many daylight hours in which they can work outside. Last night the former Minister for the Environment made some outrageous comments about the contributions of members of the Opposition to the debate on this bill. One thing that startled me was that she implied that members of the Opposition were not representing their constituencies. In fact, that is what we do on a regular basis and that is what we have done on this occasion. She particularly attacked the honourable member for Monaro. This morning I spoke with people from the New South Wales Farmers Association who reminded me of their feelings towards the former Minister; they are glad that she is no longer the Minister for the Environment. Last night was a classic example of the reason for that. I was very disappointed with some of the comments made by the honourable member; they were quite outrageous.

I will put my position on the table. We need reassurances from the Minister on the commitments that he made in his second reading speech. I am glad that the Minister has indicated across the table that he will reinforce those commitments to Opposition members, so that I will be able to inform those in the timber industry that they can rest assured that the commitments made by the Minister will be met.

Neighbours and those involved with Crown leases and so on need to be fully consulted about any changes. They need to be assured that their access routes will be protected. It is essential that provisions be made for fire management and for the control of feral animals and noxious weeds. I cannot emphasise that point too strongly. I should let the House know that over the past 12 months or so in preparation for this bill a large number of constituents have lobbied and telephoned and written to Coalition members. The southern region is a large regional and a rural area, especially around Brindabella, Tumut and the South Coast. Some people in the region are very worried about the impact that having more national parks will have on their livelihoods. Many families have been in the region for more than 100 years, some 120 or 140 years.

People would not have objected in many instances if their leases had not been turned into licences. Then the licences of some people who had been there for that length of time were suspended. The Government says it is not cancelling leases, that it is just turning them into permissive occupancies. It all becomes very confusing for people who have been in the region for a long period of time. They are used to going out and tilling their fields and looking after their animals. To have more regulation and bureaucracy thrown at them is confusing. They then have to get their heads around those matters as well as looking after their day-to-day affairs. That can be stressful for many people.

I ask that the Government make the implementation of these measures as easy as possible for people so that their livelihoods will not be disrupted, while taking into consideration extraneous factors, such as feral animals, noxious weeds and fire management controls. I urge the Government to be a responsible government. What it says it is going to do, it must do. It is very important that the people of New South Wales be able to trust the Government. Because of past examples, many people no longer trust the Government. They have seen some tough environmental laws put in place. I call on the Minister and the Government to give, and honour, those assurances. The Deputy Premier may snigger and laugh, but it is important to people in regional and rural areas that they be able to trust the Minister and the Government, particularly in relation to legislation as important as this National Park Estate (Southern Region Reservations) Bill.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [10.52 a.m.]: This is a day for celebration in Parliament. The bringing to the House of this bill marks the end of a long process that started in the 1990s, when the Labor Party was in Opposition in New South Wales. I take the opportunity to pay tribute to the work done in the Opposition by the Hon. Pam Allan, the Hon. Craig Knowles and the Hon. Kim Yeadon, as part of their then roles to bring together the disparate opinions in this debate on some issues, including the conservation and industry aspects. Certainly in the time of the former Coalition Government there was an absolute collision between those two forces.

The Resources and Conservation Assessment Council [RACAC] process, a fully consultative model, gave all relevant information to players in the industry. The process gave them the opportunity to make inputs to, and participate fully in, the discussions that have led to this measure, which provides for massive expansion of the national park estate and a continuous national park running virtually from Nowra to the Victorian border. This expansion integrates the coastal and hinterland national parks, giving protection to those areas and at the

same time giving guaranteed wood supply and resource security to the industry. That process, which involved an enormous amount of consultation and took into account the problems faced by the timber industry, has resulted in a sense of security to those in the industry from now into the future. The guarantee of a 20-year log supply is unprecedented.

I would like to make comments in response to the contribution of the honourable member for Burrinjuck. This bill gives a sense of security to country people. Yesterday in the House we had a clear demonstration of country business expressing its confidence in the Labor Government. That confidence will be reflected as well in country communities. In the recent coastal conference, which I attended in my role as the parliamentary representative on the Coastal Council, there was great discussion about the importance of coastal lakes and lagoons and their protection. There can be no greater protection of those lakes and lagoons than their incorporation within the national park estate, because that gives certainty about the important drainage and development issues in those areas. They are essential to the biodiversity issues that are coming forward at the moment.

Whether the issue is the forest resources or the importance of the environmental estate in New South Wales, this is certainly a day for celebration. We have been working through the RACAC process from 1995 to the present. That process has brought together those two issues and included them within the comprehensive package contained in this bill. I take this opportunity to pay tribute to Mr Rex Bowen, who is shortly to retire from his position leading the RACAC process. I thank him for his enormous contribution to the success of this process. I thank also all of the officers involved in RACAC. This method is new and it involves the use of information technology to a higher degree. But the real success came from sitting down around the table with all of the players—representatives of conservation, the forests and government—giving them all of the information available, and from that process arriving at the decision that we see reflected in the bill before us today. I have great pleasure in commending the bill to the House.

Mr R. H. L. SMITH (Bega) [10.57 a.m.]: I will speak briefly to the National Park Estate (Southern Region Reservations) Bill. I make no apology that I am a very strong supporter of the timber industry. I have lived most of my life in Bombala. Apart from grazing, which is important to the district, the next and really only significant industry in the Bombala area is the timber industry. Over many years now that industry has been knocked from pillar to post. Many people who work in the timber industry do not have the skills to do much else apart from work in jobs such as the timber industry provides. It is with that background that I have always been very supportive of whatever happens to improve the lot of the people of the Bega electorate. Although the Bombala area is now in the Monaro electorate, that south-eastern portion of New South Wales has a very big timber industry, which has been under tremendous pressure for 20 years, with the industry going from one crisis to another.

This final regional forest agreement appears to have the support of almost all sections of the debate. As I understand it, most timber people are happy with it. Certainly those in my area are relatively happy with the resource arrangements they have as a result of this regional forest agreement process. The Federal Government is ready to sign off on this agreement, unlike the other two regional forest agreements, the North Coast and South Coast regional forest agreements, which were the subject of a great deal of debate. However, this agreement seems to be flowing along reasonably well at this stage.

On the other side of the equation there has been a substantial increase in the number of national parks. Some 385,000 hectares of national park have been created, with a continuous corridor roughly from Nowra to the Victorian border—something sought by the conservation movement for many years. That provision in the legislation will guarantee continuation of high quality national parks in the area. When the Commonwealth Government signs off on the regional forest agreement, industry will have 20 years of guaranteed timber resources to keep it and its mills going, and people on the southern coast and in the Tumut area will have a guarantee of employment. I emphasise, as have so many other speakers in debate on this bill, that this legislation will create additional national parks.

People who live in country areas and who are engaged in land-use activities require sufficient resources and manpower to manage these additional national parks. Those farmers with properties adjacent to national parks must ensure that they are good neighbours. The Forestry Commission must also be a good neighbour and work with those in the grazing industry to control the wild dog and pig population and to prevent the spread of noxious weeds. The National Parks and Wildlife Service is restricted in its operations because of the resources that it has available to it. The Minister must provide adequate funding to ensure the maintenance of these high quality relationships. Another issue of great concern is that when legislation of this type is debated in this Parliament small groups of people are left in untenable positions.

The honourable member for Monaro, who has done a lot of work with these people, referred to those who used to have permissive occupancies within the confines of a national park, or private land surrounded by national park. However, they also need access to their land. Those people have rights even though at times the things that they wish to do within their boundaries may conflict in some way with national parks. It is an important part of the overall operation of those people who have leases or permissive occupancies. They usually have a considerable amount of agricultural land outside Crown land and their permissive occupancy adds to the viability of their farms. The interests of these people must be looked after in addition to the two other major interests—national parks and the timber industry. The Minister must assist those who are experiencing some difficulty as a result of the creation of additional national parks. I support the bill. I understand that the timber industry is reasonably happy with it.

Mr MAGUIRE (Wagga Wagga) [11.05 a.m.]: The National Park Estate (Southern Region Reservations) Bill makes provision for the addition of 385,000 hectares to the national park estate in the southern region of the State. That will create a continuous corridor of 350 kilometres from Nowra to the Victorian border; deliver 42,000 cubic metres per annum of even-flow high-quality logs in the South Coast subregion; and deliver 48,000 cubic metres per annum of even-flow high-quality logs in the Tumut subregion. When the Commonwealth Government signs the agreement, New South Wales will spend \$6.5 million to increase the annual harvest in the South Coast subregion to 46,000 cubic metres per annum and share the cost with the Commonwealth of the increase of 46,000 to a total of 48,500 cubic metres.

That is good news for sawmillers in the Tumbarumba and Holbrook areas. Government members would be aware that the Wagga Wagga electorate includes the shires of Holbrook and Tumbarumba. Those communities rely heavily on the sawmilling industry. This bill goes some way towards giving them security, which is important especially for the Laurel Hill sawmill which was reopened in the last 12 months by a consortium of business people from the Tumbarumba area. They desperately needed some form of guarantee for their logging requirements. This bill will go some way towards addressing those issues. They can then focus their attention on expanding their businesses and creating more jobs and employment.

The mill, in addition to other developments that are taking place, will create an additional 14 jobs. The sawmill at Laurel Hill and the community of Tumbarumba will then pursue the connection of natural gas, which will be an add-on from the works at Visy. So Tumbarumba will benefit from the gas. The inclusion of a drying plant at Laurel Hill will assist value adding and create additional jobs. Under the regional forest agreement [RFA] substantial areas of non-commercial State forest have been identified as reserves to be under the control and management of the National Parks and Wildlife Service. Crown lands and State forests in my shires that are due to be handed over to the National Parks and Wildlife Service for nature reserves include land at Woomargama, Jingellic, Mannus and Maragle.

There are great concerns in community about land management, fire control and the potential for proper management of future tourism development. These problems have now been compounded because the new reserves are to be managed from remote areas. The people in Tumbarumba and, to a lesser extent, Holbrook, who are most affected by the changes will have to travel to talk to staff of the National Parks and Wildlife Service about issues such as fence construction, cattle grids, pests, and weeds. The areas proposed for reservation have been neglected by State Forests in recent years due to a reduction in personnel numbers and the impending changes under the RFA. There has been an increase in wild dog numbers and in particular an increase in the presence of feral pigs.

These matters surfaced at a public meeting convened by the New South Wales Parks and Wildlife Service at Tumbarumba in September and at a meeting between bush fire brigades and the New South Wales Parks and Wildlife Service at Tumbarumba in October. Neighbours are concerned about the presence of noxious weeds in the areas concerned and the condition of boundary fences. Woomargama and Jingellic have a long history of bushfires. Access is difficult and fires can burn out of control in the rugged hills for weeks before final suppression. State Forests previously responded but now it no longer has the resources in the area to respond other than in emergency situations.

New South Wales Parks and Wildlife Service has responsibility for these areas but it has virtually no fire-fighting resources. There is a real danger that bushfire detection and control activities, including fire suppression works, will be managed from Tumut in the case of Woomargama, whereas Jingellic, Mannus, Bogandyra and Maragle will be managed from Jindabyne, which is three hours away. This is of major concern to the communities that I mentioned earlier. We would like to see further representations by staff of the New South Wales Parks and Wildlife Service in the electorate of Wagga Wagga who are located at Holbrook and at Tumbarumba.

Approaches were made to the Minister in another place for more resources to be based at Tumbarumba, and that was met with a polite no. I urge that consideration be given to putting ground staff at Tumbarumba and Woomargama to manage these new areas. Much of the land is well suited for preservation as a nature reserve, and it is with delight that I acknowledge that Livingstone State Forest will be declared a reserve for nature and fauna. I do that with delight because approaches were made to me by the Wagga Wildlife and Conservation Society when it became interested in the Livingstone State Forest and adjacent Crown lands in 1976. Members of the society have made a study of the unique countryside. They have covered nearly 40 years of seasons and have agreed that the area should become a national park and a State recreation study reserve.

Four types of vegetation exist there: open forest, mallee, black boys and kangaroo grass. Fifty species of birds have been recorded, and kangaroos, wallabies and other animals make it their home. The flora includes ground orchids and other wildflowers. Its hills, gullies and small open valleys are used by bushwalkers, pony clubs, trail bike riders, picnickers and birdwatchers, et cetera. Mr Peter Hains is the President of the Wagga Wildlife and Conservation Society. He points out that in that area there is a colony of glider possums that now needs protection. Only two colonies are left in the southern areas New South Wales. That group will be delighted that the Livingstone State Forest will now become a permanent reserve.

As other honourable members have said, this bill has addressed a lot of issues. In the wash-up, it is reasonably balanced but I have drawn some concerns to the attention of the House. Last night the honourable member for Wentworthville was quite energetic and, one might say, animated about the consultation process that was to take place. We were told that that took place thoroughly and constructively. I can tell honourable members that that did not take place as well as we would have liked. Some land-holders were informed that they were to lose their occupational permits by correspondence—the first and last correspondence they received—and that has created some problems for land-holders in my electorate with regard to access to their properties.

At a meeting I convened with Mr Steve Horsley, who is the National Parks and Wildlife Service Manager in Tumut, one land-holder pointed out that his farm will be split when he loses the grazing permits he has held for many years. One of the problems associated with that is the requirement that the land that adjoins his farm be fenced. The terrain is such that the land cannot be fenced. The incline of the hills and the cliff face on the land that joins the land-holder's property means the land cannot be fenced. This is a huge issue for the farmer because he needs, firstly, to fence in the property at great cost and, secondly, the property cannot be fenced because of the terrain of the surrounding area.

I ask the Minister when he responds to honourable members' presentations to tell me how land-holders are going to have the ability to tie their blocks together. In the case of this land-holder he has a certain amount of acreage, but it is split in half by a narrow piece of land that will be resumed by the National Parks and Wildlife Service, effectively devaluing the property. Previously he could graze his stock in his farming area and in his lease and then transfer his stock to his other block. That will not be the case now. I would like the Minister to advise me if there is any way that 20 or 30 acres can be purchased to enable the farmer to tie his land together and give future value to his holdings. As it is now, with the loss of that land his farm is basically cut into two paddocks that will be worth a lot less.

As I said before, I have raised a lot of issues such as wild animals, dog attacks and weeds, which are a huge concern to my electorate. This year, while travelling around the electorate as I do, I have noticed the rampant state of St John's wort. Other weeds are growing throughout the electorate. My concern is that with the creation of our new parks and reserve areas and the provision of extra forestry, which will, I agree, add to the economic viability of our region—and we welcome that—there is an issue of resources. I have pointed briefly to the resources issue with regard to the management of the parks, the control of fires and having people on the ground, but there is also the issue of managing vermin in the forests and parks. I would like to know what amount of funds the Government is going to apply as extra resources to manage the increased area that this bill will allocate to reserves and to forestry.

The bill goes a long way towards adding stability to the natural resources in our region. A lot of the area that has been locked up has been prelogged. It is not virgin bush, but the state it is in and the recognition that it is worth preserving certainly goes a long way to acknowledge previous management by the loggers in the timber industry who are there for the long run. They have always managed that land in a very responsible way, and the fact that this land is to be put aside is testimony to their ongoing commitment to the forests and the viability of their industry over many years.

I thank the House for the opportunity to present the view of the electorate of Wagga Wagga. I look forward to visiting many of these national parks and bringing to the attention of the various Ministers any of the

problems that crop up. I understand that when the new areas are created there will be hiccups from time to time. Rest assured I will bring these to the attention of the Minister. As I said before, this resource must be managed for the benefit of future generations. It is important that when issues come up in the next six or 12 months such as the one I pointed out of land-holders finding their lands have been devalued because licences are being reclaimed, they are addressed. I ask the Minister to pay particular attention to that, as well as the problems faced by farmers needing to draw water but who are on blocks that have no access to running water. Since the resumption of land through the licences, those farmers need to have continued guaranteed access to water for their farms. That is another issue I would like to highlight and ask the Minister to address.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [11.19 a.m.], in reply: I am grateful that this bill is receiving such bipartisan support because it reflects the support in the broader community. That support is the work of a number of people, particularly those working as members of the Resource and Conservation Advisory Council and the resource and conservation division of the Department of Urban Affairs and Planning. Their work over the years has clearly shown that we can have a positive outcome—an outcome that is supported generally by the community and displayed here by bipartisan support of legislation to enact decisions that had been made. In particular, I again put on the record the Government's appreciation of the work of the chief executive officer of the resource and conservation division, Mr Rex Bowen, who retires at the end of this year. I believe that this successful outcome and the Government's previous forestry decisions are the result of Rex's work and much of the peace in the forests is the result of the process led by him. I wish Rex the best in his retirement, and I am sure all honourable members do the same.

A number of issues have been raised in this debate. One important issue was raised by the honourable member for Wagga Wagga when he said that this agreement is reasonably balanced. I would paraphrase the honourable member's words to say that the agreement is reasonable and balanced, and that is generally the view held by many people about it. The honourable members representing the electorates of Ballina, South Coast, Monaro, Wentworthville, Southern Highlands, Newcastle, Bega and Wagga Wagga contributed to the debate, all supporting the legislation. However, some of the issues raised require a response from me. I assure honourable members that the provisions of the Forestry and National Park Estate Act 1998 will apply to forestry operations in the southern region.

I assure honourable members also that there will be New South Wales funding for land purchase, thinning and silviculture on the South Coast to add greater security for industry. However, this is predicated on the Federal Government signing the regional forest agreement. I urge members opposite to use their influence in Canberra to get the Federal Government to sign this agreement. We need the Federal Government's signature so that these funds can effectively flow. I have no doubt that all honourable members want that to occur. The honourable member for Wagga Wagga raised the issue of split blocks. In that regard, the bill provides for adjustment of boundaries and continued access to private property. I understand that the national park boundary will be adjusted to allow access between the two blocks. This bill provides for minor modifications of the boundaries to fix issues that have been difficult for individual land-holders.

Another issue that has been raised—and I certainly welcome it given the policy-free vacuum of the Opposition—is that of providing more resources for national parks. I almost feel a policy coming on of a 50 per cent increase in funding for national parks. I will certainly let the Premier's people know that the Opposition is about to make that promise, and we will add it up on the barometer of expenditure going into the next election. It will be interesting to see whether the shadow Minister produces a policy that states what all members opposite have been asking for. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

NATURE CONSERVATION TRUST BILL

Bill introduced and read a first time.

Second Reading

Mr GAUDRY (Newcastle—Parliamentary Secretary), on behalf of Mr Debus [11.23 a.m.]: I move:

That this bill be now read a second time.

The National Parks and Wildlife Service owns and manages over 5.6 million hectares of high conservation value public land in New South Wales—33 per cent more than in 1995. However, there is also a growing recognition that there needs to be appropriate mechanisms in place to protect high conservation value private land. The Nature Conservation Trust Bill provides such a mechanism. The bill establishes the Nature Conservation Trust as a new independent institution that will have the capacity to foster conservation on privately managed land in partnership with the land managers.

The genesis of this bill has come from the community. My colleague the Minister for Land and Water Conservation and I have both received representations from the community concerning the need for an independent trust. I am pleased to acknowledge the efforts of the New South Wales Farmers Association, the Worldwide Fund for Nature, the Nature Conservation Council and Greening Australia in the drafting of the bill. These groups have been working with the Government to develop a trust model that will deliver significant conservation gains for the broader community. Encouraging improved conservation management on privately owned and managed land is critical for the adequate protection of biodiversity and the survival of our threatened plants and animals. This can only be done if land managers are supported in their efforts.

Therefore, one of the major purposes of setting up the trust is to harness private sources of funding for conservation through philanthropy and industry investment. The CSIRO, supported by organisations such as Philanthropy Australia, has identified that a key requirement for private investment in nature conservation is the establishment of a broker that is independent of government, such as a trust, to act as the linchpin between the investors and donors, and those aiming to achieve conservation gains on the ground such as land-holders. The Nature Conservation Trust as outlined in this bill will meet these requirements.

The trust is not intended to replace or compete with the existing programs of government or other organisations; instead, it is intended to increase the range of conservation mechanisms available to land managers. The trust is intended to operate independently of government. Its core operations will not be funded by government. Its operating and program funding will need to be sourced from the philanthropic and private sectors or from grant funds. However, in the initial phases I can advise the House that the Government is providing \$1 million from its Native Vegetation Management Fund to provide the trust with the ability to buy and on-sell property. It is expected that this investment will be matched with a further one million dollars from the Commonwealth's Natural Heritage Trust.

The draft bill sets up the constitution, objects, functions and powers of the trust. The objects of the trust will be to encourage land-holders to enter into co-operative arrangements for the management and protection of urban and rural land in private occupation that is significant for the conservation of natural heritage and any cultural heritage associated with natural heritage; to provide mechanisms for achieving conservation of that heritage; and to promote public knowledge, appreciation and understanding of natural heritage and the importance of conserving that heritage. The trust will have functions relating to managing funds; negotiating, entering into, monitoring and enforcing trust agreements; and buying and selling land. It will also have the power to negotiate and enter into voluntary conservation agreements under the National Parks and Wildlife Act and property agreements under the Native Vegetation Conservation Act, and to submit such agreements for endorsement to me or to the Minister for Land and Water Conservation.

The trust will be responsible for managing and monitoring all agreements it enters into, and will have the ability to provide funding to land-holders for the purpose of facilitating conservation goals. It is intended that the trust will be registered as a charity, and action will be undertaken as soon as possible to ensure this occurs. Clause 8 of the bill confirms the status of the trust as a body independent of the State. These provisions also protect the Government from any liability for the actions of the trust. However, the trust will be required to report to me as the Minister for the Environment on an annual basis and that report is to be tabled in Parliament.

Clause 7 of the bill will allow the trust to manage a revolving fund. A revolving fund is a scheme where the trust buys land on the open market which has significant conservation values, arranges for a covenant to be placed on that land to protect those values and then on-sells the property to a new owner who is aware of the covenant restrictions. The money gained from the sale is then used to purchase a new property. Operating this fund will be the first major program of the trust. The trust will be managed by a board of 10 people appointed by the Minister for the Environment. The Act requires the board members to have specific capacities of value to the trust. These include a capacity to manage private land, to attract and maintain financial support, to ensure effective financial management, and to provide effective leadership. At least one of the board members is required to be an Aboriginal person and two members are to represent the government departments administering the National Parks and Wildlife Act and the Native Vegetation Conservation Act.

The bill requires the trust to prepare a five-year business plan, and it will be expected to carry out its activities in accordance with the plan. The trust will need to outline in its plan its conservation priorities, and these will need to be endorsed by the Minister for the Environment in consultation with the Minister for Land and Water Conservation. The conservation priorities will be required to be consistent with any regulations made under the proposed Act. For conservation agreements or property agreements, the trust priorities must be consistent with any guidelines prepared for those arrangements. The bill exempts the trust from charges under the Stamp Duties Act and the Duties Act in respect to its acquisition and leasing of land and disposal of land. It also amends the Land Tax Management Act and the Local Government Act to exempt land held or leased by the trust from liability for land and all local government rates.

Part 3 of the bill provides for the trust to enter into an agreement with any land-holder that is binding on all parties to the agreement. The trust agreements can contain a range of provisions agreed to by the parties and the trust that will assist in conserving the land. It is expected initially that the trust agreements will be relatively short-term agreements lasting around five years. However, the bill provides flexibility and allows for the agreements to be registered on the title of the land and therefore bind subsequent owners. The agreement can only be varied or terminated by mutual agreement between the parties to the agreement. Clause 38 of the bill contains provisions allowing the trust to take proceedings relating to enforcement of the agreements to the Land and Environment Court.

It should be noted that agreements can only be entered into with the express agreement of the land-holder or owner. For example, Crown leaseholders who wish to enter an agreement will require the approval of the Department of Land and Water Conservation. The trust will not be able to enter into trust agreements on land owned or vested in the Forestry Commission, such as State forests or flora reserves. Schedule 3 to the bill amends the National Parks and Wildlife Act to allow the trust to negotiate and enter into conservation agreements under that Act. The agreements will need to be entered into by the Minister for the Environment before they become valid.

Voluntary conservation agreements [VCAs] under the National Parks and Wildlife Act are binding in perpetuity and provide the highest level of protection possible, thus attracting rate relief for land-holders. Over the last two years I have seen the number of VCAs grow from about 30 to more than 90. It is hoped that by allowing the trust to negotiate and enter into these agreements more people will be attracted to a program that protects the most valuable conservation areas on private land. Schedule 4 to the bill also amends the Native Vegetation Conservation Act to allow the trust to negotiate and enter into property agreements under that Act. The Director-General of the Department of Land and Water Conservation will also need to be party to these agreements. In the longer term the trust will aim to garner support from traditional and new sources of philanthropy and will develop a reputation as an independent conservation broker of industry and community funding.

A challenge for the trust will be to encourage land-holders who are currently not being reached under existing conservation programs to be involved in conservation management. The potential is large. For example, in the United States of America the Nature Conservancy protects more than nine million hectares of land through a range of mechanisms. It is one of the top 10 charities in the United States and has an annual turnover of more than \$US450 million. For the New South Wales Conservation Trust there are major opportunities for growth. While being independent of Government, the trust will be able to work in close partnership with Government and the community. This bill illustrates that the Government recognises the importance of developing partnerships with private land-holders, and other stakeholders, to achieve the most advantageous conservation outcomes across all land tenures. I commend the bill to the House.

Debate adjourned on motion by Ms Seaton.

CRIMES LEGISLATION FURTHER AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr GAUDRY (Newcastle—Parliamentary Secretary), on behalf of Mr Debus [11.35 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Crimes Legislation Further Amendment Bill. This bill amends the Drug Misuse and Trafficking Act 1985, the Criminal Procedure Act 1986, the Poisons and Therapeutic Goods Regulation

1994 and the Crimes (Forensic Procedures) Act 2000. Schedule 1 to the bill creates a new offence of possessing precursors for the manufacture or production of prohibited drugs, to be inserted as section 24A of the Drug Misuse and Trafficking Act 1985.

New section 24A makes it an offence for a person to be in possession of a precursor which he or she intends to use for the manufacture or production of a prohibited drug. The new section also makes it an offence if the person has precursors in his or her position intending that another person manufacture or produce a prohibited drug—for example, if the person has bought the precursor for someone else to make a prohibited drug. Obviously, the person must intend that the third party make the drug; it is not intended that the offence be made out if the person did not know what the third party intended to do with the precursor. The naive or innocent will not be caught by this part of the section.

What constitutes a precursor is to be defined in the regulations. The penalty for the offence is 2,000 penalty units, that is, a \$220,000 fine, or 10 years imprisonment, or both, reflecting the gravity with which the Government views this offence. The introduction of this offence is designed to stop manufacturers of prohibited drugs, such as amphetamines, who are preying on our society. The stimulus for this offence was Government concern at the widespread use of legitimate precursor chemicals—such as pseudoephedrine, commonly found in Sudafed—in the manufacture of amphetamines, or street drugs such as speed.

The criminals who manufacture these drugs would go on "milk runs" to buy up cold and flu tablets from a number of suppliers until they had enough to manufacture speed and other drugs. Figures show that in the past four years the national demand for more fully imported pseudoephedrine has increased by nearly 100 per cent. There is no valid medical or commercial explanation for this increase. The most logical explanation is that these chemicals are finding their way onto our streets in the form of harmful illicit drugs and being used by our young people. This amendment follows recommendations from a working party established to review the Drug Misuse and Trafficking Act. The working party has broad representation, with its members being drawn from New South Wales police, legal practitioners and health experts.

Schedule 2 to the bill makes a consequential amendment to the Criminal Procedure Act 1986 in relation to the summary prosecution of the offence created by proposed section 24A of the Drug Misuse and Trafficking Act 1985. Schedule 3 to the bill provides for the prohibition of cash sales to be inserted in the Poisons and Therapeutic Goods Regulation 1994 at clause 131A. This will make it an offence for a person to supply precursor chemicals to a person who does not have an account with the supplier. In addition, all payments must go through the account, thereby eliminating cash payments. In this way, supply of such chemicals will be given a regulatory basis in line with current and accepted industry practice.

The penalty for supply in a manner contrary to this provision is 15 penalty units, that is, a \$1,650 fine. This is a new step in stopping drug manufacturers in their predations on the public, and demonstrates this Government's commitment to closing any loopholes that might allow for large-scale criminals to get away with manufacturing illicit drugs from legal chemicals. Schedule 4 to the bill makes amendments to the Crimes (Forensic Procedures) Act. This Act was passed towards the end of the budget session this year and introduces a comprehensive regime for carrying out forensic procedures on suspects, serious indictable offenders and volunteers. The Act is to commence on 1 January 2001.

The amendments to the Crimes (Forensic Procedures) Act contained in this bill largely relate to applications for interim orders. Interim orders for carrying out forensic procedures are available in circumstances where an urgent order is required to prevent the loss of evidence that might occur if there was a delay in obtaining authorisation. In its original form the Act provides that only magistrates may make interim orders. This amendment extends this power to authorised justices, defined in item 1 of schedule 4 to mean, as well as a magistrate, the clerk of the Local Court, the registrar of the Drug Court, or a justice of the peace employed in the Attorney General's Department who is declared to be an authorised justice.

The purpose of this amendment is to ensure access to interim orders at any time of the day or night. Unlike magistrates, authorised justices are available on a 24-hour basis and already deal with applications for search warrants and telephone interim apprehended violence orders on an urgent basis. Without this amendment the police would be able to apply for interim orders only during court hours, which would largely defeat the purpose of making interim orders available. Honourable members should note that material derived from a forensic procedure carried out pursuant to an interim order is not to be analysed until a final order—which may only be made by a magistrate—has been made. Finally, item 16 of schedule 4 amends the Crimes (Forensic Procedures) Act to ensure consistency within the Act in relation to the matching of suspect profiles against the DNA database. I commend the bill to the House.

Debate adjourned on motion by Mr Hartcher.

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL**In Committee**

Clauses 1 to 4 agreed to.

Schedule 1

Mr HARTCHER (Gosford) [11.45 a.m.]: I move Opposition amendment No. 1:

No. 1 Page 7, schedule 1.1 [22], lines 20-24. Omit all words on those lines. Insert instead:

- (c) 2 persons appointed by the Minister as employee representatives from a panel of at least 4 persons nominated by the Labor Council of New South Wales,
- (d) 2 persons appointed by the Minister as employee representatives, being persons who are not members of an industrial organisation (within the meaning of the *Industrial Relations Act 1996*) and have not been members of such an organisation for at least 12 months prior to appointment,
- (e) 1 person appointed by the Minister to represent injured workers,

The basis of the amendment is simply that—as I foreshadowed during the second reading stage and as the response by the Minister in his reply indicates—the Opposition seeks to ensure that the representatives on the Advisory Council will consist of people who represent employees in this State. The present system is that employee representatives are nominated by the Labor Council of New South Wales and the role of one of those representatives is to represent injured workers. The Opposition's amendment seeks to ensure that employee representatives are drawn from right across the economy of New South Wales and are not simply employees who are nominated by the Labor Council.

At most, the Labor Council represents 25 per cent of employees in this State—that is, unionised labour—whereas 75 per cent of employees in New South Wales are not members of an industrial organisation and they are non-unionised. The majority of employees have elected not to become members of an industrial organisation, a trade union, despite the fact that virtually all are eligible to be represented by a trade union. If society is intended to be responsive to the people who live in it through its organised structures, namely, bodies such as the Advisory Council, then members of this Parliament must ensure that people who purport to represent employees do just that. To assert that all employees are represented by the Labor Council is a farce. The Government's response to the Opposition's objection was that the amendment is anti-union. That is not the case.

I will repeat what members of the Opposition so often state: We respect the right of people to join trade unions and, equally, we respect their right not to join trade unions. The Opposition's objection to the trade union movement is that it is affiliated with a political party, the Australian Labor Party, and that political party does not represent all union members. In any event, barely half the number of union members actually vote for the Australian Labor Party. The right of people to make their own choices is a right that must be enshrined. Therefore, the Opposition will argue across New South Wales over the next two years in the lead-up to the 2003 election this very important principle, namely, that the union movement does not represent the totality of employees. It merely represents those who choose to belong to unions, and that is only one-quarter of the work force.

Therefore, all the structures of our society that provide for employee representation should take into account people who are not members of trade unions. This legislation is a perfect illustration of that principle. In spite of the fact that 75 per cent of employees are not members of a trade union, the Government asserts that 75 per cent should be represented by the Labor Council. Accordingly, the Opposition has moved a simple amendment which will preserve the right of members of trade unions to be represented by two persons and ensure that those who are not members of a union will also be represented by two persons. The Opposition is happy to have equal representation, yet the Government takes the view that unless an employee is a member of a union, that person will not be represented on the Advisory Council. That is a farce. Commonsense and justice demand that non-union employees should have equal representation. I commend the amendment to the Committee.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [11.50 a.m.]: The amendment moved by the Opposition is predictable in its anti-union approach. Regardless of the level of membership or whether the honourable member for Gosford likes it, trade unions are still the best vehicle for conveying the collective view of

employees. This bill provides a reasonable role for the Labor Council to provide a panel of nominees for appointment to the new council. The amendment would remove that role, is anti-union, as I said, and should be opposed. The amendment is inappropriate. The Labor Council is the peak worker representative body in New South Wales. The Government opposes the amendment.

Mr RICHARDSON (The Hills) [11.50 a.m.]: I support the amendment moved by the honourable member for Gosford. The Advisory Council on Workers Compensation was set up following the Grellman report and was designed to provide unbiased advice to the government of the day on an issue that is of considerable concern, I would have thought, to most people in New South Wales. The committee as structured was exactly what Richard Grellman wanted, that is, an unbiased committee that represented employers, employees and the insurance industry and gave them a reasonable say. The Government proposes in this bill to give all the power over to the unions. Indeed, every member of the Advisory Committee, including the employers representatives, will be either a nominee of the Labor Council or be personally selected and approved by the Minister. The Opposition believes that is absurd, as it is not representative of reality.

The reality is that unions represent only 25 per cent of the work force, that is less than 20 per cent of the private sector work force in New South Wales. Therefore 75 per cent of the work force are not represented by unions. Under this bill the unions, which represent 25 per cent of the work force, will represent 100 per cent of the work force. The Opposition is not anti-union. We believe that unions play a significant role in the workplace, but we do not believe that it is appropriate that all the power should be in the hands of both the Minister and the Labor Council. In debate last week the Minister described what was proposed as a balanced approach.

Nothing could be less balanced than having representatives of 25 per cent of the work force speaking for 100 per cent of the work force. I ask the Minister to address the disenfranchisement of the 75 per cent of the work force who are not in the unions. Do they not also have rights? They are workers. Workers are not only those who are members of a union. Both the Hon. M. J. Gallacher in the upper House and the honourable member for Gosford have dealt with this matter and have made out the case for the Opposition's amendment. I strongly support the amendment.

Question—That the words stand—put.

The Committee divided.

Ayes, 49

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

Mrs Grusovin
Ms Harrison
Mr Hickey
Mr Hunter
Mr Iemma
Mr Knowles
Mrs Lo Po'
Mr Markham
Mr Martin
Mr McGrane
Mr McManus
Ms Meagher
Ms Megarrity
Mr Mills
Mr Moss
Mr Nagle
Mr Newell

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

Tellers,
Mr Anderson
Mr Thompson

Noes, 34

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

Mr Merton
Ms Moore
Mr O'Doherty
Mr O'Farrell
Mr Oakeshott
Mr D. L. Page
Mr Piccoli
Mr Richardson
Mr Rozzoli
Ms Seaton
Mrs Skinner
Mr Slack-Smith

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

Pair

Ms Saliba

Mrs Chikarovski

Question resolved in the affirmative.**Amendment negatived.****Mr HARTCHER** (Gosford) [12.04 p.m.]: I move:

That the schedule be omitted.

I move the amendment for the reason that I alluded to when speaking to the second reading of the bill. The creation of the council as one body and the abolition of the existing Advisory Council is contrary to the Grellman report and to the whole thrust of employer-employee ownership, and is a reversion to the bureaucratic structure of the former WorkCover Authority.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [12.05 p.m.]: The changes in schedule 1 will ensure that the reform program is able to continue in an effective and timely fashion. Schedule 1 also reconfirms the Government's commitment to consult with all interest groups on the further development of these reforms.

Question—That the schedule stand—put.**The Committee divided.****Ayes, 46**

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

Noes, 36

Mr Barr	Mr McGrane	Mr Souris
Mr Brogden	Mr Merton	Mr Stoner
Mrs Chikarovski	Ms Moore	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
Ms Hodgkinson	Mr Richardson	
Mr Humpherson	Mr Rozzoli	
Dr Kernohan	Ms Seaton	<i>Tellers,</i>
Mr Kerr	Mrs Skinner	Mr Fraser
Mr Maguire	Mr Slack-Smith	Mr R. H. L. Smith

Pair

Ms Saliba

Mr Armstrong

Question resolved in the affirmative.**Amendment negatived.****Schedule 1 agreed to.****Schedule 2****Amendments, in globo by leave, by Mr Hartcher negatived:**

No. 2 Page 19, schedule 2 [2], lines 21-25. Omit all words on those lines.

No. 3 Page 20, schedule 2 [2]. Insert after line 4:

- (8) An insurer or employer who is aggrieved by any decision of the Authority under this section may apply to the Administrative Decisions Tribunal for a review of the decision.

No. 4 Page 20, schedule 2 [3], lines 22-26. Omit all words on those lines. Insert instead:

- (2) At the end of that 2 year period, the effectiveness of this Schedule is to be investigated by the Law and Justice Committee of the Legislative Council.

No. 5 Page 21, schedule 2 [3], line 9. Omit "The Authority may". Insert instead "With the approval of the Advisory Council the Authority may".

No. 6 Page 21, schedule 2 [3], line 9. Omit "The Authority may". Insert instead "With the approval of the Council the Authority may".

No. 7 Page 21, schedule 2 [3]. Insert after line 12:

- (2) A person is not eligible to be appointed as an injury manager if the person is a member of an industrial organisation (within the meaning of the *Industrial Relations Act 1996*) or has been a member of such an organisation at any time in the 12 months prior to appointment.

No. 8 Page 21, schedule 2 [3]. Insert after line 24:

- (5) An employer may apply to the Authority for the making of an order under subclause (4) directing that an order under subclause (1) is not to apply to the employer. The employer may apply to the Administrative Decisions Tribunal for a review of any decision of the Authority to refuse such an application.

No. 9 Page 22, schedule 2 [3]. Insert after line 24:

5 Appeals to the Administrative Decisions Tribunal

- (1) An employer who is a member of a group of employers for whom an injury manager is appointed may apply to the Administrative Decisions Tribunal:
 - (a) for a review of the decision to appoint the injury manager, or
 - (b) for the Tribunal to make an order revoking the appointment of the injury manager.
- (2) On an application under subclause (1) (b), the Administrative Decisions Tribunal may make an order revoking the appointment of the injury manager.
- (3) An applicant whose application under subclause (1) (b) is refused by the Administrative Decisions Tribunal is not entitled to make a further application under this clause in respect of the injury manager concerned until 12 months have elapsed after the date of the refusal, unless the Tribunal otherwise orders at the time of the refusal.

No. 10 Page 22, schedule 2 [3], lines 25-29. Omit all words on those lines. Insert instead:

5 Disclosure of information

- (1) Section 243 (Disclosure of information) applies to information obtained in connection with the administration or execution of this Schedule, subject to any regulations under this clause.
- (2) The regulations may make provision for or with respect to authorising the Authority to disclose information obtained by the Authority in connection with the administration or execution of this

Schedule but only so as to authorise the disclosure of information in such a way that the identity of any person to whom the information relates is not revealed.

Schedule 2 agreed to.

Schedule 3 agreed to.

Schedule 4

Mr HARTCHER (Gosford) [12.13 p.m.], by leave: I move Opposition amendments Nos 11 and 12 in globo:

No. 11 Page 26, schedule 4. Insert before line 8:

[1] Section 151 Common law and other liability preserved

Insert at the end of section 151:

- (2) A provision of an Act (being a provision enacted after the commencement of this subsection) does not operate to impose any limitation on any liability in respect of an injury to a worker that exists independently of this Act, unless a certificate approving the provision has been issued by the Advisory Council prior to the introduction into Parliament of the Bill to enact the provision.

No. 12 Page 26, schedule 4. Insert before line 8:

[1] Section 151 Common law and other liability preserved

Insert at the end of section 151:

- (2) A provision of an Act (being a provision enacted after the commencement of this subsection) does not operate to impose any limitation on any liability in respect of an injury to a worker that exists independently of this Act, unless a certificate approving the provision has been issued by the Council prior to the introduction into Parliament of the Bill to enact the provision.

The Government proposes that businesses in New South Wales that make a mistake with workers compensation pay the amount of the compensation plus a 200 per cent penalty. The impact of that on small business will be devastating, and small businesses are most likely to make mistakes. We accept that if small business sets out to deceive or engages in unlawful conduct deliberately, it should pay a penalty. However, if a small business makes an honest mistake, all it should pay is the amount of the premium plus a 10 per cent surcharge. We stand for small business and we will uphold the rights of small business across New South Wales. This provision is draconian; it is anti small business. It is designed to allow WorkCover to crush small business. We will not support it. We will uphold the rights of small business in New South Wales.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [12.14 p.m.]: The schedule as it stands is the most effective way to deal with this issue. It is not anti small business. We reject the claim by the honourable member for Gosford. The amendments are opposed.

Question—That the words be inserted—put.

The Committee divided.

Ayes, 36

Mr Barr
Mr Brogden
Mrs Chikarovski
Mr Collins
Mr Debnam
Mr George
Mr Glachan
Mr Hartcher
Ms Hodgkinson
Mr Humpherson
Dr Kernohan
Mr Kerr
Mr Maguire

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

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

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

Noes, 46

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

Pair

Mr Hazzard

Ms Saliba

Question resolved in the negative.**Amendments negatived.****Schedule 4 agreed to.****Schedules 5 to 7 agreed to.****Schedule 8****Amendment by Mr Hartcher negatived:**

No. 13 Page 35, schedule 8.1 [1]. Insert after line 26:

- (9) A party to a dispute may object to the Principal Conciliator against the application of this section in respect of a particular document on the grounds of relevance. If the Principal Conciliator upholds the objection, this section does not apply in respect of the document concerned. The Principal Conciliator is not to uphold such an objection if it appears that the dispute is based on an allegation that the claim concerned has been made fraudulently.
- (10) The Principal Conciliator may, on the application of a party to a dispute, make such orders as the Principal Conciliator considers appropriate to prevent the disclosure to another party to the proceedings pursuant to a requirement of this section of confidential information or of information about the personal affairs of any named person. The Principal Conciliator is not to make such an order if it appears that the dispute is based on an allegation that the claim concerned has been made fraudulently.

Schedule 8 agreed to.**Schedule 9 agreed to.****Schedule 10****Amendments, in globo by leave, by Mr Hartcher negatived:**

No. 14 Page 49, schedule 10.1. Insert after line 15:

[4] Section 171 (4A)

Insert after section 171 (4):

- (4A) If the amount that the premium would otherwise have been as referred to in subsection (4) is less than \$50,000, the amount that the Authority is entitled to recover under subsection (4) (including for the purposes of the operation of section 171A) is reduced by substituting the words "110% of that amount" for the words "twice that amount" in that subsection. This subsection does not apply if the Authority establishes an intent to deceive on the part of the employer in connection with the provision by the employer of the information concerned.

No. 15 Page 54, schedule 10.2. Insert after line 26:

[4] Section 175 (4A)

Insert after section 175 (4):

- (4A) If the amount that the premium would otherwise have been as referred to in subsection (4) is less than \$50,000, the amount that the Authority is entitled to recover under subsection (4) (including for the purposes of the operation of section 175A) is reduced by substituting the words "110% of that amount" for the words "twice that amount" in that subsection. This subsection does not apply if the Authority establishes an intent to deceive on the part of the employer in connection with the provision by the employer of the information concerned.

Schedule 10 agreed to.

Schedules 11 to 13 agreed to.

Schedule 14

Amendment by Mr Hartcher negatived:

No. 16 Page 69, schedule 14.1 [2]. Insert after line 19:

- (5) Nothing in this section prevents the taking of proceedings under the *Crimes Act 1900*.

Schedule 14 agreed to.

Schedules 15 and 16 agreed to.

Schedule 17

Amendments, in globo by leave, by Mr Hartcher negatived:

No. 17 Page 79, schedule 17.1. Insert after line 4:

- (8) A person in respect of whom action is taken under subsection (1) may apply to the Administrative Decisions Tribunal for a review of the decision to take the action.

No. 18 Page 80, schedule 17.2. Insert after line 2:

- (8) A person in respect of whom action is taken under subsection (1) may apply to the Administrative Decisions Tribunal for a review of the decision to take the action.

Schedule 17 agreed to.

Schedules 18 to 23 agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Yeadon agreed to:

That standing and sessional orders be suspended to allow the resumption of the second reading debate and passage through all stages at this sitting of the Police Service Amendment (Selection and Appointment) Bill.

POLICE SERVICE AMENDMENT (SELECTION AND APPOINTMENT) BILL**Second Reading**

Debate resumed from 28 November.

Mr TINK (Epping) [12.30 p.m.]: The Opposition supports the Police Service Amendment (Selection and Appointment) Bill, the objects of which are:

- (a) to require the Commissioner of Police, when selecting the applicant of greatest merit for a vacant sergeant or non-executive commissioned officer position, to select only from among applicants who are not currently selected for any other Police Service position of the same or a greater maximum salary, and
- (b) to enable the Commissioner to create eligibility lists of applicants for all police and administrative and non-executive officer positions (except constable positions) and to use such a list within a specified period after it is created to fill the position for which the list was created if it becomes vacant or to fill a position that is determined to be substantially the same as the position for which the list was created, without the need for the position to be advertised or for eligible persons to apply for the position, and
- (c) to confirm the validity of selections and appointments made on the basis of, and to allow the continued use of, eligibility lists created for non-executive administrative officer positions before the commencement of the amendments, and
- (d) to make minor and consequential amendments.

For many years the promotion of police officers has been a cause of concern in the sense that it has been extremely cumbersome and unwieldy, grounded, as I understand it, in longstanding practice which is out of date. This has resulted in very significant delays in promotions going forward and great uncertainty for many police officers in relation to the furtherance of their professional careers. Any measure that can reasonably be taken to alleviate those problems, to clarify the standing of police applying for promotion to key supervisory ranks in the Police Service, and to reduce the stress and uncertainty associated with lengthy delays in promotion is most welcome.

I sought the views of the Police Association of New South Wales on this matter and spoke to Mr Remfrey, who indicated the association's support for the legislation. I also spoke to Mr Tim Sage of the Police Integrity Commission, who also indicated his support. However, I wish to emphasise a matter referred to in the Minister's second reading speech that is of great importance to the Police Association. The Minister said:

The only difference to the section 26A regime is that this bill provides that the regulations may limit the police positions that can be determined to be substantially the same as a position for which an eligibility list is created.

This restriction recognises that positions of the same rank will not always be the same. Whilst they may have a number of factors in common, they may vary as a result of, for example, where the position is geographically located.

At the request of the police association, the regulations will give recognition to this, so that an eligibility list created for one local area command can only be applied to that command. This agreement will be reviewed after 12 months operation.

That is an extremely important part of the Minister's second reading speech. In essence, it constitutes an undertaking that the regulations will be in that form and will provide for eligibility lists created for one local area command to be applicable to that command only. That undertaking is of significant importance to the association. The Opposition has no problems with the bill. Indeed, it believes that it is a step towards bringing forward the promotion of police, removing uncertainty for police, increasing efficiency, and removing the anxiety that is associated with lengthy delays in promotion.

Mr WHELAN (Strathfield—Minister for Police) [12.34 p.m.], in reply: I take this opportunity to thank the honourable member for Eastwood for his contribution and his co-operation in allowing the bill to be brought forward urgently and dealt with through all stages today.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL**Second Reading**

Debate resumed from 24 November.

Mr HUMPHERSON (Davidson) [12.35 p.m.]: Last Friday I outlined a number of the Opposition's views on this bill. I wish to briefly reiterate a couple of those matters and outline a number of other matters. The

Opposition has specific concerns about the redefinition of sentences, which is an essential part of the bill, and the powers given to the Parole Board. We are particularly concerned about the Parole Board being given far greater discretion in relation to offenders who breach home detention orders which are subsequently revoked. The bill enables the Parole Board, after some consideration, to return such offenders to home detention.

The Opposition strongly believes that when the options of home detention and periodic detention are used as a form of sentencing, such orders should be complied with. The bill provides for second chances in relation to home detention if offenders breach orders. For example, a person may on one occasion test positive for alcohol, or a person may not be at home when a phone call is made to contact that person, or a person may not be home at a point in time when the person was supposed to be home. However, when a period of full-time detention is suspended, and in lieu of that sentence home detention is relied on as the sentence, the conditions of that sentence must be fully complied with. If home detention is revoked, the offender must serve a full-time gaol sentence. No second chances are provided for and there is no return to home detention; the offender will complete his or her sentence in full-time incarceration.

Likewise, there should be no flexibility allowed in relation to periodic detention. If that is the form of sentence, and if the offender does not respect that sentence and does not comply with the very clear requirements in relation to periodic detention, the default must mean full-time gaol. Both periodic detention and home detention are far more lenient sentences than full-time incarceration, and as such they ought to be respected. Therefore if a person is found guilty of a crime and has been fortunate enough that the court system has given him or her the opportunity of periodic or home detention in lieu of full-time detention, that person must comply absolutely with the rules of the game. The Opposition makes no apology for that. We do not support any leniency; we do not support any latitude being given to the Parole Board. We see this as being very much a part of a series of steps designed by the Attorney and the Minister for Corrective Services to enable full-time inmates to be able to transfer to home detention or periodic detention in the latter part of their sentences under the policy announced by the Minister in August this year.

The Opposition will seek to move a couple of amendments to the legislation. The first amendment seeks to increase the penalty available for inmates who damage Corrective Services property, that is, taxpayers' property. The Opposition totally rejects the \$100 maximum penalty and believes that the Government should increase that maximum penalty to \$1,000. This would better reflect the nature of damage done. I cited the example of the Goulburn Gaol riot earlier this year, where up to \$500,000 damage was done, with no comeback for taxpayers and no serious penalty applied to the 40 inmates who trashed a wing of the gaol. To all intents and purposes the Opposition's second amendment seeks to take away powers that would otherwise be bestowed upon the Parole Board in relation to home detention. The Opposition does not believe that the Parole Board should have significant powers in that regard and will seek to remove those powers from the board.

I turn now to the whole concept of home detention. Because the Minister is present in the Chamber, he will have an opportunity to respond to the points I make and explain to the reason why he has not yet tabled the most recent review of home detention. The initial report was tabled in February 1999 and, as part of the original home detention legislation, there was supposed to be another report presented which is yet to be produced. The initial report provided clear evidence that the home detention scheme has very significant failings and in some respects can be regarded as a flop. It is clear that a large proportion of criminals who are given the option of home detention do not respect the opportunity that has been afforded to them. Approximately half the number of offenders who are given home detention periods are apprehended as a result of being in breach of a home detention order in one form or another.

When one takes into account that not all breaches are detected, the proportion of offenders who actually breach home detention orders is probably far greater than the statistics indicate. I have already referred to the fact that about 20 per cent to 25 per cent of home detention orders are revoked. The Opposition believes that if offenders are given a chance by being granted a period of home detention and the home detention order is subsequently revoked, the offender should not be given another chance to serve the sentence through the home detention option. It is clear that 30 per cent of the offenders whose home detention orders have been revoked are charged with another crime such as armed robbery, theft, breaking and entering or assault, which indicates that there has either been insufficient supervision or inaccurate identification of the nature of the offender when determining whether the offender is an appropriate person to be given the opportunity of home detention in the first place.

The majority of people who are given periods of home detention have a history of drug and alcohol problems and 60 per cent of offenders with those types of problems were sanctioned in the initial reports for the

use of drugs and alcohol during the home detention period. The nature of some offenders is such that the environment afforded to them through home detention proves to be too tempting. Because they cannot resist temptation, they are prepared to indulge in drugs and alcohol. Therefore, before a home detention order is made, the nature of their problems needs to be examined much more closely. Again I make the point that the statistics probably do not reflect the number of breaches that are being committed and the actual percentage may be much greater than is able to be revealed.

No substantive evidence of the efficacy of home detention has been presented to this House. In the light of determinations that have to be made concerning this legislation, the House should be assured that home detention is as successful as the Minister and the Government would have honourable members believe. Undoubtedly the home detention scheme offers substantial benefits, but in many cases the benefits are outweighed by disadvantages. Without doubt, home detention provides some benefits in maintaining relationships between parents and a child or children; conversely, though, difficulties can also sometimes arise. Telephone calls at all hours of the day and night can disturb the lifestyle of children and other people who share a dwelling. That type of behaviour can be very upsetting.

In addition, children and spouses may be confronted with very awkward questions arising from the fact that it is obvious to neighbours or friends that a member of the household is unable to leave the home and is unable to mix with members of his or her immediate community. Substantial pressures can be imposed on other members of a household which may outweigh the advantages of home detention. The Opposition acknowledges that there are pros and cons associated with home detention. However, I believe this House is owed much more information on the home detention scheme, particularly in view of the fact that it has been operating for 22 months since the initial report was presented in February last year.

Members of this Parliament should not have to make a firm determination on sentencing legislation without being equipped with far more information about home detention than the Government has been prepared to provide to date. Other members of the Opposition intend to comment on the bill. As I foreshadowed, the Opposition intends to move two amendments during the Committee stage. If the Minister is prepared to accept the amendments, naturally the Opposition would be pleased. If the Minister declines, the Opposition will reserve the right to object to the bill being read a second time. On all the available indications, the Opposition feels that there are serious questions that have not yet been addressed in relation to the home detention scheme. Greater reliance ought not be placed on home detention until members of this Parliament are thoroughly aware of all the advantages and disadvantages.

Mr HARTCHER (Gosford) [12.44 p.m.]: Last year when the sentencing legislation amendments were passed, the Opposition mentioned its concerns about the legislation's underlying philosophy which would result in a change in the approach adopted to sentencing. That legislation abolished the idea that an offender was given a full sentence plus an additional term, and we reverted to the old system of essentially serving a non-parole period of the total sentence. When the Opposition mentioned its concerns at that time, the Minister ridiculed those concerns and said that the media was robust and would not be deceived. The Minister contended that the change was procedural and had been recommended to the Government. The Minister also stated that the Government had no intention of retreating from the concept of truth in sentencing.

In relation to the legislation currently before the House, the Government has once again stated that it supports truth in sentencing and that it is not really making substantive changes. The Government assures this House that people should not be concerned about the effect of this legislation. However, by this legislation the Government is trying to change the way in which offenders serve their sentences without going through the criminal justice process. The Government is trying to transfer sentences administratively, and this is particularly the case in relation to 18-month periods of home detention. That was the whole problem that bedevilled the Wran and Unsworth Governments sentencing system.

At that time, nobody knew what a sentence was. The Minister had power to release offenders on licence, and that applied to murderers. There were the powers of the Parole Board. There was a remission system which became incredibly confused and complicated. Non-parole periods of sentences imposed by courts were reduced by one-third by statute, by an Act of Parliament. Judges had to fix longer sentences and longer non-parole periods to achieve the desired result of ensuring that an offender served an appropriate sentence. At that time, the Government sought to circumvent truth in sentencing, and sentences really meant nothing. I have referred previously to a case I encountered when I was a lawyer. A person who had killed a small child on a pedestrian crossing was given a sentence of two and a half years imprisonment with a non-parole period of 12 months, which seemed to be a pretty appropriate sentence.

However, under the Act, the 12-month non-parole period was automatically reduced by one-third to eight months. After remissions were applied to the eight-month sentence, the offender who had killed a small child on a pedestrian crossing was eligible for release after serving four months imprisonment. The parents of the small child believed that the offender had been sentenced to two and a half years imprisonment yet the offender walked free after having served only four months in gaol. That was the confused system of sentencing that was operating under Labor governments. I do not wish to take up the time of the House by recounting the whole history of the sentencing process; rather, I simply make the point that confusion and complexity is where Labor's sentencing systems are leading and this latest amending legislation is designed to do exactly that. It takes away from a sentencing court the power to ensure that an offender serves an appropriate sentence.

The effect of this legislation is that the Parole Board will be able to convert a sentence of 18 months imprisonment to a period of home detention. That is contrary to the philosophy of truth in sentencing and distorts the whole concept of an offender serving a sentence that has been imposed by a court. An advertisement on television which is sponsored by the Roads and Traffic Authority [RTA] depicts a driver with a low range blood alcohol content who has killed a small child on a pedestrian crossing. The atmosphere in the courtroom is very serious and the judge in the advertisement states that the driver should not have been in charge of the motor vehicle at all. There is the clanging of cell doors slamming shut as the judge sentences the offender to four years gaol.

By virtue of this bill, an offender who is given a sentence of four years imprisonment in similar circumstances would serve two and a half years in gaol and would receive a period of home detention. But what do people think when they see the advertisement? They think that the offender has been given a sentence of four years in gaol and that is the term that the offender will have to serve. This legislation is distorting the effect that sentences are meant to have. Of course, the Minister will respond to the Opposition's criticisms by saying that periods of home detention are ordered as a result of the exercise of discretion by the Parole Board and that home detention is not automatic. The Minister will suggest that the Opposition is scaremongering or trying to create conflict. But, of course, the circumstances I have described will become the reality. It will happen because basically the Minister and the Government want people out of gaol to save money. The honourable member for Davidson quoted the figures on how much it costs to keep people in gaol.

Mr Debus: If he gave them they were wrong.

Mr HARTCHER: The figures of the honourable member for Davidson were spot on. The Minister interjects they were wrong but I want to see his figures and the home detention report which he has not tabled in the House. I want him to put forward evidence of what he is doing and provide a statement that people will not be released under this legislation. If that is the case, why is the Minister giving power to the Parole Board? Why has the *Daily Telegraph* published on its front page a story that was leaked to it? The Minister has been caught out undermining truth in sentencing. The Government's idea is to save money, reduce the population of gaols and the pressure on the prison system and to get people into home detention by changing the last 18 months of their sentences from imprisonment to home detention. That is not on and the Opposition will expose, fight and vote against it. I anticipate that we will lose on the vote, because of the numbers in this House, and we will let that be known in the community.

In marginal seats, we will let the electorate know that the honourable member for Bathurst supports having serious criminals released early, a distortion of the truth in sentencing principle. I am sure that the honourable member for Bathurst will be much appreciated in his electorate because of his work against truth in sentencing and his soft line on criminals in our community. But I will ask the honourable members representing the electorates of Menai, Georges River and Miranda where they stand on those issues and I am sure their communities will also be interested. Do they want criminals released early by sleight of hand or a confidence trick, or do they support the notion of criminals serving their sentences.

The Opposition is concerned about the joke of criminals paying only \$100 for damage caused to gaols. Nowhere in society can people vandalise, run riot and cause damage, and face imposition of a maximum recompense of \$100. Everyone else in society is accountable under the criminal justice system for such actions but if prisoners vandalise Goulburn gaol the penalty imposed upon them under these amendments will be \$100. The Minister is really being very courageous by raising the penalty to \$100. How many prosecutions were raised out of the Goulburn gaol episode that the Minister's director-general pretended was a minor disturbance? The Minister was caught out on that one because there was a full-scale riot at the gaol and an estimated half a million dollars worth of damage was caused.

Under the Minister's system that is described as a minor disturbance. But if that is so, what would mark a major disturbance—\$10 million in damages? The Minister was caught out with a prison riot on his hands and

all he is doing now is increasing the penalty from \$50 to \$100. That is derisory and shows that the Government is not only weak in the administration of justice in New South Wales but craven before the criminal element in our society. The Government is not serious about truth in sentencing; that is what it boils down to. One bill passed last year and one passed this year show how badly the concept of changing the nature of sentences has been undermined, with reintroduction of the old discredited non-parole period system, changing of sentences served so that the final 18 months can be home detention, and changing of sentencing procedures so that the courts lose out and the Parole Board takes over.

Who controls the Parole Board? Who appoints it? The Government. Who is it stacked with? Government people. What will it do? Implement Government philosophy. What is Government philosophy? Get them out of gaols to save money. The Government has been caught out and it will be made to account. I do not propose to labour the issue. The Opposition has made its point. The honourable member for Davidson has made the point very well and he awaits a response. Will the Minister give an account of the costing basis upon which that recommendation came about? Who gave it to the *Daily Telegraph* in August? When will the Minister bring down the home detention report. The Minister needs to address this House on those matters. If he does not, the matters will be raised in the Legislative Council where it will be harder to walk over the members. The Minister may have the numbers here but he does not have them on his side in the Legislative Council, where a number of responsible members of the crossbench will want answers to those questions I have raised. Why is the Minister weakening the truth in sentencing system? Why he is handing the power of the courts over to the Parole Board?

Mr RICHARDSON (The Hills) [12.55 p.m.]: I will speak briefly on this bill because I am concerned by the path the Government is taking. I am sure honourable members will remember the truth in sentencing legislation that the Greiner Government introduced in 1989 with very strong popular support. Certainly in the aftermath of the Rex Jackson affair, when prisoners were literally buying their way out of gaol, there was a strong measure of community support for the notion that prisoners should serve their sentence time in gaol. Truth in sentencing legislation is now being progressively watered down. A short while ago the Government moved to abolish minimum sentences so that henceforth only maximum sentences will be given to some convicted criminals. That intent can be seen also in this bill.

This bill is not about dispensing justice for the people of New South Wales, it is about saving money. An article in the *Daily Telegraph* on 5 August stated very clearly that the plan is to save \$16 million a year on the cost of running New South Wales gaols, but it will go a lot further than that. Currently it costs the Government \$60,000 a year to keep an inmate in gaol and virtually nothing to have somebody under home detention in their own home. I can envisage a time when all but the most serious offenders will be kept under home detention, in the lap of luxury within their own homes. I understand there are some privations and some restrictions on what people under home detention can do—they cannot drink alcohol, or take drugs—and if they are not at home they can immediately be incarcerated for a breach of the home detention order.

The notion that the Parole Board should be allowed to make a home detention order to replace a periodic detention order if the remaining sentence is 18 months or less is, in my view, a complete abrogation of the responsibility of the State to provide not just rehabilitation but retribution for people who have committed offences. I have attended a number of meetings in my electorate at which members of the community have been outraged about sentences that they describe as being too lenient. I appreciate that many people do not understand the notion of the doctrine of the separation of powers which underpins our democracy. But, equally, the community expects that a person who commits an offence and is sentenced by a court to serve a period of time in gaol, whether by full-time detention or periodic detention, will actually serve a penalty that is appropriate to the crime. The road down which the Government is going surely ultimately will lead to home detention being an alternative to full-time detention. I would like the Minister to address that issue.

Mr Debus: I will certainly do so.

Mr RICHARDSON: This is an issue of great concern to not only members on this side of the House but to many in the community who believe that the Government is not fair dinkum about the punishment fitting the crime and believe that the Carr Government, like the Wran Government before it, is now going soft on crime. For those reasons, the Opposition will oppose this provision of the bill.

Debate adjourned on motion by Mr Piccoli.

[Mr Deputy-Speaker left the chair at 1.01 p.m. The House resumed at 2.15 p.m.]

SWIMMING POOL SAFETY

Ministerial Statement

Mr WATKINS (Ryde—Minister for Fair Trading, and Minister for Sport and Recreation) [2.15 p.m.]: I wish to inform the House about two new pool safety measures being undertaken by the Department of Fair Trading in time for the swimming season. Honourable members will recall that in July this year, after a young child was trapped on the bottom of a pool, I asked the New South Wales Products Safety Committee to consider the safety of inground pool cleaners. As a result of those inquiries, from 1 December new safety measures will be in place for two swimming pool cleaning systems involved in three near-fatal accidents with children.

At this time of year, with summer almost upon us, we need to be vigilant about the safety of our backyard pools. That is why, firstly, I can announce a ban, effective this Friday, on the sale of some types of drain covers used in inground pool cleaning systems. From Friday only dome-shaped drain covers that do not create vortexes and comply with the relevant Australian standard will be able to be supplied, so that body parts, including hair, do not get trapped. This action comes after the most recent incident in which an Abbotsbury girl aged 12 years was trapped at the bottom of a pool. She was not breathing when the pump was finally turned off, but was later resuscitated.

In addition, I would like to warn owners of pools with potty-style skimmer box cleaning systems that are more than 15 years old to ensure that the skimmer box cover is securely glued or screwed down. Although the supply of those types of cleaners was banned a number of years ago, it seems that a number of those systems may still be installed in older pools. For example, members will recall an incident in September in which a seven-year-old Glenmore Park girl was partially disembowelled at a South Coast motel. To assist in the identification of any remaining problem cleaning systems, local government health surveyors are being asked to look for these dangerous skimmer boxes when conducting regular inspections of pool fences.

I have also written to Standards Australia asking that dome-shaped, anti-vortex covers be included in the relevant Australian Standard. Finally, so that safety information is readily available to all pool owners, all New South Wales pool supply shops will be sent a new Fair Trading fact sheet entitled "Check the safety of your pool", which is also now available from the Department of Fair Trading. I would like to thank the relevant suppliers and the industry association, the Swimming Pool and Spa Association, for their co-operation in this matter.

Mr J. H. TURNER (Myall Lakes) [2.19 p.m.]: The Opposition endorses the Minister's statement in relation to swimming pool safety. We all know that unfortunately too many deaths occur in swimming pools. The measure announced by the Minister is a step forward. It is good that all parties involved—not only the Department of Fair Trading but also the industry—have moved forward in this regard. One would hope that we will have a safer summer as a result of this initiative.

BUSINESS OF THE HOUSE

Routine of Business

[During notices of motions]

Mr SPEAKER: Order! The notice of motion given by the honourable member for North Shore is too long. I suggest that she liaises with the Clerks with a view to putting the notice into a suitable form. I will accept the amended notice at the conclusion of question time.

PETITIONS

Willoughby Paddocks Rezoning

Petition praying that the Legislative Assembly will advocate for the retention of all vacant land in the area historically known as the Willoughby Paddocks and its development as public parkland for the enjoyment of the community, received from **Mr Collins**.

McDonald's Moore Park Restaurant

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

State Taxes

Petition praying that the Carr Government establishes 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**.

Firearms Legislation Review

Petition praying that the House reviews the Firearms Act 1996, consults shooting clubs and firearms associations, and ensures that the needs and aspirations of sporting shooters are considered, received from **Mr Bartlett**.

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**.

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**.

Surry Hills Policing

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

East Sydney and Darlinghurst Policing

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

Malabar Policing

Petition praying that the House notes 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**.

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**.

Mona Vale Hospital

Petition praying that services at Mona Vale Hospital be retained, received from **Mr Brogden**.

Northside Storage Tunnel Gas Emissions

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

Coffs Harbour Health Services Funding

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

Genetically Engineered Food

Petition praying that the House suspends the commercial release and trials of genetically engineered crops, supports the implementation of mandatory labelling of food derived from genetic engineering and funds independent scientific research to investigate the potential risks to health and the environment, received from **Ms Moore**.

Non-government Schools Funding

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

Shellharbour TAFE Courses

Petition praying that Shellharbour TAFE not close its engineering course and that a greenfields site be built to accommodate demand for other courses, received from **Ms Saliba**.

Tumut Regional Roads Upgrade

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

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 Passive Recreation

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

Moore Park Light Rail

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

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**.

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**.

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 **Ms Moore**.

Kempsey and Macksville Pacific Highway Upgrade

Petition praying that the House improve safety on the Pacific Highway and fast-track the proposed bypassing of Kempsey and Macksville, received from **Mr Stoner**.

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**.

Guy Fawkes River National Park Animal Slaughter Inquiry

Petition praying that the House reviews the inhumane slaughter of horses in Guy Fawkes River National Park, amends the laws that allowed it to happen and conducts a parliamentary inquiry into the matter, received from **Dr Kernohan**.

White City Site Rezoning Proposal

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

BUSINESS OF THE HOUSE

Precedence of Business: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield—Minister for Police) [2.33 p.m.]: I move:

That standing and sessional orders be suspended to allow Government business to have precedence of all other business for the remainder of the sittings in 2000.

I put forward the usual argument in relation to private members' day. The Government is cognisant of the need to have private members' days in the Parliament. Ample opportunity will be afforded for private members' days, but not tomorrow.

Mr HARTCHER (Gosford) [2.34 p.m.]: I was tempted to say that I would make the usual reply. I am indebted to the honourable member for North Shore, who compiled statistics for the parliamentary sittings this year. The perfect and predictable way to end the parliamentary year is to do away with private members' days on Thursday. All that will happen is that the Government will do away with private members' day on Thursday and the House will not have to sit next week. The sittings of this House will come to a sudden end tomorrow. There are about 33 days left in the year on which Parliament could sit.

Let us look at the statistics compiled by the honourable member for North Shore. Parliament sat for a total of 50 days this year. No wonder people in the press gallery are condemning this Government. What is happening next week? The Premier is off to America. He went to China last week and he is off to America next week. Every now and then he signs the visitors' book at Mascot airport. He says to everybody, "Call a press conference. I have something to say before my next overseas trip." As somebody once said, the Premier is the Marco Polo of the Labor Party. At the press conference the Premier says, "Write it all down and get ready for the next bit of electoral fraud."

Is the Premier ashamed that this Parliament sat only 50 days this year? Can the Premier honestly say that Parliament really worked this year as it sat for a total of 50 days? Let us look again at the statistics. In question time 199 Dorothy Dixers were asked by members of the Government. They did not even know what they were asking. They stumbled over questions that were hurriedly handed to them. Independent members asked 21 questions. Members of the Opposition were allowed only a total 98 questions. Even more significantly, on Thursdays when motions were debated in this Chamber, 13 of them were Government motions—all hurriedly cobbled together at the last minute. Standing orders were then suspended to bring on the debate.

Even though we had some private members' days we debated nonsense motions moved by the honourable member for Murray-Darling and the honourable member for Newcastle dealing with the entitlements of workers when their companies failed. However, it was not the intention of the State Government to contribute a cent towards those entitlements. Those were the sorts of motions that we debated. The

honourable member for Liverpool moved a good motion dealing with foreign affairs—an issue of importance to every honourable member. One of the motions to be moved relates to the restoration of democracy in Fiji. This Government views as a most important issue whether we believe democracy should be restored in Fiji.

All those motions will be debated because this Premier regards Parliament as a joke. The only issue that is foremost in his mind is whether or not he has the numbers. If he has the numbers he uses them, thus showing his contempt for this Parliament. What happens at the Labor Party conference every year? Members of the Left are allowed to say a few words and then the big right wing unions go bang and it is all over. That is exactly what happens in this House. Parliament just becomes a replay of the Labor Party's annual conference.

Where is the honourable member for Fairfield? The honourable member for Fairfield really put the New South Wales Parliament on the map. He sought to ensure, more than any other honourable member, that this House got more coverage this year. So the Ernie award goes to the honourable member for Fairfield. The Matilda award goes to the honourable member for Kogarah. The honourable member for Kogarah really stood up for women in this Parliament. Opposition members will have a lot more to say about this issue when the Parliament resumes next year. Government members should not be lulled into believing that it is all going to go away. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 51

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

Noes, 37

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

Pair

Ms Saliba

Mr Armstrong

Question resolved in the affirmative.**Motion agreed to.****STANDING COMMITTEE ON PUBLIC WORKS****Report**

Ms Beamer, as Chairman, tabled the report of the committee entitled "Follow-up Inquiry into the Lake Illawarra Authority Report and NSW School Facilities Report", dated November 2000.

Ordered to be printed.**STANDING ETHICS COMMITTEE****Report**

Mr Price, as Chairman, tabled the report of the committee entitled "Report on Study Tour to Canada, United Kingdom, European Commission and Singapore: July 17–August 3, 2000."

Ordered to be printed.**QUESTIONS WITHOUT NOTICE**

RAIL SYSTEM SNIPER ATTACKS

Mrs CHIKAROVSKI: My question is directed to the Premier. Given that the Government's own documents reveal that there have been 13 sniper attacks on the New South Wales rail system over the past 11 months, will the Premier now establish an interdepartmental task force, oversighted by his own department, to review security arrangements on trains and stations? Will the Premier now respond to the calls by rail unions to offer a reward for information leading to the arrest and conviction of these snipers?

Mr CARR: This matter was in the news about a month ago, and the police made statements about how the matter was receiving very high priority in their investigations. In response to concerns expressed by the major rail union, I pointed out that the penalties for such attacks were as those for attempted murder. There is no need for a special offence to be created because in the view of the Government firing at a train is attempted murder. I am advised that police are continuing their investigations into these significant incidents, with the assistance of State Rail's Protective Services Unit. CityRail security guards and police mobile and foot patrols have been boosted in the area during the evening. I am advised that police are investigating whether these incidents are linked. Again, this must be regarded as an active matter before the police in current investigation.

METHADONE CLINICS MANAGEMENT

Mr GAUDRY: My question without notice is directed to the Premier. What is the latest information on the Government's plan to improve the management of methadone clinics?

Mr CARR: There are 14,517 clients on methadone in New South Wales.

Mrs Skinner: And doubling by the day under your Government.

Mr CARR: Is this figure to be taken seriously? Does the Coalition have a policy? The Coalition does not have a policy on anything. I made that point yesterday. I am still waiting for the policy that the Coalition promised me last Thursday. Members opposite say it is vital to keep Parliament in session. Last Thursday I asked for the Coalition's policy, which it promised to get to me, but I am still waiting. My address is no secret. They print a card with it—see! Here, I give my card to members opposite.

Mr Hazzard: Point of order: Clear rules are laid down as to the procedures within this Parliament. I ask you, Mr Speaker, to direct the Premier to desist and to apologise for his behaviour. And we do not expect him to respond to us any more than he responds to anyone else in the State, so we don't want his card!

Mr CARR: If I were the honourable member for Wakehurst I would keep out of sight. I heard on the radio this morning that they have reopened the Boston strangler case. I see that the honourable member for Coffs Harbour scratches himself. They have got something new out for that—it is called soap and water!

Mr Fraser: Point of order: I take offence at the grubby remark from the Premier, and I ask him to withdraw it.

Mr CARR: Methadone patients may not be totally drug free, but the treatment allows them to break their heroin habit, get out of the illegal drug market and get out of crime. I think that anyone who has looked at the evidence in this area would agree that, whatever the limitations of methadone—and there are many—there are advantages that methadone treatment offers: stabilisation, the prospect of getting onto drug rehabilitation and moving out of crime.

An important role for methadone in treating heroin dependency was recognised in the Drug Summit that we held in this Parliament. Many experts addressed the problem. The Summit also highlighted the problems with methadone, particularly from the perspective of local members and their communities. The methadone program underwent a major expansion in the 1980s, motivated by the need to reduce needle sharing and hence the spread of HIV-AIDS. That was good policy. In Australia, HIV infection among injecting drug users is just over 1 per cent; in some cities, such as Madrid and New York, it is as high as 40 per cent.

The rapid expansion of the program, however, allowed some problems to creep into the management of the program. Methadone patients are required to attend a clinic each day to take their prescribed doses. In some areas this has led to large groups of people gathering around a clinic, providing the conditions for antisocial behaviour and representing a major headache for local families, businesses and police. There have also been some problems with takeaway doses of methadone being diverted onto the black market, and of some clinics failing to provide a sufficiently high standard of service to patients and their families.

The problems with the program need to be kept in perspective. Most clinics and providers do an excellent job, and the doctors and nurses who provide this service deserve the community's support. But the clinics themselves agree that one set of standards must be followed by all. The Drug Summit recommended an accreditation system for methadone clinics. Members will be pleased to learn that the system is now being developed. New South Wales Health has consulted the service providers and agreement is being reached on new methadone clinic accreditation standards. From today, public and private clinics have three months in which to join an approved quality assurance organisation.

Mr Hartcher: Everyone's asleep, Bob.

Mr CARR: The honourable member for Gosford said, "Everyone's asleep." I am speaking about methadone. I am speaking about heroin dependency—a huge problem in a country which has an estimated 70,000 daily heroin users. I am addressing one aspect of the problem. Yesterday in this Chamber I addressed a different aspect. The honourable member for Gosford says that he is bored. What a performance! What an indictment! The honourable member for Gosford is bored by a discussion about methadone? He is bored by a discussion about drugs policy? What is he doing in this Parliament? No wonder the honourable member for Gosford is in a policy-free zone, if he finds hard policy work boring.

Clinics will be assessed against no fewer than 230 guidelines. Those guidelines will include, first, a requirement for clinics to work with the local community to address concerns such as people hanging around outside clinics. The result will be better communication between methadone clinics and local groups, including the police. Second, the guidelines will include strict building requirements that will improve safety and security, and prevent congregation. The requirements include requiring staff to be able to see the front entrance of the clinic, which may entail closed-circuit television, and providing a waiting room or courtyard large enough to accommodate patients off the street so that they do not gather outside.

Third, the guidelines include clear requirements, including takeaway doses. The standard on takeaway doses says, "Takeaway doses may only be provided after careful assessment of a client's stability and reliability, and never if there is a concern they will be misused." People on the program must prove that they are worthy of

takeaway doses. If they break the rules, they pay the price and that may mean suspension from the program. Fourth, the new standards also incorporate Drug Summit recommendations that require each patient to sign a treatment contract setting out his or her rights and responsibilities. Each patient is to have a treatment plan.

Before the Drug Summit, there were instances of people being put on methadone and being left on it for years, with no regular counselling and no co-ordinated plan to examine other issues, such as training, employment, education and housing, and there was no regular review of progress. Since the introduction of case management, 34,000 counselling sessions have been held with methadone patients and that is a massive effort. One patient in the Illawarra provides an example of how benefit can result. A 29-year-old woman was addicted to heroin for three years. She was pregnant and she was placed on the methadone program. Because of the new funding and new arrangements, she received regular counselling and benefited from the co-operation between the methadone clinic and local health services.

[Interruption]

Why is the honourable member for North Shore whingeing about that?

Mrs Skinner: One person in four is turned away from drug clinics. You are a hypocrite.

Mr CARR: Why will the honourable member not do what the rest of the community has done—everyone from the Salvation Army through to people advocating drug reform: back our evidence-based policies arising from the Drug Summit as the way to move forward in New South Wales.

Mrs Skinner: One person in four is turned away.

Mr CARR: Send me a Coalition policy. Give us the Coalition's policy. The Coalition has no policy on drugs. The Coalition has no policy on anything.

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

Mrs Skinner: One in four turned away! Why don't you fund the program?

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

Mr CARR: This Government increased funding for rehabilitation by over \$150 million.

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

Mr CARR: As I was saying, as a result of new funding and new arrangements, the woman to whom I referred has received regular counselling and has benefited from more co-operation between the clinic and local government health services. As a result of proper care, her baby was born with no serious health problems. The woman is stable and is working towards stopping methadone shortly. Let me reiterate what was said yesterday. There is an obligation on people who render themselves liable to heroin dependency to work with us to get off it, and not to claim treatment as though they are disabled.

I made those remarks yesterday. I said that anyone who injects heroin into his or her veins is doing a stupid thing. Those words might be considered harsh, but let me also praise the courage of this woman in facing up to the problem of dependency and, with a little help, fighting to get off heroin. We should take that attitude with all people who sign up for rehabilitation. We should acknowledge the courage required to take the step that is involved in moving off this most terribly addictive of substances. Post Drug Summit, we are working towards a well-managed system that provides the best possible treatment to dependent drug users with the least amount of disturbance to local communities. I am proud of that, and so should be my colleagues in this Parliament.

REPAIR OF FLOOD DAMAGED ROADS

Mr R. W. TURNER: My question is directed to the Premier. With up to 500 harvesters stranded in the north of the State by floodwaters and council regulations prohibiting them from traversing rain-soaked local roads to get to authorised roads, will he move quickly to break the deadlock by underwriting local road repair so that the machinery can head south to harvest the \$1.4 billion worth of grain that is still left, bearing in mind that the window of opportunity to harvest is closing rapidly?

Mr CARR: In all the speeches I have made in this House, the Government has made an explicit commitment to fixing up the roads that have been rendered impassable by the floods.

Mr SPEAKER: Order! I call the honourable member for Port Macquarie to order. I call the honourable member for Myall Lakes to order.

[Interruption]

The core of the question was: Will I fix up the roads to enable harvesting to take place?

[Interruption]

I am sorry that members opposite might have imagined that the question was something else, but that is what the honourable member actually asked. The answer is that, in line with all my commitments last week and in line with what was said on Tuesday about the total cost of rehabilitation after the floods being in the vicinity of \$200 million, the answer is yes.

Mr R. W. TURNER: Point of order: The Premier has not answered my question. The question specifically asked him whether he would underwrite the road repairs, and by that I mean immediately.

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

LOCAL GOVERNMENT ACCOUNTABILITY

Ms MEAGHER: My question without notice is directed to the Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs. What is the latest information on the Government's push for more accountability for local government related matters?

Mr WOODS: I thank the honourable member for her question and for her interest in local government matters. Local government must be accountable to the community it represents. Therefore, the community deserves easy access to information which paints a picture of how councils are performing and which enables people to compare one council with another. Honourable members will be interested to hear that today I am releasing the 1998-99 comparative information on New South Wales local government councils. Editions of this document have been produced since 1991.

The publication allows ratepayers throughout New South Wales to make informed judgments about their local councils. The report helps residents to know if they are getting value for their money. The most interesting category continues to be the average rates paid per resident. In 1998-99, 177 councils reaped \$1.173 billion from residential rates. The report reveals that, once again, Hunters Hill has the highest rates in New South Wales at \$941.02 a year, followed by Pittwater at \$829.25, Orange at \$772.70, Manly at \$770.79, Sutherland Shire at \$760.27 and Ku-ring-gai at \$758.83. Outside Sydney, Orange has the highest rates at \$772.70 followed by Albury at \$740.20, Kiama at \$739.55, the Blue Mountains at \$672.87 and Bathurst at \$621.87 a year. Families living at Brewarrina in the State's north west pay the lowest rates at \$69.03.

The report also highlights the turnaround times for development applications. As I said last year, even though most councils manage to deliver good service, I am concerned that some councils are still lost in red tape. New South Wales families and businesses deserve a quick resolution to their development applications. Regrettably, some councils have fallen far short of expectations. All local councils have a statutory requirement to deal with applications within 40 days. In fact, more than 30 per cent of local councils took more than 40 days to make a decision. Leichhardt Municipal Council is the State's worst, taking an average of 137.3 days to deal with an application, which is almost five months. Eric the Eel was faster than Leichhardt council.

Penrith City Council had the best turnaround time at 19.25 days. Outside Sydney, Rylstone council in the Central West had the slowest turnaround time at 86.92 days. The best council in the State was Temora Shire Council on the south west slopes which recorded a turnaround time of just over three days. Blacktown City Council had the overall highest number of development applications determined at 4,714, followed by Fairfield City Council with 4,153, Lake Macquarie City Council with 4,062 and Baulkham Hills council with 4,031.

Another issue that concerns me and the Department of Local Government is spiralling legal costs, particularly in the area of planning. Woollahra Municipal Council has the worst record in New South Wales,

spending almost \$1.4 million on lawyers just in the planning area. North Sydney Council was second at \$849,000, followed by Leichhardt Municipal Council at \$706,528 and Warringah Council at \$700,934, in which, I notice, the honourable member for Pittwater is very interested. I thank the councils for their co-operation in providing information for the publication and departmental staff who compiled it to make a resource tool. As well as being available in hard copy, the report will be available shortly on the Department of Local Government's home page.

On another issue, honourable members will recall that last week I expressed grave concerns about the financial position of nine New South Wales councils. Those concerns remain. The response to my statements has been, to say the least, interesting. I first note the mature reaction of three councils: Goulburn, Nundle and Holbrook. Those councils have recognised their problems and are attempting to find solutions. Since the general manager of Goulburn council, Don Cooper, took over in 1995 he has steadily improved the financial liquidity position of the council. That does not alter the fact that Goulburn council still has financial problems in relation to its cash reserves and it needs to improve its financial position. If Goulburn council deviates from that course the consequences will be severe.

Holbrook and Nundle councils also recognise that they have problems and, bearing in mind the commitment of the mayors and councillors, I look forward to working with them to achieve recovery. As with any health problem, the first step to recovery is an acknowledgement of the problem. The Leader of the National Party does not seem to realise that. Financial health is no different. The reaction of Merriwa Shire Council in the Upper Hunter was disappointing and, frankly, irresponsible. Instead of acknowledging its problem, as exposed by its auditors in its own financial report, it has completely disregarded the interests of ratepayers. It has offered only rhetoric, excuses and denials. That council's reaction highlights my original point that councils simply do not understand their own accounts.

The audit report of Merriwa Shire Council showed that it is in an extremely serious financial situation. The council has said it holds \$1.36 million in cash reserves to fund items such as infrastructure replacement and leave entitlements. That is inaccurate. The council's financial audit found that the council had a total of \$1.142 million in cash reserves. In addition, the council identified a number of items for which the money is to be used, and the total of that expenditure is \$1.63 million. In other words, according to its accounts and its audit report the council is overextended by \$488,000 in cash on balance date.

It is also important to note that much of council's reserve is externally restricted expenditure, which means that the council is legally obliged to spend it on items such as water, sewerage, developer contributions and domestic waste management. I understand that the council has also claimed it is owed some money by government departments, as well as other debtors. The financial report shows that that is normal practice. When the council's creditors and debtors shown in the financial report are balanced the end result is a net shortfall, which is exactly what I said last week.

Mr SPEAKER: Order! I place the honourable member for Wakehurst on three calls to order. If he interrupts again during the remainder of question time I will ask the Serjeant-at-Arms to remove him from the Chamber.

Mr WOODS: That brings me to the absurd reaction by the Opposition spokesman on local government, which is apparently supported by members of the Opposition in this House, including the Leader of the National Party. Duncan Gay, who claims to represent the interests of ratepayers, has failed the test of public responsibility. What would he have me do? Would he have me stand back and watch ratepayers' money being wasted? Would he have me wait for the day ratepayers are left with a bill for a non-functioning council? Would he have me wait for the day ratepayers are offered substandard services because the council simply cannot afford it any more? Would he have me wait for councils to have a fatal financial coronary?

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

Mr WOODS: Duncan Gay says that he is disappointed that I would comment on the financial position of nine councils. I would have thought that was my job when the councils are in dire straits. That comment would just as easily apply to the Leader of the National Party, bearing in mind his comments today.

Mr SPEAKER: Order! I ask the Minister not to incite the Leader of the National Party.

Mr WOODS: The Hon. Duncan Gay could just as easily hold the same view as Sir Humphrey Appleby, who said, "It is not the role of central government to interfere with the democratically elected right of local government to pour taxpayers' money down the drain."

Mr SPEAKER: Order! The Minister will address his remarks through the Chair. I remind members that a number of them are on three calls to order.

Mr WOODS: Is it any wonder, bearing in mind their "Yes Minister" approach, that they are where the newspapers report them to be? Is it any wonder that a Chamber of Commerce poll found that support for country businesses for the Carr Government has continued to increase? The same poll found that in October support for the Opposition dropped from 34 per cent to 24 per cent.

Ms Hodgkinson: Point of order: I ask the Minister to return to the question, which was about local government, and I ask him to apologise to Goulburn City Council for making such a big mistake in the statements he made.

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

Mr WOODS: It is important to note that the report of the Chamber of Commerce demonstrates that the Opposition has lost support because it has no policy. People in country businesses, where one would expect that the Government would have the least support, realise the vast differences between the Government and the Opposition. That difference is no more keenly or clearly obvious than in policy development. The Government has clearly defined rigorous policies that are designed to improve the lot of country people, who are ignored by the Opposition. Members of the Opposition are empty-headed, lousy and miserable. They have no capacity for policy development. The worst accusation of all is that they are downright lazy. The Premier reported yesterday that it had been suggested that there is a desk piled high with policy ideas. Those ideas could not come from those empty heads. If there is such a pile where does it come from? I think I know. A couple of weeks ago the *Sydney Morning Herald* reported a clandestine meeting at the Killara Inn between the warlords. Ron Phillips and others whose names escape me—

Mr Scully: When was this?

Mr WOODS: This was reported on 14 November. It was reported that by the end of that clandestine gathering the six men and one woman had agreed on the party presidency and at least 10 other positions on the new streamlined State executive. They are a lousy and lazy lot.

MINISTERIAL STAFF SALARIES

Mr O'DOHERTY: I direct a question to the Premier. Given the Premier's 1995 promise that his Government would be a low-cost, no-frills administration, can he explain why, of the 231 staff currently employed in Labor ministerial offices, nearly 50 are paid fat cat salaries worth at least \$120,000 year, at a total cost of around \$6 million?

Mr CARR: There are currently 244 ministerial staff. That is 20 fewer than when the Coalition was last in government. They who ask no questions are seeking for themselves a pay rise as shadow Ministers. We have the most ineffectual frontbench in the history of this Parliament and they have the audacity—

[Interruption]

Here they go with the barnyard noises again! What a high point of Opposition achievement! They have worked out a little strategy of sitting there when I criticise them and making background noises. At a strategy meeting they had another motivational speaker. I heard that they could not get Colin Powell—he was too expensive—but they did get a retired Argentinian army sergeant. Ask me the next question. Come on! You are the Opposition; you represent the once-great Liberal Party of New South Wales. Give it to us—a bit of unity, a bit of flair, a bit of research, and a bit of class!

Mr Hartcher: Point of order.

Mr Knowles: Here comes the class!

Mr Hartcher: I thank the Minister for Health for his comment. The question that was asked by the Premier, which he did not answer, related to ministerial staff.

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

Mr Hartcher: Standing Order 80 requires the Premier to answer the question, but he did not do so.

COALITION POLICY

Mr GIBSON: My question is directed to the Premier. Has the Premier received representations from large sections of the community, including the business sector, about the apparent lack of policy by the New South Wales Coalition?

Mr CARR: I have. There is, in fact, quite widespread concern, for example, about that gaming policy, Stephen. There we were in this House on Thursday last week and I asked, "Can I have a copy of the policy?" He said, "Yes." I am still waiting for it.

Mr O'Doherty: Point of order.

Mr SPEAKER: Order! Before calling on the member to state his point of order, I draw the attention of the House to the previous point of order taken by the honourable member for Gosford. Standing Order 80 says that a member shall not use the name of the Sovereign or the Governor disrespectfully. Does the honourable member for Hornsby understand the standing orders better than the member for Gosford?

Mr O'Doherty: I do indeed, Mr Speaker. At the Premier's invitation, I have decided, on the policy question, to take the ancient advice of not casting pearls before swine.

Mr CARR: But you said on Thursday you would give me the policy. Let me put this to you. He purports to be shadow Treasurer. Does he endorse the suggestion of the member for Lachlan that there should be a \$500 million country Olympics compensation package? Is that your policy?

Mr O'Doherty: What about payroll tax deductions to create jobs in the country?

Mr CARR: No, no. Do you endorse his policy of a \$500 million compensation package? He does not endorse it. It is what they are beginning to say to me about the Opposition: No policy. I am reminded of what the Deputy Leader of the Opposition said several months ago:

We've got to sort of give ourselves a timetable—

Not the clearest expression, but he said—

We've sort of set ourselves a timetable for the end of the year to get some bits and pieces together.

What a respectful approach to the policy generation process—to get some bits and pieces together! So I set about a search. I got those former CIA operatives onto it: get out there, on the net, in the files, have dust flying, get us some bits and pieces from the policy work that has been going on. So they have been digging over it. We got, first of all, to the Leader of the Opposition's web site. Here it comes! This is the policy. I quote:

The Liberal Party faces a number of challenges over the next four years.

The next four years? We are halfway there. The hourglass, Kerry, the sand is coming through! It is nearly 4 December. For example, she says:

First, to construct a policy platform that's suitable for a modern political party seeking government in a new century.

At the rate they are going, they are talking about the twenty-second century. But she is still operating on that four-year plan. We are two years into it, Kerry, and we are waiting for a document. So, let's begin. There are three big policy areas. One is education. What have we got? What have they said on education? They have said nothing since that document of 27 March this year, in which they dedicated themselves to:

An education and training system that supports the basics—reading, writing, arithmetic.

So the people of New South Wales can go to the next election understanding that arithmetic does not get scrubbed under a Coalition government. But I have got to be fair: they said something about technology. The education statement was made in March. We get to November and, exhausted by the effort, Patricia Forsythe, the shadow Minister from another place, whetted our appetite with this tantalising glimpse into the workshop of Liberal policy. She said—prepare yourselves, it's a bold statement—and I quote:

The issue of technology in schools is under consideration by the State Opposition.

There you go! Talk about the smack of firm government! The issue of technology is under consideration. She went into breathtaking attention to detail, so I will summarise. She said:

We have to ensure that computers are utilised in the most effective manner.

That is the state of play with education policy work. We come now to health, because health is important. Let us not dwell on what they said in March in the guidelines policy. Let us look at what the member for North Shore said in an on-line interview on 29 May this year. She was asked:

If you were Health Minister, what would you do to fix the New South Wales health system?

She said:

That's the subject of a huge policy paper.

That whetted our appetites. But she went on to say:

Just let me say my focus would be on promoting good health and preventing sickness.

Encouraged by that, she summoned up a bit of energy and said:

In a nutshell, I believe we need to put the care back in to health care.

That is all we have on education and health. The next job on the policy trail is economics.

Mrs Skinner: Point of order: For the second time in two weeks the Premier has identified what he is reading as my web site. My web site is *julianskinner.com*. The last time I gave that web address in this House I had 90 hits from the Government side in one day. If the Premier wants to know what I say about policy, he should go to my web site.

Mr CARR: Those CIA boys and girls move with the speed of light. They have just done it. The member for North Shore invited us to go there and, as quick as lightning, we are there! Technology is wonderful. What do we get there? She says:

The word "care" should be the focus of health care.

So we have education and health. We come now to economics, and a most curious thing has happened. On the 7 o'clock ABC radio news this morning we were introduced to a Liberal frontbencher, the member for Vaucluse, Peter Debnam. He is not a frontbencher because Kerry sacked him. I rang the ABC newsroom. I introduced myself and had little conversation. The news editors said, "I see the mistake, but he told us he was a frontbencher." The Leader of the Opposition sacked him. He is itching to get back there and he introduced himself on the radio news as a frontbench member. So the honourable member for Hornsby is not too secure; he is going to go. We found a glimmer of policy in the regional media. It is an old one but a good one. Just as the international movement for the conservation of nature is considering World Heritage listing for the Blue Mountains, what does old Stumblebum Souris say? As if he on automatic pilot, he says, "I will come up once again with the tunnel under the Blue Mountains."

Mr Hartcher: Point of order—

Mr SPEAKER: Order! I anticipate the point of order to be taken by the honourable member for Gosford. The Premier referred to the Leader of the National Party in an undignified way. I am sure the Premier intended no malice and that he will withdraw the remark

Mr CARR: I apologise and withdraw.

Mr Souris: Sit down and shut up then.

Mr CARR: He always makes it so personal. In the *Western Advocate* of 11 November the Leader of the National Party commits himself to a tunnel through the Blue Mountains. He says that it will be a tollway, but things are so expensive that the toll for a car will be \$68 one way. Hold on, the team has found a policy! A new policy document has been found, and it has been rushed into the Chamber. Let us see where it came from. Look at this, it is unbelievable! I will have to take some hours to study this. I will work on it overnight. While members are celebrating with the press I will be working on this. Tomorrow I will give the members of the House what they want: an analysis hot from the presses of a just-arrived and much-needed Liberal Party policy paper. I thank the House for its attention.

CHILD ABUSE INVESTIGATIONS

Mr HAZZARD: My question is directed to the Premier. In view of his promise that the protection of children from sexual and physical abuse would be a top priority for the Government, how does he explain the findings today by the Ombudsman that more than half of all investigations into child abuse cases are bungled by government agencies, often with disastrous consequences?

Mr CARR: The Ombudsman has raised concerns about methods of investigating child abuse within some government departments. The House should bear in mind that before the Government increased funding on child protection by 90 per cent, before it implemented the recommendations of the police royal commission, which the Coalition opposed, and before it gave a focus at all levels of government to this problem, these cases were not even reported. Members should look at what the royal commission said about the level of child protection when the Coalition was in government.. The Ombudsman has taken the view that lack of experience in conducting investigations is hampering the operation of some agencies. I am very concerned about this finding.

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

Mr CARR: The Ombudsman will work with the departments to correct this problem. I will be requiring the relevant departments to correct the problem as an urgent priority. Any recommendations arising from discussions with the Ombudsman will be implemented swiftly as part of our plans to protect children. Plans that have produced employment screening did not exist under the Coalition; they were introduced by the Government. A sex offender register did not exist when the Coalition was in government. The royal commission highlighted the need for such a register and the Government introduced it. The Commission for Children and Young People was created by the Government, all the time gaining experience and improving the level of professionalism in its area of expertise. The Government established the first ever Children's Guardian. We are proud of these advances. We will continue to work with the Ombudsman—

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

Mr CARR: Why don't you produce a single policy? The new agencies and new policies are improving as those implementing them gain experience.

ANTI-LITTERING LAWS

Mr HUNTER: My question without notice is to the Minister for the Environment. What has been the response to the Government's tough anti-littering laws and related matters?

Mr Hartcher: Point of order: Mr Speaker, the standing order relating to questions, with which you are familiar, Standing Order 137, says that questions cannot be argumentative. The question is argumentative.

Mr SPEAKER: Order! The question is in order.

Mr DEBUS: I thank the honourable member for Lake Macquarie for his well-crafted question. This is a significant issue. Littering is one of the biggest problems facing our environment today. The Government has acted decisively in response to community concerns to crack down on people who litter and illegally dump their rubbish. We know that the community has no toleration for this sort of laziness and blatant disregard for our environment. Since coming to office, the Government has undertaken a comprehensive program of reform to address the problem, including new litter laws which replace the outdated, one size fits all, on-the-spot littering penalty with a stronger and more flexible three-tier system so that for the first time the penalty will fit the offence, and a major public awareness and education campaign introducing these laws, which aired earlier this year.

That work is clearly paying off. Thousands of litterers have been caught since the introduction of the Government's new laws in July. This is good news for the environment and a warning to litterers that the community will not accept their rubbish. I am pleased to say that the new laws have been extremely well supported by local government. In particular, I congratulate the ten most vigilant councils in New South Wales on their efforts. Reports show that the top ten councils which have to date most successfully enforced the new litter laws are Fairfield, Pittwater, Woollahra, Lismore, Sutherland, Marrickville, Bankstown, Leichhardt, Shoalhaven and Shellharbour. Although this list does not coincide precisely with that indicated earlier in question time by my colleague, nevertheless these councils have performed extremely well in enforcing the litter laws.

These councils have caught nearly 1,485 litter bugs and have issued 729 litter fines and 756 litter warnings since the new laws started on 1 July. Obviously, this shows that the new, more flexible litter laws are working. Many councils are issuing the new \$60 fines for littering with small items or the \$200 fines for littering from vehicles. Most councils have had a warning system or amnesty period in place before issuing fines. More than 70 per cent of the councils have attended the Environment Protection Authority [EPA] litter education and enforcement training seminars.

The Government's litter prevention program is a balance of education, enforcement and local community programs aimed at reducing the litter problem. We want to assist communities in preventing litter, rather than simply cleaning it up after it has been thrown away. I am pleased to inform the House that, as well as the success of the litter laws, the Government's crackdown on illegal dumping is also reaping results, with some \$500,000 on-the-spot and court fines imposed on offenders over the past 18 months. That money will go back into programs run by councils and the EPA to help keep up the fight against illegal dumpers.

In the 12 months to 1 July, local councils and State Government bodies issued 455 penalty infringement notices—366 to individuals and 67 to companies—worth nearly \$400,000, to people involved in illegal dumping, and 22 fines totalling \$21,000 were issued to companies and individuals who illegally allowed land to be used as a waste facility. In addition to fines, convicted dumpers could also be liable for clean-up costs. The EPA has taken action in the courts against more serious waste-related incidents, resulting in fines of \$81,750 in the past 18 months. Just last Friday a Menangle man was fined \$25,000 plus costs in the Land and Environment Court for deliberately dumping rubbish near the national park at Helensburgh. The man was paid to dispose of construction waste for a local business.

Instead of spending just \$700 to dispose of the waste properly, he bypassed the local tip, drove past two "no dumping" signs and dumped nine truck loads of construction rubbish in the bush. National Parks and Wildlife Service officers alerted the EPA, and covert surveillance was conducted on the site, with the consequence that the offender was brought before the court. Investigations by the EPA have led to the conviction of several dumpers, including a man fined \$15,000 for dumping 120 truck loads of building waste at Waterloo, and another person who was fined \$19,000 and ordered to pay clean-up costs for dumping drums of chemical waste at Bulahdelah on the mid North Coast. The community has less and less toleration of this sort of blatant disregard for the environment. If people dump rubbish or litter, the chances are steadily increasing that they will get caught and pay the cost.

HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION

Mr STONER: My question is directed to the Minister for Police. Given his advice to the House that when he learnt on 19 September of a serious allegation of sexual assault against the honourable member for Fairfield he did not advise either the Premier or the Speaker, can he tell the House whether he or anyone acting on his behalf advised the honourable member for Fairfield?

Mr WHELAN: No.

Mr STONER: I ask a supplementary question. Given the Minister's answer, can he tell the House is there anyone he did advise about the allegation?

Mr WHELAN: Yes.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Federal Roads Funding Package

Mr J. H. TURNER (Myall Lakes) [3.46 p.m.]: My motion should be debated urgently because of the very nature of the funding package announced in the past few days. It is important that we capitalise on the vital announcement which will see \$1 billion flow to councils across Australia, with the significant amount of about \$340 million coming to New South Wales. My motion is urgent because we want a commitment from the Carr Government and the Minister for Roads in particular to provide funding for State and regional roads in conjunction with the local road policy announced by the Deputy Prime Minister, John Anderson. In the last budget the Carr Government cut road funding by some \$111 million. The \$1 billion package is aimed directly at country roads. At the State level the budget for roads has been slashed from \$125 million to \$115 million.

Mr Gaudry: Point of order: It has been ruled many times that the honourable member must give reasons why his motion should be debated urgently. At present the honourable member for Myall Lakes is attempting to debate the issue, and is entering a much broader aspect of debate than consideration of the matter urgently.

Ms Moore: To the point of order: I believe that the honourable member for Myall Lakes is providing us with the information we need to enable us to make an informed decision when it comes time to vote.

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

Mr J. H. TURNER: As I said, the matter is urgent because we need to apprise the New South Wales community that there is a vital and important program at the Federal level, a Federal initiative of some \$1 billion. Equally, it is important and urgent that we inform the community at large, particularly the New South Wales community, that the Carr Government has cut funding, and that cut includes country timber bridges funding and black spot funding. Paragraph 3 of the motion reads:

That this House:

...

(3) calls on the Carr Government to immediately increase funding to regional, State and local roads.

That is vitally urgent to the people of New South Wales, in particular in relation to the floods. Whilst moneys will be go towards funding for flood-damaged roads, 500 headers are stranded in country New South Wales and cannot be transported to the relevant areas to harvest the \$1.4 billion worth of wheat that is still growing, because the Government will not provide funds to repair the roads that will be unfortunately damaged but not flood damaged. It is vitally urgent that farmers who still have a viable crop have access to the headers so that they are able to harvest the crop and perhaps salvage something from it. It is also most urgent that this House debates this matter, to ensure that we secure a funding commitment from the State Government and so that members of the Labor Party from country New South Wales do not think that this is a boondoggle, as the leader of the Federal Labor Party believes it is.

It is clear that this is an important issue confronting New South Wales at the present time and that it should have priority in debate over the competing urgency motion, which does not concern this Parliament but is a matter for debate in another Parliament. Unfortunately, more and more we are witnessing the trivialisation of this Parliament, as evidenced by the performance of the Premier a few moments ago and by motions such as the one that will be moved in competition with my motion. My motion deals with important State Government issues in relation to road funding and matters that affect mums and dads daily. We do not want to see the time of this Parliament wasted by debate on Federal issues that have no real relevance to this Parliament.

Climate Change

Ms MEGARRITY (Menai) [3.52 p.m.]: My motion is urgent because greenhouse effects and global climate change are the most serious environmental issues facing the world today. It is indeed a matter for this Parliament to debate. The State Government has a proven record on these issues. We want the Federal Government to show the same leadership in the lead-up to the new negotiations that will recommence as a result of the collapse of the summit last weekend.

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

The House divided.

Ayes, 36

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

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

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

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

Noes, 51

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

Pair

Mr Armstrong

Ms Saliba

Question resolved in the negative.**Question—That the motion for urgent consideration of the honourable member for Menai be proceeded with—agreed to.****CLIMATE CHANGE****Urgent Motion****Ms MEGARRITY (Menai) [4.00 p.m.]:** I move:

That this House:

- (1) notes the suspension of the sixth conference of parties to the Kyoto protocol under the United Nations Framework Convention for Climate Change in The Hague;
- (2) commends the New South Wales Government for its leadership in providing workable solutions to global climate change such as carbon trading, anti-salinity measures and the rehabilitation of degraded lands; and
- (3) calls on the Commonwealth Government to take a similar leadership role and broker global co-operation on the most serious environmental issue facing the world today.

Global climate change is the most comprehensive environmental and business challenge facing the world today. The United Nation's sixth conference of parties [COP6], a climate conference that was suspended at the weekend, was intended to set the rules for the Kyoto protocol. The United Nations [UN] 1997 treaty limited developed—but not developing—countries' emissions of greenhouse gases that are thought to cause global warming. By way of background, I remind the House of the key terms agreed in the Kyoto protocol. At Kyoto, developed countries agreed to a collective target of a 5.2 per cent reduction of greenhouse gas emissions below 1990 levels by some time between 2008 and 2012. Allowance for aggregate targets for country groups was agreed to, provided that the operation is transparent.

The European Union [EU] agreed to a collective emissions reduction target of eight per cent by 2008 to 2012, based on the 1990 base year. Credit reductions in greenhouse gas emissions from land clearing changes or the creation of greenhouse sinks was allowed for in the Kyoto protocol. There were six greenhouse gases covered in the Kyoto protocol. Because of the derisory response of members opposite to this issue, which is quite sad considering that it concerns the air that we all breathe, I should mention by way of background, if not as a matter of enlightenment for members opposite, some of the issues related to air pollution. Pollutants

are substances which, if present at a high enough concentration, produce harmful effects for people and/or the environment. A number of pollutants affecting urban and/or regional air quality should be discussed because, after all, they affect the air we breathe every second of every minute of our lives.

The first pollutant to which I refer is sulfur dioxide, which is produced when coal and oil are burned or when minerals are roasted to remove sulfur. As well as affecting human health, sulfur dioxide can be harmful to plants, turning leaves yellow by drying or bleaching—even killing—foliage. In the atmosphere, sulfur dioxide can form acid particles or may react with cloud droplets, contributing to acid rain. The second cause of particles in the air, which are also known as aerosol, comes from a number of sources, including motor vehicles, industrial processes and wood burning. Secondary formation of particles from gaseous emissions can also contribute significantly to particle levels.

Fine particles, that is, particles with diameters of 10 microns or less, can be inhaled deeply into the lungs and have been associated with a wide range of adverse respiratory symptoms. Long- and short-term exposure to such particles has been linked to increased numbers of deaths from heart and lung disease. Mr Speaker, I am sure that you are as aware as I am that asthma is a major public health problem in Australia, affecting more than two million people and costing between \$585 million and \$720 million each year. The causes of asthma are not yet known, but certainly the issue of air quality believed to be important factor.

There is also the problem of urban haze, caused by fine particles which cause scattering or absorption of light. The haze is typically brown and limits visibility. I also refer to photochemical smog. Sometimes, under certain meteorological conditions, the combined effects of a number of air pollutants is worse than each pollutant's individual effect. Photochemical smog is sometimes seen as a whitish haze that is present over cities, and the summer haze over cities is an example of it. In addition to ozone effects, photochemical smog has a number of harmful secondary pollutants which are severe irritants, particularly to the eyes. Perhaps members opposite should be aware that, on average, Australians spend approximately 95 per cent of their time indoors and that air pollutants occur in higher concentrations indoors than is the case outdoors because of the materials and appliances that are used in buildings. This is an issue that people should think about not just when they happen to be outdoors.

For the benefit of members opposite, I point out that acid rain contains acid pollutants which, when released by a country, can travel hundreds or even thousands of kilometres over other countries before being deposited. On the eve of the conference, environmental groups such as Greenpeace and the Australian Conservation Foundation criticised the Australian Government's negotiating position at the conference and accused the Australian Government of adopting a "smoke-and-mirrors approach" and "playing a cheat's game" when making a commitment to emissions reduction. The chief executive officer of Greenpeace, Peter Mullins, said that Australia is completely out of step with responsible governments of the world. He stated:

We're going into these negotiations with the worst greenhouse record of any developed nation.

He referred to a Senate inquiry into global warming that was conducted two weeks ago which found that CO² emissions in Australia had increased by 17 per cent from the 1990 level, which was, according to Peter Mullins, "double the 8% increase Australia bullied the world into at Kyoto". Don Henry, who is the director of the Australian Conservation Foundation stated:

If countries like Germany, Denmark and United Kingdom can reduce their emissions, why can't Australia? Even China and India managed to cut their greenhouse pollution last year.

He went on to state:

The problem is that the Australian Government has failed to implement an effective greenhouse reduction strategy. Least-cost and voluntary measures dominate the policy that is still focused on fossil fuels.

On 7 November, the Senate report on global warming was released. The majority report from the Australian Labor Party, the Australian Democrats and the Greens criticised the Australian Government's greenhouse policy and found that the Australian Government was not doing enough to meet the Kyoto targets. Gareth Walton, the climate campaigner for Greenpeace, welcomed the report stating:

The report recognises that Australia could be leading the world in taking effective action to tackle climate change, but the Government's short-sighted approach means we are lagging behind at the end of the queue.

He added that the report acknowledged that the cost of doing nothing to stop climate change will be far greater than the cost of taking action. Greenhouse issues come together uniquely in Australia, which has a big land base,

a small population and a history of inappropriate farming techniques. According to Mr Shane Rattenbury, who is also a Greenpeace Australia representative, it should be remembered that Australia has one of the highest per capita rates of greenhouse gas emissions in the world, with emissions currently 17 per cent higher than 1990 levels. At the conference, there were three major countries groups constituting COP6—the European Union, the umbrella group, as it was known, which was a coalition including the US, Australia, Japan and Canada; the G77 group of developing countries; and China. As the *Australian Financial Review's* Nick Hordern recently commented, "The umbrella group's hope that COP6 would accept rules to deal with climate change in a least cost way proved misplaced." The Greens influence at the conference was strong, with several EU countries being represented by Ministers who were members of environmental parties. Nick Hordern explained this by stating:

The cheapest way for countries to comply with the protocol would be if they were allowed to make unfettered use of its "flexibility mechanisms", or "flex-mex" in the COP6 jargon. These allow countries to meet their Kyoto targets - without reducing their emissions by the full amount - in three different ways.

In view of the limited time that is available for my speech, I will not elaborate on those three ways. However, Nick Hordern pointed out that the EU wanted strict limits on the use of flex-mex. He went on to state:

It wants flex-mex to be used as "a supplement to, and not as a substitute for, domestic action to reduce emissions.

The other more contentious matter was the issue of sinks, which is vegetation that absorbs carbon from the atmosphere, as a source of credits. I really want to make it clear to honourable members at the outset of this debate that as far as the New South Wales Government is concerned, it recognises that the major means of addressing the impact of global warming will be the reduction of greenhouse gas emissions at their source. However, as honourable members know, we believe that new plantation sinks can play a valuable role in allowing businesses and communities to supplement direct emissions reduction and adapt to a society that is less dependent on non-renewable fossil fuels.

The Carr Government has also taken a proactive role in the promotion of new plantations that are compatible with article 3.3 of the Kyoto Protocol. Article 3.3 identifies sinks as afforestation or reafforestation of land cleared prior to 1990. I am aware, of course, that much of the conjecture at COP 6 centred on carbon sinks under article 3.4 of the protocol, which relates to human induced emissions from agricultural activities and land clearing. However, the New South Wales approach has always been to comply with article 3.3 of the Kyoto Protocol. Planting trees on cleared land is scientifically credible and unequivocally beneficial for addressing climate change. New plantations also have the benefit of addressing other key environmental issues such as remediation of areas affected by dryland salinity, repairing degraded land such as disused mine sites, or for biodiversity repair and enhancement.

The New South Wales Government is obviously committed to finding practical solutions to the environmental challenges facing us today. The Government has demonstrated its ability to be proactive and innovative in response to international greenhouse commitments which will not only minimise any adverse impacts but will generate new activities for business, assist in diversifying the New South Wales economy and create green jobs. The substance of the motion is that we call upon the Federal Government to be a key player—it is already a key player in the umbrella group—to show similar leadership to that of the New South Wales Government and step up its efforts to broker global co-operation on this the most important issue before us before the next scheduled negotiations in May 2001.

Ms SEATON (Southern Highlands) [4.10 p.m.]: I move:

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

"this House:

- (1) notes the poor environmental record of the Premier; and
- (2) condemns the State Government for its failure to protect air quality, water quality and community health in New South Wales."

One of the enduring symbols of the Carr Government's record will be the day on which hundreds of students of the Glenaeon Rudolf Steiner School and members of the M5 East Residents Against Polluting Stacks Group gathered outside Parliament House to protest about the treatment by the Premier and this Government of their air quality and their health because this Government continues to refuse to install a filtration device in the proposed stack at Turrella. Those people stood outside this place and pleaded with the so-called green Premier to do the right thing, to listen to their concerns and to agree to do nothing more complicated than implement a filtration device in that stack.

I take this opportunity to congratulate Giselle Moore and all her colleagues in the M5 East Residents Against Polluting Stacks Group on their persistence and courage for standing up to this Government day after day, week after week, for the past year. They have not given up on their environment, their health and the health of their families. The Premier lectures the world on the environment. In the new year he delivers a vision statement, walks around a few headlands and has his picture taken for the newspapers. He flies by helicopter into a national park, perhaps lights a fire and has a cup of tea, then flies out again. But when he walks into a Cabinet meeting he forgets all of that.

He lets his environment Minister, his planning Minister and his land and water conservation Minister do whatever they want to pursue an agenda that is not green. I do not know why the Premier does not stand up to those Cabinet Ministers and make sure that they do the right thing for the people of New South Wales and implement a framework that will result in improvements, not just now but for the long-term future of New South Wales. The M5 East is an important issue, particularly for people in the suburbs near Turrella. For the benefit of honourable members I would like to table a digital image of the stack that is proposed to be built at Turrella. This 35-metre high stack will produce unvented emissions that will go straight into the residences of hundreds of people in the Turrella area. I seek leave to table this image.

Mr SPEAKER: Order! The honourable member is not entitled to table the image. She may lay it on the table for perusal by other members.

Ms SEATON: I hope that members opposite take the opportunity to look at the photograph. The honourable member for Canterbury and some of his colleagues are standing in the way of the installation of a filtration device in this horrendous stack that will influence the lives of people in the Turrella area. I have never seen those members at any protest meeting. They have not come to listen to what people in that area have to say. According to the M5 East group, the 2000 CSIRO air quality report raises air quality and health concerns: 40 to 80 kilograms of cancer-causing particulates would be produced each day; world health goals are exceeded in the Wolli valley; and 25,000 tonnes of greenhouse gas would be produced by the electricity needed to run the stack.

I do not know what else we can do to convince the honourable member for Canterbury and some of his Labor colleagues that this is a serious issue for the people of Turrella. The Government continually refuses to take notice of what those people are saying in their own communities. Worse still, this Government has seen a bill which mandates the use of a filter in that stack pass through the upper House but continues to resist debate on that bill in this place. I congratulate the honourable member for Myall Lakes on his persistence in trying to have that bill debated.

Another great failure of this Government is its failure to produce an overall strategy on environmental management of emissions, which will be a developing problem in New South Wales. Projects such as the Parramatta to Chatswood rail link, the northside storage tunnel, the M5 East, the cross-city tunnel and potentially a fast train will all require some sort of emission technology. I would hope that this Government will respond to Opposition calls to come up with a strategic overview, a framework in which a mandate would ensure that infrastructure or major technology such as those I have just mentioned results in environmental and health outcomes that ensure the safety and the health of the people of New South Wales.

The Government has also fallen down in regard to the implementation of the vehicle emission test scheme. There are two test sites, one at Botany and one at Penrith. That scheme was to be expanded across Sydney, with a number of vehicle emission testing stations available for motorists to drop in, have their vehicles tested and, if there were any problems, have them fixed. That scheme is 12 months behind schedule. The honourable member for Menai talked about the importance of dealing with asthma in young children, and I could not agree more. A good starting place would be for her Government to stand up for the people of Turrella and implement a filtration system in the M5 East stack and to make sure that the vehicle emission test scheme is extended to Newcastle and Wollongong.

The Carr Government has also failed in regard to beach pollution and water quality. Members on the Labor benches ought to hang their heads in shame at the October results for Beachwatch and Harbourwatch, particularly in the southern parts of Sydney. For example, beaches in the Illawarra area—which previously had an extremely good record, were the envy of many local government areas and were great tourist attractions—have gone backwards. The *Illawarra Mercury* got it right when it published an article headed "Lake Ill-awarra".

Mr Crittenden: Point of order: The matter before the House clearly relates to air quality. It does not relate to beaches. I ask you to draw the honourable member for Southern Highlands back to the debate.

Ms SEATON: My amendment is about water quality.

Mr SPEAKER: Order! The amendment relates to air quality, water quality and community health. It is sufficiently wide ranging to enable the honourable member for Southern Highlands to continue her remarks.

Ms SEATON: I believe that honourable members opposite are embarrassed to hear the truth about the state of New South Wales beaches and water quality. "Lake Ill-awarra" was the newspaper headline. People of the Illawarra area are worried that they will become ill if they do what they normally like to do and have been used to doing over the past several years, and enjoy the beaches of the Illawarra. The statistics show that many Illawarra beaches are now failing water quality tests, when five years or so ago they were consistently passing on every single health indicator. So in the past five years we have seen a worsening of water quality, particularly regarding beach health, at some of our most famous beaches. Some other beaches that are having a rough time under the Carr Government's environmental policies include Shelly Beach and Malabar Beach.

Mr Brogden: Is that in the Maroubra electorate?

Ms SEATON: Who is the member for Maroubra? In addition are the Greenhills Beach, Elouera Beach, Wanda Beach, North Cronulla Beach, Bondi Beach and Tamarama Beach. Many of our most famous beaches are suffering from worsening water quality as a result of the Carr Government's failure to properly tackle these issues. Members do not have to take my word for this. The honourable member for Menai ought to have a look at the Council on the Cost of Government report "Service efforts and accomplishments 1998". It is a damning indictment of the level of performance on environmental indicators across a number of portfolios under the Carr Government's management. Time and again environmental performance has come a very poor second, or third, to many other so-called priorities. Many environmental indicators demonstrate that we are going backwards. The evidence on water quality and air quality is proof that the Carr Government is khaki, or even brown.

Mr HUNTER (Lake Macquarie) [4.20 p.m.]: I am very pleased to support the motion moved by the honourable member for Menai and to state clearly that the Government rejects completely the amendment moved by the Opposition. The amendment is totally hypocritical. The Coalition was in government for seven years and did nothing to improve the environment of Lake Macquarie. The honourable member for Southern Highlands spoke about water quality. Since Labor was elected to office it has created the Lake Macquarie State Recreation Area, to protect Lake Macquarie. The Premier's task force has been set up to look at the environmental problems in Lake Macquarie and millions of dollars have been poured into a joint project with Lake Macquarie council to clean up that waterway.

In north Lake Macquarie the Government is spending millions of dollars on lead remediation. So the honourable member should not accuse this Government of not doing anything. The Coalition was in government for seven years, when these problems existed, and did nothing. Just this week we have been talking about forest agreements and the establishment of new national parks. New national parks have been created right across the State. That is something that the Coalition could not achieve in its seven years in government. Yet today the Opposition has moved an amendment to the motion to try to deflect attention from what the Federal Coalition Government is failing to do regarding climate change. The *Sydney Morning Herald* of 27 November has at page 1 a story by Simon Mann. I quote from the article:

The collapse of the historic world climate summit at the weekend prompted strong criticism by environmental groups which accused the biggest polluting nations, including Australia, of putting self-interest before the health of the planet.

The summit at The Hague failed to reach agreement on greenhouse gas emissions after European Union nations vetoed a deal allowing greater reliance by the big polluters on so-called carbon sinks to offset the emissions.

Greenpeace said the summit would be remembered "as the moment when governments abandoned the promise of global co-operation to protect the planet Earth".

The president of the Australian Conservation Foundation, Mr Peter Garrett, said Australia was directly responsible for the collapse of the talks "in what amounts to the most destructive act of diplomacy in Australia's history".

Later the article stated:

Mr Garrett said Australia had fired a torpedo into the most important international talks on the environment. But the Prime Minister told the Nine Network's *Sunday* program: "I think we were constructive, if you're interested in our national interest."

That is why paragraph 3 of the motion calls on the Commonwealth Government to take a leadership role and broker global co-operation on the most serious environmental issue facing the world today. At page 6 of the

Sydney Morning Herald of 27 November another article, by James Woodford, referred to Professor Ian Noble and a team of scientists and forest industry representatives holding a secret meeting with the Prime Minister and offering him a way to climb the greenhouse snakes and ladders board. They were talking about greenhouse reduction targets. The article states:

Just months earlier the Government, through the Environment Minister, Senator Hill, had played hard at an Earth Summit in New York on the issue. Professor Noble's policy offered a way out.

Instead of trying to hack at the nation's industrial sector, Professor Noble, an Australian National University expert on land use, told Mr Howard that significant greenhouse gas reductions could be achieved by planting trees and halting land clearing. To Mr Howard, it was just the kind of comparatively simple solution for which a politician prays.

Forests are one of the best "sinks" of the greenhouse-causing gas CO₂, and Australia has thousands of square kilometres of cleared land where trees could be replanted to suck up pollution.

That is where the New South Wales Government has put a lot of effort in. As the mover of the motion pointed out, the New South Wales Government recognises that the major means of addressing the impact of global warming is the reduction of greenhouse gas emission at their source. However, new plantation sinks can play a valuable role in allowing businesses and the community to supplement direct emission reductions and adapt to a society less dependent on non-renewable fossil fuels.

The New South Wales Government is recognised worldwide for its innovative approach to combating climate change. It has established the Sustainable Energy Development Authority, set emissions benchmarks for electricity retailers, and funded new research into renewable energy technologies. The Carr Government has also taken a proactive role in the promotion of new plantations that are compatible with article 3.3 of the Kyoto Protocol. Obviously, the New South Wales Government is doing a lot on the issue of greenhouse emissions. That is why the motion commends the New South Wales Government. I call on the Federal Government to lift its game and, as the motion states, take a leading role on this issue. [*Time expired.*]

Mr BROGDEN (Pittwater) [4.26 p.m.]: I support the amendment moved by the honourable member for Southern Highlands, the shadow Minister for the Environment. That amendment seeks to delete all words following "That" and insert in its place:

"this House:

- (1) notes the poor environmental record of the Premier; and
- (2) condemns the State Government for its failure to protect air quality, water quality and community health in New South Wales."

We know that the Government is in trouble when Labor members start talking about Federal and national issues rather than State issues that are important to the people of New South Wales. Frankly, the honourable member for Menai would be better served talking about issues relevant to her local community, which needs her support and is not getting it, rather than coming into this Chamber and waxing lyrical about issues that get a bit of a run in Caucus on a daily basis. As the honourable member for Southern Highlands has turned this into a proper debate by amending the motion to discuss the State Government, its policies and its failures, I am very pleased to support the honourable member for Southern Highlands.

In particular, I want to speak about the Scotts Creek vent and the northside storage tunnel. Yesterday the Legislative Council's General Purpose Standing Committee No. 5 released its much-awaited report on the Scotts Creek vent. That report looks into how the Carr Government, the planning Minister and the Minister responsible for Sydney Water treat the people of New South Wales when it comes to emissions and emission standards. The report has found, comprehensively, that there are outstanding scientific and health issues regarding the quality of air and health of the residents and schoolchildren surrounding the Scotts Creek vent in Middle Cove.

The Government is quite happy to build a 20-kilometre tunnel through the north shore of Sydney, 80 to 100 metres below the surface, at a cost of \$460 million against Sydney Water's capital works budget. Despite that expenditure we will end up with a vent that spews out exhaust fumes from raw sewage and overflow and stormwater into the local environment, to be breathed by residents round Middle Cove and Scotts Creek and the school students of Glenaeon School. It is an appalling policy. The Government's unbelievable arrogance is obvious when it moves motions about discussions at The Hague and attacks the Federal Government, while it advocates and follows policies that put children in the city of Sydney at risk on a daily basis. Its environmental record is appalling.

Ms Seaton: It doesn't care.

Mr BROGDEN: As the honourable member for Southern Highlands says, it does not care. It has rejected the recommendations in this report. As an interim measure the installation of a hepafilter at the top of the vent would in some way reduce the toxins leaving the vent. As a long-term measure the committee recommends the closure of the vent altogether. I would be amazed if the Minister responsible for Sydney Water actually read the report, but even before it was released he was willing to attack it, and on the day of its release he rejected entirely its recommendations. This report is a litany of lies from Sydney Water and the Health Department to the people of Scotts Creek about the quality of emissions from that vent. That is the Government's environmental record.

The Government has to solve a problem that is recognised by everyone in the community—raw sewage overflows into Sydney Harbour—but it seeks to solve it with a blowout in the budget from \$290 million to \$460 million, and more to come no doubt, and with an expensive and old technology solution: to bore a great tunnel through the middle of Sydney. Instead of considering on-site treatment at the specific points of the overflow it will force people in communities along that tunnel to breathe the sewage fumes that come out of the vent. The Government has no credentials in this area of the environment. We will see more of these projects and the Government's poor credentials on the environment will be exposed. The honourable member for Menai should spend time discussing local issues instead of discussing issues that are not relevant to the House. [*Time expired.*]

Mr HICKEY (Cessnock) [4.30 p.m.]: It is with mixed emotions that I support the motion of the honourable member for Menai. I am happy to commend the Government for what it has done to provide leadership in finding workable solutions to global climate change, such as carbon crediting, anti-salinity and the rehabilitation of degraded lands. But it is sad that we have to call upon the Commonwealth Government to take a similar leadership role and broker global co-operation on the most serious environmental issues facing the world today. Mr Peter Garrett said Australia was directly responsible for the collapse of talks in what amounts to the most destructive act of diplomacy in Australia's history.

The Dutch environment Minister said, "I am very disappointed. We have not lived up to the expectations of the outside world." The French environment Minister said, "Kyoto isn't dead. The talks were not crowned with the success that we would have liked. Nevertheless it cannot be classified as a failure." They are considering re-establishing the talks and coming up with a suitable arrangement. The Opposition is clearly trying to say that this Government is not addressing environmental issues. In country areas salinity is rampant and the Government, through the Department of Land and Water Conservation, is working extremely hard to address that issue with tree plantings in the Wagga Wagga area.

Wakool is considering pumping table waters out to evaporation beds and addressing salinity as an engineering feat. The Government must be commended for allocating money for tree planting. To say it is not addressing environmental issues is totally wrong. The Government is in front in carbon crediting around the world. We are seen as an inspiration worldwide, as one of the countries that is at the forefront of carbon trading. Japan, China and other countries are looking at the way in which we are addressing environmental problems. Yet the Opposition says we are not doing enough! Rest assured, the Minister for Energy, and Minister for Forestry is working extremely hard to address the issues. He is putting up as much land as he can for the Government's reforestation programs. It is clear that the Government is at the front.

From the outset I make it clear that the New South Wales Government recognises that the major means of addressing the impact of global warming is to reduce greenhouse gas emissions and their sources. However, new plantation sinks can play a valuable role in allowing businesses and communities to supplement direct emission reductions and enable society to become less dependent on non-renewable fossil fuels. As I said, the New South Wales Government is recognised worldwide for its initiatives and its approaches towards combating climate change. The Government has established a Sustainable Energy Development Authority, it has set out emission benchmarks for electricity retailers, and it has funded new research into renewable energy technology.

The Carr Government is also taking a proactive approach in promoting new plantations that are compatible with article 3.3 of the Kyoto Protocol. Article 3.3 identifies sinks as afforestation or reforestation of land cleared prior to 1990. It is very clear that the Opposition does not know what it is talking about. It has no policy. It is going to grandstand and not address the real issue: the Federal Government's failure to address the issue. The New South Wales Government is addressing the issue. [*Time expired.*]

Ms MEGARRITY (Menai) [4.35 p.m.], in reply: I thank all honourable members for their contributions to the debate, even the somewhat misguided efforts of the Opposition. I can understand the

defensiveness of members opposite. As was pointed out by members on this side of the House, they had a poor record on the environment when they were in government. They certainly have a poor record in opposition, with a string of shadow Ministers during the last term of our government. Some Coalition members think nothing of trying to knock off the Wilderness Act, and we have seen those motions on the business paper from time to time. Members of the Coalition have a few issues that they have to sort through.

The honourable member for Pittwater has been getting a good media run on his tunnel, and he took the opportunity to raise that issue today. He has been quoting selectively from the evidence given to the inquiry, and perhaps he should have another look at the evidence that was given by some of the other experts before he rings Alan Jones again. This motion is a matter for State Parliament. This is also an issue for the Federal Government. The honourable member for Pittwater certainly does not know my constituents if he thinks they are not concerned about these issues. If he asked the people in his electorate, he would find that they are concerned, just as every member in this place should be concerned, about the most serious environmental issue affecting us today. I also refute the misguided part of the Opposition's attempt to say that the Government does not have a good record on the environment. For the record, I point out the Government's achievements in developing new environmental services. I seek the indulgence of the House because there are quite a lot of them.

There were pilot carbon trades in 1998, the first in Australia, between Pacific Power, Delta Electricity and State Forests of New South Wales; the development of a comprehensive in-house carbon accounting system for hardwood, eucalypt, and softwood, pine, plantations; the release of an information memorandum in early 1999 for investors in plantations who wished to take an early position on carbon credits, supported by the commercial returns offered by plantations; the reissuing of the information memorandum in early 2000, with an increased emphasis upon the suite of environmental services that can accrue from reforestation, including carbon sequestration, biodiversity enhancement, dryland salinity control, mine site management and biomass energy products; the signing of a contract in February 2000 worth up to \$130 million, following on from the information memorandum, with the Tokyo Electric Power Company, known as TEPCO.

The Government's achievements also include the creation of an investment services division within the organisation to provide packaged-customised planted forest investment services; the co-development of a carbon accounting standard, with a view to it becoming the Australian and New Zealand standard; the first salinity credit trade in New South Wales and Australia with the Macquarie Food and Fibre Co-operative; a mine site rehabilitation project in the Hunter Valley; and a pilot biodiversity and carbon planting project in western Sydney with Integral Energy in early 2000. I urge honourable members to learn more about that project. Another achievement is active participation in the Salinity Summit and finalisation of the salinity strategy, with several key roles identified for State Forests in the strategy regarding environmental services and markets.

Obviously, the Government has attempted to find commercial solutions to environmental problems wherever possible. There is also an obvious connection between some of the Government's initiatives, especially those for rural areas. For example, it is estimated that one rural job is created for every 50 hectares of plantation. The way such initiatives have come together in terms of jobs and money from plantations, which allows farmers to diversify their income as well address issues such as salinity and erosion, is wonderful. The Government has much to be proud of; it has nothing to apologise for about the rate at which it has addressed issues that affect the State, the nation and, indeed, the world.

This motion is not principally aimed at bagging the Federal Government. As I said, the Opposition was a bit defensive on that issue. However, it is imperative that the Federal Government accepts the challenge head-on and shows leadership of the kind shown by the State Government on major issues that affect not only our generation but, obviously, generations to come. I am sure all honourable members will agree privately that we want a much better outcome when the negotiations recommence. Indeed, I hope that the Federal Government will not wait until May 2001 in Bonn to commence the negotiations. I hope that it will take an active leadership role. It is in the umbrella group and it should act now. [*Time expired.*]

Question—That the words stand—put.

The House divided.

Ayes, 48

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

Noes, 34

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

Pair

Ms Saliba

Mrs Chikarovski

Question resolved in the affirmative.**Amendment negatived.****Motion agreed to.****DOMES ENGINEERING WORKERS ENTITLEMENTS****Matter of Public Importance**

Mr LYNCH (Liverpool) [4.51 p.m.]: I ask honourable members to note as a matter of public importance the employee entitlements of workers at Dome Engineering, Moorebank. Dome Engineering is located at 18 Central Avenue, Moorebank. As I understand it, Dome Engineering, which has been at that location since about 1971, fabricates heavy metal construction equipment. It is a division—and I suppose this is why this matter has come before the House today—of the Steel Tank and Pipe group [STP]. That group, of course, which is spread throughout Australia, has an extraordinarily complex corporate structure. The union that covers much of the work force of the STP group is the Australian Manufacturing Workers Union [AMWU]. The AMWU told me that it has identified about 50 separate corporate entities that are part of the complex STP corporate structure.

What has happened to Dome Engineering and what has happened generally to STP is all too common. Companies with no assets employ people. The companies then go into liquidation, which means that there is no payment to employees of accrued entitlements, things such as long service leave or superannuation. That occurs

because of the use of shelf companies that have no assets. The most notorious example of that happening in recent years was the exercise that Patrick's underwent on the wharves in an attempt to eradicate the Maritime Union of Australia [MUA]. Its failure to do that was greeted with considerable elation by Government members.

Much of the attention that has been directed to STP has been centred on the Parker Street site at Carrington, the subject of an urgent motion moved in this place by my colleague the honourable member for Newcastle on 15 November. A total of about \$3 million is owed by way of outstanding entitlements to workers in the STP group, and there are some 200-odd employees Australiawide. Twenty of those workers whose entitlements have been taken from them are employed at Dome Engineering at Moorebank. The receivers commenced action on 3 November. In good faith the workers at the Moorebank site continued to work for some time. That became untenable for them, and last Friday, 24 November, they commenced to picket the Moorebank site.

On Monday this week, together with my colleague the honourable member for Menai, I attended the picket line and met with some of the workers. We met also with Mark Hoban, the relevant organiser from the AMWU. The workers I met included Ago Selimovic, Robert Andujar and Geraldo Caetano. When referring to those workers I point in particular to the case of Ago Selimovic, someone who is reasonably well-known in Liverpool and someone whom I have known from the time I was on Liverpool City Council. Ago Selimovic, who has been employed by the company for 34 years, will not have his accrued entitlements paid to him because of the outrageous exercise of using shelf companies to employ people.

A number of other workers that I met have worked for some considerable period, five or 10 years, at this site. The workers on site are, legitimately, understandably angry. They say things to me which I must say strike me as commonsense: what the company has done to them is criminal. It is just theft. They keep asking, and a number of honourable members have asked rhetorically in this place: How can the law allow this to happen? As the workers say, "The bosses are simply crooks." The position that those workers are in has been made worse by a number of factors. A number of secured creditors of the company will get paid if what the receivers say is true. Those creditors include the mother of the Weeks brothers, the people who run the company.

The Weeks family, or some members of that family, are building a mansion at Merewether, as has been pointed out by some of the Newcastle papers. So the people who are running the company are using funds to build themselves mansions but they cannot pay accrued entitlements to workers who have worked for them for 34 years. The National Australia Bank, the major creditor, recently secured its highest ever profits, some \$3.2 billion, yet it will demand that it be paid before any of these workers are paid. A particularly aggravating factor for workers at Moorebank was that there was a proposal by the receivers at the Newcastle site that a trust fund be established so that some payment could be made to Newcastle workers. That did not include workers anywhere else. That was obviously a calculated snub to workers in places like Moorebank.

I point out for the record that that proposal was rejected completely by workers at Newcastle who were not prepared to be part of that underhanded backdoor deal. To make it worse, the termination of employment and the failure to pay accrued entitlements has occurred just before Christmas. It is almost as if it has been done in such a way as to cause the greatest grief and the greatest cruelty. There is almost a sense of desperation among the workers, as one of their wives explained to me. They did not want to be involved in an industrial dispute. They did not want to be part of a picket, but they have had no option.

It would seem as though the laws are allowing wealthy company directors to be protected but the workers to be ripped off. Certainly the employers, the people who own the company, have looked after themselves, their mother and the bank, but they have not looked after their workers. We hear a lot of rhetoric about mutual obligation in society. It seems to me that a bit of mutual obligation on the part of employers such as the Weeks brothers would not be a bad thing. They have had an opportunity to make a lot of money over the years. It is about time that they had some obligations imposed on them to simply make them comply with the law.

A number of people have suggested solutions to these problems. I note in particular the position of Paul Bastian, the State Secretary of the AMWU. He called for two things to occur to prevent these sorts of situations arising again. The first is the imposition of heavy penalties for directors who are involved in these sorts of scams—directors who simply use shelf companies without assets to employ their workers in what can only be assumed to be a premeditated attempt at avoiding their obligation to pay accrued entitlements. There should be clear provisions in the workplace relations legislation and in the Corporations Law for significant criminal sanctions to be applied to directors who do that sort of thing.

The second point made by Paul Bastian is that a trust fund should be developed. Entitlements that have accrued to workers should be paid into that trust fund and the moneys should then be paid to workers at an appropriate time. That is a reflection of the fact that this money is not company money; it is workers' money that is owed to workers. It is regrettable that a host of other examples of this sort of situation have been repeated over a significant period: the Cobar copper mine, the Oakdale coalminers dispute, the Gilberton abattoir at Grafton, the Aberdeen meatworkers—390-odd workers lost their jobs in that dispute—Parish meats at Yallah, the Gerringong bakery case and, I suppose most notoriously, National Textiles, where 300-odd people lost their jobs and their entitlements.

A package was put together to save Rutherfords because the Prime Minister's brother was involved in that dispute. As I said earlier, this is workers' money and not bosses' money. It must be protected for workers and not be used by bosses. The Federal Government's response was shallow and wrong. It put forward a scheme called the Employee Entitlement Support Scheme. That is an extraordinarily limited scheme that caps the amount of money at \$20,000 per worker. In the case of people who, for example, have been employed for 30-odd years and have their long service leave and significant holiday pay owing to them, the \$20,000 would not get within cooee of that.

In principle, the position taken by the Federal Government is clearly wrong. The Federal Government suggests that governments, whether they be State or Federal, should bail out corporate shells with no assets. That is wrong in principle; it would mean that private corporate liabilities would be pushed onto the State. It is the old-style conservative response of socialising the losses and privatising the profits. In other words, the Federal Government is happy for the company to make profit for as long as it continues to operate, but when the company has a liability to pay someone, the Federal Government wants Governments to pick up the tab; it wants the public to pick up the cost that the Federal Government should bear.

That might bump up the profit rates of continuing corporate entities that do not have specific liabilities to pay to employees, but it does nothing at all for justice and equity. The responsibility to pay workers entitlements should be met by a company, a corporate entity, the people who are making the money. They should not have to be met by the State, by public taxpayers. As I have said, there is a mutual obligation involved. Corporations and companies have had an opportunity to make a great deal of money over long periods of time. In return, they have a duty to meet their legal obligations. We are not talking about generosity; we are simply talking about companies meeting their legal obligations. It is wrong for the Federal Government to seek to introduce a scheme that seeks to make the States responsible for the payment of those amounts of money. [*Time expired.*]

Mr MERTON (Baulkham Hills) [5.01 p.m.]: As the honourable member for Liverpool has said, nothing could be more devastating than the situation faced by the workers at Dome Engineering. Many of them have worked there for many years, no doubt faithfully, and have suddenly found at the end of the day that there is no money to pay their entitlements. Those workers would rightly regard that as a personal betrayal by their employers. It could not be described in any other way. I am not aware of all the facts of the case, but we all agree that steps should be taken to secure the rights and entitlements of employees. As the honourable member for Liverpool indicated, the Federal Government has introduced the Employee Entitlement Support Scheme [EESS] and has paid some \$600,000 to 463 former employees of 14 New South Wales businesses.

I understand the objection of the honourable member for Liverpool to the philosophy behind that scheme, but at the end of the day the fact is that \$600,000 has been paid to those employees. I agree that it should have been paid by the employers but, nevertheless, the employees received \$600,000. As I understand the scheme, it was contemplated that each of the States would pay half the moneys paid to employees. I understand also that the New South Wales Government has not contributed one cent towards the Employee Entitlement Support Scheme, although the Federal Government has contributed some \$600,000. I also understand that the workers from the Scone meatworks have sought a meeting with the Premier, which has not been arranged. I would have thought that such a meeting would have been reasonable.

I accept that something must be done to deal with these matters. The honourable member for Liverpool spoke about his objection to the EESS. Again I remind him of the \$600,000 that was paid to the former employees of 14 businesses in New South Wales alone. That funding would have totalled \$1.2 million if the New South Wales Government had contributed. Whilst the honourable member for Liverpool might have fundamental objections to the scheme, and he might have his own way of working out how this matter can be dealt with, clearly something must be done about the matter. If the honourable member for Liverpool is fair dinkum he should at least join in this scheme until he is able to come up with something better. I do not think that that is unrealistic or unreasonable.

Reference has been made to an assurance scheme for entitlements. There seems to be a vast dispute as to the merits of such a scheme and how it would work. I understand that the Government has estimated that it would cost employers \$40 per week per annum, which seems a small amount. On the other hand, the insurance industry says that it would cost employers something like \$80 per week. I imagine there would be problems in regard to estimating the risk involved so far as insurance companies are concerned. Insurance companies would have to undertake a thorough check and audit of the company's books to determine the level of risk involved. Obviously, companies with assets would probably attract a fairly small premium. I do not know whether companies without assets would be insurable. That matter should also be looked at seriously.

I understand that the Minister responsible for these matters in another place proposes another scheme that he describes as a five-point plan that will ensure that a proper entitlements scheme is in place as early as March next year. If the scheme is reasonable, the Opposition would consider seriously supporting it. That is my personal opinion at this stage. However, putting a scheme in place in March next year will not provide a great deal of comfort to those with the problem at Liverpool. Any party with a commitment to help workers should pay its share under the Commonwealth scheme so that the workers involved would receive double the amount they would normally receive. That is probably nothing compared to what many of them would be entitled to, and I can well understand their dilemma, sadness and anger at not receiving their proper entitlements.

I suggest to the honourable member for Liverpool, as the mover of this motion, that he puts aside his philosophical objection to the payments being funded by the taxpayers. I agree with him that in an ideal world workers should never lose their entitlements. But we are dealing with the real world, and the reality is that we are trying to secure benefits for people who have not received them through no fault of their own. These people have worked hard for years and they are entitled to their entitlements at law. For once the honourable member should throw away his philosophy and support this scheme so that at least these people will receive twice the money they would normally receive under the Federal scheme.

I return to the general problem of what can be done. The Minister in the other place said that he has a five-point plan. As at 16 November, when the Minister referred to the matter in the upper House, he was not able to provide any details of the plan. The matter must be looked at very carefully, and the Opposition is prepared to be reasonable about it. Obviously, we will have to confer with the industry to ensure that a fair solution is arrived at. The preservation and protection of workers' entitlements should be entrenched in our law. I raise a practical consideration that might interest the honourable member for Liverpool. In many instances employees who have been working for many years, particularly for smaller employers, have long service leave and holiday pay owing to them. As the law currently stands, those employees are unable to receive a cash payment; they must take the leave. In some cases the employees would prefer to take the cash rather than take the leave. There is no way in the world that a ruthless employer should be able to coerce an employee into taking the money rather than the leave. However, if the Industrial Relations Commission sanctioned a bona fide arrangement, an employee could take the cash rather than the leave.

Some employees are owed sums which continually increase. Whereas one year the company may be trading very well, a year later the situation may change dramatically. The time may come when the employee wants to draw on his or her entitlements because he or she may have decided to leave the position, only to find that the company does not have the funds to pay the entitlements. The Government should think very seriously about incorporating flexibility, subject to the provision of adequate safeguards, such as an absolute guarantee against coercion and a bona fide agreement evidencing that the employee has consented to accept money in substitution for entitlements. I commend that type of provision to the Government for its consideration.

The circumstances to which the motion refers are disgraceful. I have nothing but compassion and sympathy for the people who worked so hard for many years for the company. I urge Government members to sacrifice their philosophical objection to the Commonwealth Government's scheme. I suggest that the New South Wales Government join in the scheme at least until it can come up with something better. If the State Government can come up with a better scheme, all bets will be off. But, in the meantime, Government members should play their part so that these unfortunate workers can receive twice what they would otherwise receive through assistance provided solely by the Federal Government's scheme. The New South Wales State Government professes to be interested in working people. I accept that members opposite are genuine and, that being the case, they should advisedly reconsider their position in relation to the Federal Government's scheme.

Ms MEGARRITY (Menai) [5.11 p.m.]: Honourable members will recall that on 15 November in this House an urgent motion, proposed by the honourable member for Newcastle concerning the workers of Steel Tank and Pipe Pty Ltd [STP] in Carrington, Newcastle, was debated. As all honourable members know, the

directors of the company employed their workers in shelf companies that had no asset bases, with the result that those workers now stand to lose all their accrued entitlements. As at the date of receivership, in return for many years of loyal service with the company, the workers' entitlements to annual leave, long service leave, payments in lieu of rostered days off and superannuation entitlements are in jeopardy. The honourable members who participated in the debate on 15 November highlighted the failure of the Federal Government to implement legislation to protect the rights of workers to entitlements when companies go into liquidation. The honourable member for Newcastle stated:

In particular, the 1998 waterfront dispute highlighted the need for proactive legislative measures to prevent the manipulation of company structures or the closure of businesses to avoid the legal entitlements of workers. Yet today the only reaction of the Federal Government has been a unilateral decision to set up a reactive and inadequate employment entitlement support scheme [EESS] that is limited in application and amount and does nothing to shift home the responsibility where it belongs, that is, at the employer level, or to protect the current accrued entitlements of workers.

As the honourable member for Liverpool has stated during the course of this debate, Sydney has its own local example of the efforts of STP or, more appropriately, its shelf company, Dome Engineering, which is a division of STP, according to a sign in Centenary Avenue, Moorebank, in my electorate. Most of the 20 workers at the Moorebank site live in the Moorebank-Liverpool area. They are some of the 200 workers Australia-wide who stand to lose their jobs and their entitlements. As well as losing their jobs, it is estimated that all of the workers will lose more than \$3 million in accrued entitlements, such as long service leave and superannuation.

Two of the workers whom the honourable member for Liverpool and I met on Monday live in my electorate. Jerko Bilic, of Hammondville, and Ron Pearce, who lives at the site at Moorebank, both live in far more humble circumstances than do the Steel Tank and Pipe directors, Stephen and Brad Weeks. The *Newcastle Herald* recently reported that the home being built by Brad Weeks in Merewether is a palace compared to the homes in which his workers live. He obviously earned much more money than the wages paid to his workers and on which they depend. I also note with some interest that Brad Weeks' former wife joined the picket line in Newcastle and called on directors to pay up. She told *Prime News*:

He has the money, why should these people lose out. They deserve it. They [the company] don't care about the workers, but I am here to support them, to say keep going.

I am sure that the workers in Newcastle appreciated her support but, perhaps more importantly, they have the unstinting support of their union, the Australian Manufacturing Workers Union [AMWU]. Paul Bastian, the State secretary of the AMWU, stated recently:

This is the sort of rort that is permissible under the Federal Government's Corporations Laws ... The Company web set up by the two Directors safeguarded their mother's investment but left our members' entitlements out in the cold.

Another version of *Mommie Dearest*! Mr Bastian also pointed out that the union went to the National Australia Bank [NAB], which is a major secured creditor for STP, and asked it to be a good corporate citizen—which was perhaps a vain hope, in the light of the things that some banks seem to be doing to people these days. The AMWU asked the NAB, in view of its \$3.6 billion profit, to forgo its preferred status so that the STP workers could be paid. At the last minute the bank agreed to meet, but as far as I know it has agreed only to refer the position to its head office in Victoria, so who knows what will happen? Mr Bastian said that the NAB lent millions of dollars to STP to operate its business and must surely have been aware that the company was restructuring and that there were no employees in the company who were holding assets.

As the honourable member for Liverpool has pointed out, the workers with whom we met on the Moorebank picket line really had no option other than to take industrial action. They have been out in the heat and the rain and all they want to do is work to earn some money to put Christmas dinner on the table. Since 3 November these people have been working in good faith with the receivers. When they reasonably sought some assurance about their concerns, after having contributed all the work that needed to be done, they received a letter stating that the receiver would only "endeavour" to secure their legal entitlements. The honourable member for Liverpool and I both believe that that response is totally unacceptable and that that type of uncertainty, so close to Christmas, is especially cruel.

The honourable member for Baulkham Hills kindly referred to the Minister for Industrial Relations in the other place, who is proposing a five-point plan at next month's ministerial council which will be chaired by Minister Peter Reith. There are five points to the plan, but I am afraid that asking Peter Reith to look after workers' entitlements is akin to putting Dracula in charge of the blood bank. [*Time expired.*]

Mr LYNCH (Liverpool) [5.16 p.m.], in reply: I thank all honourable members who participated in this debate, including the honourable member for Baulkham Hills, but particularly the honourable member for

Menai, who attended the picket line with me on Monday. I take this opportunity to respond to a couple of the comments made by the honourable member for Baulkham Hills. Regrettably, the Federal scheme praised by the honourable member is nothing more than a cruel stunt. The amount of money available is totally inadequate. Not only is there a cap of \$20,000 but also there are caps within that amount. For example, a worker can obtain no more than four weeks in unpaid wages, four weeks redundancy pay, four weeks accrued annual leave, five weeks wages in lieu of notice and 12 weeks long service leave. Even if individual workers are owed only \$20,000, they may well receive even less than that because of the internal limits inherent in the scheme. The scheme is grossly inadequate and, frankly, it is a cruel hoax to hold out that scheme as providing any hope for workers in the situation that has been described.

The honourable member for Baulkham Hills, perhaps not unreasonably, asked if the Federal Government scheme is unacceptable, what is the scheme being offered by the New South Wales Government? The scheme is a very simple one and the honourable member for Baulkham Hills in fact referred to it, namely, the five-point plan that has been devised by the Minister for Industrial Relations in another place. That plan includes the major elements of the position that has been adopted by the metal workers union, and includes, in particular, a requirement that stronger corporate law sanctions against directors should be applied when they engage in outrageous scams of setting up shelf companies without assets and then committing those companies to liquidation.

An essential part of the scheme devised by the New South Wales Minister for Industrial Relations also requires as an essential principle that funds be paid by the company, that is, by the bosses. This is a clear indication that this Government will not play the old conservative game of socialising the losses and privatising the profits, which is essentially what has been happening. In providing a real scheme that has any chance of longevity or which is intended to continue, it is vital to adopt that principle. If it is not adopted, the funds will never be found to pay out workers in all the circumstances that have been arising over time.

It seems to me that the Federal scheme is going absolutely nowhere and that the appropriate response is the five-point plan of the New South Wales Minister for Industrial Relations, which, as I have indicated, is supported strongly by most of the unions but certainly by the metal workers union which has coverage at the site that is the subject of this debate. The final comment of this debate should be a comment of the workers whom I met on the picket line: The law should not allow this to happen. Bosses should not be able to behave like crooks and get away with it.

Discussion concluded.

Mr ACTING-SPEAKER (Mr Mills): Order! It being shortly after 5.15 p.m. business is interrupted for the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

TRUCK DRIVER SAFETY

Mr NEWELL (Tweed) [5.20 p.m.]: On Thursday 23 November in the Lismore District Court Judge Ducker sentenced a driver of a semitrailer that had crashed on the Pacific Highway on the North Coast to six years gaol with a 3½ years non-parole period. My concerns are not only about the sentence but about the ramifications for the safety of people, in all electorates, caused by companies that push drivers past their endurance and safe driving limits. Judge Ducker made very strong comments about this accident which took the lives of three people. It is disturbing because Judge Ducker said that the driver was driving under the influence of the drug methylamphetamine, and that it was one of the worst cases of culpable driving he could remember. The judge also attacked Queensland's licensing system for giving the driver, Welsh, who is illiterate and mentally handicapped, a licence, and said pressure from Welsh's employers might have contributed to the fatal smash.

The judge said that evidence showed that Welsh was illiterate, mentally handicapped and could not read destination signs or tell the time correctly yet he was in charge of a semitrailer, a car carrier, about 22 to 30 tonnes in weight, travelling down the Pacific Highway. It is reprehensible that a person with those disabilities could be in charge of a heavy vehicle on our highways at any time. Apart from possibly being under the influence of a stimulant, an article on Friday 24 November in the *Gold Coast Bulletin* revealed that the driver,

despite his inability to safely drive a vehicle at all of that size, was forced to continue driving. The article reported:

Despite this, his employers forced him back into the cabin of similar vehicles to continue long trips after the accident, and he racked up three traffic violations, including a speeding ticket.

I ask honourable members to take note that very little is done against a company in traffic accidents compared with the thorough investigation and report of aircraft accidents. It is reprehensible that Welsh's employer, M. J. Car Carriers based in Rocklea in Queensland, has not been criticised by either the media or the judge in stronger terms or urged to address this issue. Companies have to face up to the fact that they are employing people who are incapable of doing the job. As the judge indicated, companies are pushing their drivers to the extent that they have to take stimulant drugs, yet they have not been criticised. I am sure if this had been a public vehicle, a public company, a Government owned company of some sort or if a train driver was found to be in this circumstance, there would be hell to play and no shortage of criticism.

In this case there was none. I certainly want some action. This company, and any other company that carries out this sort of action, should have action taken against it in no uncertain terms. A number of other accidents occurred on the North Coast in late 1998 and early 1999 on the notorious section of the Burringbar Range where there were a number of fatal accidents. Similarly we have not heard results from the coroner or about investigations of the accidents and deaths. Action should be taken to ensure the safety of other people who are using the highways quite legitimately and who wish to do so without fear of being accosted or involved in accidents brought about by the negligence and greed of companies.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.24 p.m.]: The issue of heavy transport drivers driving over and above hours that they can sustain has been raised in this House before. A couple of weeks ago the honourable member for Mulgoa told a similar story of drivers being forced by companies to drive extended hours in massive rigs on our roads. The matter raised by the honourable member for Tweed is an example of an unqualified person, according to New South Wales law, driving a rig which killed three people. In reply to the honourable member for Mulgoa I said two weeks ago that it is absolutely frightening to think that when we are driving on the highways of this State and country some truck drivers are in a state of oblivion.

The sooner something is done to make sure that drivers act responsibly, through pressure being brought to bear on their employers, the better. Such companies force drivers to do inconceivable things to maintain their job and income. It is time that this Government took strong action to stop it. The Transport Workers Union has campaigned for many years to bring some sanity into this industry. I call on Minister for Transport, and Minister for Roads to investigate what has happened, to study the remarks of Judge Ducker, and to bring some pressure to bear on transport companies in this State.

SOUTHERN HIGHLANDS ELECTORATE SCHOOLS FUNDING

Ms SEATON (Southern Highlands) [5.26 p.m.]: I bring to the attention of honourable members and the Minister for Education and Training the plight of many of my local schools and to make sure that those schools' capital works projects are included in next year's May budget. Top of the list would have to be Colo Vale and Hill Top public schools stage 2 works program, which has been the subject of a good deal of media interest. Honourable members will recall that I tried to table a piece of mouldy carpet here some months ago. It became mouldy as a result of water leaking into demountable classrooms, a problem for which funds ought to have been provided in the last budget but were not. We desperately need financial commitment to the stage 2 permanent classrooms at both Colo Vale and Hill Top public schools. At those schools students either freeze or fry, depending on the season. It is simply not good enough to have kindergarten and very young children in particular in demountable buildings in which it is hard to concentrate because of the temperature of the rooms.

I am still seeking guarantees and information on the need for a second public school in the Bowral area. I understand that the so-called Retford site has been earmarked. Despite hearing two or three years ago from the department that planning was at concept stage, I have not heard about any firm plans since. We need to have a timetable for the construction of that school and a budget. We need to know very soon because the excellent Bowral Public School, which Sir Donald Bradman attended and which Sir Henry Parkes visited in his pre-Federation tour around New South Wales, is desperately short of space. It is overcrowded and needs an upgrade of some of its buildings. It also has a number of demountable buildings. It is really landlocked by the growing central business district of the Bowral area. We need resolution of the concept of a second public school in the Bowral area.

A number of other public schools in my electorate need considerable capital works upgrading. For example, Picton Public School is desperately in need of a new hall as its present one is tiny and there needs to be

a reconfiguration of the buildings on the public school site. Appin Public School has had longstanding needs of a covered outdoor learning area, a hall and a library to replace the leaking demountable in which currently many of its books are being damaged. Bargo Public School needs a hall, a covered outdoor learning area and an upgrade of some of its outdoor facilities in particular. Mittagong Public School also needs to replace demountable classrooms with permanent classrooms and some general upgrading is needed. On Friday I am going to an arts and crafts exhibition at Wingello Public School, which desperately needs outdoor facilities and a covered outdoor learning area. The school parents and citizens association is doing a great deal of work raising money. That has helped to improve the environment in the playground area but they would like a plan in place to upgrade its facilities.

Moss Vale Public High School has many demountable classrooms and is in need of some investment. The school is reaching capacity and, apart from the demountable classrooms, has a lot of inappropriate woodworking and other practical classroom facilities that require commitments to upgrading. Bowral High School also is suffering from a great deal of overcrowding. That brings me to the issue of the need for a second high school between Picton and Bowral, an issue that the Minister for Education and Training has been reluctant to speak out on, except to say that he does not think we need another high school. The enrolments at Picton and Bowral high schools provide the proof that we need to plan now and make provision for an additional high school facility, whether that be a senior school or middle school. The configuration can be left to the experts.

The Renwick school site in East Mittagong is empty. That school site has been left abandoned for some years, and the Minister is refusing to make any announcement about long-term plans for it. I would also like to put in a plea for all new school designs to incorporate environmentally sustainable design principles. So often I see new buildings at our public schools which, as soon as they are built, even though they have all sorts of design features that are claimed to be environmentally friendly, still need retrofitting of air-conditioners. That is nonsense. Our school buildings should be built a lot smarter than that. The Premier said much about a post-Olympic capital spending boom. I would like him to commit to spending a considerable portion of that in my electorate.

TIDY TOWNS AWARDS

Mr MARTIN (Bathurst) [5.31 p.m.]: Last weekend I, in my capacity as a director of the New South Wales division of the Keep Australia Beautiful Council [KABC], attended the nineteenth annual Tidy Towns Awards, held in Tamworth, the 1999 State winner. Also in attendance was the Hon. Pam Allan, the member for Wentworthville, who is the chair of the Keep Australia Beautiful Council of New South Wales. The fact that the awards were able to be held is testament to the hard work and determination of the Tamworth Tidy Towns Committee, the Tamworth City Council and the citizens of Tamworth, given that only days earlier the city had been inundated with floodwaters.

From the opening reception at the West Tamworth Leagues Club on Friday night to the closing breakfast on Sunday morning, the organisation was first-class. Gareth McCray from 2KY Racing Radio acted as master of ceremonies and did a first-class job. Michelle Gapes, the executive officer of KABC New South Wales, and her staff deserve special mention for the professional way they organised the weekend. The Tidy Towns awards are wide-ranging; the title does not do justice to the comprehensive range of community-based environmental programs that come under the Tidy Towns banner and its metropolitan equivalent, the Metro Pride awards. Some of the areas covered are recycling, waste minimisation, litter reduction, wildlife habitat corridor protection, energy efficiency, foreshore protection programs, and heritage building. People of all ages and sectors of the community come together to make these programs work—another example of the value to the community of volunteering.

The electorate of Bathurst fared well at the awards ceremonies in Tamworth last weekend. In category E—for communities over 10,000—Bathurst was placed second. With its hard-working committee, so capably organised by secretary Cheryl Perry, it is well placed to take the ultimate step in 2001. Kirkconnell Public School, a small one-teacher school near Bathurst, won its section of the Schools Environment Awards, a credit to principal Jenny Browne and her highly motivated students. Wallerawang Tidy Towns won the major award in its category for community beautification, for its main street park adjacent to the railway station. The project has transformed an untidy eyesore into a showplace. Tidy towners such as Lyn Cook and Val Tonkin have worked with the Lithgow City Council to make the project a reality.

Lithgow—the overall New South Wales Tidy Town winner in 1997, and therefore stood down from competition for three years—was amongst the winners. I suppose I should declare an interest as I have been a

long-time member of that Tidy Towns Committee. In its first year back, it won a highly commended award in category E. Two projects entered by the Lithgow Tidy Towns Committee, which is well led by chairman George Quinnell, also won awards. The unique and highly innovative geothermal energy system installed at the new Lithgow hospital won the Energy Efficiency award. The system allows savings of up to 60 per cent on heating and energy costs for the hospital. Ninety-eight holes, 105 metres by five centimetres, are drilled into the core of the earth and are interconnected in a manner similar to a radiator. Water is gravity fed, and sometimes pump assisted, into the system, with the earth's heat doing the rest. It is a highly innovative way of achieving energy efficiency in a large public building. It is unique in New South Wales and probably in Australia. I commend New South Wales Public Works and the Department of Health for incorporating this project in a public hospital. Hopefully, it will lead the way for others.

Lake Lyell Recreation Area, which is just near Lithgow, won the prestigious Wildlife and Preservation Habitat Corridor award. With community involvement, including Olympic Landcare, Lithgow Tidy Towns has organised the planting of tens of thousands of trees around the lake, which doubles as a source of water for the local power stations and as a spectacular scenic recreation area. The replanting of the hills around the lake, as well as enhancing the aesthetics of the area, is providing a natural habitat for native birds and animals. I commend all those involved in the 200 Tidy Towns Awards, especially the 400 or 500 delegates at Tamworth representing all those community groups. I would commend Tidy Towns to honourable members in whose areas this concept is not active. It is a first-class way of harnessing community spirit to enhance the natural and built environment. I look forward to 2001, not only to see those people already involved in the Tidy Towns program building on their work but to see new communities brought into this very valuable community structure.

PROPERTY OWNERS PROTECTION

Mr WEBB (Monaro) [5.36 p.m.]: Tonight I make a statement about an issue that concerns me greatly. I am sure other honourable members of this House would be aware of the problem. It relates to self-funded retirees who, not enjoying the same concessions as pensioners, continue to pay tax and contribute to society, financially and also in the provision of rental properties, often at low returns to themselves but nonetheless providing rental accommodation for people in their community. A case causing particular concern involves Noel and Caroline Carter, who have written to the Premier and to me asking that the matter be dealt with.

Noel and Caroline, who are in their sixties and seventies, throughout their working lives invested in superannuation and income-earning assets in order to provide for their retirement. Unfortunately, I guess through no fault of their own, they have had several run-ins with defaulting tenants. The Carters have written and drawn the attention of the Premier to the serious problems that they have suffered with tenants, particularly in a cottage at Cooma but also at one of their units in Albury. They set out also the difficulties they have had with government agencies in trying to address their concerns. Throughout their attempts to get rid of tenants who were destroying property and refusing to pay rent, the Carters were met with deception, apathy, obstruction and in fact outright hostility from the Residential Tenancies Advisory Group of the Department of Fair Trading, the Residential Tribunal, the police and the housing commission.

It is unfortunate that people who have provided for their own retirements, and perhaps acted in a spirit of goodwill by providing rental properties in country towns, have been caught out in this way. The letter to the Premier and a following submission detail to some extent the rather horrendous course of events that have led them to take this action. They have written a number of articles, one of which consists of quite a few pages and is called "A tale of two cities" or "Don't invest in residential rental properties". It is quite an insight into the difficulties they have had with tenants and government agencies resulting from providing these properties for rental and also in dealing with government agencies to try to get redress of some of these matters. Today I directed a question on notice to the Minister for Fair Trading, asking him to outline the processes that owners of residential properties need to go through to retrieve losses that are caused by defaulting tenants.

I have also asked the Minister to advise on the advice and judgments given by the rental services advisory group of the Department of Fair Trading and the Residential Tenancies Tribunal with regard to their adherence to the Rental Tenancies Act. I believe that in this case the people have not been advised incorrectly. I also asked a couple of questions of the Minister regarding damage to a property by police forcing entry when tenants are suspected of criminal activity, whether the owners have to be notified of the damage, and the process to be followed. A number of concerns are outlined in the article. They referred the matter to the Independent Commission Against Corruption, who looked at it but felt that there was not sufficient evidence to look into it closely.

I hope the Premier will take action and change the Rental Tenancies Act to address the concerns of property owners. Although it is a good Act and works quite well, there are deficiencies within the tribunal and

possibly the mechanisms of the Department of Fair Trading. Property owners are landlords, but that should not be looked at in the age-old context of being lords. They are not. They have provided for their retirement income, so they have self-determination. Many of us may end up in the same boat in years to come. They take a great burden off society, yet they have come up against all sorts of trouble both from people they are trying to help and from government agencies. I would like to see these matters addressed.

NRMA BOARD ELECTIONS

Mr E. T. PAGE (Coogee) [5.41 p.m.]: At yesterday's NRMA Insurance annual general meeting Nick Whitlam, for the first time since he joined the NRMA board, polled fewer votes in his re-election and saw more people vote against him than fellow directors Maree Callaghan and Neil Hamilton. Whitlam's count for re-election to the insurance company board was 228 million votes, compared with Callaghan's 243 million and Hamilton's 236 million votes. Nick Whitlam saw 23 million votes cast against him, compared with 10 million and nine million respectively against his board colleagues. Obviously his support is waning. The question is: Should he be there at all?

Serious observations about Whitlam's board conduct have been made in this House previously. They include using his position as chairman of the NRMA to hand Saatchi and Saatchi a \$3.7 million advertising bonanza only months after the same agency provided free extensive and valuable advertising services to his Members First board faction at last year's NRMA half board election. The Saatchi and Saatchi tender was \$1.5 million more than the next tender, which was recommended by the administration. This meant that members of the NRMA, including me, made a \$1.5 million donation to the company because of the financial favour it had done Whitlam's Members First team. The heavy-duty advertising campaign enabled his eight-member team to control the board and fast track the demutualisation.

But he owed much to Saatchi and Saatchi. Had he declared to the NRMA board, as he is required to do under the Corporations Law, that Saatchi and Saatchi had previously done him and his board faction a great favour, the issue could have been properly ventilated in the board room. Instead, he remained silent, said nothing and hoped no-one would find out. When the big secret favour was exposed in the media his response was to set up a witch-hunt to find out who on the board might have spoken to the media, setting in train a further cover-up.

Then there was the episode of the dodgy 1998 proxy shuffle, where 4,000 votes against a director's pay increase resolution benefiting Whitlam were not counted because he did not sign them. Although warned that day that his actions were out of order, he said nothing about it at the next day's board meeting. In fact, nothing was done until the resolution approving the pay rise was reversed four days later in a press announcement after a series of internal reports on the issue left him with no alternative. Instead of assuring NRMA's two million members that any smell left by these actions would be dispelled by a thorough investigation, Whitlam has reacted by committing NRMA to tens of thousands of dollars of legal advice on how to plug board leaks on these matters, rather than investigating the core issues.

It is time that Australia's largest road service organisation and general insurer had the benefit of transparency and proper investigation into what is really wrong with the way Whitlam runs and controls the two boards. In the absence of the NRMA and NRMA Insurance boards calling for a thorough investigation into Whitlam's handling of multimillion-dollar advertising contracts and proxy shuffles, NRMA's army of small shareholders deserve the intervention and scrutiny of the Australian Securities and Investments Commission to investigate these serious departures from good corporate governance in Australia's largest shareholding company. I remind honourable members that the NRMA Insurance demutualisation vote was carried out without scrutineers being anywhere near it.

It was scrutineers who blew the whistle on Nick Whitlam's director's pay proxy trick in 1998. Without their efforts, for which two young women lawyers paid the price by being threatened with the loss of their houses if they breathed a word about what they had observed during the proxy shuffle at the 1998 annual general meeting, Whitlam and fellow directors would have got an immediate 30 per cent pay rise. Had NRMA members known at last April's demutualisation meeting that the 1998 proxies had been so fraudulently fiddled, they may have placed less trust in a proxy system where 64,000 voters were left to Chairman Nick to vote as he wished. Of course, this is on top of the blackmail episode that I articulated before the House last week. I call on the Australian Securities and Investments Commission to investigate these matters so that the truth behind the awarding of the Saatchi and Saatchi contract bonanza earlier this year is exposed.

AIRPORT RAIL LINK

Mr KERR (Cronulla) [5.45 p.m.]: In response to the private member's statement of the honourable member for Coogee: Well may we say God save the Queen, because at this rate nothing will save Whitlam. I want to talk tonight about the rail service that affects my electorate, and in particular the controversy over the airport rail link. When the link was opened the Government was very keen to claim ownership of it. The Minister for Transport boasted:

... in the last 50 years there have been only three new rail projects and all have been brought to you by Labor governments—the Circular Quay railway station, the Eastern Suburbs railway and now the airport rail link.

For the information of the Minister and his speech writer, both the Eastern Suburbs railway and the airport rail link were Coalition projects. However, I suppose for the Minister two out of three is better than his record of on-time running. It is time the truth was told about the airport rail link. Bruce Baird was responsible for this project and, as the Premier acknowledged, the link is a terrific addition to the CityRail network. There has been criticism of the public-private partnership in relation to the infrastructure. However, the same Treasury official was signed off on the contract as the one still responsible to this Government for negotiating public-private sector infrastructure partnership.

There has been criticism of the projections of passenger numbers. Bruce Baird ceased to be transport Minister in 1995. This Government had ample opportunity to conduct its own research. In fact, it not only had the opportunity, it had the responsibility to do so. Since the line opened under this Government, 5,000 trains have been late and 800 of those have been cancelled. The honourable member for Lismore is shocked. I heard the story of one passenger saying to a railway attendant, "I want to catch the late train to the airport," and the attendant replying, "Take the 6.30, that is usually as late as any."

There is also the problem of obtaining tickets. Tickets for the airport link are not available from all CityRail stations at all times of the day. What should be a premium service is not reliable. The railway stock is only 45 per cent Tangaras and often they are in a deplorable condition with graffiti and other problems that we have come to know and loathe on the CityRail system. The simple indisputable fact is that there is talk of public money being at risk. That is the result of the State Rail Authority not providing a reliable service.

Mr Thompson: Ask Bruce Baird.

Mr KERR: I am telling you about Bruce Baird. The trains are not only not on time, they have been known to be not even on the rails. These are the conditions that have undermined a commercial operation, and these conditions are all the makings of the present State Government. Today the Government released a green paper that purports to improve ways in which government and private sector can work together. In the case of this project, this partnership, the private sector has met its side of the bargain and the Government, through its agency the State Rail Authority, has not. The honourable member for Rockdale laughs. I challenge him to say in what way Bruce Baird acted wrongly. It was a good project, a good deal and bad backup.

No piece of infrastructure in the world can operate at its best if the party responsible for its integration with the broader system—in this case the Government—and who has had responsibility for the project for the past five years, does not ensure that it is treated as part of the broader system and that broader system is not serviced. That is the real issue. There is an urban myth: A train was making its usual slow progress along the Illawarra line when it came to a shuddering halt. After a few minutes a passenger asked the guard what the problem was. The guard explained that there was a tortoise on the track. The passenger then said, "But we stopped because of a tortoise on the track five kilometres ago!" "I know", said the guard, "but we've caught up with it again." That myth is gaining more credibility by the hour while the railways are being managed by the present Minister for Transport.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.50 p.m.]: I heard what the honourable member for Cronulla had to say. I have no doubt that the Minister will set him well and truly straight in due course. Although the honourable member is not a bad solicitor or a bad member of Parliament, he is a shocking joke teller.

STEEL TANK AND PIPE MANUFACTURING COMPANY WORKERS ENTITLEMENTS

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.50 p.m.]: Today in Newcastle the Steel Tank and Pipe employees, their union, the Australian Manufacturing Workers Union [AMWU], and the union

organiser, Denis Nichols, set up a picket at the National Australia Bank in Beaumont Street, Hamilton, to continue their action to regain their lawful entitlements lost as a consequence of their deliberate placement in shelf companies without assets by the principles of the company. In the two to three weeks since this issue came to light, there has been strong and continuous community support for these workers and repulsion at the action to place them in shelf companies. Indeed, yesterday the workers picketed and protested at one of the many properties owned by the Weeks family. An article in today's *Newcastle Herald* states:

STP crash stole our Christmas, families protest.

Donna and Greg Smedley have told their children they cannot have a Christmas this year.

They were forced to break the news to their 16-year-old daughter and 14-year-old son when Mr Smedley's employer, Steel Tank and Pipe (STP) at Carrington, went into receivership on November 3.

Yesterday, the couple joined a protest by about 40 STP workers outside a Lake Macquarie "weekender" belonging to STP owners Bradley and Stephen Weeks, to demonstrate the "wealth" of the Weeks family.

Striking at the heart of this issue is the fact that while these workers continue to suffer the potential loss of all their entitlements, the family that owns these businesses across Australia has the capacity to avoid any attacks on its private wealth in the sale of the company itself. The people of Newcastle are reacting very strongly to that. Mr Jim Meiklejohn, a respected retired worker, said that we should put a simple law in place that makes it a criminal offence to steal workers entitlements in this way. In his view, if a man earns \$100 and someone takes \$5 out of his pocket, that person should be considered a thief.

In this case a company can take away the legal entitlements of workers by placing them in a shelf company with no assets. Across our region people are saying that the law needs to be changed. The Corporations Law and the Federal Workplace Relations Act must be changed to protect the entitlements of workers. Since this issue was announced in this House, action has been taken. The Minister for Industrial Relations in the other place has devised a five-point plan to take to the Federal Government to change the Corporations Law and the Workplace Relations Act and to seek uniform national legislation based on the principle that employees should receive 100 per cent of the entitlements they have earned and that employers, not taxpayers, should bear the costs of a company's failure; and a national scheme to ensure that no State gains an unfair competitive advantage by short-changing employees.

The Minister Assisting the Premier on Hunter Development is the chairman of a task force that has been set up in the Hunter not only to assist the workers but to advocate for their rightful entitlements. The AMWU has set up a national campaign; that is one advantage of having a national union involved with the workers. Earlier today the honourable member for Liverpool and the honourable member for Menai spoke about the actions of the Dome Engineering workers—Dome is one of the STP companies—to protect and fight for their entitlements. As I said, there is ongoing action by the AMWU at the national level to put SouthCorp into the Federal Industrial Relations Commission because it sold its companies to STP, putting the workers entitlements into companies with assets and putting the workers into companies with no assets so there was no way the workers could gain their entitlements. It is an absolute disgrace, and it is something we must continue to campaign against in this House and in the community.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.55 p.m.]: Once again I thank the honourable member for Newcastle for bringing this issue to public notice in this Chamber. I am the chairman of a task force that is examining what can be salvaged from the scandalous act of treachery committed against these workers. It cannot be described in any other way. In the past few days I have written to the Australian Securities and Investment Commission to ascertain what can be done with regard to this specific issue and the corporate entities, namely, the Weeks family.

In a recent debate the honourable member for Wollongong raised a significant point; he said that this issue has wider ramifications for the work force in this State and, indeed, in Australia. If the worst case scenario occurs this week—I am meeting with the workers and the task force on Friday—the Government will provide counselling services and credit information so that the workers will know what assistance and services are available to them. Not only that, the Christmas-New Year period will be pretty bleak for these workers and their families.

The Government will be exploring whether the wider community can offer more relief than the task force, and I appeal to people in the community to do what they can to help. We need to consider whether someone, either in a roundabout way or surreptitiously, will buy out the company. The task force is exploring

that with the union at the moment. Another matter to consider is whether the company should be liquidated, rather than a receiver appointed, because that would put the Weeks family in a different scenario. I have discussed this matter with the member for the Federal seat of Newcastle, Allan Morris. We will explore all these matters until such time as we get justice for these workers.

FEDERAL ROADS FUNDING PACKAGE

Mr GEORGE (Lismore) [5.57 p.m.]: I heard the Minister for Gaming and Racing talk about Christmas. I shall also talk about Christmas. I thank the Federal Government for the Roads to Recovery package, which will provide a Christmas present for councils in my area and people who work for the respective councils. A bigger than expected budget surplus will result in \$1.2 billion over four years for local roads, paid directly to councils, and \$400 million over four years for national highway projects. North Coast councils and councils in my electorate will receive funding. Kyogle shire will receive \$635,000 per annum, or \$2.543 million over the four-year period; Lismore City Council will receive \$803,000 per annum, or \$3.212 million over the four years; Richmond River council will receive \$593,573 per annum, or \$2.374 million over four years; and Tenterfield shire will receive \$635,000 per annum, or \$2.540 million over four years.

The money has been provided through increases in Federal assistance grants [FAGs], which have a general revenue and a roads component. The Federal Government will introduce special legislation to ensure that the money goes directly to roads rather than to general revenue. For that it will need the support of the Federal Australian Labor Party. The Government hopes that the first round of funding will flow to local councils early next year. The Federal Opposition Leader, Kim Beazley, and his Labor cohorts may think that rural roads are a boondoggle—that is, a pointless or time-wasting activity—but as a member of the local community I understand just how important it is to have a sound local roads network. Lismore Mayor, Bob Gates said that \$3.2 million over four years would allow the council to refurbish rather than patch a lot of local roads. Bob Gates further said:

Up till now we've been like a dog chasing its tail. Even though this falls far short of the city works manager's estimate of ... [what is required to fix the roads], it will allow us to make many of our roads reasonably maintenance-free.

Kyogle Mayor, Ross Brown said that the funding was "very substantial and very welcome," that it will allow council to ensure the best long-term benefit for local roads and will guarantee the work force and a solid income for four years. This is the sort of Christmas present that Kyogle shire needed. Richmond Valley Mayor, Col Sullivan said:

This will allow us to stabilise our workforce and plan for the future and we are thankful for what we're getting ...

However, the funding is not enough. Every dollar of this funding is over and above the Howard Government's existing budget allocations for local roads, roads of national importance and national highways. I call on the Carr Government to demonstrate its commitment to the people of the Northern Rivers and boost its State funding for roads. Now on average each council on the North Coast has 72 per cent more funding at its disposal for local roads over the next four years.

The positive impacts of having sound road infrastructure, whether for local roads or highways, cannot be understated. Anything which Federal, State or local governments can do to reduce the road toll is a service to the entire nation. But today it is a case of paying credit where credit is due. I pay tribute to the Federal member in my area, Ian Causley, who, together with Larry Anthony as members of the National Party, have worked extremely hard to ensure that local councils play a very big part in this. I call on the State Government to match Federal Government roads funding, to ensure that councils can wisely spend the money where they see fit. I thank the Federal Government for its contribution to our local roads.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.02 p.m.]: I listened with interest to the contribution of the honourable member for Lismore, who applauded the Federal Government's miserable contribution to New South Wales of \$1.2 billion over four years as a result of increased petrol taxes, which the Prime Minister will not do anything about. That works out at \$300 million for the whole of New South Wales each year for four years. Taxes being collected in New South Wales—petrol tax in the main—raise about \$3 billion a year, or \$12 billion over four years, out of which we get a miserable \$1.2 billion. I do not regard that as a Christmas present for the motorists of the Illawarra or the motorists of Wollongong. However, I will pass on the comments of the honourable member for Lismore, and I have no doubt that the Minister for Roads will provide the honourable member with information about what the New South Wales Government is doing in this State.

MARIST COLLEGE, KOGARAH

Mr THOMPSON (Rockdale) [6.04 p.m.]: Last Friday, in the company of my colleague the honourable member for Georges River, I attended the blessing and official opening of the new and renovated buildings at Marist College, Kogarah. The honourable member for Georges River and I are ex-students of the school, as are the former member for Kogarah, the Hon. Brian Langton, former Senator Graham Richardson and former Federal member of Parliament Jim Carlton. Also in attendance with us last Friday was the Hon. Robert McClelland, the Federal member for Barton. The Hon. Patricia Forsythe was also there representing the Federal Minister for Education, Training and Youth Affairs.

The extensions and improvements to the school include music rooms, which will include performance space suitable for the Higher School Certificate practical music component; an industrial arts area for woodwork and metalwork; art rooms; and a hospitality training area. There is also a new administrative area, including refurbished staff facilities. When I was a student at the school, the school was known as Marist Brothers High School, Kogarah. I started there in fifth class in 1955 and my final year was 1961, when I completed the Leaving Certificate. From its beginnings in 1909 up to 1987, the school was staffed and led by the Marist Brothers order. In 1987 the first lay principal, Peter McNamara, was appointed, and the current principal, Brian Roberts, followed him in 1997.

My children also attended Kogarah Marist High, as it was then known, in the 1980s and early 1990s. My son, Ben, played in various school teams and, as a member of the senior B grade team, was coached by Brian Roberts, who was later to become the school principal. My daughter, Erica, completed years 11 and 12 at the school during the brief period that it was co-educational. A commemorative booklet issued by the school states:

... in February 1909, the doors of three classrooms opened with three teaching Brothers—Brothers Gonzaga Eusebius and Marcellus and a hundred eager students. Amongst the rocky terrain, dirt roads and a few local inhabitants the elementary school then known as St Mary's Mount, began its first days of schooling. Students came from many of the surrounding suburbs such as Kogarah and Rockdale, but it was also the only school for many students from the areas of Cronulla, Sylvania and Penshurst.

In the early days, Brother Chanel introduced the League Football Code to the boys of Kogarah. This started a long and proud football tradition at Kogarah and many a student has been "thoroughly trained" in the code. It was during the early years that the original colours of red and green were changed to match those of the St George Rugby League Football Club—the very notable red and white.

Over the years rugby league has been the major sport played at the school. These days there are more sporting options available than there were in my time, but rugby league still rules. Kogarah Marist has been a mainstay of the St George district rugby league at both junior and senior levels. In my time, one of the outstanding footballers was my classmate Kevin Hogan. Kevin played lower grades with St George, and later went on to be a star five-eighth with Newtown and Cronulla first grade sides. In later years Robert Stone learned his football skills at Kogarah, and he became a key player in St George rugby league premiership teams in the 1970s when Harry Bath was coaching.

Paul and Jason Stevens attended Kogarah Marist during my son's time there. Both played first grade with St George before going to Cronulla, and Jason has since gone on to represent Australia. The school has a house system for various activities, especially sport. In my day there were half a dozen houses based on colours. Over the years I was variously in the greens, then the blues and—I think the honourable member for Wollongong would approve of this—I was finally in the reds. Today the school has reduced the number of houses to four and named them after some of its famous ex-students or benefactors.

Gonzaga house was named after the first principal of the school, Brother Gonzaga Brown. Brother Gonzaga was born in Wellington in 1870 and opened the school in 1909. Gilroy house was named after the late Cardinal Gilroy, who was at the school on opening day 1909. Cardinal Gilroy was born in Glebe in 1896 and died in 1977 aged 81 years. Lindwall house was named after famous fast bowler Ray Lindwall, who, with his brother Jacob, attended Kogarah Marist from 1933 to 1936. In later life Ray gave much credit for his sporting prowess to the coaching provided by Brother Aiden O'Keefe. Cooper house was named after Alf Cooper, a man I knew well. Alf was a wonderful man. He was a close family friend, particularly of my uncle and aunt, Allen and Agnus Hayes. During the war years Alf had a dairy farm at Kogarah, and later set up a dairy at Hoxton Park and Leppington. With reference to Alf Cooper the school commemorative booklet states:

He became a particular friend of Kogarah Marist in those years, transporting sports teams, encouraging ex-student activities, but mostly giving a helping hand, not only to Kogarah students and their families experiencing difficult times, but to many others as well.

Alf Cooper extended this Christian spirit in many ways during his lifetime. He always had a kind word, he gave encouragement and material aid, always with respect and feeling for the personal dignity of the individual—often when their spirits were at the lowest ebb.

He sought no thanks nor repayment, nor was it expected. His philosophy was to help where he could, knowing that one day, the recipient of his help would hopefully, in turn, help others in a time of need.

It was great to be back at the school last week. [*Time expired.*]

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.09 p.m.]: The Marist Brothers College at Kogarah has a proud history but, more importantly, the honourable member for Rockdale and his children attended that school. He has been a part of the community in that area of Sydney for his entire life. That is why he is such a good local representative. He knows the people and the history of the area in which he lives. The honourable member for Rockdale was obviously proud to support that great school last week. Some of this country's great sports people were educated at that school and, as the honourable member has mentioned, some great Australian Labor Party people were also educated there, including the honourable member for Rockdale. I congratulate him on bringing to the attention of this Parliament the important event he attended last weekend.

WESTERN SYDNEY BUS SERVICES

Mr MERTON (Baulkham Hills) [6.10 p.m.]: It is time the Government fulfilled its responsibility of ensuring that the bus services used by the residents of western Sydney are efficient and reliable. In June I raised this issue in the House. At that time I indicated that I had made representations to the Minister for Transport. Those representations have remained outstanding since March. They were made by constituents who requested the Minister to ensure that action is taken to improve the Westbus public transport service. I again referred to this matter on 2 November. I now have an additional 47 representations awaiting a response from the Minister. The frustration of those who live in my electorate and who have not received a reply from the Minister resulted in a public meeting in Baulkham Hills last night.

Concerns expressed included buses not arriving at the scheduled time; people being crammed onto each bus like sardines—one commuter counted 78 people on board one bus; and people arriving at a bus stop at 7.30 a.m. but not arriving in the city until 9.30 a.m. A number of commuters mentioned that they feared losing their jobs because they could not get to work on time when buses did not turn up. That is simply not good enough. The State Government must act to improve that situation. It is most unfair that those who live in my electorate should have to pay more for public transport than residents in other parts of Sydney. It is also most unfair that those who live in my electorate should have to put up with an unreliable and inefficient public transport system. They are entitled to the same standard of service as the rest of Sydney, and at the same price.

My constituents currently pay about one-third more in fares than other commuters who have access to government buses. The return fare on a government bus from Central Station to Palm Beach is \$8.80. However, the return fare from the Queen Victoria Building to Kellyville is \$12.90. There is a huge difference between the two fares, particularly when they are calculated over a working week. It is also unfair that my constituents do not receive the same concessional fares as those who travel on government transport. The Government and the Minister have the power to ensure that people from western Sydney pay the same fares as those that apply in other areas. The Minister and the Government can do that by providing subsidies. The people who live in my electorate are not asking for the moon. Why does the Minister not stop passing the buck? He is responsible for these matters. Correspondence received from the Minister's chief of staff in July stated:

The Minister has asked the department to meet regularly with Westbus Pty Ltd to ensure any passenger concerns with bus services are quickly addressed.

It is nearly Christmas, and it is time for the Minister to act to give the people of Western Sydney what they are entitled to, namely, the same standard of public transport as the rest of Sydney, and at the same price. The meeting that was held in Baulkham Hills last night attracted more than 100 people. Baulkham Hills residents are patient people and they believe that they have been reasonable. However, they have been pushed to the limit and they have said that enough is enough. That is evidenced by the fact that more than 100 people turned up at the meeting to express concerns that I have outlined during my speech. The people of the Baulkham Hills electorate simply want a bus service that is safe and reliable. They want buses to turn up on time, thereby ensuring that they will arrive at work on time.

As I said earlier, many of my constituents are concerned that their employment is being put at risk. There is a slight difference between The Hills and Baulkham Hills electorates and the rest of Sydney as they

have no public transport apart from a bus service. If the people in my electorate want to go to the city of Sydney without having to drive their motor vehicles—and I note that people are being encouraged not to drive motor vehicles into the city—they have only one other option: the b-u-s. I conceded that the bus service that started out on the M2 was a great idea. I still think it is a wonderful idea. Although it ran very well for some time, unfortunately for the people of the Baulkham Hills electorate it has now gone off the rails, so to speak. The problems confronting the people of the Baulkham Hills electorate are evident on a daily basis. My electorate office constantly receives telephone calls from constituents or relatives of concerned constituents. They believe that the service is not up to scratch.

For that reason, the people of the Baulkham Hills electorate came out en masse to say to the Minister for Transport, "The buck stops with you! We want a fair deal. We want the same type of transport system that is provided for the rest of Sydney and we want to pay the same fares. If that means the provision of government subsidies, so be it." People who attended last night's meeting have formed a working committee in partnership with the local bus company. I note that the bus company is soon to spend money acquiring a new bus depot at Northmead. The Minister for Transport has a responsibility under the relevant legislation to monitor transport services. Judging from the mood of the meeting that was held last night and the correspondence from my constituents which I have already forwarded to the Minister I believe that has not happened.

MANLY ELECTORATE SCHOOLS RESTRUCTURING PROGRAM

Mr BARR (Manly) [6.15 p.m.]: During the past year, the Minister for Education and Training has made a number of decisions affecting my electorate and the northern beaches. Honourable members will be familiar with my opinions about one of those changes: the closure of Seaforth TAFE. However, I have supported the proposal regarding the restructuring of secondary education in the area. If it is adequately resourced it will be a much-needed shot in the arm for public education on the northern beaches. The restructuring program centres around the Minister's "New Horizons" package, which was announced in July of this year. Under that package, Freshwater High School is to become a multicampus college comprising a senior high school, a TAFE business centre and a university of technology study centre.

One school in the area, Beacon Hill High School, is to be phased out. The package included a commitment that Balgowlah Boys High would be retained as a single-sex school, offering years 7 to 12, and that the community would make the decision about whether that school would be situated at the Balgowlah site or at the site of the former Beacon Hill High School. I emphasise that the decision on whether Beacon Hill High School or Balgowlah Boys High will be the site of the new school is to be made by the community. The Minister made this commitment in the "New Horizons" document. Page 11 of the document states:

Balgowlah Boys will remain a boys' 7-12 school and expand to enrol more boys who currently attend the Freshwater and Beacon Hill High Schools.

The documents also states:

The community will decide which site (either Balgowlah Boys or Beacon Hill) is most appropriate for the boys' high school by the end of 2001 and any move would occur at the end of 2002.

The community has taken the responsibility of making this decision very seriously. A discussion document and independent site assessment have been prepared and circulated to all interested parties, including the parents of high school and primary feeder school students in the area and the wider community. A survey has also been circulated. The discussion document has been prepared by a site decisions school committee. It provides information on enrolment data for the current schools and for the feeder primary schools, the transport options for each site, and the community and business links of both schools to their local areas.

Two nights ago I chaired a public meeting to discuss all of the issues surrounding the site alternatives. I am told that 310 people attended, and all the issues associated with the proposal were discussed. In the end result, 309 out of the 310 people present voted to retain Balgowlah Boys High School at its current site. That resolution was passed relying on the good faith of the Minister when he promised that the decision of the community will be honoured and respected. Looking at all the information available and taking into account the identity of Balgowlah, I can see no justification for moving the school out of the Balgowlah site. After the closure of Seaforth TAFE, which was only half a kilometre away, the closure of another educational institution in this area would be nothing short of an outrageous assault on the facilities of the community. I call upon the Minister for Education and Training to stand by his commitment to abide by the decision of the community in this matter. The school has a great tradition and the community wants the school to stay where it is. Bally Boys must not be closed down and sold off.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.19 p.m.]: Many of the concerns of the honourable member for Manly about community consultation are unnecessary. I will refer the matters he has raised about the Minister's undertakings to his community to the Minister. No doubt the Minister for Education and Training totally supports consultation before any decisions are made affecting communities and their education.

Private members' statements noted.

ASSENT TO BILLS

Assent to the following bills reported:

Sydney 2000 Games Administration Bill
Protection of the Environment Operations Amendment (Balloons) Bill

[Mr Deputy-Speaker left the chair at 6.20 p.m. The House resumed at 7.30 p.m.]

TYRE DEFLATION DEVICES

Ms MEAGHER (Cabramatta—Parliamentary Secretary), on behalf of Mr Scully [7.30 p.m.]: I move:

That section 51 of the Road Transport (General) Act 1999, providing for the use of tyre deflation devices in police pursuits, not cease to have effect in accordance with section 51(3) of the Road Transport (General) Act 1999.

The purpose of this motion is to ensure that section 51 of the Road Transport (General) Act 1999 which provides for the use of tyre deflation devices by New South Wales police continues to have effect from 1 December 2000. Section 51(4) states, in effect, that either House of Parliament may pass a resolution that section 51 is not to cease to have effect in accordance with subsection (3), but any such resolution has no effect unless passed before 1 December 2000. The New South Wales Police Service use of tyre deflation devices was permitted from 1 February 1999 for 12 months in accordance with the then Traffic Amendment (Tyre Deflation—Police Pursuits) Act 1998 (No. 112). On 1 December 1999, the Road Transport (General) Act 1999 took effect as part of the new road transport legislation reforms. Under the latter Act the trial period was extended to 1 December 2000.

Police high-speed pursuits are a complex matter. The very act of pursuing an offender, as part of law enforcement obligations, presents a danger to police and to innocent third parties. Prior to this tyre deflation device legislation being introduced, 1,702 police pursuits occurred throughout New South Wales, in 1997-98. In 1998, three fatal accidents occurred during high-speed chases; all victims were innocent bystanders. Police pursuits involve a range of serious criminal offences including drug offences, ram raids, armed robbery, kidnapping, break, enter and steal, home invasions, and stolen motor vehicles. While most pursuits are short-lived and do not result in injury to people or damage to property, there have been long pursuits, from the Sydney area and ending interstate, in which offenders have been driving stolen motor vehicles, or have been found to be driving under the influence of drugs and alcohol.

In many cases, if the pursuit by police is terminated, the driver could continue on without being apprehended, and cause a greater threat of death or serious injury to other road users and the community generally. Moreover, frequent police pursuit terminations could send the wrong message that if you drive fast and recklessly enough, you have a greater chance of getting away with such criminal behaviour. The use of tyre deflation devices provides the opportunity to increase safety by allowing police offenders to stop speeding offenders more safely, and police pursuits to be finalised with a satisfactory outcome more quickly. A reduction in the time taken to end a pursuit will reduce the risk of injury. The use of tyre deflation devices was also recommended by the Staysafe committee in its review of police pursuits of motor vehicles. As a condition of approval for the trial in 1999, the Government established a steering committee, including representatives from the Roads and Traffic Authority [RTA], the New South Wales Police Service, the Ministry for Police and the Attorney-General's Office. The trial has been conducted by the New South Wales Police Service in the Greater Hume and south-eastern police regions.

Standard operating procedures for the use of the devices have been developed by the New South Wales Police Service in consultation with the RTA and the Attorney-General's Office. These guidelines limit the use of tyre deflation devices to situations where risks to third parties are minimised. Only specifically trained senior police officers have been authorised to use the devices, and such authorisation is from a duty operations inspector or a local area commander. The number of officers trained in their use was increased as the trial progressed. In the 21 months since the trial commenced on 1 February 1999 there have been at least 15

instances in which the devices have been successfully deployed. No injuries have been sustained as a result of using the devices. In four of the 15 deployments, the drivers stopped their vehicle prior to engaging the tyre deflation devices.

While the trial evaluation report will be completed in January 2001, it is now evident that the tyre deflation devices have not contributed to any injuries; have reduced the risk of injury in the pursuits where they were deployed by reducing vehicle travel speeds and travel duration; and are operationally effective. This Government is committed to ensuring that law-abiding citizens can confidently feel safe while using the State's roads and that police are provided with sufficient resources to achieve this. Given the successful use of tyre deflation devices in police pursuits, I ask that the House supports this motion.

Mr J. H. TURNER (Myall Lakes) [7.35 p.m.]: The deployment of tyre deflation devices is intended as a further tool for police as they attempt to best deal with the occurrence of vehicle pursuits. As at 31 October data indicates that of the almost 600 pursuits that occurred in the trial regions, the vast majority of 584 did not involve the use of these devices. That occurred for many reasons, including pursuits being forced to be terminated in accordance with the safe driving policy; pursuits being very brief; pursuits involving motor cycles and hence the use of tyre deflation devices being inappropriate. The majority of reported police pursuits in the trial regions in the period have been brief, with little opportunity for the use of the devices. The legislation only allowed for a trial for a fixed period. The motion is intended to enable the continued use of tyre deflation devices for the safe termination of pursuits, where appropriate, to protect police and members of the public. The Opposition supports the motion.

Ms MEAGHER (Cabramatta—Parliamentary Secretary) on behalf of Mr Scully [7.36 p.m.], in reply: I welcome the support given by the Opposition, and commend this motion to the House.

Motion agreed to.

UNIVERSITY OF WESTERN SYDNEY AMENDMENT BILL

Second Reading

Debate resumed from 23 November.

Mr O'DOHERTY (Hornsby) [7.36 p.m.]: I lead for the Opposition and indicate with pleasure that the Opposition will support this bill. We support and have historically supported the University of Western Sydney [UWS] in its vital role in providing tertiary education opportunities and underpinning research and development in one of the most vibrant and fastest-growing regions of New South Wales. Indeed, the western Sydney region and its continuing growth is a matter of great interest to members on both sides of this House, and that is as it should be. It is a region which has more people within it than the population of Brisbane. It is larger than Perth and Adelaide combined. It is Australia's largest urban area and has a gross domestic product the same as that of Singapore. When we talk about western Sydney, we talk about an extremely important and robust part of our economy and an important place for community to develop in Sydney and in New South Wales. For that reason it is important that western Sydney establish its own university.

Members on both sides have claimed a part in the development of the University of Western Sydney. The Wran, Unsworth and Greiner Governments all had a role. The Coalition is pleased that it was under Terry Metherell that the UWS was established. I remember having long conversations with my colleague, the honourable member for Hawkesbury who for all of his time in public life—in excess of 25 years—has been a proponent of the need for western Sydney to have its own university. As I told the House on a previous occasion, Kevin Rozzoli, the honourable member for Hawkesbury was the person who proposed the name "University of Western Sydney". All types of icons of the Labor Party, I am sure, and others had been proposed over history for the name of the university. Probably some names from the conservative side of politics were proposed as well.

Kevin Rozzoli went to Terry Metherell, who then went to Premier Nick Greiner, who then sought agreement from the then Leader of the Opposition, Bob Carr, for the name to be the University of Western Sydney. Kevin Rozzoli said that for so many years the term "western Sydney" had been used as a derisory term, something that would be thrown at someone on the train to get a rise out of them, "You westie". As far as I know that is not heard now, nor should it be. Part of the development of turning that around was to hold up the name western Sydney as something extremely positive. The University of Western Sydney was one of those

institutions that linked an important concept of higher learning with the name "western Sydney". I am indeed pleased that Kevin Rozzoli had that brain wave back in those days. The name of the university has become an important part of its identity.

The UWS has an important role in western Sydney. It is linked with the economy and the aspirations of people in the west of our city. It fulfils that role very well. It is interesting to note that for many of the students who go to UWS—and I do not have their number in front of me, but it is a significant majority—it is their first experience in the family of higher education. That type of change in the pattern of education bears fruit for generations to come. It is an important function of the UWS. A high number of students are from Aboriginal and Torres Strait Islander backgrounds as well as other disadvantaged backgrounds. That is another important feature of the UWS. It has a unique character among Australian universities, partly because of these unique facets.

The University of Western Sydney is closely associated and integrated with the development of western Sydney. The university has spent a great deal of time building links to industries that base themselves in western Sydney and developing with those industries new aspects of their businesses, and working with them on research and development and on the training of their senior staff, as well as training them to start and grow businesses in western Sydney. The university sees that as part of its mission, and it has fulfilled that mission well. The UWS is not a university that can ever be separated from its history. It will always fulfil the mission of enhancing the economic, cultural and intellectual development of that great region of New South Wales that is western Sydney.

Tonight we are debating a new bill to replace a structure that was put in place by this Parliament in 1997. I remember the debate at that time. It had come after a period of some turmoil within the University of Western Sydney. It is easy to be critical in hindsight. But in 1997 the Coalition was saying to the Government that had it shown more leadership in the period leading up to the 1995 election and immediately after, we might not have had the trauma of 1997. That trauma had led to the then Act providing for a strengthening of the federated structure of the university after a very long and traumatic consultation process among the member campuses of the university and, indeed, among the University of Western Sydney itself.

It is a shame that we would be back here in just three years doing this again. Clearly some of the tensions that were around at that time were not fully resolved by what happened in 1997. I am not critical of that. I know that at the time it was the best that the university could do. Chancellor Sir Ian Turbott—who, I believe, will soon retire—lived through that period and has seen a number of significant changes to the UWS, a university that he holds at the centre of his heart. I join with the Minister in paying tribute to Sir Ian Turbott, as the Minister did in his second reading speech.

The trauma that took place in 1997 came as a result of some political shenanigans that had been played prior to the 1995 election by members of the Labor Party. It is worth repeating in the House, lest it happen again, that in 1995 there was pressure from members of the Australian Labor Party—some of them were members of this House—for the break-up of the university, and particularly for the Nepean campus to split from the UWS and become a university in its own right. That push was driven partly by the university's strong economic position, because it could attract many students to its business and law faculties. Those people thought that that campus would be able to go at it alone and be economically viable in its own right, therefore threatening what the University of Western Sydney was and is—a university that serves the needs of the vast region of western Sydney, and which does not leave other campuses languishing for funding and student numbers. Professor Jillian Maling, then the Chief Executive Officer of UWS Nepean, wrote to various people in the following terms:

Prior to the recent State election Minister Lo Po' and Minister Debus announced that ALP policy would allow the establishment of individual universities from within the University of Western Sydney network, providing a number of criteria were met.

That letter, sent publicly by Professor Jillian Maling, indicated exactly what she had been promised and what had been said publicly by members who now sit, and indeed at that time sat as incoming members of the Carr Government. Yet Cabinet itself was divided on the issue. I would take it from his public comments that the Minister for Education and Training did not agree that UWS should be split up. In 1997, when the bill was passed that it be a separated structure, the Minister revealed himself to be a very strong advocate of a unitary structure. In the second reading speech on the bill currently before the House, the Minister again revealed himself to be a strong advocate of a unitary structure for the university.

It must be interesting when this matter comes up for debate in Cabinet, the current Minister sitting, as he does, with Minister Debus and Minister Lo Po', who were revealed publicly by Professor Jillian Maling's

letter in 1995 to have been arguing publicly for the splitting up of the university. Not only those two Labor members argued for that. The name Mark Latham looms large in the discussion and the six-year history of the University of Western Sydney. Mark Latham, at some period in those six years, also argued for the break-up of the university. My recollection is that he argued that the Campbelltown campus should be split off and made a separate university in its own right. I notice Labor members from western Sydney smirking as these names roll out.

Mr Richardson: As well they might smirk.

Mr O'DOHERTY: As well they might. The fact is that the disunity of the Labor party on this issue has contributed to the problems of what should be a great university that has the unequivocal support of all members of this House, Labor or Liberal. The Liberal party has never hesitated to say that UWS should have a unified structure, albeit in a separated or some other form that recognises the need to have within a single structure individual campuses that have their own personality. We on this side of the House have never deviated from that position. That is the way the university was set up by Terry Metherell. I note the Minister strongly believes that.

I note the honourable member for Parramatta nodding her head. I imagine she' also believes strongly in the idea that a university serving the whole of the needs of western Sydney can be best and strongest when it is of a structure that draws on the strength of all the individual campuses coming together within a single structure. That is what we on this side believed then and believe now. But there are those sitting on the other side of the House with the Honourable member for Parramatta and the Minister for Education and Training who do not believe that. That is why the university has suffered the difficulties that it has over the past six years. In 1997 the problem led Professor Jillian Maling, Chief Executive of Nepean campus, based at Parramatta, to speak out publicly. As a consequence, she was lobbed off—for saying what Labor Ministers had been saying prior to the election. She became the sacrificial lamb, and she was gone.

For the first time since its creation there was a real threat to the viability and existence of the University of Western Sydney as we knew it. The university itself, under Professor Deryck Schreuder in extraordinarily difficult times—and I pay tribute to Professor Schreuder, who is currently serving with distinction in Western Australia—went through a long process of consultation to resolve some of the tensions among members who thought the Nepean campus should be split off. Eventually, it ended up in a separated structure under an Act passed by this House consequent upon a report written by Justice Andrew Rogers. It took a long time, and it was a very expensive process. I note that one of the reasons we are back here debating a new structure is that the Auditor-General made some critical comments in a recent report that the administration of the university might not be as efficient as it might otherwise be. The Auditor-General said:

The Audit Office is of the opinion that the cost of administration of the University is unnecessarily high and could be reduced. In addition, its approach to administration can place barriers in the way of potential students and other users of the University.

We do not quibble with what the Auditor-General said. He plays an important role in making exactly those kinds of comments. Perhaps three years down the track it will have run its natural course. I hope that the difficulties of 1995, politically motivated as I think they were, are now well behind the university and that the bill the House passes today will not be superseded by another University of Western Sydney Bill 2003, in which we do something else with the university. We join with the Minister in saying this has to be a single structure. We think the current proposal is an improvement on what was legislated in 1997, but what was legislated then was in response to a specific crisis. At that time it was the best solution Parliament and the university could come up with.

We hope that under its new structure, provided for in this bill, the university will continue to have a bright and growing future. There is every reason that it should. The western Sydney region is a long way short of reaching its full potential. I look forward to watching with great excitement how the UWS and western Sydney in general grow and prosper together towards the betterment of western Sydney and the people and the economy of New South Wales. With those words I commend the bill to the House.

Ms HARRISON (Parramatta) [7.50 p.m.]: It is with great pleasure that I support the University of Western Sydney Amendment Bill. It has been a labour of love for all of those who have been involved with it. The UWS was founded in 1989 with a clear and fundamental purpose—to provide high-quality and accessible higher education and research in a region of metropolitan Sydney historically underresourced and undervalued. The fundamental purpose of this bill is to make the UWS continue to thrive as a world-class centre of learning. To achieve this goal, the UWS must have the best possible structure of governance for the twenty-first century.

The Federal structure comprising the university and university members is clearly outmoded. Transformation of the UWS from a Federal to a unitary structure is timely and consonant with the historical evolution of any large network university. As a member whom the Government appointed to the UWS Board of Trustees, I have had first-hand knowledge of the development and changes that have led to these proposals for a new structure. I add my personal thanks to Sir Ian Turbott for his tutelage and leadership on the board. I am very sorry to see him go.

Since its formation, the university's contribution to the people of western Sydney has been outstanding. Substantially increased higher education participation rates in the region testify to this achievement. The UWS is one of Australia's youngest and most exciting universities. It enjoys close ties with industry in greater western Sydney and the region's economic development. Implementation of the structure embodied in this bill is the only way to equip the UWS to serve the aspirations of the people of greater western Sydney. The UWS is a critical point in its development. The provisions of the bill will ensure that the UWS is mobilised to respond to the many future challenges it will face.

The greater western Sydney covers an area larger than either the Australian Capital Territory or Perth. It also has a population larger than Adelaide or Brisbane. The region has a young and growing population that is also ethnically diverse. Income levels, employment and tertiary education participation rates tend to be lower than for the rest of Sydney. Liverpool, in south-western Sydney, has the State's highest growth rate. It is hardly surprising that in a relatively short time the growth of the UWS has more than doubled. In 1999 students totalled nearly 30,000. More than 13 per cent of students enrolled in higher education within New South Wales attended UWS. The university's first decade also saw a vigorous commitment to research, doubling post-graduate student enrolments.

In opening the second reading debate, the Minister for Education and Training referred to the University of Western Sydney raising the aspirations of school leavers in the region. School leavers now assume university is an option rather than thinking of it as being available only to the elite. Together with its programs for overseas students, the UWS has enriched the vibrant and culturally diverse character of greater western Sydney. However, the need for the university to address institutional reform to achieve controlled growth in an environment of shrinking public funding has become paramount. It is essential that the university rapidly resolves the problems of administrative triplication, unproductive internal competition, inconsistent policy and the lack of academic co-ordination and collaboration. It will need to do this to achieve and support the university's distinctive identity and thus its competitive strategy.

The Minister has already drawn the House's attention to the triplicated structure under which the UWS has had to labour. The performance audit published a year ago depicts all too vividly how triplication and internal competition was threatening to stall the university's development. The cost of the UWS administrative overheads, the highest of any New South Wales university, needs to be addressed. Triplication of structures was criticised by the Auditor-General as being problematic for the cost-effective administration of the university. The 1997 University of Western Sydney Act modified local autonomy and vested the university's supreme governing body, the Board of Trustees, with stronger central authority. Unfortunately, this shift still left extensive administrative and academic triplication.

Imagine the plight of TAFE graduates in western Sydney on learning that one UWS member can provide a certain amount of academic credit in a particular degree program but another UWS member, offering an almost identical program, can provide more. The plight would worsen when, for unfathomable reasons, a third UWS member, also offering a program in the same field, could provide no credit at all. Another problem that has built impetus for an integrated UWS is the need for the community, staff and students to identify with the university as a whole and eliminate the confusion caused by the UWS' nomenclature and poorly understood multiple identities. This is linked with the university's ability to be more competitive in attracting students, research funds and industry links.

Then, of course, there is the impact of Commonwealth funding cutbacks. Since the formation of the UWS in 1989, the higher education sector has undergone significant change. Those of recent years have been devastating. The Commonwealth Government, which has had funding responsibility for Australian higher education since 1974, began inflicting budget cuts on universities like the UWS. Over the past four years the UWS' share of operating revenue provided by the Commonwealth Government has fallen, even though student numbers have risen. At the same time, other financial pressures have continued to build up, such as parity in university salaries. The salary increases that most universities, including the UWS, have been involved in negotiating will not be fully funded by the Commonwealth.

The climate for funding and research infrastructure has been equally unforgiving. In 1998 the UWS Board of Trustees faced an obsolete organisational structure and a bleak funding outlook. The trustees then

authorised the Vice-Chancellor, Professor Janice Reid, to review the university's provision of administrative and academic support services for staff and students. After 18 months of consultation, discussions and intensive project work, Professor Reid and other trustees, as well as me, concluded from the review—I think it was unanimous—that the transformation of the UWS into a modern campus-integrated organisation was the sole strategic option.

There was a precedent for the UWS evolving into a unitary structure. In November 1998 Parliament enacted legislation to transform the redundant federation that constituted Charles Sturt University into a streamlined unitary reinstitution. Both sides of this Chamber supported the strategy. The move has released energy and resources for improved higher education provision for a substantial rural population. By enhancing strengths and removing weaknesses, unitary structure legislated for Charles Sturt University yielded fast and flexible responses to new opportunities and threats. The unified structure for the UWS envisaged in this bill will similarly enable rapid strategic responses to the future needs of greater western Sydney.

Like the Minister for Education and Training, I represent a western Sydney electorate. I am pleased to lend my support to the provisions of the bill that retain the existing six campuses of the UWS. These campuses are named after the local government areas of Bankstown, Blacktown, Campbelltown, Hawkesbury, Parramatta and Penrith, rather than notional regional identities such as Macarthur and Nepean. Obviously there was pain for some in making the decision to so name the campuses, but the future interest of the UWS prevailed. Under the new structure the UWS community will focus on an integrated academic organisation. Campuses within the unified structure will have freedom to interact in innovative and flexible ways across the greater western Sydney region. The new structure includes the creation of four new administrative divisions. University-wide colleges and academic units will underpin academic organisations. Savings achieved through restructuring will be made primarily in surplus senior management, administrative services and academic support. It is useful to point out and it should be noted that "The Shape of the Future" document, that is, the document produced by Professor Janice Reid, states:

Academic excellence must be the fundamental goal of any proposals for change. The savings that come from greater integration and efficiencies should be directed to sustaining or improving the academic enterprise of the university.

In dismantling the current Federal structure of the UWS the Government's amending bill will allow the trustees to appoint two deputy-chancellors. The triplication inherent in the current Act actually provides for three. That decision follows an assessment of leadership needs within the board of trustees and coverage of the six campuses of the UWS. Increasing the number of co-opted trustees from one to two will enable Aboriginal and Torres Strait Islander representation at board level. The UWS is privileged to served indigenous Australians. Greater western Sydney has some of the highest concentrations of indigenous communities within the metropolitan area.

Although the bill's provisions do not make indigenous qualifications an explicit prerequisite for appointment, the UWS community and the trustees are unequivocally committed to co-opting an indigenous leader. The pace at which the UWS would develop was not contemplated at the time of its establishment. What may have been a workable and appropriate framework of governance for a network university 11 years ago has outlived its relevance. Although higher education may once have been undervalued or simply unavailable in western Sydney, community attitudes are changing rapidly. Growing networks of friends, many of whom sit in both Chambers on both sides of the floor, are privileged to be supporting the UWS in its endeavours. The passage of this amendment bill will encourage the University of Western Sydney to continue to flourish as a dynamic institution. Accordingly, I urge all honourable members to support the bill.

Mr RICHARDSON (The Hills) [8.02 p.m.]: I am pleased to join the honourable member for Hornsby and the honourable member for Parramatta in supporting this legislation and in supporting that great institution, the University of Western Sydney [UWS]. In common with the honourable member for Parramatta, the honourable member for Londonderry, the honourable member for Camden and a few other honourable members, I had lunch with Professor Janice Reid, Vice-Chancellor of the University of Western Sydney, at the end of last year to discuss the proposed reforms. I believe some useful points were made at that meeting.

Everybody certainly worked together in a great spirit of co-operation, genuinely wanting to assist the university to move forward. The stimulus for the reforms in the bill was the Auditor-General's performance audit, which indicated that moving from a federated structure to a unitary structure had the potential to save the university some \$10 million. The financial difficulties facing the university are outlined in "The Shape of the Future—A Structure for UWS in the 21st Century" dated October last year, which states:

UWS has little capacity to absorb overruns or unexpected expenditure, even in the short term ... Our cash reserves have been depleted in recent years to help fund essential capital works and campus developments. In 1995 our reserves were \$70.9m. In June 1999 they were \$45.2m. Of that sum, \$31 million are long term investments fully committed to cover our known deferred staff liabilities (superannuation etc).

We do not have any capacity to rebuild these reserves to any significant level in the foreseeable future.

The honourable member for Parramatta noted that the University of Western Sydney has a good track record of gaining funding from outside sources. Twenty-five per cent of the university's income is generated from non-government sources, the major portion coming from overseas fee-paying students. The paper notes that, while that amount of money was continuing to increase and that the source still had some potential, it could be regarded as highly volatile. The UWS does not exist, of course, in the absence of other universities. It has to compete with older established universities and universities in other States for overseas fee-paying students.

One of the issues that I took up with Professor Reid was the possibility of establishing at each campus of the university a single flagship course, if you like, which the university could use to help build its reputation. Of course, the federated structure, which includes the old Hawkesbury Agricultural College, included some excellent agricultural courses which are recognised throughout Australia as leading courses in their area. But the sort of thing that I had in mind for Nepean was what Charles Sturt University did successfully at Bathurst. It developed a journalism course which is recognised throughout the publishing and journalism world as one of the best in New South Wales. That course has given Charles Sturt University at Bathurst a status and recognition that enables it to compete on a reasonably even footing with the more established universities around New South Wales.

The other problem at the University of Western Sydney is that it does not have a large established body of wealthy alumni from which it can draw funds. As it is only 11 years old it has to go it alone. It has to find its funding from other sources and it is competing for that money with older established universities. Together with the honourable member for Hornsby, I pay tribute to Professor Deryck Schreuder, the former Vice-Chancellor of the university, and to Mr Andrew Rogers, who was instrumental in saving the university from disaggregation. The honourable member for Hornsby spoke at some length about that.

There is absolutely no doubt that back in 1995 there was a split in Labor Party ranks over whether the university should remain as a federation or whether it should be separated. The way in which the university was being pulled in two directions probably created some of the financial problems we are aware of during the last four or five years. In 1997 the Minister for Education and Training, in giving his second reading speech on the University of Western Sydney Bill, said:

The details of this bill will ensure the continuance of an effective federated university. This system is considered by the local community as the best way of ensuring responsiveness to local needs in greater western Sydney while simultaneously achieving the critical mass necessary to ensure the university's national and international standing.

Yet three years later, almost three years later to the day, the House is now debating a unitary structure for the university because the federated structure proposed at that time by the Government has not proved to be cost-effective. A saving of \$10 million is quite substantial, particularly in the context of some straitened funding from other areas for the universities. The other issue that I want to address is the naming of the campuses. That was certainly a matter that was raised at the lunch that I attended with Professor Reid. The members of Parliament who attended that luncheon seemed as split on the alternatives as I suspect the community is.

The bill proposes that the campus names should be the names of the local government areas in which the various campuses are located. I know that the honourable member for Camden, for example, strongly disagrees with that decision. She would like to have the University of Western Sydney, Macarthur remain the University of Western Sydney, Macarthur. She made a valid point when she said that some 30,000 degrees have been conferred by that institution. She believes that in 20 or 30 years time those 30,000 people will feel that their degrees lack the substance that they would have if the name "University of Western Sydney, Macarthur" was retained. Perhaps the Minister might address that issue in his reply. It is a genuine concern, and the Minister should be able to suggest ways around that problem.

I do not have much more to say. I simply echo the words of the honourable member for Hornsby that the University of Western Sydney is an institution that is benefiting an enormous number of people in western Sydney, including a substantial number of students from my electorate. I meet students from the university almost every other day. These days people are choosing the University of Western Sydney on the basis of the excellent programs it offers, the uniqueness of many of those programs and, of course, the ease with which they

can access the university from my electorate. The new structure is preferable to the old federated structure. Given the legacy of distrust and disharmony that characterised the structure only a few years ago, the creation of a more unified structure is a strong step in the right direction.

Mr ANDERSON (Londonderry) [8.11 p.m.]: I support the University of Western Sydney Amendment Bill. I congratulate members opposite and thank them for their support for the bill. It was encouraging to hear the honourable member for Hornsby say that the Opposition will not oppose this bill and that it will do what it can for the university. However, he took the opportunity to make a crack about 1995. I am pleased that many Opposition members have been involved in getting the university to where it is today. In the early days a number of people in western Sydney, particularly the Blacktown-Mount Drutt area, had the idea of establishing a university in western Sydney. Indeed, the Minister for Education and Training was active in the early days of thinking about a university, long before it occurred. I remember attending meetings in 1986 to talk to people in the area about the importance of a university like this for our young people, and the idea of a university was progressed. The then mayor of Blacktown council, Councillor Leo Kelly, chaired a number of meetings held to talk about the advantages of the university.

The political pressure then started to mount. There were many delegations and many meetings with powerful people from both within government and outside government. Lo and behold! We had the good news that a university in western Sydney would be a reality. As members opposite said, many names for the university were discussed. We were keen on the name Chifley University. For us, that would have been the most appropriate name for the university. However, we did not care what the university was called as long as the university was there. The University of Western Sydney is now an icon. Not many organisations in Australia become icons in their communities in the short time the University of Western Sydney has been established. Everyone relates to the university. A number of organisations turn first to the University of Western Sydney whenever they want to do something.

When I was involved in the creation of the Academy of Sport in western Sydney—Bob Carr announced that in 1987—the very first people to come on board were from the University of Western Sydney. They wanted to be part of something that was developing in western Sydney. That is how they have reacted across the board on every issue. We had a great committee in the city of Blacktown. Who were the first people to be on it? Gillian Mallik and other people from the university worked with the committee on many of the social difficulties we were experiencing at the time. They wanted to be involved at the grass roots.

That university is a special place for the people of Western Sydney and it will continue to be special. Many things have happened and changes have been made to the university's structure. Members opposite mentioned some of the difficulties experienced in 1995. Some of them opposed the changes that were made. For the two people who opposed the changes, to whom members opposite referred, many others were in favour of the changes but they did not get a mention. I thank the Minister for appointing me to the committee of review. I worked closely with and met regularly with former Justice Andrew Rogers. We had an excellent working relationship.

Members of the committee of review had the well-being of the university in mind, and I believe we came up with the right outcome. At the time the university needed change and the decision was fair. The review process clearly showed that a core group of people would go to any lengths, work any hours and do whatever was necessary to make the university a success. That was the outcome. Only two or three people had a different opinion to five, six, seven or eight other people. We were very keen to have the university continue the way it was, and we have done that. The decision that was made and the 1997 legislation were a necessary reflection of what was happening.

This bill will improve the university's structure. Members opposite should not be frightened of change. They should not be frightened to come back here in 2003 with amendments if necessary. Our university is an evolving organisation, an organisation of brilliance that needs to change. If legislation is necessary to implement changes, so be it. Let us make it work. We welcome this bill because it means that our university is progressing and things are happening. The fact that this bill has been introduced means that the changes are important. I look forward to future changes and further debates about changes that will benefit the community.

I agree with the comments of members opposite about the size of western Sydney and the importance of the University of Western Sydney. The university is not just a tertiary facility; it goes to the basis of education in western Sydney. When we created the Nirimba project, the naval apprentice training facility closed by the Federal Government, we met with the Federal Government of the day to discuss the creation of an

education precinct. The Minister for Education and Training was chairman of the committee. After a little bit of coaxing, talking and cajoling, the university played its part in developing an education precinct. We now have something in western Sydney of which we are proud. We have set a benchmark in education which no-one else has achieved and everybody wants to achieve.

The number of people who visit our facilities regularly to learn how the university operates, including the levels of co-operation, is astounding. Many people need to be thanked for that. Sir Ian Turbott has been a great leader of the University of Western Sydney during his 11 years of tenure, and he has always done an outstanding job. The three vice-chancellors have also played their part. Brian Smith was involved in the early days. He had some difficult tasks that he carried out with distinction. Deryck Schreuder and I developed a very close friendship. We met regularly—sometimes four times a year—to talk about the university and its future direction. After Deryck took the opportunity of going to Western Australia, Janice Reid came along, and the co-operation has continued. I meet Janice at least four times a year to talk about the university. We have some very frank discussions about the university. Not all of those discussions are backslapping, enjoyable get-togethers; some of them are more than frank. If we feel that something needs to be addressed, Janice is only too pleased to listen to us and take on board the concerns.

One such meeting occurred earlier this year, when my colleague Roger Price and I attended a meeting with Janice and her team. The discussion we had was hot and heavy. With regard to our concerns about certain aspects of recruitment of students for the university, we made our point very clear. To her credit, Janice took on board all of the concerns and put together a team to look at the concerns that we had raised, and then sent those people out to talk to the students in our high schools and senior high schools, so that we did not lose the support of the students of our area for our university. That is the sort of relationship we have. It behoves all of us that that is the way we must go. It is very important that we make the university a success, and that we all continue to work to ensure that that happens. The bill goes a long way towards creating the scenario that will allow that to happen.

I assure the honourable member for Hornsby that I am not having a go at him. I suggest to him that he should not simply watch with interest the development of the university over the next few years. I ask him to come and join us, get in the game and play with us and pursue our Federal colleagues when we need the funds for this special university. It is not like any other university. As the honourable member for Hornsby said, the university services an area with a population of 1.7 million people, who did not once have a university and all these opportunities. The people of the local area pursued the establishment of a university in the area and made it happen. It did not happen as a result of someone sitting around and watching things develop. It happened because people got in and played the game, and really played the game hard to achieve what they needed. I suggest that the honourable member for Hornsby join us, play that game with us, and exercise influence where he is able to and lobby where we cannot lobby. I ask him to be part of the team. By doing it together, we will be able to achieve something that we will all be very proud of, and we will see the University of Western Sydney develop into something special.

I am extremely pleased that so many people come along to the university to see how it operates, even though it is still undergoing change. A number of overseas bodies have come to look at the university, how we do things and how we link our high schools, senior high schools and universities; how TAFE and the university work together on our Nirimba project; and how the new Chifley Senior High School at Mt Druitt has the same sort of links with the university that Nirimba has. We learned a lot from what went on at Nirimba. That was an outstanding project which came about through co-operation between Virginia Chadwick, the then Minister for Education and Training, John Aquilina, the then shadow Minister for Education and Training, Blacktown City Council, which I was very proud to be part of, the university, TAFE, the Catholic Education Office and the Department of Education and Training. We all worked together, we put a team together, and that team came up with some very worthwhile proposals. Lots of difficulties came up, but by working together we were able to overcome all of them.

The good ideas that we then had have now transferred to Chifley. The University of Western Sydney has played a major role in the development of Chifley. In the very early days of this Government coming to office, again with John Aquilina's support, we created a Better Readers, Better Learners program in the local area. We wanted an outside monitoring body to see that what we were doing was working satisfactorily. That outside monitoring body was the University of Western Sydney. The staff of the university gave us the benefit of their advice. They were extremely critical of some aspects of what we were doing, they suggested ways in which we could improve things, and we implemented their recommendations. The university has now achieved outstanding success. The University of Western Sydney is part and parcel of the success of Western Sydney. I

fully endorse the sentiments of this legislation. I compliment the Minister on bringing it before the House. If we are all able to get together in support of the proposal, we will do something very positive for the people of Western Sydney. I commend the bill to the House.

Mr AQUILINA (Riverstone—Minister for Education and Training) [8.25 p.m.], in reply: I thank all members for their contributions to this very important debate in relation to the future structure of the University of Western Sydney, and in particular I thank the Opposition for its support for the legislation. All members have spoken eloquently about the university and about the great difference it has made for the people Western Sydney, particularly young people, and their commitments in relation to the university's future.

In particular I thank the honourable member for Parramatta, who is the Legislative Assembly representative on the university's board of trustees, for her contribution. In her contribution the honourable member spoke at length about the need to release resources for the better delivery of opportunities for students and academic staff at all levels. The bill fulfils that need. The honourable member also spoke about the way in which the bill will accommodate the future growth of the university and the future thrust of its academic endeavours. I thank the honourable member for Parramatta for her wise counsel and unstinting support for the University of Western Sydney, and particularly for the work she is doing as the Legislative Assembly representative on the board of trustees.

The honourable member for Londonderry also made an outstanding contribution. I congratulate him on his contribution to this debate and his significant commitment over several years, including his time as the Mayor of the City of Blacktown, his effort as my representative on the Committee of Review, which looked at the structure of the university between 1995 and 1997, and his consistent representations over much more than a decade. I well recall the many discussions I had with Jim Anderson before he became a member of this place and his great yearning and zeal for the future of the university and what it meant for the people of Sydney's west.

On coming to this Chamber Jim Anderson has continued to represent those interests very strongly. Indeed, he has gone far beyond the commitment of most members of Parliament who represent electorates in Western Sydney, by pursuing this matter with private discussions with senior officers of the university, including, as he indicated to the House today, several discussions with the three vice-chancellors who have had jurisdiction of the university during its eleven years of operation. I refer to the initial vice-chancellor, Brian Smith, and to Deryck Schreuder and Jan Reid, all of whom have worked very hard. I also pay tribute to Sir Ian Turbott, the initial chancellor of the university, who had the enormous responsibility of ensuring the growth of the university since its inception.

The honourable member for The Hills also delivered a thoughtful contribution and provided several insights into future opportunities for the university. The honourable member raised a number of issues relating to the fact that substantial amendments have already been made to the legislation, going back to 1997. The honourable member for Hornsby, whose contribution I shall elaborate on at some length, and the honourable member for The Hills said that one would have thought we could have put it right in 1997 and that we should not need to debate this legislation yet again three years later. I do not see any problem with that whatsoever. In fact, I said right at the outset in my second reading speech that the bill takes the next step in the evolution of the university; I did not say that it takes the last step in that evolution.

The university is a very young academic body, having been in existence for only 11 years. Of course it is evolving, and it will continue to evolve. A number of honourable members who participated in the debate tried to relate some of the university's history, particularly some of its recent past. I make the point that this university had a history long before 1989 and the days of Terry Metherell. For the information of honourable members, I will provide some details of the university's history shortly. Before doing so, I thank the honourable member for The Hills for his contribution and for his support for the university.

The honourable member for Hornsby, who led during the debate for the Opposition, made a number of statements which, while supportive of the university, were nonetheless slightly challenging, as is his wont from time to time during debates in this House. I do not wish to revisit the controversy that surrounded the change of name of the university, which is a matter of history, but I think it is important for a proper account of the history to be recorded. Honourable members would not have to tax their memories to recall that the initial name proposed for the university was Chifley University. Honourable members who come from the western areas of Sydney are very proud of that name. Some honourable members have asserted that they have had something to do with the university since 1989, but I have to say that long before 1989 many members of this Parliament had

been involved with the formation of the university. One of the first matters I considered in Cabinet concerned the University of Western Sydney when I was a Minister in the Unsworth Government and when the university was first proposed. At that time, Cabinet was examining the structure for the proposed university.

I say with a measure of pride that it was always my preference to have the university as a federated structure. That may be somewhat paradoxical, given that this legislation will have the effect of making the university campus a unitary structure, but in 1987 some people wanted the university to be a unitary structure and I considered that proposal contained inherent dangers. Along with the unitary structure that was being proposed there was also a proposal for the university to be located at one campus and I believed that that would have been an absolute disaster for a region the size of Sydney with a population of 1.7 million people. A university based at a single campus—at Hawkesbury, Blacktown or Campbelltown—would have limitations. It was fitting and proper that the university should be based at a number of campuses. In order to deal with numerous campuses, which is very important in the establishment of a university as a multicampus structure, I proposed a federated structure during that early period, and I am very pleased that that particular side of the debate won through.

As I indicated earlier, the university was to be named Chifley University. The 1989 Minister for Education and Youth Affairs, Terry Metherell, decided on advice from the honourable member for Hawkesbury, Kevin Rozzoli, as revealed by the honourable member for Hornsby, to change the name of the university to the University of Western Sydney. I have already said that I do not wish to revisit that aspect of the university's history, but I think it is to the eternal shame of the then Minister for Education and Youth Affairs, Terry Metherell, who, during debate on the issue in this Chamber, said that the only claim that Ben Chifley had in relation to the University of Western Sydney was that at one time he drove a train through St Marys. That was an absolutely disgraceful statement which stands forever in the *Hansard* record. It was an absolutely incredible statement to make which shows why Terry Metherell, who was at that time the Minister for Education and Youth Affairs, left such an unpopular legacy in education circles.

I am pleased and proud that the name of Ben Chifley now lives on in the education history of Sydney with the establishment of a new multicampus college at Mount Druitt. The college comprises a combination of five former high schools: Bidwill, Doonside, Shalvey, Mount Druitt and Whalan. The name selected for the multicampus college is Chifley College. The college is a very proud one and will have a very proud future. As mentioned by the honourable member for Londonderry during this debate, the college will have very strong links to the University of Western Sydney in future years and will provide education opportunities for young people to advance to university studies.

As recently as 10 years ago, the suggestion of a university course for young people at Mount Druitt would have amounted to an impossible dream. For young people at Mount Druitt, a university education was a long way from them geographically and a long way from their expectations and ambitions and those of their parents. Because the University of Western Sydney is very much a reality, a university education is an entirely achievable objective and the university college will fulfil the expectations of the young people who aspire to obtain a university degree. Through strong links between Chifley College and the University of Western Sydney, young people will have the opportunity to be able to obtain a university degree.

The honourable member for Hornsby also related a somewhat slanted historical rendition of what took place between 1995 and 1997 in respect of the proposed secession of the Nepean campus from the University of Western Sydney. It is important to make the point that many issues were involved in that period. Many people took sides in the debate on that episode of the university's evolution. There were people who decided that it might be appropriate for western Sydney to have two universities instead of one and who thought that two universities should be developed. At the time that was not my view and I am pleased that I was able to take a relatively strong part in ensuring that the Nepean campus did not secede but, rather, continued as part of one campus as it is currently. Following the 1995 episode, there was a desire for the introduction of a new Act to ensure that the federated structure of the university was strengthened, and the legislation was introduced in 1997.

Times have changed again. As a result of the Auditor-General's report and detailed analysis of the university's administration and financial standing, and also as a result of being particularly motivated by the significant cutbacks and funding regimes imposed by the Commonwealth Government in tertiary education, I find that we are debating legislation which converts the federated structure of the university into a unitary structure. However, the issue does not end there, and there is no way that the issue will end there. As I indicated at the outset, the university is evolving and it changes to reflect the vibrant and dynamic growth and

development of the western Sydney region. As western Sydney continues to grow and as community expectations continue to change and require augmentation, so, too, will the university continue to grow and change. If further legislation is required at some time in the future to implement appropriate changes, so be it. That is the purpose of legislation. The Government will make sure that the changes are reflected in appropriate legislation which meets the needs of a changing environment.

In conclusion, I reiterate my thanks to all honourable members who participated in the debate. I thank members of the Opposition for their support for this legislation. I felt that some comments needed to be made to set the record straight on issues that have been raised during this debate, at other places and during other times. I extend my congratulations and sincere thanks on behalf of all members of Parliament, particularly those who represent western Sydney electorates, to the three vice-chancellors of the University of Western Sydney throughout the 11 years of its operation: the initial vice-chancellor, Brian Smith; his successor, Deryck Schreuder, now the Vice-Chancellor of the University of Western Australia; and the current vice-chancellor, Janice Reid, who is doing a remarkable job in continuing to forge ahead with growth and reshaping the university to meet current and future needs.

I pay my final tribute in this debate to the Chancellor, Sir Ian Turbott, who has guided the university through the entire period of its operation since it was first established and who has done an outstanding job. Sir Ian has noted and led the changes that have occurred and the academic growth that the university has enjoyed. There has been substantial development in the university's reputation, not only within New South Wales but also interstate and internationally, which has been enhanced by the efforts of Sir Ian Turbott during his period as Chancellor. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

AUSTRALIAN INLAND ENERGY WATER INFRASTRUCTURE BILL

Second Reading

Debate resumed from 22 November.

Mr SLACK-SMITH (Barwon) [8.40 p.m.]: The Opposition will not oppose the Australian Inland Energy Water Infrastructure Bill. Circumstances in the Broken Hill area have changed dramatically in the past few years. This bill will amalgamate Australian Inland Energy and the Broken Hill Water Board by transferring the water supply functions carried out by the Broken Hill Water Board and renaming the entity Australian Inland Energy. In 1986 the Pasminco Broken Hill mine, which will close in 2006, employed 4,600 people and produced 2.2 million tonnes of lead and zinc concentrate. Today that mine, which is really a combination of Broken Hill North and CRA, employs only 600 people. However, last year it produced a record 2.8 million tonnes of zinc and lead concentrate. The impact of mechanisation, especially in the mining industry, has dominated the concerns of people in Broken Hill. As the shadow minister for western New South Wales, I know that a great deal of concern has been expressed by the people of Broken Hill about what their future holds.

The closure of Pasminco Broken Hill mine in 2006 will place significant pressure on the viability of the Broken Hill Water Board and Australian Inland Energy. Following the approval to amalgamate Australian Inland Energy and Broken Hill Water Board the Minister for Land and Water Conservation directed the Broken Hill Water Board to delegate its water supply through its functions and transfer all its staff to Australian Inland Energy. This bill completes the amalgamation of those two organisations. This amalgamation will allow more efficient use of resources but the greatest benefit is that it will consolidate investment while causing no job losses. That is foremost in the minds of the Broken Hill community today. The Opposition does not oppose this bill.

Mr BLACK (Murray-Darling) [8.43 p.m.]: I commend the comments of the honourable member for Barwon, who shares with me, albeit on the opposite side of the House, a common interest in matters pertaining to the bush. Every member of this Chamber knows that I am a proud representative of Broken Hill. Having spent many years in Broken Hill I am proud to be given responsibility of promoting Broken Hill to the outside world. This bill is of vital importance to the future of Broken Hill. As the honourable member for Barwon said, Broken Hill is going through a rapid transition period. It is a matter of record that between 1901 and 1983, the centenary of Broken Hill, \$70 billion in royalties and taxes were contributed by Broken Hill to the economy of

Australia. That does not include profits made by companies such as BHP, CRA, Broken Hill South, Broken Hill North, and Zinc Incorporated, which evolved to become CRA, prior to the formation of Rio Tinto. The list goes on. Apart from the \$70 billion, profits were used to establish places such as Newcastle.

Some would say that sending BHP to Newcastle was the wrong thing for Broken Hill. I recognise the links that Mr Acting-Speaker has with Newcastle. Many other communities and companies were established and financed with the profits from Broken Hill—Hammersley Iron, Whyalla, Port Pirie, and Beachers in New Guinea. For more than two decades Broken Hill was the third city of New South Wales. In 1915, albeit a long time ago, Broken Hill boasted a population of 33,000, at a time when Wollongong and all its suburbs boasted a population of 5,000. Broken Hill was also responsible for the generation of much of the technology that was then evolving in Australia.

Broken Hill changed the nature of Australia, from its agrarian, gold mining and pastoral base, into the industrial nation that it is today. The \$70 billion in profits enabled investments to be made in steel, shipping and other mining ventures, and the list goes on. In 1986 the population of Broken Hill was 28,600. Today it is stabilising at 22,000, we hope. A significant drop in population has occurred not only within the city of Broken Hill but in the district in the unincorporated area in the Central Darling shire. In the brief period since the 27 March 1999 election the Electoral Commission has revealed that the Murray-Darling electorate, which covers 45 per cent of the State, has lost more than 1,000 residents.

Mr Slack-Smith: Is that due to the local member?

Mr BLACK: It has a lot more to do with mechanisation issues as raised by the honourable member for Barwon earlier rather than my activities. Broken Hill has made a significant transition in the development of tourism since its centenary. The honourable member for Barwon mentioned that last financial year Pasminco produced a record output of \$2.8 million tonnes of concentrate and combined concentrate. It is a fact that Broken Hill has a declining population due to mechanisation. However, as a result it has developed alternatives. Tourism provides 1,100 equivalent full-time jobs. Broken Hill has international art and film industries.

So, certainly, a significant transition has been made to this point. This bill, however, is of vital importance to the future of the city of Broken Hill. It is vital in the true sense of that word. This bill is, in effect, the last chance for Broken Hill. The bill is not so much about bringing Inland Energy and the Broken Hill Water Board together; it is, as noted in the title of the bill, about setting up Australian Inland Energy Water Infrastructure. Last year the State Government recognised the transition period of Broken Hill by matching the half-million dollar grant from Pasminco—a grant very well received by the Broken Hill community—with a grant of half a million dollars from the Government. That \$1 million pool was set up to establish what has become known in Broken Hill as the 2010 committee. That committee has been actively and assiduously seeking small business relocations to Broken Hill.

This measure, however, seeks an alternative to the mining industry. Nobody in Broken Hill would argue that tourism in its own right can replace the mining industry. Broken Hill must have an alternative industry in order to survive. That is the nature of the bill. That is the nature of the infrastructure. It means putting together one organisation of engineers, accountants and, Lord help us, even economists as a one-stop body of people who will be there in future years to encourage relocation of business to Broken Hill.

I have mentioned the decline in the Broken Hill population. If, post 2006, and possibly as early as 2005, Broken Hill does not boast alternative industry, Australia will see the demise of what is arguably one of Australia's greatest icons—a community that has produced so much over many years. Some in Broken Hill would argue that Broken Hill is owed something by Australia at large because of the gigantic profits, royalties and taxes that it has produced. I do not share that view. My view has always been that the line of lode has belonged since the year dot to the people of Australia, not to a select few who have had the luxury of moving to Broken Hill or being born in Broken Hill.

I put aside the argument of State or Federal governments producing billions of dollars to artificially prop up Broken Hill. Broken Hill would not wish that. Its history has been one of resilience, toughness and pride. Broken Hill does not want massive injections of funds if those funds would only set up an artificial community. That is not on. This bill gives Broken Hill the tools, the machinery to find an alternative, to put in place something to ensure the continued existence of the city of Broken Hill.

At this point I make a plea to the various organisations of Broken Hill for unity. It is a sad fact that the current Federal Government, when it had finished with decentralisation, sacked the department in Canberra and

also withdrew funding for Chris Ellis, a person who has done a great deal of work to this point. Chris was my chief executive officer on the Broken Hill task force, which was set up in such a way as to be a peak group. It had representatives from the Barrier Industrial Council, the Pastoral Association, the Chamber of Commerce, the city council and various government instrumentalities. Unfortunately, that task force collapsed with the withdrawal of that funding.

Through this bill and the organisation that it establishes, it may well be possible to re-form a similar organisation. The people of Broken Hill have cherished the tradition of speaking in unison but, at the present time, with the stresses of Broken Hill, we have submissions from the various bodies that I have nominated. They have lost cohesion because they have lost their central body. I make a plea to the people of Broken Hill to unite behind this proposition, to unite behind this body to be in the true spirit of Broken Hill.

Finally, although this bill does not say so, I have been given the very clear understanding that two positions on the board will be from the Broken Hill Water Board. This is not a takeover; it is a merger. And it is a merger in the best tradition of mergers. It is not a takeover of the Water Board by Inland Energy. I conclude by referring to a matter raised earlier by the honourable member for Barwon. There will be no sackings in this process. There will be no phoney voluntary redundancies. No-one will be shafted. The bill will permit continuance of a great Australian community, a community that has done so much to enrich not only this State but Australia generally.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [8.56 p.m.], in reply: I thank the honourable member for Barwon who, leading for the Opposition, indicated that the Coalition would not oppose this legislation. I thank also the honourable member for Murray-Darling. As both honourable members indicated, quite rapid and dramatic change is occurring in Broken Hill. The bill provides the legislative basis to consolidate electricity and water infrastructure and management, to improve customer service, and to provide enhanced opportunities in far west New South Wales. The bill reflects this Government's commitment to improving regional service delivery and infrastructure development, and its commitment to operating State-owned businesses on a commercial basis.

I would like in particular to commend the honourable member for Murray-Darling for his longstanding interest in, and diligent participation to ensure, the best possible outcome from this merger. His concerns for the rights of workers and community involvement in the merged organisation have been acknowledged and understood by the Government. Consequently, as a result of the expression of those concerns by the honourable member for Murray-Darling, the Government has agreed to the formation of a special Water Advisory Committee and a Regional Development Advisory Committee, which will report to the board. As all participants in this debate have indicated, this legislation will ensure that Broken Hill goes forward in the best possible environment. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

RURAL FIRES AMENDMENT BILL

Second Reading

Debate resumed from 17 November.

Mr SLACK-SMITH (Barwon) [8.59 p.m.]: The Opposition will not oppose the Rural Fires Amendment Bill. These amendments to the Rural Fires Act address problems associated with the accountability arrangements for fire control officers. A grey area has evolved since the enactment of the Rural Fires Act in 1997, where fire control officers are expected to report general matters to the local councils and to report operational matters to the Rural Fire Service Commissioner. This accountability has caused a lot of conflict in some cases, while in other cases it has been okay. In New South Wales 155 control officers work in local councils. All councils are different and all fire control officers are different. In some cases there is a negative atmosphere within the Rural Fire Service.

The Minister ordered a ministerial working party to examine the problem. The Local Government and Shires Associations, the President of the Rural Fire Service Association and the Commissioner of the Rural Fire Service examined the accountability arrangements for fire control officers. They recommended a new model to

streamline accountability between fire control officers and fire control staff so they are solely accountable to the commissioner. I stress that the fire control officers would then become employees of the State public service. The Commissioner of the Rural Fire Service is accountable to the Minister, and I believe that chain of command is very important. The Minister is totally accountable.

The bill also provides for the establishment of service agreements between councils and the Rural Fire Service to manage rural fire brigades and deliver appropriate levels of fire protection for local communities. I stress also that the Rural Fire Service is made up of all volunteers. When professional fire control officers are in charge of volunteers, things can get rather difficult. But I believe this bill will go a long way towards eliminating some of the fears of volunteers. Volunteers, of course, are not being paid and can walk away whenever they like. It is imperative that fire control officers bear that in mind when they are doing their duty. There is nothing worse than having a bad general, because a bad general does not have any soldiers. So it is very important that these fire control officers bear in mind at all times that the people they are commanding in the field are volunteers. The ministerial working party came up with the new model, and similar recommendations were made to the Legislative Council's General Purpose Standing Committee No. 5.

One of the main features of the bill is to allow the transfer of existing fire control officers and related staff from local councils and Rural Fire Service employment to the public service. The Minister has informed me that that is not compulsory; if they wish to stay where they are, they can. The transfers will take effect from 1 July 2001. The salaries and certain employment conditions of these officers will be preserved until a new award is negotiated. The bill also adjusts the percentage of contributions by local councils and the State to the Rural Fire Fighting Fund to increase local government contribution by 1 per cent, from 12.3 per cent to 13.3 per cent. That 1 per cent increase in the local government contribution means that local government no longer pays the salaries of the fire control officers. That is taken up by the State Government. In turn, it reduces the State's contribution by 1 per cent, from 14 per cent to 13 per cent.

The bill also provides for the commissioner to enter service agreements with local councils in respect of management responsibilities under the Rural Fires Act. There will be differences of opinion between councils and the commissioner but with the system we have in place now the Minister has total responsibility to make sure this works. The Minister is the one responsible and accountable for any actions taken by the commissioner as well as any action taken by the council. It is important to know where the Minister stands. It is his responsibility. A good Minister should be in control of his portfolio. It does not matter which side of the House he is on. It is sad that some Ministers, no matter what political party they belong to, are led by the nose by bureaucrats. That is a sign of a weak Minister. The parties consulted about this bill were local government representatives, the Rural Volunteer Firefighters Association and the Rural Fire Service Association. The Opposition will not oppose this bill.

Mr MARTIN (Bathurst) [9.05 p.m.]: It is with pleasure that I speak on this bill. At the outset I commend the Minister for the consultation that he and his department and the Rural Fire Service bureaucracy have gone through in sorting out what was a fairly contentious issue throughout country New South Wales. In the eastern end of my electorate, around Lithgow, there has been a lot of debate about it and, as mayor of Lithgow, I had a great deal of involvement with the Rural Fire Service and the volunteer brigades. We have some 20 brigades with more than 600 members. To say they are protective of their patch and proud of their record over many years is an understatement. It was no surprise when the problem of accountability of fire control officers was laid on the table, and there was some suspicion and scepticism that Rosehill would take over.

The Minister made it quite clear from day one that that was not to be the case, and we can see from the bill that this solution has been generally accepted by all parties. The odd renegade group around the State has tried to do some mischief, but at the end of the day all those committed and thinking people realise that this is the best way forward for all parties. The main purpose of the legislation is to streamline accountability arrangements for fire control staff and, in this case, fire control officers. There have been a number of coronial inquiries. Tomorrow is the third anniversary of a fire in which we lost two of our firefighters.

The coroner has referred the papers to the Director of Public Prosecutions for possible prosecution. Irrespective of the outcome, it highlights that the accountability of those professional officers in the field must be laid out in black and white. I am already on the record as saying that I believe the coroner has called it wrong, and whilst there is some concern among the volunteers over the outcome of any eventual decision by the DPP, there is comfort in the fact that the Minister has pledged his support. Even though the legislation that is in place is fairly clear cut, if it needs to be changed to protect those volunteers, it will be. As the honourable member for Barwon said, this organisation is all about volunteers.

Fire control officers are in a pivotal position within the structure of the Rural Fire Service and manage the day-to-day affairs of the rural fire brigades on behalf of local councils, usually with delegated authority from the general manager. They are operationally accountable to the commissioner. It is important to point out that the bill will not lead to fire control officers being chosen from some distant bureaucracy. That decision will still remain with local councils. That has been the position in relation to accountability since the Rural Fires Act was enacted in 1997. The agreed compromise from the recommendations of Coroner Hiatt after the 1994 bushfire emergency was that all Rural Fire Service responsibilities should pass to the State.

The dual accountabilities of fire control officers [FCOs] would always be difficult to manage, and that has proved to be the case for many smaller rural councils. Conflicts have occurred because some councils claim that the FCOs are allegedly putting the interests of the service before the interests of councils. However, it is critical that the Rural Fire Service [RFS] has a clear line of operational command and a cohesive structure. As a former mayor of a local council, I support this. Having been involved with a number of section 44 processes over the years, I think this step is doubly important when one considers the problems that can flow if the dual accountabilities are not managed properly.

The accountability arrangements for FCOs have also been criticised by the Rural Fire Service Association, representing volunteer firefighters, the Nature Conservation Council, the Municipal Employees Union and the New South Wales Farmers Association. So a mixed bag of organisations do not always agree, but on this matter they speak with a common voice. The bill streamlines the accountability arrangements for FCOs and fire control staff so that they are solely accountable to the Commissioner of the RFS as employees of the State. It also provides for the establishment of service agreements between councils and the RFS for the management of rural fire brigades and to deliver the appropriate level of fire protection to local communities.

There is nothing startling about such agreements. Councils frequently outsource some of their responsibilities, for example, roadworks, garbage collection and other services. In the total scheme of things in terms of local government there is nothing pioneering or groundbreaking about what this bill will do. Simplification of the accountability arrangements for FCOs is a logical extension of the significant reforms that this Government began in 1996. While talking about the Government's reforms it is important to talk also about the dramatic increase in resources for rural fire services since this Government came to office.

All rural fire brigades have good equipment. Brigades that did not have good equipment have been brought up to scratch quickly. As I said, over the past six years the Government has expended about \$437 million. That means that nearly 1,600 new and re-conditioned, second-hand tankers are at the disposal of bush fire brigades around the State. It is important to emphasise that while one feature of the bill is to adjust the percentage contributions of local councils and the State to the Rural Fire Fighting Fund to increase the contribution of local governments by 1 per cent from 12.3 per cent to 13.3 per cent—in some cases that may have rung alarm bells—and reduce the State's contribution by 1 per cent from 14 per cent to 13 per cent, having the State take over the financial responsibility of the fire control officers basically means that the status quo remains.

I accept the Minister's comment that no council will be disadvantaged financially by these arrangements. Providing for the commissioner to enter into service agreements with local councils with respect to management responsibilities under the Rural Fires Act gets around the thorny problem of who controls the FCOs. As the honourable member for Barwon said, all FCOs are different, and all rural fire services have a different mix of personalities. Sometimes it is difficult to manage these responsibilities and to get a uniform position through the State. However, I think any local idiosyncrasies can be accommodated in the individual contracts negotiated between the commissioner and the councils.

Once again I congratulate the Minister on negotiating what initially appeared to be difficult legislation—legislation that is crucial to the safety and well-being of people in rural communities. I am referring to not only rural communities but also the margins of the major cities, because we saw the impact of bush fires on the harbour city in 1994. As I said, this bill is crucial. The common will of all the parties to make the bill work is a plus, and I commend the bill to the House.

Mr GLACHAN (Albury) [9.15 p.m.]: This bill will amend the Rural Fires Act 1997 and address the problem associated with the dual accountability of fire control officers. As other speakers have said, at present fire control officers report to their councils in some areas and to the commissioner for other matters. This bill provides for fire control officers to be transferred from their local council to the public service, with effect from 1 July next year. Adjustments will be made to the contributions of local councils and the State to the Rural Fire Fighting Fund so that the end result will be neutral as far as each is concerned.

I suppose that in many ways dealing with dual accountability will be a good thing. However, I simply highlight the fact that not everyone in local government is totally happy with this arrangement. The Shires Association was consulted and involved in the decision that was made and the advice given to the Minister by the ministerial working party. Some people in local government have concerns about this bill. It is important to understand that the volunteers who make up the Rural Fire Service vary enormously in attitudes and in the way they approach their service in various parts of the State.

People on the coast, and perhaps in the Blue Mountains, see things a little differently to people further out west. Most of the people involved in the Rural Fire Service in my area are farmers. They are involved not because they enjoy fighting fires or because they want to spend their time fighting fires; they see it as necessary insurance to protect their property and livestock. For them, it is something they must do simply to protect their own interests. They do not fight fires as a hobby or because it is something they enjoy; it is a necessity for them. I assure honourable members that some people in local government were concerned when fire control officers were first appointed. Many people did not see the need for them, and some of them do not see the need for these changes either.

Many people in local government see this bill simply as another step in the centralisation of control from Rosehill. Many resent that and have grave concerns about it. Firefighting is a volunteer tradition, and the fire control officers do not like the idea of control being forced on them from another part of the State. I simply highlight the fact that although many people are delighted with this bill—they think it is a good idea because it deals with dual accountability and it can be seen to be a good thing—not everyone is happy with it. Certainly, the people involved in local government in my electorate have concerns about the bill. They expressed their concerns at the Shires Association conference, at which I believe this matter was fairly hotly debated. There were grave concerns about it from certain areas of the State, and there certainly are down in my part of New South Wales.

Mr BARTLETT (Port Stephens) [9.18 p.m.]: Like previous speakers, I speak on the Rural Fires Amendment Bill from a background in local government and as a former mayor of a local government area. I acknowledge the great commitment of volunteers in the Rural Fire Service, as did the honourable member for Albury. This bill seems to be practical and logical. Having two bosses is not good management. It is not good management to have a chain of command that involves reporting to two bosses. This bill sorts out that problem for the fire control officers of New South Wales. I thank members representing the electorates of Barwon, Bathurst and Albury for their comments regarding the bill. Fire control officers will now be solely accountable to the commissioner.

In the recent past, fire control officers were obviously responsible to the local council, usually to the general manager, as well as to the commissioner's staff. Salaries and conditions will remain the same until a new award is struck. As the salary will now be taken up by the State Government and not local government, the contributions payable by the Treasurer to the New South Wales Rural Fire Fighting Fund will decrease from 14 per cent to 13 per cent. Councils' costs will therefore be reduced.

To highlight what I regard as some of the other advantages of the bill I want to raise a couple of matters that previous speakers have not referred to. The bill clarifies the ambit of the powers that the fire control officers or Rural Fire Brigade officers have for the purpose of controlling or suppressing a fire or protecting persons or property from existing or imminent danger arising out of a fire, incident or other emergency. The bill explicitly provides that a fire permit is not required to light a fire for the purpose of back-burning and that no notice is required to be given before a fire is lit for that purpose. In the Port Stephens local government area back-burning is a common occurrence in areas that are susceptible to fires. The bill clarifies that matter.

The bill also provides clearly that the New South Wales Rural Fire Service will provide advisory services in places outside New South Wales. That follows New South Wales firefighting volunteers being sent to the United States last summer to help control fires in North America. The bill is practical and logical. It is obvious that both sides of the House have come to the conclusion that it provides good management, and at the end of the day we will have a chain of command with one boss rather than two.

Mr MAGUIRE (Wagga Wagga) [9.23 p.m.]: The bill amends the Rural Fires Act 1997. The amendment addresses the problems associated with the dual accountability arrangements for fire control officers [FCOs]. Under the Rural Fires Act FCOs are expected to report general matters to local councils, and to report operational matters to the Commissioner of the New South Wales Rural Fire Service. Those dual accountability arrangements have caused much conflict between FCOs and local councils, and have created a negative atmosphere within the New South Wales Rural Fire Service.

A ministerial working party, the Shires Association, the Local Government Association, the President of the Rural Fire Service Association and the Commissioner of the Rural Fire Service examined the accountability arrangements for FCOs and recommended a new model to streamline accountability of FCOs and fire control staff so that they are solely accountable to the Commissioner of the Rural Fire Service as employees of the State, and to provide for the establishment of service agreements between councils and the Rural Fire Service to manage rural fire brigades and deliver the appropriate level of fire protection to local communities.

The main features of the bill are that it allows for the transfer of existing FCOs and related staff from local councils to Rural Fire Service employment in the public service. The transfer will take effect from 1 July 2001, and the salaries and certain employment conditions of those officers will be preserved until a new award is negotiated. The bill adjusts the percentage contributions of local councils and the State to the Rural Fire Fighting Fund to increase local government's contribution by 1 per cent, from 12.3 per cent to 13.3 per cent, and reduce the State's contribution by 1 per cent from 14 per cent to 13 per cent, as councils will no longer pay the salaries of FCOs. The bill also provides for the commissioner to enter service agreements with local councils in respect of their management responsibilities under the Rural Fires Act.

The electorate of Wagga Wagga comprises the shires of Lockhart, Holbrook and Tumbarumba, and includes the city of Wagga Wagga. Over many years Wagga Wagga has had a very effective Rural Fire Service. I wish to point out a couple of concerns of the Rural Fire Service in my electorate with regard to the bill. Its first concern relates to the chain of command and the fact that all responsibility will now be given to the commissioner. That is evident from the fact that these shires and councils will now have to refund more money every year to the Rosehill house of cards of the commissioner to build a bureaucracy. This is a serious issue for people on the western side of the mountains. On the figures I have been provided with, I am told that the contributions that Wagga Wagga council is required to reimburse to Rosehill have increased to such a rate that the amount of money that is to be refunded would be enough to purchase two new fire tankers per year.

When volunteer organisations, whether they be farmers or community-minded people who have always assisted the Rural Fire Service, see amounts of money being reimbursed to an entity that for all intents and purposes demands more and more every year, they ask serious questions. Indeed, the figures I have show that in the past three years the amounts have gone up in increments of around \$40,000 per reimbursement per year. Given the condition of the equipment that the Rural Fire Service has had to use and the volunteers' need for more equipment, obviously the volunteers are concerned when they see the equipment supplied to Rural Fire Service officers, including four-wheel drive vehicles and the machinery that goes with them. On the ground the volunteers need tankers, trailers and firefighting equipment. Obviously, the volunteers are very keen to highlight their concerns.

The view I express comes from the western side of the mountains, and I understand that there is some controversy between the people who live on the coast and those who live in the shires, and I respect that. The people on the west understand, as I do, that there is now a 24-hour radio, monitoring and emergency service that is paid for by Rosehill to monitor the outbreak of bushfires, et cetera. I am told that the cost of that service is horrendous. Those dollars and cents could be better invested in local fire brigades. I am told that volunteers are capable of managing outbreaks of fire, as they have always done, on a local basis, with local knowledge and local people.

Mr Campbell: Why don't you talk fact instead of fiction?

Mr MAGUIRE: That is fact; it is what I have been told. I simply wish to highlight those concerns and point out that on the western side of the mountains, the area I come from and which I represent, there are real concerns. Whenever there is a diminution of volunteers' responsibility or their powers, and it is moved to places such as Rosehill or to the commissioner, there is a concern. Provided that the Parliamentary Secretary or the Minister addresses those concerns, the people of my electorate might be able to accept the matter as a fait accompli. I have an obligation to raise these matters and ask questions.

Mr Campbell: Are you going to vote against it?

Mr MAGUIRE: I am pointing out that there are concerns. I will be pleased to hear the response by the Parliamentary Secretary or the Minister and relay those comments to people who have expressed concerns to me. Having said that, I thank the House for its indulgence and for the opportunity of expressing concern about a couple of matters during this debate.

Mr CAMPBELL (Keira) [9.30 p.m.]: I support the Rural Fires Amendment Bill. I propose to deal with some aspects of the bill in detail shortly. At the outset, I want to comment on the Government's commitment to the Rural Fire Service over the term of the Carr Government. I point out that the Government has committed \$437 million to the Rural Fire Service and \$180 million for the purchase of 250 new or reconditioned tankers. The Government has committed that funding as a direct indication of support for volunteers and professionals who work in the Rural Fire Service and as a direct response to submissions received from local government authorities.

The honourable member for Wagga Wagga was quite wrong in his interpretation of the legislation. He simply does not understand that a local government authority submits a bid which indicates its level of expenditure on rural fire services within the authority's boundaries. Subject to an overall State allocation, the State Government has allocated \$8 for every \$1 contributed by local councils. The honourable member for Wagga Wagga made the point that the Wagga Wagga City Council has had to contribute \$40,000 extra a year. If that is the case, the Wagga Wagga City Council has also received eight times that amount from the State Government. It is important to point out the absolute commitment on the part of the Carr Government to the Rural Fire Service and the professionals and volunteers who are involved in the service.

It is also important to focus on the fact that this legislation is about streamlining accountability arrangements for fire control staff, including fire control officers [FCOs]. This legislation will not have a great impact on the many men and women in this State who contribute a huge effort as volunteers. They not only fight rural fires but also respond to hailstorms that occur in the eastern suburbs of Sydney and storms in the City of Wollongong. I have no doubt that they are also responding to flood and rain damage that has occurred in the wheat belt of this State over the past couple of weeks. It is important to note that this legislation will not have a big impact on volunteers but will, as I mentioned earlier, streamline accountability arrangements for professional staff.

This bill is about cutting red tape. It is also about preventing professional staff from being in the position of having to serve two masters—that is, in an operational sense, serving the commissioner and, in a managerial sense, serving a local government authority. All honourable members should celebrate the fact that this legislation aims to cut red tape. The other important matter to mention while debating and discussing this legislation is that it reinforces the Government's commitment to the Rural Fire Service and has come into existence as a result of detailed and comprehensive consultation both within the Rural Fire Service and with a whole range of organisations that have a contribution to make, such as the Rural Fire Service Association, the Local Government Association, the Shires Association, the Nature Conservation Council, the Municipal Officers Union and the New South Wales Farmers Association.

All those groups have worked together as part of a ministerial working party to examine the best way of ensuring that professional staff in the Rural Fire Service exhibit accountability, responsibility and a streamlined manner of managing a vital service in our community. The main provisions of the bill facilitate the employment of FCOs and related staff by the Rural Fire Service and allow for the transfer of existing fire control officers and related staff from local councils to Rural Fire Service employment. The transfers will take effect from 1 July and salaries and employment conditions of these officers will be preserved until the new award is negotiated. I make the point that no-one to whom I have mentioned this issue has said it is a bad idea. Every person with whom I have discussed this legislation has said that it seems to make sense. This is commonsense legislation, and the Government has undertaken the preparation of this bill in the appropriate manner.

It must be said, however, that it is understandable that employees who choose to change their employment may have concerns about entitlements and conditions of employment as well as rewards of employment. I suppose it is entirely appropriate for someone who is changing employment to consider those matters. It is important for honourable members to note that the Minister and the commissioner are committed to ensuring that consultation which has been a feature of preparation of the legislation continues in the transitional phase with a view to addressing employees' concerns. Not one person with whom I have discussed this legislation was unable to see the commonsense approach of this legislation. Some people who are affected by the legislation may be a little nervous, but that is quite understandable, and they can be reassured.

Another main feature of the bill is the adjustment to the percentage contributions of local councils and the State Government to the Rural Fire Fighting Fund. The effect of this provision will increase local government's contribution from 12.3 per cent to 13.3 per cent and reduce the State's contribution by 1 per cent. The Minister has given a commitment that no local council will be financially disadvantaged by this

arrangement. It would not be difficult to imagine that many of the costs inherent in local government administration are absorbed across the organisation, for example, administrative or management expenses that are not costed directly to the Rural Fire Service. Those costs will no longer be borne by local authority, and that will compensate for the 1 per cent reduction in the State Government's contribution.

The expenses to which I refer are usually hidden costs and include insurance premiums, fuel costs, costs of advertising for staff and other matters that are bound up in corporate expenses. The bottom line is that when those expenses are absorbed by the Rural Fire Service that will represent a saving to a local government authorities and that is why I say that the legislation presents no detriment to local government authorities. Earlier I referred to the fact that volunteers can be confident that the legislation will effect seamless change. While I am on the subject of volunteers, I wish to acknowledge some people who are associated in a voluntary capacity with three Rural Fire Service organisations within the Keira electorate. I acknowledge that it is always dangerous to thank people individually because someone usually misses out, but my comments refer to all people who volunteer to assist Rural Fire Services generally and in the Keira electorate particularly.

I acknowledge the Robinson family at Bulli. The third generation of the Robinson family is now committed to volunteer work at the Bulli Rural Fire Service. For a number of years a member of the Robinson Family, Warren Robinson, was the fire control officer for the whole of the Wollongong local government area. While I pay tribute to all volunteers, the Robinson family has been the strength and the backbone of that volunteer organisation. In Austinmer the captain of the service is a gentleman named Ray Barnes, who is a salt-of-the-earth type of person who leads volunteers at the Austinmer Rural Fire Service with a great deal of strength, passion and commitment. I place on the record my acknowledgement of his service.

The third brigade within the Keira electorate is based at Mount Keira. Andrew Ware and Phil Robertson are very strong leaders. A few years ago we worked together on a new brigade headquarters and they not only carried out the voluntary work and training while playing a leadership role within the brigade but also spent a great deal of time tracking down materials so that the headquarters for the Mount Keira brigade would be state-of-the-art. The headquarters of the Rural Fire Service in my electorate is also the headquarters of the Wollongong Rural Fire Service for the local government area which is also centred in the Keira electorate at Bulli. Gary Suters and John Watsford and others have played a significant role. I place on record my gratitude to the volunteers from the Bulli, Austinmer and Mount Keira brigades as well as the professional staff at the Wollongong headquarters of the Rural Fire Service.

This is commonsense legislation. As I have said, it cuts through red tape and provides contemporary accountability and responsibility arrangements. The bill has been introduced after extensive consultation. As I have said in number of debates in the past couple of weeks, that is the hallmark of the way in which the Government goes about reform. The Government talks to the people concerned, gathers important information and advice and then introduces appropriate legislation. I commend this bill to the House.

Mr ARMSTRONG (Lachlan) [9.40 p.m.]: I speak on the Rural Fires Amendment Bill as a member who represents a constituency that is virtually in the geographic centre of the State. My electorate covers about 40,000 square kilometres and takes in the whole or part of 10 rural shires. Fire prevention and management has caused considerable dissent within some shires and from shire to shire. The Government and the Commissioner of the Rural Fire Service have caused an enormous amount of unrest between rural volunteer firefighters and their brigades. There are two distinct constituencies in relation to fire control in New South Wales: the coast and the inland. They each have their own peculiar characteristics that must be respected at all times. It is significant that in an area such as my own electorate, which has similar topography from one corner to the other at the four points of the compass, there is so much argument, dissension and distrust of the system.

Fire control officers, who were initially employed by and came under the control of local government, have gradually had their powers whittled away. It may have been planned that way, but, as the honourable member for Keira said, a great deal of negotiation has gone on in recent months and years. It is impossible to serve two masters. The local fire control officer will now be paid by the State and become a member of the New South Wales public service. An employee being paid by one service and serving a different master defies logic. The bill is one further step towards the centralisation of the management of firefighting in New South Wales. In recent years the so-called volunteer firefighter has been disenfranchised in many places across the State. Property owners who, for reasons of their own protection, have maintained their own firefighting equipment and management have also been disenfranchised. There are many of such property owners. I could name probably at least 30, perhaps 40, properties that maintain their own firefighting equipment.

Because of the many changes in insurance restrictions those privately owned fire units now almost belong in the past. They will almost certainly disappear now that fire control officers will no longer be locally

controlled. In September and October, the period of the year leading to the dry months, enthusiastic communities held seasonal fire meetings with each rural brigade. Local brigades met with the shire representatives and conferences occurred. Although that procedure was successful it was not perfect. Many of the commissioner's management practices and training opportunities have been practical; they have certainly enhanced the capacity to control fire. The bottom line is that this bill is causing so much dissension that it is depriving the Government and the State of what is probably its best fire control work force, that is, volunteers in inland New South Wales.

In relation to funding for fire brigades, the bill means that more local government money will return to centralised funding in Sydney. Local councils will increase their contribution to the Rural Fire Fighting Fund from 12.3 per cent to 13 per cent. It should also be remembered that a major proportion of funding for fire control in the State comes from an insurance levy. One-third of properties do not carry insurance and do not contribute to the levy, so that leaves the contribution on the shoulders of those who carry insurance. In many ways that is unfair and unjust. Effectively, they carry the financial responsibility for those in the community who decide for their own reasons not to look after themselves. That, in turn, causes further animosity in the community. Paragraph (f) of the objects of the bill states:

- (f) to make it explicit that a fire payment is not required to light a fire for the purpose of back burning and that no notice is required to be given before a fire is lit for that purpose ...

That paragraph has been included because throughout the long history of fires throughout New South Wales a number of them have resulted from back-burning. Back-burning requires an enormous amount of skill, historical knowledge and understanding of the nature of the terrain. Officers who light fires for the purpose of back-burning without permits take on an onerous responsibility. I hope the Government does not rue the day that it changed the legislation. I believe that the employment of fire control officers as State public servants is a retrograde step. I cannot understand how it will be an advantage to firefighting in New South Wales. There is no doubt that the moves proposed in the bill are dividing communities and farmers in inland New South Wales, particularly in the Central West. They are taking away the confidence and spirit of the community to maintain the growth of volunteer firefighting in the future.

Mr PRICE (Maitland) [9.47 p.m.]: I support the Rural Fires Amendment Bill and commend the Minister for bringing it forward. I appreciate the comments of the honourable member for Lachlan. Having been involved fairly closely with bushfire brigades for several years, I understand his concern. I have some concerns in relation to the centralisation of control. We must make sure it works at local government level and at headquarters level. In my area there has been some controversy about that aspect, but I believe that has now been sufficiently resolved and that there will be a good working relationship with the central body, the local council and the officers concerned.

I note with some interest that the power to be exercised by rural fire brigade officers is given parameters that will have to be watched closely. The diminution of power and the transition we are currently witnessing should be done in such a way that does not disadvantage or inhibit bushfire service volunteers. Their efforts can never be underestimated, and their value is supreme. I trust that any difficulties will be resolved quickly for the benefit of all. The volunteers—men, women and families—put in their time and effort. Frequently they donate sites in fee simple to allow bushfire sheds and stations to be constructed. These people do a huge amount of fund-raising. That is certainly so in my area. I know that in the Dungog shire in particular the bulk of the money raised for the new brigades and stations comes from the fund-raising efforts of the bushfire service.

Recently, when the Premier came to open the Bendolba-Salisbury bushfire shed, the central committee in the council concerned with the bushfire brigades presented two vehicles to the service to allow the transportation of personnel from one site to another without the need to move a tanker or a brigade vehicle. That was a tremendous contribution of about \$90,000, which I applaud. I know it is greatly appreciated by the general community. Again, that money was raised by the hard work, commitment and contributions of not just of the firefighters but their wives and families, over a number of generations in many cases. It stems from their pride, skill and ability and their capacity to be judged by their peers. I am fortunate to live in a little village called Vacy, where the local bushfire brigade almost every year wins the zone competition. This extraordinarily group of dedicated people has made such a difference to the life of the general community within the shire.

Another section of the bill makes it clear that the New South Wales Rural Fire Service can provide advisory services in places outside New South Wales. That has happened in many instances, including the terrible fires in the Adelaide Hills, recently in the Murray region of Victoria, in the Indonesian fires that burnt

for many months, and in the recent fires in California, where we sent not only firefighters but fire administrators. These services are very important and are of great value to us internationally. They certainly demonstrate the ability and capacity of our people on the ground. Hopefully, this bill will bring about an organisational structure that will be of significant benefit to the whole service and particularly to individual families in country New South Wales.

There was comment about the lighting of fires to burn off without having a permit to do so. We all know why that provision is brought about. It does not excuse lack of vigilance in the burn-off procedure. I know that in many instances it is part of a training exercise, but some pretty nasty outbreaks have resulted from burn-backs getting away. Hopefully, people will take a very responsible attitude to that variation proposed by the bill and conduct themselves accordingly. By and large, I believe this is a significant move forward for the bushfire fighting service. I look forward to a successful and trouble-free introduction of these measures. I commend the bill to the House.

Mr WEBB (Monaro) [9.53 p.m.]: I also wish to speak to the Rural Fires Amendment Bill. Some aspects of the bill are very interesting, and some honourable members who have spoken in the debate have covered those. But, as one of the 60,000 volunteers in this State, a former captain of a bushfire brigade, and a person who still has at home at Fairlight the 1947 Ford truck, tanks, hose reel and pumps of one of the first units around the Australian Capital Territory some 53 years ago, I believe I speak with some authority on this issue. The goal of the Rural Fire Service primarily is to ensure that the service, and through it the vested authorities and their 60,000 volunteers, are properly authorised to carry out the primary role, which is the protection of life and property in the State of New South Wales. This is to be done to the best of the ability of the service and obviously in the most cost-effective manner.

The overview of the bill states some of the objects of the bill, which confers various powers and funding arrangements. I am sure that the honourable member for Barwon, who led for the Opposition in this debate, covered most of those matters adequately. The honourable member for Lachlan spoke about private units. As I have just said, we have one of those at home. Sadly, they are very much in the minority in New South Wales at this time. The requirements of the Rural Fire Service and local government have meant that the work that those private units did has been superseded. Nevertheless, those units still play an active role on private property and, from time to time, they get caught up further afield doing brigade work as well.

The provisions of the bill will enable the Rural Fire Service to directly employ fire control officers, deputy fire control officers and other personnel, rather than having them employed by local government organisations. I guess this bill does streamline the process, but, as was mentioned by the honourable member for Maitland, volunteers and others across the State have concerns about the centralisation of those powers and, in some cases, the removal of powers from the local arena to employee fire control officers and subordinate staff. When it comes to working in the heat of a fire, fighters are much more comfortable working under the direction of someone with local knowledge who is appointed locally. Not only local volunteer firefighters but State Emergency Services personnel, local police, council personnel, as well as National Parks, State Forests and a whole host of other organisations, turn up at fires. It can be quickly determined at a fire whether the local controller has local knowledge. That is fundamental to instilling confidence in staff.

Local government authorities that are to relinquish power to employee these staff are concerned about the employment conditions and service standards of the personnel. I note that the bill has provisions relating to superannuation and so on, but it does not give much detail about the employment conditions of the staff. That matter is of fundamental concern to the local area and local towns in which these people live. The bill goes on to deal with service agreements. Again, there is some concern about the service agreements that can be negotiated under this bill. New section 12A enables Rural Fire Service district service agreements to be entered into between the Rural Fire Service and the local authority, or authorities, responsible for rural fire districts.

Those service agreements can specify functions imposed on the local authority by or under this proposed Act that are to be exercised by the commissioner during the period specified in the agreement. The agreements may also specify any obligations, set performance targets and provide for the evaluation and review of those targets. They may also give practical reasons for those functions to be exercised and report on results. Interestingly, there is to be a transfer of the functions of fire control from local government. Although that arrangement must be with the concurrence and agreement of local government, nevertheless that function is taken out of the control of local government and handed to the Rural Fire Service. There has been some concern that that is in fact a centralised organisation.

The bill, while providing for the establishment of service agreements between councils and authorities responsible for fire districts in respect of the management of fires, management of brigades and the delivery of

appropriate levels of fire protection to local communities, does not address concerns about how those service agreements will evolve in future. I believe there needs to be prior agreement with those local bodies. Certainly, some local government bodies in my electorate have expressed concern that the agreed contributions of each council not be varied. There are concerns that if the Rural Fire Service sets higher budgets—which it can do each year in November or December—the local government authority will not be able to set its rates, and therefore its contribution levels, until the following May.

It must then exhibit those changes in its rates for implementation in June for the following year. So there is a time lag of six or eight months. The State Government may then vary its rates to collect the necessary income because the Rural Fire Service has agreed to increase program costs, which have gone through the roof lately. For example, if a local government area gets \$1 million for fire control works in its area, it is ordered to pass on, through program costs, some 30 per cent of that funding—in other words, \$300,000 or \$350,000—to the district fire control management centre. The local government authority does not have any control over the level of that program cost, and it has gone up dramatically over the past few years. A lot of volunteers see that money going to administrative areas and not to the local area, although it is used for the management of fires on a whole-of-district basis. From my experience as a local government councillor and mayor of Yarrawlumla shire I know that this is a vexed time for the fire management committee in the local government area. Yarrawlumla council combines with Queanbeyan City Council to determine the funding levels and then finds out that the program costs that are to be forwarded on a district level are unknown.

Item [10] of schedule 1 to the bill will insert a section that delineates the powers of rural fire brigade officers. These important amendments will put beyond doubt that officers of the rural fire brigade or a group of a fire brigades can, for the purpose of controlling or suppressing the fire or protecting persons or property from existing or imminent danger arising out of a fire, incident or emergency, not only exercise any function conferred on the officers by or under the principal Act but take any other action that is reasonably necessary or incidental to the effective exercise of such a function.

That function is particularly important in higher duties, as many rural bushfire brigades today are tasked with the job of attending motor vehicle accidents on highways where life is in jeopardy. It is important that at a fire those with the responsibility and officers defined by the Act can exercise those powers under the Act in the knowledge that they are covered if things should not go quite the way they first expected. Items [22], [23] and [24] of schedule 1 will insert new provisions about back burning and the conditions that are required. New subsection (2) of section 86 to be inserted by item [22] provides:

Nothing in this section requires an authorised officer of a fire fighting authority to give notice of the lighting of a fire for the purpose of back burning.

Notices and permits are complicated because the bill lays out when notice has to be given. It can be the case that all adjoining landholders are to be notified within 24 hours, and so on. That is basically impossible with back burning, because decisions have to be made at short notice to start a back burn to control fires. Section 87 of the Act talks about lighting fires for land clearance or fire breaks in bushfire danger periods. The amendment to that section will provide that an officer of a fire fighting authority who lights a fire for the purpose of back burning will be authorised to do, without a fire permit or to give notice before lighting such a fire. The amendment to section 88 will give the same dispensation, where previously permits were required. Interestingly, there is a lot of misinformation about what a back burn is. We often hear on the radio about hazard reduction work that has been carried out and permitted by fire control. Back burning is a different process altogether, in which fire is used and its direction and intensity are controlled so as to minimise fire damage from a wild bushfire. Item [31] of schedule 1 will insert a new definition in the dictionary. It reads:

back burning means the application of fire to combustible matter so as to provide a fire break to control or suppress a fire or protect persons or property from an existing or imminent danger arising out of a fire, incident or other emergency.

As I have said, it is one of the most valuable tools today. Recently I attended the opening of a phoscheck station at Jindabyne that will be used for the whole of the southern region. Airborne craft can be used to take phoscheck, a fire retardant, for use on fires. But when that fire escapes back burning is a tool, and this bill designates fire control officers of the Rural Fire Service to control it. That is an important aspect of the bill and I support it. As the honourable member for Barwon said, we do not oppose the bill. We welcome the fact that it will define operations of fire control officers.

However, we warn of the concern that some authorities have with respect to the service agreements and general concerns about the centralisation of power of the Rural Fire Service and the commissioner. Rising program costs are of concern. These costs are significant and local government authorities have little control of

them. The impact of local government contributions generally, because of program costs, is an issue of concern. As a firefighter, I feel the bill strengthens some of the requirements of the work of firefighters and in that regard I commend it to the House, but specific concerns should be noted.

Mr HAZZARD (Wakehurst) [10.07 p.m.]: The Opposition does not oppose this bill. It is excellent that there is a broad level of consensus between the Government and the Opposition on the significance of this bill and the place of the volunteers who provide an excellent service through the Rural Fire Service. I was shadow Minister for Emergency Services in 1995 and 1996. At that time I viewed first hand many rural fire service brigades, although at that stage they were still called the bushfire service. There is no question that the community needs to recognise that the 70,000 or so volunteers throughout New South Wales do an excellent and often unbelievable job in fighting fires across the State.

There was a push for a major review, which occurred through the coronial investigation. Later there was a Legislative Council General Purpose Standing Committee review. A number of matters were recommended for amendment, and those amendments have been gradually brought about, initially through the Rural Fires Act in 1997. This bill reflects yet another step forward in making sure that the rural firefighting service is able to operate at peak performance. The issue of fire control officers has been a difficult one for the Rural Fire Service and councils. The fact that fire control officers have been employed by councils but reported on operational matters to the New South Wales Rural Fire Service has created difficulties. It has not made a lot of sense and this legislation is a sensible move to ensure there is clarification of a principal obligation by fire control officers to the Rural Fire Service, whose headquarters are located at Rosehill. Fire control officers need to negotiate some sort of practical working arrangement with their local councils. The Manly-Warringah-Pittwater Rural Fire Service is one of the best.

Mr Brogden: Hear! Hear!

Mr HAZZARD: The honourable member for Pittwater agrees with my statement that that Rural Fire Service is without question one of the best. The various brigades work well together. A month or so ago when there were big fires in the Allambie Heights-Balgowlah-Manly Dam area I drove into that area, which was covered in dense smoke, and was pleased to see about 30 different brigades from far-flung parts of the mountains, southern parts of Sydney and outer northern parts of Sydney fighting that fire. I stayed with many of those firefighters until 1.00 a.m. I am sure that the average person does not understand the level of the contribution of volunteer firefighter in New South Wales.

When we get an opportunity, as we have with the introduction of this bill, we should shore up their position and make matters clearer and more accountable. Tonight I heard a bit about centralisation. As shadow Minister I have observed that as soon I go west of the divide some rural constituencies—for example, Rose Hill constituency—are concerned about their Rural Fire Service. There is a great deal of support for Rural Fire Services along the eastern seaboard. We are not trying to create conflict; rather, we are trying to bring people together and to create a harmonious working relationship. I strongly support any effort by any honourable member to achieve that harmony. Rural Fire Service volunteers work better in that sort of environment, and the community benefits. Other important matters have to be dealt with tonight, so I commend the bill to the House and thank the Minister—

Mr Whelan: Point of order: The standing orders of this House provide that a member's remarks must be relevant to debate. For the past five minutes the honourable member's comments have not been relevant to debate. I ask you to bring him back to the leave of the bill.

Madam ACTING-SPEAKER (Ms Beamer): Order! I have listened carefully to the honourable member for Wakehurst. His remarks have been pertinent to the debate. I will allow him to continue.

Mr HAZZARD: Is there any reason why I should now conclude my remarks?

Madam ACTING-SPEAKER: Order! The Chair will extend only so much latitude to the honourable member for Wakehurst.

Mr HAZZARD: I am sure that the Leader of the House supports the Rural Fire Service. I am sure that the benefits that flow from debate tonight will translate into goodwill for our rural firefighters.

Mr BROGDEN (Pittwater) [10.14 p.m.]: I join the honourable member for Barwon and the shadow Minister for Emergency Services in stating that the Opposition does not oppose this bill. We support those

important principles that will lead to a more unified management of the Rural Fire Service. The honourable member for Wakehurst referred to the concerns that have been expressed by eastern seaboard brigades and brigades west of the divide. It is not surprising that those brigades have referred to issues that I would regard as city and country issues with which I deal on a daily basis. It is an enormous challenge for the commissioner to ensure that he has a unified service.

In recent years there have been enormous changes to the brigades that have added to the level of uncertainty and the difficulties that exist within the service. I commend the Department of Emergency Services and in particular Mr Richard Lyons and Mr Brian Goods for their efforts in relation to this legislation. I refer in particular to brigades in the Warringah-Pittwater Rural Fire Service, which covers the electorates of Pittwater, Davidson, Wakehurst and parts of Manly. The community is mindful of the contribution of that Rural Fire Service. I am a new member of the College Point brigade of the Rural Fire Service. I have the honour of having the cleanest pair of overalls in that brigade, which demonstrates that I do not get out as much as I should.

Honourable members would be aware that that is one of the difficulties that we face when we contribute in any other part of society. Often we do so half-heartedly because of the requirements of this job. I echo the sentiments expressed by the community about the fantastic work done by the Rural Fire Service. However, there are some problems in this legislation relating to centralisation. Despite that, the Opposition overwhelmingly supports the legislation which down the track might lead to a greater level of professionalism across the service and a standardisation of professional experience and training.

That is a good thing for the Rural Fire Service. I commend the service and, in particular, Commissioner Koperberg. I trust that he will take every opportunity to ensure that there is negotiation in relation to this legislation and that there is a level of consolidation and conciliation in the approach by management at Rose Hill towards the entire service. Our Rural Fire Services work together. This bill, while slightly controversial, will achieve that end.

Mr GAUDRY (Newcastle—Parliamentary Secretary), on behalf of Mr Debus [10.17 p.m.], in reply: I thank those Government and Opposition members who contributed to debate on this bill. They demonstrated a deep understanding of the importance of volunteer bush fire fighters. Approximately 70,000 volunteers across New South Wales are involved in an important service—the maintenance of life and property. After the 1994 fires it was evident that we needed a more organised and accountable service. Difficulties were being experienced by local government and by the commissioner, and there was a definite need for reform of that service.

Recommendations were made by the Legislative Council committee that was appointed to investigate these issues. The committee carried out a comprehensive review, held meetings in four different locations and received 600 submissions, the majority of which were supportive of the reform of the Rural Fire Service. The committee recommended the transfer of fire control staff to the State—a decision that has been supported by the majority of Rural Fire Services in New South Wales. The transfer is seen as a logical move. We heard in debate tonight that various concerns have been expressed, particularly by communities west of the mountains. I assure all honourable members that those concerns will be addressed.

I thank the honourable member for Barwon, who led for the Opposition in debate on this bill, for the positive way in which he approached these issues. This legislation will make the service more accountable—an important issue for those responsible for fire control in our State. The commissioner must be accountable and we must acknowledge the importance of volunteer firefighters. Every honourable member who contributed to debate on this bill was able to refer to the enormous efforts of volunteer firefighters—from fund-raising activities to rapid response times. Volunteer firefighters believe in their communities and in the need to protect those communities. They do an amazing job. Concerns about employment are understandable, and those concerns will be dealt with under this legislation.

The honourable member for Wagga Wagga expressed concern about the issue of increasing bureaucracy. However, if one thinks of the numbers we are talking about—only 130 full-time staff compared to 70,000 volunteers—it is a small number of full-time administrative staff and fire control officers compared to the number of volunteers. I do not see that as a real issue in terms of what one might call the takeover of bureaucracy. The honourable member for Monaro expressed concern about the selection of fire control officers. Local councils will still be involved in the selection of fire control officers. The events of 1994 and the contributions of honourable members clearly show that a chain of command is necessary.

Honourable members should recognise that the reforms put in place by the Government have been matched by funding. As honourable members said, over the past six years some \$437 million has been allocated to the Rural Fire Service, and in the two terms of the Carr Labor Government some \$180 million has been allocated for the acquisition of 2,280 new and reconditioned fire tankers. That is an important acquisition in terms of, firstly, recognising the need and, secondly, fulfilling that need by providing the necessary funding. Once again I thank honourable members who contributed to this debate—the honourable members representing the electorates of Barwon, Bathurst, Albury, Port Stephens, Wagga Wagga, Keira, Lachlan, Maitland, Monaro, Wakehurst and Pittwater. Their contributions clearly indicated the importance of the Rural Fire Service across the communities of this State, and acknowledged the importance of this legislation. I am happy to commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow:

- (1) business to be interrupted at 10.30 p.m. to allow consideration of private members' statements;
- (2) no divisions or quorums to be called from 10.30 p.m. until the adjournment of the House at this sitting; and
- (3) the House to adjourn at the conclusion of private members' statements until Thursday 30 November 2000 at 10.00 a.m.

HORTICULTURAL LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 22 November.

Mr SLACK-SMITH (Barwon) [10.23 p.m.]: The Opposition supports this bill. Under the national competition policy a review of the Horticultural Stock and Nurseries Act 1969 was instigated, involving interagency government representatives as well as industry representatives. The group concluded that the original Horticultural Stock and Nurseries Act still addressed real issues of market failure and provided clear benefits for the nursery industry and the community. However, certain improvements were suggested. The suggestions were to repeal the Horticultural Stock and Nurseries Act by 31 December 2000; to insert transitional provisions in the Agricultural Industry Services Act to permit the nursery industry a smooth transition from raising funds under the Horticultural Stock and Nurseries Act to raising funds under the Agricultural Industry Services Act; and to amend the Plant Diseases Act to better enable that Act to address pest and disease issues in the nursery industry.

The main features of the bill are to repeal the Horticultural Stock and Nurseries Act 1969, to amend the Plant Diseases Act 1924 to facilitate the making of ministerial orders and proclamations with respect to plant disease and pest control, to amend the Agricultural Industry Services Act 1998 to enable the Minister to establish an agricultural industry services committee under that Act in relation to horticultural stock without first conducting a poll of its proposed constituents—a poll of constituents will be required before a levy can be imposed—and to amend the Plant Diseases Act 1924 to include a provision to ensure that compulsory labelling of nursery plants continues and that these orders should expire after five years to ensure that they remain current.

The establishment of a committee under the Agricultural Industry Services Act without first conducting a poll of constituents will make way for a smooth transition and will not interfere with current fundraising arrangements. Constituents will be consulted once the committee is formed, and a vote will be made before any levy is imposed by the new committee. By including the committee and its fundraising activities formally in legislation, the spending of industry funds and the activities of the committee will be fully transparent, and

committee members will be accountable to their constituents. The proposed changes to the Plant Diseases Act 1924 will give the Minister or an approved person powers to prohibit propagation or the sale of plant material likely to spread disease. This gives the Minister more power to control the possible spread of disease. The Opposition consulted the nursery industry of New South Wales on this bill. The Opposition supports the bill.

Mr MARTIN (Bathurst) [10.26 p.m.]: I support this bill, and welcome the support of the Opposition for it. As a result of the national competition policy, the Horticultural Stock and Nurseries Act was subject to an inquiry by a review group, which included three representatives of the New South Wales nursery industry. The review group found that although the legislation was three decades old it still addressed real issues of market failure and provided clear benefits to the nursery industry and the wider community. I shall talk about the benefits to the industry and the community of having an agricultural industry services [AIS] committee.

The group reviewing the Horticultural Stock and Nurseries Act found that the capacity to raise funds from the industry to support industry projects had over time become the most important function of the Act to the New South Wales nursery industry—much more important than some regulatory aspects of the Act. This is not surprising. It reflects a mature industry which has developed beyond the scope of the Act. Direct quality regulation through the Act has been superseded by sophisticated industry-developed and run quality management and quality assurance systems. There has been a willingness to expend industry funds on the development and adoption of new technologies. That shows an industry committed to its future, and it is a highly competitive industry.

The Horticultural Stock and Nurseries Act allowed funds to be raised from the industry through licence fees but it did not allow direct industry control of the funds. It did not allow industry to decide how much the registration should be or who should pay it; at the end of the day the Minister had responsibility for deciding where the funds were spent. The Agricultural Industry Services Act is relatively recent legislation. The group reviewing the Horticultural Stock and Nurseries Act recommended that the nursery industry take the necessary steps to establish a committee to continue to raise funds for projects and services which provide benefits to the industry. The bill does not establish a committee for the industry—the Agricultural Industry Services Act ensures that committees can be established only after being initiated by industry, not government—but it provides support to set up a committee.

Allowing the industry to establish a committee without a poll recognises the commitment of a significant portion of the industry to the continuation of a mechanism to collectively raise industry funds for industry projects, as expressed during the review of the industry. The bill also gives the Minister scope to allocate existing funds to help establish the committee. However, the requirement to have a poll on the levy rate supports one of the most fundamental principles of the Agricultural Industry Services Act, which is that no charge will be made compulsory without the support of the industry concerned. It is important to note that.

An agricultural industry services committee could provide a number of advantages to the nursery industry, such as the ability to review the levy annually and to achieve changes to such things as the constitution of a committee. It was not possible for the industry to do this quickly and simply under legislation such as the Horticultural Stock and Nurseries Act. Under the Horticultural Stock and Nurseries Act, if the industry did not like the amount charged as the nursery registration fee, if it thought that either too much was being collected and it was burgeoning industry or that too little was being collected to fund the projects that the industry wished to fund, its only recourse was to have the Act amended to change the registration fee. We are all aware of the difficulties with that.

In summary, the major benefits of the proposed legislation are that the collection of funds under an agricultural industry services committee will provide more flexibility and accountability. The industry will decide democratically whether a levy should continue, and what the levy should be and where it should be spent, which is an important aspect. Unlike the present system, the nursery industry would have direct control through a committee of elected members and annual meetings. Minor amendments are required to the Plant Diseases Act 1924 to allow the continuation of compulsory labelling of nursery plants for better pest and disease management for a period of five years. Finally, the bill proposes a further amendment to the Plant Diseases Act to prevent the sale of certain diseased stock, so that an order can be made prohibiting the sale of a class of pests or disease-infected nursery stock. I commend the bill to the House.

Ms HODGKINSON (Burrinjuck) [10.31 p.m.]: I support the Horticultural Amendment Bill. The main features of the bill are to repeal the Horticultural Stock and Nurseries Act 1969; to amend the Plant Diseases Act 1924 to assess its ministerial orders and proclamations in respect of plant disease and pest control; to amend the

Agricultural Industry Services Act 1998 to enable the establishment of an agricultural industry services committee under that Act, in relation to horticultural stock without first conducting a poll of its constituents, but a poll of constituents will be required before a levy can be imposed; and to amend the Plant Diseases Act 1924 to include a provision to ensure that compulsory labelling of nursery plants continues; and that these orders should expire after five years so that they remain current.

Under national competition policy a review into the Horticultural Stock and Nurseries Act 1969 was instigated, involving interagency government representatives as well as industry representatives. The review found that the old Horticultural Stock and Nurseries Act still addressed market failure and provided benefits for the nursery industry and the community. However, some improvements were suggested, including a repeal of the Horticultural Stock and Nurseries Act by 31 December 2000; the insertion of a transitional provision in the Agricultural Industry Services Act to allow the nursery industry to raise funds under the Horticultural Stock and Nurseries Act; and amendment to the Plant Diseases Act to ensure that the Act addresses the pest and disease issues in the nursery industry in a more favourable manner.

Some of the arguments for the bill are that the formation of a committee under the Agricultural Industry Services Act will make way for a smooth transition which will not interfere with current fundraising arrangements; constituents will be consulted once the committee is formed; and a vote will be made before any levy is imposed by this new committee. By including this committee and its fundraising activities formally into legislation, the spending of industry funds and the activities of the committee will be fully transparent and committee members will be accountable to their constituents. Proposed changes to the Plant Diseases Act 1924 give the Minister or approved person powers to prohibit propagation or sale of plant material that is likely to spread disease. This gives the Minister more power to control the possible spread of disease. In conclusion, I mention that the nursery industry of New South Wales was consulted comprehensively by the Coalition in its decision to support the bill.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [10.33 p.m.], in reply: I thank the honourable member for Barwon, the shadow Minister for Agriculture; the Country Labor member for Bathurst; and the honourable member for Burrinjuck for their support for the legislation. All members who have contributed to the debate have explained why these changes to the legislation are necessary and that they are among many pieces of legislation under my portfolio that are subject to the requirements of a review under competition policy.

I am pleased that all members have acknowledged that the bill maintains provisions contained in the previous legislation where there is a clear public benefit identified by the competition policy review. Also, where there is a recognised market failure, the bill shows that the previous protections that the industry had will be accommodated under other legislation referred to by honourable members and in my second reading speech. I thank members for their co-operation in this matter. I am sure that members of the industry who have been consulted in relation to the legislation will appreciate that the bill has received support from both sides of the House. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

Pursuant to resolution private members' statements taken forthwith.

PRIVATE MEMBERS' STATEMENTS

BORDER TRADE CENTRE UNPAID CONTRACTORS

Mr MAGUIRE (Wagga Wagga) [10.35 p.m.]: I have had cause to correspond with the Minister for Housing regarding unpaid contractors in my electorate of Wagga Wagga. On 17 August representations were made on behalf of McPherson Building Contractors. The contractors were owed some \$5,000 by the company Border Trade Centre, which was in liquidation. For the record, Border Trade Centre was a head contractor for Resitech, which is a service agency within the Department of Housing providing project management to the department. When Border Trade Centre went belly up the company was owed \$83,180 by Resitech. Border Trade Centre owed its subcontractor \$68,136. One asks the question: Who issued the contract to Border Trade and who checked the probity of the company and its credentials? The Minister in his correspondence stated:

Resitech (formerly Housing Production Division) is a Service Agency within the Department of Housing which provides project management and specialist services to the Department.

Resitech's tender processes require it to carry out various checks prior to issuing contracts to head contractors who, in turn, subcontract work.

These checks include:

- Credentials Report on the contractor's capacity to carry out work
- Financial Statement
- Company check
- Licence Check
- NSW Government Code of Practice compliance.

Since Mr McPherson's visit I have received information from another supplier who is owed \$10,000 in unpaid accounts by Border Trade Centre. I am told that other subcontractors in my area have not been paid. The Minister went on to say that he has created, through Resitech, a complaints register, as follows:

Resitech has, for example, implemented a complaints register to which the details of any written complaints for non-payment of moneys due to subcontractors are recorded and acted upon.

However, the complaints register does not solve the problem of getting these subcontractors paid. The complaints register went on to say:

The Department of Housing shares your concerns about hardships suffered by subcontractors such as Mr McPherson, who fail to receive moneys payable by head contractors.

This has all happened because of mismanagement by the Department of Housing and Resitech. I ask the following questions: Who approved Border Trade Centre as a head contractor for Resitech and for the Department of Housing? Has the relevant documentation been vetted by the Minister to ascertain whether Border Trade Centre met the required guidelines when it tendered for the work? Why were the subcontractors left to swing? How many more suppliers-subcontractors within the department's guidelines have gone broke? Is it correct that the goods installed are still the property of the subcontractors, who can remove them at any time?

What will the Minister do if the contractors choose to exercise their rights and remove their goods from the property of the Department of Housing? The answer is that they would have to purchase the goods again. When I asked the Minister whether he would pay the subcontractors who have been left swinging due to the bankruptcy of the company, the question was conveniently ignored. I ask the further question: How many more builders-subcontractors have been caught by Resitech's management and appointment of head contractors to oversee the maintenance program of the Department of Housing?

A company that is owed \$10,000 has approached me with great concern and pointed out that other subcontractors within my electorate have not been paid. I have to say that when the contract was issued to the Border Trade Centre, I seriously question whether financial checks were made on that company. It has now been revealed in the auditor's report following the winding up of the company that the liquidator was of the opinion that as early as June 1999 onwards the company was experiencing financial difficulty. The fact that the company was in financial trouble should have been revealed when the financial checks and the company checks were made and the documentation was examined by Resitech—that is, if checks were made to ensure that the company complied and could offer tendering work to the Border Trade Centre. In conclusion, I reiterate that this issue reeks of mismanagement. It certainly reeks of a Minister who has taken his eye off the ball and has allowed small builders and companies to pay the price of his mismanagement.

GRANVILLE AND DISTRICTS SOCCER FOOTBALL ASSOCIATION

Ms HARRISON (Parramatta) [10.40 p.m.]: It is my pleasure to inform the House of some good news for a sporting group in my electorate. The Minister for Fair Trading, and Minister for Sport and Recreation has seen fit to grant \$2,000 to the Granville and District Soccer Football Association to aid in the compilation of the club's history into a book. I was approached by Mr Eddie Billett, who is a public relations officer for the association, with a request for financial assistance to help the club see this project come to fruition. I was delighted when I received the news that the Minister had also agreed that the project is worthwhile.

The Granville and District Soccer Football Association is recognised as the oldest football association in the Southern Hemisphere. The association will be 100 years old in 2002. Currently, there are approximately

26 clubs attached to the Granville association. The founding club was formed by a group of Scottish steelworkers from the Clyde Steelworks, together with English and Welsh migrants in 1882. It became known officially as the Granville Soccer Club. The use of a black and white strip led to the club being affectionately known as the Magpies, and some years later the magpie emblem was adopted.

Games were initially played at Brunton's paddock, which currently is the site of the Granville Returned Services League Club, where games of a different type are sometimes played. By the early 1890s the club had relocated to Clyde Park. Currently, this is the site of Mitsubishi Motors in Parramatta Road at Parramatta. The club began to play under the name of Granville-Clyde Soccer Club. The soccer club was able to turn Clyde Park into a major soccer and sports venue within Sydney. A wooden grandstand was built, together with some tiered wooden seating on the opposite side of the field, as well as perimeter fencing.

In 1902 the Granville Football Association was formed, incorporating this club as well as a number of other clubs. The clubs were typically a single team representing a local company. The black and white colours were again adopted, as well as the magpie emblem. In the early days of the club's existence the association's boundaries encompassed approximately 35 per cent of the current Sydney metropolitan region, stretching from Gladesville in the east through to the Nepean River in the west. This reflected the sparse population distribution at that time. It was not until the 1950s that population expansion enabled new associations to be formed by the New South Wales Amateur Soccer Federation.

The establishment of the association is recognised in the Challenge Shield, which is the oldest soccer trophy in Australia. It is still the premier trophy currently in use within Granville. In 1987 the New South Wales Football Association introduced a cup for a knockout competition among senior teams. In 1914, 1915 and 1916 the Granville Magpies all-age team won the cup. Subsequently, the cup was won outright by Granville and presented to the players as the Cottam Memorial Charity Cup in memory of J. W. Cottam, who was killed in action in France in World War I. Presently this cup is recognised as the oldest trophy for knockout competition within Australia. In 1919 a group of young apprentices from Hudson Bros Engineering decided to form their own amateur soccer club to compete in the Granville Football Association.

After much discussion, this club was named the Granville Kewpies and the club continues to use Calquhoun Park at Granville. It has also adopted the colours of black and white and the magpie emblem. The Granville Kewpies entered their first junior team in the Granville Football Association in 1920. A player in this team was Frank S. Garside. Frank Garside was later to become a great stalwart of soccer within Granville for many years at both the club and association level. Parramatta City Council perpetuated Frank's contribution to soccer in the park that bears his name.

In the 1920s other teams involved with the association were the Granville Magpies, Parramatta Two Blues, Auburn Federals, Auburn District, Parramatta Kia-Ora, Carlingford, Dundas and Rechabites. During World War II there were several relocations of the association's home ground. Clyde Park was expanded for operations on the Clyde Steelworks, after being resumed by the Federal Government. In 1945 the new home ground became Macarthur Park at the corner of Alfred and Gray streets, Granville. By 1946 the club had erected two timber sheds comprising change rooms and toilets and the original fencing from Merrylands oval was bought to surround Macarthur Park.

From its initial inception until the club's demise in the late 1970s the Granville Magpies club played in the Sydney interdistrict competition, which is equivalent to the current federation competition for semi-professionals, rather than the Granville Amateur Competition. Throughout that time the Granville Magpies were seen as the parent club representing the Granville Soccer Football Association at the highest level and providing a development and growth path for junior players. I am sure that honourable members would agree that a club with almost 100 years of continual tradition should be documenting its history. I again thank the Minister for his generous input.

COUNTRY GREYHOUND RACING CLUBS LICENCE REVOCATION

Mr SOURIS (Upper Hunter—Leader of the National Party) [10.45 p.m.]: Today I was very surprised to be told by the Mudgee Greyhound Club and the Coonabarabran Greyhound Club that in both cases their licences to race had been summarily revoked by the Greyhound Racing Authority. As the day unfolded I learned that six other clubs in country New South Wales also had their licences revoked summarily. I am greatly disturbed by the letter received by the clubs which invited them to form a delegation and appear before the authority to argue their case. Of course, that really rubbed extra salt into the clubs' wounds because the letter revoked their licence, but in the subsequent paragraph invited them to present an argument against the revocation. In other words, the letter demonstrates the flaws in the process.

The clubs have been denied proper administrative process. There has been no consultation with the community. The Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development had not paid me the courtesy, as the local parliamentary representative in the case of the Mudjee Greyhound Club, of advising me that the decision had been reached by the authority. The revocations have been a devastating blow to the greyhound racing communities not only in my electorate but also among greyhound racing communities in other electorates. It was not half an hour before the news of the revocations arrived that Sydney greyhound racing enthusiasts had arrived at Parliament House to present four separate petitions in a demonstration of Sydney greyhound enthusiasts' support for their country greyhound racing cousins.

If this Government thinks that it can adopt a cavalier approach to the greyhound racing sport and industry, it is in for a big shock. If this Government thinks it can run over the top of country communities by depriving them of sport and entertainment, the Government had better think again. Country greyhound racing clubs have been going along quite well. Although I have had insufficient time to obtain full details, I am aware that the Mudjee Greyhound Racing Club turned a previous year's loss into a current year's profits. The number of greyhounds entered in races at each race meeting had increased from an average of 52 to 57, and prize money had increased from an average of \$1,300 to \$1,700. What else did the club have to do to demonstrate its viability? The club had completely turned around the circumstances that had led to its being placed under the watchful eye of the Greyhound Racing Authority and had produced nothing but positive results.

I believe that this Government will be surprised at the extent of community reaction to these revocations. I am sure that local government leadership will support the community and that many ordinary members of the community, although perhaps not involved in the greyhound industry, will regard this action as yet another government cut being applied by this State Government to country areas. This State Government is closing down greyhound racing clubs that have been operating very well indeed. Why would this Government need to go to the extent of closing down country greyhound racing clubs? This action constitutes a ridiculous extension of this Government's anti-country attitude and the arrogance of the Carr Government's belief that it can get away with peremptory action without fear of a reaction because no-one will notice and no-one will care.

I assure the Government that many people care. I care about the people in my electorate who are enthusiastic about this sport. On many occasions I have enjoyed their hospitality. I have had many pleasant outings as their guest, particularly on annual cup nights. I regard myself as one of their supporters and I will join them in the fight to have this decision reversed. If the Minister had any ability he would immediately freeze the implementation of this decision. He should at least engage in the proper process. He should have the decency to go to those communities, and face public meeting and make the proper decisions.

POLICE AREA COMMANDER IAN ELLIS

Mr STEWART (Bankstown—Parliamentary Secretary) [10.50 p.m.]: Tonight I give special thanks on behalf of the Bankstown community to Georges River police area commander Ian Ellis, who is known affectionately as Ike to his colleagues and to the wider community. In approximately a week's time Ike Ellis will retire from the New South Wales Police Service after 36 years of distinguished and dedicated service. Commander Ike Ellis joined the Police Service in November 1964, working as a general duties officer at Manly police station until 1966, when he was transferred to Kurri Kurri, where he remained for 11 years. Even in that early period of his career his performance was exemplary. After six weeks as a probationary officer at Manly police station he received a commissioner's commendation for outstanding service as a police officer, something that has rarely happened to a police officer in this State after such a short career. That was a formative time for Ike's strong focus on the community in general.

During that time Ike was a talented rugby league player. He played with such greats as John Sattler—and against him, which was not an easy thing to do if one remembers the old South Sydney team—and Johnny Raper. Ike's dedication to the Police Service eventually won out and this bloke, who probably could have ended up with a promising sporting career in league, dedicated himself to pursuing his remarkable talent as a police officer. We are all the better for that. In 1981 Ike was promoted to sergeant and was moved to Carrington police station. In 1986 at Cardiff police station he rose to the rank of senior sergeant. In 1989 Ike was promoted to the patrol commander position at Darling Harbour at the rank of inspector. On 13 March 1991 he was appointed to the position of commander, Sydney Police Centre, at the rank of chief inspector, where he remained until joining the Police Service senior executive service as district commander at Bathurst at the rank of chief superintendent on 6 January 1992.

Ike's next promotion was in 1994, when he was appointed to the position of district commander to the Georges River region. From 25 May 1996 he was region commander, south-west, in a relieving capacity until 1

July 1997, when he became the commander for the Georges River region, where he has stayed. Commander Ellis was the first fully accredited general duties hostage negotiator in New South Wales. More recently he played a significant leadership role in the introduction of explosive detection dogs in the Police Service and in the introduction of bicycle units into local area commands. In 1981 he was awarded the national medal and in 1991 the first clasp. In 1996 Commander Ellis was awarded the Australian Police Medal. In 1997 he was presented with a certificate from the Government of New South Wales in recognition of his contribution to the Thredbo rescue and relief operation. In October 2000 he was presented with the second clasp to the national medal, which recognised 35 years of dedicated service.

Ike Ellis is a police officer who, through his exemplary career, has displayed enormous talent. He was responsible for grooming young police officers and bringing them through the ranks. He is highly respected by his colleagues and the local community. He has put a lot of emphasis on youth in the local area. He displays a great passion for young people and understands that young people are our future. Importantly, he understands the old and the new, and that is a rare quality in people. He has seen the royal commission and its outcomes. He has been able to watch the change in the police culture, be a part of that change and still display some of the important qualities for which the old service was exemplary. He has also been involved in a number of targeted police operations and has brought targeted policing to the forefront of New South Wales policing.

Most recently, he was involved in the Telopea Street operation where 200 police officers were involved in raids against local crime. He had a significant effect on improving the morale in the local area and reducing local crime. Ike Ellis will retire to Belmont with his lovely wife, Denise, and they will take a well-deserved rest and enjoy some fishing, golf and bowls. We will miss Ike's contribution to our local community. I commend Ike's service to the House.

PITTWATER COUNCIL RANGERS LAW ENFORCEMENT

Mr BROGDEN (Pittwater) [10.55 p.m.]: Since the amendments to the Road Transport Legislation Amendment Act 1999 local councils have been able to issue infringement notices to residents in local communities for a number of offences. Those offences include new offences under part 12, division 6, rule 197, of stopping on a bicycle path, footpath, bicycle way, shared pathway, or nature strip in a built up area. As a result, Pittwater council rangers actively serve infringement notices on residents who do what they have done outside their houses for 10, 15 or 20 years. In many parts of the Pittwater local government area there are small roads with sharp turns and medium-size footpaths. Local residents cannot park on the streets as residents in more established areas may be able to do. On Saturday and Sunday afternoons local residents have parked as they have for many years with two wheels up on the kerb, only to find themselves being booked. Worse still, family members or others who visit on Sunday afternoons are booked.

It is disappointing that the rangers at Pittwater have sought to pursue the strict letter of the law. I am aware that in other parts of Sydney rangers have used their discretion to ensure that they only book people whose method of parking creates a danger. I will have no truck with people who park dangerously; they deserve to be booked. But it is particularly unfair that those who do what they have done for 15 or 20 years—park on the kerb because that is the only place they can park—receive a ticket for doing so. I ask the Minister for Roads to look closely at what I am sure is an unintended consequence of the legislation. In the past six months I have received numerous letters, phone calls, and emails to my office. I have also had interviews with people on this issue. It is a matter of great distress to them. In the past fortnight the residents in Whale Beach Road, Whale Beach, and Grand View Drive and Prince Alfred Parade, Newport have become more heated about this issue.

The matter has been reported in the local media, particularly in the *Manly Daily*. I have been made aware of two incidents in the past fortnight. In one incident the gentleman who was booked expressed some level of anger to the ranger and said, "If you book me, why don't you book the rest of the street?" In response the ranger said, "You are an arsehole." That is unacceptable. On another occasion a family, in driving rain like we have had in recent weeks, put their car on the driveway but the back of the car was protruding slightly onto the footpath. A ranger double parked and booked them while they took their child out of the car and up the driveway. The ranger said, "I get great pleasure by booking arseholes like you."

Mr O'Doherty: Was it the same ranger?

Mr BROGDEN: We believe it is the same ranger. That was followed by an obscene finger gesture. This is not the way that people expect public officials to act. This behaviour compounds the problems that the community has. It is grossly unfair. I ask the Minister to look at this matter closely. In the meantime, Pittwater

council should take a less aggressive approach. Its actions border on what the community would regard as an aggressive revenue-raising exercise. It is not my intention to name the ranger or residents involved, because that would be unfair.

Mr Moss: Report him to the Ombudsman.

Mr BROGDEN: It is my view that he should be reported to the Ombudsman by the local residents, and I would support that course of action. However, I must send him a message that such behaviour is unacceptable for a person in his position. The community does not deserve it and will not support it.

PUBLIC TRANSPORT CONCESSION RATES

Mr MOSS (Canterbury—Parliamentary Secretary) [11.00 p.m.]: I believe it is time that the Department of Transport reviewed its concession rates for unemployed persons to travel on public transport. A constituent of mine recently contacted me to complain that although she is unemployed she is not entitled to travel concessions on public transport when seeking employment. Following inquiries, I received some documentation concerning travel concessions which stated, among other things, that persons in receipt of Commonwealth benefits, including the unemployed, are entitled to the half fare entitlement card. My constituent is in fact receiving Commonwealth benefits. But, here is the catch. Because she is not on maximum unemployment benefits, Centrelink has refused to issue her with an authorisation to obtain the half fare concession. Apparently, only those on full unemployment benefits are entitled to the concession card.

Under normal means testing conditions I would probably accept a ruling such as that. However, my constituent is not on full benefits owing to a draconian Howard Government decision that sets unemployment benefits at 18 per cent below the maximum benefit for persons who choose to leave their former jobs. I think only a conservative government, like the one we have in Canberra, is capable of thinking up such a heartless policy, which penalises the unemployed for leaving jobs regardless of the circumstances. There can be a number of reasons for leaving a job. Illness, fatigue, harassment in the workplace and unsuitable working conditions are just a few of those reasons. Everybody should have the right to seek more suitable employment without being punished by a reduction in benefits. After all, when someone leaves a job, the government does not lose, as the vacancy is filled by an unemployed person who immediately has to forfeit any Commonwealth benefits the person may have been receiving.

Thanks to this Federal Government imposition—aided and abetted by Senator Jocelyn Newman, who I think graduated from the Margaret Thatcher school of social caring—we now find ourselves in a situation where travel concession entitlements need to be reviewed in order to overcome this anomaly. As I said, persons who receive a benefit 18 per cent below the maximum unemployment benefit need the half fare concession more than those who receive the full amount. Obviously, those receiving a lesser benefit have less cash to pay for their fares when seeking employment. Clearly, the State Government's intention is to assist the unemployed with a half fare entitlement card, provided they have no other means of income. In the past, the means of anyone who received the full benefit were such that they qualified. Nowadays, even persons who have no income, but do not receive the maximum benefit as a result of Jocelyn Newman's legislation, are not entitled to the card.

I know it is my job as a member of Parliament to speak out against unfairness, but I would have thought someone would have picked up on this before today. However, on inquiry at both a State and Federal level, the only response I got from a host of government departments was, "Well, they're the rules." So bureaucratic rigidity prevails, despite the themes of "accountability and flexibility", which are the goals that government is supposed to operate under these days. I dare say my constituent is one of the many whose means are below the maximum unemployment benefit yet cannot obtain a concession that is available to those receiving more.

As the Federal Government has now established various categories of unemployment, I believe it is our responsibility to seriously examine those categories to assist those in greatest need, irrespective of whether they are receiving a full benefit. If such an examination takes place, I feel sure that those in the same situation as my constituent, those who do not enjoy full benefits, would in fact be entitled to the half fare entitlement card. I therefore call on the Minister for Transport to instruct his department to review travel concessions for the unemployed, with a view to correcting current anomalies, which have come about as a result of the Howard Government's cutting back on unemployment payments.

REPAIR OF FLOOD DAMAGED ROADS

Mr R. W. TURNER (Orange) [11.05 p.m.]: It gives me little pleasure that I must once again raise an issue related to the devastating floods in the north-west of New South Wales and particularly their impact on

some farmers who are constituents of the Orange electorate. I raised this question with the Premier during question time, but unfortunately I did not yet get the response that I had hoped for. I hope that the Premier is reconsidering the answer that he gave today and that he will give consideration to helping these farmers. Whilst they come from my electorate, they have headers and trucks in flood zones in the north-west of the State. They cannot get their trucks and headers out of those areas because the Roads and Traffic Authority and councils are closing certain roads to the headers because of the risk of further damage to those roads, which have been covered with water in recent days.

Today I spoke to Derek Gosper of Manildra, John Evans of Manildra, Paul Windus of Gumble and Stephen Kershaw of Molong. Fortunately, Stephen Kershaw got his machine out last Sunday and it is back in the Geurie district, where he was stripping canola today. But there are some whose machines remain floodbound. They cannot get their machines out of flooded areas because they are prohibited from travelling along certain local roads. I am talking not only about these three farmers but some 500 headers and trucks worth millions of dollars that are locked in the area. The operators are losing hundreds of thousands of dollars a day because they cannot undertake any contract work. Though there is very little contract work in the north-west because crops basically have been ruined, truck operators are not able, as they have done for many years, to go from the Orange district to Queensland in the very early stages of the season—because Queensland's season is much earlier than that of the Central West—then work their way south before returning home to strip crops from their own properties and the properties of their friends and neighbours some time in December.

Not only are those operations at a standstill, but the contractor is missing out on other contracts that they would normally get as they head south. They also run the risk, if they do not return to their own areas within the next eight to 10 days, not only of losing the contract work but of having to engage subcontractors to strip their own crops. So they will miss out both ways. Today I spoke to Paul Windus, who said that not only is his \$300,000 header in the north-west of the State doing nothing, but his truck and driver are up there as well. To retain the driver in the hope that the driver will return to the north next year to undertake contracts, Paul Windus is paying the driver whilst losing the advantage of undertaking work. The driver may be providing some security for the truck and the header, but Paul Windus is losing income whilst incurring the cost of paying his driver. These farmers have undertaken this trek to Queensland for many years. Let us face it: these contractors who go into Queensland and work their way back home are needed by the farmers in the north of New South Wales and in Queensland who have thousands of acres of crops. Likewise, the contractors need to service those farms to earn income.

Quite often these farmers or their sons, to supplement the income from the farms in the Central West, buy or lease these headers, and head for Queensland. They work their way back down hoping that will supplement the income of the farms. While the farms up north have been covered in floodwaters their incomes have been virtually zero, and the incomes of a lot of these operators who own headers and trucks will also be slashed dramatically. Payments for the leases of those headers and trucks will have to come out of the farm income, which will be stretched, and this will cut down the standard of living on those farms even further than it is at the moment.

CESSNOCK ELECTORATE ECONOMIC INFRASTRUCTURE

Mr HICKEY (Cessnock) [11.10 p.m.]: I draw to the attention of the House the emerging economic infrastructure in the Cessnock local government area. Cessnock has gone from a depressed locality that suffered heavily from the closure of many mines in the area—mines which, until the 1960s, had provided the town with a sound economic base. In 1925 the mining industry in the Cessnock area employed 10,519 staff and produced 5.5 million tonnes of coal, which was 40 per cent of the State's production. With the downturn in the industry since that time, it is sad to say that there is only one operational mine in the Cessnock area. At present the economy in Cessnock is growing steadily, and the town now boasts a diverse economic infrastructure that can sustain a population of 17,000 people. This is not to say we do not have a problem with unemployment, but the people of Cessnock are resilient and the town and related areas have maintained a strong commitment to a positive future.

The development that has occurred to allow this economic transformation to take place is a product of excellent planning by the Cessnock City Council and the support we have received from this Government and previous Labor governments. In the past 12 months alone an estimated \$1.6 billion worth of development applications have been lodged with Cessnock City Council. It would be pertinent to refer to a few at this stage. Cessnock recently attracted investment by the Coles-Myer group of \$8 million that has provided the town with a diverse range of new shopping opportunities. The manufacturing sector is paying close attention to the Cessnock area, and a steel strapping plant is currently under construction in the Kurri Kurri area. This development alone is worth more than \$20 million to the town.

The big winner in the area is the ongoing boon in wine tourism that has developed over the past 20 years or so. In development dollars this sector has contributed more than \$1.5 billion to the area over the past five years. At the Kurri Kurri end of the city we have a mooted \$400 million investment in the Hunter Lakes Resort that will provide up to 500 beds and a resort, with golfing facilities second to none across the State. In the north of the local government area, at Rothbury, yet another country club is being established which will provide a health resort with attached golfing facilities and five-star accommodation facilities. In the heart of the traditional vineyard area, in what local operators call the golden mile, \$478 million worth of development is currently pending or under construction.

The more outlying regions in the local government area are not being neglected either. My home town of Paxton has a \$70 million eco-tourism resort under consideration by council. If this development goes ahead it will not only inject much-needed money into the local economy but will provide the area with its first facility at the cutting edge of a new era—eco-tourism. The town of Greta, which in the past was famous for its migrant camp, will soon have an integrated tourist development on the old army campsite. This development is estimated to be worth \$20 million.

To give some idea of the current economic conditions that prevail in the Cessnock area, I will quote some figures relating to the number of development applications being processed by Cessnock City Council. In the year 1997-98 360 development applications were processed by council. In 1998-99 this figure increased to 778. In the year 1999-2000 this figure jumped to a staggering 1,076—a massive increase. Over the three-year period there was an increase of 198 per cent in development applications processed. In March this year an all-time record was achieved, with 140 development applications lodged and 121 construction certificates issued. I would hate to see Cessnock put all its eggs in one basket, and the area needs to continue in its attempts to diversify. It is great to see what is happening, and it should ensure a sound, positive future for future generations. Never again should Cessnock be allowed to suffer the economic slump that it endured between the mining years and the 1990s.

BROOKLYN RAILWAY BRIDGE

Mr O'DOHERTY (Hornsby) [11.15 p.m.]: As we prepare to celebrate the Centenary of Federation, I remind the House of the words of Sir Henry Parkes, former Premier of New South Wales, on 1 May 1889, on the occasion of the opening of the railway bridge across Brooklyn. The honourable member for Peats is in the Chamber. The Brooklyn railway bridge still joins her electorate to mine. On that occasion at Brooklyn Sir Henry Parkes said:

I feel that the toast entrusted to me represents an event superior to anything that has ever occurred in the history of these great colonies. We are, without any exaggeration of language, assembled here to celebrate an occurrence which has more interest, especially in anticipation of the future, than anything else that has taken place in our history. We have formed a communication by railway which may be said to bind the whole population of Australia in one chain.

He went on in his address to expand on that theme, and said:

We have here a representative of the great government of our south, and of the great government of our north, and why should not this occasion be an emblem of our future relations? If the engines meet today with this special greeting, why should we not shake hands and be knit together in bonds that cannot be sundered, and forget the things that created jars that can easily be removed? It is said that the time has arrived for the political federation of these colonies.

Sir Henry Parkes finished by asking those present to drink the toast of united Australia. Those themes are familiar to those who remember the Tenterfield oration. It is the view of Tom Richmond, a local historian in Brooklyn, to whom I am indebted for this material and for so much else that is of immense value about the history of Brooklyn, that Henry Parkes was developing the great themes as he spoke about the Federation of Australia when he came to open the Brooklyn bridge. It makes Brooklyn one of the important sites when celebrating Federation. It is Tom Richmond's belief, and mine, that Brooklyn needs to be recognised much more for the role it has played over the years in significant moments of our history, particularly at the time of Federation.

I acknowledge that a Federation grant has been provided by the Federal Government, and we have Philip Ruddock, our Federal member, to thank for that. It will enable some significant work to take place around McKell Park. My purpose tonight, amongst other things, is to say that it is my view, and I believe it is Philip's view and the view of many other people in Brooklyn, that we should not miss this opportunity to do a range of work that is required around the McKell Park area, and not just use the Federation grant in a small-scale project at McKell Park. Council should use money it has been holding for some time—section 94 contributions the council has had for in excess of 10 years—to dredge Brooklyn boat harbour and to properly improve Brooklyn boat harbour in the vicinity of McKell Park.

The State Government will give a grant equal to 55 per cent of the cost of the dredging and other works in the harbour. That was confirmed recently in a meeting we were able to hold in Philip's office. I encourage the council to do all the work that is required so that it does not have to do it twice. Brooklyn has been studied too many times but no real work has been done. Council now has the opportunity to draw together the funding sources that are available to do the job properly. Secondly, as we continue to celebrate Federation in the Brooklyn area, I want us to think carefully about some of the things Tom Richmond and his colleagues have been putting forward about the possibility of turning Brooklyn into a much more obvious place to study our history.

For example, the Long Island embankment across which the rail line goes now is one of the few places that reflects the riches of the recent history of Australia. A recent excursion to the area by the Australian Historical Society brought the comment that members of the society had never seen as much historical interest packed into one location. It is the scene of the Peats ferry railway disaster of 1887. You can still see the remains of River Wharf railway station on Long Island. The Founding Fathers, including Parkes, visited there on a number of occasions, as did the Royal Family in 1901 and 1920. You can still see the construction site for the second Hawkesbury River railway bridge, and the disused Long Island tunnel, the history of which includes one death and a period as a mushroom farm.

Tom Richmond believes that the Long Island embankment ought to be ceded by the State back to the council. Whether that takes place or whether the State does the development, I firmly believe, as Tom does, that this is an opportunity for a terrific local history display. I would encourage the State Government to listen to what Tom is saying. I would also encourage any honourable member, including the honourable member for Peats, to join Tom on one of his tours of Long Island. Tom is contributing a great deal to our understanding about the history of this great part of Australia.

OLYMPIC AND PARALYMPIC GAMES

Ms ANDREWS (Peats) [11.20 p.m.]: I join with the honourable member for Hornsby in acknowledging that the area of the State to which he referred plays a significant part in our Federation. The fact that the Olympic Games were so successful was not merely a fluke. They were such a resounding success because of the many years of careful planning that preceded this greatest single world event. It was careful planning, too, that led to the transformation, in a relatively short period, of the primary Olympic site, Homebush Bay, from a virtual dumping ground to a world-class facility. The provision of the rail link into Homebush Bay was a wise decision, as trains are, after all, the best means of moving large crowds at any one time. That point was made throughout the Games. Workers in both the public and private transport sectors are to be congratulated on doing such a sterling job during the Olympic Games and Paralympic Games. They ensured that the trains, buses and ferries ran on time, with very few hiccups.

Unions representing these workers are also deserving of special praise for the commitment they gave to the Government to co-operate in helping to deliver to the world the best Olympic Games ever. The fact that all the venues were completed before time was due to the success of the partnership entered into between the Labor Council of New South Wales and the New South Wales Government on 22 December 1997. Full credit must go to the Premier, Bob Carr, the Minister for the Olympics and the Minister responsible for the Paralympics, the Minister for Transport, and Minister for Roads and, indeed, all the Ministers and everyone else involved with the preparation for and holding of these magnificent Games. Australians from around the nation, together with overseas visitors, embraced the Olympic Games and Paralympic Games with great enthusiasm—the memories will live on forever.

The Olympic torch relay came to the Central Coast on 28 August. The spectacular, which was staged at Graham Park, Gosford, on that evening was, I believe, comparable to a mini opening ceremony for the Olympics. On 29 August the torch relay, headed by torchbearer former Olympic swimmer Peter Reynolds, left Gosford and wound its way through West Gosford, Narara, Niagara Park, Ourimbah and other suburbs until it arrived in Wyong. The reception the torch received in Baker Park, Wyong, was tremendous. All along the way school students, many of them decked out in the five colours of the Olympics, and local residents of all ages gave the torchbearers and the support runners much encouragement. The proud torchbearers in my electorate of Peats were Bill Vroylks, Phillip Hudson, Beverly Ford, Ms B. Horton, Fritz Baumung, Garry Mensforth, Claire Mercer, Kathleen Morison, Maree Gross, Georgia Sidiropoulos, Bruce Hampson, Reg Bennett, John Shirley, Alex Hurl, Samantha George, Tim Pont, Daphne Gibbens, Katie O'Reilly and Steven Graham.

A number of school students from schools within my electorate, as well as adults, participated in the opening and/or closing ceremonies. Students from Woy Woy and Spencer public schools—there could be others

of whom I am not aware—participated in the welcoming of overseas athletes program. The students were taken into the athletes village, and welcomed members of the Mexican and Liberian Olympic teams respectively. It was an honour and a wonderful experience for those young schoolchildren. I draw to the attention of the House the fact that regional areas of the State, including the Central Coast, benefited from the awarding of contracts from the massive amounts of capital works carried out in the lead-up to the Olympics. I am pleased to inform the House that a number of companies in my electorate of Peats were successful with their tenders.

The successful tenderers included Stabilised Pavements of Australia, Somersby, which carried out stabilisation works at the regatta site and the canoe slalom; Venue Revenue Services, West Gosford, which was responsible for seating in the equestrian centre's stadium, seating for the expansion of the stand in the aquatic centre and seating for the Centre Court at the tennis Centre; Australian Manufactured Homes Pty Ltd, West Gosford, which provided relocatable accommodation for the media village; Parkwood New South Wales Pty Ltd, West Gosford, which provided a car park for the Sarah Durack manufactured home, caretakers cottage; Parkwood Homes, West Gosford, which provided 19 modular homes in the athletes village; Reinforced Earth Company, Somersby, which provided arched roof supports and reinforced earth walls for Olympic Park station, and a supply of off-site entertainment structures; and Sulo M. and B. Australia, Somersby, which provided mobile garbage bins for the public domain.

During the Games a number of visitors from Germany were accommodated on the Woy Woy peninsula. It was a great delight to see them setting off in the mornings to catch their trains to the various venues. I acknowledge that the highly respected and former President of the other place, the Hon. John Johnson, devoted a lot of his time and effort towards securing SOCOG's approval to use Australian native flowers in the athletes bouquets.

Private members' statements noted.

BILLS RETURNED

The following bill was returned from the Legislative Council with amendments:

Water Management Bill

Consideration of amendments deferred.

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

Electricity Legislation Amendment (TransGrid) Bill

House adjourned at 11. 27 p.m.
