

# LEGISLATIVE ASSEMBLY

Thursday 30 November 2000

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

**Mr Speaker** offered the Prayer.

## WATER MANAGEMENT BILL

### In Committee

#### Consideration of the Legislative Council's amendments.

##### *Schedule of amendments referred to in message of 29 November*

- No. 1 Page 2, clause 3, line 28. Omit "social and customary use of land". Insert instead "social, customary and economic use of land and water".
- No. 2 Page 5, clause 5, lines 27 to 32. Omit all words on those lines. Insert instead:
- (6) In relation to floodplain management:
    - (a) floodplain management must avoid or minimise land degradation, including soil erosion, compaction, geomorphic instability, contamination, acidity, waterlogging, decline of native vegetation or, where appropriate, salinity and, where possible, land must be rehabilitated, and
    - (b) the impacts of flood works on other water users should be avoided or minimised, and
    - (c) the existing and future risk to human life and property arising from occupation of floodplains must be minimised.
  - (7) In relation to controlled activities:
    - (a) the carrying out of controlled activities must avoid or minimise land degradation, including soil erosion, compaction, geomorphic instability, contamination, acidity, waterlogging, decline of native vegetation or, where appropriate, salinity and, where possible, land must be rehabilitated, and
    - (b) the impacts of the carrying out of controlled activities on other water users must be avoided or minimised.
  - (8) In relation to aquifer interference activities:
    - (a) the carrying out of aquifer interference activities must avoid or minimise land degradation, including soil erosion, compaction, geomorphic instability, contamination, acidity, waterlogging, decline of native vegetation or, where appropriate, salinity and, where possible, land must be rehabilitated, and
    - (b) the impacts of the carrying out of aquifer interference activities on other water users must be avoided or minimised.
- No. 3 Page 6, clause 6. Insert after line 9:
- (a) to set the over-arching policy context, targets and strategic outcomes for the management of the State's water sources, having regard to:
    - (i) relevant environmental, social and economic considerations, and
    - (ii) the results of any relevant monitoring programs.
- No. 4 Page 6, clause 6. Insert after line 25:
- (5) The regulations may make provision for or with respect to the public consultation procedures to be complied with in relation to the establishment or amendment of a State Water Management Outcomes Plan.
  - (6) A State Water Management Outcomes Plan has effect for the period of 5 years commencing on the date on which it is published in the Gazette.
- No. 5 Page 6, clause 7. Insert after line 28:
- (2) Such an order may only be made with the concurrence of the Minister for the Environment.

No. 6 Page 10, clause 13. Insert after line 5:

- (g) at least one is to be a person nominated by the Minister for the Environment, and

No. 7 Page 10, clause 13. Insert after line 12:

- (3) The members appointed as referred to in subsection (1) (a) - (e) should, as far as practicable, be persons who reside within the water management area for which the management committee is being constituted.

No. 8 Page 13, clause 20. Insert after line 16:

- (a) must recognise and be consistent with any limits to the availability of water that are set (whether by the relevant management plan or otherwise) in relation to the water sources to which the regime relates, and
- (b) must establish rules according to which access licences are to be granted and managed and available water determinations to be made, and

No. 9 Page 15, clause 26, line 28. Insert "and impacts on water quality" after "ecological impacts".

No. 10 Page 19, clause 34, lines 17 and 18. Omit all words on those lines.

No. 11 Page 23, clause 43, line 6. Insert "for ensuring the effective implementation of the water management principles" after "appropriate".

No. 12 Page 23, clause 44, lines 9 to 12. Omit all words on those lines. Insert instead:

**44 Periodic auditing of management plans**

- (1) The Minister is to ensure that a management plan is audited, at intervals of not more than 5 years, for the purpose of ascertaining whether its provisions are being given effect to.
- (2) An audit under this section is to be carried out by an audit panel appointed by the Minister in consultation with the Water Management Committee where one exists.
- (3) In setting terms of reference for the preparation of a management plan to replace an existing management plan, the Minister must have regard to the results of the most recent audit conducted under this section in relation to the existing management plan.

No. 13 Page 23, clause 45. Insert after line 17:

- (2) Such an order may not be made in relation to a water management area for which a management committee is constituted unless the Minister has consulted with the committee in relation to the proposed variation of the bulk access regime.

No. 14 Page 23, clause 46, line 23. Insert "(and, in any case, within 6 months)" after "As soon as practicable".

No. 15 Page 24, clause 46. Insert after line 3:

- (4) Section 41 of the *Environmental Planning and Assessment Act 1979* does not apply to or in respect of a regional environmental plan made pursuant to this section.

No. 16 Page 25, clause 50, line 18. Omit "principles". Insert instead "rules".

No. 17 Page 27, clause 52, lines 16 to 18. Omit "(including the watering of a garden not exceeding 0.5 hectares in area, not being a garden that is used for the commercial production of agricultural produce)".

No. 18 Page 33, clause 61. Insert after line 29:

- (2) An application for a regulated river (supplementary water) access licence may only be made as part of an application for some other kind of access licence, which application must nominate one of the other access licences as the access licence with which the regulated river (supplementary water) access licence is to be associated.

No. 19 Page 36, clause 66, line 28. Insert ", together with any variation in associated commercial activities," after "population".

No. 20 Page 36, clause 66. Insert after line 30:

- (4) On the application of a local water utility, the Minister may at any time increase the utility's entitlement to water under a local water utility licence so as to reflect any rapid growth of population within the utility's area requiring an immediate increase in the availability of water for supply by that utility.

No. 21 Page 37, clause 69, lines 26 to 28. Omit all words on those lines. Insert instead:

- (a) for 15 years, except in the case of an access licence referred to in paragraph (b) or (c), or
- (b) for 20 years, in the case of a local water utility access licence, or
- (c) for the term of the associated access licence referred to in section 61 (2), in the case of a regulated river (supplementary water) access licence.

No. 22 Page 42, clause 79. Insert after line 14:

- (7) For the avoidance of doubt, it is declared that a reduction of the water entitlements and allocations under an access licence as a consequence of a variation in the mandatory conditions of the licence does not constitute the compulsory acquisition of an access licence or any part of an access licence.

No. 23 Page 43, clause 83, lines 27 to 29. Omit all words on those lines. Insert instead:

- (c) such interests in an access licence as the holder of the access licence, or the holder of any interest in the access licence, requests to be included in the register.

No. 24 Page 43, clause 83. Insert after line 29:

- (2) For the purposes of subsection (1) (c), a person is not taken to hold an interest in an access licence held by a corporation merely because the person is a shareholder of the corporation.

No. 25 Page 45, clause 87, line 23. Omit ", with the advice of the Valuer-General,".

No. 26 Page 45, clause 87. Insert after line 26:

- (5) The amount of any such compensation is to be determined on the advice of the Valuer-General.

No. 27 Page 45, clause 87, lines 31 to 33. Omit all words on those lines. Insert instead:

- (6) A person who is dissatisfied with the amount of compensation offered to the person under this section, or with any delay in the payment of compensation, may appeal to the Land and Environment Court.

No. 28 Page 48, clause 93, line 28. Omit "water use".

No. 29 Page 51, clause 97, line 8. Omit "minimise harm". Insert instead "ensure that minimal harm will be done".

No. 30 Page 51, clause 97, line 13. Omit "minimise harm". Insert instead "ensure that minimal harm will be done".

No. 31 Page 51, clause 97, line 17. Omit "minimise harm". Insert instead "ensure that minimal harm will be done".

No. 32 Page 51, clause 97, line 21. Omit "minimise harm". Insert instead "ensure that minimal harm will be done".

No. 33 Page 51, clause 97, line 34. Omit "minimise harm". Insert instead "ensure that minimal harm will be done".

No. 34 Page 55, clause 106. Insert after line 24:

- (3) For the purposes of this section, an irrigation corporation, private irrigation board, private drainage board or private water trust is taken to be a landholder of land in respect of which a water use approval or water management work approval held by it is in force.

No. 35 Page 59, clause 114. Omit the clause.

No. 36 Page 59, clause 115, lines 21 to 24. Omit all words on those lines. Insert instead:

#### **115 Minister may impose fees and charges**

The Minister may impose fees and charges for the purposes of this Act.

**Note.** Under the *Independent Pricing and Regulatory Tribunal Act 1992*, any fees and charges imposed by the Minister under this section cannot exceed any relevant determination made by the Independent Pricing and Regulatory Tribunal.

No. 37 Page 63, clause 121. Insert after line 18:

- (3) The powers of entry conferred by this section are not to be exercised for a purpose referred to in subsection (1) (a), (f) or (g) without prior notice to the occupier of the land.

No. 38 Page 85, clause 165, line 21. Insert "except in relation to damage caused by negligence and" after "water supply work".

No. 39 Page 92, clause 181, line 15. Omit "ditches or channels". Insert instead "water delivery systems".

No. 40 Page 92, clause 181, lines 23 and 24. Omit "ditches or channels". Insert instead "water delivery systems".

No. 41 Page 92, clause 182, line 34 to page 93, line 3. Omit all words on those lines.

No. 42 Page 99, clause 197, line 3. Omit "Part". Insert instead "Act".

No. 43 Page 109, clause 223, line 19. Insert "construct a water management work or" before "take water".

No. 44 Page 137, clause 282, line 11. Omit "that has ceased to exist".

No. 45 Page 139, clause 284, line 16. Omit all words on that line. Insert instead:

**water management work** means a water supply work, drainage work, sewage work or flood work, and includes a work in the nature of a water supply work (being a work that receives water from a water supply work under the control or management of a water supply authority).

No. 46 Page 160, clause 323. Insert after line 5:

(e) the planning and management of water, sewerage and drainage systems,

No. 47 Page 161, clause 324, line 4. Omit "for any reason". Insert instead "in the public interest".

No. 48 Page 172, clause 347, line 7. Insert "the Minister," after "management of,".

No. 49 Page 172, clause 347, line 16. Insert "the Minister," after "management of,".

No. 50 Page 174, clause 353. Insert after line 12:

(2) A person must not obstruct or hinder an authorised person within the meaning of section 121 in the exercise of the authorised person's functions under that section.

Maximum penalty: 20 penalty units.

No. 51 Page 175, clause 356, line 10. Omit "the occupation of land". Insert instead "a specific parcel of land".

No. 52 Page 188, clause 379, line 5. Omit "381". Insert instead "380 (4)".

No. 53 Page 188, clause 380. Insert after line 16:

(5) Subject to this section, the constitution and procedure of the Board of Trustees are to be as prescribed by the regulations.

No. 54 Page 188, clause 381. Omit the clause.

No. 55 Page 189, clause 383. Insert after line 19:

(c) establish works programs, and associated budgets, for projects to be carried out or funded by the Trust, and

No. 56 Page 190, clause 388. Insert after line 26:

(2) Water investment contributions are to be fixed in relation to specified works programs established by the Trust, and so as to yield receipts no greater in total than the amounts budgeted by the Trust in relation to the works programs so specified.

No. 57 Page 191. Insert after line 1:

### **389 Expert advisory panels**

(1) The Minister may appoint expert advisory panels for the purpose of this Act.

(2) An expert advisory panel is to consist of such persons as, in the opinion of the Minister, have the qualifications and expertise appropriate to the matters proposed to be referred to it.

(3) An expert advisory panel has the function of investigating, and reporting to the Minister on, such of the following matters as are referred to it for investigation and report:

- (a) any State Water Management Outcomes Plan to be established under section 6,
- (b) the terms of reference to be set by the Minister under section 15 for the preparation of a draft management plan,
- (c) the adequacy and appropriateness of the provisions of a draft management plan submitted to the Minister under section 37 or 40,
- (d) the effectiveness, in relation to the furthering of the water sharing principles, of any bulk access regime established by a management plan to be made by the Minister under section 41,
- (e) any management plan in respect of which a review is being carried out under section 43,
- (f) any implementation program to be established under section 51.

No. 58 Page 198, Schedule 2. Insert after line 3:

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No. 59 Page 218, Schedule 6, lines 18 and 19. Omit "inspection of any person on payment of such fee as may be determined by it from time to time". Insert instead "inspection, free of charge, of any person".

No. 60 Page 245, Schedule 9. Insert after line 29:

- (3) Subclause (1) (a) does not apply to an entitlement that, immediately before the appointed day, was held by a local water utility.

No. 61 Page 245, Schedule 9, line 34, to page 246, Schedule 9, line 3. Omit all words on those lines.

No. 62 Page 246, Schedule 9. Insert after line 32:

**10 Local water utility licences**

- (1) On the appointed day, the Minister must grant an access licence to any local water utility that, immediately before the appointed day, held an entitlement in relation to a water supply work.
- (2) The share component of such an access licence is to be expressed as a specified volume per year.
- (3) Subject to subclauses (4) and (5), the specified volume in relation to an access licence may be any of the following:
  - (a) the quantity of water specified in the relevant entitlements held by the local water utility immediately before the appointed day,
  - (b) a quantity of water calculated by reference to the nature and extent of the area to which the licence relates:
    - (i) having regard to population levels, geographical location and current water usages, and
    - (ii) assuming that reasonable demand management strategies are implemented in that area,
  - (c) a quantity of water calculated on the basis of the current yield of the water management works under the control or management of the local water utility by which the licence is taken to be held.
- (4) The yield referred to in subclause (3) (c) is to be determined with regard to historical stream flow data, and with regard to drought management strategies and demand management practices established by the local water utility concerned.
- (5) In the case of an access licence whose specified volume is greater than the quantity of water currently taken and used under the entitlement referred to in subclause (1), the Minister may at any time impose a condition on the access licence to the effect that water in excess of that quantity is not to be taken or used except with the consent of the Minister.
- (6) Such a condition is not to be imposed unless the Minister is satisfied that the imposition of such a condition is necessary in the public interest.

No. 63 Page 253, schedule 9, lines 16 to 20. Omit all words on those lines.

No. 64 Page 255, schedule 9, line 18. Insert ", irrigation corporation or private irrigation board" after "public authority".

**Mr AMERY** (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [10.01 a.m.]: I move:

That the Committee agree to the Legislative Council's amendments.

**Mr D. L. PAGE** (Ballina) [10.02 a.m.]: The Water Management Bill has been through a very long process since its inception. There has been a white paper, a draft bill, followed by a final bill with 160 amendments moved by the Government, and the upper House has spent the last three days debating the bill. There has therefore been a lot of input to this legislation. Notwithstanding that great amount of debate, the Opposition still has a number of concerns about the legislation, including two major concerns which I shall now outline.

The arrangements regarding the transition period between now and the date that the new water management plans will come into effect are a major concern. Under the current legislation it is mandatory that a complete review of all bulk access regime arrangements and environmental flow rules be conducted. The Opposition's position on that is quite plain. Environmental flow rules and bulk access regime arrangements have been determined in respect of four valleys, and with regard to two valleys the bulk access regime has been

determined, but there is an argument about sharing between irrigators in the two valleys. However, putting those two valleys aside, in respect of four valleys we have been through the process of determining the share between the irrigators or water users and the environment, and those rules have been set in place after a lot of deliberation.

It is our view that those environmental flow rules and the bulk access regime arrangements should flow through and form the foundation for the new water management plans. Unfortunately the Government has not seen fit to accept the Opposition's amendment, and has decided that there will be a review of all environmental flow rules right across the State. In our view that is unnecessary. Indeed, I predict that it will be very unhelpful and it will create quite a lot of angst particularly among irrigators, who will defend their situation as they have had to do in the past two or three years.

I believe that the Government is simply buying a problem for itself. It is a great shame that the Government has not accepted the fundamental principle that a process was put in place, outcomes have been determined through an orderly process which in many cases have created quite a lot of pain for the stakeholders involved, and those arrangements should remain in place and be the foundation for the new water management plans. That is the Opposition's major concern about the legislation. As regards the end of the water management plans the Opposition sought to promote what I believe was a very sensible amendment. Essentially, the amendment provided that, unless the most recent periodic audit under section 44 indicated otherwise, the Minister would, on expiry of the management plan, replace it with a plan in substantially similar terms.

The reason for that amendment is that these water management plans will be audited periodically by an external or independent party. Provided a water management plan fulfils its objectives and those objectives reflect the objectives of the legislation—it is not possible to have a water management plan unless the objectives of the legislation are included in that water management plan—if the water management plan is given a big tick when it comes to a periodic audit in years 8, 9 or 10, that should form the basis for a new plan and there should be a presumption that there will be a renewal of that plan because everything is seen to be going well.

There is nothing new or radical about that idea; we simply thought it was a way of providing certainty to water users. Unfortunately the Government has not seen it that way. The Government has moved an amendment which, in my view, is not strong enough. The amendment simply provides that the Minister must have regard to the audits that are carried out. We all know that the requirement that the Minister have regard to something is not the same as a stronger clause which would indicate that if the audit says that everything is in order, there is then an assumption that the plan would be renewed. The Opposition is still very unhappy about that.

I wish to place on record that even at the end of last night's long debate in the upper House, at the eleventh hour, in the final Committee stage, we sought to recommit those two concepts, to give the Government an opportunity to change its mind on those two issues. We put those amendments again at the end of the debate, but unfortunately the Government chose to oppose the amendments and they were defeated. However, I wish to place on record that the Opposition still passionately believes that we were right, and are right, on those issues, and I am sure that we have the support of water users across New South Wales, who at the end of the day are looking for some certainty as a result of this legislation.

Another issue that the Opposition is concerned about relates to the Minister for the Environment having a concurrence role. The Minister for the Environment is not involved in the process, and yet under the legislation he or she has a veto power at the end of the process. We do not believe that is appropriate. The Minister for Land and Water Conservation should be the primary person involved in ticking off the plan, and he or she should consult with the Minister for the Environment. We do not believe that the Minister for the Environment should have a veto power at the end of the day.

My concern is that people who work for the Minister for the Environment, for example officers of the Environment Protection Authority, will be able to smile to themselves as the plan is being drafted and put through, knowing full well that at the end of the day they will be able to say to their Minister, "We don't want a bar of this," and the Minister will simply say, "Sorry. This plan is not going to be approved." We believe that that is a disproportionate amount of power to give to the Minister for the Environment. We are very happy for the Minister for the Environment to be consulted, but we do not believe that the Minister for the Environment should have a concurrence role.

The Opposition does not believe that the arrangements in relation to local government agreements are strong enough. We believe that any existing agreement should be honoured. The reality is that, in the scheme of

things, councils are relatively small users of water, and it would not have been too much to have asked the Government to give an undertaking that it would honour all existing agreements between local water utilities and the Government, whatever form those agreements may take.

A number of councils are affected and, whilst the Government has come part of the way in accommodating some of their concerns, it has been extremely legalistic in its approach. Basically, it has said that unless there is some legal agreement arrangements will not be honoured. Many agreements are not contained in legally binding documents. Nevertheless, they are entered into in good faith by the local water utility and local government. They ought to be honoured, not least because local government should have access to water because of its significance to regional development and employment. We are concerned that the Government has not embraced the concept in its totality and has chosen rather to implement a partial solution.

We are pleased about a number of aspects of the bill. When the debate started there was no provision in the white paper for compensation. It was specifically stated that the Government under no circumstances would pay compensation for loss of water entitlement. We have come a long way since then. There is now a compensable water right which lasts for 10 years. The National Party and other members can take credit for pushing that issue as hard as we have. I am not prone to claiming credit for things but I hope that the Government will acknowledge that when the process started there was very little water security for users. We now have something which is a lot better. It is not entirely what we want—as I said, we have problems about the beginning of the process, the period between now and when the water management plans come in, and what happens at the end of the 10 years—but we have achieved a 10-year compensable water right. That is a lot better than the original proposals.

We are pleased that the Government accepted the validity of the argument and the amendment in relation to an appeal right for people who have a partial loss of entitlement. The original proposal was that the Minister, while receiving advice, could choose to pay no compensation and there would be no appeal right. I felt that it was totally inappropriate and that people should have an appeal right. Water management committees were another hot topic. Again I thank the Government for accepting the amendment in relation to the residential aspect: wherever practicable the people on the committees should live in the valley their committee relates to. It is all about local ownership and decentralisation of management.

I conclude by thanking a number of people, particularly the Irrigators Council, which has taken a particular interest. Brett Tucker and Col Thompson, the Chairman of the Irrigators Council, have been closely involved with the process. New South Wales Farmers made a contribution in the closing stages of the debate. Many people sent me copies of the submissions that they sent to the Government. I have been impressed by the interest shown by the stakeholders and the genuineness of their approach to achieve workable, practicable and fair legislation that will not cause too much pain. The debate has been characterised by a desirable new approach to natural resource management. Wherever possible, we should take politics out of these kinds of decisions and look at things in a dispassionate and fair way. Generally speaking, the debate has been conducted with a very high degree of integrity by the people involved. The result is not a bad piece of legislation.

We are all probably relieved at being at the end of a fairly long process. As I said, we are still concerned about two aspects. The Minister will probably say to me in the next 12 months, "Don, you were right. I wish that we had locked up those bulk access agreements. They are creating no end of pain." We all know what will happen. The stakeholders will have a new bidding war, which could have been avoided. Many of the benefits of the stakeholders talking the legislation through might be lost in the next 12 months as they enter a new round of negotiations. I hope that between now and when year 10 comes around we will be able to do something in relation to what happens at the end of year 10. We have a lot of time to do it. I am sure that people of goodwill will be able to provide some sort of security. They are my comments for what they are worth. The Opposition obviously will not vote against the amended bill but we have concerns particularly in relation to the period between now and implementation of water management plans and what happens after 10 years.

**Mr WINDSOR** (Tamworth) [10.17 a.m.]: I agreed with most of what the shadow Minister, the honourable member for Ballina, said about the progress of the bill through the upper House. I also have concerns about the transition period. There is a risk of creating angst, particularly with the irrigators, by revisiting the environmental flow rules for the start of the new water management plans. I ask the Minister to outline the intent of the process from now on. I am led to believe that in all likelihood the old rules could prevail in the valleys that have been through the management process for determining environmental flows. The honourable member for Ballina made an important point, and I congratulate the Minister and his staff on this: all players have tried to work through this enormous process. The shadow Minister, the Minister and many others, bearing in mind the variety of water users and the demands from various sections of the community, have worked with goodwill on all sides.

I ask the Minister to explain the arrangements for local government. I think I am on top of what is happening but with so many things happening in the upper House and other places last night there may well have been minor changes. I personally thank the Minister for his attention to the specific problem Tamworth City Council had in relation to its allocation and its legal arrangements of yesteryear and the way that has been embraced in the bill. The honourable member for Dubbo, who is in the Chamber at the moment, I know, would also thank the Minister and the department for the way in which they have dealt with the circumstance in Dubbo. The honourable member for Ballina expressed concerns about other local government areas that may not have had some prior, blinding legal arrangement.

To assist some communities with future planning, I ask the Minister to outline the intent and the impact of the amendments passed in the upper House. Many meetings have taken place to facilitate discussion of the provisions of the bill. I know that very early in the consultation process when the white paper was released the honourable member for Dubbo, the honourable member for Northern tablelands and I spent a week travelling throughout various valleys talking to several irrigators to ascertain an overview of what was happening in areas of the State other than our own electorates. That has helped us in the contributions we have made and in our attempts to come to grips with a massive piece of legislation which will apply to the whole State rather than particularly to individual river systems and valleys within various electorates.

I congratulate the Minister on the manner in which he has conducted the process of this legislation. The honourable member for Ballina made the point that the Minister embarked on a process of consultation but that some players may not be totally happy. I have concerns about minor matters, but many of those may be resolved by the way in which the Minister and the department implement the legislation. The provisions are flexible enough to be interpreted either harshly or in a friendly manner, but the consultative approach to date and the changes that have been accepted indicate the Minister's preparedness to talk, to listen and, in some cases, to change his mind. Moreover, the shadow Minister has been prepared to go beyond politics in relation to this legislation and has adopted a constructive approach to natural resource management.

The approach adopted in relation to this bill is very different from the way in which the vegetation legislation was dealt with in this Parliament. A feature of this bill has been an attempt to bring balance into natural resource management and as this Parliament moves into management of other natural resources and attempts to deal with problems of salinity, I encourage every Minister and every Government to undertake the type of consultative process that has been adopted in relation to this bill. If all the players believe that there is no hidden agenda of the Minister or of the Government, there is a better chance of coming to grips with the problems and finding solutions for them through legislation. I thank the Minister's staff for the way in which they have made themselves available for consultation to all and sundry, irrespective of whether people's interests were in conservation, industry, irrigation, farming or even whether they were members of Parliament. The attitude of the Minister's staff has been excellent. They have obviously contributed a tremendous amount of work to this legislation and they deserve great credit.

**Mr WEBB** (Monaro) [10.20 a.m.]: I briefly place on the record the indebtedness of members of the National Party, other members of the Opposition and, indeed, all other members of this Parliament to the honourable member for Ballina and shadow Minister, Don Page, for the tremendous amount of work that he has contributed over the last 12 months to scrutinising the provisions of this bill and formulating most of the amendments that have been considered by the Parliament. I, for one, and many of my colleagues convey our thanks to the honourable member for Ballina, Don Page, and also to Emma Watts, who is the secretary to the Hon. D. F. Moppett in the other place. I thank her for her efforts in dealing with the backlog of work that has come to her as result of consideration by the upper House of the amendments to the Water Management Bill.

I take this opportunity also to pass on thanks to the secretary of the honourable member for Ballina, Bernadette Ensby, for contributing a great deal of time and effort to formulating the Opposition's responses to the bill. I thank all staff in the National Party who have contributed to the scrutiny of, and opposition to, various provisions of the bill. I echo the comments made by the honourable member for Ballina and the honourable member for Tamworth who expressed concerns as well as thanks to the Minister and his staff.

**Mr McGRANE** (Dubbo) [10.24 a.m.]: I endorse the comments made by the honourable members who preceded me in consideration of this bill at the Committee stage. I share the concerns outlined by the honourable member for Ballina, Don Page, the honourable member for Tamworth, Tony Windsor, and the honourable member for Monaro. The attitude of the Government towards local governments lacks some flexibility. Although areas in the Tamworth and Dubbo electorates are probably secure, other areas where verbal agreement have been entered into between various councils and water authorities may have some problems. As I



understand it, a verbal agreement is being treated as just a verbal agreement which cannot be substantiated and that is unfortunate. Those areas of local government are very concerned which brings upon the Government the possibility of a bad outcome for a bill that, in a sense, has been well discussed.

As honourable members who preceded me have said, the Minister's approach has been excellent in his openness and in his deliberations in bringing the bill to this stage. His approach has gone beyond party politics, and that is great. It is the first time I have had the experience in this Parliament of party politics been taking out of the equation when dealing with legislation. That has come about solely because of the leadership of the Minister. I congratulate also his staff and officers of the department. I have led a number of delegations to the Minister, his staff and officers of his department. We always received a great welcome and a fair hearing, reflecting openness in government which augurs well for the end result. Nevertheless, I still have concerns which have been outlined by honourable members who preceded me in this debate. Of course I recognise that there needs to be give and take, but I think the treatment of local government authorities and irrigators was unfortunate because they have not received quite the measure of justice that I feel they deserve.

**Mr AMERY** (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [10.27 a.m.]: I thank all honourable members who made contributions to the Committee stage. I will deal briefly with some of the comments that had been made. At the outset, I make the observation that every few years this Parliament discusses legislation which by any measure—volume, years of effort or extent of consultation undertaken with interest groups and the community—is very substantial. To make the understatement of the day, this bill has definitely been one of those bills. The legislation came about as a result of the white paper that has been referred to by the shadow Minister and honourable member for Ballina.

The white paper began a quite lively debate in rural New South Wales and many claims have been made. Some of those claims were exaggerated and others were very valid. The scene was set for what I believed would be a very contentious and divisive debate this year. The legislation that was tabled in June departed somewhat from the white paper to address some concerns that had been expressed, but the consultation process that followed the introduction of the bill resulted in 160 amendments being proposed by the Government when debate on the bill began at the commencement of the session. Amendments that have been considered by the upper House amounted to 220 on top of 160 amendments that were moved in the lower House when the bill was introduced. To say that the bill has been subjected to a substantial round of public consultation and has been characterised by give and take by all parties is virtually an understatement.

For the record, I mention that of the 220 amendments that were moved in the upper House, 34 were new Government amendments. The reason they were considered in the upper House was not because the Government forgot to introduce them in the lower House but, rather, because all through the process of debate, while the legislation was being considered by the lower House, honourable members and representatives of local government, the Irrigators Council and the Nature Conservation Council were trotting through my office, and 34 last-minute amendments were accepted for inclusion in the legislation. Quite a number of amendments—220 in total—were considered by the upper House and many of those which were moved by the Opposition were accepted by the Government—I will discuss those shortly—whereas some amendments that were suggested were dealt with by way of compromise and rewording to better reflect the intention of what the Government was trying to achieve.

The Government opposed a number of the amendments and with the support of crossbench members was successful in voting them down. It was the same with the Greens, the Christian Democratic Party, the Shooters Party and so on. I said in the second reading speech that when the bill gets to the upper House it will look like a lot of messerschmidts have attacked it. The bill has certainly lived up to that analogy. However, I received a message from Zoe De Saram to say that the bill had landed. I was pleased it did, although it had a few holes in it. I thank the shadow Minister for Agriculture, the honourable member for Ballina. This bill could not have been debated in this time frame during this session without the genuine and professional contribution of the New South Wales Opposition. We disagreed on many issues, ditched some of them, and voted against many Opposition amendments in the upper House, but it could not have been done without that assistance from the shadow Minister and the Opposition.

I put that on the record, despite the fact that debate in the upper House took four days, involving 22 hours of debate, making it the second longest-running debate, second only to the Industrial Relations Bill, which took 30 hours six years ago. The honourable member for Ballina, the honourable member for Tamworth and the honourable member for Dubbo raised concerns about environmental flows forming part of the management plans. They questioned why the Government did not accept environmental flows for the next 10 years. I argued

that issue during the second reading debate but I also spoke to irrigators and councils. Environmental flows were established in 1998 and considerable work went into that process. They were to be in place for five years, and without this bill and the amendments the environmental flows would be due for review in about two years time.

The Opposition, the honourable member for Tamworth and the Irrigators Council suggest that the environmental flows should be locked in but that would mean that people who worked on them 2½ years ago, knowing they were for five years, would then be pushed out to 13 years. It would involve a more rigorous process if the environmental flows were to be in place for 10 years rather than coming up for review in five years. Despite recognising that considerable work went into putting environmental flows in place, I do not believe it is appropriate that they be for 10 years. I hope that the review and the bulk access regime will allay many of the fears that have been expressed.

It has been suggested that this has been a big grab for water on political grounds. When the water reform process was introduced, including the environmental flows, the cap was 10 per cent and only two rivers, by consensus, went over the 10 per cent; the others were 4 per cent, 6 per cent and the like. If the Government was doing this for political reasons it would have imposed 10 per cent on them all. River management committees recommended as low as 4 per cent, for example in the Murrumbidgee, and the Government accepted that recommendation. When the bulk access regime is reviewed, the Government will take into account work done on environmental flows, and if an adjustment in the river systems is sought, that will be considered on scientific grounds, not for political reasons. Time will tell how successful the process will be, and that is why environmental flows could not be locked in.

We shall agree to disagree on the plan-to-plan process. I know that the Opposition fought hard to have a stronger audit process but the Government will take into account the audit process when moving from plan to plan. I know that the honourable member for Ballina said that one day the Opposition will be saying it was right and the Government was wrong. However, I hope we have a system that does not seek to prove who was right and who was wrong but whose process will be scientifically sound and will allay the concerns of most of the community.

The involvement of the Minister for the Environment has been fully debated in this House and the upper House. I am pleased that the upper House stood its ground and allowed strong involvement by the Minister for the Environment. The water reform process has to be considered by the two Ministers, the Minister for Land and Water Conservation and the Minister for the Environment. One should not have a lesser role. The Minister for the Environment and the environment agencies are involved in the process more and more, and that has been recognised in the Committee stages of the bill. The argument that the process will be blocked at the whim of the Minister for the Environment is taking the amendment too literally. I do not believe that will be the process, because that has not been evident in my dealings with the Minister and his agencies in the past.

Local government is a big issue, particularly for the honourable member for Tamworth. I know that the honourable member for Ballina said that the National Party should take credit for these changes. Country Labor members, the honourable member for Dubbo, the honourable member for Northern Tablelands and others have also made contributions and they are all correct to a certain extent. There is no doubt that the argument put by the National Party was something that the Government took into account during the public consultation phase. It is not just political grandstanding: Country Labor has shown itself to be effective in public debate. I have gone through the process of internal lobbying within Caucus and there is a vast difference between that and the process followed by some of my political opponents. Country Labor was an effective lobby group in Caucus, and I give credit to that emerging force within Labor politics in this State.

I thank also the honourable member for Dubbo, the honourable member for Tamworth and the honourable member for Northern Tablelands for their hard work on local government issues. The Government came up with a proposition that, as the months unfold, should allay all of their concerns. Tamworth, for example, uses about 9,000 megalitres of water each year yet it has a water entitlement of approximately 16,000 megalitres. Some thought the Government would reduce it from 16,000 to 9,000 straightaway and that Tamworth would only get an increase each year based on population increases. Through negotiation, the honourable member for Tamworth strongly argued the case, as did the honourable member for Dubbo and the honourable member for Bathurst on behalf of their respective councils. The Government's compromise position was to give them a licence for the amount of water they need. However, the Minister will have flexibility and any argument about recent developments or water efficiencies that were gained some years ago through an anomalies process will be considered.

Second, access rights will be available so that in Tamworth the allocation will still be 16,000. If there is increased urban development, commercial development or other industrial development, the council will be able

to apply to the Minister—the five years waiting period has gone by the board with these amendments—which will increase the water allocation to the original entitlement. Therefore, no council will be disadvantaged through this process. Of course, if Tamworth, Dubbo or Blayney want to bring in Visy Board, a Cadia mine or any other substantial industrial development, they will have to buy the water in the marketplace, the same as other developers have done in the past. Using that process, I believe that the Government will be able to work through any anomalies.

Those are the major issues with which I had to deal. The honourable member for Dubbo said that the Government did not go far enough in relation to verbal agreements. That is a difficult problem to solve. The Government said it would examine a number of contracts and verbal agreements, but I think I am right in saying that no documents have been produced to prove the existence of those agreements, even the agreement relating to the famous Tamworth case. The Government believes, without resorting to legalistic terms, that it has adequately addressed those concerns. It is difficult for anyone to take sides when a council states that it has a verbal agreement and someone else states that there is no such agreement. I hope that the amendments to the bill that have been made by the Legislative Council will resolve those disputes in future. I am given to understand that some councils may have written agreements and other councils may not.

The amendments that were moved in the upper House will resolve all those issues and do away with the need to request lawyers to determine the validity of any agreements. I thank the shadow Minister, the honourable member for Ballina, the honourable member for Monaro and others for all the complimentary comments they made and for the role they played in the debate on this legislation. I thank Emma Watts, who worked closely with industry groups; staff in my office who worked extremely hard; and members on the crossbenches. Honourable members would be aware that Independent members, who represent smaller political parties, had to work hard to come to grips with these amendments. I thank Jenni Emblem, who worked with members on the crossbenches in the Legislative Council to sort out the problems that they encountered with the 220 amendments that were moved in that place.

The Hon. I. M. Macdonald paid tribute to all the industry groups that were referred to by the member for Ballina—groups such as the Irrigators Council, New South Wales farmers, the Nature Conservation Council, Aboriginal land councils, the Local Government and Shires Associations and many individuals who made representations to committees. I place on record my appreciation of the sterling work done by the Hon. I. M. Macdonald, who had carriage of all stages of the Water Management Bill in the Legislative Council. The Hon. I. M. Macdonald said that when he was handling the debate on the bill he felt like Geoffrey Boycott, a former cricketer. He stayed at the crease day in and day out and did not concede his wicket. He did very well.

**Mr Page:** He didn't score?

**Mr AMERY:** He scored just enough. I think he scored 34 runs for the Government. He did a good job. I place on record my appreciation for all the work that he did. I thank also all those who thanked my office and staff for the work that they did. Bob Smith, the Director-General of the Department of Land and Water Conservation, has been thanked by members of the Opposition, the crossbenchers and the Hon. I. M. Macdonald. I echo the sentiments expressed by those honourable members. Bob Smith, members of the water unit and members of my staff visited a number of areas in the State. I thank them for the professional way in which they coped with a difficult job.

It would be remiss of me if I did not mention Zoe De Saram from my office, who lived and breathed this legislation over the last few weeks and worked with all the people to whom I referred earlier. No doubt her dedication is one of the reasons why all these amendments were dealt with so expeditiously in the upper House. One of the comments made by the honourable member for Tamworth was that this legislation would present the Government with a challenge. I think the honourable member said that the legislation would be harsh and unfriendly. This has been a difficult process for us as parliamentarians but the real and difficult challenge will be the implementation of the legislation, the drafting of regulations, how they will be interpreted, how they will be implemented, and what impact they will have on different groups.

I only hope that the same level of goodwill that has applied to the legislation so far will apply then. The Government will do its best to expedite the implementation of the legislation. I thank everyone for their complimentary comments. In recent days an outbreak of goodwill seems to have spread throughout the Chamber. I think it has been a positive process. I thank honourable members in both Houses who spoke in debate on this bill. A lot of pressure was placed on a number of people, particularly Parliamentary Counsel and Hansard. Everyone is appreciative of the work that they did, drafting and redrafting amendments and interpreting and recording debate which took about four days. I commend the amendments to the Committee.

**Motion agreed to.**

**Legislative Council's amendments agreed to.**

**Resolution reported from Committee and report adopted.**

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

**CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL****Second Reading****Debate resumed from 29 November.**

**Mr DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [10.46 a.m.], in reply: Listening to debate on this bill, which took place several days ago, my major advice to the honourable member for Davidson and, to some extent, the honourable member for Gosford is that they would have been better off if they had read the bill. If they have read the bill, their scant knowledge of the law on sentencing has meant that they have been unable to follow what is indeed a simple piece of legislation. It gives me great pleasure to point out that the honourable member for Davidson's speech indicates that he still has no idea of what is intended by the bill, and he has very little idea of the operation of the Department of Corrections.

If he had taken up the offer extended by my staff earlier last week to discuss his concerns, his mind may well have been set at rest. No doubt he would not then have gone to the media and made a number of outrageous and distorted claims about the matters that are being dealt with in this bill. He said that he had no concerns about the major proportion of the bill but he went on to suggest that he is concerned about what he, the honourable member for Davidson, described as woefully inadequate amounts of compensation that a governor of a correctional centre can order an inmate to pay for damage to property and the increased powers that the bill gives to the Parole Board.

I know that in this context the honourable member is making some sort of vague connection to an ongoing conspiracy theory he has about an incident at a correctional centre earlier this year. He is concerned about the amount of compensation the governor can order an inmate to pay. He wants it to be higher than \$100; he wants it to be \$1,000. The fact is that he seems to have forgotten the role of a visiting justice; or he is simply unaware that there are other mechanisms available to deal with more serious offences committed within correctional centres. The amendment to the amount of compensation a governor may order in this bill relates to correctional centre offences, not to offences for which criminal proceedings have been commenced involving property damage that is minor in nature—the deliberate ripping of a T-shirt, the writing of graffiti on a cell wall, the squeezing of toothpaste into an intercom system.

A governor can deal with those sorts of matters by conducting an inquiry. I believe that in his discussion of this matter the honourable member has been confusing the word "penalty" with the word "compensation". Existing provisions allow for a governor of a correctional centre to impose both. If a governor finds an inmate guilty of a correctional centre offence he will impose one of a range of penalties detailed in the Act, for example a reduction in privileges. In addition to a penalty the governor can, in circumstances where damage to property has occurred, order an inmate to also pay compensation. However, if the damage to property amounts to more than \$100 the matter can be referred to a visiting justice. That is an accurate account of the sanction structure within the correctional system.

The most serious distortion attempted by the honourable member for Davidson—and, indeed, by the honourable member for Gosford—during the course of this debate was to suggest that the bill we are here discussing is watering down truth in sentencing principles by seeking to redefine minimum sentences. Honourable members opposite have demonstrated a lamentably poor understanding of sentencing options and the manner in which a judicial officer is required to consider them. They appear to have no idea where the Parole Board comes into the picture. But, here is a special hint. The Parole Board cannot meddle with a court's sentence. The next time the Government introduces a bill of this nature, I implore the Opposition to actually read it.

No new sentencing regime is being proposed in this bill. Honourable members opposite are apparently hell-bent on seriously misleading not only the House but also the public in relation to this matter. Their arguments, however, are simply beyond credibility. As was made clear in the second reading speech, this bill simply rectifies a number of minor deficiencies that have come to light since the commencement of the Crimes (Administration of Sentences) Act on 3 April this year. Can it really be that honourable members opposite are under the misapprehension that home detention is being introduced as a prerelease option for sentenced inmates? It is not. I do wish that they had taken the trouble to talk this whole thing through with my staff.

The honourable member for Davidson and the honourable member for Gosford would be best advised to research the powers that are already vested in the Parole Board. Presently, when a periodic detention order is

revoked by the Parole Board, the board has two options—placing the offender in full-time custody or referring the offender for assessment as to suitability for home detention. The board already has the power to make a home detention order if the offender is assessed as suitable. Moving from an order that requires part-time detention to an order that requires full-time detention is not going soft on crime.

Offenders on home detention are subject to strict conditions 24 hours a day. In the hierarchy of sentencing, home detention is the next step from full-time custody, a step up from periodic detention. The bill does not give the board wider powers, but promotes consistency in the making of home detention orders. It merely seeks to clarify existing provisions so that the Parole Board does not order home detention for offenders who have more than 18 months to serve. It also allows, in appropriate circumstances, for assessment to take place while the offender is living under the same conditions that would apply if he or she were given home detention. These reflect the provisions that apply when a court is considering the making of a home detention order.

There is no provision in this bill that allows the Parole Board to order home detention as a prerelease option for inmates who were originally sentenced to full-time custody and are yet to complete their non-parole periods. Home detention is not a prerelease option. The bill also affords an offender who has had a home detention order revoked and who has served three months in full-time custody the opportunity to apply to the Parole Board for a reinstatement of their home detention order. The offender will be subject to a full reassessment and their chances of successfully completing the order will be thoroughly investigated. It is not contemplated that these orders will be reinstated lightly. It certainly would not be automatic.

The heavy onus will be on offenders to demonstrate to the board's satisfaction that during the three months they spent in full-time custody they have addressed the behaviour that led to their orders being revoked. This provides the flexibility for those who, it can be demonstrated, genuinely deserve the further opportunity to serve their sentence in the manner that was originally imposed by the courts. Think for a moment of the possible scenarios. Would the honourable member for Davidson seek to deny a return to home detention for the woman who only breached her order because of an abusive partner? This woman's domestic situation broke down because he repeatedly tried to return to her home. Under the amendment, if the situation with the violent ex-partner was resolved and she was assisted to establish a more stable and suitable living arrangement, she could apply to return to home detention after having spent three months in custody. She would have to undergo a thorough reassessment and her progress in custody would also be taken into account.

What of the woman with children who has completed a range of programs while in custody and is in a better position to complete her home detention order? Should she not have an opportunity to be reunited with her children? Should she not have a chance to serve the sentence she was given in the manner it was contemplated by the court? The amended provision will allow for the sensible and compassionate resolution of genuine cases and is wholeheartedly supported by the Law Society, if not by several complete idiots opposite. An important point to note is that this provision will only apply to offenders who were originally serving home detention orders. I repeat that for the benefit of several terribly slow learners opposite: the provision will only apply to offenders who were originally serving home detention orders. Having dealt with these grotesque misconceptions perpetrated, especially by the honourable member for Davidson, I do not have the time to go through many of his other misconceptions—such as his well-publicised idea that the reintroduction of chain gangs would be a good move for the prison system—but I will make two additional points.

**Mr Debnam:** You'll make a good backbencher.

**Mr DEBUS:** He makes you look good sometimes. The criticisms of the home detention scheme by Opposition members are unfounded and, I must say, are mischievous. The scheme that is operating in New South Wales is a tightly run program which provides judicial officers with a valid sentencing alternative to full-time custody. An extensive evaluation of the program was undertaken and the report tabled in Parliament in May 1999. Did you get that? It was tabled in May 1999.

**Mr SPEAKER:** Order! The honourable member for Davidson will cease interjecting. I place him on three calls to order.

**Mr DEBUS:** The report tabled in Parliament in May 1999 confirmed that the home detention scheme was, "a well high-maintained, reliable and efficient program". There is no current legislative requirement to provide annual reviews of the program and I assure the honourable member for Davidson that no-one in my office is sitting on any unreleased report about the home detention scheme. It was tabled in May 1999, you dill! The home detention program is a strict and tough regime. Offenders on home detention wear tamper-sensitive anklets that are electronically monitored to ensure that they are where they are supposed to be 24 hours a day. They are subject to random and unannounced visits.

The rigorous conditions imposed on home detainees mean that they must obtain permission to leave their house, no matter what the circumstances, even to see the doctor. Permission is not given lightly. A substantial case must be made out. They cannot drink, they cannot take non-prescription drugs, and they are subject to random breath tests and urinalysis. Some people who have been on home detention have described it as more difficult than doing full-time gaol. Despite being a rigorously administered scheme, less than 20 per cent of offenders on home detention have had their orders revoked and, contrary to what honourable members opposite have been suggesting, of that amount only about 4 per cent have had their orders revoked as a result of committing a criminal offence—4 per cent have had their orders revoked in that manner.

Through case management home detainees develop self discipline and, more importantly, this program has diverted people from full-time custody. It is particularly pleasing that so far close to 150 women have successfully completed a home detention order. This means that those women, many of whom are mothers, have not entered a correctional centre. Instead, they have been able to remain in the community, although in a very restricted way, and have been given the opportunity to establish a stable and law-abiding life. I repeat, the hypocrisy of the Opposition about the home detention program is absolutely grotesque. On the one hand the honourable member for Davidson calls it a flop, yet some of his colleagues in the upper House are moving further and further to the left on the matter.

The Select Committee on the Increase in Prisoner Population, chaired by Hon. J. F. Ryan, recently recommended that the Minister for Corrective Services expedite the expansion of the home detention scheme to ensure that the program is available as an alternative to full-time imprisonment to more offenders in New South Wales. I suggest that the honourable member for Davidson, and the honourable member for Vacluse, if he still feels committed to this matter three seconds after we finish the debate, go to the upper House and speak with the Hon. J. F. Ryan and work out his policy.

**Mr SPEAKER:** Order! The honourable member for Vacluse and the honourable member for Davidson will cease interjecting. I place them both on three calls to order. If they continue to interject I will ask the Serjeant-at-Arms to remove them from the House.

**Mr DEBUS:** The attack by the honourable member for Davidson on the Parole Board deserves a short, if contemptuous, comment. He called the Parole Board a body that is "a creature of the Government". He accused it of being notoriously soft. The Parole Board is an independent statutory body that has been a vital and irreproachable part of the criminal justice system for many decades. It is chaired by a highly respected retired judge and has the benefit of the experience of an additional two retired judicial officers. Those judicial officers were deciding cases when the honourable member for Davidson was in short pants.

They reached the pinnacle of their profession and earned the respect and gratitude of the community long before the member for Davidson got the right to stand here and make such outrageous claims in this House. Members of the Parole Board are people who have chosen to forgo the pleasures of a peaceful retirement in order to continue to serve the community. They have done so to the benefit of others in a fair and balanced way. They, and the other highly competent and committed members of the Board, should not have to endure such scandalous, unfounded and stupid insults as those that the honourable member for Davidson has placed on the record of this Parliament. I commend the bill to the House.

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

**The House divided.**

**Ayes, 51**

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

Mr Greene  
Mrs Grusovin  
Ms Harrison  
Mr Hickey  
Mr Hunter  
Mr Iemma  
Mr Knowles  
Mrs Lo Po'  
Mr Lynch  
Mr Markham  
Mr Martin  
Mr McBride  
Mr McManus  
Ms Meagher  
Ms Megarrity  
Mr Mills  
Ms Moore  
Mr Moss

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

*Tellers,*  
Mr Anderson  
Mr Thompson

**Noes, 35**

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

**Pair**

Ms Saliba

Mrs Chikarovski

**Question resolved in the affirmative.****Motion agreed to.****Bill read a second time.****In Committee****Clauses 1 to 4 agreed to.****Schedule 1****Mr HUMPHERSON** (Davidson) [11.10 a.m.]: I move Opposition amendment No. 1:

No. 1 Page 5, schedule 1 [10], line 28. Omit "\$100". Insert instead "\$1,000".

As I indicated during the second reading debate, the intention of the Opposition amendment is to increase the available penalty for inmates who damage correctional centres. The Minister either did not understand or failed to acknowledge what the Opposition seeks by its amendment. The Opposition regards the proposed increase in penalty from \$50 to \$100 as completely inadequate, and believes the penalty should be of the order of \$1,000. The Minister had the opportunity during the second reading debate to advise what penalty had been applied regarding the incident at Goulburn gaol. He failed to take that opportunity, choosing instead to allude only indirectly to the matter.

The Minister did not indicate at all—as he should have done—what penalty was imposed on inmates who trashed the entire wing of the Goulburn correctional centre, causing half a million dollars in damage. Was any penalty applied? If so, what was the penalty, and in what manner was it applied? The Minister insists that that was a minor disturbance and not a riot. If it was a riot, the matter would have had to be referred to a visiting justice. Perhaps the Minister might indicate what action was taken? That is the core reason for the Opposition's amendment and the Minister knows that. He now has another opportunity to explain what happened so that honourable members of this Chamber can make a judgment on whether the penalty proposed by the bill is adequate or whether the penalty proposed by the Opposition is more appropriate to the offence.

**Mr DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [11.12 a.m.]: The honourable member's speech compounds the misapprehension with which it began. The Government does not support the amendment.

**Mr HARTCHER** (Gosford) [11.13 a.m.]: It is somewhat irksome that the Minister refuses to answer the argument that has been put. The Minister either has an answer, or he does not. If he has an answer he should let everybody hear it. The Minister is not prepared to give the answer, and retreats into a cocoon of arrogance.

But this issue will not go away. At the end of the day the Government will be judged on the incredible tolerance it shows to the worst elements in our society, the serious criminals who, even when they are in gaol, engage upon rampages, destruction and orgies of violence.

What happened at Goulburn is more the trigger for the amendment than the Minister is prepared to admit. It was a full-scale riot which the Minister and his Government sought to conceal. It was only exposed at a hearing of a general purpose standing committee prompted by questions asked by the honourable member for Davidson. The Minister, now that he has been caught out, seeks to assert that he is serious about subjecting these perpetrators to some form of accountability in the future. How? By increasing the penalty from \$50 to \$100? These inmates can go on a riot, wreck buildings and engage in conduct which outside the gaol itself would leave them open to criminal prosecution and seven-year gaol sentences, but because they are in gaol they will be fined \$100.

Apparently that is all right by the Government: Taxpayers will pick up the tab and the Government will not worry about it and will sweep the problem under the carpet. Presumably some friend of the Labor Party will get the contract to repair the riot damage, and it all goes on. Well, it does not all go on. This is an issue that will remain. I personally look forward to going to the Blue Mountains in 2003 and telling the people about the law and order policy that we have had for the past eight years, for so many of those years perpetrated by their local member. I do not think I would be reading it wrongly to suggest that, if I told the people of the Blue Mountains about this, they would be distinctly unimpressed. Riot in gaol and, gee, the Government will increase the penalty by \$50.

The Opposition will not wear this inadequate increase in penalty. The Government's answer, of course, is that those caught perpetrating this damage remain liable to prosecution and are subject to the sanctions under the Crimes Act. We know that that will be the response that the Minister's advisers will scribble down. When were prosecutions launched? How many prosecutions were launched after the Goulburn gaol riot? I ask the Minister to stand and answer these questions. Who was prosecuted? What sentences were imposed? This riot caused half a million dollars in damage. Was there no sanction at all? This is a serious amendment. It poses a test of the Government's integrity in maintaining order, not just in society but in our gaols. If the Government is not prepared to support the amendment, then it is not prepared to support enforcement of discipline within the prison system. That is the test for the Government. If it fails that test, it will rue that in later years.

**Mr DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [11.16 a.m.]: The honourable member for Gosford, I think perversely, continues to confuse the role of a prison governor with that of a visiting magistrate. I do not propose to speak again to the amendment. But, for the record, I might say that, astonishing as it may seem to honourable members opposite, after the disturbance at Goulburn—which was widely reported in the press—the details revealed had nothing whatsoever to do with the actions of the honourable member for Davidson. After that disturbance, police were called and charges were laid. I cannot report on the exact progress of those cases through the courts, but that is what happened. That is what any reasonable person would expect to have happened in the circumstances.

**Mr HUMPHERSON** (Davidson) [11.17 a.m.]: The honourable member for Gosford and I discussed the possibility of this particular amendment, which we regard as quite reasonable, being accepted by the Government. The Minister had the option during the second reading debate to indicate that a tougher penalty should be applied. The Minister has made the extraordinary response in Committee that he is not prepared to acknowledge the inadequacy of the available penalty and has also failed to acknowledge that the penalty increase from \$50 to \$100 proposed by the bill will be no disincentive to perpetrators who damage taxpayers' property.

The question remains on the record, as does the Minister's indication that he will not respond to it. *Hansard* will record that the Minister has not responded to the question regarding the penalty applied in respect of the Goulburn incident. The Minister has not responded to the question whether the full penalty of \$50 was applied. Was the matter referred to a visiting justice, or was it not so referred because it was deemed not to be a riot but a minor disturbance? Would the Minister please respond to those questions? What penalties were applied under the existing Act? What is the progress of those charges in the courts, given that this riot occurred more than six months ago? The opportunity is there for the Minister to respond.

The Minister's response compounds the fact that he is soft on criminals. To those in the gaol system, he is the most popular Minister in this State's history. They love him. He gets more Christmas cards from inmates



of the correctional systems of this State than he does from his colleagues. It is almost as if he is seeking the votes of criminals and felons, both existing and former felons. He would love to have support for himself and for the Australian Labor Party from the correctional centres throughout this State. A firm, clear and appropriate penalty needs to be available, and this is not happening. I challenge the Minister to explain why \$1,000 is not appropriate. Why is \$100 far more appropriate, far more applicable, for serious damage done to taxpayers' property than the \$1,000 proposed by the Opposition?

**Mr HARTCHER** (Gosford) [11.19 a.m.]: Why will the Minister not at least undertake to provide to the Legislative Council the schedule of prosecutions that have been launched as a result of the disturbances in Goulburn gaol and the charges that have been laid, even if they have not been finalised in court? I suppose the Opposition could put the question on notice—and I note that the Chairman is smiling—and presumably we would get an answer, but we are having a serious parliamentary debate, no matter how the Minister for Public Works and Services trivialises it. This is not a factional meeting of the right-wing Terrigal subgroup to which the Minister belongs. This is a serious matter, and we would like the information.

If the Minister is serious about these matters he should give us the example of Goulburn. Who was charged and what were the charges? That information may in some way assuage the concerns that all that this bill does is sweep away the whole concept of bringing the proper weight of criminal law against people who engage in these disturbances. At present we have the vague statement that police were called in and charges were laid. We do not know who was charged, what charges were laid and what is happening to them. The Minister should provide that information. The people of New South Wales are entitled to know that. The Minister is accountable to them. I am not confusing the role of the visiting justice with that of the governor of the gaol. Even \$1,000 is not a large sum of money by today's standards. If some form of summary penalty is to be imposed by the governor, it needs to be appropriate to the offence—and \$1,000 is appropriate.

**Mr DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [11.21 a.m.]: I had said earlier that I would not speak again on this bill, but I will break that promise. The former Attorney General ought to be aware that \$1,000 is an enormous amount of money to somebody in prison. On the other question, the honourable member for Gosford, unlike the honourable member for Davidson, is able to claim with some credibility that he is not confusing the role of the governor with the role of the visiting magistrate. The honourable member for Gosford asked me for details of the charges that have been laid in consequence of a disturbance at Goulburn. I can tell him that 22 charges of malicious damage and vandalism have been laid. Those cases are to be heard in the Local Court in Goulburn, and it is possible there will be a few more charges. That is up to the police. In the real world things are proceeding as one might expect and not in the way the honourable member for Davidson seems to believe they should.

**Mr HARTCHER** (Gosford) [11.21 a.m.]: I thank the Minister for Corrective Services for providing that information. It is of value but, notwithstanding that, the Opposition reiterates its point on this amendment.

**Question—That the words stand—put.**

**The Committee divided.**

**Ayes, 50**

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

**Noes, 35**

Mr Armstrong	Mr Maguire	Mr Slack-Smith
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	<i>Tellers,</i>
Dr Kernohan	Ms Seaton	Mr Fraser
Mr Kerr	Mrs Skinner	Mr R. H. L. Smith

**Pair**

Ms Saliba

Mrs Chikarovski

**Question resolved in the affirmative.****Amendment negatived.****Mr HUMPHERSON** (Davidson) [11.32 a.m.]: I move Opposition amendment No. 2:

No. 2 Page 11, schedule 1 [37], lines 5-24. Omit all words on those lines. Insert instead:

**[37] Section 165 Parole Board may order home detention**

Omit the section.

The purpose of this amendment is to remove from the bill the provisions that bestow powers on the Parole Board in relation to periodic detention. The bill enables the Parole Board to transfer to home detention or to release from gaol those people who have had their periodic detention revoked. The Opposition is of the view that the Parole Board should not have discretion in that regard. If society has given a person the opportunity to serve a sentence of periodic detention as opposed to full-time detention, the person commences that sentence on notice. If that person does something that results in the sentence of periodic detention being revoked, the person must go to full-time gaol. There should not be the soft option endorsed and promoted by the Attorney General.

The Parole Board should not be able to vary the sentence imposed on a person, either in terms of home detention, which is a much softer and easier sentence, or being released from gaol altogether in some circumstances. Neither of those options is acceptable. The Opposition strongly opposes the Parole Board being given powers in that regard. This is all about being firm and transparent in the sentencing process. This amendment goes to the core principles of truth in sentencing. A sentence imposed by the court should be respected. The Parole Board should not be able to dilute a sentence or second-guess the intention of the court that imposed the sentence. This amendment seeks, as far as possible within the leave of the bill, to ensure that the Parole Board is not given further discretion.

**Mr MERTON** (Baulkham Hills) [11.34 a.m.]: I support the amendment moved by the honourable member for Davidson. At the end of the day the Opposition believes that under this bill the Parole Board will usurp the power of the courts. If the court has imposed a sentence, it intends that sentence to take effect. For the Parole Board or any other non-judicial authority within the normal judicial process to have the power to vary what the judge intended is fundamentally wrong. In this bill the Government seems to be returning to the days when the Parole Board had a second bite at the judicial cherry, as it were, in so far as sentences imposed by the courts. By the time the Parole Board had varied a sentence the result was completely different from what the judge intended it to be. The Opposition believes that the judicial system should be accountable to the public, and that judges have a responsibility to impose sentences that the community expects. It does not accept that the Parole Board should have the authority, in any sense, to water down sentences, resulting in the actual sentence served by the offender being completely different in nature to that imposed by the court.

**Mr HARTCHER** (Gosford) [11.36 a.m.]: I do not wish to prolong debate on this amendment. I clearly endorse what has been said by the honourable member for Davidson and the honourable member for Baulkham Hills. At the core of the Opposition's arguments is the integrity of the truth in sentencing system as accepted by the people of New South Wales and the role of the courts in that system. Essentially, this amendment—and I am speaking without any excitement or histrionics—seeks to transfer control of part of the sentencing process from

the judicial system to the non-judicial system. This bill vests in the Parole Board the power to redetermine sentences imposed by the courts.

There is a difference between full-time detention, periodic detention and home detention, and that is clearly understood by the public and the courts. This bill gives the Parole Board the power to reclassify or redetermine sentences imposed by the courts. That is not consistent with truth in sentencing or what the people of New South Wales expect from the judicial process, and it goes against community concern that criminals are not being appropriately punished for their crimes. This bill will free up prisons and remove the cost burden from the Government. However, at the end of the day the community remains seriously concerned that criminals are not being appropriately punished.

When the community understands that this amending bill may undermine the principles of truth in sentencing it will be very concerned. The community will not be concerned about this bill tomorrow, but as cases get publicised, which the bill provides for, community concern will grow. That will be on the Government's head. The Opposition opposes, and will continue to oppose, the amending provisions in this bill. Over the next two years we will publicise our opposition. We will publicise our opposition in Georges River, in the Blue Mountains, and across New South Wales. We will let people know how their members voted and where their members stand on the issues of integrity in the judicial process and making criminals serve appropriate sentences for their crimes.

**Mr DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [11.39 a.m.]: This bill is not about giving the Parole Board wider powers; it is about ensuring that there is consistency in the way that the legislation deals with home detention orders. The bill simply seeks to clarify the nature of an existing power. The honourable member for Gosford sought, unsuccessfully, to promote the suggestion that somehow the Government is seeking to undermine the truth in sentencing principles that apply in our sentencing legislation. The fact is that that is not so, and any commonsense reading of the amendment will confirm that fact. Of course, the Government will not support the amendment.

**Mr HUMPHERSON** (Davidson) [11.40 a.m.]: In response to the Minister's contribution I draw the attention of the House to the new section which the amendment seeks to delete. Inter alia, new section 165 (1) provides that if the Parole Board revokes a periodic detention order, it may make an order directing that the remainder of the sentence to which the periodic detention order relates, if that remainder is 18 months or less, is to be served by way of home detention. New section 165 (3) provides that when the parole board refers an offender for assessment in relation to a sentence of home detention, the board may by order stay the execution of the offender's sentence, and release the offender subject to such supervision as is prescribed by the regulations.

The Opposition believes that such a provision is unacceptable. An offender whose periodic detention order is revoked would have been on notice when he or she commenced the periodic detention sentence, and on that basis he or she should be given a full-time gaol sentence. An offender should not have the option of home detention or early release. The Minister has not clearly and unequivocally indicated that he has a problem with any of that. If the Minister is now on record as stating—as would appear to be the case—that he is content to have criminals who are released from periodic detention either fully released or given home detention, the record will speak for itself.

**Question—That the words stand—put.**

**The Committee divided.**

**Ayes, 49**

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

Mr Gibson  
Mr Greene  
Mrs Grusovin  
Ms Harrison  
Mr Hickey  
Mr Hunter  
Mr Iemma  
Mrs Lo Po'  
Mr Lynch  
Mr Markham  
Mr Martin  
Mr McBride  
Mr McManus  
Ms Meagher  
Ms Megarrity  
Ms Moore  
Mr Moss

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

*Tellers,*  
Mr Anderson  
Mr Thompson

**Noes, 34**

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

Mr Maguire  
Mr McGrane  
Mr Merton  
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

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

**Pair**

Ms Saliba

Mrs Chikarovski

**Question resolved in the affirmative.**

**Amendment negatived.**

**Schedule 1 agreed to.**

**Schedule 2 agreed to.**

**Bill reported from Committee without amendment and report adopted.**

**Third Reading**

**Mr DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [11.49 a.m.]: I move:

That this bill be now read a third time.

**The House divided.**

**Ayes, 50**

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

Mr Gibson  
Mr Greene  
Mrs Grusovin  
Ms Harrison  
Mr Hickey  
Mr Hunter  
Mr Iemma  
Mrs Lo Po'  
Mr Lynch  
Mr Markham  
Mr Martin  
Mr McBride  
Mr McManus  
Ms Meagher  
Ms Megarritty  
Mr Mills  
Ms Moore

Mr Moss  
Mr Nagle  
Mr Newell  
Ms Nori  
Mr Orkopoulos  
Mr E. T. Page  
Mr Price  
Dr Refshauge  
Mr W. D. Smith  
Mr Stewart  
Mr Tripodi  
Mr Watkins  
Mr Woods  
Mr Yeadon  
*Tellers,*  
Mr Anderson  
Mr Thompson

**Noes, 35**

Mr Armstrong	Mr Maguire	Mr Slack-Smith
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	<i>Tellers,</i>
Dr Kernohan	Ms Seaton	Mr Fraser
Mr Kerr	Mrs Skinner	Mr R. H. L. Smith

**Pair**

Ms Saliba

Mrs Chikarovski

**Question resolved in the affirmative.****Motion agreed to.****Bill read a third time.****CORPORATIONS (COMMONWEALTH POWERS) BILL****Bill introduced and read a first time.**

**Mr Debus** tabled the following five documents, each bearing identification "as part of the tabled text" for the purposes of the Corporations (Commonwealth Powers) Bill 2000:

Commonwealth Australian Securities and Investments Commission Bill  
 Commonwealth Corporations Bill Volume 1 Part 1  
 Commonwealth Corporations Bill Volume 1 Part 2  
 Commonwealth Corporations Bill Volume 2 Part 1  
 Commonwealth Corporations Bill Volume 2 Part 2

**Second Reading**

**Mr DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [11.59 a.m.]: I move:

That this bill be now read a second time.

The Corporations (Commonwealth Powers) Bill forms part of a package of corporations bills which follow historic negotiations between the Commonwealth, the States and the Territories to place the national scheme for corporate regulation on a secure constitutional foundation. The bill reflects the commitment of the New South Wales Government to achieving an effective, uniform system of corporate regulation across Australia. To understand this bill and the package of Corporations Law bills it is necessary to consider the history of corporate regulation in Australia over the last 20 years.

In Australia the development of an effective system of corporate regulation has been complicated by our federal system of government. The States and Territories are sovereign entities possessing the powers and ability to make their own laws and for many years different requirements relating to corporate regulation existed in each State and Territory. From July 1982 corporate regulation in Australia was based on a co-operative scheme between the States, the Northern Territory and the Commonwealth, where substantially uniform legislation applied to all jurisdictions. However, towards the end of the decade emerging problems in the operation of the co-operative scheme meant that the scheme was no longer an effective means of ensuring corporate regulation in a uniform and consistent manner suitable for a changing commercial environment. There were also concerns about the need for more effective national enforcement of the corporate regulatory regime.

That lack of legislative and administrative uniformity, combined with different regulators in the States and Territories, was also hampering supervision of the share markets and thus investor protection. To remedy

these emerging problems a new national scheme for the regulation of corporations, companies and securities was devised and it commenced operation on 1 January 1991. The current national scheme is based on the substantive law known as the Corporations Law and is applied in each State and the Northern Territory by identical legislation. In New South Wales it is the Corporations (New South Wales) Act 1990. In order to create a national scheme certain Commonwealth features were added to the arrangements, like the regulation and enforcement of Corporations Law offences by the Australian Securities and Investments Commission [ASIC], the Australian Federal Police [AFP] and the Commonwealth Director of Public Prosecutions. Also, the Federal Court was given power to hear matters arising under the State Corporations Law by general cross-vesting legislation.

The current scheme is underpinned by heads of agreement which were agreed on 29 June 1990 and a supplementary agreement, the Corporations Agreement. The Corporations Agreement, which is an intergovernmental agreement, was formally signed by the States, the Northern Territory and the Commonwealth in September 1997. The Corporations Agreement sets out the functions, objectives and voting arrangements relating to the administration of the Corporations Law by the ministerial council. The agreement establishes the Ministerial Council for Corporations [MINCO], which is constituted by the relevant Commonwealth, State and Territory Ministers responsible for the national scheme law, as the primary forum where all matters relating to corporations, securities and corporate governance are discussed and voted on.

The current scheme, to all intents and purposes, operates on a seamless national footing. The Australian Securities and Investments Commission administers the Corporations Law, operating through regional offices in each jurisdiction. The scheme has worked remarkably well. The parties to the Corporations Agreement have, in general, complied with its spirit and letter, and there has been little discord between the States and the Commonwealth about the operation of the Corporations Law in Australia. However, recent legal challenges and decisions of the High Court of Australia have cast doubt on the constitutional framework which supports the Corporations Law. The difficulties associated with the current system of corporate regulation have been identified by the High Court in two significant cases.

The first case was decided in June 1999. The High Court decision in *Re Wakim: Ex parte McNally* invalidated the cross-vesting legislation involving the conferral of State jurisdiction on Federal Courts established by the Commonwealth Jurisdiction of Courts (Cross-vesting) Act 1987. The High Court held by majority that chapter III of the Commonwealth Constitution does not permit State jurisdiction to be conferred on Federal courts. Effectively, this decision removed the jurisdiction of the Federal Court in most States and Territories to resolve Corporations Law matters, unless cases fall within the court's accrued jurisdiction, and it denies litigants a choice of forum for the resolution of such disputes.

The second case was *The Queen v Hughes*, in which the High Court held that the conferral of a power coupled with a duty on a Commonwealth officer or authority by a State law must be referable to a Commonwealth head of power. This means that if a Commonwealth authority, such as the Director of Public Prosecutions or ASIC, has a duty under the Corporations Law then that duty must be supported by a head of power in the Constitution. This decision casts doubt on the ability of Commonwealth agencies to exercise some functions under the Corporations Law. These decisions of the High Court prompted the Standing Committee of Attorneys-General and the Ministerial Council for Corporations to meet to resolve the problems facing the national Corporations Law scheme.

On 25 August Commonwealth, State and Territory Ministers reached an historic agreement in principle in Melbourne to refer to the Commonwealth Parliament the power to enact the Corporations Law as a truly national law and to make amendments to that law subject to the terms of the Corporations Agreement. Extensive negotiations among the States and Commonwealth have taken place since that agreement, most recently at a joint meeting of the Ministerial Council for Corporations and the Standing Committee of Attorneys General held in Sydney on 28 November. At that meeting the State Ministers agreed unanimously on the terms of the bill before the House, and supported the introduction of the bill into the New South Wales Parliament.

The terms of the proposed Commonwealth Corporations Bill and the Australian Securities and Investments Commission Bill 2000, which I have tabled together with the bill before the House, were also unanimously agreed by the States at that meeting. However, I should note for the information of honourable members that negotiations between the Commonwealth and the States are continuing. By introducing this bill the New South Wales Government is demonstrating its commitment to ensuring that the uncertainty that now prevails in the business community over the future of corporate regulation in Australia is resolved as quickly as possible.

The Corporations (Commonwealth Powers) Bill enables the Commonwealth Parliament to enact the proposed Commonwealth Corporations Bill and the Australian Securities and Investments Commission Bill as national laws. It also enables the Commonwealth to amend the Act, or regulations made under the Act, in the future as long as the amendments are confined to matters of corporate regulation, formation of corporations, and regulation of financial products and services, but only to the extent of making express amendments to the bills referred to the Commonwealth Parliament. The bill excludes from the reference certain matters relating to industrial relations. This exclusion is to ensure that the Commonwealth cannot use the referred powers to legislate in the area of industrial relations to override State laws such as the Industrial Relations Act 1996.

In an environment where the Commonwealth Minister for Workplace Relations is proposing the use of the corporations power to override the industrial relations systems of sovereign states, all State Attorneys General have agreed that the State referral legislation should include such a clause. All States, without exception, strongly support the New South Wales model legislation as a positive action to seek to secure business certainty in the Corporations Law and to protect workers rights. The bill confers power on the Commonwealth Parliament to enact bills in the form of the bills which I have tabled in the New South Wales Parliament. The bills are the proposed Commonwealth Corporations Bill and the Australian Securities and Investments Commission Bill. The bill provides that the reference of power is to terminate five years after the Commonwealth Corporations legislation commences, or at an earlier time, by proclamation. The term of the referral can also be extended beyond five years by proclamation.

The States have agreed to give the referral for only five years because in that time it is anticipated that a decision will be made as to the holding of a referendum on this matter. The States can terminate the referral earlier by proclamation if, for example, the Commonwealth Parliament makes amendments to the Corporations Law which go beyond what was envisaged when the referral was made, such as in the area of the environment. The bill also provides for the termination of the power of the Commonwealth to amend the referred laws by proclamation. It is anticipated that bills in similar terms to the Corporations (Commonwealth Powers) Bill will be considered by State parliaments around Australia. The States then envisage that the Commonwealth Parliament will enact the Corporations Bill 2000 and the Australian Securities and Investments Commission Bill 2000, using the powers conferred on it by this bill and its counterparts in other States, so that the new scheme can commence as soon as possible.

Honourable members will appreciate that a number of consequential and transitional amendments to State legislation will need to be dealt with before the new scheme commences, and I anticipate that a separate bill for this purpose will be introduced before the commencement of the new scheme. It is important to note that it is proposed that the scope of the referral will be governed by the Corporations Agreement. The purpose of the agreement will be to ensure that the States are consulted about any amendments made to the Commonwealth Corporations Law, and in some cases the States would be entitled to vote on the amendments. The agreement also preserves the rights of the States to make laws that modify the operation of the Corporations Law in relation to their own activities such as, for example, the regulation of State bodies corporate.

As I have already indicated, the referral of power by the States to the Commonwealth is not a permanent solution to the problems of the current scheme. At the request of Ministers the Commonwealth is examining other, long-term solutions to address the problems arising from the decisions of the High Court. One of these solutions could be a constitutional amendment. Any constitutional amendment would, of course, require a referendum to be carried by a majority of the people in a majority of the States. The Corporations (Commonwealth Powers) Bill, related State legislation and the enactment by the Commonwealth Parliament of the Corporations Bill 2000 of the Commonwealth and the Australian Securities and Investments Commission Bill 2000 of the Commonwealth will, with the enactment of similar legislation in all other States, ensure that our national system of corporate regulation is placed on a sound constitutional foundation and reinforce Australia's reputation as a dynamic commercial centre in the Asia-Pacific region. I commend the bill.

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

## **RACING AND TOTALIZATOR LEGISLATION AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 22 November.**

**Mr OAKESHOTT** (Port Macquarie) [12.11 p.m.]: The Liberal and National parties in New South Wales are not opposed to this legislation. We acknowledge and appreciate the mechanical and operational

nature of the bill. We acknowledge and respect the wants of the TAB in seeking to get this legislation through before the end of this session of Parliament as it impacts on the revenue streams of that organisation. The objects of the bill are to amend the Racing Administration Act 1998 to exempt, from the prohibition contained in that Act on the publication of betting information, the publication by certain bodies of certain overseas betting information; and also to amend the Totalizator Act 1997 by, firstly, removing the time limit that currently exists on the operation of orders made by the Minister declaring a State, Territory or country to be a participating jurisdiction so as to provide betting tax exemptions in relation to amounts invested in a totalisator on behalf of totalisator authorities operating in such jurisdictions, and, secondly, to enable the Minister to limit by those orders the circumstances in which, and the periods for which, States, Territories or countries are taken to be participating jurisdictions.

I appreciate that the importance of this amending bill is that it will permit access by New South Wales racing and the TAB to odds from countries such as New Zealand. It seeks to address the relationship between New South Wales racing and the TAB regarding access to interstate investment opportunities. This is part of an overall package of legislative measures that attempt to improve racing in this State. It is on the issue in particular of the existing relationship between the TAB and New South Wales racing that I wish to add my thoughts. It is in need of improvement, and there are opportunities for that improvement.

Victoria invests about \$50 million more than New South Wales back into racing. That reflects adversely on racing in New South Wales. That is why the racing industry in this State, particularly in country New South Wales, is bleeding. The three racing codes are rationalising, particularly in country areas, at the expense of our communities. Yesterday the House heard that the Greyhound Racing Authority sent a letter to the Mudgee greyhound racing club to the effect that from the beginning of next year it will not be licensed to conducting greyhound racing. These are some of the adverse developments of operational problems following privatisation of the TAB. There is discussion and argument at all levels of departments and government about social benefits not being taken into consideration in the commercial world, given the commercial realities of business today.

Unfortunately, New South Wales is decreasing the quantity of racing in an attempt to improve the quality of our racing. That is unfortunate. I hope there is a role for government, through the authorities administering the three racing codes, to ensure that that trend is not weakening the social fabric of country communities in particular and ignoring the reasons that people participate in the three codes of racing. The main reason is the love of the sport. The three codes of racing are sports. Though we must recognise the commercial realities with the three racing codes, we must take into account the adverse effects on our social fabric of the rationalisation taking place across racing for commercial reasons.

There are a number of issues in New South Wales racing to be resolved, and in the short term there will be opportunities to review the relationship between the TAB and New South Wales racing, and to review the distribution of funding. In particular we will have the opportunity to review contractual arrangements to determine whether they actually inhibit rather than encourage investment in the racing industry. There are huge opportunities for government to show leadership in improving racing. Though we are locked into a 99-year agreement we could, and should, be seeking a common direction for the three racing codes and the TAB. There are clear differences in the directions that are developing. Now is the time to address those splits in direction, otherwise it would not be too bold to say that racing in this State will go down the gurgler.

New South Wales racing is under threat. Unless this opportunity is taken to address these problems, there will be not only a more significant decrease in the quantity of racing but, more importantly, a decline in the quality of racing. We now have fewer starters in many of our metropolitan races. Owners and breeders in this State are bleeding. Victoria, on the other hand, has some very exciting incentive packages for its owners and breeders. New South Wales does not have similar arrangements. Therefore breeders in this State who see the exciting opportunities to the south find it hard not to take advantage of those opportunities.

Two days ago I mentioned a man who is considered to be Australia's leading owner and breeder in the greyhound racing industry, Paul Wheeler, and how he was dealt with by an ICAC inquiry. The way in which he was almost forced to leave the board in frustration is incredibly disappointing. The fact that people such as Paul are openly saying, "Beware of investing in racing in New South Wales; I'm out of here, I am going interstate," is an indication that the way competitive racing in this State is handled needs a huge improvement. The industry needs long-term product certainty. Increased prize money and financial incentives are also needed. The State is hanging its hat on the success or failure of the TAB and the distribution of the funds. That high-risk strategy has now become the critical point for all three codes of racing. That is why racing facilities, particularly in country New South Wales and the prioritisation of the social benefits of the industry are being rationalised.



For some time I have been on the Minister's hammer because the leadership of the Gaming and Racing portfolio has been extremely disappointing at a time when opportunities are available for the gaming and racing industry to become more professional. The different issues need to be dealt with together. The gaming and racing portfolio is a dog's breakfast. The continuing problems and lack of action in the greyhound industry are obvious. One only has to read the newspapers of the past fortnight to be reminded of the problems across the board with poker machines and the contradictions between the words and actions of community, industry and the Government.

The Minister is a good example. His position on poker machines is questionable. He said that he believes that the size of the gambling problem is bigger than that identified in the Productivity Commission report. He said from a public policy point of view poker machines had to get out of hand before they could be reined back in. The Minister believes poker machines are the most addictive form of gambling. The technical standards delivered by the Liquor Administration Board apply to some machines but not others. For example, I understand the standards do not apply to poker machines within the casino. If the Government and the Minister bring in these new technical standards poker machines in the casino will be in a different category to those outside the casino. Those contradictions need to be addressed now.

Earlier I referred to racing in Victoria, and the \$50 million a year that has been identified by most people in the racing industry as an issue of concern. Part of that is linked to a percentage of poker machine money in Victoria going back into racing. A duty rate review is being undertaken in this State, and I note the claim by members on this side of the House that it should be a revenue-neutral exercise. The revenue derived by the Government from poker machines should not be increased by the review of duty rates. I take this opportunity, however, to urge all industry players to meet in some sort of roundtable, summit or forum to discuss how New South Wales can match what is happening in Victoria and how the portfolio of Gaming and Racing can achieve some sort of common direction and common future.

Racing is a professional industry. It is potentially one of the feathers in the New South Wales'cap. At present it has absolutely no leadership or direction. Small problems arise next to big problems, such as those at the casino. The racing industry is under threat if the current arrangements are not changed. That is particularly so in regard to the relationship of the industry with the TAB and in comparison with what is happening in Victoria. The industry in New South Wales is bleeding and it will continue to bleed until something is done. This bill is operational and mechanical legislation. However, I have taken the opportunity to draw attention to the need for a review of the existing relationship between the New South Wales racing industry and the TAB. The critical question that needs to be asked is whether the existing contractual arrangements will encourage or discourage investment. That question is not being answered by the Government or by the Minister. If some leadership is shown on this issue the matter could be dealt with. Unfortunately, if the present situation is allowed to continue, the New South Wales racing industry will die a slow and unfortunate death.

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [12.27 p.m.], in reply: I thank the honourable member for Port Macquarie for his contribution to the debate and for his co-operation in getting this bill through the House. The bill has revenue implications, and I will support any measure that is likely to impact on revenues. However, a great deal of work is being done on the matters he has referred to. I have no difficulty in apprising him of what is happening. Only yesterday New South Wales Racing gave me an overview of some matters it is attempting to address. I suggested to Greg Purcell that he apprise the honourable member of those matters in the next week or so in an effort to achieve some degree of co-operation.

The honourable member's comments about the revenue stream are correct. In Victoria a percentage is hypothecated from gaming revenue, and that makes the \$50 million imbalance. New South Wales Racing conveyed to me yesterday, as a matter of courtesy, that it intended to go down a particular track. Unfortunately, the degree of co-operation between New South Wales Racing and the TAB has not been the best. It is important that a decision be made in the near future about some of the matters he has raised. The bill provides an opportunity to try to get more money back into the racing game. That is imperative to its long-term future.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

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

That standing and sessional orders be suspended to allow:

- (1) the resumption of the adjourned second reading debate on the following bills:  
  
Crimes Legislation Further Amendment Bill  
Superannuation Legislation Amendment Bill  
Nature Conservation Trust Bill; and
- (2) the passage through all stages at this sitting of the Mining and Petroleum Legislation Amendment Bill.

**CRIMES LEGISLATION FURTHER AMENDMENT BILL****Second Reading****Debate resumed from 29 November.**

**Mr MILLS** (Wallsend) [12.31 p.m.]: I congratulate the Government on introducing the Crimes Legislation Further Amendment Bill into the House yesterday. This important bill deals with the root of the problem our society is having with so-called party drugs. Precursor chemicals are being used in backyard laboratories by criminals to make pills that are later called ecstasy and speed, and these drugs are harming people, especially the young. The chemistry of conversion from precursor chemicals to illegal substances is simple. Precursor drugs are legal themselves and are available over the counter.

The Carr Government continues to do excellent things by implementing many of the recommendations of the Drug Summit of May last year. On the other side of the equation, this bill shows that the Government is committed to keeping pace with the criminals. Why are these drugs so evil? They are evil because recent studies have shown that these chemicals can be linked to permanent health effects. The human brain changes permanently in response to taking them, and we do not yet know just what the consequences of this are. Medical experts are suggesting that people may have permanent depression, which is untreatable by a whole range of antidepressants because they have literally burnt out bits of the brain with these drugs.

We need to stay ahead of those who manufacture these chemicals. The manufacturers are only concerned with profit, and are capable of putting anything at all in their drugs to maximise their profit. They do so by selling their drugs to people who have no recourse against those manufacturers for whatever happens once they have taken the drug. The people taking these chemicals have no idea what is in the drugs they are buying. There is no quality control. The simple chemistry of these substances can go wrong in the hands of amateurs and people who are doing these things illegally. This new legislation means that the Government can stop the criminals buying from manufacturers for cash the chemicals they need to make these drugs. We are backing up the chemical industry by helping to stop these criminals.

The Government has also moved to make illegal the possession of precursor chemicals for the purposes of manufacturing dangerous, illegal drugs. The people of New South Wales will know that the criminals making these drugs can be stopped in their tracks at the very beginning, when they are collecting legal drugs such as pseudoephedrine from Sudafed, for example, to gather the chemicals they need to manufacture illegal drugs and amphetamines such as speed. Honourable members will be aware that the trade in illegal drugs must be stopped as early as possible in the chain of production. The bill breaks the chain at the beginning, the collection of precursor chemicals. It is necessary to maintain the commitment to stop these drugs, which are being made in unsupervised and unhygienic conditions, by people motivated solely by profit. These drugs will have potentially huge and disastrous effects on those who take them, who will suffer for the rest of their lives. I commend the bill to the House.

**Mr HARTCHER** (Gosford) [12.35 p.m.]: This bill was introduced yesterday, and standing and sessional orders have been suspended to allow the second reading debate to come on today. The Coalition has not had a chance to look at the bill in any detail. I accept the fact that the Government will introduce such legislation from time to time at the end of the session, but I make the point that this bill is being put through without proper notification and not in accordance with normal parliamentary procedures. Accordingly, while the

Coalition is not opposing the bill in the Legislative Assembly, it reserves its rights in respect of its approach to the bill in the Legislative Council. If the Coalition believes that any matters should be raised or if amendments should be moved or supported, it will do so.

The Drug Summit was a valuable initiative. It is important for people to come together to discuss the issue of drugs, and some of the legislation that has flowed from the Drug Summit has been supported by the Coalition parties. Other legislation, especially that relating to the legalisation of the heroin injecting facility in the Kings Cross area, has not been supported by the Coalition. This bill, which relates to the ongoing war against drugs as discussed at the Drug Summit and as set forth in the Drug Misuse and Trafficking Act 1985, makes it an offence to possess a precursor, an essential element in the manufacture or production of a prohibited drug; provides serious penalties for illegal possession of such a precursor; and only allows for the acquisition of such substances through an account.

On the face of it, the Coalition has no problem with those proposals. I do not intend to go through them in detail—they have been dealt with adequately by the Minister in his second reading speech and by the honourable member for Wallsend. I simply indicate that the Coalition will not be opposing the proposals. The Coalition is also fully committed to maintaining the war against drugs, through absolute prohibition. We are not interested in overlooking chinks in the total prohibition standard, and we will not support any attempt to undermine the campaign against the menace of drugs in our society.

While we support every attempt to deal compassionately with the victims of drug abuse, to assist them, and to rehabilitate them and turn them away from their drug habit, we will not give in to the drug dealers. We will not give in to the illegal drug industry. We will maintain our struggle in opposition and in government. The misuse of drugs is a disease which threatens the lives of tens of thousands of people, and prohibition is the standard and the stance adopted by the Coalition. Schedule 2, which amends the Criminal Procedure Act, makes a consequential amendment. Schedule 3 amends the Poisons and Therapeutic Goods Regulation 1994. The Coalition does not oppose either of those amendments. As I have said, the Coalition has not had the opportunity to closely examine the amendments but, on the face of them, it has no reason for concern.

Schedule 4 amends the yet to be proclaimed Crimes (Forensic Procedures) Act 2000. The bill was passed by this Parliament, but has still not been proclaimed as an Act. Section 121 of the Act, a procedural provision, has been proclaimed, but the remainder of the Act has not been proclaimed. The Government is seeking to amend an Act that has not been proclaimed, and it has given no indication of when it intends to proclaim it. The Opposition does not oppose the amendment, but notes once again that the legislation has been allowed to sit around, that it was amended and passed, yet it has never actually come into force. If that is an indication of the Government's commitment to the DNA testing program, that commitment is sadly lacking and would appear to be a purely political commitment rather than a real commitment. With those comments I indicate that the Coalition does not oppose the legislation.

**Miss BURTON** (Kogarah) [12.41 p.m.]: It is with pleasure that I support the Crimes Legislation Further Amendment Bill. The objects of the bill are:

- (a) to amend the *Drug Misuse and Trafficking Act 1985* to make it an offence to possess a drug [ingredient] intended for use in the manufacture or production of a prohibited drug, subject to certain appropriate exceptions, and
- (b) to amend the *Poisons and Therapeutic Goods Regulation 1994* to require chemical supply companies to supply drug [ingredients] only into account customers, and
- (c) to amend the *Crimes (Forensic Procedures) Act 2000* to enable both authorised officers and Magistrates to make interim orders for the carrying out of certain forensic procedures.

The bill makes necessary and sensible amendments to the Drugs Misuse and Trafficking Act 1985, the Criminal Procedure Act 1986, the Poisons and Therapeutic Goods Regulation 1994 and the Crimes (Forensic Procedures) Act 2000. Those amendments relate to the possession and supply of drug ingredients. The bill introduces a new offence of being in possession of an ingredient which persons intend to use, or to have someone else use, for the manufacture or production of a prohibited drug. The penalty for the offence is 2,000 penalty units, that is, a \$220,000 fine, or 10 years imprisonment, or both. The legislation constitutes a remarkable and positive step in responding to criminal drug manufacturers. It will mean that such drug manufacturers will not be able to avoid criminal liability simply on the basis that the drug they intend to manufacture is still in an ingredient or base form. It demonstrates this Government's commitment to addressing the problem of illicit drug manufacturing before these drugs find their way onto the streets.

A significant part of the bill provides for amendments to the Crimes (Forensic Procedures) Act 2000. It provides that authorised justices, not just magistrates, may make interim orders for the carrying out of forensic

procedures in urgent circumstances. Under the Crimes (Forensic Procedures) Act 2000, interim orders for the carrying out of forensic procedures are available in cases where the probative value of evidence obtained from the procedure is likely to be lost or destroyed if there is a delay in carrying out the procedure. In the Act's current form, only magistrates may grant interim orders. However, there is no 24-hour roster of magistrates as there is for authorised justices. It would be virtually impossible to obtain an interim order outside court hours without this amendment. The Crimes (Forensic Procedures) Act 2000 is to commence on 1 January 2001. The Government has acted swiftly to correct this problem before commencement to ensure the effective operation of the Act. I thank the Minister for his hard work in introducing this legislation, and I commend the bill to the House.

**Mr DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [12.44 p.m.], in reply: I thank honourable members representing the electorates of Kogarah, Wallsend and Gosford for their contributions. As the honourable member for Kogarah indicated, the Crimes (Forensic Procedures) Act 2000 will be proclaimed on 1 January 2001, which is why the Government felt it appropriate to make this small but significant change to the Act before the Parliament rose this year.

With respect to the precursor chemicals amendments to the Drugs Misuse and Trafficking Act, obviously it is the case that the Government will continue to review the operation of the Drug Summit plan of action, and it is reasonable to anticipate that that review will lead to occasional amendments in the coming year or years to all legislation relating to drugs and the abuse of drugs. However, the Government's amendment concerning precursor chemicals is of special urgency. For that reason I believe that the bringing forward of this amendment at a late stage in the parliamentary proceedings is well justified. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

## **SUPERANNUATION LEGISLATION AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 28 November.**

**Mr O'DOHERTY** (Hornsby) [12.47 p.m.]: I lead for the Opposition on this bill and indicate that the Opposition will not oppose it. As with the Crimes Legislation Further Amendment Bill, pursuant to the suspension of standing orders this bill has been brought on outside of the normal five-day rule. I promised the Minister's advisers that I would raise the matter of the process by which this happens. When legislation is being investigated, proposed and consulted upon, it does not take much to bring the parliamentary Opposition into the loop. That has not happened on this occasion, as it does not happen these days as a matter of course in relation to bills that are presented by the Carr Government. I believe that all honourable members should raise their objection to that state of affairs.

As a matter of principle, the Opposition raises its objection whenever that occurs. It is also a matter for the Government to have legislation brought before the House. The Government wants to move legislation through the House quickly by suspending standing orders so that the five-day rule does not apply. Having said that, the Opposition has been able to investigate this bill over the last couple of days. I thank departmental officers who yesterday provided me with a full briefing and full access to answers to any questions I asked. I thank the officers for their courtesy. The Opposition has found no reason to object to the bill, and we will facilitate its passage through the House. In case the Leader of the House is under any misunderstanding about what I am saying, I agreed to the bill being brought before the House because I wanted to facilitate the business of the Government.

**Mr Whelan:** You were briefed.

**Mr O'DOHERTY:** Yes, I was briefed. I know that the Minister for Police has come into the Chamber having heard what I said earlier. I simply make the point that the Opposition will raise an objection in principle whenever this state of affairs occurs, because I do not believe that it is the proper process. The fact that the Minister for Police has now arrived in the Chamber emphasises the point I have made. I agreed to the bill being brought on today, but as a matter of principle we ought to be able to consult with our colleagues, and I put it no higher than that. The fire is over, and the Leader of the House can resume his normal business.

This bill contains a number of provisions which will have the effect of amending superannuation legislation. The Government's advisers told me that they consulted the Labor Council and unions concerned with public sector superannuation schemes and those groups have raised no objection to the bill, although I understand that a formal signing-off by the Labor Council, at least on some provisions, has not yet been received. The Minister may care to address that issue in his reply in another place. If any objection is raised between now and the time when this bill is debated in another place, the Opposition may have more to say.

Most of the provisions of this bill seem to the Opposition to be very sensible. I particularly applaud the fact that within the State superannuation scheme the bill contains hardship provisions that mirror Commonwealth provisions. That is the major import of the bill that is before the House. In analysing the contents of the bill, I will adopt the schema of the overview that is provided in the explanatory notes which form part of the bill that has been introduced in the Parliament. The first point in the overview is that the bill enables employees who fund employer contributions to superannuation to elect not to have contributions made by their employers under the First State Superannuation Act 1992 in respect of earnings above the maximum contribution base that applies under Commonwealth superannuation guarantee legislation.

As I understand it, this bill contains provisions which will facilitate better arrangements for packaging salary entitlements for State employees who receive a package deal and are at the higher end of the salary scale. Some of the obligations provided under superannuation guarantee legislation have become something of a nuisance in the process of creating a salary package that works best for those officers. If this legislation assists those members of the public service and is to their benefit, the Opposition certainly would not have any objection to those provisions. However, salary packaging and the increase in the number of people who receive salaries beyond the graded public service scale under the Carr Government cause me to comment that, to the best knowledge of the Opposition, the number of public servants who have received senior executive remuneration packages since 1995 amounts to approximately 50 per cent of the public service.

Recently the Auditor-General commented very critically on bonus payments received by people in the higher salary range, particularly people in the senior executive service who have received bonus payments from the Minister in respect of performance for which no criteria whatsoever exist by which their performance may be judged. The Auditor-General made obviously critical comments about a process for which no-one is held accountable. That led to the farcical situation whereby the Minister for Transport approved performance bonus payments for State Rail executives at a time when the number of derailments and late running occurrences were increasing substantially. Later the Minister criticised senior executives to whom he had just paid a bonus and warned them that they would not get a further bonus. A few weeks after that, the Minister moved to sack them. The Minister's conduct is a clear indication that he took action only when political heat was applied.

After the Auditor-General made his comments, the Government made great play of the fact to that it would "ban" bonus payments. Just a couple of days later the *Government Gazette* published new guidelines for the payment of what are clearly bonuses under another name. The Government is playing around at the top end of salary scales within the senior executive service and at the top end of the salary scale of the public sector generally. It suits the Government to offer very attractive package salaries. The Opposition does not mind private-sector-style arrangements been made, provided—and this is an important proviso—that the arrangements are open and permit accountability, and provided that the behaviour of Ministers in respect to the payment of bonuses and salaries to senior staff is open to scrutiny by members of the public. In the past, actions of the Carr Government have indicated that it does not like scrutiny. Despite that, the arrangements provided under this bill in relation to paragraph (a) of the overview of the bill are not opposed by the Opposition.

Paragraph (b) of the overview states that the legislation provides for the early release of benefits on the grounds of severe financial hardship or on compassionate grounds. Earlier I mentioned that this provision reflects Commonwealth legislation enacted within the last couple of years which allows people who have been receiving a Commonwealth benefit for a stipulated period to have hardship provisions apply to enable them to access lump sums of between \$1,000 and \$10, 000. The Opposition certainly applauds the Commonwealth's approach to this matter. I do not think any honourable member has not received a representation from constituents who have fallen on hard times but who have tens of thousands of dollars sitting in their superannuation fund that they have not been able to reach because Commonwealth legislation had locked up those funds. I think we all understand the good reasons why those funds were retained and the public policy provisions that are designed to ensure that people save for their retirement. It is an important strategy for the country and it is important for individuals. It also maintains savings within the mix of the Australian economy.

There was recognition at the Commonwealth level that in these changing times people need to be able to access part of their superannuation entitlements. The Opposition applauds the Commonwealth's recognition

of that need in circumstances such as an imminent foreclosure of a mortgage, a family member falling ill, or funeral expenses having to be paid. In those circumstances, superannuation funds ought to be able to be accessed quickly. The Commonwealth legislation allows trustees to make a determination in relation to those matters. The State approach is a fairly simple and probably elegant one which enables the trustees of the State schemes to make the same type of determination as though Federal legislation applies. As I said earlier, that seems to me to be a simple and elegant way of incorporating provisions into State legislation. The Opposition applauds the extension of hardship provisions to State superannuation schemes.

I mention on behalf of the honourable member for Wakehurst a matter that was drawn to his attention very recently. Honourable members may recall an accident that occurred at the bottom of Warringah Road in which an 18-month-old infant, whose mother received severe burns, was incinerated. It was a horrific accident which caused grief not only for the immediate family but also for the entire community. Honourable members will recall that when the news was announced to the House, the reaction of all honourable members was one of grief and horror. The family involved in the accident approached the honourable member for Wakehurst because, as a result of their trauma, they felt it was best to be settled in England, whence they came, for at least a period while certain medical procedures were carried out and to try to get their minds over the grief and trauma of the accident. The family felt they needed to be back with their family in the land of their birth.

The family wanted to access superannuation benefits in order to allow them to travel back to England and resettle. Unfortunately, because the restrictions related to grounds of hardship are very tight, they were not able to do so. They were able to obtain some of the funds to pay some medical and funeral expenses, but they were not able to access all the money they needed to travel back to England and resettle. In common with the honourable member for Wakehurst, I believe that was unnecessarily harsh. The honourable member for Wakehurst has suggested an alternative arrangement whereby a mortgage, for example, may be taken against the value of the superannuation so that if the family returned to Australia, the money could be accessed and returned to a superannuation style of investment.

The situation could be managed in a number of ways. Indeed, the private sector could manage and preserve the benefits in the event that the family returned to Australia while allowing the family to have access to the funds immediately. I mention this as a matter to be considered by both the Federal and State governments. Sometimes hardship benefits also need to have some degree of leeway to cover unexpected traumatic events, such as the one that occurred very recently in the Wakehurst electorate. Paragraph (c) of the overview of the bill states:

- (c) to confer on the SAS Trustee Corporation (STC), the trustee of the Police Superannuation Fund, an indemnity if hurt on duty benefits are paid in circumstances where damages may be recovered from another person in respect of the death or injury concerned.

That paragraph is similar to paragraph (d), which enables the trustee to recover any amount that has been paid out by a third party to an officer who has been hurt on duty. In relation to those two provisions I am advised by Government advisers, as Opposition members have not had an opportunity because of the time factor involved to seek advice, that the Police Association raised no objection to these provisions. Clearly, they cover situations which arise from time to time and we do not raise any objection to them. However, I asked earlier about the indemnity question. The Minister may care to state later when he replies to debate on this bill why an indemnity is necessary—a point that was not immediately clear. Paragraph (e) of the overview of the bill states:

- (e) to enable STC, on the election of a person entitled to a basic benefit under the State Authorities Non-contributory Superannuation Act 1987, to apply a benefit toward the payment of a superannuation contributions surcharge.

The Opposition believes that that better administrative arrangement will certainly benefit members of the scheme and provide no additional cost implications for the scheme. Members of the Opposition have no objection to that provision. We think it is a better arrangement. Paragraph (f) of the overview of the bill will allow for the indexation of schemes if the consumer price index [CPI] has increased by less than 1 per cent. I was told that in the 1970s, when this legislation was introduced, no thought was given to the fact that the consumer price index might increase by less than 1 per cent. At that stage technology was not good enough to enable trustees to make calculations about increasing people's entitlements by less than 1 per cent. These days it can happen at the touch of a button. As a result of technological changes we have to amend legislation. For that reason we are amending this legislation to include a CPI increase of less than 1 per cent, which seems to me to be a sensible suggestion and one which I am pleased to be able to support. Paragraph (g) of the overview of the bill states:

- (g) to confer on the STC the power to accept late elections, applications and choices under the Police Regulation (Superannuation) Act 1906.

Paragraph (h) allows the validation of any late acceptances. Those two provisions are necessary because of sloppy work on the part of the Government. Legislation was enacted which enabled people to convert from one superannuation scheme to another. A deadline was set for the acceptance of those late elections and I understand that not all applications were processed by that date, and late applications have been coming in. As was the case in relation to legislation that passed through this Parliament yesterday, many of those applications have been accepted—and they have been accepted outside the current legislation. This legislation will post-validate administrative decisions that have already been made. My criticism is that that is sloppy work on the part of the Government. The Government should have had its eye on the ball and it should have done better. However, the Opposition does not by any means oppose the provisions in the current bill. Paragraph (i) of the overview of the bill states:

- (i) to ensure that contributors under the Superannuation Act 1916 are not disadvantaged by changes that were made in 1998 to the way that a withdrawal benefit is calculated under that Act. The Opposition does not object to that provision.

Paragraph (j) states:

- (j) to remove the 6-month waiting period for members who elect to commute their pension ...

That will facilitate the early retirement of certain officers. I imagine that that will also assist teachers who are being offered early retirement packages. I have been advised by the Government's advisers—and I do not doubt that in most cases this is right—that it would have no practical implications on whether or not a person would choose to retire early. But it may be a factor for some people. To the extent that it facilitates early retirement the Opposition has no objection to it. Paragraph (k) of the overview of the bill states:

- (k) to make savings and transitional provisions ...

I say in summary that the Opposition welcomes the provision of hardship benefits to members of State superannuation schemes. The Opposition raises no objection to the other measures contained in the bill. I therefore commend the bill to the House.

**Mr WHELAN** (Strathfield—Minister for Police) [1.04 p.m.], in reply: I thank the honourable member for Hornsby for his contribution to debate on the bill. He raised some issues to which I am sure the appropriate Minister in the other House will give due consideration.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

## **MINING AND PETROLEUM LEGISLATION AMENDMENT BILL**

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

### **Second Reading**

**Mr WOODS** (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [1.05 p.m.]: I move:

That this bill be now read a second time.

The bill amends both the Mining Act 1992 and the Petroleum (Onshore) Act 1991, which are the principal means of administering the exploration and mining of coal, minerals and petroleum in New South Wales. One of the most important components of the bill is strengthening of the environmental protection provisions of both Acts. It is considered that the current level of fines and penalties provide insufficient deterrence for environmental offences, particularly in relation to corporations. Under the amendments proposed, most maximum fines and some gaol penalties will be increased substantially.

Last year the Government introduced fines for breaches of the title conditions under the Mining Act. It is now proposed that equivalent provisions be included in the Petroleum (Onshore) Act. The Government has recognised that there is a need to distinguish between penalties for corporations and penalties for individuals under the Mining Act. It is therefore proposed that maximum fines for corporations will generally be double those for individuals so as to act as an appropriate deterrent. As a result of the increase in fines and penalties,

consequential amendments will be required to the Criminal Procedure Act 1986. In order to strengthen the ability to enforce conditions of titles the bill also enables the Minister of the day to suspend mining or prospecting operations, whether in whole or in part, for breaches of environmental management and rehabilitation conditions.

Similar provisions of suspension will apply for failure to pay royalties or to maintain or lodge a security. The Minister of the day will also have the power to cancel titles under the Mining Act when they are not being used for the purposes for which they were granted. To ensure that consistent procedures are applied to all forms of titles, the administration of opal prospecting licences will be amended. This means that explorers granted opal prospecting licences will be required to lodge securities that can be retained by the Government if rehabilitation is not satisfactorily completed. Furthermore, opal prospecting licences will become subject to ministerial conditions to comply with environmental management and rehabilitation conditions of the title.

The next main schedule of amendments relates to the native title provisions contained in both Acts. One group of amendments will ensure that the Minister for Aboriginal Affairs is consulted over the membership of the arbitration panel, whose members deal with disputes over access arrangements between land-holders and explorers. The Director-General of the Department of Aboriginal Affairs will also be consulted over the appointment of individual arbitrators to ensure appropriate representation on the arbitration panel. Amendments are also to be made to the diligent inquiry provisions of both Acts. An amendment to these provisions will limit the diligent inquiry to a four-month period and remove any uncertainty over the meaning of the current provisions. This is consistent with the equivalent notice provisions in the Commonwealth Native Title Act.

Amendments to the Petroleum (Onshore) Act will ensure that registered native title claimants are to be treated as land-holders for purposes related to access arrangements under low impact exploration titles. The Government is also proposing amendments that will remove royalties payable for all coal seam methane produced in conjunction with underground coalmining. Methane is a significant contributor to the State's greenhouse gas emissions and has a much stronger greenhouse effect than carbon dioxide. Currently, royalty is payable on methane if it is sold or put to any productive use. This discourages productive use in favour of releasing the gas into the atmosphere. There is an added safety benefit associated with this amendment. It will encourage the removal of this dangerous and highly explosive gas from coalmines and accordingly provide a safer work environment.

The Government also intends to outline the purposes for which assessment leases are granted by including an explanatory note in both Acts. There are a number of other minor amendments proposed for the Mining Act. Firstly, it is proposed to clarify what is required to be placed in public notices that call for land-holder objections to the grant of mining lease. Secondly, the bill will also reinstate references to the surface of land which were inadvertently removed during the drafting of the Mining Act 1992.

Thirdly, provisions covering notification of proposed mining leases to land-holders will now make it clear that notification under the Mining Act is only necessary in cases where a proposed underground mining lease extends to the surface of a land-holder's property. Fourthly, the amendment extends the period for which the Mining Warden may issue an urgent injunction. Presently the Act provides that an urgent injunction lasts for no more than one month, and it cannot be extended or renewed. There are a number of minor amendments proposed for the Petroleum (Onshore) Act. Firstly, section 72 of the Petroleum (Onshore) Act stops title holders from carrying out operations or putting up any surface works within certain distances of improvements, unless particular landowners and residents give their consent.

The Government proposes to rewrite section 72, taking the opportunity to tidy up the interpretation of the 200-metre buffer zone around residential buildings. The rewrite will make it clear that a petroleum title holder must get the consent of every householder whose residence stands in the 200-metre zone before starting those operations or works. Secondly, with the recent increase of petroleum exploration in New South Wales a new provision will be introduced to allow the appointment of petroleum inspectors directly under the Petroleum (Onshore) Act. To ensure greater consistency in the application of the two Acts a number of amendments are proposed to make equivalent changes to the Petroleum (Onshore) Act that were made to the Mining Act in 1999. These amendments abolish the distinction between Crown and private land and replace the definitions of "owner" and "occupier" with a single definition of "land-holder".

An amendment is also proposed to bring the definition of "prospect" under the Petroleum (Onshore) Act into line with the definition under the Mining Act to ensure uniformity in the application of the legislation. An amendment will enable holders of petroleum titles to explore specifically for natural petroleum reservoirs, in



addition to petroleum itself. Currently the Petroleum (Onshore) Act requires that the size of a petroleum exploration licence must be reduced by 25 per cent the first time it is renewed. The amendment specifies that the reduction of 25 per cent should apply each time a petroleum exploration licence is renewed. The Government also proposes a number of other minor amendments to streamline the administration of titles under both Acts. An amendment to the bill was made in the other place that strengthens the requirement of land-holders to be notified prior to the grant of an assessment lease. I commend the bill to the House.

**Mr J. H. TURNER** (Myall Lakes) [1.12 p.m.]: I lead on behalf of the Opposition on this bill. This is essentially an omnibus bill that was outlined by the Minister to amend the Mining Act 1992 and the Petroleum (Onshore) Act 1991. Both these Acts are the principal means of managing the exploration and mining of coal, minerals and petroleum in New South Wales. I will refer to a number of items touched on by the Minister in relation to this bill. The bill contains important amendments that increase penalties for offences. The Coalition supports those amendments. There has not been a review since 1992, and there is a general feeling across the industry and peak industry bodies that the increased penalty arrangements will become a strong deterrent to breaches of legislation, particularly with regard to environmental offences.

Under the proposed amendments, most maximum fines will be increased, and in some instances gaol terms will be added. Similarly, maximum fines for illegal mining will be increased to the same amounts, while gaol terms will be added to the Petroleum (Onshore) Act to deal with illegal activities. The Opposition supports these amendments. Another area that the Opposition has looked at is the Minister's power to suspend mining or prospecting operations, in whole or in part, for breaches of environmental management and rehabilitation conditions. There is also a provision for the Minister of the day to suspend an operation for failure to pay royalties or to lodge a security with the appropriate authority. That is most important because we need to ensure that those documents are lodged and securities are in place.

However, the Opposition was a little concerned about the arbitrary nature of those provisions, but after consultation with the New South Wales Minerals Council and acknowledging the fact that the provisions provide for a staged process of intervention, the Opposition supports the provisions. The Opposition is also pleased to note the sections of the bill that relate to opal mining and prospecting and the provisions under the bill that mean that prospecting licences will become subject to a ministerial direction to comply with environmental management and rehabilitation conditions. A further important section of the bill deals with native title provisions of both the Mining Act and the Petroleum (Onshore) Act, which the Minister outlined.

The Opposition supports these amendments because they confirm that the current rights of native title holders to compensation for loss of possession or use of the surface of land as a result of mining will be included in the definition of "compensatable loss" in both Acts. In August this year a New South Wales Minerals Council conference was told that 99 native title claims were before the National Native Title Tribunal. Many of those claims covered significant areas of the State, including areas where large deposits of mineral sands had been identified for possible exploration. The Opposition hopes that the amendments go some way towards allowing for a speedy resolution of the outstanding matters.

Another amendment proposed in this bill deals with the royalty paid on coal seam methane, which I believe the Minister has spelled out adequately in his speech. The amendment concerning methane is a sensible amendment which the Opposition wholeheartedly supports, especially in light of the added safety benefits that will flow from the removal of the gas from the mines. The Opposition welcomes the bulk of the bill. There has been extensive debate in the Legislative Council in relation to specific areas about which the Minister gave undertakings, particularly the section which deals with buffer zones, which will be re-examined. The Opposition looks forward to that matter being resolved. Other than that and the matters that were discussed in the other place, the Opposition supports the bill.

**Mr WOODS** (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [1.15 p.m.], in reply: I thank honourable members who contributed to the debate on the bill, and I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

*[Mr Acting-Speaker (Mr Mills) left the chair at 1.16 p.m. The House resumed at 2.15 p.m.]*

**COMBINED HIGH SCHOOLS ATHLETICS CHAMPIONSHIPS****Ministerial Statement**

**Mr AQUILINA** (Riverstone—Minister for Education and Training) [2.15 p.m.]: Today is the first day of one of Australia's largest and most successful sporting events: the annual combined high schools athletics championships. For the next three days more than 2,500 elite athletes from schools from all parts of New South Wales will meet at the International Athletics Centre at Homebush to compete in the track and field and to represent their regions. About 5,000 spectators will also be there, with some families travelling from as far afield as Bega, Broken Hill and Byron Bay to watch their schools compete. The championships are the culmination of months of successful school sports programs and countless hours of individual training and hard work.

This is the twenty-eighth annual athletics championships, an event which grew out of the former boys and girls athletics championships, which first started in New South Wales in 1889. The championships are a breeding ground for generations of great Australian athletes from New South Wales government schools. Past sporting heroes from government schools who competed at the combined high schools athletics championships include Betty Cuthbert, Kerry Saxby, Australian Olympian Penny Giles, Olympic and Commonwealth Games champion Nicole Green, and Jana Pittman. Future champions competing this year include Australian pentathlon and Westfield Sports High School student Scott Burriss, Ulladulla High School 100-metre sprinter Scott Richardson, and Canowindra High School 800-metre runner Lisa Corrigan.

The combined high schools athletics championships are a chance to showcase the best of sporting achievement in government schools. The championships will run from today until Saturday and are open to the public. The championships are funded by the Department of Education and Training, the NRMA, Dairy Farmers and the Sydney Markets. I am sure all honourable members would join with me in wishing all athletes, teachers, parents, supporters and sponsors all the best for a successful championship over the next three days.

**Mr OAKESHOTT** (Port Macquarie) [2.18 p.m.]: The Coalition supports the carnival and endorses the Minister's comments on not only school sport but sport in general. On the back of the Olympics and Paralympics there has been a reinvigoration of sport in New South Wales. Opportunities such as this to promote sport should not be missed. In endorsing the carnival the Coalition wishes all organisers, families and athletes involved the very best for the championships. The coming years offer an opportunity to increase focus on, and co-ordinate, sport within the school curricula. I hope the Minister will acknowledge that and recognise the benefits over the coming days of an improved environment for sport in New South Wales. I again wish all athletes the best and ask the Minister to take note of the importance of sport for the future.

**ARDLETHAN TIN MINE****Ministerial Statement**

**Mr WOODS** (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [2.20 p.m.]: I inform the House that this afternoon the Minister for Mineral Resources officially signed the lease for a new multi-million dollar tin mine in the Riverina town of Ardlethan. I understand that the company, Telminex, a subsidiary of Marlborough Resources, intends to use the local work force and contractors in developing this new open-cut mine. It will create up to 22 full-time jobs in a community of just 400 people. The company advises that a quarter of the town will depend on the mine for their livelihood. The tin will be exported to Malaysia. The ink is barely dry on our Beyond 2000 Regional Infrastructure project document and already we are adding new projects to it. Is it any wonder that people in country New South Wales are writing to Country Labor praising our efforts in attracting jobs and investment to regional New South Wales?

**Mr ARMSTRONG** (Lachlan) [2.21 p.m.]: I am obviously delighted that Marlborough Resources has decided to reopen the longstanding Ardlethan tin mine, which closed approximately 12 years ago due to a downturn in world demand for tin. But I must make it painfully clear that, whilst I welcome the reopening and note the Minister's comments, I want to know when the Government put the tin there! It is taking the credit for the reopening of the mine. The Minister suggested that the Government had attracted Marlborough Resources to the area. The Minister should tell us how he put that tin there.

## BUILDING INDUSTRY LEGISLATIVE REFORMS

### Ministerial Statement

**Mr WATKINS** (Ryde—Minister for Fair Trading, and Minister for Sport and Recreation) [2.22 p.m.]: Today I outline a package of reforms that comprise a massive overhaul of the home building industry in New South Wales. These proposals will make New South Wales the leader in building consumer protection in Australia. They include: tightening the licensing system, speeding up the disciplinary process, doubling penalties under the Act, making the insurance scheme fairer and more accountable, establishing an early intervention and dispute resolution scheme, and raising consumer awareness of remedies available when things go wrong.

The reforms attack problems identified across the length and breadth of the home building industry. In total, around 50 major changes are proposed to make the system fairer, faster and less confusing for homeowners and builders. For example, introducing the licensing of consultants to undertake pre-purchase inspections for home buyers, cutting the number of types of building licences from more than 400 to around 30, introducing photo licences for builders and introducing a five-day cooling-off period for home building contracts. The Government wants to receive feedback on the proposals over the next couple of months. A draft exposure bill will be prepared and distributed to the industry and to consumers. Legislation will be introduced once ongoing consultation is concluded.

Buying or building a home is the largest investment most families will make. Too many New South Wales families are still suffering disastrous financial losses and terrible emotional strain from their dealings with rogue builders, and many good tradespeople are still having their names sullied by the actions of shonks. The changes I have announced today will be a giant leap forward in protecting families who are either building or buying homes.

**Mr J. H. TURNER** (Myall Lakes) [2.24 p.m.]: We will look carefully at how the new proposals are put in place and how they operate. I have to say that this is clearly an admission by the Minister that the Home Building Act, introduced by the former Minister for Fair Trading, has not worked.

## BUSINESS OF THE HOUSE

### Routine of Business

*[After notices of motions]*

**Mr SPEAKER:** Order! The Clerk has given me three edited notices of motions: one from the honourable member for Coffs Harbour in relation to local council elections, one from the honourable member for Pittwater relating to John Laws, and one from the honourable member for Oxley. Those members might care to consult me before presenting the notices again.

## PETITIONS

### Telecommunications Facilities

Petition praying that the House ensures that local communities are consulted prior to the installation of telecommunications facilities, received from **Mr Barr**.

### North Head Quarantine Station

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

### 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 Environmental Planning Policy No. 5**

Petition praying that a moratorium be placed on State Environmental Planning Policy No. 5, received from **Mr O'Farrell**.

**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**.

**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**.

**Manly Hospital Paediatric Services**

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

**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**.

### **Quandialla Rail Crossing**

Petition praying that flashing lights and bells be installed at the Quandialla rail crossing, received from **Mr Armstrong**.

### **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 Webb**.

### **Windsor Road Upgrading**

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

### **Surry Hills 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**.

### **John Fisher Park**

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

### **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**.

### **White City Site Rezoning Proposal**

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

### **Country Greyhound Racing Clubs Registration Cancellation**

Petitions praying that the Minister for Gaming and Racing directs the Greyhound Racing Authority to abandon its plans to cancel the registration of the greyhound racing clubs at Albury, Armidale, Coonabarabran, Kempsey, Moree, Mudgee, Tamworth and Young, received from **Mr Armstrong, Mr Slack-Smith, Mr Souris** and **Mr Stoner**.

## **REGULATION REVIEW COMMITTEE**

### **Reports**

**Mr Nagle**, as Chairman, tabled the following reports of the committee:

Report on the Fisheries Management (Aquaculture) Regulation 1995 and the Fisheries Management (Aquaculture) Amendment (Administration) Regulation 1999, dated November 2000.

Report on the Scrutiny of National Schemes of Legislation and the Meeting of the Working Group of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees, dated November 2000.

**Ordered to be printed.**

## **PUBLIC BODIES REVIEW COMMITTEE**

### **Report**

**Mr Orkopoulos**, as Chairman, tabled the report of the committee entitled "Public Liability Issues Facing Local Councils", dated November 2000.

**Ordered to be printed.**

## **QUESTIONS WITHOUT NOTICE**

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### **HOSPITAL WAITING LISTS**

**Mrs CHIKAROVSKI:** My question is directed to the Premier. Does the Premier recall promising in March 1995 that Labor would open 500 more hospital beds—a promise the Premier described as a key commitment? Can the Premier explain why, instead of opening the extra beds as promised, he has actually closed nearly 1,900 hospital beds in just the past two years—at a time when waiting lists have hit record highs and emergency patients are routinely turned away because there are no beds for them?

**Mr CARR:** What we have done is to launch the biggest hospital building program this State has ever seen.

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

**Mr CARR:** Remember the opening of Lithgow hospital? The former Coalition Government left the people of Lithgow with a crummy, tenth-rate hospital.

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

**Mr CARR:** I opened the children's hospital as well.

**Mr Brown:** What about Kiama?

**Mr CARR:** I opened Kiama hospital, Canterbury Hospital, Bankstown-Lidcombe hospital and Blacktown Hospital. I was there to open them. I was there to open Broken Hill hospital. Was there any chance that a Coalition government would have given the people of Lithgow or Broken Hill—

**Mrs Skinner:** Point of order—

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

**Mrs Skinner:** Quite apart from the fact that the Premier demeans this place by his behaviour, my point of order is that the Premier has hospitals but he does not have beds in them. We are talking about beds.

**Mr Fraser:** Point of order: I once again draw your attention to Standing Order 105, which requires that the member speaking be seated when a point of order is heard. I ask you to direct the Premier to comply with Standing Order 105 and to stop demeaning this House.

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

**Mr CARR:** How dare the Leader of the Opposition, of all people, pretend she has a passing interest in health. I will read from the Collins book on this matter. What does the honourable member for Willoughby say? He says:

On taking over as Opposition Leader I phoned Kerry—  
not Kerry Packer—

**Mr Hazzard:** Kerry Jones.

**Mr CARR:** It was not Kerry Jones.

[*Interruption*]

No, it was not Kerry Hickey. I think our old mate had a different Kerry in mind. He said:

I phoned Kerry to make a peace offering—

[*Interruption*]

Here they go—the little barnyard animals. Isn't it a sophisticated Opposition! Haven't they got a grasp of policy detail to carry debate in this Parliament! Members of the Opposition had a little strategy meeting and decided that when the Premier begins to speak they will start humming loudly. Aren't they a bunch of sophisticates? Can honourable members imagine the Greiner-led Opposition, or even the Collins-led Opposition, behaving like that? Because this is the last day of the sittings of this House until the resumption of Parliament in February, I thought I would give maximum attention to the Collins book. I would not like sales to fall off over Christmas. The book states:

I phoned Kerry to make a peace-offering with the very substantial portfolio of Health. She declined my offer with the excuse that she needed more time at home. Offered the chance to win her spurs on the toughest portfolio in New South Wales politics, she turned it down.

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

**Mr CARR:** The House will record the other revelations about Kerry in the Collins book, including the revelation that, because of a promise of \$1,000 to each family from the electricity sale, the then shadow Minister found herself in the election campaign with no money to allocate to health.

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

**Mr CARR:** The story is in the Collins book. Because the Labor Government applies itself to policy and the Coalition does not, we have the Menadue report into health in New South Wales and, on the back of that, the commitment of \$2 billion in funding. Mr Menadue made the point in his report that by international standards there is not a strong case for more hospital beds. He said that in 1997-98, the New South Wales rate for overnight hospital admissions was 157 per 1,000 of population whereas in Canada the overnight admissions figure per capita was 105; in the United States of America it was 116; and in the United Kingdom it was 130.

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

**Mr CARR:** Between 1994-95 and 1999-2000 the New South Wales Government's recurrent funding of health services increased by over 42 per cent. I challenge the Opposition to nominate any government in Australia or, dare I dare, in the world which, in a comparable period, increased health funding by more than that. The Government added a cash injection of \$2 billion to the health budget over three years from July 2000. This is a lesson about policy, and members of the Opposition ought to absorb it because they have no policies. The Labor Government in New South Wales produces serious policy documents as a basis for funding decisions. I looked at the Opposition's web site to find out the policies it has, and a sad story emerged. Perhaps the Minister for Health will take up the matter later in question time.

### NEW YEAR'S EVE CELEBRATIONS

**Mr COLLIER:** My question without notice is to the Premier. What is the latest information on the New Year's Eve preparations in Sydney?

*[Interruption]*

**Mr CARR:** "Where will you be?" is the question! I will be here, as I have been for the past three New Year's Eves. More to the point, I will be having a New Year's Eve dinner with the Prime Minister and the other Premiers. That is precisely where I will be. Incidentally, this morning I checked the number of questions that predicted an Olympics disaster in the lead-up to the Games. In the year leading up to the Olympics there were 35 questions from the Opposition side of the House cheerfully predicting a disastrous Olympic Games.

**Mr Woods:** That's what they wanted.

**Mr CARR:** As the Minister for Local Government says, that is what the Opposition wanted. As the New South Wales Labor Government delivered for the Olympics, so too will it deliver for the New Year's celebrations on 1 January. In fact, it is expected that, far from being less well attended than 1 January 2000, 1 January next year will be an even better celebration of the new year. The reason it will be better is that people saw how the celebrations could work on the previous 1 January, and they saw how they worked with the closing ceremony of the Olympic Games. Official police projections are that more than 1.4 million people will be in the city for the celebration of New Year's Eve, a number which is equivalent to the entire population of Brisbane. The reason this city will attract such a big crowd is that the entertainment is first class, and people have come to expect that. Second, our public transport system works. Honourable members will note that as recently as two weeks ago the Mayor of London, Ken Livingstone, officially cancelled London's New Year's Eve celebration. He cited safety and infrastructure problems.

**Mr SPEAKER:** Order! The Leader of the Opposition will resume her seat.

**Mr CARR:** End-of-year nervousness is always a trying time for State Opposition leaders and 4 December is approaching. Another page has been torn from the desk calendar. We are moving towards 4 December, the second anniversary. I understand why the Leader of the National Party is so grumpy. It is because 4 December is followed by the anniversary of the National Party leadership challenge. The honourable member for Coffs Harbour has been active lately. He senses that something is coming; he senses an opportunity to take over the leadership. The New South Wales Government expects a major celebration, at least as many people as on New Year's Eve 2000, and I want to inform the House of the arrangements. I understand that on 1 January this year, there were problems involving glass and that 658 injuries occurred. During the Olympic Games closing ceremony celebrations the Government enforced a no-glass policy. Injury rates were immediately cut from 658 to 74.

*[Interruption]*

How well equipped are members opposite to be contemplated as a government of New South Wales? I refer to injuries that occurred during this year's New Year's Eve celebrations, and they think that is funny. Childish school-boy humour! The Government will again adopt a no-glass policy and managed access to events at points that will include the Sydney Opera House, the Sydney Harbour foreshore, east Circular Quay, the Royal Botanic Gardens and the Cahill Expressway. That means that hoteliers will not be serving anything in glass and people should not bring glass into the city. At each of these venues there will also be a non-BYO policy which will assist with the glass restrictions and the overconsumption of alcohol.

Alcohol will be available for purchase at the venues I have mentioned, except for the Cahill Expressway. There will be a strong contingent of State Government employees to assist the public on the night.



There will be 150 ambulance officers, 16 ambulance stations, one helicopter post, 14 static first-aid points, 700 firefighters on duty and 3,200 on standby, and 150 to 200 St John ambulance officers. There will also be a very large police presence under the leadership of Assistant Commissioner Dick Adams. For security reasons their exact number and location and the location of cameras will not be revealed. Due to the good management of the police, we have been able to avoid serious crowd crushes around the harbour. A major contributing factor has been the commonsense of Sydney families. Last New Year's Eve parents with young children enjoyed the nine o'clock fireworks and then made their way home before midnight. I urge families in a similar position to consider that option again next New Year's Eve.

There will be road closures and limited access to the city on New Year's Eve. All city roads north of Bridge Street will be closed. People are now used to that and I think it will work well. The Cahill Expressway will be closed and access ticketed in a plan to be announced shortly. Special event clearways will be in place throughout the city. Access across the Harbour Bridge will be limited from 6.00 p.m. to lanes one and two northbound and lanes five and six southbound. Lanes three and four will be accessible only to emergency services vehicles, while lanes seven and eight will be closed. An enhanced CityRail timetable, 24-hour bus service and ferry timetable will be published in coming weeks to give people the chance to plan ahead. Bradleys Head, North Head and Nielson Park will be open to the public. The National Parks and Wildlife Service will be ticketing access to Goat Island, Shark Island, Clark Island and Fort Denison. For safety reasons, South Head, Chowder Head, Middle Head and Rodd Island will be closed.

The strong safety message of the National Parks and Wildlife Service to party-goers is: Stay on formed tracks away from cliff and water edges, and do not light fires. We want people to plan ahead, to be early, not to bring glass or alcohol to the city, to use public transport, and to consider, if a young family is involved, enjoying the nine o'clock fireworks rather than the later fireworks. We expect about a quarter of the population of Sydney, perhaps even more than that, to be around the harbour. But after the experience of the Sydney 2000 Olympic closing ceremony and after the experience of 1 January last, we have every reason to believe that services will rise to the challenge and the occasion and the co-operation of the public will, once again, be exemplary.

#### **RURAL HOSPITAL BED CLOSURES**

**Mr SOURIS:** My question without notice is directed to the Minister for Rural Affairs. At a time when thousands of patients in country New South Wales are waiting months for elective surgery can the Minister, as the Minister responsible for rural affairs, explain why more than 660 beds have been slashed from country hospitals in the past two years alone, including the closure of 72 beds in his own local health area?

**Mr Whelan:** Point of order: The honourable member's question should be directed to the appropriate Minister. The Minister for Health is the Minister who deals with matters relating to health.

**Mr Hartcher:** To the point of order: The Hon. Harry Woods is the Minister for Rural Affairs. The question asked by the Leader of the National Party relates to rural health services. Rural affairs covers health.

**Mr SPEAKER:** Order! I place the honourable member for Oxley on three calls to order. It is a matter for the Minister to determine whether the question relates to his portfolio and whether he wishes to answer it.

**Mr WOODS:** It dawned on me yesterday when I was looking at Opposition members that some people sit and think. That lot opposite just sit.

**Mr SPEAKER:** Is the Minister answering the question?

**Mr WOODS:** Yes, I am.

**Mr SPEAKER:** Order! If members wish to hear the answer they should remain silent.

**Mr WOODS:** If that miserable lot opposite sat and thought for a moment the Leader of the National Party would know full well that this is a question for the Minister for Health.

#### **CHRONIC ILLNESS**

**Mr McMANUS:** My question without notice is directed to the Minister for Health. What is the latest information on the work of the New South Wales Health Council in the management of chronic illness and related matters?

**Mr KNOWLES:** It seems we have to go to our own side of the House to get a question on health. It is worth noting, particularly in view of some of the nonsense that was dished up in the last two questions, that over the past 20 years there have been massive changes in technology and a massive improvement in our ability to keep people alive longer. Those changes bring with them the need for health policies that reflect contemporary needs and circumstances and the management of medical conditions in a contemporary environment. As honourable members might have expected, the Government has been busy developing policies. The Opposition has no policies. We have spent a lot of time and energy on researching what is happening in the community and developing policies to reflect the needs of the community.

The Health Council, to which the Premier referred earlier, established a specific group to consider the needs of those individuals who have what are called chronic and recurring illnesses—the sorts of illnesses that are not always acute but that dog people throughout their lives: respiratory illnesses, heart conditions and those sorts of illnesses. The Government established a group of leading health experts led by the internationally renowned Professor Ron Penny from the Centre of Immunology at St Vincent's Hospital to design a policy to reflect contemporary community needs. People suffering from those types of illnesses will be treated better if they are treated early. That will remove their need to occupy hospital beds that otherwise could be occupied by people with acute illnesses. That is a fairly simple, straightforward and much-needed principle resulting from recent changes to medical technology, improvements to care, and improvements to the range of options available to keep people alive for longer.

At present, acute hospital admissions and readmissions for people with chronic and complex illnesses account for a disproportionate amount of hospitalisation and health care expenditure. For example, up to 20 per cent of hospital services are provided to people with chronic and recurring illnesses. Based on international evidence, the advice we have received through the Health Council process and the work that has gone on since, about 25 per cent of all accident and emergency cases are people who could have had a better quality of life if they had been treated under our models of care earlier in the cycle of their illness.

We must get to the person with a bad heart before a heart attack occurs. We must give that person a better quality of life and take the pressure off the acute care system. In simple terms, there are many opportunities for self-management through a better diet, better exercise, or through co-ordinated community based models. General practitioners, community nurses and people in allied health industries now have an opportunity to look after these people, again underpinning a better quality of life and, as a secondary benefit, taking pressure off the acute care end of the hospital system so individuals who need those services can get better access to them. Conditions like heart failure, renal failure, diabetes, airway diseases, strokes and HIV-AIDS could be better treated if they were treated earlier in the cycle rather than in the acute hospital environment.

What do we know about these illnesses? What is our policy? As a result of the recommendations of the Sinclair and Menadue reports, the Government has committed \$45 million, specifically targeted over three years, to focus on the three big areas of chronic and recurring illness—the heart, the lungs and cancer—and to design a model that allows those sorts of conditions to be treated earlier in the cycle of the illness. The Government needs a model which is designed to improve the quality of life for people who have those diseases, a model that is designed to give them better care. If we do it well—and that is what we are aiming to do through a properly structured clinically led evidence-based policy—crisis situations can be prevented and the large number of unplanned admissions can be reduced.

For example, someone might wake up in the middle of the night and realise that he has had a heart attack and has to go to hospital. Those sorts of incidents are unplanned and are very disruptive to families, patients and the entire system. Most important, we intend to improve the quality of life for individuals suffering chronic illnesses. At present the Government has 64 programs operating throughout the State dealing with those three areas: the heart, the lungs and cancer. That is a reflection of good policy built on international best practice and evidence and led by some of the best medical brains in our country. Imagine my surprise yesterday when the honourable member for North Shore put out a press release on this subject stating that that sort of activity would put patients at risk.

I do not know whether honourable members saw the news last night, but the press release is an absolute boomer; it is extraordinary. When people such as Ron Penny are designing and developing policies on international best practice the honourable member for North Shore cannot resist a cheap-shot headline about this changing model of care. That is basically because she has no policy. She got on the old bike—"We have to keep putting people back into hospital because that is the only way". She has not thought it through; she has not got a policy idea in her head. She does the old shroud waving trick. She stated in the press release:

If the Minister does this people will die. People will be put at risk and the Minister will be accountable for it.

**Mrs Skinner:** Absolutely right.

**Mr KNOWLES:** There we are: it is absolutely right. For what it is worth—and I am not sure it will be worth very much to the honourable member for North Shore—after she made that statement yesterday my phones ran hot, not from aggrieved patients or angry residents, but from angry doctors who just cannot believe how out of touch she is. They take offence that their work, built on solid and sound policy—something the Opposition does not understand—has resulted in the honourable member for North Shore accusing them of jeopardising patients' safety and putting patients at risk. On this side of the House we collaborate—

**Mrs Skinner:** Point of order: The Minister is completely misrepresenting my point. He is misleading and taking out of context my press release—

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

**Mrs Skinner:** You must rule that the Minister should not to mislead this House by misquoting my press release.

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

**Mr KNOWLES:** I am just passing on a bit of advice.

**Mrs Skinner:** All right, I will make a personal explanation.

**Mr KNOWLES:** A personal explanation to 41 leading Australian clinicians of one word "Sorry"? The honourable member for North Shore is sorry that she indicated that their work is putting patients at risk. It would be nice if she put as much energy into writing policy as she does into writing personal explanations! It would be terrific to have a policy debate. Forty-one offended leading Sydney clinicians who have done a lot of good work do not like being accused of putting patients at risk.

**Mr SPEAKER:** Order! I remind the honourable member for North Shore that she is already on two calls to order. She has indicated that she wants to make a personal explanation. She will remain silent while the Minister is replying to the question.

**Mrs Skinner:** He is not replying; he is insulting me. That is not replying to the question.

**Mr SPEAKER:** Order! I call the honourable member for North Shore to order for the third time. The Leader of the House will remain silent.

**Mr KNOWLES:** The honourable member for North Shore says that I am trying to upset her, that I am trying to offend her. She can dish it out but she cannot cop it. One person who is not on the chronic care management committee is Professor John Dwyer, a public advocate of good health care. He works at Prince of Wales Hospital. In his recent article "Medical Talk", which is circulated in a lot of inner-western newspapers, he said:

Wouldn't it be a win-win situation if arrangements for better care could keep individuals with chronic illnesses at home ... with potential problems attended to before they progressed to a stage where a hospital admission becomes inevitable ...

He continued:

... preventative initiatives announced by our Health Minister—

That is me, not the honourable member for North Shore—

are in line with this overdue change of direction.

That commentator, who is well known as a strong critic of government, says that far from putting patients' lives at risk this is actually a better model of care. Good policy, endorsed by professionals and built on sensible structural reform is all about hard work. All the honourable member for North Shore can do is trot out the same old mantra "More beds, scare people, more people will die" and ignore people who are now working with the Government to build a better health care system. Professor Ron Penny, who has nothing but the best interests of patients at heart; Professor Kim Oates, head of the New Children's Hospital at Westmead—and no-one can

suggest that he does not know what he is talking about; Associate Professor Graeme Stewart, a terrific immunologist at Westmead who is doing great work; and Professor Geoff Toffler, one of the bright heart surgeons working at Royal North Shore Hospital are only four of 41 people whose work we can back.

Can we back the honourable member for North Shore? After the request for policy we looked at the web site of the honourable member for North Shore. We thought we might have seen a little more, but no, we can still find only the health policy of the honourable member for North Shore that puts care back into health care. That is all she says other than to remind us, as if we need reminding, that she said "Wow, that's the subject of a huge policy paper." when asked in the chat room in May this year what would she do to fix the health system. It has now been two years. How big is this policy paper? How long does she need to write her policy? When will we see her policy?

Does the honourable member for North Shore support the work being undertaken by Australia's leading clinicians who are working together to build a better system? When will she get off her old bike? When will she participate in a rational policy debate about contemporary needs and not use the old hoary chestnuts she has been trotting out for the past 10 years? There are a lot of clinicians waiting with a great deal of interest to see what the honourable member for North Shore will do. They are looking forward to her policy.

### **JESSICA GALLACHER MURDER INQUIRY**

**Mr HAZZARD:** My question is directed to the Premier.

**Mr SPEAKER:** Order! I call the Minister for Community Services to order.

**Mr HAZZARD:** Following the savage murder of four-year-old Jessica Gallacher the Minister for Community Services announced on 1 February this year that five separate inquiries had been launched into what went so tragically wrong. Now that 10 months have elapsed, Jessica's family has asked me to ask the Premier to tell the House the results of any one, but preferably all, of those inquiries. What action has the Premier taken to rectify the systemic failures that led to Jessica's horrific death?

**Mr CARR:** I understand there has been a court case and, in response, the Coroner has reopened investigations. Last week the House was correctly informed that the circumstances surrounding this tragic death of a four-year-old girl was subject to inquiries by the Coroner, the Child Death Review Team and the Community Services Commission. The Coroner, in fact, has been actively pursuing the case for some time. I can table an order from the Coroner for the production of documents dated 27 March in confirmation of this fact. I can also confirm that the Community Services Commission has been investigating a complaint in relation to the case as recently as last week.

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

**Mr CARR:** The commissioner has written to the Government this week to advise that the commission may not proceed to complete this investigation due to uncertainty about the commission's jurisdiction. I stand by the information provided to the House last week. The Opposition is misleading the public on this matter by being once again too lazy to check the facts.

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

### **COALITION POLICY**

**Mr CRITTENDEN:** I ask a question without notice of the Premier. What is the Government's response to community concerns about the Coalition's published paper "Liberating our Environment" and related matters?

**Mr CARR:** As they say, late yesterday afternoon a certain policy document came to my attention. It appears that this paper is the first of the anticipated avalanche of Opposition policy documents. I can reveal to the House that this deals with matters to do with the environment. The House will want to know what it says. This is the start of the avalanche of policy documents that the Leader of the Opposition referred to in the Luke Bona interview when she said, "I've been a bit busy lately." No time to read Peter Collins' book. "I have been working on briefs and policy documents." So here we have the first. First of all, what it does not say. There is no mention of salinity, no mention of World Heritage listing of the Blue Mountains, no mention of the brilliant

Water Management Bill that went through the Parliament at 7 o'clock last night, no mention of global warming anywhere. Environment policies? What it does say is this. Policy priority number one:

A Coalition government will review current legislation regarding the domestic keeping of native animals, with a view to identifying any species appropriate to be kept as a household pet.

So we are going to have goannas in dolls, dresses chained to every kitchen table in Turrumurra! It goes on. As their next bold policy initiative—you have been waiting for it, and here it is, the policy commitment you have been waiting for—they are going to:

Investigate the current economic cost of departmental delays in granting reptile licences.

You have been waiting for it, the press has been waiting for it, and here it comes. They are saying they will:

Review licences for venomous and other dangerous species.

I look at members opposite and I see those venomous and dangerous reptiles, the member for Gosford and the member for Ku-ring-gai, filing their fangs, waiting for the time to strike. Don't laugh! This is all about building alliances. She has built a remarkable coalition here. First there is the RSPCA, which said in its response to her policy that it was:

Ill thought out and totally contradictory to responsible animal ownership and care.

The Total Environment Centre said:

Every Tom, Dick and Harry will be raiding national parks, state forests and other public or private land to find sugar gliders for sale as pocket pets, platypus for sale to Japanese aquariums, or to trap kangaroos or possums for pet food and gourmet restaurants.

You see, the policy work of the Opposition is all about building coalitions. And the Leader of the Opposition has built a coalition—except it is against her and against her party! She moves on and says they are going to increase water rates in the Sydney Basin. She says:

We acknowledge the burden of cost borne by catchment residents and industry in the provision of clean drinking water to Sydney, and we will reflect this in the cost of water.

I went back to the Greiner years. Remember taxes and charges? They were a big issue in 1991. In the *Sydney Morning Herald* of 24 May 1989 there is reference to a big boost in water rates. Remember the levy under Greiner? It has got to be right, because the article is written by Luis M. Garcia. So there is going to be more of this if they get in—more things like the 30 per cent hike in rates that occurred in 1989. Here she comes to the Cronulla sewage treatment works, in which \$96.9 million has been invested by this Government. The facility, apparently, is going to open in April. But she says she will close it in three years. So that is \$100 million down the sewer—gone! Here is something that will interest my colleague, another top priority environmental policy. She says she is going to close the Penrith office of the Sydney Catchment Authority. She is going to tear those jobs out of the Minister's electorate. So I am with you on this, Faye. We are going to fight this together. So it goes on.

I think that is trivial compared to what she and the Coalition are going to do with the regional forest agreements. Those agreements have brought the timber industry together with conservationists and provided certainty of supply and no fewer than 270 new national parks, security, permanence and resolution. That has been the focus of our policy since 1995. Your electorate will be very interested in this, Harry. She says a Coalition government will subject them to review every five years. So, every five years, regular as clockwork, they will review and, if necessary, unravel or unscramble forest security and national park status.

The value-added regional forestry agreements are to be re-evaluated every five years to investigate different outcomes to take the place of existing agreements. National parks have been secured through these agreements. Their status would be in doubt. Security of supply to timber mills has been secured through these agreements. A review of regional forestry agreements every five years—four reviews in 20 years—places those in doubt. So 700,000 hectares of national park that have been proclaimed by this Government are at risk with this policy, all reviewed every five years under this policy, because the park declarations are placed on those regional forestry agreements.

Timber mills with operating financial and investment plans within this agreement are under risk every five years. All would have to be reviewed. Take the 1997 agreement, for example. It created Richmond Range

National Park, including the largest stand of dry rainforest in this State, and Chaelundi National Park, one of the most diverse stands of old-growth forest in the State. The 1999 comprehensive reserve assessments for the upper north-east, the lower north-east and Eden, that one agreement alone, resulted in 31 new parks and reserves and 23 areas being added to existing parks and reserves, all outstanding environmental achievements.

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

**Mr CARR:** These are all under threat from this frogmarch to five-year re-evaluations. The whole point of our policy on forests is that it provides security—security of reserves and security of supply. During the past State election we had the support of the industry and the support of conservationists. Once again, the approach we have taken is driven by the policy the Minister for Forestry revised and took to the public in 1995 on behalf of the Labor Party. That policy has driven the process of reform of the industry and the process of national park declarations. The Coalition policy means that the peace and consensus in our forests gets torn up and we go back to forest-by-forest disputes—conservationists chaining themselves to trees and battling with police—every five years. The status of regional forest agreements is going to be reviewed. Who would invest under this policy? What forestry organisation would put money into it?

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

**Mr CARR:** State and Federal governments, traditional owners, the timber industry and the conservation movement have all been part of this historic process in New South Wales. In comes the shadow Minister with the first of the avalanche of policy documents saying, "Tear that up, we start again every five years." It is a blow to investment and a blow to conservation gains. One cannot fault the shadow Minister for her ambition. She says the Coalition will increase national parks until 20 per cent of the State has national park status. Members of the National Party have gone white. I looked at the Coalition's record in government. In seven years in government it added less than half of 1 per cent to the total area protected. At the rate the Coalition declares national parks, the shadow Minister's target will be reached 20 years into the twenty-second century. There is a compensatory measure here. The Leader of the Opposition has said, in an attachment to the document, "Some of these ideas are controversial." I think they are a little more than controversial, but I welcome the opportunity to test them in the next State election.

#### **HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION**

**Mr WEBB:** My question without notice is directed to the Minister for Police. Given that he admitted yesterday that some time on or after 19 September he had informed someone of the serious sexual assault allegations made against the member for Fairfield, will he now tell the House the identity of that person or persons?

**Mr WHELAN:** Yesterday I was asked a question, and I happen to have the actual question. The honourable member has attempted to mislead the House. The question I was asked was "Can he tell the House is there anyone he did advise about the allegation?" My answer was "Yes."

**Mr Webb:** Who?

**Mr WHELAN:** Ask me the question. If you had asked me the question I would have told you yesterday—no-one.

#### **REGIONAL FLOODING ASSISTANCE**

**Mr BLACK:** My question without notice is to the Minister for Agriculture. What is the latest information on the New South Wales Government's assistance to flood-affected farmers and related matters?

**Mr AMERY:** I can assure the honourable member for Murray-Darling there are no blue tongues in the answer. I thank the honourable member for his sense of humour and for his unusual gift to me. I must disclose a confidence to the House. He gave me a book on Ned Kelly for Christmas. I thought it was an unusual gift for a former policeman—a book about a man who killed three policemen. However, I recommend that people read it, because speaking as a former policeman it has a happy ending. The honourable member for Murray-Darling has raised a number of issues about what we are able to do for many farmers, not just the grain farmers—the crop growers who have been severely affected by the floods—but those farmers who have livestock. It is important that we give an update on what assistance has been provided to those farmers during this very difficult time.

It is fair to say that farmers in many parts of the State have not had a good start to the season. I give an assurance to the House that the Government will do all that can be done to assist these farmers during this difficult time. For a full answer on all the assistance we provided to all farmers I direct the honourable member for Murray-Darling, and all honourable members, to the annual report of New South Wales Agriculture and Land and Water Conservation tabled in the House this week. Whilst we have clear actions, one has to be understanding towards our farmers who cannot, at this very difficult time, compare our policy and strategy with what the National Party is advocating should be done for farmers in difficult circumstances.

Honourable members should put themselves in the place of beef producers in the north-west of New South Wales. A lot of things have been affecting the beef industry in recent times. Of course, the flood has affected them, as well as commodity prices, and issues like bovine Johne's Disease [BJD] have affected some parts of the State. The honourable member for Lismore raises the cattle tick issue from time to time. The Government has a program in place for BJD, and our agriculture people are doing a lot of work to save the producers during the floods. We could not save the grains but we have put a lot of work into saving cattle and sheep affected by the rising floodwaters. We have had requests from farmers to save something like 49,000 head of cattle. Those cattle producers are hurt by the floods, they may be concerned about BJD in some parts of the State, and may even be concerned about their own consultative role within SafeFood and so on, but they cannot get a comparison between what we are doing and what the National Party is doing.

It is fair for me to call on the National Party to make some statements and produce some policy about how to deal with the different problems affecting our beef producers. Honourable members should put themselves in the position of a beef producer. He is concerned, for example, that the Government is setting up a safe food authority, and a lot of issues are involved in that. He picks up the strategy documents from the Government and knows what the Government is doing but then he picks up the notice of motion from the honourable member for Barwon. The honourable member for Barwon's notice of motion states:

That this House:

...

- (3) Notes that SafeFood Meat Division is of vital importance to the NSW Meat Industry and the confidence of consumers.

All honourable members would agree with that. The Government believes that the meat division of SafeFood New South Wales is important. Our hypothetical beef producer then reads paragraph (5), which states:

- (5) Calls on the Minister to admit that SafeFood Meat Division is a farce and a waste of taxpayer money.

I ask the Minister for Education and Training to help me. Is this a contradiction? Is there a conflict? Paragraph (3) states that the meat division of SafeFood is of vital importance and paragraph (5) states that the same meat division of SafeFood is a farce and a waste of taxpayers' money. That is the sort of confusion our beef producers are confronted with during these difficult times. Like other honourable members, such as the honourable member for Murray-Darling, I have found it necessary to provide information to farmers. And, like other Ministers, I have checked the National Party web site. It is important to do so because farmers need to access National Party policy.

A policy document on the web site, released last year, will assist farmers during this time of need. For example, the National Party is saying that the Government, together with New South Wales Agriculture, should conduct field days and regular briefings around the State, and be available to primary producers. It is important for a department of agriculture to establish field days, and I commend the New South Wales Opposition for advocating that field days should be established. However, I advise the House that field days were established in 1894 and have been the cornerstone of our advisory process. Field days have been conducted for about 106 years. I am pleased that the most recent policy document of the New South Wales National Party has adopted that as a policy of its own. That is commendable, because it is an excellent policy.

Another important policy on the National Party web site—I am upset that I did not think of this—is that the New South Wales Government should work with the Royal Agricultural Society to promote the Royal Easter Show as a link between the country and the city. I shall give Country Labor a briefing later. A Royal Easter Show takes place in Sydney from time to time—some would say every year. I am pleased that the Royal Easter Show has moved from Moore Park to Homebush. However, in the National Party's 1999 policy document—the most recent policy document I could find—the National party is advocating a Royal Easter show. It states that the Government should work closely with the National Party on that policy. I commend National Party members for their policy; they are catching up.

As to our concerns about farmers and the push by the honourable member for Murray-Darling to ensure that the Government provides all possible assistance to farmers, I shall update the House on what is happening in rural New South Wales. For example, a helicopter service is airlifting supplies and various departmental officials. Arrangements have been made with BP Air in Moree to continue supplying helicopter fuel to Walgett on a needs basis. Arrangements have been made for drums of helicopter fuel to be placed at Brewarrina airport and some requests for assistance are being received from Brewarrina and Walgett.

In relation to the floods, my department has issued a warning to farmers in the Walgett area that the flood peak is reaching that part of the State. Under the national disaster program farmers can access the low-interest loans on which I have already reported to the House. Farmers can also claim 50 per cent of the cost of transporting fodder and livestock. New South Wales Agriculture, as the agency responsible for animal welfare, is also offering accommodation to companion animals. The estimated value of crop losses is now about \$1 billion. The estimated cost to the New South Wales Government in terms of assistance being provided to flood-stricken families is about \$200 million.

While the Government and New South Wales Agriculture are working hard to help flood-affected farmers, it is important that we ask Country Labor members to put the challenge to our National Party colleagues in this place to provide some strategies for farmers, whether or not they are affected by the floods. I hope that that updates the information for farmers affected by the floods. We are doing all we can to save livestock. I understand that some 153,000 sheep have been saved so far. I will send a message about what this Government and Country Labor are doing. Flood-affected farmers will be reassured to know that the Royal Easter Show and New South Wales Agriculture field days, which have existed for 108 years, are safe and well.

#### **Mr ERIC WEIS INSURANCE CLAIM**

**Mr SLACK-SMITH:** My question is directed to the Minister for Emergency Services. Will the Minister order an immediate inquiry into the circumstances in which Mr Eric Weis, a northern tablelands farmer, lost more than 600 sheep, 10 kilometres of fencing and water infrastructure after Kingstown Fire Service backburned his property and the fire ran out of control, resulting in an insurance claim which has been rejected, leaving Mr Weis at least \$40,000 poorer?

**Mr DEBUS:** I will seek advice on that matter and inform the honourable member appropriately.

**Mr SLACK-SMITH:** I ask a supplementary question. In light of the Minister's answer, will he now consider establishing an insurance ombudsman to investigate such matters?

**Mr DEBUS:** I understand there already is one.

**Questions without notice concluded.**

#### **HONOURABLE MEMBER FOR FAIRFIELD SEXUAL ASSAULT ALLEGATION**

##### **Privilege**

**Mr HARTCHER** (Gosford) [3.48 p.m.]: Mr Speaker, I raise a matter of privilege. The point of privilege relates to answers to questions asked in this House. Yesterday, the Minister for Police was asked the following supplementary question:

Given his answer, can he tell the House is there anyone he did advise about the allegation?

The Minister replied "Yes". The Minister has trivialised question time in the most outrageous way, and he has denied the privilege of members to ask questions under Standing Order 135.

**Mr SPEAKER:** Order! For the Chair to be satisfied that a prima facie case of breach of privilege has been established, one of the following elements should be involved in such a breach: disobedience to general orders or rules of either House, which does not apply; disobedience of particular orders, which does not apply; indignities offered to the character or proceedings of Parliament, which does not apply; assaults or insults upon members, reflections upon the member's conduct in Parliament, or interference with officers of the House in the discharge of their duties. None of those matters—

**Mr Hartcher:** It does apply. It is disobedience of the orders of the House.



**Mr SPEAKER:** Order! No, it does not.

**Mr Hartcher:** He has disobeyed Standing Orders 135 and 137.

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

**Mr Hartcher:** I seek leave to move a motion for the suspension of standing orders.

**Mr SPEAKER:** Order! The honourable member for North Shore has the call.

**Mr Hartcher:** I still have the call.

**Mr SPEAKER:** No, you do not.

**Mr Hartcher:** Yes, I have.

**Mr SPEAKER:** Order! The honourable member for North Shore has the call. The honourable member for Gosford will resume his seat.

**Mr Hartcher:** Mr Speaker, I had 40 seconds to make a point, which you did not even let me finish. The Minister has disobeyed the standing orders.

**Mr SPEAKER:** Order! The Chair has ruled on the matter. The honourable member for Gosford will resume his seat. The honourable member for North Shore has the call.

**Mrs Skinner:** I have not sought the call yet, Mr Speaker.

**Mr SPEAKER:** Order! The honourable member for North Shore has not sought the call. I call the honourable member for Wakehurst.

## **JESSICA GALLACHER MURDER INQUIRY**

### **Point of Explanation**

**Mr HAZZARD:** I draw your attention to Standing Order 69 (6). Earlier today the Premier told the House that I was incorrect and had misrepresented the circumstances surrounding the inquiries into the death of Jessica Gallacher. A few minutes ago I spoke to the adviser to the Chief Coroner of New South Wales at Glebe Court, who confirmed that no coronial investigation into the matter had taken place since March 2000. However, following a request by the New South Wales Opposition and a request by Jessica's family that was published in newspapers, and as a result of letters written to the Chief Coroner, three days ago the Chief Magistrate called for the file from Gosford and a full inquiry will now be undertaken by the Deputy Chief Magistrate. Therefore the Premier misled the House and reflected upon my character. I ask that the Premier be directed to in future tell the truth about important matters such as coronial inquiries.

## **CHRONIC ILLNESS**

### **Personal Explanation**

**Mrs SKINNER, by leave:** Earlier today the Minister for Health led this House to believe that yesterday I issued a press release that criticised better management of treatment for people with chronic illnesses. The Minister further suggested that doctors were angry that I had said that they would be responsible if those patients' lives were put at risk. The press release I issued yesterday related to a matter that had been canvassed in the press earlier in the day. That article suggested that a telephone call centre would prevent one-third of patients having to attend emergency departments. My press release read in part:

A telephone service which allows patients with chronic illness whose treatment is being case-managed to check with the clinical case-manager is fine. But they aren't the patients—

**Mr SPEAKER:** Order! The honourable member for North Shore must explain how her character has been impugned. She should not explain the contents of the press release.

**Mrs SKINNER:** I have just read onto the record that paragraph of my press release which proves that the Minister was lying when he said to the House earlier today that I had criticised the call centre. I did not.

Furthermore, the Minister suggested that doctors were critical of my comments. I seek leave to table letters from doctors who are absolutely scathing about the health Minister's handling of his portfolio.

**Mr SPEAKER:** Order! The honourable member for North Shore is well aware that only Ministers may table documents.

**Mrs SKINNER:** Why not? I am seeking the leave of the House, not your leave. Coward!

**Mr SPEAKER:** Order! The honourable member for North Shore will resume her seat.

## **BUSINESS OF THE HOUSE**

### **Routine of Business**

*[Notices of motions]*

**Mr Brogden:** Point of order: Earlier today you ruled out of order a motion of which I gave notice. I seek your clarification on that.

**Mr SPEAKER:** No, I did not rule it out of order. It was brought to my attention—

**Mr Brogden:** You rejected the motion. Why did you reject the motion?

**Mr SPEAKER:** It was drawn to my notice that the content of that motion was out of order.

**Mr Brogden:** Why?

**Mr SPEAKER:** Order!

**Mr Brogden:** You can't tell me that, can you?

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

**Mr Brogden:** You don't know why it is out of order.

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

**Mr Brogden:** I wasn't called to order. When was I called to order?

**Mr SPEAKER:** Order! I will name the honourable member for Pittwater if he does not accompany the Serjeant-at-Arms from the Chamber.

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

## **CONSIDERATION OF URGENT MOTIONS**

### **Australian Labor Party Electoral Tactics**

**Mr FRASER** (Coffs Harbour) [3.56 p.m.]: My motion is urgent because currently in Queensland there is a situation that reflects widespread fraud within the electoral system. It is urgent that this matter be debated today because this Saturday the Australian Labor Party disputes committee is to hear a dispute relating to the seat of Robertson and Belinda Neal, the wife of John Della Bosca, who has claimed—

**Mr Whelan:** Point of order: This is—

**Mr Hartcher:** You're frightened, aren't you?

**Mr Whelan:** I am not frightened at all. This is clearly an attempt—

**Mr SPEAKER:** Order! The honourable member for Gosford will cease interrupting.

**Mr Hartcher:** But look—

**Mr SPEAKER:** Order! If the honourable member for Gosford wishes to take a point of order, he can do so when the Leader of the House has resumed his seat. I will give him the call at that time.

**Mr Whelan:** The plain fact of the matter is that the member for Coffs Harbour is doing the bidding for the honourable member for Gosford on this. That is the real issue.

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

**Mr Whelan:** Firstly, the member must be limited to addressing why his motion is urgent and why it should have priority. Secondly, a matter concerning Queensland is not relevant to New South Wales.

**Mr FRASER:** Read the motion.

**Mr Whelan:** There is no mention of Queensland in the motion. The motion is therefore out of order.

**Mr FRASER:** To the point of order: Mr Speaker—

**Mr SPEAKER:** Order! Earlier I told the honourable member for Gosford I would give him the call when the Leader of the House resumed his seat. Do you reserve your right to move a motion later?

**Mr Hartcher:** I reserve my right.

**Mr FRASER:** To the point order: The motion refers to "fraudulent practices rife within the ALP"—that is, the Australian Labor Party.

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

**Mr FRASER:** This is relevant on the basis that Belinda Neal is disputing a preselection in Gosford this weekend. She is a member of the ALP. The motion states, "the ALP's own preselection process". Belinda Neal is saying it is fraudulent. The wife of the Minister is saying it is fraudulent. That is what the disputes committee is all about.

**Mr SPEAKER:** Order! There is no point of order. The honourable member for Coffs Harbour will resume his seat. The motion of which the honourable member for Coffs Harbour has given notice is in order. However, at this stage he should not debate the substance of the motion. The House will decide whether the motion will be debated.

**Mr FRASER:** As I said, the motion is urgent because the ALP disputes committee will meet this weekend to resolve an issue at Robertson. Belinda Neal is saying that the process is fraudulent.

**Mr Whelan:** Point of order: I draw your attention to the content of the motion and also to the fact that the member is now going into the substance of the debate. There is no mention in the motion of Queensland or of a preselection process taking place within the ALP on the weekend. The honourable member is introducing argument to try to bolster his motion. I make the point again that this motion is out of order.

**Mr SPEAKER:** Order! The Chair has ruled that the motion is in order.

**Mr FRASER:** To the point of order: I will read the part of the motion that is relevant. The motion refers to fraud in the electoral system and the ALP's own preselection process. I raise the fact that Belinda Neal believes that she was fraudulently put out of a preselection process at Robinson, and that matter will be heard by the ALP disputes committee this weekend.

**Mr SPEAKER:** Order! The honourable member for Coffs Harbour will resume his seat. I uphold the point of order. The matter now being referred to by the honourable member for Coffs Harbour has nothing to do with the debate. The honourable member for Coffs Harbour should give the House reasons why his motion should have priority.

**Mr Woods:** Point of order: My point of order relates to relevance. The motion refers to fraud in the electoral system. If the honourable member for Coffs Harbour is referring to matters that are relevant, he should also refer to Geoff Knight, a former National Party candidate for the seat of Clarence, who enrolled for the seat of Page in 1995.

**Mr SPEAKER:** Order! There is no point of order. The honourable member for Coffs Harbour has the call.

**Mr FRASER:** Mr Speaker, I really think—

*[Time expired.]*

### **Aquaculture Industry**

**Mr WOODS** (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [3.59 p.m.]: This motion is urgent because the aquaculture industry is a growth industry that is tremendously important to the people of this State, especially those in country New South Wales. Honourable members should consider this matter today because the job creation impacts will be felt immediately and should be capitalised upon. Debate on this matter is imperative because the industry is worth \$40 million a year to New South Wales. It employs 2,800 people directly, mostly in rural and regional New South Wales. It is urgent. We should debate this matter now for the sake of people who will gain jobs from this industry. We should also remind the business community that the time to invest is now.

**Question—That the motion for urgent consideration of the honourable member for Coffs Harbour be proceeded with—negated.**

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

### **AQUACULTURE INDUSTRY**

#### **Urgent Motion**

**Mr WOODS** (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [3.59 p.m.]: I move:

That this House:

- (1) supports the New South Wales aquaculture industry, which is worth about \$40 million a year and employs 2,800 people in direct jobs, most in rural and regional New South Wales;
- (2) notes the support of the New South Wales State Government in developing a sustainable long-term industry; and
- (3) urges the business community to invest in this fast growing and job-creating industry.

During the Olympic Games when we were celebrating Australia's wins in the pool and on the track, something else was going on in Sydney: The New South Wales Government was quietly selling investment opportunities to the hundreds of international guests who had converged on Sydney during the Olympic Games. It was an ideal opportunity. In fact, the Department of State and Regional Development hosted no fewer than 213 events and functions designed to showcase New South Wales to the world. One function was an aquaculture forum.

I told delegates at that aquaculture forum that with good climate, clean waters, an abundance of natural resources, innovative business people and a stable work force, there has never been a better time to invest in regional New South Wales. One industry that is growing in leaps and bounds is aquaculture. Snapper, barramundi, Murray cod, prawns, silver perch, prawns, oysters and mussels are just some of the species that are being successfully farmed in New South Wales. In fact, New South Wales Fisheries has identified a staggering 100 species approved for farming in New South Wales.

The Australian aquaculture industry, which is currently worth \$600 million annually, could quite easily reach an annual turnover of \$2.5 billion by the year 2010. But New South Wales has lagged behind Victoria and Queensland in past years and is still a beginner in this industry when compared with many other countries. The aquaculture industry in New South Wales is worth approximately \$40 million annually. I believe that we can, and will, do much better than that. New South Wales Fisheries has projected that it will increase to approximately \$190 million by 2005. Those projections point to enormous opportunities for expanding existing aquaculture enterprises and establishing new ventures.

To top that off, New South Wales now has a government that is ready to do business. One of the identified impediments to further growth was the approvals process. It would be an understatement to say that

until quite recently aquaculture proponents had to jump through a large number of hoops to get a project up and running. In 1998, following expressions of concern by a number of aquaculture investors, I asked the Department of State and Regional Development to commission an independent review of the regulatory processes governing the industry. The State Government subsequently established a cross-agency aquaculture steering committee to pursue the investigation as a matter of importance because the Government was aware of the potential of the industry.

The steering committee identified 33 specific regulatory impediments but, more importantly, it highlighted the need for the Government to play a more proactive and strategic role in aquaculture industry regulation. It is pleasing that in August this year the Deputy Premier approved a new State environment planning policy [SEPP] for aquaculture. SEPP 62 will open the way for expansion of the environmentally friendly aquaculture industry, both on the land and in the waterways, and will save investors time and money by arriving at better and faster decisions on their development applications. The department has targeted a 60-day turnaround time.

The new process will feature one application form and one compliance reporting form. Investors are already beginning to see the benefits of this growing industry. The Minister for Fisheries has advised me that in the past year approvals for new aquaculture permits have more than doubled and that potential investors are being case managed by the new aquaculture development branch of the Department of Fisheries. In August the Government released a blueprint for the industry, "North Coast Sustainable Aquaculture Strategy", which will be used as a model for future strategies for other regions of the State. The strategy uses the latest mapping technology to pinpoint suitable sites for aquaculture development and also provides guidelines on all aspects of aquaculture operations for all parties involved—from the applicants to the local council.

*[Interruption]*

The Government is also hosting a series of workshops throughout regional New South Wales. In early August, a seminar was held in Coffs Harbour. The honourable member for Coffs Harbour continually interjects. Earlier today the Premier stated that the honourable member is vying for the leadership of the National Party. I heard a different story: that the honourable member intends to go to Canberra. Of course, the people who organise the honourable member are clandestine types who meet at the Killara Inn for the odd pineapple daiquiri. In response to the question "Why is the aquaculture industry important?" I tell people that fundamental competitive advantages exist in New South Wales for the production of farmed seafood which are currently underexplored. From a national perspective, aquaculture offers the only real alternative to importation if the ever-growing consumer demand for seafood in Australia is to be satisfied. Already 70 per cent of all white flesh fish consumed in this country is imported.

*[Interruption]*

It should be noted that the constant interjections of the honourable member for Coffs Harbour illustrate his lack of interest generally in the North Coast, in the fishing industry and in the aquaculture industry, which are all of critical importance to the economic growth of New South Wales, particularly country areas. As Australia's population continues to grow, as Australia's per capita consumption of seafood continues to increase, and as Australia's wild catch sector continues to experience static or declining production, aquaculture will need to bridge the gap in order for Australia to avoid a substantial increase in imports. Closer to home, at a State and regional level, the growing aquaculture sector means the creation of quality, sustainable jobs in regional locations where the scope for alternative employment-generating activities is often quite limited.

Already the aquaculture industry employs approximately 7,000 persons directly throughout Australia, including 2,800 in New South Wales. These figures are expected to increase to 10,000 nationally and 3,600 in New South Wales by 2005. Studies of employment patterns in the aquaculture industry indicate that each of these direct jobs generates another three indirect jobs in downstream industries, if honourable members will pardon the pun. This means that the aquaculture industry currently accounts for 11,600 direct and indirect jobs in this State alone. For some communities on the North Coast in particular, where traditional industries are declining, aquaculture could be the solution as a new sustainable and job-creation industry.

New South Wales and, indeed, all Australian States are keen to continue to reap these employment benefits by helping the aquaculture industry to grow. The New South Wales Government recognised early in the proceedings that if this State was to reap the benefits of the industry, a whole-of-government approach would need to be adopted. Investors do not need governments to stand in the way of new sustainable enterprises. They need support and assistance. My department is the first point of contact in the Government for companies that wish to establish or expand their operations in New South Wales.

With its head office in Sydney, 18 offices in the State's major regional centres and an international network, including offices in London and Tokyo, my department is committed to working with potential aquaculture investors by assisting with site location, project feasibility and other investigations; co-ordinating business planning approvals processes; facilitating discussions with suppliers of key services, such as electricity, water and transport; providing introductions to the best business and financial partners; helping companies to develop new domestic and export markets; and also providing tailored financial assistance packages for particular investment projects.

I am confident that the initiatives of this Government will go a long way towards encouraging more growth in this important industry. This targeted assistance and commitment by the New South Wales Government to expand the industry will ensure that it flourishes. This is yet another example of the Government working with local industry, local communities and local government to promote jobs and growth in regional New South Wales. We have already done this in a number of other industries, including the timber industry, in which the Plantations and Reafforestation Act implemented a one-stop approvals process.

**Mr Fraser:** That was our Act.

**Mr WOODS:** The honourable member for Coffs Harbour must be proud of the statements made today by the Leader of the Opposition. This Government is working in partnership with local stakeholders to find solutions. It is supporting and encouraging them at an industry level. That is the Government's commitment to regional New South Wales. I advise the honourable member for Coffs Harbour that should he attain his ambition of becoming a member of Federal Parliament, he would be a great ally of that well-known National Party member Bob Katter.

**Mr WEBB (Monaro)** [4.09 p.m.]: The first paragraph of the urgent motion moved by the Minister for Local Government is in the following terms:

That this House:

- (1) supports the New South Wales aquaculture industry, which is worth about \$40 million a year and employs 2,800 people in direct jobs, most in rural and regional New South Wales;

The Government is dragging the chain in aquaculture. Currently New South Wales is responsible for less than 10 per cent of Australia's total aquaculture production. Aquaculture production will not increase by much more than 10 per cent because of the imposition of various local government regulations and legislation, which make it difficult for those who wish to become involved in farming activities. It is also difficult for those who are already in the industry to increase their production. I am aware of a number of examples of that. Did the Minister move this motion today in response to a question I asked yesterday of the Minister for Fisheries?

Yesterday I asked the Minister for Fisheries to address a number of questions. Several aquaculture producers in my electorate have contacted me and said that they want to throw in the towel. Honourable members would be aware that the present cost of an aquaculture licence is \$350 per annum. The producers have been told that that figure will increase to approximately \$3,500 a year on a cost recovery basis. The Minister referred earlier to the amount of money the Government has invested in the aquaculture industry, but anyone wanting to invest in that industry will be sluggish with fees and charges.

A number of aquaculture industries are located in my electorate. The Government must amend those provisions in the Fisheries Act which prevent people from investing in that industry. The Minister for Fisheries flatly refused to consider some applications and endorse certain commercial fisheries. Some of the definitions in the Act are difficult to understand, for example, the definition relating to a commercial fishery. Much research and development are required before people will be encouraged to invest in the aquaculture industry.

I agree with the statement of the Minister for Regional Development that 2,800 people are employed in the aquaculture industry. Investment in that industry will have a multiplier effect on jobs. The aquaculture industry, which has great export potential, is in the best position to replace depleted fish stocks. Yesterday I asked the Minister for Fisheries to expand on the definition of molluscs, crustaceans and invertebrates as there is confusion about those definitions in the industry. Many people who want to invest in the industry are receiving little support from regional development and are experiencing difficulty in interpreting the definitions in the Fisheries Act.

People in the southern area of the State are awaiting the South Coast aquaculture strategy. The Minister referred earlier to the North Coast strategy. I do not know when that strategy will be released, but I believe that

it will streamline many areas and contain a mapping capability, and will assist those who are outside the recommended areas and make suggestions about what they can do to address that problem. More importantly, that strategy will recommend the best aquaculture areas and will streamline applications and approvals. Many people want to invest in this industry because the returns are great. Commercial fisheries in Australia export an incredible number of fish—\$200 million worth of fish each year. The sale of fish for local consumption often means that fewer fish are available for export.

In Eden recently I observed several tanks full of abalone which were to be exported live to Japan. There is a good potential for the export of abalone. However, abalone producers have encountered many problems with local government approvals and the necessity to put in place certain infrastructure and equipment. Every day I hear from people who have encountered problems of that nature. Eucumbene Trout Farm has experienced many problems as a result of value adding, which has impacted on the tourist industry and on the production of smoked trout. In the Monaro electorate Gaden hatcheries—a world-class hatchery—produces a large amount of smoked trout and atlantic salmon. Recently the Minister, who was to have opened Gaden hatcheries, opened a video centre in the area.

*[Debate interrupted.]*

## BUSINESS OF THE HOUSE

### Routine of Business: Suspension of Standing and Sessional Orders

**Mr WHELAN** (Strathfield—Minister for Police) [4.18 p.m.]: I move:

That standing and sessional orders be suspended to allow:

- (1) the motion for urgent consideration to conclude followed by certain procedural motions and the taking of private members' statements;
- (2) no divisions or quorums to be called for the remainder of this sitting; and
- (3) the House to adjourn at the conclusion of private members' statements.

At the commencement of private members' statements I ask that no quorums or divisions be called. At the conclusion of private members' statements the House will adjourn until 19 December 2000.

## AQUACULTURE INDUSTRY

### Urgent Motion

*[Debate resumed.]*

**Mr WEBB:** I said earlier that many people who want to invest in the aquaculture industry in New South Wales are experiencing difficulties in overcoming approval mechanisms. The Government's water legislation has put some people out of business. A case in point is that of Peter Spencer, from the Yaouk Valley, who wanted to become involved in the production of yabbies—one of the 100 identified species in New South Wales—for Sydney restaurants and world trade. However, because of this Government's water legislation, and legislation relating to farm dams, he was unable to do that. He had the dams and the infrastructure on his farm but he was prevented from carrying out those activities. He wanted to encourage tourists to the area by trout farming in the rivers and creeks on his freehold land, but he was also prevented from doing that.

They are examples of people who thought about becoming involved with aquaculture but could not. The Minister spoke about encouraging private investment in aquaculture. These people have to look at returns and guarantees from government and lobby to change the legislation. They now have to deal with the insecurity of water licences. If they make a big investment in an aquaculture enterprise they may have no guarantee that they will have water in 10 years time. Many people thinking about making an investment in aquaculture would run away from that.

The cost of getting approvals through local government is prohibitive. Anyone undertaking a new initiative has to put up with lobbyists and the conservation movement every step of the way. That is a deterrent to people who are thinking about becoming involved, let alone taking the first step and actually doing so. The applications put in by indigenous people in southern New South Wales coast are interesting when one considers the difference between commercial fishing and hand gathering, and the development of aquaculture markets and the seeding of mussels, abalone and cockle shells.

Today I met Ron Snape, Darby Nye and Fred Nye. Previously I met Stuart Bush in Pambula and Ben Cruze from Eden. They all told me about their difficulties in trying to obtain indigenous licences to become involved in the fishing industry. That will provide jobs for them. It is part of reconciliation and it is what they want. The Minister spoke about jobs, but in many cases the jobs are not forthcoming. There are many difficulties. I would urge everybody to become involved in aquaculture because it is a great industry. New South Wales lags behind other States in Australia, but Australia lags behind the rest of the world. We have a good coastline, quality waters, and proximity to the southern ocean and disease-free stocks. At Gaden there is a world renowned breeding centre for Atlantic salmon. Recently I kissed a 19-pound Atlantic salmon and released it into the Jindabyne.

**Mr Woods:** I bet it died.

**Mr WEBB:** I survived and so did the salmon

**Mr Fraser:** He was away from home for a week though.

**Mr WEBB:** That is right. That is part of the aquaculture industry. Yet there are difficulties in breeding fry, releasing stock, supplying commercial trout farms and Atlantic salmon farms that want to become involved in the industry. It is an important industry but, unfortunately, people who want to become involved in it face many barriers. State environmental planning policy 62 will be like SEPP 46, SEPP 58 and all the other State environmental planning policies that prohibit people getting involved. It has been difficult for them to deal with the Minister in the changeover from commercial fishing to aquaculture. Aquaculture is a great industry. It creates tourism and recreational links and the production of food on a State, national and international basis. It is an important industry but, unfortunately, the New South Wales Government has made a meal of it.

**Mr BARTLETT** (Port Stephens) [4.23 p.m.]: I am extremely pleased to speak on the importance of the New South Wales aquaculture industry. This industry is on the cusp of tremendous expansion. In New South Wales 125,000 tonnes of seafood is consumed each year. We produce some 17,500 tonnes. The Asian market is just about unlimited. This is an opportunity for business and small business— *[Quorum formed]*.

**Madam ACTING-SPEAKER (Ms Beamer):** Order! It was most unparliamentary and grossly discourteous for the honourable member for Southern Highlands to leave the House when a quorum was forming.

*[Debate interrupted.]*

## BUSINESS OF THE HOUSE

### Member's Time for Speaking: Suspension of Standing and Sessional Orders

#### Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow the speaking time of the member for Port Stephens to be reset at five minutes.

## AQUACULTURE INDUSTRY

### Urgent Motion

*[Debate resumed.]*

**Mr BARTLETT** (Port Stephens) [4.26 p.m.]: The Government has been trying to work with small business to create wealth and jobs that the aquaculture industry can produce for New South Wales. While I was a mayor of Port Stephens it was obvious that it was extremely time consuming to get approvals of development applications through council because of the requirements of different government departments. Since August a number of things have happened in relation to aquaculture. In August the Deputy Premier and Minister for Urban Affairs and Planning approved a new State environmental planning policy [SEPP] for aquaculture. State environmental planning policy 62 will open the way for the expansion of environmentally friendly aquaculture both on land and in waterways. In August the Government also released the North Coast sustainable aquaculture strategy, which is a blueprint for the industry and will be used as a model for future regional strategies.

The strategy uses the latest mapping technology to help investors pinpoint suitable sites for aquaculture development. The Government is working with the aquaculture industry to try to improve the time taken to get reports through councils, to approve development applications and pinpoint sites that can be used for the



aquaculture industry. In many ways Port Stephens is central to aquaculture. The Port Stephens Fishery Research Centre at Taylors Beach is probably one of the focal points in New South Wales and Australia for research into aquaculture. A manufacturer named Sensational Seafood in Medowie, who is pioneering bacterial research aimed at increasing the shelf life of fish, recently received a \$1.3 million Federal grant.

By organising and reorganising oxygen, carbon dioxide and nitrogen, it has almost eliminated bacterial growth in the food packs. Therefore, they can be kept on the market a lot longer. Obviously one problem with seafood is its shelf life and the means of keeping bacteria out of the food chain. This Medowie company, which employs 30 people at the present time, has quite a number of contracts with local food chains in New South Wales. Obviously it is looking to value add to its product for the export industry. An important aspect of the aquaculture industry is a clean water supply. The water quality in the Port Stephens area at present has been getting the tick from any water quality testing that has been going on. The water on the coastline is coming out well and truly ahead of the mark. The Port Stephens region has several aquaculture farms that I ought to mention. The Taila Made Fish Farm, run by Nick Arena and his partners, is the State's largest barramundi fish farm. It is on the site of an old rose farm, so it is a conversion from traditional agriculture to new aquaculture. It sends fresh seafood to Sydney, has 10 giant tanks and produces 600 kilograms of fish per week for the Sydney market. It is looking to double that output.

Pisces Marine is working with sea cages off the Tomaree and Yacaaba heads. At the present time it is producing 50 tonnes of seafood a year. In July it sent 1.2 tonnes of fish to the Taiwanese market. In Taiwan it is getting \$1 a kilo more for its fish than it is getting in New South Wales. These sea cages off our coast seem to be one way in which the industry can move forward. Of course, we have the traditional oyster industry of Port Stephens, which each year is producing about \$4 million worth of Sydney rock oysters and \$1.5 million worth of Pacific oysters. Port Stephens has several yabby farms, producing nine tonnes a year worth \$175,000. Port Stephens is a leader in the aquaculture industry. There is much more I could say, but time does not permit. I commend the urgency motion to the House.

**Mr FRASER** (Coffs Harbour) [4.31 p.m.]: I support the motion moved by the Minister for Local Government. The aquaculture industry is, I believe, the future of the North Coast. We want to ensure, however, that we do not displace the existing fishery. We should not tend to rely on aquaculture as the be-all and end-all. So, whilst I commend the motion, I caution the Minister and the Government to ensure the continuation of fishing practices in the Solitary Islands Marine Park—which borders both the electorate of Coffs Harbour and the electorate of Clarence, represented by the Minister—under the draft plan of management and under the amendment to the Act introduced in this House during this session.

Might I say also that the aquaculture industry has many problems that the Minister has probably ignored. The Minister, in part 3 of the motion, urges the business community to invest in this fast-growing aquaculture industry. To assist in that aim, I urge the Government to streamline planning processes to ensure that people who wish to carry out aquaculture on their North Coast properties can do so without bureaucratic interference. I will give three examples of that sort of bureaucratic interference.

The Minister said in his speech that he was working with local government. I draw the attention of the Minister to the case of Allan Scott from Bellingen. Under the previous Minister, the local council put a cost burden on Mr Scott, who is growing silver perch in a business at Thora. That fish is grossing between \$10 and \$12 a kilogram. When Allan Scott put an application to council, council insisted that he spend another \$10,000 or \$12,000 to colour-code processing sheds on his property. He then had to lodge a \$12,000 bond for the planting of trees around those sheds. This is a man who is prepared to invest hundreds of thousands of dollars in this industry. Though development of his business was being made very hard by the local council, the then Minister for Local Government failed to intercede.

I also draw the attention of the House to the case of Mr Mike Gilbert from Bestabrick. Mr Gilbert, under the Minister for Fisheries in the previous Government and now the member for Page, was allowed to collect eastern fresh water cod and set up a breeding program. That breeding program has been phenomenally successful, to the extent that he is breeding 100,000 fingerlings each year. But what support has he had from the Carr Government? Effectively, none! He ended up getting a minor grant from the Government when the political pressure was so strong it was coming from the ALP branch in Coffs Harbour. The only real support he has had has come from the Federal Government. I believe, as Dr John Walmsley of Earth Sanctuaries in South Australia believes, that commercial value should be put on endangered species, if Mr Gilbert can grow these fish from fingerlings, which New South Wales Fisheries said was impossible, and can churn out that number of fingerlings from five or six breeding stock that he got from the wild.

The excuse from New South Wales Fisheries is that he does not have diversity. I say let us make sure he has sufficient diversity. Let him grow these fingerlings as table fish, under a stringent regime. I believe these are one of the best eating fish in the world, though I have not tried them. They are an endangered species. If a commercial value were put on these fish, it would not only create a great industry that would compete with the barramundi industry but would provide an opportunity to save that species and bring commercial money into the industry. They wanted to put these fish in a dam in the Tweed, but the Tweed Shire Council would not allow that because the fish were not native to the area. We need government to assist.

The other case involves Joe Bodian, who has nine dams on a property at Corindi, in the Minister's electorate. Mr Bodian wanted to put silver perch into his dams. He had to go through about seven different departments, including the Environment Protection Authority, the local council and Fisheries. It was going to cost him \$30,000 before he put a fish in his dams. He did not have the \$30,000. But, if he did, he still had no guarantee of being granted a licence. Those are the kinds of people that we need to be assisting. The Government should be welcoming them with open arms. It should be saying to those people, "If you have a problem, we will help you."

The current review of the 40-hectare policy for the Clarence Valley, in the Minister's own electorate, basically is aimed at creating a new industry. I believe that industry is aquaculture. The Government should get behind this aquaculture industry and make the obtaining of licences far easier. This is an industry that will support and sustain the North Coast and bring extra wealth to the area for years to come. As I said, I commend the motion, but I ask the Minister and the Government to give these industry participants a little extra help.

**Madam ACTING-SPEAKER (Ms Beamer):** Order! Before giving the call to the honourable member for Tweed, I draw the attention of the House to Standing Order 48, which provides that it is disorderly for any member to leave the Chamber after attention has been called to the absence of a quorum. When the last quorum was forming the member for Southern Highlands came into the Chamber and left. I remind the member that that conduct is disorderly.

**Mr NEWELL (Tweed) [4.37 p.m.]:** I support the motion moved by the Minister for Local Government, which is most appropriate, considering changes that are occurring on the North Coast in particular. I represent the top seat on the North Coast, the Tweed. The first part of the motion points out that the New South Wales aquaculture industry is worth some \$40 million each year. It is a growth industry that has the potential to be worth hundreds of millions of dollars in less than a decade. The Minister and the New South Wales Government are committed to developing the full potential of this industry. I know that the Minister, in his capacity as Minister for Regional Development, is right behind the development of this industry.

In the discharge of his portfolio responsibilities, he is intent on creating new regional jobs and new regional businesses in this State. New South Wales and the Tweed have a pristine environment, with plenty of room to grow aquaculture ventures, whether they be freshwater, inland saline or in sea cages. There certainly is a need for aquaculture investment in the Northern Rivers. As has been mentioned in this debate, traditional agriculture industries across the North Coast are in decline. Coupled with that is a decline in our marine fish stocks. Those two matters are being addressed by the Minister for Local Government and the Minister for Mineral Resources, and Minister for Fisheries, the Hon. Eddie Obeid, to provide a sustainable industry.

The development of aquaculture investment in that area will also lead to the creation of new employment. There is potential there for it to be a great fillip for the North Coast and for other areas that can take advantage of it. New South Wales is directly linked to expanding Asian and United States export markets. As the honourable member for Port Stephens mentioned, the New South Wales fisheries centre at Port Stephens is producing world-class research and making great strides in science and technology. That shows the great export potential of an industry that has become one of the fastest growing in Australia. With growth rates of about 15 per cent per year the industry has doubled in size in the past 10 years. The number of approvals for aquaculture permits has also more than doubled in the past year.

The New South Wales Government has provided an extra \$3 million to stimulate investment through the aquaculture initiative. That initiative encourages new investors by case-managing potential businesses. By doing that it is streamlining the approvals process while maintaining strict environmental requirements. Under the Government's North Coast aquaculture strategy, approvals for permits must be turned around within 60 days, and new businesses now have to submit only one application form for all agencies concerned. That will help to reduce the red tape and paperwork immensely. The approval procedures of previous governments meant that investors could wait years, even decades, for aquaculture permits to be approved.

The State Government has also appointed a world expert in the field, Bill Rutledge, as Director of Aquaculture in New South Wales. In addition to that, a new Ministerial Advisory Council on Aquaculture with expertise in finance and business has been established. The Government is getting behind this industry to ensure it capitalises on the potential growth and takes full advantage of it. The industry has great global possibilities. It is worth \$60 billion worldwide, and we need to be able to cash in on that. These measures have been undertaken by the Government to encourage further growth in an industry with so many possibilities. The aquaculture industry development branch has been created to case-manage investors. It will expand its capacity to work with new businesses in the industry by recruiting aquaculture experts to New South Wales Fisheries.

This new venture will take pressure off wild fish stocks, taking an environmentally responsible approach to the industry. For example, innovative scientific research led to better and faster breeding methods for Kuruma prawns and wild crabs. This reduces the need to harvest wild prawns and crabs for new stock. Spin-off effects from this industry are also possible. Things like fish food and fish meal could be a significant market for local grains with further expansion of the industry. Of course, we need to keep encouraging investment in the industry to capitalise on this potential. The State Government is doing much to further advance the industry by promoting its potential and its viability to new investors seeking opportunities in New South Wales. I commend the Minister for Local Government for bringing the motion before the House and for the work he is doing to ensure we capitalise on this industry.

**Mr WOODS** (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [4.42 p.m.], in reply: First I respond to the honourable member for Monaro, who touched on the issue of licence fees. He quoted an expectation that the fee would rise to \$3,500 a year. He was supported somewhat by the honourable member for Coffs Harbour, who, in a less detailed way, confirmed that fear. The State Government commissioned an independent report by the Centre for International Economics. The report recommended that the Government recover \$3.6 million costs attributed to the industry each year. However, the Minister for Fisheries has not accepted that report and announced this year a five-year moratorium with a capped fee of \$350, apart from CPI adjustments. So the fears members opposite tried to engender are not real: those fees have not been imposed by the Government.

Let me make two points. First, there are disease dangers in the industry. They have been experienced in other countries that have been involved in prawn raising. There are also dangers in importing fish from interstate or from other countries. That is clearly evident in the carp problem in New South Wales, indeed throughout the whole of Australia. The industry wants strong regulations. If it is to be a sustainable and long-term industry it needs strong regulations to guard against diseases that exist now and will continue to exist. Honourable members should realise there is huge potential for this industry, both in New South Wales and Australia. For probably 20 years the wild catch worldwide has been decreasing year by year. That will continue. If people are to continue to enjoy seafood in the quantities they are eating now, more and more of it will have to come from aquaculture.

I thank all honourable members who participated in this debate. It has highlighted what everyone knows: aquaculture is a fast-growing industry with huge job potential. The Government recognises that and, more importantly, it recognises that this job growth occurs mainly in the regional and rural areas of New South Wales. Slowly and surely the Government is convincing the business community that the aquaculture industry has a real capacity to generate new jobs and give people the wherewithal to provide for their families and their community. The State Government's role is to provide strategic assistance to promote jobs and economic growth, and to provide an effective regulatory system that protects the industry.

Let me give the House some examples of recent aquaculture projects that have commenced in regional New South Wales and which the Government has assisted. The honourable member for Port Stephens mentioned Pisces Marine. I have had a long involvement with Pisces Marine. Recently I too had the pleasure of participating in Andrew Bald's launch of his range of dinner plate-size snapper. I assure honourable members that the quality of the product produced by Pisces Marine is second to none. Other projects include the native fish growers co-op, which is growing silver perch in Gloucester. That has created nine jobs and represents an investment of a little over \$1 million. There are aqua farms in Moama, which is on the Murray, that farm yabbies. Those farms involve six jobs and \$1.2 million of investment.

On the holiday coast region Booma Fisheries specialise in native fish, involving five jobs and \$90,000. A \$1 million investment has been set up in the Hunter, farming barramundi. This has created 15 jobs. The Minister for Fisheries advises me that his department is working closely with proponents of an abalone farm at Narooma on the State's South Coast. That farm could create 40 jobs. I said earlier that there is a great deal of

innovation in country New South Wales. Take, for example, the tailor-made fish farm at Port Stephens that the honourable member for Port Stephens talked about. Hydroponic technology is used to farm barramundi and other species and the recycled water is used to grow vegetables like lettuce.

The Government wants to have more tailor-made businesses like Pisces Marine. We want to work in partnership with the industry and the investment community to draw on our natural and competitive advantages. Unlike the Coalition, we believe that government has a key role to play in promoting economic growth and jobs in regional New South Wales. The marketplace will not deliver jobs in the regions without targeted strategies from the State Government. The Government believes that it now has in place the environment for new investment in the aquaculture industry and it will continue to promote opportunities to the investment community. At the same time, it stands ready to assist new companies entering the industry with a range of assistance programs on offer from the Department of State and Regional Development. I acknowledge the efforts of my colleague the Minister for Fisheries to promote aquaculture in New South Wales.

**Motion agreed to.**

### **PARLIAMENTARY ETHICS ADVISER**

**Motion, by leave, by Mr Whelan agreed to:**

That:

- (1) this House directs the Speaker to join with the President to make arrangements for the appointment of Mr Ian Dickson as Parliamentary Ethics Adviser, on a part-time basis, on such terms and conditions as may be agreed from the period beginning 1 December 2000;
- (2) the function of the Parliamentary Ethics Adviser shall be to advise any member of Parliament, when asked to do so by that member, on ethical issues concerning the exercise of his or her role as a member of Parliament (including the use of entitlements and potential conflicts of interest);
- (3) the Parliamentary Ethics Adviser is to be guided in giving this advice by any code of conduct or other guidelines adopted by the House (whether pursuant to the Independent Commission Against Corruption Act or otherwise);
- (4) the Parliamentary Ethics Adviser's role does not include the giving of legal advice;
- (5) the Parliamentary Ethics Adviser shall be required to keep records of advice given and the factual information upon which it is based;
- (6) the Parliamentary Ethics Adviser shall be under a duty to maintain the confidentiality of information provided to him in that role and the advice given, but that the Parliamentary Ethics Adviser may make advice public if the member who requested the advice gives permission for it to be made public;
- (7) this House shall only call for the production of records of the Parliamentary Ethics Adviser if the member to which the records relate has sought to rely on the advice of the Parliamentary Ethics Adviser or has given permission for the records to be produced to the House;
- (8) the Parliamentary Ethics Adviser is to meet with the Standing Ethics Committee of each House annually;
- (9) the Parliamentary Ethics Adviser shall be required to report to the Parliament prior to the end of his annual term on the number of ethical matters raised with him, the number of members who sought his advice, the amount of time spent in the course of his duties and the number of times advice was given;
- (10) the Parliamentary Ethics Adviser may report to the Parliament from time to time on any problems arising from the determinations of the Parliamentary Remuneration Tribunal that have given rise to requests for ethics advice and proposals to address these problems; and
- (11) a message be sent requesting that the Legislative Council pass a similar resolution.

### **PRINTING OF PAPERS**

**Mr WHELAN** (Strathfield—Minister for Police) [4.51 p.m.], by leave: I move:

That the following reports be printed:

Youth Advisory Council for 1999

Parole Board for 1999

Board of Surveyors for the year ended 30 June 1998

Anti-Discrimination Board for the year ended 30 June 2000

Law Reform Commission report entitled "Neighbour and Neighbour Relations", dated November 1998

Law Reform Commission report entitled "The Right to Silence", dated July 2000  
 Law Reform Commission report entitled "Torrens Title: Compensation for Loss", dated June 1996  
 Professional Standards Department for the year ended 30 June 2000  
 Serious Offenders Review Council for 1999  
 Department of Local Government for the year ended 30 June 2000  
 Mine Subsidence Board for the year ended 30 June 2000  
 Motor Vehicle Repair Industry Council for the year ended 30 June 2000  
 New South Wales Treasury's Office of Financial Management for the year ended 30 June 2000  
 Albury-Wodonga Development Corporation, Albury-Wodonga (New South Wales) Corporation and the Albury-Wodonga (Victoria) Corporation for the year ended 30 June 2000  
 New South Wales Coal Compensation Board for the year ended 30 June 2000  
 Tourism New South Wales for the year ended 30 June 2000  
 SAS Trustee Corporation for the year ended 30 June 2000  
 Election Funding Authority of New South Wales for the year ended 30 June 2000  
 Guardianship Tribunal for the year ended 30 June 2000  
 Home Care Service for the year ended 30 June 2000  
 Department of Land and Water Conservation for the year ended 30 June 2000  
 New South Wales Fisheries for the year ended 30 June 2000  
 Local Government Grants Commission for the year ended 30 June 2000  
 Department of Fair Trading for the year ended 30 June 2000, Volumes 1 and 2  
 Residential Tribunal for the year ended 30 June 2000  
 Art Gallery for the year ended 30 June 2000  
 Ministry for the Arts for the year ended 30 June 2000  
 Australian Museum Trust for the year ended 30 June 2000  
 Centennial and Moore Park Trust for the year ended 30 June 2000  
 Ethnic Affairs Commission for the year ended 30 June 2000  
 Film and Television Office for the year ended 30 June 2000  
 Historic Houses Trust for the year ended 30 June 2000  
 Museum of Applied Arts and Sciences for the year ended 30 June 2000  
 State Library for the year ended 30 June 2000  
 State Records Authority for the year ended 30 June 2000  
 Sydney Opera House Trust for the year ended 30 June 2000  
 Cobar Water Board for the year ended 30 June 2000  
 Fish River Water Supply for the year ended 30 June 2000  
 Murray Valley Citrus Marketing Board for the year ended 30 June 2000  
 Department of Mineral Resources for the year ended 30 June 2000  
 State Electoral Office for the year ended 30 June 2000  
 Geographical Names Board of New South Wales for the year ended 30 June 2000  
 Board of Surveyors to the Minister for Information Technology for the year ended 30 June 2000  
 Australian Water Technologies for the year ended 30 June 2000  
 Law Society of New South Wales for the year ended 30 June 2000  
 New South Wales Bar Association for the year ended 30 June 2000  
 Professional Standards Council for the year ended 30 June 2000  
 Judicial Commission for the year ended 30 June 2000  
 Office of the Legal Services Commissioner for the year ended 30 June 2000  
 Legal Aid Commission of New South Wales for the year ended 30 June 2000  
 Attorney General's Department for the year ended 30 June 2000  
 Chairperson of the Victims Compensation Tribunal for the year ended 30 June 2000  
 Office of the Protective Commissioner for the year ended 30 June 2000  
 Law Foundation of New South Wales for the year ended 30 June 2000.

**Mr HARTCHER** (Gosford) [4.51 p.m.]: I am tempted to move an amendment that *Abuse of Power* also be printed but, in the spirit of Christmas, I will refrain from doing so.

**Motion agreed to.**

## SPECIAL ADJOURNMENT

### Seasonal Felicitations

**Mr WHELAN** (Strathfield—Minister for Police) [4.52 p.m.]: I move:

That this House at its rising today do adjourn until Tuesday 19 December 2000 at 2.15 p.m.

As Leader of the House, it once again falls to me to extend felicitations to the members and staff who have worked so hard in this place throughout the year. As is always the case, the business of this place often keeps us from our loved ones on many long days and nights of the year. Christmas is a well-earned chance to relax with family and friends, to take stock of the past and prepare for the future and, as many honourable members are doing, attend school annual days. This year our long hours and late nights have delivered some remarkable achievements for the people of New South Wales. The introduction of DNA testing legislation takes law enforcement well and truly into the new millennium.

**Mr Hartcher:** It is not even proclaimed yet.

**Mr WHELAN:** Ordinarily I would not respond to such interjections. However, from 1 January next year New South Wales prisoners will be tested, and the Government is very proud of that fact. Arrangements have already been made. New South Wales police have already been trained for that purpose. Before I was rudely interrupted I was saying that extraordinary changes have taken place. One extraordinary lady, Rita Knight, exhibited great bravery. What happened to her hardened our resolve to introduce a regime of testing that will identify criminals faster than ever before. It is a great step forward for community safety in New South Wales.

Some other key achievements stand out for me when I reflect on the past year. I recall the trepidation with which we approached the last holiday season. The Y2K bug loomed on the horizon and the whole community was preparing confidently but diligently for New Year's Eve. And then what a great sight it was as one nation after another celebrated the arrival of the new millennium. The Premier may disagree that the date was accurate, but nobody would argue that Sydney put on a display to amaze and delight the world. And then we did it again—bringing the world to Sydney for the Olympic Games. The entire community deserves the Government's thanks at this time for the tremendous effort put in during the Olympics. Our police co-ordinated the largest peacetime law and order operation in the nation's history.

All of us here have described our pride in the efforts of the people of New South Wales. I was particularly proud of the efforts of the New South Wales public sector, especially the New South Wales Police Service. I personally congratulate the police officers who served in East Timor this year. Four contingents have come home and one contingent remains. I applaud the work of the New South Wales Police Service to establish a missing persons unit in Dili to help locate or identify the many people tragically missing since the violence began. Policing remains a challenging and dangerous job, and I thank the good men and women of the Police Service for another year of protecting the people of our State. I offer my heartfelt condolences to the family of Constable Matthew Potter, who was tragically killed while on duty this year.

It is with considerable regret that I note that Assistant Commissioner Ike Ellis and Superintendent Neil Gould have chosen this year to retire from public service. I put on the record my great estimation of these men and the contribution they made to policing in New South Wales. Sadly, we have marked several passings this year in the House, including the tragic death of the former Legislative Council member Keith Enderbury. As well, there was George Patterson, Roger Bede Knott, Phillip White, Gordon Barnier, Gerry Sullivan and Fred Caterson. Our prayers are with their families during the holiday season.

As Leader of the House I have a great many people to thank on behalf of honourable members. Mr Speaker, you have presided with a firm hand and kept the House focused on its proper business. Your rulings have, as always, been impartial and just. Merry Christmas to you and your staff. Thanks must be extended to the Deputy-Speaker, the honourable member for Maitland, and the Chairman of Committees, the honourable member for Wallsend. I am sure Ministers will join me in thanking the parliamentary secretaries—the honourable members representing the electorates of Newcastle, Cabramatta, Canterbury, Wyong, Wollongong, Heathcote and Bankstown—for their dedicated assistance.

This House runs efficiently thanks to the work of the Whips, both Government and Opposition, and I extend to them the thanks of the House and compliments of the season. The Government whips, the honourable member for Rockdale and the honourable member for Londonderry, deserve our gratitude for their hard work over the year. I am buying them both an abacus. The Opposition whips, the honourable member for Bega and the honourable member for Coffs Harbour, have worked long hours courteously and reasonably co-operatively over the year, and I wish them a restful holiday. I will buy them two abacuses each. Felicitations also to the Leader of Opposition business, the honourable member for Gosford, who I know from experience has a very tough job. And I know it only too well!

I take this opportunity to thank the many public servants who have made our jobs easier over the past year. I extend my appreciation to the Parliamentary Counsel, Mr Denis Murphy, and his staff for another year of valuable service. He and his staff deserve our thanks for their dedication and adherence to deadlines, no matter how daunting. I extend my thanks to the Editor of Debates, Judith Somogyi, the Deputy Editor, Mark Faulkner, and the Hansard staff. They worked long hours and somehow turned ordinary commentary into great speeches. I thank them for their accurate recording of the deliberations of this House. In the past I have noted that some speeches delivered late in the evening have made more sense in *Hansard* than they did in the original delivery.

We owe thanks to the staff of the Parliamentary Library who prepare advice without fear or favour for members of all political persuasions. Rob Brian and his team provide high-level research for members on topics

as wide ranging as the deliberations of the House. Everywhere I go I tell people of the great work done by the Parliamentary Library staff. Gratitude must be extended to Stafford Bennett and the staff of Building Services and Security Services who have provided a safe environment for members, staff and visitors. I gratefully acknowledge the efforts of David Draper and his staff in Food and Beverage Services for providing a high standard of sustenance to members, staff and guests.

Management of the Parliament's finances is a vital and challenging role, and they are ably managed by the Financial Controller, Greg McGill, and his staff. Also thanks to Merv Sheather, the Serjeant-at-Arms, and the Deputy Serjeant-at-Arms, Greg Kelly, and their staff. We have had another year of excellent service from the Clerk of the Legislative Assembly, Russell Grove, for which he deserves congratulations. On behalf of all members I extend congratulations and thanks to Mark Swinson, Leslie Gönye and Ronda Miller. Special thanks to Patricia Broderick and to the staff in the Legislative Assembly Procedure Office: Jeff Page, Jennifer Lamont, Gary O'Rourke, Cheryl Samuels, John Hatfield, Fiona Gow, Maria Tyrogalas, Rebecca Cartwright and Greg Turner. All the staff in the Bills and Papers office have done a fantastic job. Thank you for the courteous way you have looked after members and dealt with the many difficult requests of members. Your unfailing commitment to your job is a great credit to each of you. The staff of the Legislative Assembly are an unfailing professional and helpful group of people.

I acknowledge the work of the Cabinet Office under the direction of Roger Wilkins. Our thanks go to the staff of the Cabinet Secretary. I also note the work of Kate McKenzie, who moved to WorkCover. Kate's work over many years has been extremely well regarded. I am sure members of the National Party will join me in thanking Walt Secord and the staff of the Premier's Office. Walt is a great source of renewable energy for the whole of the Government team, and he deserves our heartfelt thanks for another year of invaluable service. I wish to acknowledge also the contributions of two people who played a large role in the Labor Party when in opposition and also in government. I refer to Kris Neill and Wendy George, who have moved on to greener pastures. I take this opportunity to formally welcome Graham Wedderburn, who recently took up the helm as the Premier's Chief of Staff.

I never forget the very young at Christmas, and I take great pleasure in wishing a merry Christmas to my first granddaughter, Isabella Bridget Whelan. I also wish a merry Christmas to Natalie, the first born to my adviser, Nicole Blundell, who is presently on leave with her bundle of joy. I congratulate and extend my best wishes to two expectant mothers on my ministerial staff, Therese Bowman and Cassandra Wilkinson. I also take this opportunity to thank Elise Gale, whom many members on both sides know, for her dedicated assistance to me in my duties as Leader of the House. Elise has provided a great deal of assistance to all members of this House.

I extend special thanks to my personal assistant, Kellie Weir, for another year when her patience and good humour were called upon regularly. I also thank Catherine Healey, who worked late on many evenings while our deliberations raged in the Chamber. Special thanks go to my Chief of Staff, Jeanette Evans. Jeanette has guided my ministerial office through a busy year with calm and clear-headed professionalism. Her unfailing wise counsel is a constant source of strength in the commission of my ministerial duties, and I owe her my profound thanks.

I thank my hard-working policy advisers, Gayle Sloan, Davina Langton, Cassandra Wilkinson and the recently departed, and betrothed, Anne Purcell, whom I wish well in her new role at ALP head office. My policy advisers provide advice when necessary to the Opposition, and even the Opposition acknowledges their thoroughness and professionalism. I extend special thanks to my media advisers, Sandra Harvey and Chris Perkins. Sandra and Chris have both done an outstanding job. This year Sandra took time off to write what will be an outstanding book, which I thoroughly recommend to members. I believe that ultimately that book and the story it relates will lead to the book being a best-seller. More importantly, it will lead to what the book was written about, namely that those who committed the murders be brought to justice. I also thank my administrative staff, including Therese Bowman, Rosemary Evans, Lyn Cuneo and Tina Loppacher, as well as my great friend and driver, Bob Pullar.

I extend thanks and season's felicitations to my hard-working electorate staff, Bernice Kelly and the office's most recent recruit, Seija Wolke. It has been a momentous year. From Y2K to the Olympics, the State has faced up to and met great challenges. The success of all these efforts is a credit to the dedication of the hard-working public servants and spirited community of New South Wales. I take this opportunity to wish everyone in Parliament the blessings of the season and a well-deserved rest. I have been handed a note which reads, "What about Jack?" I think I mentioned my grandson, Jack, who was born in October last year. Jack has turned one, and I think he deserves a special mention because he is a special young man.

**Mr HARTCHER** (Gosford) [5.04 p.m.]: I join the Leader of the House in expressing a Christmas good cheer and Christmas greeting to our colleagues. This time last year the people of New South Wales awaited with eager anticipation the Olympic Games, which were to start on 15 September and of course were commenced by the arrival of the torch at Uluru on 10 June. The Olympic Games were an event that all of us will remember for the rest of our lives. They certainly set the seal upon Sydney as the world's most beautiful city and the people of Sydney as the world's friendliest people.

The Games were an outstanding success, as has already been acknowledged by this House. In commemorating the year we cannot fail to acknowledge what a wonderful event the Olympic Games were and what a wonderful event they will always be remembered as. The Games are a tribute to the people of Sydney and the people of Australia and will always burn in our hearts. We now look forward to the Centenary of Federation, which will take place on New Year's day, the 100th anniversary of the six colonies forming to become one united nation. Our country has grown since 1 January 1901 and is now a proud democracy. It is that flourishing democracy, now a multicultural democracy, which we will commemorate and celebrate on 1 January 2001.

Mr Speaker, may I express the appreciation of the Opposition parties to you for the assistance you render to members both in your personal capacity and in maintaining the interests of members as far as the services and facilities available to members are concerned. We appreciate your ongoing interest in ensuring that members have the most up-to-date equipment and the best range of facilities possible within the budget, and your concern to ensure that members are given every assistance in the discharge of their office, especially in their electoral offices. I also acknowledge the Clerks of the Parliament, who, with their impartial and speedy advice, are of great assistance to the Opposition. That is very much appreciated. I also extend thanks to Hansard, who always do an excellent job. Often we let Hansard down: we speak quickly, we get excited, we interject, and we yell. Notwithstanding all of that, Hansard do a magnificent job in making the unintelligible become intelligible.

I also extend my thanks to the parliamentary attendants, who look after us and do so cheerfully, as do the dining room and security staff of the Parliament. I thank the information technology staff, who ensure that we have modern and up-to-date information technology services and equipment. I thank the library staff, who maintain a level of professionalism which, given their limited resources, is quite outstanding. I am sure all honourable members, especially members of the Coalition parties, would agree that all members of staff do their best, and indeed more than their best, to ensure that this Parliament operates as well as it does.

May I express my appreciation to the Leader of the House, who always believed in the fundamental principle that numbers are everything, as well as the great ALP principle, "You can have the logic as long as we have the numbers." But he does it always with verve and style, which I appreciate, though I do not always agree with him. I thank the Opposition Whips, the honourable member for Coffs Harbour and the honourable member for Bega, for the longer hours they put in and for their dedication. I also thank the Government Whips, the honourable member for Rockdale and the honourable member for Londonderry.

On behalf of the Leader of the Opposition I wish every member of this House and every member of the community a happy and safe Christmas. It is an important time of the year. It is a religious occasion on which we honour the birth of Jesus Christ. It is a secular occasion, when Australia in effect closes down for the summer period. It is also the end of the year. In the Australian tradition, of course, not much is done in January, but we as a nation have always celebrated Christmas and the summer break it provides, and we have done it with good humour and great style. On behalf of the Leader of the Opposition and the Coalition parties I extend our good wishes to the community of New South Wales. I also extend good wishes to my colleagues in this House and to our colleagues in the Legislative Council for a happy and successful Christmas break.

**Mr SCULLY** (Smithfield—Minister for Transport, and Minister for Roads) [5.09 p.m.]: I wish to pay a tribute to a colleague of mine who is departing this place this year, the honourable member for Campbelltown and Minister for the Olympics, Michael Knight. Michael became the honourable member for Campbelltown on 19 September 1981. He was appointed a Minister in the Carr Government in March 1995. He was Minister for Public Works and Services from March 1995 to December 1995, Minister for Roads from March 1995 to December 1996 and Minister for the Olympics from March 1995 to the present.

Michael has had many achievements as a Minister in this Government. His most outstanding achievement is his vision and implementation of the great facilities for Sydney's Olympics and Paralympic Games and, as Minister for the Olympics, the delivery of the most successful Olympics Games ever. Michael's



talent and drive made that vision a reality. It was a hard relentless job which few could do. I am sure at times it was a difficult job but I know Michael found it rewarding. Michael Knight is a determined but shy man. Sometimes he has perhaps been misunderstood. He always put his heart into doing things for the benefit of his constituents and the people of New South Wales. He felt particularly proud of what he achieved in putting on the best ever Olympic and Paralympic Games for all Australians.

I, like many Australians, will remember the thrill of seeing Olympic and Paralympic events held in our home town. To me, Michael is more than a colleague. He is a friend and has been a great support in my career. I wish Michael and his wife, Ann, and their children all the best in the future. This year, people from across the world travelled on this State's transport system over the period of the Olympics and Paralympics. Members of the organising committees for the winter Olympic Games in Salt Lake City in 2002 and the next summer Games in Athens in 2004 joined representatives of future bid cities to assess both our transport planning and our daily operations. All were impressed by what they had seen.

I thank the thousands involved in delivering Games transport. Carrying off the biggest transport challenge ever faced in New South Wales required three years of extensive planning. I thank CityRail, State Transit, the Roads and Traffic Authority, the Office of the Co-ordinator General of Rail, Rail Access Corporation, Rail Services Australia, the Department of Transport, Waterways and the Sydney Ports Corporation. I also thank the transport unions and the Labor Council for their efforts. I thank also the Parliamentary Secretary for Transport, Kevin Moss, and the Parliamentary Secretary for Roads, Reba Meagher, my ministerial office staff and my electoral office staff. And, of course, I thank my wife, Ann, and my children for their support, understanding and affection.

I conclude my remarks on the last day of the parliamentary year by referring to the road toll, bearing in mind particularly the forthcoming holiday and Christmas period. For most of us, the summer holidays mean travelling with family members in the car to visit relatives and friends. Sadly, each year too many people die on our roads during the Christmas holiday period. I want all members of Parliament to remind their families and friends, staff, and constituents of the increased risks involved in driving on the roads during the busy holiday season.

We want everyone to come back from holidays safe and sound—and in one piece. I ask all honourable members to remind themselves and their communities to drive safely. My message is this: Don't speed. Don't drink and drive. Take regular rest breaks. I point out that the Government has been building quality rest areas along major routes throughout the State, so people should make proper use of them. Finally, Mr Speaker, I wish you and all honourable members a safe and happy Christmas and a happy New Year season.

**Mr SOURIS** (Upper Hunter—Leader of the National Party) [5.12 p.m.]: On behalf of the National Party, I take pleasure in extending Christmas wishes to the Parliament and its members and staff. At this time of the year we look forward to the break to be with family and friends over the festive period, and to recharge our batteries for the year ahead. Mr Speaker, I extend to you the very best wishes of the members of the National Party and our compliments on your efforts in this Chamber which is renowned as the toughest political arena in Australia. To my National Party members, their spouses and their families, I extend my very best personal wishes.

I extend my appreciation to my deputy leader, John Turner, and to my party whip, Andrew Fraser, for their valuable assistance. I express my appreciation of the dedication exhibited by each shadow Minister in carrying out his or her portfolio role, namely, the Hon. Jennifer Gardiner; the honourable member for Lachlan, Ian Armstrong; the honourable member for Port Macquarie, Rob Oakeshott; the honourable member for Ballina, Don Page; the Deputy Leader of the Opposition, Duncan Gay; and the honourable member for Barwon, Ian Slack-Smith.

I extend the very best wishes of the National Party to the Leader of the Opposition and to members of the Liberal Party for their co-operation during the year. Similarly, I extend the best wishes of the National Party to the Premier, members of the Australian Labor Party and the Independent members of the House. I extend the National Party's gratitude to the entire parliamentary staff and in particular to the Clerks, the Clerk-Assistants, the Serjeant-at-Arms, the attendants, the Building Services Manager and his excellent cleaning staff, the accounts section, the manager of Food and Beverage Services and his staff, the Hansard reporting staff, the Parliamentary Librarian and his skilled staff, the Parliamentary Printing Office, and Parliamentary Security Services.

I extend the gratitude of the National Party to members of the Fourth Estate who attempt to translate what occurs in this building into something that the public can understand. My best wishes and thanks go to the

parliamentary stenographers for the valuable role they play in our party system. In particular, I thank Theodora Margetis who assists the National Party in this regard. I extend very best wishes and appreciation to my personal staff, Bryce Osmond, Susan Foy, Scott McFarlane, Regina McCulla, Tanya Cleary, Suzanne Laing, Jared Doyle and Tom Chesson, who moved into Federal politics a month ago. I extend personal best wishes to my electorate staff, Pam De Boer, Suzanne Andrews and Jacqui Wilton and my appreciation of their tolerance.

It is at this time of the year that the festive spirit begins to take hold and people prepare for parties, gift-giving and holidays. It is a time of family rejoicing and reunion. I extend the National Party's warm wishes to all people of rural and regional New South Wales, to whom the National Party is totally dedicated and for whom the National Party endeavours to ensure a rightful and equitable share of resources, improved health and education, law and order, roads and a strong and productive future. Sadly, the prospects for a happy Christmas for many families throughout New South Wales have been dashed by damage to crops by rain that has caused massive crop losses. Homes, fences, out-buildings, roads, dams and bridges have been damaged or lost under flood waters. Stock has also been lost to the flood waters. Many farming families face financial ruin and will be lost to farming production unless the State Government can quickly extend to them a level of cash assistance which will allow them to survive the current crisis and stay in farming. Our thoughts will be with those families this Christmas time.

**Mrs LO PO'** (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [5.15 p.m.]: I have never previously been moved to deliver felicitations before but I am moved on this occasion because of the Minister for the Olympics, Michael Knight. I want to speak about Michael as the organiser and Michael as the man. I was distressed when I realised that Michael had left and that nobody had said a word about him. I think it behoves all of us, as beneficiaries of the best ever Olympic Games, to say things that are not only about Michael but are also quite true.

If one were looking for somebody to whom one wanted to give a difficult job—someone who would do it well and make sure that it happened, on time and under budget—one would always ask Michael Knight. I do not think anybody has to wax lyrical about Michael's ability to organise things. I think that people saw the best ever Olympic Games, which is testimony to his ability. Michael the man was a different person. I noticed the Deputy Leader of the Opposition scoffed when Minister for Transport, and Minister for Roads mentioned that Michael is a shy man. I admire Michael as a husband, a father, a son and a son-in-law, but I also saw him as a colleague.

I remember when I first came into the House, because the letters "K" and "L" are close in the alphabet, when Michael and I were doing House duty we would often sit together. He would explain some of the idiosyncrasies of the Opposition which I found amusing and he would also explain the procedures of the House. He was patient and took a great delight in being analytical about everything. That was what I admired about speaking to Michael: If one was talking to him about something, he would analyse it as one spoke. He has such an analytical mind that I enjoy talking to him. He is also a lateral thinker.

Those of us who have been educators and who look for that very bright mind among students would understand what a lateral thinker does to a classroom: A lateral thinker lifts the entire standard of work in the classroom. I think that Michael would have been a delight to teach, although I did not ever teach him. I place in *Hansard* of my great admiration for Michael Knight, the organiser; Michael Knight, Mr Olympics; and Michael Knight, the man, the father and the husband of Ann. Behind every great man, there is a great woman, and Ann Knight is certainly that.

**Mr O'Farrell:** I would have thought you would have said "spouse".

**Mrs LO PO':** I will go further and say that behind every great man there is a surprised woman and a stunned mother-in-law. The Deputy Leader of the Opposition asked for that, and he got it. In conclusion, in this time of happiness, I thank God that the families of New South Wales, or the great majority of them, are loving, caring and protective of their children. We have some sad families who just do not make the grade, but I wish all families in New South Wales a happy Christmas. We should look after our children because they are tomorrow's future. I also wish my colleagues on both sides of the House, particularly the Deputy Leader of the Opposition and the honourable member for Lachlan, who are present in the Chamber, a happy Christmas.

**Mr O'Farrell** (Ku-ring-gai) [5.20 p.m.]: I join colleagues on both sides of the House in expressing Christmas felicitations. I thank all those who help to make this place operate, but I also single out a couple of people for special mention. This year Allen Hands retired from the Parliament. I was not here with when Allen

left. I wanted to express my appreciation for all the work that he did. I rely upon the attendants when school groups, community groups and residents from my electorate visit the Parliament. I thank the attendants for all the time that they have put into showing those groups around Parliament House. I thank, in particular, Ian Warman and Peter Tuziak for all the work that they have done in showing school students and residents from Ku-ring-gai electorate around Parliament House.

In the food and beverage area I again thank David, Maureen and their team for all their efforts when I bring to Parliament House groups such as Probus and other service clubs—those special occasions when members of Parliament host members of the community. I appreciate the work that they have done. This evening I pay particular tribute to Pat Makin and her team in Printing—Dem, David, Ross, Paul and other members of that team. Too often members of Parliament are accused of not doing enough to communicate with their electorates. We would not be able to do that if it was not for Pat and her team. The level of support and assistance that they have provided to me and to all honourable members is exemplary, notwithstanding the trying conditions under which they work. In that vein, Bernie Wood and other staff members in Stationery provide other backup.

It is hard to separate political parties from the work done by members of Parliament. The Liberal Party of Australia, New South Wales division, had two significant retirements this year. The first, Mrs Lorna Macauley, had been a servant of the party for 25 years. Quite frankly, for the last 25 years her life has been the Liberal Party. She retired as membership officer of the Liberal Party. She goes into that retirement with every best wish from those who currently serve in this place and those who have served in this place. Mrs Macauley held the hand of all those candidates who stood for preselection. She saw us at our highs and our lows and she did so with great grace. The second person who retired after about 10 years in the Liberal Party was Bruce Walton, the manager of corporate affairs. Bruce not only did the accounts and put up with electoral funding returns but also set up the chairs for the women's council. We lose in both Lorna Macauley and Bruce Walton great servants of the party.

These felicitations mark the approach of Christmas. Christmas always reminds me of Charles Dickens and *A Christmas Carol*. It would be remiss of me not to express my views about two people who to me fit the caricature of Scrooge at this time of the year. I was not going to omit mentioning Michael Knight in my comments this evening. I think Michael Knight did a great service for the people of New South Wales and the people of Australia in delivering the world's best ever Olympics, but at what a personal cost—not just for those who worked for him but for himself. The infliction of pain upon himself was best demonstrated by his less than generous comments towards Sandy Hollway after the Games. I regret that Michael Knight is not in the Chamber this evening. A few days after I made a public judgment of Mr Knight's actions towards Sandy Hollway I opened a new liquor store in the suburb of Turramurra in my electorate. I found a perfect bottle of wine, which I have in my office, that I wanted to present to Michael Knight. I will endeavour to do so. It is a bottle of Bastard's Hill Chardonnay.

While I am talking about scrooges I make one observation about Justice Walton. I said earlier that there is a degree of cynicism within my electorate about how members of Parliament go about their activities and how they report to their electorates. I remain disturbed that in the latest determination Justice Walton still has not caught up with the fact that there has been a redistribution, and a reduction in the number of seats, and that members, in trying to deal with their electorates, have still not been given additional entitlements to help them represent the increase in the size of their electorates. In the words of Charles Dickens, I hope that both those people learn their lessons from last year and turn over a new leaf in the coming year.

**Mr NAGLE** (Auburn) [5.24 p.m.]: Tonight I thank my wife, Karen, and my sons, Nicholas and Alexander. This has been a trying and a very hard year for them. It has been a hard year for two members of my staff—Linda Foley and Nola Samcou. I appreciate their tolerant approach to many issues. The past 18 months has been difficult for my family and me. I thank Chris Cassidy from my State electoral council, Secretary Michael Perry, Grant Lee, Talal Yassine, Bob Murray and his wife Judy and all those branch members in the Australian Labor Party who have assisted me. I thank the staff of the Regulation Review Committee—Jim Jefferis, Don Beattie, Suzanna Dale and Greg Hogg, who worked extremely hard to produce the committee's reports.

That committee recently tabled its fourteenth report, which covers a wide range of issues. The last report that was tabled dealt with national scheme legislation—a report which many backbenchers should read so that they understand what is happening in that area. I thank members of the committee for their regular attendance. I usually have a 100 per cent attendance rate at Regulation Review Committee meetings at 10.00 on Thursday mornings. I appreciate the hard work of committee members. The committee is about to embark on an inquiry into harness racing—which will be interesting—and boxing.

I thank also Pat Makin and her team in Printing. They have done a great job for the Regulation Review Committee and have assisted me in many other matters in which I have been involved this year. I look forward to our Christmas lunch. I thank other staff members: Library staff; Hansard staff, who do a fantastic job; the Clerks; staff in the Bills and Papers office; Kerry O'Brien's information and technology section; and David Draper, Maureen and the catering staff who do a fantastic job. I thank Mr Wayne Haylen, QC, Mr Stephen Rothman, SC, Mr John Cummins, QC, Mr David Baran of counsel, Mr Terry Healey of counsel, Steve Wilson of counsel, Noeline Rudland of counsel and two solicitors, Mark William and Trevor Hassett, for the fantastic work that they have done for me over the past 12 months—a trying time.

I thank many others who have assisted me. I thank you, Mr Speaker, for your assistance and I thank the Premier, Bob Carr. I thank four other people that most honourable members would not know. However, when they read this debate they will know what it is about. I thank Terese Anderson, Justin Rogers, Maria Kelly and Josh Hanna for their recent hard work. I thank my son Anthony, who has just graduated from the Defence Force Academy as a naval officer, a midshipman. He has been appointed to his ship at Watsons Bay. I thank also my daughter, Greer. Even though it was a hard year we still had the Olympic Games in my electorate and that made up for it all. My family—my wife, my children and I—and many people in my electorate had a great time at the Olympic Games.

I join with the Minister for Community Services and the Minister for Transport in thanking Michael Knight for a job well done. When Michael Knight transferred from the left faction of the Labor Party into the centre unity faction—I had been fighting Michael all my political life—I walked up to him and said, "Mate, you are just a bastard." He said, "Yes, Peter, but I am now your bastard." Michael Knight may have been a bastard to some people but he is a great man because of all the hard work he did for the Olympic Games. He did a fantastic job. He is my man because of what he did for the Olympic Games. This State should thank him instead of being sarcastically critical of what he did. He was a member of Parliament, a member of Cabinet. He had to run SOCOG, prepare the site for the Olympic Games and was involved in the Olympic Co-ordination Authority and the Olympic Roads and Transport Authority. Well done Michael! It was a job well done. Enjoy your retirement.

I thank my electorate for allowing me to be its representative since 1998. I take note of what the honourable member for Ku-ring-gai said about the massive increase in the size of electorates. I ask Mr Justice Walton to take that into consideration when dealing with our entitlements. I say to the Whips on all sides, but particularly to George Thompson: Thank you for your great help. As I said earlier, it has been a hard year for me but it has also been a hard year for Peter Collins. I sympathise with him. I read his book, which I thought was great. I wish Peter all the best. I wish Gabrielle Harrison the best. She has also had a tough time. I congratulate Allen Hands on his retirement and I thank all the attendants for the work they have done over the year. I say to everyone: Have a happy Christmas and a prosperous new year. I look forward to seeing everyone some time in February.

**Mr ARMSTRONG** (Lachlan) 5.29 p.m.]: I join other honourable members in the traditional felicitations of the New South Wales Parliament. I am most conscious that this is the last sitting day in the year 2000, which makes it the last sitting day in this millennium and, some would argue, in this century. I am one of those who believes that it is the last sitting day in this century. So my sense of history is absolute. When we meet again in this place this Parliament will have served the people of New South Wales and democracy in three centuries. That is a pretty strong thought, as far as I am concerned. I often use the analogy that this is the oldest working Chamber in the British Commonwealth, but in this original Chamber a lot has happened in the past two centuries in terms of the formation of government and legislature. Previous speakers have spoken about the success of the Olympic Games, but we often speak for many hours about the other successes of this country and in particular this State.

I am very pleased and honoured to speak on this final motion of the century. Sometimes we forget that democracy truly works. The 93 representatives of this Chamber are a small representation of the broader society. Democracy works because society effectively elects itself in here. All of the personal nuances, educational standards, backgrounds and ambitions of society are condensed in the 93 members here. That is one of the reasons I enjoy working here. It is the greatest opportunity to have exposure to, work with and understand how society works in this country. All of the previous speakers have referred to various staff members within the Parliament, and I will not go through the list again.

I simply say that I totally support the thanks and appreciation that have been extended to the staff of this Parliament from the top to the bottom, from the janitor to the Clerks of the Parliament, who are a credit in the way that they run this show. This place goes on irrespective of who is in government and who is speaking. In

other words, they control the inmates very well indeed. I also agree with the comments of other speakers in relation to retired members of staff. Allen Hands, who has been referred to on a couple of occasions, worked here for 24 or 25 years. Bob Willis was not a high-profile fellow. He was an old Army guy, an old mate of mine. He did a great job looking after the offices. I express my personal thanks to a number of other staff who have retired.

I also express my thanks to my electorate staff, Ron Cooper, Claire Taylor and Julie Harrison, who retired earlier this year and still lends a hand on a casual basis. I am the first to admit that without good electorate staff you are just a bad member. Electorate staff are the absolute key to running a successful electorate. I have always been fortunate that one of my skills is being able to gather good people around me. I give them credit. I also express my thanks to a number of ministerial staff. Although I am a member of the Opposition I have had considerable help from, and most professional responses and relationships with, many of the ministerial staff and departmental personnel. You do not get everything you want from ministerial staff, but they certainly have professional ethics, which I have recognised this year. In my dealings with departments I have found them most professional.

The Hon. Michael Knight—he is no longer a Minister as he retired a few weeks ago—entered this Parliament in 1981, on the same day as I did. It is interesting, when someone from the other side comes in, to see who gets booted up and who gets booted down. There is no doubt that politics is a blood sport. Michael Knight is one of those people about whom I spoke earlier—he is a part of society. There are many Michael Knights in society, but there are very few people who have more than 50 per cent of people on side. Sure, Michael Knight made enemies and friends, but he always knew where he was going and he made no secret about it. He had a clear path, which was not very hard to see. He wanted to succeed. I know he set his sights on the Olympics in 1994, and he got there. I give him every credit for it.

I was shadow Minister for some time and served on the board of SOCOG for four years. On a number of occasions I travelled overseas with Michael Knight. I enjoyed his company and I must say we had a most professional relationship and we developed quite a strong friendship. I also express my appreciation of his wife, Anne, who is a charming lady. As I said, this is the end of the millennium, the end of the century. This is a wonderful Parliament. I draw attention to the standards of Parliament, the standards of behaviour and conduct—not so much of this Chamber but within the overall structure of the Parliament: in the dining rooms, in the way we address each other, the way we handle the public, and the way members of the public behave within the building. We are a benchmark for the broader society.

In many ways I believe that the standard of dress has sometimes been allowed to slip, together with the standards of general respect. People come in here and expect to see us setting fundamental standards, and I think we should appreciate our responsibility. We all undertook to bear responsibility on the day we signed on as members of Parliament. That brings me to the friendships made in Parliament. We all understand that in Parliament you make a number of friends, but when you walk out the front door very few are anything more than professional friends. I always like to think that I do have some friends in this place on both sides of the House. I appreciate the warmth that is expressed in what I consider to be friendships across the House.

One of these days when I leave this place I will see how long they endure, but I nevertheless recognise them now. I am pleased that the Minister for Community Services is in the Chamber. She is the Minister for the family. About three or four months ago she rattled off some statistics in this Chamber about families and matrimonial break-up. She spoke about what some people call problems and others call changes. My mother is 89 years of age and is as bright as a button. She says, "Ian, every generation worries about the next one. They think they are never going to make it, but they always have." I suspect that she is absolutely right.

Nevertheless, I make it patently clear that as far as I am concerned on this Christmas eve, so to speak, the family is probably one of the most important fundamental things that one can have in life. After the greatest gifts of life, health and happiness, there is the family. At some time, no matter who or what you are, you will need to have a castle somewhere, and your family is really your castle. We may have friendships, relationships and business acquaintances, but the ones who will not desert you are your family. Family is there forever: it is your own blood. I want to recognise the importance of a strong family and the fundamental ethos contained within the traditional family as we understand it.

I extend a very warm Christmas greeting and best wishes for the new year to everybody with whom I have had contact in this place in the past 12 months, to the broader society, and particularly to the people of my electorate, which is traditionally a rural electorate right in the middle of the State. They have had their ups and

downs, there have been floods and so forth. but they are stoic. They really understand that it is part of life. The most important thing to recognise is that we will ultimately be judged by our own actions. After the gift of life itself, do for yourself. I wish everyone in this place a happy Christmas and a prosperous New Year.

**Mr MILLS** (Wallsend) [5.38 p.m.]: I add my sincere thanks to those people, the staff of the Parliament in particular, who have already been thanked by the Minister for Police, the honourable member for Gosford and the Deputy Leader of the Opposition. As Chairman of Committees a number of people give me particular assistance, and I want to say thank you to those who have not already been named. I depend very heavily on the Clerks, particularly when I am in the chair. I can do my job accurately only with the assistance of the Clerks. My thanks to all the Clerks.

I mention in particular Tom Duncan, who has been assisting at the table this year. Tom has been on secondment from the Australian Capital Territory Legislative Assembly. We have enjoyed having you here. I have appreciated your work during the year. You are returning to the Australian Capital Territory Legislative Assembly, to a different kind of climate. I hope you continue to enjoy and develop your career. I also say thank you to Patricia Broderick, whom I would describe as Russell Grove's guardian angel. Finally, my best wishes to Cheryl Samuels, with whom I need to work closely in relation to bills. My best wishes to my parliamentary colleagues and the staff of the Parliament. A merry Christmas and a happy new year.

**Mr WINDSOR** (Tamworth) [5.40 p.m.]: I join other honourable members in wishing all those who work within this place a very happy Christmas. I hope they will reflect on the significant achievements of this Parliament over the past 12 months. I have not spoken on a seasonal felicitations special adjournment before, but on this occasion I would like to put a number of things on the record. Firstly, this is a very significant day for my staff. Mr Speaker, you were present this morning when two of my staff were recognised for their services to this institution.

My electorate secretary, Leigh Tschirpigg, received an award today for 15 years service in the electorate office. He worked, before I was elected, with the then National Party member Noel Park. I am sure Mrs Park and all those who have worked with Leigh over all those years would appreciate his efforts. He took up the job when he first left school, and has served that office for 15 years. This year has been very special with the birth of his daughter. I do thank Leigh. I am sure all in my electorate who have worked with him would join with me in congratulating him on the work that he has done for the people of the electorate.

This is also a special occasion, as you, Mr Speaker would recognise, for a member of my electorate staff, Sue O'Hallaran, who for many years worked for the former member for Tamworth, Noel Park. Sue, whose employment with the office is on a casual basis, received a 10-year award today. Sue has worked tirelessly for the people of our electorate, from time to time relieving other members of my staff. Tragically, Sue lost her young son last year and has had a bit of a struggle coming to grips with that. I know that many in this place felt for her at that time, and that they still include her in their prayers.

I hope the National Party members are not listening, because it sounds as though I have a lot of staff. I would like to thank Melissa Penrose, who has worked tirelessly for me. She is on guard duty in the office today while Leigh received his 15-year award. My research assistant Graham Nuttall, has been working both in Tamworth and in Sydney doing research on various pieces of legislation. I particularly thank Graham for his work in relation to the Namoi Groundwater Task Force, a joint State-Federal task force that I chair. Graham did a lot of work on the adjustment process for those particular water users, as well as much research on the Water Management Bill, which went through this Parliament today. So this has been a most significant day. I thank other members of my staff, Cathy Corey and Angela Bradfield, for the contributions that they have made over the years.

There is another reason that I would like to say a few words today. Obviously, my electorate has suffered badly from the floods. The people would like to thank many others. Quite a few members of this Parliament have come up to me and said, "If there is anything I can do, let me know." I appreciate that. The Premier, the Minister for Roads, the Minister for Community Services and others have said that they are only too willing to help those people in crisis. We appreciate their thoughts. It has been a difficult time.

As the Minister for Community Services is in the chair, I would publicly acknowledge the work that the Department of Community Services has been doing, particularly for members of the community who have had floodwater through their homes. The reports I am getting back are that the assistance being given by DOCS people has been excellent; they have moved quickly and helped with money. There will probably be some errors somewhere, but I would recognise their efforts. In no small way they, with the assistance of Emergency Services and Fire Brigades people and all the volunteers involved in the cleanup after the floods, deserve special mention.

I am pleased that others have mentioned in this Parliament the move by Michael Knight. Even though there were problems from time to time with the Olympics —there are always going to be problems with a venture of that magnitude — Michael deserves the recognition of the members of this place. It was a gigantic task that he took on. Obviously, people have voted with their feet: the population of Australia and the population of the world believe that they were a successful Games. I congratulate Michael and wish him well in the future. The people of my electorate who have battled for years to get a sealed road between Walcha and Gloucester will remember Michael Knight because he got that road sealed.

For all the years that Wal Murray was Minister for Roads, indeed for 20 years, there were promises that that road would be sealed. It was in that short period of a year or so that Michael Knight was Minister that he said, "I think we will fund this." I nearly jumped out of the window! So the people of Walcha and Gloucester will remember Michael Knight. He will be remembered by them not for his change of factions or the great job he did with the Olympics, but as the Minister for Roads who signed on the dotted line for the sealing of the Walcha to Gloucester road, which opened earlier this year. I join the member for Lachlan in acknowledging the very important role of our families. We are away from them for great lengths of time. I publicly thank my family and the families that we have come to know over the period of time that I have served in this place. I wish you all a very happy Christmas.

**Ms HODGKINSON** (Burrinjuck) [5.47 p.m.]: I would like to extend my felicitations to everybody in the Parliament, members of the Legislative Council as well as members of the Legislative Assembly, and also to members of the Public Accounts Committee. I am a member of the Public Accounts Committee. It has been for us a very interesting year. We have had several inquiries under way, not the least of which is the current inquiry into the New South Wales Grains Board. That inquiry has been very enlightening. The committee continued with its public hearings most of last week, this week and today. In fact, rarely a week goes by that the committee does not have a public hearing on one matter or another.

I extend my felicitations to all on the Public Accounts Committee. In particular I extend felicitations to our committee manager, Yael Larkin, and our committee adviser, Chris Bowdler, who have both done a most fantastic job in organising committee members and our trips to various parts of New South Wales to undertake further public hearings, as well as organising us within Parliament House. My felicitations also to the Opposition Whips in this Chamber, Andrew Fraser and Russell Smith, who have both done a terrific job. I appreciate their organising us and ensuring that we turn up when we are supposed to and are present for Chamber duty. Even though we are not always terribly obedient, we do our best. I thank them for shipping us around.

I thank Russell, Les and Ronda—all of the Clerks—who have done a great job in the House as well. I also thank my staff. I have just taken great joy in listening to the honourable member for Tamworth telling us how many staff he has. I thank my two wonderful members of staff, David White and Judy Cassidy. They do an outstanding job under trying conditions. We have an extremely busy electorate office. It is so busy that I have now established a 1800 number. Three lines ring off the hook all day every day. My staff does a fantastic job of looking after the phones, of looking after constituent inquiries and looking after me when I am there. Congratulations and full marks to David White and Judy Cassidy. I hope they will stay with me for a while. I rely on them heavily, and I thank them for their help this year. I thank and extend felicitations to the terrific staff in George Souris' office. There is no lack of intelligence among his staff, and George is a terrific leader. I am very proud that George is the Leader of the National Party in New South Wales Parliament; he has done a great job.

Being a new member of Parliament it has been interesting over the past 18 months to see how the place works. One's perceptions when looking from the outside are different to the what one actually finds as the Government works its way around legislation and the particular problems it faces. It has been a great experience for me to represent the electorate of Burrinjuck and to speak on various bills and motions. The fantastic electorate of Burrinjuck extends from the Snowy Mountains—Adelong, Tumut and Batlow—through Gundagai and into Boorowa and Murrumbateman, into Goulburn, Crookwell, Taralga and Tarago. It is a huge and wonderful electorate and I feel very comfortable representing it. I have tried hard to represent the constituents well over the past 18 months. Mr Speaker, I want to take this opportunity to wish you and everybody else in the place a merry Christmas. Once again I extend my thanks to my staff and all other members.

*[Debate interrupted.]*

**DEPARTMENT OF THE LEGISLATIVE ASSEMBLY****Report**

**Mr Speaker** tabled the report entitled "Report of the Department of the Legislative Assembly for the year ended 30 June 2000."

**Ordered to be printed.**

**PARLIAMENT OF NEW SOUTH WALES JOINT SERVICES****Report**

**Mr Speaker** tabled the report entitled "Annual Report 1999-2000."

**Ordered to be printed.**

**SPECIAL ADJOURNMENT****Seasonal Felicitations**

*[Debate resumed.]*

**Mr McGRANE** (Dubbo) [5.52 p.m.]: I support what has been said by members from both sides of the House. I extend my best wishes to you, Mr Speaker, the Premier, the Leader of the Liberal Party, the Leader of the National Party and to all members of Parliament, especially the Independent members, who have supported me in the 18 months I have been in this place. I record my loyalty to our Whip. At times we have problems in what we should be doing. It is difficult for Independent members of Parliament to have a Whip because we are all Independent, but the honourable member for Northern Tablelands has done a great job. We will never end the dispute about the leadership, because we all seem to be stuck on one vote. The other two Independent members from rural New South Wales have been a great support to me. I would not have been able to work for my electorate if I had not had the support of the honourable member for Tamworth and the honourable member for Northern Tablelands. We work as a team, and that is good for democracy and for this place.

I put on record my thanks for the support of the various Ministers and their staff. At times one is better off speaking to the Minister's staff than to the Minister. It is much easier to talk to the staff and one gets the point across much more easily. After speaking with the staff, it is an easier road to hoe if one gets to the Minister. I appreciate the support the Ministers' staff have given me. There has to be a Minister at the top, of course, to say "Yes." I am fortunate to have had a number of wins for my electorate and I thank the Ministers involved in getting those runs on the board for Dubbo.

I will not repeat what the honourable member for Lachlan said, but he mentioned that this is a day of history for this Parliament. It is a day of history for me because of the passage of the Water Management Bill. The passing of that bill was a great achievement and that would not have happened except for the willingness of the Minister to consult. Getting the bill passed was a long hard grind, but the Minister and his staff and the shadow Minister, the honourable member for Ballina, showed how Parliament should work. We should work as a team and take politics out of vital issues such as the management of water. The Water Management Bill is probably the most important bill for regional New South Wales to pass through this House since I have been a member.

Michael Knight did a fantastic job as Minister for the Olympics. When I was mayor of the city of Dubbo Michael Knight was Minister for Transport. He was the Minister who gazetted the only new highway in New South Wales in recent times: the Golden Highway which links Newcastle and the city of Dubbo. That is a significant road. We were dealing with Michael as he moved from one portfolio to another, but I do not think highways were on top of his agenda. The former member for Cessnock, Stan Neilly, led a delegation of mayors, and Michael agreed with our logic about the upgrading of the road between Dubbo and Newcastle. I have always found Michael to be a great person. He is always willing to listen, and I endorse the statements other members have made about him.

I thank you, Mr Speaker, for the tolerance you have shown to me. I thank all members of Parliament. I have found this to be a place where one makes friends. I do not think I have any enemies—I hope not. I tend to



take people as they are, and I hope they take the same approach to me. We are all here for one purpose: for the betterment of our individual electorates and, more important, for the betterment of New South Wales. Parliament should be justly proud of the good Government in New South Wales, which is why New South Wales is prospering in the way it is. In my area rain damage has been significant. A number of farmers probably will not pull through, because of the financial burden placed on them by the loss of their grain crops. Next year will be a difficult year. I am heartened by the support of the Premier and the Federal Leader of the National Party, the Deputy Prime Minister. We have to show that we are caring people. These farmers who are in this terrible situation at the moment need our help. I wish everyone a happy and merry Christmas.

**Mr SPEAKER:** I take the opportunity to extend my warmest wishes to the Premier, to the Leader of the Opposition, to Government and Opposition members—and "Opposition members" includes the Independents, according to the standing orders. I acknowledge the efforts of the Leader of the House and the manager of Opposition business, the Whips and those who have made my job in this Chamber so much easier. Over the past six years we have built up a close relationship and that has facilitated the smooth passage of business through the House. Earlier this week in the Speaker's dining room we discussed, into the late hours, some of those difficulties. I am sure those discussions enhanced some of the later decisions. To those people I give my thanks and extend my best wishes for a merry Christmas.

I join with the Leader of the House and the honourable member for Gosford in commending those members of the staff who have done outstanding work during the past 12 months. I might say that they have done it while there have been severe budgetary cuts. When staff have left they have not been replaced. The staff have carried out their duties with diligence and true professionalism. As Speaker I commend all staff of the Parliament on the way in which they have carried out these difficult tasks in the past 12 months. In particular I mention Hansard, the front of House staff and the Chamber staff. In this sitting period we have sat into many lunch and dinner breaks. Members could walk out and have something to eat but Hansard staff and others have had to continue working through these breaks. They have done it with alacrity and there has never been a complaint, although they have smiled now and again. I commend them and wish them all the very best for Christmas and the new year.

I extend my warmest thanks to my personal staff: my chief of staff Christian, Biserka, Joanne, Joseph, Camille, Carol, Jenny and Jason. I have nearly as many staff members as the honourable member for Tamworth. I wish them and their families a merry Christmas and a happy new year. Finally, I thank Russell Grove, Mark Swinson, Leslie Gönye, Ronda Miller and Tom Duncan, who is a late addition to the team, especially for advising me on my learned rulings from the chair. More importantly, on behalf of all the staff, I wish all members a very merry Christmas and all the best for the new year. We shall return next year refreshed. Hopefully, we will be able to enjoy the same courteous relationships that have developed in this Chamber over the past 12 months. It is a tough old Chamber. The honourable member for Gosford and the Leader of the House can attest to the difficulties that can arise. However, once members have left the Chamber they have always conducted themselves in a gentlemanly manner. I appreciate the respect they have shown outside the Chamber. Once again, I wish everyone a merry Christmas and a happy new year.

**Mr WHELAN** (Strathfield—Minister for Police) [6.02 p.m.], in reply: Mr Speaker, I join you in thanking all honourable members for their felicitations and best wishes. I want to clarify one matter. The motion I moved earlier specified that the House will meet on 19 December at 2.15 p.m. That should have been 10.00 a.m. It may not be necessary for the House to meet on that day; it will depend on the work that comes from the upper House. By leave, therefore, I move:

That the motion be amended to read:

That this House at its rising this day do adjourn until Tuesday 19 December 2000 at 10.00 a.m.

**Amendment agreed to.**

**Motion as amended agreed to.**

#### **TABLING OF PAPERS**

**Mr Whelan**, by leave, tabled the report entitled "Australian Inland Energy Annual Report 1990-00.

**Ordered to be printed.**

**PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT  
(TRADEABLE EMISSION SCHEMES) BILL**

**Bill returned from the Legislative Council with amendments.**

**In Committee**

**Consideration of the Legislative Council's amendments.**

*Schedule of amendments referred to in message of 30 November*

No. 1 Page 3, schedule 1 [3], lines 12-14. Omit all words on those lines. Insert instead:

Omit the subsections.

No. 2 Page 3, schedule 1. Insert after line 14:

**[4] Section 293A**

Insert after section 293:

**293A Alteration, suspension or termination of a scheme**

- (1) The EPA may alter, suspend or terminate a scheme referred to in section 293 or any part of such a scheme.
- (2) Before taking any such action, the EPA must:
  - (a) cause notice of its intention to do so to be published in the Gazette and in a newspaper circulating throughout the State or in the locality in which the scheme operates, and
  - (b) in that notice, invite the public to make submissions on the proposed alteration, suspension or termination, and
  - (c) allow a period of not less than 21 days for the receipt of those submissions.
- (3) The EPA must take into account any submission received within that period in deciding whether to proceed with the alteration, suspension or termination.
- (4) The EPA may alter the scheme or part of the scheme without complying with subsections (2) and (3) if it considers that:
  - (a) the alteration is not significant, or
  - (b) the alteration is necessary because of an emergency.
- (5) The EPA may suspend the scheme or part of the scheme without complying with subsections (2) and (3) if it considers that:
  - (a) the suspension is required urgently in order to protect the environment, public health, property, or the integrity of the scheme, or
  - (b) the suspension is necessary because of an emergency.
- (6) The EPA may terminate the scheme or part of the scheme without complying with subsections (2) and (3) if it considers that the termination is necessary because of an emergency.

No. 3 Page 4, schedule 1. Insert after line 3:

**[5] Section 294A**

Insert after section 294:

**294A Exercise of functions by Minister and EPA**

In exercising their functions under this Part and Part 9.3A, the Minister and the EPA are to have regard to the objects of this Act, particularly section 3 (d).

No. 4 Page 5, schedule 1 [6], lines 6 and 7. Omit all words on those lines.

No. 5 Page 5, schedule 1 [6]. Insert after line 12:

- (f) provision for the holding of tradeable emission permits or credits by members of the public,

No. 6 Page 5, schedule 1 [6], lines 22 and 23. Omit all words on those lines. Insert instead:

- (2) A tradeable emission scheme must include:
  - (a) a limit on total emissions of the pollutant or pollutants to which the scheme applies, or
  - (b) a scheme to offset pollution, or
  - (c) a program for the surrender of tradeable emission permits or credits over time, or
  - (d) a combination of any or all of the elements referred to in paragraphs (a)-(c).
- (3) A tradeable emission scheme may include elements other than those mentioned in this section.

No. 7 Page 5, schedule 1 [6], lines 30 and 31. Omit all words on those lines. Insert instead:

- (3) A tradeable emission scheme regulation may be periodically reviewed by the Minister, in accordance with a timetable set out in the regulation. Any such review must include a review of the operation of the elements of the scheme referred to in section 295B (2).
- (4) The Minister is to ensure that the public is given an opportunity to make submissions with respect to the review, and that any submissions with respect to the review that are received within the period allowed for the receipt of submissions are appropriately considered.
- (5) In order to give the public an opportunity to make submissions with respect to the review, the Minister must:
  - (a) cause notice of the review to be published in the Gazette and in a newspaper circulating throughout the State or in the locality in which the scheme operates, and
  - (b) in that notice, invite the public to make submissions with respect to the review, and
  - (c) allow a period of not less than 21 days for the receipt of those submissions.

**Mr WHELAN** (Strathfield—Minister for Police) [6.03 p.m.]: I move:

That the Committee agree to the Legislative Council's amendments.

**Ms SEATON** (Southern Highlands) [6.04 p.m.]: I understand that the Government has accepted the amendments made in another place. I have studied those amendments in recent days. The Opposition does not oppose the amendments and, therefore, will not oppose the amended bill. However, a tradition has developed in this place of Ministers not reading second reading speeches and in many cases they do not reply to Assembly debates. In my contribution to the second reading debate I raised a number of specific and genuine industry concerns about the details of the bill. This was especially important as the first time the Australian Industry Group, the Australian Environment Business Network and Australian Businesses Ltd had heard of this bill was when I rang them for comment. I am still waiting for answers to my questions. Indeed, I have no real expectation that that will happen. I hope that this bill delivers what it should because the Opposition wants to see cleaner production, clean air and clean water outcomes. The Opposition does not oppose the amendments.

**Motion agreed to.**

**Legislative Council's amendments agreed to.**

**Resolution reported from Committee and report adopted.**

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

**Pursuant to resolution private members' statements taken forthwith.**

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

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#### **WOLLONGONG SCIENCE CENTRE AND PLANETARIUM**

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [6.06 p.m.]: On 15 May this year I opened the Wollongong Science Centre and Planetarium on behalf of the Premier. It gave me a great thrill. The Government granted some \$2.6 million to ensure that this science centre became a reality in Wollongong. The

centre is a unique hands-on science centre servicing schools and the public, with the only major planetarium in New South Wales. It is hugely successful as a tourist attraction, with half of its public visitors coming from beyond the local area. Some 380 school groups have already visited the centre this year, although it opened after the school year commenced. There has been a doubling of public attendance, although the full year of operation is yet to be realised, with attendance peaking in July this year with more than 10,000 people. Indeed, more than 500 people visited the centre on one day. Up to November this year 60,000 people had been through the new science centre and planetarium.

When one considers how valuable the centre is as an education tool and the number of schoolchildren who are attending the science centre, the Government has spent its money wisely and well. As well as the attendance of public and school groups, the centre is proving to be very popular as a venue for community and business groups to hold meetings and functions. Demand is exceeding the ability to host such meetings, which have included the launch of the National Science Awards, corporate product launches, the annual general meetings of several professional societies and tourism organisations, and conferences. The stage 2 development, which concentrates on an exhibition centre, will further strengthen these activities.

Business sponsors have strongly supported the facility, which is unique in terms of its self-support. Already, several of the major facilities within the centre are receiving annual support, including the planetarium, which is being supported by BHP, and the science theatre, which is being supported by Nortel. Several major travelling exhibitions have been hosted at the centre and are booked for 2001, including the NRMA Roadzone, Volta from the Italian Institute of Culture, visions from the National Science and Technology Centre, Microscopes from Bell Labs in the United States of America and BHP Wildscience.

The centre is the site for an e-commerce drop-in centre which allows business people to assess the use of electronic commerce in their business operations. A major professional quality public observatory will be opened later this year. This will provide international visitors with unique views of the Southern Hemisphere night sky, free from the heavy light pollution of the major capital cities, such as Sydney. It will also provide New South Wales school students with access to a professional, quality teaching and research instrument.

At present 34 young people are employed part-time at the planetarium, in addition to the full-time staff of six. More than 50 active volunteers are the key to the success of the centre. Those volunteers maintain, design, shop, type, man reception desks and explain science to visitors. Volunteers such as Barry Voller, Bill Sykes, Francis Crumplin, Brian and Lorene Murray, Fred Millington and Ian Halliday spend most of their time on the exhibition floor explaining the science behind the exhibits. The beauty of the Wollongong Science Centre is that it is a hands-on exhibition centre. People can come to the centre and see all sorts of exhibitions in which they can become involved. It is a joy to visit the centre and to see children understanding what science is all about.

I pay tribute to two people who do not receive many accolades but who deserve to receive many. I refer to Glen Moore and his wife, Elizabeth. Glen and Elizabeth have worked to make sure that the Wollongong Science Centre has become the success story that it is today. Ten years ago they had a vision of having a science centre and planetarium in Wollongong to ensure education opportunities for schoolchildren and, equally as importantly, to ensure that Wollongong had a major tourist attraction which would help the Illawarra tourist industry, particularly the Wollongong tourist industry.

I am proud of the science centre at Fairy Meadow, and I know the people of Wollongong and the University of Wollongong are also proud of it. We all thank Glen and Elizabeth for the work they have put in and continue to put in. I have no doubt that Glen and Elizabeth will be thanked by many people, not least by myself and my wife, Melissa. I will continue to thank them because I believe that what they have achieved is incredible. I commend those who work at the Wollongong Science Centre, which is indeed a magnificent centre. *[Time expired.]*

**Mr CRITTENDEN** (Wyang—Parliamentary Secretary) [6.11 p.m.]: I congratulate the honourable member for Wollongong on raising this matter in the House. Wollongong is becoming renowned for involving itself in scientific developments, as well as information and communication technologies. Recently there has been much debate in the House about the Olympic Games, which were a great success. It is important to acknowledge that the future wealth of our country will result from the next generation becoming involved in science. Recent media reports have indicated that the Radiata company, which was a joint venture involving certain individuals in the CSIRO, was recently sold to Cisco Systems in the United States for \$600 million.

While we might be pleased that \$600 million has been brought into this country, to generate the wealth we will need in the future it is more important to ensure that we take advantage of value adding, and that we

encourage our young people to become involved in emerging fields such as biotechnology. It is great that our world-class research is continuing through bodies such as the Australian Technology Park. The company eBioinformatics has been involved in the human genome project. Obviously the honourable member for Wollongong and the entire Illawarra community recognise the importance of science to the future of this country.

*[Private members' statements interrupted.]*

### TABLING OF PAPERS

**Mrs Lo Po'**, by leave, tabled the following reports:

Community Services Commission Annual Report 1999/2000  
Committee Visitors Annual Report 1999-2000.

**Ordered to be printed.**

### PRIVATE MEMBERS' STATEMENTS

*[Private members' statements resumed.]*

### CRONULLA ELECTORATE

**Mr KERR** (Cronulla) [6.14 p.m.]: I raise the matter of public safety in my electorate of Cronulla and bring to the attention of the House a letter I received from a constituent, Mr Burrows. The letter reads:

I note that the proposed connection of the new water mains to the existing main has been changed from Burraneer Bay Road to Shell Road water main. As there is no reference in the EIS dated Sep 97 nor in the REF May 00 regarding any impact on the water pressures to the existing water mains in the Burraneer Peninsula south of Burraneer Bay Road, I would like to ask the following questions.

- (1) Is it intended to have amplification works carried out to the water mains in the Sutherland Reservoir Zone, and would these works be completed before the main is connected to the reservoir at Maianbar?
- (2) Have water pressure tests been carried out in the area during long dry summer weather, especially at the southern end of Woollooware Rd, which is the highest area in Cronulla and at the end of the main? Would there be sufficient pressure in case of bushfire in these conditions?
- (3) Has any study been made by Sydney Water on the impact of high rise development in Cronulla and medium density development of the Burraneer Peninsula, both existing and in the future, in relation to the new water main to Bundeena and Maianbar, and to the maintaining of adequate water pressure to dwellings on the Peninsula? If so, does it take into consideration the impact of the scheme on development in the Bundeena/Maianbar area..., and would it be possible for me to have a copy of the study?
- (4) How is the change in the connection point of the water main an improvement to the regional scheme, for home owners on the Burraneer Peninsula?

I wrote to the Minister in July this year, but I have not yet received a reply. That is typical of the length of time a number of Ministers in this Government take to reply to correspondence. I also raise again the exemption of the fuel excise for the offshore rescue boat. There has been considerable publicity recently about the sterling work performed by the offshore rescue boat. In view of the Government's publications about waterways, one must ask why it is necessary for such a worthy body to obtain a grant from the Government.

I refer also to surf club litigation. I have spoken on a number of occasions in this House about the court case involving Elouera surf club and the high cost of litigation to the surf club movement. As at today, the last day of the sittings at which legislation will be dealt with, the Government has not seen fit to provide any relief to our surf lifesavers in relation to litigation. Yesterday the Minister for Local Government spoke about shark attacks. In the course of his contribution the Minister said:

Councils employ inspectors to patrol beaches, adding to the safety that volunteer members of the surf lifesaving association provide.

Today the report of the Public Bodies Review Committee report entitled "Public Liability Issues Facing Local Councils" was tabled in this House. The report contains a number of recommendations, and I implore all members of the House to read the report. It recommends that the Local Government Act be amended to provide exemptions from public liability for damage, loss or injury sustained by pedestrians tripping or falling on

property under the control of councils, provided that councils act in good faith. The report refers to the standard of care required with regard to councils. It would be a matter of great concern if there were two standards in relation to local government and voluntary associations, given the condition of many of the footpaths in the Sutherland shire. In conclusion I refer to Cronulla police station and the fact that thousands of people have signed a petition as to the inadequacy of that police station's facilities. Despite the hard work done by police, the Government has not seen fit to take any action in that regard.

### **POLICE SERVICE AREA COMMANDS RESTRUCTURING**

**Ms MOORE** (Bligh) [6.19 p.m.]: More than 300 people attended a recent meeting I organised at the Landmark Parkroyal Hotel, Kings Cross, to protest against the radical restructuring of policing without consultation with affected communities or working police. Speakers included the shadow Minister for Police, Andrew Tink; the President of the New South Wales Police Association, Mark Burgess; the Mayor of South Sydney Council, Councillor John Fowler; a representative of the Mayor of Woollahra Council, Councillor Cynthia Wrublewski, and 15 community and business leaders from as far afield as Bondi and Malabar.

There was overwhelming opposition to plans to close seven inner-city police stations and amalgamate the remainder into super commands. The lack of consultation was condemned and the refusal by the Premier, the Minister for Police, and the Commissioner of Police to attend was strongly criticised. There was scepticism about the claim that the changes would deliver more police on the streets, given the history of broken promises, especially in Kings Cross. There was a strong show of support for local police who, I am told, were directed not to attend. There was strong support for community policing, uniformed foot patrols, local police stations and adequate resources for police.

The failure of similar proposals to centralise policing in North Brisbane in 1992 was cited as a reason to abandon the plan under secret development by the New South Wales Police Service. The President of the New South Wales Police Association, Mark Burgess, told the meeting that the Police Association would not support the plan if association members and the community opposed it. He also assured those in attendance that the Police Association intended to hold the Government to pre-election promises of another 1,000 officers by 2003, with 1,100 offices freed up for frontline duties.

The urgent need for adequate policing in Kings Cross was emphasised by the general manager of the Landmark Parkroyal, Mr David Travers, who told the meeting that hotels in Kings Cross were forced to ask for one-third of the rates that hotels in Darling Harbour could ask because of international fears about crime and personal safety in Kings Cross. A representative of the Malabar Residents Action Group, and Ms Muriel Smith, informed the meeting that the Malabar station, once slated to be closed, was only opened in 1997 at a cost to the taxpayer of \$800,000. She said that the station was vital to community safety in that area.

The community fears that the millions of dollars spent on the Wood Royal Commission have not achieved the expected outcomes. The New South Wales Police Service has become increasingly secretive and rigidly controlled. The commissioner's publicly-stated distaste for scrutiny by, and accountability to, various watchdogs, as well as the secrecy surrounding the current proposal, are only fuelling these fears. I call upon the Minister for Police to immediately announce a schedule for public consultation about any proposed changes to the Police Service and ensure that it receives wide notification so that the community can participate.

In the interim, I also seek an assurance that all those police stations that have been slated for closure are currently police staffed and operational. I call for immediate statements of the Government's commitment to the objectives of the Wood Royal Commission, namely, open, accountable policing, and community policing with regular, uniformed foot patrols. I call for the immediate public release of the report detailing the Police Integrity Commission's audit of the four-year-old police reform process instigated by the Wood Royal Commission.

### **INDEPENDENT COMMISSION AGAINST CORRUPTION FORMER COMMISSIONER BARRY O'KEEFE, AM, QC**

**Mr GIBSON** (Blacktown) [6.22 p.m.]: I have mentioned the matter of the former Commissioner of the Independent Commission Against Corruption [ICAC], Barry O'Keefe, on a number of occasions. I believe this Parliament should take action to make sure that a full inquiry—by a judicial commission or some other body—should be held into the conduct of Barry O'Keefe and into the alleged roting that took place under his stewardship as commissioner of ICAC. I believe that it is scandalous for that man to be sitting as one of the 36 Supreme Court judges in New South Wales. I believe he must be made to stand down until a full inquiry is held.

Six weeks before Barry O'Keefe left ICAC, he paid bonuses to each of his directors of \$32,300. This was done and paid for, contrary to the Premier's memorandum. ICAC found that there was no performance review relating to any of the directors at all. There was no proof that the directors were even worthy of a bonus. For what were they paid? Was it payment or an extra payment for work that they had done, or what was it? It could be seen as corruption. Barry O'Keefe must also be asked why \$8,775 was paid to another director only weeks before he left the employment of ICAC.

No written reports were ever received or were ever given to ICAC about any trips that were undertaken by the former commissioner. His conduct should be compared to the stringent control that he seeks to exercise over members of Parliament. One wonders why. Were any benefits ever derived for the people of New South Wales through undertaking the trips? Were any reviews ever taken of the trips? Of course the answer is no. Were the trips gifts that were given by different organisations around the world for free advice or free documentation that ICAC supplied? If that is the case, that type of conduct could be interpreted as the former commissioner accepting free gifts or a free holiday in return for the information that he gave to overseas interests.

From 28 September 1999 until 15 October 1999, Barry O'Keefe went to the Philippines, to Hong Kong and to South Africa. Itineraries were made for the Philippines part of the trip and also for the South African part of the trip, but no itinerary has ever been given to ICAC for the Hong Kong part of the trip. It is also strange that the former commissioner visited Hong Kong in March of the same year. The question should be asked: Why was the second trip to Hong Kong needed? As far as protected disclosures are concerned, his conduct raises some very interesting issues as well. ICAC is one of the major watchdog bodies that oversees and administers protected disclosures, and Barry O'Keefe did not apply the same standards to his ICAC staff. He would intimidate anyone who made a disclosure and would frown on people in the harshest manner.

The former commissioner undertook one trip per month in each of the last six months of his service. During that time nine or 10 reports were completed and had to be signed off. ICAC had to fax the reports overseas to get the former commissioner to sign off on all those reports. The question must be asked: What were his priorities? Was travel the top priority, or was he looking into the reports that he was supposed to be bringing down in the service of the people of New South Wales and giving them the top priority? Barry O'Keefe has had more overseas trips than Qantas. Barry O'Keefe is a very lucky man. He signed up for the State superannuation scheme one day before he turned 60, and of itself that should be the subject of inquiry. Barry O'Keefe is either a very lucky man or a very smart man to possess judgment that enabled him to act with precision timing.

I note also that in ICAC's annual report, it is stated that Barry O'Keefe's salary over the last 12 months of his appointment was \$337,923, which is not a bad wage. The report also mentioned reported fringe benefits received by the former commissioner which amounted to a staggering \$55,843 that taxpayers had to pay. That amount covered expenses such as telephones, life insurance, motor vehicles for his wife's travel and other costs that could not be identified. The clincher in this point is that the taxpayer also had to pay the fringe benefit tax. Barry O'Keefe, during his last 12 months with ICAC, amassed an amazing \$113,000. The Auditor-General must examine these payments immediately. On top of that, the former commissioner did not take one day's annual leave in the five years of his appointment. When he left ICAC, he collected \$140,000 in accrued holiday pay. The taxpayer also paid \$5,000 a year to insure his private art collection.

This hypocrite has ripped the guts out of the people of New South Wales as far as rorting the system is concerned. He must be brought to book to respond to these allegations. Barry O'Keefe, in pursuing his ambition to be the watchdog of every member of Parliament and every facet of government in New South Wales, forgot about the biggest crook of all—Barry O'Keefe. [*Time expired.*]

#### MURRUMBIDGEE ELECTORATE POLICING

**Mr PICCOLI** (Murrumbidgee) [6.27 p.m.]: I hope I do not get on the wrong side of the honourable member for Blacktown and receive a scathing five-minute speech like that one. I take this opportunity to mention a couple of issues in my electorate that concern the Police Service. First I mention the issue of a police station in Griffith. The current police station was built approximately 70 years ago and was originally designed for approximately four police officers. It was also the home of the police superintendent. The town of Griffith has obviously outgrown the police station because that very police station, which was originally built to accommodate four police officers, now has to accommodate dozens more police officers and is unfortunately insufficient, not only in size but also in occupational health and safety requirements. WorkCover completed a report on the station earlier this year and issued approximately 15 notices for work to be done to bring the police station up to standard.

Most of the work has been done but some of the requirements have not been addressed. Because of the nature and age of the building, they cannot be addressed. Members of the Griffith community have offered to build a new police station for officers of the Police Service on a lease-back basis. They are trying to negotiate with the Police Service to ensure that the project goes ahead. I believe that, for the future of towns such as Griffith in New South Wales—which is experiencing a measure of prosperity currently and is growing rapidly—a positive response to demands for increased numbers of officers from the Police Service is required. Adequate accommodation is the type of infrastructure these communities need. Officers of the Police Service, who do a wonderful job throughout New South Wales and particularly in my electorate of Murrumbidgee, should receive all the support that it is possible to give them, and an important part of that support is appropriate infrastructure services in the form of accommodation.

The state of Griffith police station and the fact that police are employed at three different localities makes their task much more difficult. I again ask the Minister to give consideration to constructing a new police station in Griffith or at least to accepting the lease-back proposals that have been lodged with the Government by private developers. Obviously policing is an important issue in every electorate. I draw the attention of honourable members to police numbers in my electorate. In September this year a fair amount of trouble was caused by a small but persistent bad element in Narrandera and there were limited police resources to deal with those problems. Those resource problems have been alleviated to some degree but it would be helpful in areas like Narrandera to have additional resources to assist police who are doing a great job and who are doing all that they can to protect the community.

In Deniliquin there is also a shortage of police. In Griffith, Deniliquin, Hay and other towns in south-western New South Wales police provide prisoner escorts and they escort mental health patients to Wagga Wagga, which causes enormous strain on police resources. Yesterday or the day before, mention was made in this House about transferring to the Department of Corrective Services the role of police escorting mental health patients. I support such a move. Many representations have been made to me that that burden on the Police Service is additional to their role in maintaining other services in western New South Wales. Corrective services should take over the role of escorting prisoners. The police in New South Wales do a fantastic job.

#### **BELMONT WETLANDS DEVELOPMENT**

**Mr ORKOPOULOS** (Swansea) [6.32 p.m.]: Tonight I again raise the important issue of development pressure along our precious coastline. The communities that live on the eastern side of Lake Macquarie in the electorates of Swansea and Charlestown are uniquely placed to appreciate their natural inheritance. We live alongside the magnificent Lake Macquarie waterway and the beautiful beaches, bushland and heaths that extend along our coast. Over the past decade local people have become more sophisticated in their understanding of the environmental issues affecting the lake and its catchment. I believe that such is the understanding and interest in these important issues that everyone has an opinion about it.

The Carr Government is delivering the necessary funding to remediate the lake by the implementation of the Premier's plan for Lake Macquarie. Increasingly, local people are turning their attention to development pressures on the last remaining parcels of coastal land not in public ownership. The first of these two parcels of land is the Wallarah north site about which I have made a number of statements in this House. The other significant parcel of land is the Belmont wetlands between Redhead in the north, in the electorate of my colleague the Minister Assisting the Premier on Hunter Development, and Belmont in the south in the electorate of Swansea. The land is owned by BHP, which is currently engaged in detailed negotiations with the New South Wales Government over a number of economically significant sites in the region, including the site to which I have referred tonight.

Each site has been examined by a whole-of-government approach looking at, among other things, any residual costs or liability exposure to government as a result of BHP handing over land to the New South Wales Government. In relation to the land between Redhead to Belmont, the Belmont wetlands include a remarkable network of interlocking coastal wetlands degraded by more than 50 years of sandmining and urbanisation. I restate my opposition to residential development on that site. That tract of land is precious to communities in Lake Macquarie. The Lake Macquarie Coast and Wetlands Alliance, an influential and representative group of concerned citizens, has supported my call for the New South Wales Government to obtain the site from BHP and to consider the rehabilitation costs of the wetlands and dune systems at some later stage.

This magnificent part of our coast has been there for millions of years. The land is patient, as the traditional owners of our land have taught us. There is no rush to immediately consider rehabilitation if one



takes that long-term perspective. I believe it is a nonsense that a full cost-recovery approach is required when assessing this environmental masterpiece. But this is not the only threat. A medium-size development company, McCloy Pty Ltd, advised the public that it has an arrangement to purchase the site should negotiations between the Government and BHP fail. That would be a disaster for the coastal environment and for the community and it will place enormous burdens on the already fragile wetland system.

The Coast and Wetlands Alliance, with my support, stood up to this developer who has threatened grandmothers with court action for daring to speak out against desecration of the wetlands. The coastal council at its annual conference last week expressed alarm at the increased pressure on our coastal environment by residential development. Lake Macquarie City Council, when considering its land-use strategy for the entire city, resolved to oppose any rezoning for residential development for the Belmont wetlands. It now remains to be seen whether the Government, in its negotiations with BHP, is able to obtain the site without compromising its integrity.

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development [6.37 p.m.]: The honourable member for Swansea raised an important issue concerning a parcel of land known as Belmont wetlands. Belmont wetlands is part of a parcel of four properties that are encompassed by a whole-of-government approach, from which has stemmed some of these long-term concerns. One of the sites is the BHP disused site—a relinquished steelmaking site. The second site is 1,500 hectares of land located in the west Wallsend area. I think that issue will take a fair while to resolve because of some long-term proposals. The third parcel is located in Kooragang Island. Whilst that site is not as degraded as the BHP site, there is a need for the remediation of this important industrial land.

The fourth site is the Belmont wetlands. The cost of remediation has to be resolved. As has been said in debate on this issue tonight that issue can be resolved at a later stage. I understand that the developer already owns part of the land adjacent to some of the land that he proposes to purchase. Those people who are concerned about this issue have not taken into account the fact that this land will need to be rezoned. I would be opposed to any rezoning that would alienate the BHP land. I do not want to pre-empt this inquiry other than to say that this issue will be resolved in the best interests of taxpayers and the community. I thank the honourable member for Swansea for raising this issue.

### WESTBUS SERVICES

**Mr RICHARDSON** (The Hills) [6.39 p.m.]: Tonight I draw to the attention of honourable members the problems my constituents are experiencing with Westbus services. Members would be aware from publicity in the *Daily Telegraph* today and yesterday that there are some significant problems with Westbus services, not just in The Hills electorate but throughout western Sydney. Those problems boiled over on Tuesday night at a meeting at Crestwood chaired by Diana Heery who is President of the West Pennant Hills Valley Progress Association. Residents brought their complaints to the attention of Mr Ken Hind, the General Manager of Westbus, and also to the attention of the media who attended.

Those complaints were certainly not a recent occurrence. For the best part of two years I have heard complaints about The Hills-City express bus service. The complaints are that not just one bus but many buses go past bus stops full. Passengers are unable to board the bus service at Wynyard. Many people are choosing to go further up the line to Town Hall or to Central to ensure getting onto the bus or getting a seat. The problems go well beyond The Hills-City express bus service. I was horrified to receive an email from a constituent whose daughter attends Baulkham Hills High School. Allegedly she witnessed a Westbus bus driver get off a bus and push an Asian student in the chest. He is alleged to have used racist language at the student who had attempted to board the bus. In fact, the student's bus pass did not permit him to use that bus. He should have waited for the school bus but that does not alter the fact that the driver's behaviour was totally inappropriate in any circumstances. I have written to Mr Hind about that.

I have also received letters from Mrs Eva Haga of Castle Hill and Mrs Maureen Ross of Kellyville who were passengers on the famous 19 October 6.05 p.m./6.10 p.m. Westbus service from the city to Knightsbridge. Apparently a passenger on that service could not find his ticket, or had not paid the appropriate fare, and the bus was hijacked by two ticket inspectors and taken to Castle Hill police station. Passengers were kept on board the bus for 15 to 20 minutes while police sorted out the matter. That would not encourage people to use public transport services in The Hills, certainly not Westbus services. But there are some issues the Government could address. It is not all a one-way street. Mr Hind said, and I agree, that bus priority measures would significantly improve the ability of his drivers to maintain schedules. In fact, I have written to the Minister on a number of

occasions suggesting to him that the breakdown lanes on the M2 could be used as bus priority lanes, that is, from Beecroft Road down to Epping Road where there are no bus priority measures. The buses get caught in the same traffic congestion as every other motorist.

I concede that cyclists use those breakdown lanes. I am only talking about their use during peak hours. About 25 cyclists would be inconvenienced but literally thousands of commuters would benefit from such a move. It is not very difficult and it is a low-cost, effective and efficient way to improve bus services to our area and to expeditiously link The Hills to the city. The cost also has to be looked at. Currently it is significantly more expensive to travel from The Hills to the city than it is from Palm Beach to the city by government bus. The Government should look at subsidising, if that is what is needed, Westbus services, particularly The Hills-City express bus service.

### **BORAL QUARRY DEVELOPMENT**

**Ms ALLAN** (Wentworthville) [6.43 p.m.]: On 22 November the Deputy Premier, in his capacity as Minister for Urban Affairs and Planning, released a press release entitled "Fast tracking western Sydney jobs, facilities with Minister to access Greystanes proposal". That relates to a matter about which I have spoken in the Parliament in the past two years, that is, the development of the Boral quarry at Greystanes which, it is anticipated, will result in residential and industrial development and employment opportunities for up to 4,000 people in the next half to one decade. I was disappointed that the Minister's press release indicated a lack of confidence in Holroyd City Council which, with Blacktown City Council, has had the responsibility of considering the precinct plan that has been lodged by Boral for the development of at least the first stage of the area. This will be an important development not just for western Sydney and my electorate, of which it is part, but for the whole of the State.

This project has been earmarked by the Government to maintain the Olympic momentum in New South Wales to ensure that there are many opportunities in the future. The Government picked up this matter as State Environmental Planning Policy 59 and gazetted it in February 1999 prior to the last election. It was widely welcomed by the community at large and fairly positively received by the local community. Greystanes is an important part of my electorate. It is largely a residential area that is adjacent to industrial areas both in Greystanes where quarrying activity has taken part for most of this century and also to Fairfield where there is quite a substantial industrial area. Active community groups have been long considering this proposal. Consultation processes co-ordinated directly by Boral and overseen by the Department of Urban Affairs and Planning [DUAP] and involving both Holroyd and Blacktown councils are in place.

Holroyd council is also disappointed in the Minister's press release as it calls into question its capability or capacity to consider the proposal that it has been considering and the precinct plan that Boral has lodged with due diligence and to the best of its ability. There have been some protracted negotiations between the council and Boral because of initial reluctance by Boral to resource the assessment of the precinct plan. To Holroyd council, and many other councils in local areas, it is quite obvious that when major proposals such as this comes forward the proponent or the development has a responsibility to ensure that the council and the community are well resourced to assess the impact of the proposal. Because the Minister has allowed continued assessment of the plan for the residential development to lie with the council, my immediate residents will be largely unaffected by this decision.

In the longer term though I think there will be some traffic issues that have to be dealt with, particularly by Blacktown Council and by my colleague, the honourable member for Blacktown. Heaven help the Deputy Premier if he gets the honourable member for Blacktown offside on this important issue. I take this opportunity to reassure my local constituent groups that this does not indicate a loss of confidence by the Government in the procedures that have been laid down in February 1999. Yes, the industrial section of the development will be oversighted by DUAP and the Minister directly, but in fact the residential development will still be oversighted by council.

I want to reassure my local constituents that there is no conspiracy afoot to take further powers away from them. Some of their concerns particularly about the traffic and ascetic development on this site will certainly still be able to be addressed by council. As a result of a brief meeting with the Deputy Premier following his press release I had a very satisfying meeting with representatives of the department, Mr John Collins and Mr Ron Alford from the Parramatta office, the next day. Mr Collins is a senior manager within DUAP. They reassured me that DUAP will make available resources to oversight this development very closely.

It is an important development for the State and for the community and it is important that these very important developments are also done well. We do not want to disadvantage existing residents and residences by lousy developments, no matter how many jobs they create. We have had enough of that sort of behaviour in western Sydney since the Second World War. The community in western Sydney is very anxious that future developments in their area are of a very high standard. I look forward to continuing to work with the department as well as local councils to ensure that this development is a good one.

### PARALYMPIC GAMES

**Mr STONER** (Oxley) [6.47 p.m.]: I draw the attention of honourable members to the role played by the local communities in the Macleay and Hastings districts of the Oxley electorate in relation to the best ever Paralympic Games. As most Australians would know, the Paralympic Games were not only the best ever, as proclaimed by officials, but also resulted in a record medal haul for Australia of 149 medals, including 66 gold medals. I am honoured to represent an area that had representatives who competed in those Games. Firstly, the Hastings district was prominent in wheelchair rugby with Tom Kennedy and Brad Dubberley competing at a standard which resulted in a silver medal for Australia in that sport. Additionally, Paul Hyde from the Hastings districts competed with distinction in weightlifting.

The Macleay district, with four Paralympians, had amongst the highest per capita representation at the Paralympic Games of probably any area in Australia. Those four athletes certainly did the Macleay, New South Wales and Australia proud. Amy Winters was a dual gold medal winner in the 100 metre and 200 metre sprints. Amy was a gold medal winner at the Atlanta Paralympics, but she surpassed that effort by achieving two gold medals at the Sydney 2000 Paralympic Games. She added to her achievement by winning a bronze medal in the 400 metre event, an event that she is not accustomed to. So one of the most successful athletes at the Paralympics was Kempsey's Amy Winters.

Mark Altmann is a young man of 17 years from St Paul's College, Kempsey, whose students will be visiting this place tomorrow. I hope that Mark Altmann will be among those visitors. Mark took part in his first Paralympics in 2000 in Sydney, and he came away with a bronze medal in the 50 metre butterfly, quite an achievement at his first international competition. Ted Bray, also from the Macleay district, competed in the sitting volleyball. Ted, who has competed at a number of Paralympics, was quite rightly regarded as an elder statesman among the Australians at the Paralympics. Although Australia did not win a medal in that particular event, the Aussies gave Korea quite a battle. Although the team went down three nil, it was really quite a tussle. This is an event in which Australia has not had a great deal of strength in the past. Ted's performance and his commitment to that sport augur well for our future performances in Paralympic Games.

Terry Giddy, another Macleay local, competed in his sixth Paralympic Games. Terry actually had the gold medal in his grasp. He put the shot a world record distance. Unfortunately, there was a protest, and for the first time in Paralympic Games the officials used a video, and the throw was ruled illegal. So, similar to the situation with Jane Saville in the walking, Terry had the gold medal in his grasp, having thrown a world record, but as a result of the protest was relegated to fifth place. Terry, an absolute gentleman, handled that great disappointment very well. The Paralympic Games were hugely significant in changing attitudes and enhancing the understanding of all Australians, indeed the world, about people with disabilities. Regional New South Wales, and particularly the mid North Coast, played a huge role in the outstanding success of the Games.

### GOROKAN PUBLIC SCHOOL BAND CONCERT

**Mr CRITTENDEN** (Wyang—Parliamentary Secretary) [6.52 p.m.]: Honourable members will recall that last week I brought to the attention of the House the excellent school band of Kanwal Primary School, an annual performance that I was fortunate to attend on 18 November. It must be the season for band performances, because the Gorokan Public School had its band concert on Saturday 25 November. In addition to the contribution from the school band, the school choir gave a rendition of Christmas carols. At the conclusion of the night the band and choir gave a joint musical presentation.

I would like to draw to the attention of the House, and compliment, the Gorokan High School students who give up their own time on Monday afternoons between 3 p.m. and 5 p.m. to tutor Gorokan primary students on their respective musical instruments. The Gorokan High School students also give their time on Tuesday and Wednesday afternoons, when Gorokan Public School students who are members of the band attend the high school for musical tutoring. The band comprises students from grades 3 to 6 whose ages range from 8 to 12 years. Of course, these extracurricular activities happen only with the support of the teaching staff and the school community. The school principal, Ms Kerry Sweeney, is very supportive of the band.

The students from Gorokan High School who provide tutoring are Paul Harvey, on trombone; Michael Coggan, also on trombone; Sarah Brydson, who assists with clarinet; Wendy Neil, also on clarinet; Aaron Drew, on percussion; Jason Foy, assisting with percussion; James Barnett, assisting with saxophone; Chris Meikel, on trumpet; Trent Moore, on trumpet; and Kylie Streater, on flute. Jason Foy, whom I have known for a number of years, is now attending the University of Newcastle, training to be a music teacher. His great love of music comes from his involvement in music at the Gorokan High School, and particularly from the mentoring of the music teacher who was at Gorokan High School at the time but who embarked on a venture which, though perhaps not a great commercial success, brings a lot of musicality to public schools and high schools in my area. I speak, of course, of John Hibbard. John has been a tower of strength in providing students in the northern part of the Wyong shire with music opportunities.

The teachers involved in the choir presentation, Mrs Foley and Ms O'Neill, certainly did a great job in preparing the choir for the singing of Christmas carols. Importantly, Ms Judy Lees, a permanent part-time teacher at the Gorokan primary school, assists with the playing of the clarinet. Judy, who does not teach on Mondays, has gone to the school on Mondays to assist with the band. That demonstrates the dedication not only of Judy Lees but of a number of other public school teachers in this State who give of their time generously and freely to assist students at the schools at which they teach. Most parents have purchased instruments for their children. There are a few students whose families cannot afford the cost of a particular musical instrument, and those students either rent instruments or borrow them free. So no student is precluded from involvement with the band because of financial circumstances. That is something that members on this side of politics obviously regard as crucial.

The gala concert performance was entitled the "Gorokan Area Strings". The string ensemble, which has been practising since only May this year, consists of students from the Gorokan public and high schools as well as the Toukley, Kanwal and Mannering Park public schools. The strings ensemble demonstrated a great deal of musicality. Obviously, the majority of the students in the ensemble play the violin, and they have learned a great deal in a short space of time. The parents involved play an important role. Robyn Barraclough, Cathy Berry, Helen Turnbull and Anne Brydson did a great job in support by selling raffle tickets and providing supper on the night.

#### **GOSFORD ELECTORATE SCHOOL STUDENTS ROAD SAFETY**

**Mr HARTCHER** (Gosford) [6.57 p.m.]: I wish to draw to the attention of the House the danger to students crossing busy roads on their way to and from school. I am conscious that at present the parliamentary Staysafe committee is inquiring into this very issue. Students crossing roads where there are no traffic lights or pedestrian overpass bridges are in danger every day of being hit by a motor vehicle. There have been a few near-fatal accidents on such busy roads as York Street, East Gosford and Avoca Drive, Green Point. It is not enough to wait until a student is killed before action is taken. In a few days I will meet with concerned parents and teachers at Green Point Christian College about this issue.

I am grateful to Margaret McLaughan, the Vice-President of the Parents and Friends Association at the school, who first raised this issue with me and who is co-ordinating this meeting. She has worked tirelessly to lobby local and State politicians, as well as the Roads and Traffic Authority, for funding for a pedestrian overpass bridge at Avoca Drive. Avoca Drive is an extremely busy four-lane road, which runs right past the school. These parents have raised the issue on numerous occasions and petitioned the council and the Roads and Traffic Authority for funding for a pedestrian overpass at the intersection of Avoca Drive and Davistown Road. I acknowledge that in response, a trial has occurred of a go-slow zone with wigwag lights near a pedestrian refuge. The trial is almost completed.

However, the parents and teachers at Green Point Christian College feel that this measure, while welcome, is simply not safe enough for a road that maintains complex and high-volume traffic. The road carries one of the highest volumes of traffic in country New South Wales. To date they have raised these concerns to no avail. Tonight I raise the concerns in the House to draw to the Government's attention the urgent need for funding such safety structures on our roads, particularly near schools. A similar situation faces students living in the East Gosford area. Students at St Patrick's Catholic Primary School negotiate fast and heavy traffic along York Street just to walk in the school gates.

I have received more than 30 letters from the students pleading for a bridge to be built at York Street to service the four schools in the area. These schools are East Gosford Public School, St Edwards College, St Joseph High School and St Patrick's Primary School. These letters reveal an enormous amount of student

concern and fear for their own safety. One student asked whether the Carr Government was waiting for a little kid to be hit by a car, as happened so tragically at Lisarow and, with even more tragic consequences, more recently in Bulli. Another asked whether the Government realised the importance of such a pedestrian overpass. A letter from one 12-year-old student read:

I don't want to see one of my friends or someone in my family lying dead on that road.

Yet another alerted me to a near accident that was averted just in time. Recently a little girl took only four steps onto the road, obeying the green walk sign, when a car ran a red light and sped through the crossing. It is appalling that despite two fatalities in the past caused by this very problem, the Government is still unwilling to commit any funding to such vital safety projects. Construction of a pedestrian overpass at York Street, East Gosford and at Avoca Drive, Green Point would ensure that children and teenagers not only feel safe but are safe crossing the roads. Often students must traverse these roads during school hours as part of their daily activities.

At Green Point school, for example, the school's land for practical lessons in agriculture is located on the opposite side of the road. Local college excursions to Yattalunga Crown Reserve for educational and sporting activities occur regularly. Students should not be placed in danger when they take their weekly swimming or boating lesson. The school is conscious of this and, despite the reserve being only a few minutes stroll, it buses students to the venue. Eighty per cent of parents now drive children to Green Point school. Normally some 70 per cent of high school students would walk.

Something must be done. Children are the backbone of our society, and the life of even one young person is worth more than the cost of an overpass bridge along a busy road. The Federal Government's generous \$1 billion roads package has landed the Carr Government a massive bonus of \$340 million to improve New South Wales roads and safety and traffic operations. Surely two bridges can be built from such a windfall—one not budgeted for or accounted for in this year's budget. The Carr Labor Government must tarry no longer. If the Government is sincere about the lives of our school students, it must take seriously a poignant plea from the parents and students. To quote from a letter I received from a student on the Central Coast only recently:

Wake up and smell the flowers, Mr Carr—before people are hit by speeding traffic.

### **BATES DRIVE SPECIAL SCHOOL**

#### **PARALYMPIC GAMES**

**Mr COLLIER** (Miranda) [7.02 p.m.]: Tomorrow I will attend a very important graduation ceremony in my electorate. The students who will graduate are Leigh Atkins, Brett Gibbens, David Hine, Matthew McKimm, Terry Pakes and Tracey Pearson. They are students from the Bates Drive Special School at Kareela. Bates Drive Special School caters for 60 children with significant intellectual disabilities. Doctors, therapists, councillors, carers and a host of other volunteers regularly attend the school to assist the wonderful staff with their daily programs. The school is located on a curve at the bottom of a particularly steep hill and quite often there are problems with access to the school.

Safety is often put at risk with families dropping off their children while doctors and therapists are arriving and departing busy Bates Drive. I can inform the House that after representations from me and concerned parents in the parents and citizens association the Minister for Education and Training has come to the party with a project to improve access and road safety at the school for these children with intellectual disabilities. He has approved a \$235,000 project to improve safety at the school. Each time I attend the school I feel inspired by the loving and sharing of the teachers and staff towards the kids. I am inspired by the achievements of the pupils at the school, and tomorrow when these year 10 students graduate I will again be inspired by them. In fact, I congratulate Leigh, Brett, David, Matthew, Terry and Tracey on their wonderful achievements.

Inspiration goes beyond the school at Bates Drive. This was the Year of the Paralympics, and its logo was "Feel Inspired". No doubt honourable members will recall Ms Julianne Adams and Mr Hamish McDonald addressing this House on the Paralympics and what it meant to them. It was Julianne's speech that encouraged many people to go to the Paralympic Games. I was honoured to go with my wife to the athletics and was privileged to see Fabian Blattman win gold for Australia on the track. I was inspired by the performances of each and every athlete. Being in the Olympic Stadium brings home the fact that Paralympians really are elite athletes, athletes with the same goals as their Olympic cousins, dedicated athletes who train hard and strive for perfection in their chosen sports.

I find it hard to imagine a field event more difficult than throwing a shot put while seated in a frame that is tied to the ground. Most able-bodied athletes would not have achieved the distances those athletes achieved. The events throughout the day were witnessed by a large crowd, including many schoolchildren. They were the best ever Paralympic Games and their success went beyond the record ticket sales and beyond Australia's record medal haul. The success of the Paralympic Games lay, among other things, in the recognition by all Australians of Paralympians as elite athletes. It lay in the realisation amongst us all that men and women, boys and girls with disabilities of every kind are capable of great achievements in every field of endeavour.

The success of the Paralympics lies in the understanding that able-bodied Australians can be and are inspired by the achievements of those with disabilities. In short, the success of our Paralympics lies in the acceptance by more Australians than ever before of the great reservoir of potential that lies with those with disabilities. That is the true fire within. The future of Australia is in our young, and it was wonderful to see the thousands of schoolchildren at the Paralympics. They cheered our Paralympians loud and long and many of them sought autographs from them.

The schoolchildren fully appreciated the Paralympians as athletes first and foremost. They knew the potential of people with disabilities and they understood that those with disabilities can contribute so much to our community. This acceptance of those with disabilities that resides within our young augurs well for Australia's future. Australians have achieved much this year with our Olympics and our Paralympics, but the great awareness, understanding and appreciation of those with disabilities may be one of the greatest achievements of the Paralympics. I was inspired by the Paralympic Games and I am inspired by the pupils of Bates Drive Special School in my electorate.

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [7.07 p.m.]: I congratulate the honourable member for Miranda on raising a number of issues concerning people with disabilities. It was a joy to watch people with disabilities participate in the Paralympics. We have to understand that many people in our society find life pretty tough every day. It is up to us as politicians to make sure we do everything we can to make their quality of life the best possible. The honourable member referred to the school in his electorate and the inspiration he felt from seeing these young people with disabilities. It is good that the honourable member is participating and supporting a school that provides a special service for special people, and I congratulate the honourable member.

### **INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN**

**Mr ROZZOLI** (Hawkesbury) [7.09 p.m.]: I draw the attention of honourable members to the unanimous resolution of the United Nations General Assembly of 17 December 1999 designating 25 November as the International Day for the Elimination of Violence Against Women, or White Ribbon Day. The resolution, which Australia supported, invites governments, international organisations and non-government organisations to organise activities to raise public awareness of violence against women. The white ribbon is the international symbol of hope for a world where women and girls can live free from fear of violence. The ribbon represents a spirit of collaboration and inclusion, encouraging men and women to take a stand against violence and to work together to build a better world for all.

Globally, violence against women is estimated to cause more deaths among women than traffic accidents, malaria, cancer or war. Domestic and sexual violence affects women of every social class, every ethnic group, every religion and every age in every country. This year Amnesty International is launching its global campaign against torture. Torture of women will be a particular focus of this campaign in 2001, and in Australia we will be focusing on the torture and ill-treatment of women in the Asia-Pacific region. In recent years the degree of violence that is manifested against women has reached enormous proportions. Human rights abuses and violence towards women and children include rape, trafficking in women, forced prostitution, sexual slavery, honour killings and sexual mutilation.

It is of great concern that governments and their agents, as well as those who do not represent governments, use rape and other forms of sexual abuse as a torture tactic and a strategy of war. Human rights abuses against women and girls are practised in countries across the world, including across the Asia-Pacific region. As I said, the Asia-Pacific region will receive special attention from Amnesty International, and members of the parliamentary branch of Amnesty International will be aiding that campaign in the coming year. The vast majority of refugees and internally displaced persons are women and children, who are particularly vulnerable to sexual violence by armed combatants.

It is a great shame that in any conflict it is the innocent and the vulnerable who are most at risk, rather than those who generate and participate in the actual combat. In some countries girls are used as child soldiers. They are also the target of sexual violence in armed conflict, and are subjected to rape, sexual slavery and sexual mutilation. Violence is often directed at women human rights' defenders who work to stop these abuses but often become the victims of torture, including rape, threats and other physical attacks. I call on this House to note and reaffirm its commitment to end impunity from violence towards women by condemning abuses where they occur and encouraging the prosecution of those responsible for crimes against women.

I call on the House to reaffirm a commitment to end violence towards women by encouraging parties involved in armed conflict to respect international human rights law and to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse. This is a matter on which all governments in the Asia-Pacific region should join as one. Recently a conference was held in the Parliament at which the Australian National Committee of Refugee Women, in conjunction with other agencies, presented to those who were present a grim and frightening picture of what is happening in the area of human indignity, human violence and the desecration of human rights.

At the time I was greatly moved by what I heard, and I have sought to raise the matter in this House at a suitable time. Because of the nature of the matter—its international context—it is not always easy within the context of a State Parliament to raise such matters. I hope that the House does not mind me making a private member's statement today to raise a matter that is essentially not a private member's statement in that it is not a local matter. However, it is something that I believe touches us locally in the sense that if we represent authority and, hopefully, dignity, compassion and understanding in the communities we represent, we are essentially part of this and we have a responsibility to dedicate ourselves to a campaign to try to stamp out this violence. [*Time expired.*]

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [7.14 p.m.]: I thank the honourable member for Hawkesbury for raising this issue in the House tonight, because all honourable members are aware of the issue in one form or another. Sexual abuse, domestic violence, rape and the exploitation of young women and girls throughout the world has been well and truly documented. I congratulate the honourable member on raising this issue. It is a local issue that should be raised in a private member's statement because it occurs in each of our electorates in one way or another. The honourable member asked the House for support. I can assure him that he has my total support in continuing to bring to the notice of this Parliament and decision makers throughout this nation the dreadful things that are happening. I remember that a short time ago a group of women against rape in war wanted to participate in an Anzac Day ceremony. They were condemned by some sectors of the media and the armed forces. It is a dreadful fact that rape is used during conflict as a way of trying to subjugate a race. I congratulate the honourable member.

### AUSTRALIA-TURKEY RELATIONS

**Mr LYNCH** (Liverpool) [7.16 p.m.]: I draw the attention of honourable members to some related events I have attended and at which I have represented the Premier. The first was the official unveiling ceremony of the Anzac Atatürk commemorative and friendship plaque at the Anzac memorial outside Auburn RSL Club. The plaque had an inscription on it from Mustafa Kemal Attaturk, who was both the Commander of the Turkish forces at Gallipoli and the first President and founder of the Republic of Turkey. The inscription reads as follows:

Those heroes that shed their blood and lost their lives ... You are now lying in the soil of a friendly country, therefore rest in peace. There is no difference between the Johnnies and the Mehmets to us where they lie side by side here in this country of ours ... You, the mothers, who sent their sons from far away countries, wipe away your tears: your sons are now lying in our bosom and are in peace.

Having lost their lives in this land they have become our sons as well.

Quite remarkably, those words date from 1934. The placing of the plaque stems from an initiative of the Turkish Youth Association and its President, Mehmet Evin in particular. Similar plaques were placed in Rooty Hill RSL Club in August 1999 and in Mascot RSL Club on 11 November 1999. I understand that this year plaques have been located in the precincts of the Rockdale and North Sydney RSL clubs.

The ceremony on 28 October obviously owed much to Auburn RSL and its sub-branch in particular. Members of the sub-branch were present and officiated at the function, including the sub-branch secretary, Mr Rick Lewis, the President, Ray Cross, and Mr Ron McLennan. Also present and giving speeches, among others, were the Consul-General of the Republic of Turkey, Niyazi Adali; President of the New South Wales Council of

Turkish Associations, Mustafa Orel; and President of the Turkish Youth Association, Mehmet Evin. Many other dignitaries were present, including the Mayor of Auburn, Councillor Chris Cassidy, and Councillor Mohammed Saddick.

The plaque symbolises the friendship that has developed between communities that were once divided by war. Events during the First World War, especially in the Dardanelles and Gallipoli, play an interesting part in Australian history. The First World War was the subject of intense discord in this country—particularly, although not exclusively, over conscription. After all, Australia was only involved because England was involved. Ostensibly, England was trying to protect the rights of small nations such as Belgium. Such a justification for war by England obviously was, and continues to be, challenging for Irish Australians who thought, not unreasonably, that England's protection of small nations should start with Ireland.

That actual Australian history is not part of current consciousness about the Anzac tradition. Just as those internal conflicts are being replaced by a different tradition, the fact of war between Australia and Turkey is being replaced by bonds of friendship, seen most obviously in the Turkish community in Australia. Even the tradition of Gallipoli itself becomes part of this. For example, Manning Clark writes of heroic Turkish soldiers at the Dardanelles but of the "men in black in London" responsible for so much of the carnage.

However, those bonds of friendship need to be worked on, developed and nurtured, and it is for that reason that it is appropriate to congratulate the Turkish Youth Association and the RSL, both the Auburn sub-branch and the broader movement, on their work. An indication of the need for their work and for the necessity for such friendship to be nurtured can be seen in a book by Thomas White. He was a significant figure in Australia, a Conservative Federal Minister in 1933-38 and 1949-51, and a son-in-law of Alfred Deakin. He fought in the First World War and he spent time in a prison camp in Turkey. He published a book about his experiences entitled *Guests of the Unspeakable*. The "unspeakable" of the title was, of course, the Turkish! This contrasts very unfavourably with the magnanimity of the words of Mustafa Kemal Ataturk, which I quoted earlier. As a reminder of the need to work on bonds of friendship, I point out that the book by White was reprinted as recently as 1990.

That evening I attended another function: the celebration of the seventy-seventh anniversary of the establishment of the Turkish Republic as a secular State. In the decade following the establishment of the republic the caliphate was abolished, western dress became obligatory, Latin script was replaced with Arabic, the public service was secularised, polygamy was prohibited and western-style surnames began to appear. They were significant changes to the Ottoman traditions and were the result of decisions by the Turkish people. At that event speeches were made by me, Laurie Ferguson, the Federal member for Reid, and Niyazi Adali, the Turkish Consul-General. Much of the credit for the work goes to the Australian Alevi Cultural Centre, which held the event, and also to Durson Guzel, who works for that organisation.

I refer now to a third event: the official opening of the Bonnyrigg Mosque's minaret, involving the Turkish community, on Sunday 19 October. I was present at the event, as were the religious imam of the Redfern and Bonnyrigg mosques, Mustafa Orel, Kemal Ismen, and many other members of the management committee of the Bonnyrigg Mosque, representatives of the Consul-General and Councillor Ali Karnib from Liverpool Council. [*Time expired.*]

### WOMBELYAN CAVES ROAD

**Ms SEATON** (Southern Highlands) [7.21 p.m.]: I bring to the attention of the House, and to the Minister for Roads, the state of Wombelyan Caves Road in my electorate. In two weeks time there will be a meeting of residents from along Wombelyan Caves Road. They are absolutely desperate about the ongoing poor state of that road. The road is unsealed for most of its length. It is especially dangerous at the moment because recent heavy rains have washed out large sections. The repairs that Wingecarribee Shire Council carries out from time to time cannot restore the road to an acceptable level of safety. The council is simply pouring good money after bad. Unfortunately, I cannot attend that meeting because I have accepted an invitation to attend a school function in my electorate. I raise this issue in the hope that the Minister for Roads can respond to the residents before that meeting is held, and give them something positive to alleviate their concerns.

Wombelyan Caves Road is classified as a regional road. Therefore, maintenance—such as grading and the fixing of potholes—is 100 per cent Roads and Traffic Authority [RTA] funded. Residents have told me that simply sealing the road is not an option, it would only put a waterproof coating over it but not fix it from underneath. Essentially, the road needs to be reconstructed because over the past three or four years there have



been periods of heavy rain and wash-out. The maintenance work carried out was simply a smoothing over of some of the cracks. The road really needs a substantial reconstruction to an as-new condition. That would be funded 50 per cent by local government and 50 per cent by the RTA. On 28 November I wrote to the Minister highlighting this problem.

One resident told me that there are times when he cannot get his children to school as the two-hour round trip, which he undertakes twice a day, is simply too dangerous to contemplate. I sympathise with him. I have driven along the road many times. It is extremely winding, it clings to the side of hills and it is very narrow. Rock falls often damage the road. Drivers have to avoid falling rocks and stones—it would be dangerous to undertake that journey with a child in the car. Many people rely on that road, including residents, those on vineyards and those involved in the developing agricultural industries. In addition, Wombeyan Caves Road is a major access road for tourists to get to Wombeyan Caves. The caves are an excellent destination. Honourable members who have not visited the caves should take the time to visit the area.

Many people cannot deal with that road from the Mittagong end. Wombeyan Caves Road is not for the faint hearted. Many people who have been on it now prefer to go to Goulburn, up to Taralga and approach it from that direction. Although that is a longer trip, it is a safer journey. I take this opportunity to congratulate the Federal member for Gilmore, Joanna Gash, and the Federal member for Macarthur, John Fahey, on successfully achieving a huge boost in local road funding. Wingecarribbee will receive \$680,000 every year for the next four years, Wollondilly will receive \$534,000 every year for the next four years and Shoalhaven will receive \$1.196 million every year for the next four years.

That will go a long way towards fixing a lot of the ongoing road problems, particularly the unsealed Tugalong Road in Canyonleigh, Belmore Falls Road, Meryla Road and neighbourhood roads in Colo Vale and Hill Top, where residences have developed and the roads are unsealed and dangerous. The unsealed roads are dusty and dangerous for asthmatics. Some roads around Penrose and Wingello, particularly Toits Road, and some in Yerrinbool, need to be sealed. The money that Joanna Gash has succeeded in attracting to the shire will go a long way towards helping the council seal those roads. Everyone is very grateful for that assistance.

The honourable member for South Coast has been very quiet about the support that I hope he will give to Main Road 92, which is of national significance and has attracted significant Federal funding. However, that will happen only if the State Government allocates its share. So far the Minister for Roads has dismissed that option. He has taken up other priorities. I am disappointed with that and I am sure that the honourable member for South Coast would understand that the people in Kangaroo Valley and in the Nowra area want that road to be built. I call on the Minister to get in there and fight for Main Road 92 with me, with Joanna Gash and the local councillors.

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [7.26 p.m.]: I have no doubt that the honourable member for South Coast is fully aware that funding is required for the construction of Main Road 92. The need for that funding was raised when the Coalition was in government. The Federal Government ought to be more proactive and responsive in making sure that funding is made available so that that road can be constructed over the escarpment.

#### **SYDNEY (KINGSFORD SMITH) AIRPORT AERONAUTICAL CHARGES INQUIRY**

**Mr ASHTON** (East Hills) [7.27 p.m.]: On Tuesday I spoke in this House about the Australian Competition and Consumer Commission [ACCC] holding a forum on charges at Sydney (Kingsford Smith) Airport. It is ludicrous that that inquiry is to be held in Melbourne. On 29 November I wrote to Ms Margaret Arblaster of the ACCC. My letter stated:

I read with disbelief that the Australian Competition and Consumer Commission intends holding a Public Discussion—Forum on Sydney Airports Corporation Ltd's proposal to increase aeronautical charges at Sydney's Kingsford Smith Airport, in Melbourne on December 13, 2000.

I am writing to you to bring to your attention the total inappropriateness of Melbourne as a venue for such a vital issue that affects the residents of Sydney generally, and potentially my electorate of East Hills where Bankstown Airport is situated.

How many people who live in Melbourne are likely to be concerned about aeronautical prices at Sydney Airport? It is ludicrous to have a public forum on Sydney's Kingsford Smith Airport charges held in Melbourne and I believe it reflects very poorly on the organisation of the Australian Competition and Consumer Commission.

More than that it raises the question of whether the forum is to be held in Melbourne, with attendees needing to register by next Monday, 4<sup>th</sup> December 2000, to deter attendance by those most directly affected, the people of Sydney.

On many occasions I have spoken in the Legislative Assembly of the NSW Parliament to highlight what I believe is a poorly hidden agenda to move regional airlines out of Kingsford Smith Airport and relocate them to Bankstown Airport. Despite more than eighteen months seeking accurate information, the NSW Government has not been advised about the Federal Government's agenda for Sydney Airport. Clearly the pricing of services at Sydney's Kingsford Smith Airport could determine whether the smaller regional airlines have the ability to continue to use Kingsford Smith Airport. By the means of raising landing fees and other charges, these airlines could be forced to take up the option of using Bankstown.

Thousands of employees work at Bankstown Airport—

and probably 1,800 people who do not work on the site depend on the airport for their living—

I request that the Australian Competition and Consumer Commission cancel the proposed forum and move it to Sydney. A delay will not affect the input of those people in Melbourne concerned about Sydney's Airport but will allow the Australian Competition and Consumer Commission to reprogramme the forum in Sydney, where those directly affected can attend.

I received a call this morning from Ms Margaret Arblaster, General Manager, Transport and Prices Oversight, ACCC, who told me that a hearing will be held in Sydney. I am not completely happy with that. In a radio interview this morning on 2SM I was talking to Mr John Martin, who put to me that the inquiry was being held in Melbourne because that is where all the mega-players are. I presume he means the owners of the airlines, the shareholders and the employees. I told him that I was not interested in the mega-players in Melbourne, that I am interested in the battlers, people in the electorates of East Hills and Bankstown and surrounding areas where aeroplanes fly overhead, and those deleteriously affected by what happens at Sydney (Kingsford Smith) Airport.

I have raised the issue in this House and the issue has received coverage on 2SM. I pay tribute to Howard Sattler of 2SM, who raised the issue with me and gave me some air time. Radio station 2SM has great coverage in the bush. Part of the argument is that people from Dubbo, Tamworth, Orange, Port Macquarie, Coffs Harbour and other parts of the country will not be able to access Sydney (Kingsford Smith) Airport if prices go through the roof. They will be forced to go to Bankstown Airport, which I believe the Liberal Government has always wanted. I thank the ACCC for now accepting that a meeting should be held in Sydney. I would have preferred that there be only one inquiry held in Sydney so that people, including me, could hear everything that was being said at the inquiry.

To break with convention, which I am sure will be allowed in the spirit of goodwill, some of the people who have been affected in my electorate this year are Ms Christine McFadyen, Ms Joanne Mellars, Mr Allan Winterbottom, and Ms Jane Morrison. Sometimes they have been badly affected because they work in my office in the capacity of my staff. I place on record my great appreciation for their work this year, for their efforts to keep me well informed about what happens in the electorate of East Hills and for looking after my interests as a State member. I endorse the felicitations that were given earlier today by members on both sides of the House.

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [7.32 p.m.]: The honourable member for East Hills has raised an important issue in relation to Bankstown Airport. I congratulate him on his efforts to obtain a hearing in Sydney, which will allow people who live in and around the area to put forward their point of view. I hope that country members of Parliament support the honourable member and also put forward a case on behalf of their constituents.

### NRMA INSURANCE BUSINESS PRACTICES

**Mr TRIPODI** (Fairfield) [7.33 p.m.]: I wish to express my serious concern about the impact of NRMA business practices on small business motor body repairers. In July 2000 a complaint was lodged with the Australian Competition and Consumer Commission about alleged breaches of section 51AC of the Trade Practices Act by NRMA Insurance. The basis of the complaint was the actions of NRMA Insurance to reduce the dollar margin it was prepared to pay smash repairers for the supply of original equipment manufacturer parts for the repair of insured vehicles. This, in effect, is an abuse of market power by the NRMA when dealing with typically small business operators.

This situation arose following the introduction of the goods and services tax whereby NRMA Insurance sought to substantially reduce the dollar margin available to repairers and subsequently increase its own dollar margin. This action is prohibited by the price exploitation guidelines introduced as part of the tax system changes. I understand the Australian Competition and Consumer Commission has attempted to negotiate a resolution to these difficulties with the NRMA. However, four months after the complaint was lodged, a satisfactory outcome has not yet been achieved. The practice implemented by NRMA Insurance is in conflict with recommendations made by the Joint Standing Committee on Small Business of this Parliament in 1998.

The guidelines recommended by the committee encourage consultation, the use of pilot programs with a set duration period and the establishment of criteria that is transparent and open to discussion with interest

groups. One of the key findings of the committee's investigations reported to the House in 1998 was that the lack of consultation between big business and small business is symptomatic of the commercial relationship big business has with small business. The committee recommended that Ministers and agencies mediate between small business and big business where market power has been exercised to the detriment of the small business sector.

According to these guidelines, and the concerns raised by small business smash repairers, the actions of NRMA Insurance should be investigated. I believe they are not in accordance with recommendations made by the committee. In order to protect the hundreds of small business operators in New South Wales, a resolution should be achieved as soon as practicable. NRMA Insurance has approximately 60 per cent of the motor body repair market in New South Wales. It has a considerable market power relative to the hundreds of small motor body repairers. The actions of NRMA Insurance have substantially reduced the profit margins of many small businesses in the industry. Many small business owners believe that they have been targeted by NRMA Insurance as an easy avenue of cost reduction for the company.

A number of other insurance companies have followed the lead of NRMA Insurance, which has resulted in reducing the margins in about 80 per cent of repairs carried out in New South Wales. The remainder of insurers in New South Wales have followed a policy of preserving the repairer's dollar margin on original equipment manufacturer parts by paying the list price plus a 4 per cent margin. While the repairers were not consulted about the introduction of this particular policy, it has been generally accepted that it has preserved repairers' dollar margins post 1 July 2000. The whole of the motor body repair industry is suffering as hundreds of invoices are rendered to insurers daily at unfair low margins. If repairers wish to stay in business, they have little alternative but to accept the demands while the matter is being considered by the Australian Competition and Consumer Commission. However, as the commission has not commented on the actions of NRMA Insurance after four months, the demands are taking a severe financial and emotional toll on the affected motor body repairers.

Undoubtedly the recent changes announced by NRMA Insurance with regard to its preferred smash repairer scheme will further impact on the viability of many small business body repairers. If these problems are not addressed, many small businesses in the industry will be forced to cease operating. This outcome only benefits NRMA Insurance—at the cost of the economy, employment and consumers who wish to choose where their vehicle is repaired. These developments are of particular concern to me because many smash repairers operate in my electorate and, in particular, many employees work for these smaller smash repairers. If the NRMA is allowed to continue to exercise its market power, as it has in the past—the subject of the committee's small business report several years ago that I had a hand in writing as a member of that committee—it will reduce the number of repair roads in the industry, reduce the skills base and reduce apprenticeship programs that are often run by smash repair businesses. I am particularly concerned about that because less training is carried out and the NRMA and other insurance companies increase their grip on the industry, in effect, making small business a captive of big business.

### **HUNTER PEOPLE'S INQUIRY INTO A TREATY**

**Mr MILLS** (Wallsend) [7.38 p.m.]: On Saturday 4 November in Newcastle I attended the Hunter People's Inquiry into a Treaty at the Newcastle Regional Museum. The inquiry was organised by the Newcastle Aboriginal Support Group and the Australians for Native Title and Reconciliation [ANTAR] Hunter region branch. My constituent Bob Berghout was one of the organisers. A forum was held for both indigenous and non-indigenous Australians to air their views on the pros and cons of a treaty between indigenous and non-indigenous Australians. A panel of three people, chaired by Dr Bill Jonas, Aboriginal and Torres Strait Islander Human Rights and Equal Opportunity Commissioner, was addressed by individuals and representatives of groups for up to four minutes each. The findings of the inquiry will be summarised and conveyed to governments and the wider public and will provide information to experts and possibly negotiators about the fears, concerns and issues that the people of the Hunter want considered in relation to a treaty between indigenous and non-indigenous Australians.

The other two people on the panel with Bill Jonas were Jean Talbot and Bill Lord. A lot of the debate was about what word should be used. Should it be treaty, should it be pact, should it be agreement, or should it be a declaration of reconciliation? John Maynard, Rodney Knock, John Telford, Ray Kelly, the author Paul Walsh, the historian Alan Ward, and Fred Maher—the Co-ordinator of the Gubbali Unit of the Central Coast university campus of the University of Newcastle—were also in attendance. A number of interesting things were raised. The idea that treaties should grow from the grassroots and start from a regional level was well

received. The need for both a national and local treaty was emphasised. Most people consider that indigenous sovereignty has never been ceded, and that any treatment or pact must acknowledge past atrocities.

It is significant that within the next few years 80 per cent of the indigenous population will be younger than 22 years of age—which highlights the need to get on with the process of bringing forward a decent declaration of reconciliation and agreement between indigenous and non-indigenous Australians. The incarceration rate of indigenous people is so high that it was called bizarre. The lack of opportunities for Aboriginal people to negotiate for change and the likely return to addiction was also raised. The feeling of the meeting was that we should get it, do it and do not baulk: we should get a treaty or a document in place as soon as we can. We can always reshape it later. It does not have to be 100 per cent right the first time. Reference was made to the Treaty of Waitangi in New Zealand and how it has been ignored for most of its existence. A national agreement with good and exemplary words would be sufficient for now. A regular theme was that a local treaty could get the ball rolling.

Somebody at the conference read a poem. I particularly liked the final words of that poem: "And everywhere we walk today we walk on stolen ground." ANTaR, the Australians for Native Title and Reconciliation, says that it is only through negotiation that we will achieve reconciliation and an abiding agreement that will cover all the areas in dispute. We could call the negotiation the treaty process, which is most important for reconciliation. Australia is the only Commonwealth country that has never negotiated a treaty with its original inhabitants. Both New Zealand and Canada have such a treaty. In 1994 President Clinton confirmed the commitment of the United States Government to respect the right of self-government by the sovereign tribal governments. We had a good day in the Hunter region earlier this month talking about the treaty. When the report is available I will again address the House and commend it for the consideration of honourable members.

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [7.43 p.m.]: I congratulate the honourable member for Wallsend on bringing to the attention of the House the Reconciliation Conference that was held in Newcastle on 4 November. Many conferences were held throughout the whole of Australia to discuss whether there should be a treaty, a pact or some other form of recognition between indigenous and non-indigenous people in this country. As a member of the State Reconciliation Committee I attended a two-day forum at Darling Harbour on Friday and Saturday, 24 and 25 November, when the very issues raised by the honourable member for Wallsend were discussed at length.

Because legislation requires the National Council of Aboriginal Reconciliation to wind up on 31 December, the State Reconciliation Committee has decided to incorporate and become the State Reconciliation Council with wide-ranging powers to deal with reconciliation and the organisation of events. The committee consists of 26 members. On Saturday another eight members, four indigenous and four non-indigenous were elected. I assure the House that debate on a treaty, a pact or some other form of recognition of what has happened in the past 214 years in this country between indigenous and non-indigenous people is well and truly on the agenda, and it will be there for many years to come. It is something we will have to come to terms with. We must come up with some sort of agreement. I congratulate the honourable member for Wallsend on bringing this matter to the attention of the House.

### WONDERLAND SYDNEY MANAGEMENT

**Mr ANDERSON** (Londonderry) [7.45 p.m.]: I offer my congratulations to the management of Australia's Wonderland, now known as Wonderland Sydney. Over the past three years the management of Australia's Wonderland, as we better know it, has invited special needs children from within my electorate to a day in Wonderland. Many young people who suffer from severe disabilities have a day out at the expense of Wonderland. The management of Wonderland invites the children along, opens the park to them, gives them a good feed at lunchtime and puts on a concert in the afternoon. Some three years ago about 70 young people turned up. Last year 309 turned up, and this year 310 turned up. Not only do we get a great turn up of young people but both parents and carers also seem to enjoy the day because this year 112 parents and carers turned up. There were nearly as many parents and carers as there were kids. They had an outstanding day. Sometimes we treat our special young people with kid gloves too much. Given the opportunity to participate in fun and games and enjoyment they take every opportunity.

Many of the young people went on the most difficult of rides—rides that I would not dream of getting onto. Many of them were in the water and enjoying the entertainment provided on the white river rapids. I was able to go down the rapids on some of the rafts with the young people. It was an exhilarating time. Not all of the screams of enjoyment were coming from the kids, let me tell you; many came from the adults. But the young

people were having a wonderful time. When I attended a function last Saturday week at Helinda Special School four of the kids who were at that special day at Wonderland came up to me and said, "When can we go back? When are you going to arrange another day for us?"

Consequently, on 20 November, they and other children had another outstanding day. I cannot speak highly enough of the management of Australia's Wonderland. Steven Galbraith, the Chief Executive Officer, and his Public Relations Officer, Bronwyn Fraser, worked with my staff, particularly Anne Cowan, to put together the days at Wonderland. They were outstanding days; everyone enjoyed them immensely. My thanks go to those I have mentioned for providing an opportunity for these young people to have a day they will never forget. Letters I have received from the young people and the pictures they have drawn emphasise the level of entertainment they enjoyed on those occasions. I thank Wonderland, I thank the senior people who run it, and I offer them my congratulations.

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [7.49 p.m.]: I offer my congratulations also. This is the second time the House has been informed of an event organised for people with disabilities. It is good for members of Parliament to be able to report on events they have attended to support kids, young adults and adults with disabilities. As I said earlier to the honourable member for Miranda, the Paralympics showed us exactly what people with disabilities can achieve. We must look out for those with disabilities. I regularly attend functions in my electorate, and nothing pleases me more than to attend a function for disabled people—to see the smiles on their faces and to see them enjoying themselves in friendly surroundings.

**Private members' statements noted.**

**House adjourned at 7.51 p.m. until Tuesday 19 December 2000 at 10.00 a.m.**

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