LEGISLATIVE ASSEMBLY

Tuesday 6 March 2001

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Mr Speaker (The Hon. John Henry Murray) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

ENGLISH LANGUAGE AND LITERACY ASSESSMENT TESTS

Ministerial Statement

Mr AQUILINA (Riverstone—Minister for Education and Training) [2.15 p.m.]: This morning a record 143,262 students in city and country schools were tested on their reading, writing and language skills as part of the statewide English language and literacy assessment tests [ELLA]. Literacy is at the core of our education system. Nothing is more important than basic reading, writing and language skills. The ELLA tests are a snapshot of how the State is performing on this all-important indicator. We need to make sure that no student slips through the literacy net. Specially trained teaching staff give expert assistance to help improve the skills of any students who perform poorly.

The three-hour ELLA test is compulsory in government high schools and optional in the Catholic and independent sector. This year students will sit the tests in 642 high schools in New South Wales and in testing centres in Indonesia and Hong Kong. Results are measured against a statewide standard and a detailed report is sent to parents and teachers. Parents can then see for themselves how their children are coping with early secondary school and how their literacy skills have developed. Teachers can use the results to identify students who need extra help, and make decisions on classroom time and subject matter. Students who perform well on the ELLA tests are recognised for their achievement and expert support is given to students who need it. Nearly 340 specialist secondary support teachers, 40 learning difficulty co-ordinators and 10 special education centre co-ordinators across New South Wales will work with students who are found to have low literacy skills.

The results for previous ELLA tests are outstanding. Ninety-five per cent of students reached or exceeded the benchmark for writing and language skills, and 94 per cent reached or exceeded the benchmark for reading. These are fantastic results. They are a reflection of the countless hours of hard work and dedication shown by our classroom teachers. It should be noted that every student is tested, including those from non-English speaking backgrounds, recent immigrants and students in the most remote and isolated communities. Of course, there is always more to be done, and we will continue to work hard to deliver ongoing improvements in literacy and numeracy in New South Wales schools. On behalf of the Government I wish all 143,262 students all the best in today's ELLA tests, and congratulate all classroom teachers on their efforts in helping students in our schools.

Mr O'DOHERTY (Hornsby) [2.19 p.m.]: The Opposition joins the Government in wishing those students all the very best. However, we must be very concerned about some of the implications of what the Government is failing to do in education. I shall refer to a couple of matters that honourable members need to be aware of.

Mr SPEAKER: Order! Members on the Government benches listened to the Minister for Education and Training in silence. I suggest they offer the same courtesy to the honourable member for Hornsby.

Mr O'DOHERTY: Members need to understand that the methodology of the ELLA test, in the way in which it defines the data about literacy skills, does not match up with the methodology of the Basic Skills Test introduced by the former Coalition Government, the Government of Nick Greiner. It is thanks to Nick Greiner and his Government that we now have standardised tests in New South Wales. Every time the Government holds these tests, the Minister for Education and Training congratulates himself on them. When the Labor Party was in Opposition it opposed the standardised tests.

Leaving that matter aside, the ELLA methodology does not match up with the methodology for literacy results in the year 3 and year 5 Basic Skills Tests. For educators, that represents a significant problem. It means that one cannot compare the longitudinal data from the start of school right through to year 12, which we should

be able to do. I call on the Minister to ensure that better research is done on establishing proper methodology for good, longitudinal results so that we will be able to measure each cohort as it moves from kindergarten right through to year 12.

I now refer to the second matter that the House needs to be concerned about. Last year the Government used the results of the ELLA tests in the most sinister way. By taking the average performances of schools within an area, it decided to reallocate—in other words, take away from some areas—the very specialist literacy teachers that the Minister just referred to. In many of the electorates represented by members on this side of the House, we lost specialist teachers so that the Minister could put out a press release saying he had increased specialist teachers in other areas. That might be all very well as one looks at allocating resources across the State, but for the students with learning difficulties in an area of higher achievements it represents no assistance for them whatsoever from this Government. We congratulate the students and wish them well, but we wish the Government were doing more to help them.

FIRE ANT DETECTION

Ministerial Statement

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [2.22 p.m.]: I wish to make a ministerial statement about the detection of a pest known as fire ant in Queensland. Agricultural authorities around Australia have been alerted to the fire ant in Queensland, a major pest which is native to South America. At the outset I can assure the House that to date there has been no detection of the fire ant here in New South Wales. New South Wales Agriculture inspectors are on full alert for the pest. Professional pest controllers, who are often the first point of contact for householders with pests, have also been notified through the National Pest Controllers Association. I also urge travellers coming from Queensland to New South Wales to check their cars, clothing and baggage in case they are inadvertently carrying these pests.

We are liaising closely with the Queensland Department of Primary Industries, which has mounted a co-ordinated effort to find and destroy the pests. The department's surveillance teams are currently working to determine the extent of the fire ants' spread and they have established a call centre to enable members of the public to report sightings. The fire ant poses a serious threat to native flora, fauna, crops and livelihoods. I can assure honourable members that they would not want to find those ants in their sleeping bags. Fire ants can destroy crops and have an extremely painful and dangerous bite. The fire ant has been located at the Brisbane port of Fisherman Islands and in a south-western suburb, Richlands. It is not known exactly how long the ants have been in Queensland but 27 nests have been detected, which suggests they are established. Like many other exotic pests, the fire ant has no natural predators in Australia. Although it looks very similar to other species, the fire ant is distinguishable by its very aggressive nature.

In the United States of America the fire ant is considered to be a significant economic agricultural pest due to its prevalence in orchards, crops and pastures. And it can spread at the rate of between eight kilometres and 20 kilometres a year through the flight of queen ants. Fire ants can also travel long distances on machinery and in cars, trucks and trains. I and other Ministers responsible for primary industry, agriculture and natural resource management in Australia and New Zealand will meet in Wellington this week where obviously the issue will be further discussed. In conclusion, I offer my apologies to the Opposition for the relatively late notice of this statement.

Mr SLACK-SMITH (Barwon) [2.24 p.m.]: I accept the Minister's apology. The Opposition supports the Minister's initiative in attempting to control or eradicate the red fire ant, or solenopsis invicta Buren, which incidentally has been in the United States of America for 75 years. Now it has come to Australia. This pest poses a threat to our native flora and fauna and it creates a huge threat to our agricultural industries, especially orchards and other farms. It is quite an unpleasant little beast. Now that it is in Australia I believe that it presents a timely warning to governments of all persuasions to be ever vigilant, not only in stopping pests from coming to Australian shores but also in stopping diseases such as bovine spongiform encephalopathy [BSE] and foot and mouth disease. This infestation proves that we are not invincible in this country. We must take all steps to ensure that our shores are safe. I welcome this Government's approach to bringing this very serious problem to the Agricultural Resource Management Council of Australia and New Zealand [ARMCANZ] meeting so that a co-ordinated approach can be taken to eradicating this pest.

BUSINESS OF THE HOUSE

Routine of Business

[*During notices of motions*]

Mr SPEAKER: Order! The notice of motion given by the honourable member for Oxley is a little outside the scope of notices generally given by members. The notice will be accepted when some of the statements contained in it have been removed.

Later,

Mr SPEAKER: Order! On the last occasion the honourable member for Wakehurst responded to interjectors he was directed to resume his seat. He will continue to read his notice of motion. If he does not do so I will direct him to resume his seat.

VARIATIONS OF PAYMENTS ESTIMATES 2000-01

Mr Aquilina, by leave and on behalf of the Treasurer, tabled the variations of the payment estimates and appropriations for 2000-01 in relation to the Department of Community Services and the Office of the Children's Guardian, in terms of section 24 of the Public Finance and Audit Act.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Clerk announced the receipt of the report entitled "General Meeting With The Commissioner of the ICAC", dated 27 November 2000.

PETITIONS

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**.

South Ballina Beach Plan of Management

Petition praying for cancellation of the call for submissions on a plan of management for South Ballina Beach, received from **Mr D. L. Page**.

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**.

Surry Hills Policing

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

Inner East Sydney Policing

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

Inner East Sydney Policing Community Consultation

Petition praying that broad community consultation take place prior to any changes being made to policing in the inner east, received from **Ms Moore**.

Eastern Suburbs Police and Community Youth Club Closure

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

Malabar Policing

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

Randwick Police Station Downgrading

Petition praying that the House notes the concern of Randwick residents at the major downgrading and possible closure of Randwick Police Station and praying that the station be staffed 24 hours a day by locally based and led police, received from **Mr Tink**.

Mona Vale Hospital

Petition praying that Mona Vale Hospital be retained and upgraded, 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**.

Genetically Modified Food

Petition requesting an inquiry into all genetically modified food, received from **Ms Moore**.

Narooma District Hospital Construction

Petition praying that funds be allocated in the next State budget to construct a new hospital to service the needs of residents of the Narooma district, received from **Mr R. H. L. Smith**.

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 E. T. Page**.

Tumut Regional Roads Upgrade

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

Main Road 241

Petition praying for an increase in funding to local government authorities to allow them to properly maintain Main Road 241, received from **Ms Hodgkinson**.

Cowpasture Road Upgrade

Petition praying that the Cowpasture Road upgrade be carried out as a whole rather than in stages, and that North Liverpool road be considered a high priority, received from **Mr Lynch**.

Level Crossings Safety

Petition praying that the Government install double boom gates and lights at all level crossings in New South Wales, including at Gerogery, received from **Mr Maguire**.

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**.

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**.

Surry Hills Clearway Restrictions

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

M5 East Tunnel Ventilation System

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

School Bus Safety

Petition praying that seats and seatbelts be provided for all students on school buses, received from **Mr W. D. Smith**.

Sydney Water Biosolids Strategy

Petition expressing concern about Sydney Water's proposed biosolids handling and transport strategy and praying that the House rejects the strategy, received from **Mr Barr**.

Wagga Wagga Electorate Fruit Fly Campaign

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

Animal Experimentation

Petition praying that the practice of supplying stray animals to universities and research institutions for experimentation be opposed, received from **Ms Moore**.

Animal Vivisection

Petition praying that the House will totally and unconditionally abolish animal vivisection on scientific, medical and ethical grounds, and that a new system be introduced whereby veterinary students are apprenticed to practising veterinary surgeons, received from **Ms Moore**.

John Fisher Park

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

National Parks Entry Fees

Petitions praying that the proposal to introduce a $5 entry fee per car per day into national parks be rejected, received from **Mr George**, **Mr Oakeshott**, **Mr Souris**, **Mr J. H. Turner**, **Mr R. W. Turner** and **Mr Webb**.

White City Site Rezoning Proposal

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

Bega Valley Shire Council

Petition praying that extension of the term of the administrator appointed to oversee the affairs of Bega Valley Shire Council be opposed, received from **Mr R. H. L. Smith**.

CORPORATIONS (COMMONWEALTH POWERS) BILL

Withdrawal

Order of the day for the second reading discharged.

Bill ordered to be withdrawn.

QUESTIONS WITHOUT NOTICE

LEGISLATIVE COUNCIL INQUIRY INTO CABRAMATTA POLICE RESOURCES

Mrs CHIKAROVSKI: My question is directed to the Premier. Now that over 40 police officers in Cabramatta have backed the statement made by Detective Sergeant Tim Priest, will the Premier give a personal guarantee that the other nine police officers who intend to give evidence to the Parliament about gang warfare will not be subjected to the same campaign of public harassment and humiliation that he and his police Minister orchestrated against Detective Priest?

Mr CARR: There was, of course, nothing like a campaign of public harassment and humiliation.

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

Mr CARR: But unfair allegations will be rebutted by the people who are attacked. That is what Clive Small did, and he had a right to do it. He had a right to be notified that someone was making allegations against him to the upper House committee.

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

Mr CARR: Instead, the committee meeting was brought on overnight, with no warning given to him so that he could have legal representatives there. It is a little like how they are going to bring on a leadership spill in the Liberal party: there will not be any warning of that. Indeed, it was not police observers, but someone saw the member for Gosford dining at lunchtime with the member for Davidson and the member for Vaucluse at the Chifley Club restaurant.

Mr Hazzard: Point of order: The Premier should not mislead the House. I was at that lunch as well. Get it right!

Mr CARR: To that, I say to Chris: Save the money, you don't need lunch, you could buy that team with a toffee apple, or a Chiko roll. Wasn't Terry Willesee smart when he highlighted the fact that the author of

the article in the Central Coast *Express Advocate* had asked Mr Hartcher, the day before it appeared, to offer a comment, such as a rebuttal of the allegation? He declined to make a comment. That is the way the Liberal party does things. But I would expect the upper House committee to provide fair procedural treatment for all involved. Of course the Government, with its desire to beat crime and drug abuse at Cabramatta, would encourage—the words I used last week—all serving police officers to work together and get on with the job. We want to work with the people of Cabramatta to clean up the streets.

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

Mr CARR: We want to support those police officers who are in the front line, attempting to deliver better law enforcement and certain justice in the streets of Cabramatta.

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

Mr CARR: That is the approach we take. My challenge to the upper House committee is to be constructive and support the collective effort to beat crime and drug abuse in Cabramatta.

Mrs CHIKAROVSKI: I ask a supplementary question. In the light of the Premier's answer, and given the fact that Detective Sergeant Priest has received a vote of confidence from at least 40 of his fellow officers, will the Premier, the Minister for Police and the member for Cabramatta apologise to Detective Sergeant Priest for the way they treated him last week by seeking to harass and intimidate him?

Mr CARR: The Leader of the Opposition persists in using the words "harass" and "intimidate". There was no harassment. There was no intimidation.

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

Mr CARR: Allegations were made without warning, and without proper procedure, against another police officer, namely, Mr Small. He sought the opportunity to reply to them. Baseless allegations were made against a very fine high school, Cabramatta High School, and the Minister did what I would have expected of any Minister for Education and Training in this State: he went out to the school and expressed the Government's confidence in that school, which achieves—

Mrs Chikarovski: Point of order: I would like to bring the attention of the Premier to the words that the member for Cabramatta used, in case the Premier does not recall them:

> By allowing a disgruntled detective to make all kinds of unproven and demonstrably false allegations about the state of policing in Cabramatta ...

The Premier does not know what she said.

Mr CARR: Once again the Leader of the Opposition failed lamentably to make a case. There was no harassment. This is just a baseless attack on a fine high school, to which the Minister and the Government responded. While we are talking about apologies, the Leader of the Opposition owes the people of Marrickville an apology. To say to the people of Marrickville and their chamber of commerce that they cannot go shopping there without getting shot shows something about her. They want an apology from the Leader of the Opposition. This Government continues to work hard with decent police officers to achieve solutions in Cabramatta. We continue to involve the community of Cabramatta. When it comes to the upper House inquiry, we will continue to insist on procedural fairness to all involved.

IVAN MILAT SELF-MUTILATION

Mr CRITTENDEN: My question without notice is directed to the Minister for Corrective Services. What is the latest information on backpacker murderer Ivan Milat and his incarceration in Goulburn gaol?

Mr WATKINS: Honourable members will be aware of weekend reports that the infamous backpacker killer, Ivan Milat, swallowed metal objects, including disposable razor blades, in Goulburn gaol. I can confirm that this report of attempted self-mutilation is accurate. Ivan Milat is currently serving a life sentence for the horrific murders of seven innocent young people. He is currently held in the multipurpose unit of the maximum security Goulburn gaol and is rightly classified as an extreme high-risk inmate.

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

Mr WATKINS: On 20 February Milat informed gaol authorities that he had ingested razor blades, stationery staples and a small chain from a pair of nail clippers. He obtained razor blades by dismantling disposable razors provided to all New South Wales prisoners for shaving. Milat was given immediate medical attention. This included being assessed by a visiting medical officer and being X-rayed to ensure that his health was not at risk. He has been regularly monitored since 20 February. Milat claims that his self-mutilation is part of a campaign to have an appeal heard by the High Court of Australia. He was apparently upset about access to a gaol library and legal material. However, I am advised by the Department of Corrective Services that Milat may have had another more sinister motive. Corrective Services believes that his real agenda is to be moved to a medical facility or another prison. He may be looking for an opportunity to escape.

Whatever his motives, Ivan Milat has not been and will not be moved from Goulburn gaol. This morning I was informed by prison medical staff that most of the medical fragments have passed through Ivan Milat's digestive system without any apparent damage. Milat told prison staff that he had taken precautions to ensure that the razor blades did not hurt him, which suggests that he wrapped them in material such as adhesive tape. I am also advised that he is likely to have further X-rays tomorrow to determine whether any metal fragments remain. It needs to be clearly stated that Ivan Milat has not been successful in manipulating the gaol system.

Mr SPEAKER: Order! There is far to much audible conversation in the Chamber. I include the Deputy Leader of the Opposition and the honourable member for Wakehurst in that warning.

Mr WATKINS: I do not find funny some of the interjections and some of the comments that are being made by members of the Opposition.

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

Mr WATKINS: Members on the Opposition front bench are joking about this issue.

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

Mr WATKINS: They are suggesting that we should send get well cards to a man who has killed seven innocent young people.

Mr SPEAKER: Order! I call the Leader of the National Party to order for the second time. The Leader of the Opposition will remain silent.

Mr WATKINS: The Department of Corrective Services has assured me that Ivan Milat will not be moved outside Goulburn gaol. He will be kept under the tightest security. Appropriate security management plans will be put in place if he should ever be moved.

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

Mr WATKINS: Ivan Milat currently occupies a maximum security gaol cell. His daily movements are severely restricted. However, claims by Ivan Milat's supporters that he has been in isolation for three years and eight months are untrue. Milat and others in the multipurpose unit are held separately from the rest of the Goulburn gaol prison population. Nonetheless, he mixes with other inmates and works as a gaol sweeper. Today I inform the House that Ivan Milat will be moved in the near future, but he will be moved within Goulburn gaol to a place chosen by Corrective Services, and not by him. He will become the first inmate in the new 70-bed high-risk management unit that will open in the next two months at Goulburn gaol.

That new unit will hold the highest-risk prisoners in this State. Within the Department of Corrective Services it is known as a gaol within a gaol, or a super gaol. It will be among the most secure gaols in the world. Ivan Milat is one of this State's worst killers. He is one of the worst criminals in the history of New South Wales. Any group or individual that tries to argue that Ivan Milat is disadvantaged or badly treated is mistaken and misguided. Claims that his rights have been violated will enrage many members of the public. We can never forget that this man deprived seven innocent young people of their right to life. Nothing about Ivan Milat is special in the New South Wales gaol system, except the brutality of his crimes.

PETROL TAX

Mr SOURIS: My question without notice is directed to the Premier. The Government is currently pocketing over $660 million a year from petrol taxes collected by the Commonwealth and handed back to the Government. Why then does the Premier continue to refuse to match the Prime Minister's 1.5¢ per a litre reduction in petrol prices and give New South Wales motorists a break?

Mr CARR: I note in the *Australian* today that the honourable member for Gosford is quoted by one of his parliamentary colleagues as "playing a waiting game". You cunning old swamp fox, Chris! The swamp fox of the Central Coast! Yesterday the shadow Treasurer was quoted as saying that section 16 of the Commonwealth GST legislation shows that the States continue to receive petrol revenue. Well, he is wrong. Section 16 refers to arrangements only up to 30 June last year.

[*Interruption*]

Why was the honourable member for Hornsby not at lunch today with his playmates? They are taking his vote for granted. Opposition members should read it for themselves. It refers to Commonwealth fuel excise during the month of June 2000 and customs duty on petrol imported before 1 July 2000. But we have now moved on. The dates have come off the calendar. The dates have whizzed by and we have moved on.

[*Interruption*]

Read the agreement—they no longer collect it for the States. One might as well say that the State budget should be used to subsidise the payment of income tax or any other Commonwealth tax. Fundamentally, that is what Opposition members are urging. Queensland, as is well-known, receives a subsidy from the taxpayers of New South Wales. Under the Grants Commission formula, if New South Wales—

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

Mr CARR: It is a big day for him. He has missed out on the lunch at the Chifley Club. His rival, the honourable member for Vaucluse, was there, but he was not. He is not on the list. He will not be there when the honourable member for Gosford takes over. If New South Wales had the same deal as Queensland, we would have an extra $1,150 million a year in our budget. It would cost around $800 million a year out of the New South Wales budget if the New South Wales Government said it would do what Queensland does. Members opposite should nominate what cuts they would deliver in education, health services or policing, or what taxes they would increase. That is the challenge for the Opposition.

Why do members opposite not put behind them all that leadership plotting and start doing what the Leader of the Opposition promised three months ago? That is, start coming up with alternative policies. Nobody knows what the Opposition policy is on any policy front! As the diligent member for Liverpool keeps pointing out, it is now more than a month since the Leader of the Opposition promised a health policy. The honourable member for North Shore should start working with her and give us a health policy. Let us see how members opposite would come up with $800 million out of the State budget to do what they are advocating.

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

LOCAL GOVERNMENT COUNCILLORS BEHAVIOUR

Ms HARRISON: My question without notice is to the Minister for Local Government. How is the State Government encouraging better behaviour by councillors at council meetings?

Mr WOODS: There are a many good people in local government who give their time selflessly and conscientiously to the communities they represent. Amongst them are a few rotten apples. Since becoming Minister I have received numerous complaints about the behaviour of some councillors, especially during council meetings. The honourable member for Manly has expressed concerns about Warringah Council, and other members have expressed concerns about other councils. In the past year, the misbehaviour of councillors in at least eight councils has attracted the attention of the Department of Local Government. Those councils are Warringah, Pristine Waters, Mudgee, Canada Bay, Wentworth Shire, Queanbeyan, Ku-ring-gai and Moree Plains. In the case of Moree Plains council, two departmental officers were sent to the council late last year in an attempt to defuse problems between those councillors. For the record, the council has accepted all our recommendations and has brought in a mediator to resolve the conflict.

The department also had to step in at Ku-ring-gai council following the antics of the former mayor, Councillor Tony Hall. At Wentworth Shire Council, conflict on the council became so heated there was almost an outbreak of physical violence. There is, of course, an ongoing saga at Queanbeyan which has resulted in two councillors being thrown out of council meetings by police, one as recently as late last month. I also have serious concerns about the conduct of some councillors at Pristine Waters. It has been alleged that a councillor imitated a Nazi goosestep in the chamber and shouted "Heil Hitler" at the mayor. This type of conduct is not fit for a barnyard, let alone an assembly of local government leaders.

Everyone in Sydney would be aware of the shenanigans at Canada Bay. Although the last two meetings have been rather productive, the first two meetings of the council were nothing short of disgraceful. Abuse, argument and name-calling are not alternatives to the proper conduct of legitimate council business. We all read reports of the disgraceful exhibition of Strathfield councillor Andrew Ho at a citizenship ceremony at Canada Bay on 26 January. At Warringah council the situation is worse. On 2 May police were called twice on one night to remove interjectors from the gallery who were engaging in slanging matches with councillors. Police were called again on 16 May. The situation worsened on 23 October with reports by Councillor Peter Forrest that he was elbowed twice in the stomach when he and other councillors brought members of the public into the general manager's office. I have received numerous complaints about the conduct of Warringah council, including pecuniary interest allegations. Only recently, the council asked for a departmental investigation.

In 1997 Maitland council was removed due to councillor misbehaviour. It was not that long ago that the former Coalition Government removed Burwood council for councillor misbehaviour involving physical violence between councillors. But in some of these instances it may be better to sin bin one or two councillors who are disrupting the business of council rather than remove the entire council. Accordingly, I have asked my department to examine measures to deal with this important issue. At the moment councillors can be expelled from a meeting for disorder. Clearly, that sanction is not enough to deal with councillors who, by their own actions, disrupt the process of council on an ongoing basis.

I concede that the sin bin option needs to be dealt with carefully. There is no magic wand to solve the issue of councillor misbehaviour. Any measures adopted must be quick, fair and unbiased. We have already ruled out a suggestion by the New South Wales Ombudsman that councils take their own action against councillors, because there is the potential to use such a measure for political purposes only. I invite submissions from the community and councils to me or the Department of Local Government on this issue by Friday 25 May. On another matter, the Local Government Act requires councils to adopt a code of conduct. A model code was developed by the Government in 1994 and is used by many councils. I have asked the department to look at possible legislative or regulatory changes to strengthen the provisions of that code and make clear the standard of behaviour expected of councillors. The majority of councillors in local government do a difficult job with good grace and hard work. They should not be judged by the actions of a few.

PETROL TAX

Mr R. H. L. SMITH: My question is directed to the Premier. Since he is already subsidising petrol prices for motorists in the Queensland border area to the tune of $47 million a year, how can he possibly ignore the hardship placed on the rest of rural New South Wales by continuing to refuse to hand back at least some of the money he receives from Commonwealth-collected petrol taxes?

Mr CARR: The hardship around New South Wales? I will tell the House what has caused hardship around New South Wales—the GST. Where are they now, the stout-hearted defenders of the GST?

Mr SPEAKER: Order! If the House erupts again in that way, all members will be deemed to be on three calls. The Premier is entitled to be heard in silence.

Mr CARR: With the economy going slow because of the impact of the Federal Liberal Party-National Party GST, where are they now, those stout-hearted defenders of the GST? All of those opposite are on record supporting the GST.

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

Mr CARR: As the Federal Government faces a thrashing in Ryan, members opposite are all wriggling, trying to get out of it.

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

Mr CARR: I was shocked by the report of the Liberal plotting in yesterday's *Sydney Morning Herald* and the suggestion from the press secretary of the Leader of the Opposition:

> If they want her job, they'll have to try to take it, and no-one is going to do that. While no-one has the numbers and no-one has the—

the expletive is deleted—

> that's the way it will stay.

That is the way they play things over there. The gentlemen and gentlewomen of the good old Labor Party—

Mr Hazzard: Point of order: In terms of the standing orders relating to relevance, I ask the Premier to explain to the House why he was the first Premier to sign the GST charter.

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

Mr CARR: We are talking about $800 million out of a State budget of $30 billion.

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

Mr CARR: Where would it come from? Where would members opposite take it from?

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

Mr CARR: How would you cull that from the health, education or police allocations in the budget? That is what you are suggesting—a subsidy drawn from the budget to subsidise the price of petrol. That would cost $800 million. Where would you take it from?

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

Mr CARR: That is the question members opposite face as they promote a totally untenable policy.

NEW SOUTH WALES AMBULANCE SERVICE INDUSTRIAL DISPUTE

Mr BROWN: My question without notice is directed to the Minister for Health. What is the latest information on the industrial dispute involving the New South Wales Ambulance Service?

Mr KNOWLES: It is worth noting that since 1995 the Ambulance Service budget has increased by 81 per cent—a real increase in recurrent funding. Prior to that, under the Coalition, budgets went backwards with real terms funding decreases. Back then, the ambulance fleet was on its last legs. Since then, the tens of millions of extra dollars have gone into additional staff, additional equipment, replacement of the old fleet, beginning with the terrific new Mercedes that we see around the metropolitan area, and a big investment in new technology. The investment in technology is proving to be controversial. As has been reported, ambulance response times remain static. The dividend for the community is yet to be realised.

While we make no apology for proceeding fairly slowly with the roll-out of the new computer aided dispatch [CAD] system, no-one wants a repeat of the horrific incidents that occurred in London, in New Zealand and in Melbourne. It is also true that many of the attempts to improve performance are being frustrated, especially at the industrial level. The CAD system gives us information that allows us to better match the demand for our services with available resources. For example, we now know that at the Naremburn, Wahroonga and Ryde stations utilisation levels between midnight and 6.00 a.m. average between 20 per cent and 30 per cent of rostered times.

Across the board there is a considerable mismatch between when staff are available and when services are required. A conservative estimate shows that adjusted rosters will enable the service to move nine 12-hour shifts each day of the week to meet peak periods of demand, improve response times to life-threatening emergencies during busy periods, and increase ambulance coverage by about 10 per cent during busy afternoons and evenings. In financial terms, this and other rostering issues have caused a 23 per cent increase in overtime payments in the last year alone. In cash terms, that is about $26.7 million in overtime alone.

To give an example of just how big that number is, it is about one-third of the entire budget allocated by the Coalition in its last term of government. That increase in overtime payments is why, four months ago, the Ambulance Service proposed a 10-week trial at just three of our 228 ambulance stations around the State. To be absolutely clear, I want to put on the record what the trial is all about. Last winter the Ambulance Service added an extra crew to the night shift at each of those three stations. Those additional crews remained during winter and then during the Olympics, and because of industrial action they have been retained since the Olympics. They are additional crews to the normal allocation of two crews during the day and one crew during the night.

The roster trial proposes to move the additional crew at each of the three stations from its current time allocation between 6.00 p.m. and 8.00 a.m. to operate on a new roster from midday to midnight. That is no cuts, no change to the original crewing levels and a simple time change for the additional crew to better meet the demand. Since November there have been eight separate hearings in the Industrial Relations Commission [IRC] about this matter. Last Thursday the commissioner's frustration was evident. He said this to the unions representatives:

> This has been going on since November. We have been going backward and forward about this issue and the trial. In the whole period between November and now your Association—

that is the union—

> has not be able to put to me anything that would convince me that it is inappropriate to proceed with the trial as has been proposed … you have not put anything to me that would show that your association and its members would be to any extent prejudiced by the commencement of the trial.

As a consequence of those comments last week, the union came back to the commission last Friday and agreed to commence the roster trial, subject to a number of qualifications. That was widely reported in the media on Friday afternoon. On Saturday the union sub-branch again disagreed with the commencement of the trial. Yesterday further notices of work bans were given, and I understand that about an hour ago the union again gave undertakings to the IRC that the roster trial can now proceed without dispute.

The current roster dispute—a trial to move an additional crew in three stations out of 228, which is a relatively minor matter—demonstrates that resistance to change in the New South Wales Ambulance Service is enormous. The union keeps saying, "Keep paying the overtime. Employ more staff to meet the mismatch in demand." Frankly, that is not satisfactory. What is needed is a better correlation between existing staff levels and customer demand. The Ambulance Service is more than happy to look at staffing numbers within the context of better using existing resources before we employ more.

For the record, as at 22 February the establishment figures for ambulance officers was 2,663, with an actual allocation of 2,634, including 49 who will commence duties this month, leaving a current shortfall of just 29, with an additional 105 training positions scheduled for this year. When we came to government there were 2,211 ambulance officers. That is an increase in staffing of about 20 per cent—real staff increases on the back of very large expenditure. This is a far cry from statements made in recent days that the service is—honourable members can take their pick from these—40 per cent below strength, as reported in the *Lithgow Mercury*, 675 officers short, 236 officers short or 240 officers short.

Make no mistake: this dispute is about work practices. For example, I can reveal to the House a memorandum sent less than a week ago by the union to its members. In part, it urges them to produce their horror stories as part of their campaign. I urge the union to be very careful about peddling those horror stories. Last year it was reported to the Industrial Relations Commission that a baby had died in my electorate because an ambulance had taken 20 minutes to arrive at the scene. A check showed that the first ambulance arrived eight minutes after being despatched, and a second ambulance arrived 12 minutes after. Tragically, the child died, under the care of doctors at Liverpool Hospital, some time later. Just last week it was again asserted that a man died from a heart attack because he had to wait 27 minutes for treatment. A check showed that the ambulance officer was on the scene six minutes after the 000 call, and two more officers arrived within the following 18 minutes.

Our ambulance officers do terrific work and, quite properly, they have the entire community's respect. However, I believe that it is less than decent for some individuals to devalue the work that those men and women do and hide behind that cloak of respectability in an effort to prop up a system that is in desperate need of change. I can assure the House that every single horror story will be referred to the Health Care Complaints Commissioner for immediate investigation. Indeed, I have already spoken to the Health Care Complaints Commissioner in this regard. This roster trial is emblematic of a much bigger set of issues. It is about the choice between the past and the future, and whether the big money invested to produce real improvements will ever be capitalised on. I am pleased that the result from the latest hearing in the Industrial Relations Commission has demonstrated a commitment to implement the roster trial. My hope is that the Service and the union can work together to bring about lasting improvements for the entire community.

PLANNING SYSTEM REFORMS

Mr GREENE: My question without notice is directed to the Minister for Urban Affairs and Planning. How is the Government improving the State's planning system?

Dr REFSHAUGE: I am delighted to inform the House of the most far-reaching reforms of the State's planning system in more than 20 years—reforms that will bring the Environmental Planning and Assessment Act into the twenty-first century.

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

Dr REFSHAUGE: The reforms will change the way planning is done in this State—and the way in which the Government, community and business relate. The changes are being welcomed by a great diversity of people—some might say, an unlikely alliance—that is, business, the Greens and community groups, because they are so inherently sensible. The changes I am launching today follow on from our reform of the way development applications were approved in this State.

Mr Brogden: Point of order: The matter that the Minister is about to raise is an important matter, but clearly it is the announcement of a new policy. The forms of the House provide for the Minister to make a ministerial statement. On that basis I suggest that you ask the Minister to make a ministerial statement at the conclusion of question time, rather than his using this forum, which does not provide the Opposition with the opportunity to reply to a policy issue.

Mr SPEAKER: Order! I cannot pre-empt what the Minister is about to say.

Dr REFSHAUGE: It would be delightful if the Opposition had a policy to talk about. I have been asked a large number of questions by the Opposition spokesman on planning in the past few years. But there has not been a question from him about land. It is little wonder that there is instability on the other side; the honourable member for Pittwater is looking for a Federal seat at the moment. His turn will come around pretty fast. You two pretty boys down that end, you just wait around a bit; there is a bit of challenge going on up here and your turn will come.

The changes I am launching today follow on from our reform of the way development applications are approved in the State—the reform introduced by my colleague the Hon. Craig Knowles. Before those changes, under the old planning system—the system the Coalition did not change—development applications may have had to be lodged for items such as barbecues, pergolas, flagpoles, and even Christmas lights.

To have to lodge a development application and wait 40 days before one could put out a welcome for Santa was outrageous and a ridiculous waste of time. But that has been fixed. Under the system of exempt and complying development that this Government introduced, such minor things are either routinely approved or do not need approval at all. This is as it should be. It allows councils to get on with the big picture stuff: where to allow major developments, how to protect the key elements of their environment, and how to make sure that there is sufficient quality open space for residents. These are the changes we are talking about. Today I will release a white paper entitled "Plan First—A Review of Plan Making in NSW" for an eight-week consultation period.

Mr Brogden: Point of order: When you ruled on my previous point of order you made it clear that you were not yet in a position to make a judgment on whether this is a ministerial statement. The Minister is now about to commence announcing the details of a new policy—indeed, a white paper. I ask that you draw to his attention that under the forms of the House the appropriate procedure is for him to make a ministerial statement, which in turn provides the Opposition with an opportunity to reply, and that this forum is not appropriate.

Mr SPEAKER: Order! The Minister has informed the House that he is releasing a white paper. That sort of information is relevant to any answer that a Minister may give. When Ministers answer questions they are at liberty to touch on Government policy on more than one occasion.

Dr REFSHAUGE: I am advised that currently there are some 5,000 local and State plans across New South Wales, some dating back as far as 1951. There are plans prepared by local councils, and plans prepared by government agencies such as the Department of Land and Water Conservation, the Environment Protection Authority, New South Wales Agriculture, New South Wales Fisheries and the like. Under our reforms, we will reduce the complicated web of State and local planning documents by more than 95 per cent, from more than 5,000 to fewer than 200. There will be one co-ordinated State planning policies document, 14 to 16 regional strategies, and one plan for each of the 173 councils in New South Wales.

Mrs Skinner: Point of order: Minister after Minister has read his speech today. I refer you to *Decisions from the Chair,* which say that members are not to read speeches verbatim, as it always brings into question who wrote the speeches—

Mr SPEAKER: Order! There is no point of order. The Minister is not making a speech, he is answering a question.

Dr REFSHAUGE: Another startling fact is that today as many as 70 planning documents could directly relate to a single piece of land. In other words, 70 separate plans have to be checked before one can work out what one can and cannot do on one's land. Under our reforms that will be reduced to a single plan—a local plan prepared for each council area. These reforms will make a real difference to the way people live and work.

Fewer will be better. There will be fewer plans—plans that clearly relate to each other. The system will be more efficient and more effective. It has been estimated that our reforms have the potential to deliver savings of some $363 million per annum to the business sector. I am indebted to the Property Council, some of whose members are in the gallery today, for the figures it has provided to the Government on that aspect.

There will be one State planning policies document encompassing the State environmental planning policy of all government agencies. We might have policies on matters such as water quality, air pollution, transport and wetlands protection, all centrally located and all readily accessible. We are proposing a guiding regional strategy for each of the 14 to 16 regions in the State. These will be prepared in each region by a regional forum, which will include representatives of Government, local councils, community and interest groups. A new generation local plan will be developed. For the first time, there will be a single plan for each local government area and a single source of information for each land-holder to consult. These reforms are essentially about getting Government, councils and communities working together in a focused and more productive way.

Land-holders will benefit because they will have a single point of call to find out what they can and cannot do on their land. Farmers will benefit because the array of plans that manage their natural resources will be clearly given effect through the regional strategy. Environmental interests will benefit because a simpler, more focused planning system will deliver a more sustainable future. Community groups will benefit because simpler and clearer plans will reduce conflict at the local level. As I had said, business will benefit. On the estimate of the Property Council of New South Wales, there are potential savings of $363 million per year for business. I believe that this will be the most far-reaching reform of the Environmental Planning and Assessment Act that we have seen.

NORTH COAST WATER AND SEWERAGE PROJECTS FUNDING

Mr D. L. PAGE: My question without notice is directed to the Minister for Land and Water Conservation. Given leaked interdepartmental memos involving the Minister's department, why has his Government cut funding to country water and sewerage projects on the North Coast, which means that the Environment Protection Authority pollution targets and Government tendering requirements cannot be met, and funding shortfalls threaten 11 major sewerage projects in the region?

Mr AMERY: I have a prepared answer for this one. It appears it may have been written by the honourable member for Gosford. It starts off, "It was the best of times; it was the worst of times."

Mr Aquilina: It was Dickens, actually.

Mr AMERY: I thought the honourable member for Gosford wrote it first. In relation to the country towns and sewerage program I want to say that as I have been going around country New South Wales, of all the ceremonial duties I have had, the majority—and I notice Labor representatives of country areas nodding—have been the opening of water and sewerage projects for country towns because, on behalf of the Government, I spend $1 million a week on water and sewerage upgrading programs for country towns. The honourable member for Ballina asked about funding and whether there was sufficient funds and so on. Sure, people are waiting on priority lists but why are there some councils—

Mr Aquilina: Why is it so?

Mr AMERY: Another quotation from the honourable member for Gosford. In 1997 this Government, through the then Minister for Land and Water Conservation, Mr Yeadon, added all small towns to the country towns water and sewerage program. The previous Coalition Government had a program to provide funding for all the big cities and bigger towns, but upon its election the Labor Government added all the smaller towns with

a population of fewer than one thousand. That basically and obviously meant that more country towns would apply and that some would have to wait a little bit longer because of the Government adding many more towns to the project. I am pleased to state that the Government is fully committed to the $855 million project.

Mr Fraser: Committed, but will you do it?

Mr AMERY: The honourable member for Coffs Harbour should be the last person to speak. His electorate benefited from $45 million of works, and during the past few months I have opened at least two water and sewerage projects in his electorate. I notice that the honourable member for Murrumbidgee is very quiet. That is because in the past few months I have opened three water and sewerage projects in his electorate, including a water purification project on the Murray River. Does any other member of the Opposition want to interject about how much money has been spent in his or her electorate? In addition to the $1 million a week that I am spending by the good grace of a generous Treasurer, Treasury has granted another $5 million to assist with priority projects.

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

Mr AMERY: Since coming to office in 1995, the Government spent $313 million on the program up to the end of last year and it will have spent close to $350 million of the funds actually allocated by the end of this financial year. In addition to the other projects I have already mentioned, works are currently in progress on 80 major works—

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

Mr AMERY: —in Bathurst, Mudgee, which is in the electorate of the Leader of the National Party, Kempsey, Mittagong and Port Macquarie, as well as projects in Tamworth and the Hunter sewerage scheme. I also recently turned the first sod on a new project in the electorate of the honourable member for South Coast that will provide reticulated sewerage for irrigation used by nearby farms, particularly dairy farms. There are many projects under way and the Government is allocating $1 million a week plus the $5 million supplement that has been allocated for this year. I have no doubt that this project will keep me extremely busy going around country New South Wales.

Mr D. L. Page: Point of order: In view of the Minister's stated desire to open new projects, is he aware that if he had provided the right amount of funding, more than 60 additional projects could have been undertaken?

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

RURAL AND REGIONAL ENVIRONMENTAL TRUST GRANTS

Mr BLACK: My question without notice is to the Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts. What is the Government's response to environmental groups in rural and regional New South Wales?

Mr DEBUS: I am able to report that I recently announced the latest round of the New South Wales Government's environmental trust grants. More than $7.2 million in Government grants has been allocated to 142 projects statewide to help to improve and protect our environment. The overwhelming majority of grants—totalling approximately $5 million—have been awarded to some 90 projects in rural and regional New South Wales. The grants will fund a wide range of environmental rehabilitation, education and research projects. They will help to tackle statewide and regional environmental challenges, as well as help to find solutions to local environmental problems.

Under the abandoned mines program, $3 million has been granted to rehabilitate derelict sites at the Cessnock, Lithgow, Wollondilly, Guyra, Cobar and Barraba local government areas. This is important work that will go a long way towards cleaning up sites that have been contaminated by heavy metals, and it will reduce run-off of contaminated water into the State's streams, which poses a risk to native wildlife. In addition, $1.7 million will go to community organisations and schools for environmental protection. For example, a Corowa group will have $80,000 to improve the biodiversity by providing corridors for declining native woodland species, including several particularly threatened native species of birds. Greening Australia has been awarded $97,000 for a bush regeneration program in north-western New South Wales. That is a project that aims to rehabilitate degraded areas of remnant vegetation in regional cities and towns.

At the same time the group will train council staff and the community in bush regeneration and native vegetation management. The honourable member for Northern Tablelands will be particularly interested to know that the towns involved include Inverell, Quirindi, Glen Innes, Armidale, Uralla and Barraba. The Farmers Network has received $21,000 to encourage landowners to adopt sustainable native vegetation management practices as part of their farming methods. There are many other examples but I should also mention that 80 grants of $1,500 will be given to schools through the Eco Schools program to fund environmental management projects within schools. The Government is approaching the issue of environmental protection in many ways. One of them, which is a very important one, is working with the community to find locally based solutions to local environmental problems. These grants are another very important step towards achieving that aim.

Questions without notice concluded.

LEGISLATIVE COUNCIL INQUIRY INTO CABRAMATTA POLICE RESOURCES

Personal Explanation

Ms MEAGHER, by leave: My character or political integrity has been misrepresented in this House and impugned and affected by the comments made by the Leader of the Opposition during question time today. The Leader of the Opposition asserted that I was part of a conspiracy to intimidate and harass Senior Detective Sergeant Priest. I categorically deny that suggestion. The comments I have made in relation to the evidence he has given relate wholly to the process of the upper House committee that is inquiring into policing in Cabramatta.

In my statements last week I made the point that the committee allowed accusations to stand for four days, which was of great detriment to the Cabramatta community, particularly to Cabramatta High School, as well as to various members of the Cabramatta Police Service. I reject wholeheartedly her assertion that I was part of an attempt in any way to intimidate or harass Sergeant Priest. I merely reflected that the committee is doing damage—

Mr Hartcher: Point of order: This is too long.

Ms MEAGHER: —to the reputation of the community.

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

PETROL TAX

Personal Explanation

Mr O'DOHERTY, by leave: During question time the Leader referred to comments that I made yesterday and previous days relating to petrol tax in New South Wales. He said that I was not correct in asserting that New South Wales receives petrol revenue via the Commonwealth Government. The record clearly shows that New South Wales does receive petrol revenue—

Mr SPEAKER: Order! The honourable member for Hornsby must explain to the House how his character has been impugned. He need not explain the facts surrounding that.

Mr O'DOHERTY: My character has been impugned by the Premier, who failed to tell the people that Budget Paper No. 3 of the Commonwealth Government, chapter 2, clearly states that the guaranteed minimum amount to the States includes revenue replacement payments and an amount that comes from petrol excise. The State Government has deliberately tried in the last two days—

Mr Scully: Point of order: As much as I am loathe to prevent the honourable member from saying what he alleges is a personal imputation on his good character, under the standing orders he is not allowed to talk about his policy initiatives and his problems enunciating them.

Mr SPEAKER: Order! The Chair has always taken the view that debate in this Chamber is fairly robust and that members should not be averse to a little criticism and a rugged commentary on their performance. However, unless the honourable member for Hornsby can explain the matter to the House forthwith, I do not understand how any statements made by the Premier have impugned his character.

Mr O'DOHERTY: Finally, the Premier said that the revenue replacement payments to which I referred yesterday in my press conference were received by the State of New South Wales last year and therefore I was wrong. In fact it is the Premier who is wrong. That payment is clearly shown in Commonwealth budget papers to be received by New South Wales in the current financial year.

CONSIDERATION OF URGENT MOTIONS

New Zealand Apple and Pear Importation

Mr BLACK (Murray-Darling) [3.41 p.m.]: Earlier today I gave notice that I would be seeking that the House consider that this matter is urgent. The Federal Government body responsible for conducting import risk analysis for commodities—Biosecurity Australia—extended the deadline from 11 December to the end of February for submissions on the importation of New Zealand apples. That has more than doubled the time of the original deadline for submissions. Biosecurity Australia, which the Federal Government only recently established, wrote letters to groups after 11 December asking for more submissions.

Mr Brogden: Point of order: The Minister for Gaming and Racing, who is now leaving the Chamber, was talking so loudly I could barely hear.

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

Mr BLACK: The letters went to many organisations, including those that had not originally sent a response and were known to be in favour of New Zealand apple importation. This matter is urgent because one of the reasons given for the extension of the deadline was to receive submissions from those who were sympathetic to the New Zealand apples. As a result the Federal Government is building its case to allow New Zealand apples and pears into Australia and, in doing so, is putting at risk the $73 million New South Wales apple and pear industry and the jobs of 5,000 workers. This matter is most urgent because the person in charge of this process is none other than Warren Truss. This is the infamous Truss who wants to bring bananas into New South Wales.

Mr Armstrong: Point of order: The member is now endeavouring to debate the substance of the motion. He simply does not understand that he is now responsible for establishing a case for urgency.

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

Petrol Tax

Mr SOURIS (Upper Hunter—Leader of the National Party) [3.45 p.m.]: If there is one thing that this House should consider, it is the question of petrol prices, particularly as it was not so many minutes ago that honourable members heard the Premier's answer in this House. It appears clear that the Australian Labor Party [ALP] remains completely and utterly in denial about the petrol prices matter and the taxation components that it receives. An old ALP rule, and one under which it operates now, is that if an untruth is spoken—such as said by the Premier and the Treasurer last Friday—if it is repeated faithfully and frequently with one's luck it may even become a truth. There is no doubt whatsoever that when New South Wales and the other States were denied the opportunity to tax petrol as a franchise in 1997 under the capital duplicators case, the Federal Government took over that amount of taxation and rebated it back to each State.

Mr Gibson: Point of order: I have made this point of order in this Chamber many times. The honourable member must establish why his motion is more urgent. He has been speaking for 1½ minutes and has not mentioned urgency once. The Leader of the National Party is not at liberty to move into the substance of the debate. He must establish why his motion is more urgent to be debated in this Chamber today, and I do not think he has done that. The Leader of the National Party cannot enter into the substance of the debate, which he is now doing. He must establish why his motion is urgent, and he has not done that at this stage.

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

Mr SOURIS: There could not be a more urgent matter than the matter of petrol prices. It is a freshly urgent matter because of the level of denial of the ALP. Section 16 of the Federal Act provides that the States will receive a share of revenue replacement payments which incudes a share of petrol excise. Section 16 of the Federal Act provides a complicated formula but it includes a petroleum component in the revenue replacement

grants. This matter is urgent today—more urgent than anything the ALP has raised—because motorists in country areas suffer on a daily basis. It is particularly urgent, and it is within the immediate hands and power of the Carr Government to do exactly as its Queensland compatriots do, that is, rebate the amount that it receives in full. The 1½¢ would be sufficient as it is urgently needed to relieve the plight of country motorists who are daily completely and utterly dependent on petrol for their transport. That is how urgent it is. It is even more urgent because the Premier and Treasurer have been in a state of untruth and denial on this topic.

Last Saturday in a letter the Treasurer wrote to the *Sydney Morning Herald* he implied that the State did not receive that component of money and that the State received no money in relation to petrol. It is universally known and accepted that New South Wales and every other State receives the equivalent of 8.3¢ per litre. Otherwise, how is it explained that the Queensland price of petrol at the bowser is 8¢ a litre cheaper than New South Wales petrol? If the Queensland Government were not rebating the tax, the issue would not arise. It is an utterly urgent matter, which needs to be addressed forthwith. There is no need for the Australian Labor Party to run about the media—as it did on Friday, and again yesterday and today—spreading the untruth that New South Wales does not receive revenue which is the equivalent of the petroleum tax, which Labor itself supports. [*Time expired.*]

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

NEW ZEALAND APPLE AND PEAR IMPORTATION

Urgent Motion

Mr BLACK (Murray-Darling) [3.50 p.m.]: I move:

That this House:

(1) notes the New South Wales apple and pear industry is worth $73 million and employs 5,000 people;

(2) notes with alarm that New Zealand is a haven for the apple and pear disease fire blight;

(3) condemns the Federal Government for extending the deadline on submissions to its draft risk analysis on the importation of New Zealand apples; and

(4) calls on the Federal Government to bring this matter to an end as soon as possible by immediately ruling out the importation of New Zealand apples.

When I argued that this motion should have priority I referred to the infamous Warren Truss, the Federal Minister responsible for the debacle in which we find ourselves today. Yesterday the honourable member for Lachlan and the honourable member for Barwon spoke about an outbreak of goodwill and courtesy in this Chamber. That related to the one and only decision that Warren Truss got right—on foot and mouth disease and about protecting our live beef cattle and so on from that disease. But Warren Truss does not care about people on the North Coast who depend for their livelihood on bananas and pineapples. He does not care about the threat to the livelihood of the people of Tasmania posed by the importation of salmon. He does not care about the livelihood of New South Wales apple growers.

We have a Federal Minister who does not care about the livelihood of New South Wales pear growers. The Federal Minister will lead the way in the Federal election, due in November I believe, to the demise of the Federal National Party as we once knew it. Today, when I was examining this matter, I could not resist approaching and officially notifying the Hon. Bob Debus, Minister for the Environment, who is in charge of the National Parks and Wildlife Service, that we are putting the Federal National Party on the endangered species list. This issue is a good indication of why that party is in demise. I acknowledge that my city colleague the Minister for Agriculture is in the chair for this debate.

Mr Amery: Suburban, at least.

Mr BLACK: He has about 14 hamlets at Mt Druitt—hamlets that are smaller than most of my paddocks! But that is another issue. What a pleasure it is to have as State Minister someone who is so outspoken in defence of all matters relevant to the bush, including the Blacks who are in the Waukool shire, the Murray shire and the Moira shire—and *Hansard* did not get it right: I said Moira, not Moruya. But that is all right. I do not bother correcting *Hansard*; it is a magnificent organ of this place. Again, Country Labor stands here to protect rural apple and pear growers and workers from the dreaded impact of fire blight. By way of introduction, I will give a brief history of the process.

Mr Armstrong: Point of order: The honourable member is attacking the Federal Minister simply because in the 1990s, under a Federal Labor Government, the then State Minister for Agriculture effectively kept New Zealand apples out of this State. I call upon the honourable member to get his colleague the Minister for Agriculture in this State to take the same actions that this State took in 1990, when the party to which the honourable member for Murray-Darling belongs was in office in Canberra.

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

Mr BLACK: Once again I refer to this outbreak of goodwill between the former Leader of the National Party and myself. All I can say about the honourable member for Lachlan is: Bring him back. After that pathetic performance from dear George today, we should bring back the honourable member for Lachlan because he is infinitely preferable. But I am sorry, I support not the honourable member for Lachlan but the honourable member for Port Macquarie as the next leader of the National Party in New South Wales because he understands these issues.

New Zealand apple growers have been trying to crack the Australian market since the 1950s. Now it appears that they have finally got their way, at the expense of local growers. New Zealand is riddled with the extremely infectious and debilitating disease fire blight. Fire blight is a disease not currently found in Australia. It is extremely dangerous to apple and pear orchards. It is a fast-spreading disease which is transmitted by insects and infected blossoms, and new shoots die quickly following infection. Already this disease has wiped out the New Zealand pear industry. A single infection of fire blight can result in a loss of as much as 20 per cent of apples and 50 per cent of pears.

Once fire blight hits, disease control is almost non-existent. As an island nation, Australia has a unique advantage. Unlike countries with land borders, we are relatively free of disease—a position that has been supported by both sides in this Chamber for a very long time. The Australian Apple and Pear Growers Association, its workers and their families hold a legitimate fear that the industry will be devastated by fire blight. There are some 300 commercial apple growers across New South Wales in areas such as Bathurst, Batlow, Orange, Menindee, Forbes, Camden, Bilpin and the New England region. New South Wales growers are rightly outraged. Last September the Australian Quarantine and Inspection Service [AQIS] gave its in-principle support to the importation of New Zealand apples. That approval came just two years after AQIS rejected the proposal saying that the disease could cost Australia's industry more than $1 billion over five years, putting Australia's $320 million a year industry at great risk of an outbreak of the disease fire blight.

Subsequently, the Federal Government set up, within the Department of Agriculture, Biosecurity Australia—a group established specifically to conduct import risk analysis for commodities. As a result, it is Biosecurity Australia and not AQIS that is now the Federal body responsible for quarantine policy. Mr Mike Taylor, who continued in his role as director of all quarantine operations, took this decision. Apple growers and interested parties had until 11 December to submit a response to its draft import risk analysis on the importation of New Zealand apples.

Now I come to the main point. Apple and pear growers, as well as industry representatives, were shocked to learn that the 11 December deadline for submissions to Biosecurity Australia had been extended until the end of February. This extension more than doubled the original 60-day period for submissions. Late last year the Federal agriculture chief executive and national director of quarantine, Mr Mike Taylor, sent letters to industry leaders and growers seeking late submissions. Those letters were sent to those who had not sent submissions, but amazingly were sent also to those who had already made submissions. Biosecurity Australia was able to send letters to people and groups who had not corresponded with Biosecurity Australia because they had kept the details and names of individuals and organisations that had commented publicly on the plan.

Not surprisingly, Biosecurity Australia will not release the names of those who received letters, claiming the information is confidential. We can only speculate as to why this is the case. Admittedly, some who got letters to make submissions had already done so, and made their cases quite strongly that they were opposed to the importation of New Zealand apples. The Australian Workers Union Victorian secretary, Mr Bill Shorten, described the process as frustrating because his union had already made a submission opposing any importation plans. The same sentiments came from the President of the Apple and Pear Growers Association, Mr Kevin Baddiley, and the chairman of the industry fire blight task force, Mr John Corboy. The question must be asked: Was the extension granted to obtain submissions from those who are sympathetic to the idea that we import New Zealand apples? The major producers and apple and pear industry leaders slammed the extension of the deadline. In a press release of the Apple and Pear Growers Association issued on 21 December 2000, the chairman of the fire blight task force, Mr John Corboy, said:

> This is another example of Biosecurity Australia's double standards. Biosecurity has insisted the industry plays by a strict set of rules—and now, without consultation, they have changed the rules completely.
>
> The request from growers for a postponement because of the Senate inquiry was summarily dismissed three days before the deadline. We were told the handbook which sets the rules for the IRA process specifically forbids any extension of the deadline. Biosecurity has clearly lost the plot and has no idea what it is doing. It is time for Federal Agriculture Minister Warren Truss to intervene and take control.

Later in an interview given to the *Weekly Times* he said:

> When we asked for an extension because of an impending Senate inquiry, we were told quarantine guidelines did not allow for this. But two weeks later we get a complete backflip. These bizarre and erratic actions are causing fear and uncertainty.

Mr Corboy went on to state that any extension could be approved only after consultation with stakeholders. That did not occur. The chief executive of the Australian Apple and Pear Growers Association, Mr Jon Durham, said that his organisation had spent a lot of time, energy and resources on its submissions. It had made the effort and it had got its response in on time. It now believed that all its hard work would be for nothing. It feared that other groups who did not support industry's opposition to the importation of New Zealand apples would gazump its efforts. I add that, originally, those groups did not put in a submission. Biosecurity Australia will now assess all submissions, write to all stakeholders on the issues raised, and prepare an issues paper for public circulation. I commend this motion to the House. I expect and hope for bipartisan support for the principles of the motion. [*Time expired*.]

Mr R. W. TURNER (Orange) [4.00 p.m.]: I move:

> That the motion be amended by leaving out paragraph (3) with a view to inserting instead the following:
>
> (3) notes the Federal Government has extended the deadline for submissions to its draft risk analysis on the importation of New Zealand apples; and

The rest of the motion will remain the same. The Federal Government, through Biosecurity Australia, has extended until the end of February the date for submissions. Contrary to what the honourable member for Murray-Darling said earlier, growers in the Orange electorate welcome that extension. They want to leave no stone unturned. They want the Government to take into account every concern they have and every idea they have expressed relating to this issue. Given that New Zealand has been attempting for so long to export apples to Australia, another couple of weeks will not hurt it. Every group, individual and fruit co-operative throughout this country must be given an opportunity to raise their concerns.

I understand that we may also receive submissions from those countries that speak of the perils of fire blight—an issue that has been mentioned time and again in this House and an issue referred to again today by the honourable member for Murray-Darling. I point out, however, that the honourable member was wrong in relation to one issue. He said that New Zealand first applied in the 1950s to export apples to Australia. On my understanding New Zealand first applied in 1923 to bring apples into this country and it has been trying to do so ever since. Even though it is not economical to bring apples into this country New Zealand considers it a bit of a challenge. It wants to wear us down until we give in and allow the importation into this country of apples that may be contaminated with fire blight.

In 1998 New Zealand again applied to bring apples into this country and again it was knocked back. It took a different tack in the year 2000 and asked the Australian Government on what basis it would allow the importation of apples into Australia. That is what all these submissions are about. The Australian Government, through Biosecurity Australia, established a strict set of guidelines relating to the importation of fruit into Australia. If New Zealand were given the go ahead, other countries, including the United States of America, would apply for permission to export fruit to Australia. I commend the Federal Government for the responsible way in which it sought these submissions.

All honourable members are aware that we cannot just say that we do not want the importation into this country of apples or any other agricultural products because it might hurt our growers financially or it might result in competition. Any rejection of such products has to be based on scientific grounds or we will be in the world trade court before we know it. The Federal Government is aware that it can only ban the importation of New Zealand fruit on scientific grounds. That is what this urgency motion is about. The Federal Government is always under pressure in relation to the importation of agricultural products, as certain sections of the community want increased tariffs and increased protection. On the same note, under our free trade policy and our aggressive marketing policies we are continually finding other markets for our agricultural products.

Due to pressure from the Federal Government tariffs are reduced in countries such as China. It has reduced its wool tariff by about 5 per cent. Beef tariffs have been reduced in Korea because of the aggressive marketing policies of the Federal Government. A few weeks ago the Federal Government announced that, for the first time, Australia had achieved more than $2 billion annually for the export of its agricultural products. So we must be doing something right. We cannot just ban everything coming into this country and expect to export products to other countries. We have to be responsible. The Federal Government sought expressions of interest and extended the submission date to enable everyone to express their concerns. As I said earlier, the Federal Government is aware of the implications involved in allowing the importation into this country of New Zealand apples.

Australia is one of the four or five countries that produce pears. If fire blight were to come into this country the pear industry would be the first industry to be devastated. We would lose valuable exports to Canada. Australia is a major exporter of pears and the number one exporter of pears into Canada. A few years ago there was a great hue and cry and people wanted to hang the Federal Minister from the biggest tree for allowing the importation of pig meat into this country. Of course, it all relates to the balance of trade. The Federal Government, by allowing the importation of some pig meat from Canada and Denmark, secured and maintained our canned pear and peach market in Canada. As a result, Australian pig producers became more aggressive in their marketing and Australia is now exporting more pig meat than it is importing.

We looked after our peach and pear market and maintained pork production in this country. Because of diseases we maintain a fine balance in allowing exports to this country. However, we do not want to be accused of not allowing exports into this country because of our financial and competitive policies. I support the actions of the Federal Government. This is a difficult task. I refer to another example—the great hue and cry that we heard when chicken meat was imported to this country. The Government based its decision on scientific grounds and allowed the importation of chicken meat into this country. However, such stringent conditions applied that that chicken meat is fit only for consumption by pigs. Because of those stringent conditions very little cooked chicken is imported into this country.

If the Federal Government ultimately decides to allow the importation of apples into this country and it applies fairly stringent conditions, the New Zealand Government might threaten to take us to the world trade court. The conditions that have already been announced have been deemed by the New Zealand Government to be far too restrictive. Under those conditions it would not be economical for New Zealand to export apples into this country. I am confident that, as a result of the submissions that will be received, those conditions will be strengthened. That will give a guarantee to apple and pear growers throughout Australia that there will be no importation of apples. The New Zealand Government or any other government will not export apples to this country because they will have to compete with such a clean product.

New Zealand apple growers are allowed to use chemicals such as streptomycin, which is banned in this country. If New Zealand apples that have been dipped in streptomycin are allowed into this country, that will threaten our exports into countries where we have maintained markets because of our clean image. I am sure the Federal Government will take that into account. However, it is unlikely that New Zealand apples will come into this country, because of the stringent conditions imposed by the Federal Government. Evidence has to be based on scientific grounds, not competitive and financial grounds. I commend the Federal Government for the totally responsible attitude it has taken in this respect.

Mr HICKEY (Cessnock) [4.10 p.m.]: I support the motion moved by the honourable member for Murray-Darling, a great Country Labor colleague. It is good to have the Country Labor team in the same corner as the apple and pear growers in their campaign opposing the importation of New Zealand apples. Clearly, Country Labor supports the growers and believes the possibility of importation is important enough to debate in this House. I thought National Party members believed they had the right to support farmers, but clearly they have other things on their minds. Last October in this House the honourable member for Bathurst spoke of the danger the importation of New Zealand apples posed to the local industry. Twelve months earlier my Country Labor Party colleagues on this side of the House did the same thing. It was the start of Country Labor's 18-month campaign to protect New South Wales apple growers.

The reason for our support is self-evident. The apple industry contributes about $73 million a year to the New South Wales economy. It employs 5,000 people, both directly and indirectly. It is an industry under serious threat. That is because the Federal Government's former peak quarantine body, the Australian Quarantine and Inspection Service [AQIS], according to the *Weekly Times* of 6 September, made a decision to allow the importation of apples and pears from New Zealand. The Federal Government denied that any decision was made, yet six months down the track the industry is still in a state of limbo. The Federal Government is reluctant to confirm or deny that a decision has been made.

Members opposite should not forget that 18 months ago the Prime Minister, John Howard, and his embattled Deputy Prime Minister and National Party Leader, John Anderson, pledged that they would never allow New Zealand apples into Australia. It is interesting that we are not hearing anything from Mr Howard or Mr Anderson at the moment. As I said in this House last year, the only acceptable outcome for the apple and pear industry in New South Wales—and Australia for that matter—is that New Zealand apples are not allowed to enter the country. The question must be asked why anyone would even consider exposing our industry to such a threat. We all know that fire blight presents an unacceptable risk. Why is it taking the Federal Government so long to knock on the head the claims that it will approve New Zealand's application for importation?

Mr Amery: Clearly it is waiting until after the Federal election.

Mr HICKEY: I think that may be the answer: it is all about the next election. The application was lodged in February 1999. The Australian Quarantine and Inspection Service has continued to delay release of the important risk analysis on the apples. There is no doubt that the upcoming Federal election is playing a role. If the Federal Government thinks it can dance around the issue and put off making a decision, it has another think coming. Last October the national apple and

pear industry announced it would target 27 Federal seats in a political lobbying campaign designed to prevent New Zealand apples entering Australia. Last week Biosecurity Australia ruled out the importation of United States table grapes. It should do the same immediately for New Zealand apples. Any other decision would devastate growers and the regions where they live. It would put at risk New South Wales' entire apple and pear industry. That is totally unacceptable. Honourable members should not just take my word for it, they should listen to the growers. Mr Ian Bolitho's words are as true today as the day he uttered them. He said:

> If the disease comes in, this region—

and that is the Goulburn Valley—

> will be decimated, and I don't know what we are going to do.

That is a simple statement from a farmer. The National Party clearly supports something that is totally wrong. [*Time expired.*]

Ms HODGKINSON (Burrinjuck) [4.15 p.m.]: I support the amendment to the motion moved by the honourable member for Orange. Last October the House debated a similar urgent motion during which the honourable member for Orange and I both represented the National Party. The importation of New Zealand apples is acknowledged by the National Party as an extremely important issue within the State, particularly within the apple and pear growing sector of the State. During the debate in October I drew attention to the importance of the apple industry not only to my electorate in general but particularly to the area of my electorate that is located in the heart of the highlands around Batlow, which is well known for its apple growing. It may well be the most famous place in Australia for growing apples as it has worked hard on its marketing for many years. Well-known firms such as Mountain Maid and various co-operatives, which rely intensively on the apple growing industry, are located there. No-one in our area pretends that the importation of New Zealand apples is not an extremely serious matter.

In the October debate I also mentioned how devastating it would be for the Australian apple and pear industry, especially the New South Wales industry, if the importation of New Zealand apples were allowed, given that there appears to be so much scientific evidence that does not support allowance of the importation. However, it is important to follow the proper processes, and New Zealand has applied to export its apples to this country on two previous occasions. This time it has worded its submission differently and that has forced the Federal Government to take appropriate steps to address the submission New Zealand has put forward. The Federal Minister for Agriculture, Fisheries and Forestry, Warren Truss, is doing an exceptional job making sure that all those points are met appropriately.

I have just been handed a press release from the Department of Agriculture, Fisheries and Forestry Australia (AFFA), which says that Biosecurity Australia, the division of the department that is conducting the import risk analysis of fresh apples from New Zealand, received 141 submissions in the public comment period, which closed on 28 February. To make sure that everyone who wanted to put a submission forward had the opportunity to do so, it extended the submission period. That is a sensible idea. To achieve effective consultation when people are demanding that the submission date about an important matter be extended, the appropriate thing to do is to make sure everyone has a say. Bearing in mind the way the honourable member for

Murray-Darling spoke about the Federal Minister for Agriculture, Fisheries and Forestry during his atrocious speech, that is obviously something the Labor Party does not care about. The honourable member for Murray-Darling spoke absolute rubbish about the Federal Minister, and I am sure that most people would acknowledge that the Federal Minister has acted with a great deal of propriety in relation to this matter.

Everybody knows that fire blight is widely acknowledged as the foot and mouth of the horticulture industry. It is so serious that on 8 December I put forward a submission to the Senate inquiry in which I covered a variety of different points. I sent the submission to the Secretary of the Import Risk Analysis Secretariat, Biosecurity Australia. I talked about stakeholder confidence in the process. I spoke about the industry's concerns about the way fire blight could easily spread within Australia because of the climate; the climate of Australia is more conducive to the spread of fire blight than the climate of New Zealand. I also spoke about crop susceptibility; block registration; sorting, grading and packing procedures; phytosanitary inspections of fruit on arrival in Australia; and detection zones.

I also referred to the Senate inquiry. It is important to recognise that the Senate inquiry is under way. The Senate committee will sit at the Wagga Wagga leagues club on Friday 9 March from 9.00 a.m. until 3.00 p.m., and it will hear from Darryl Ashton of the Batlow branch of New South Wales Farmers, Dick Sedgwick, Chairman of New South Wales Apple and Pear Growers, and Liz Chamberlain of Horticulture and Agricultural Chemicals, among others. It is unfortunate that I do not have more time to debate this matter. Whatever Canberra does, at the end of the day it is incumbent on the State Minister for Agriculture to find innovative practices to ensure that New Zealand apples do not enter New South Wales. The Minister has the ability to do that, and I call on him to ensure that he does not allow New Zealand apples to enter New South Wales. [*Time expired*.]

Mr W. D. SMITH (South Coast) [4.20 p.m.]: It is with the some pleasure that I support my colleague the honourable member for Murray-Darling. Clearly, he has realised the urgency of this issue, unlike the Federal Government, which continues to dither on this matter. Fire blight has been described as the foot and mouth disease of the fruit industry. In recent days precautions have been taken to ensure that foot and mouth disease does not enter Australia. Mr Peter Darley, an Orange district apple grower, put it this way:

> Fire blight to us is what foot and mouth disease is to the cattle industry.

Needless to say, in the light of present circumstances overseas, that is not a ringing endorsement at any time, and certainly not with serious foot and mouth disease problems affecting Europe at present. In the *Western* magazine of 23 October Mr Darley said that the protocols and safeguards for fire blight outlined in the Biosecurity Australia draft import risk assessment were inadequate. He further said:

> It doesn't matter how well you pack a case of fruit, there is always a tendency to have a leaf and the fire blight on it.

So there are practical considerations that are difficult to deal with and difficult to control. Mr Darley also said:

> It could transfer the disease to Australia and once it is here, it is just like a bushfire and can destroy an orchard in 24 hours.

That would be absolutely devastating for fruit growers in this country. According to Mr Darley, the cost of re-establishing his orchard if fire blight struck would exceed a massive $40,000 per hectare. Obviously it would be the end for Mr Darley and many fruit growers like him. If New Zealand apples are allowed into this country growers will be forced to keep a close watch on their orchards to be sure that they remain free of fire blight. There will be a constant shadow over apple growers, a constant source of concern, distress and fear for growers and their family. Mr Darley also said:

> We are told about the level playing field throughout the world but it is the farmers that are going to suffer.

Here comes the knockout blow from Mr Darley: He said:

> It is certainly a kick in the guts from the Federal Government for farmers.

That is straight from a grower's mouth. I repeat: It is a kick in the guts from the Federal Government for farmers. Is it any wonder that country people are leaving the National Party in droves and turning to Country Labor? Country Labor is filling the void that that once great party, the Country Party, used to occupy. National Party members no longer advocate for country people; Country Labor does that. After the fire blight task force was formed, New South Wales orchardists put in $100 or more to support the action undertaken by the Apple and Pear Growers Association to fight any importation plans. On the other hand, the Federal Government

seemingly could not care less. It is putting off making a decision. It is establishing a new quarantine body, extending the deadline for submissions and writing letters to various lobby groups, without letting the community know what the groups are.

The Federal Government is doing everything but make a decision. One can see that it is putting off making a decision until after the Federal election. One must ask why the Federal Government wants to put off making a decision. The Federal Government wants to put off making a decision because its decision will not favour the apple and pear growers in New South Wales. If it were a good decision, the Federal Government would be crowing about it. However, it is clearly putting off the decision because it will adversely affect New South Wales fruit growers. Make no mistake: The importation of New Zealand apples would be devastating on the domestic market, and we are already suffering low prices at present.

As the Minister pointed out in the House a while ago, some growers were being offered as little as 32¢ a kilogram for their apples when it costs them $1 a kilogram to produce them. The position of Country Labor on this issue has been very clear from day one. Country Labor, and indeed the entire New South Wales Government, wants a zero risk policy approach when it comes to the New Zealand apple application. To put it bluntly, we do not want any New Zealand apples in this country. The New South Wales Government has assisted local farmers with technical information and advice for their submissions, demonstrating its concern for them. There have also been suggestions that we should not follow the lines that Japan has followed with strict guidelines. Those guidelines are not strict enough. There are two blights here: the first affects apple and pear growers, and the second is the Federal Government.

Mr BLACK (Murray-Darling) [4.25 p.m.], in reply: I thank the honourable members representing the electorates of Orange, Cessnock, Burrinjuck and South Coast who spoke in this debate. At the outset I indicate that the Government rejects the amendment moved by representatives of the Opposition. The Federal Government must stand up for our growers. The interests of growers come first, not New Zealand's interest or competition policy.

Mr Armstrong: Point of order: Mr Acting Speaker, you would appreciate, having occupied the chair for some time now, that an amendment cannot be moved by members of the Opposition or members of the Government. An amendment must be moved by an elected member of this place. The honourable member for Murray-Darling said that the amendment was moved by members of the Opposition. He should correct the record and simply acknowledge that the honourable member for Orange moved the amendment. Indeed, if I can speak for another 30 seconds on the matter—

Mr ACTING-SPEAKER (Mr Lynch): Order! The honourable member is testing the patience of the Chair.

Mr BLACK: Last year Country Labor received this response from the Federal member for Parkes, Tony Lawler—and I get on well with Tony Lawler. He said:

> You don't have to worry about it, because it is only a decision in principle to bring in these apples. AQIS might have a role, but trust the Federal Department of Agriculture because it will ensure that the apples that come in will not carry fire blight with them.

That does not inspire one with confidence, does it? Last year I challenged the Federal Minister, Warren Truss, to come to Menindee, look the growers in the eye and explain himself. As honourable members know, in Menindee we grow magnificent pink lady apples at a premium of $2. Apples and other fruit grown in the Menindee area are important to the region. They contribute nearly $500,000 a year to the local economy and employ about 50 people. To someone like Warren Truss, 50 jobs is a drop in the ocean. However, to families in the Western Division, it represents 50 pay packets going directly into homes and local businesses.

With savings in water to be achieved, Menindee growers plan to expand, and in the next five years the industry is expected to grow by a factor of eight, that is, to $4 million a year. I appeal to the Federal Government not to put this industry and related jobs at risk simply because it has a strong free-trade agenda. Biosecurity Australia has so far received more than 100 responses to its draft import risk analysis on the importation of New Zealand apples. One of those submissions is from New South Wales Agriculture.

The Department of Agriculture has also identified two other mites which could be very damaging to our industry. Last December the Minister for Agriculture announced that the department had identified Biosecurity risks apart from fire blight. The Minister said that the Biosecurity import risk analysis failed to identify two mites exotic to Australia that are an economic pest of apples in New Zealand. They are—wait for it—the big-beaked plum mite and another mite known as calepitrimens baileyi keifer. The big-beaked plum mite attacks both applies and prunus species. The latter inhabits the lower leaf surface of apples.

The Minister also said that the import risk analysis was deficient in its assumptions that orchard inspections would detect fire blight in residential blocks in New Zealand. He said that evidence pointed strongly to a detection zone of 500 metres around these blocks, not the 50 metres being proposed. These were only some of the reasons why the Minister did not support the draft import risk analysis. The New South Wales Department of Agriculture submitted those comments to Biosecurity Australia in response to its report. We can only hope that the Federal Government takes note of them.

I want to reply to some of the comments made in the debate. The first speaker for the Opposition was the honourable member for Orange. I have known him for a long time. In fact, I knew him in local government. He nods his head. We were both present at a conference when the subject of Newcastle disease and chooks was debated. In fact, he raised the subject in his address. Local government resolved that we could have them in the country because eventually Newcastle disease would come in. What happened at Mangrove Mountain? It completely destroys the honourable member's argument. Here we are asking for the same that the honourable member for Orange and I asked for in local government with respect to Newcastle disease and chickens. The honourable member for Orange also referred to pigs. I can tell the House what happened in the Murrumbidgee Irrigation Area with respect to pigs. The honourable member for Orange said that pig farmers got more efficient. The bottom line is that they got so efficient that they went out of business.

Mr Armstrong: Point of order: The honourable member for Murray-Darling would be aware that there is a very large difference between pigs and apples. The only similarity between them is that a pig has an apple in its mouth at Christmas time.

[*Time for debate expired.*]

Question—That the words stand—put.

The House divided.

Ayes, 51

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

Noes, 35

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

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

BUSINESS OF THE HOUSE

Order of Business: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to postpone private members' statements until the conclusion of debate on the motion of censure of the Premier.

PREMIER, MINISTER FOR THE ARTS, AND MINISTER FOR CITIZENSHIP

Motion of Censure

Mr TINK (Epping) [4.40 p.m.]: I move:

That this House censures the Premier for:

(1) misleading Parliament on 24 June 1999 when he said "98% of the royal commission's recommendations are implemented or are being implemented", in light of the finding of the recently released independent audit into royal commission reform that "the Police Service has not addressed the key reforms developed by the royal commission";

(2) attempting to tackle gang and violent crime in Cabramatta and elsewhere without linking it to royal commission reform;

(3) failing to renegotiate the police commissioner's contract, entered into on the eve of the 1999 election, to incorporate the royal commission reform themes; and

(4) hampering ongoing royal commission reform of the Police Service by describing the independent audit as "management jargon".

Hansard shows that on 24 June 1999 the Premier, in answer to a question asked by the honourable member for Menai, Ms Megarrity, said that "98 per cent of the royal commission's recommendations are implemented or are being implemented". That is untrue, false, wrong, misleading and every other negative word that one may wish to use. The independent audit report, whose undertaking was recommended by Justice Wood, indicated time after time where the reform process is falling down. We have much for which to thank Justice Wood in relation to royal commission reform, but our greatest thanks are for recommendation No. 174—the final and most important recommendation—which was:

> Appointment of an external strategic auditor, upon engagement to the PIC, to carry out a qualitative and strategic audit of the reform process, and to report to the PIC, which in turn should report to the Minister and the Service.

It is that report that is so damning of reform under this Government. That report states at page ii:

> The audit findings and conclusions reported do not support the Commissioner's view that the reform process is near completion.

At page v the report states:

> In our opinion, by developing its own reform priorities, the Service has not addressed the key reform themes developed by the Royal Commission into the … Service.

At page vi the report states:

> In our opinion, the Service is seeking to influence public opinion in the direction of the Commissioner's own … agenda … rather than that detailed in the Royal Commission's Final Report.

The audit report goes on and on and on. It is a damning indictment of the state of the royal commission's proposed reform of this State's Police Service. The report also contains this comment:

> The Commissioner's current vision and strategy for the Service do not address the key themes developed in the recommendations of the Royal Commission.

Those extracts are a damning indictment of where this State has reached with its royal commission reform. The Premier rejects the report and says, "No, it is all management jargon." That is an absolute disgrace. This Government has attempted reform in only one area in its six years of government and that is in the Police Service. The reality now is, as the independent audit indicates, that nothing is happening in accordance with the royal commission recommendations—nothing at all.

Indeed in the first draft of "Future Directions 2001-2005" the police commissioner said that the independent audit ought to be terminated forthwith. Quite frankly, any public company's chief executive officer who made such a recommendation would be immediately placed under the closest scrutiny by its board and chairman, but not the Premier. The Premier actually attacks the audit, and, in doing so, deserves the very strong censure of this House. Why is the Premier not acting as a responsible chairman would act? The very clear answer to that question is that immediately prior to the 1999 election the Premier, through his department, was involved in coming to an arrangement with the Commissioner of Police and the Minister for Police whereby a new contract was entered into which made no mention of royal commission reform or royal commission reform themes whatsoever.

The whole game was redefined to rule out royal commission reform of the Commissioner of Police's contract. Indeed, the position is so bad that if the Premier or the Minister for Police now tried to issue some directions to return to royal commission reform, the Commissioner of Police would be able to say, "It is not in my contract to pursue royal commission reform. My contract requires me only to pursue my brand of crime reduction." What does the independent audit say about that? The independent audit in fact states that there can be crime reduction and royal commission reform at the same time and that that can occur in the way demonstrated by the Behavioural Change Program. On page vii the audit states:

> We have noted where the Behavioural Change Program (BCP) has achieved some success and are of the view that this success demonstrates that it is possible to simultaneously achieve crime reduction and positive culture change.

That has been demonstrated in Waratah and in the Shoalhaven but when the reform group went to Cabramatta it was turned around and sent away. What an unholy mess policing is and continues to be in Cabramatta! If the royal commission reform process had been allowed to run and if this Behavioural Change Program had been adopted in Cabramatta we might have a different situation in Cabramatta than the one that presently exists. Not only was the group sent away from Cabramatta, it was sacked just before Christmas in the most disgraceful circumstances, particularly in the case of Detective Chief Superintendent Seddon. Between Christmas and New Year this Government had the gall to go to the Supreme Court of New South Wales to seek orders gagging these people and preventing them from giving documents to the Police Integrity Commission. What sort of a low joke and farce was that?

I turn now to the appalling consequence of this action in the Cabramatta context. The Government refers to its current crime reduction strategies but on 24 February last year the Commissioner of Police telephoned from London and said to Alan Jones:

> They're not shooting the general public, these are targeted attacks against each other. They're the victim tonight the criminal tomorrow.

Later in the same day in an interview with Phillip Clark Commissioner Ryan again said from London:

> … they are attacking each other, they're not attacking anyone else. It's not random for people walking down the street … It's a tit-for-tat violence so its not against the broader community.

In other words, this Government's strategy, when it comes to gang attacks, is to say that they are just shooting each other and that will not affect the public. There are plenty of people in the electorate of the honourable member for Cabramatta who have spoken to me and said:

> It is a fundamental concern to us when drive-by shootings are occurring within, between and among gangs. It affects our streets. It affects our safety. It affects our lives and our kids. It is not good enough to have a police strategy built around, "Oh, they are just gangs attacking each other".

That is one year old. The same language was used by Assistant Commissioner Small in his evidence to the parliamentary inquiry just a couple of days ago when the theme of tit for tat and gang attacks repeated itself. If the behavioural change unit were involved, the matter would be looked at from the other perspective. The unit would not have this sort of top-down, heavy approach from the Premier, the Minister and the police hierarchy to try to stamp on these fellows at the front line in Cabramatta, which is what it is still trying to do today. We would have a turnaround similar to what happened with the Waratah and Shoalhaven behavioural change programs.

We should listen to the men and women on the front line who walk the streets every day to try to resolve the problems. The Minister and others will go to Cabramatta police station for a quick grab—providing the media looks safe—for 10 or 15 minutes and shoot through. The people who are left to face the real shots, rather than those who shoot through, acknowledge that they have problems and have some ideas on how to fix them.

Because of the ongoing crisis in Cabramatta, 41 police held a meeting last night. The troops see one thing and members of the public see another, but the message does not get through to this Government or the Minister for Police, so mass meetings, unprecedented in the history of this Police Service, are held. It is not the first time that the local command has been like a revolving door in Cabramatta: nothing is changing. The top-down approach is not working. Matt Casey—who was with the behavioural change unit and has gone the way of everybody else in that unit, that is, out the door—said in relation to Cabramatta that unfortunately the behavioural change program received implacable and unreasoned opposition from region commanders. That is still going on. When Mr Casey spoke about region commanders he said that one of them, a colleague of his, said, "We'll get around this shit soon, we'll get back to commanding and they'll get back to doing what we want."

No wonder police have called meetings. This is the hierarchy of a reformed Police Service. That is a deadset joke. It is a tragedy that after a decade of trying to do things about police reform—firstly with the Coalition through ICAC and secondly with this Government through the royal commission reform—that is all we are left with. It is a tragedy that after evidence to the Cabramatta inquiry of daily shootings and violence we are left with a fellow saying, "We'll get around this shit soon, we'll get back to commanding and they'll get back to doing what we want." This matter is still falling apart at the seams. Another deeply significant matter to which Mr Casey referred was that when Peter Ryan arrived he described the New South Wales Police Service as a frightened and dispirited organisation, but then he invited the frightened to his top table. Today we have not seen reform in the way that business is done within the Police Service, and that is a deadset tragedy.

It is not too late to get this matter back on track in the interests of the public. This State and this city lead the nation in many ways. What is important for policing in this State and in this city is in many respects important for the welfare of Australia. Not only for the sake of people in Cabramatta, Sydney and New South Wales but for the whole country, policing and police reform must be put back on track. We cannot have a slack Government that allows people who are answerable to the Government to redefine their contracts in terms that suit themselves. We expect some hard yards by this Government and this Minister to lay down the ground rules to pursue royal commission reform, with bipartisan support. They should say that they will pursue it and get reform back on track and ensure that the police commissioner's contract is renegotiated to cover royal commission reform.

Mr SPEAKER: Order! The Leader of the House will have an opportunity to speak in the debate at the appropriate time.

Mr TINK: The Premier deserves the censure of this House for failing the public of New South Wales with regard to royal commission reform. The Premier is interested in history. When the history of his period in office is written it will show that the Premier squibbed it. He did not have the courage to follow through or take the hard decisions. He did not have the courage to lead when leadership was required. The Premier took the easy, populist way out. He failed and betrayed the public of this State, particularly in Cabramatta—and the people of New South Wales are paying for it in spades.

It is the Premier's fault. He should get it back on track and show some guts and leadership or be forever condemned when the history of this State is written about his failure to reform. The Premier is to blame for the problems on our streets today. The Premier has it in his command to make that right. However, he has allowed his department to stand by while royal commission reform has been deleted from the commissioner's contract. The Premier and his Government are incompetently following a version of crime reduction that is a demonstrable failure. The Government should follow the behavioural change program instead of sacking the only people who have genuinely reduced crime. The Premier should fix that contract now. [*Time expired.*]

Mr CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [4.55 p.m.]: The Ministry for Police advises that 98 per cent of the 174 royal commission recommendations have been implemented or are being implemented.

Mr Tink: What does the audit say, you dope?

Mr SPEAKER: Order! The honourable member for Epping has already contributed to the debate. An interjection of that calibre is unworthy of a member of Parliament.

Mr CARR: One hundred and eleven recommendations have been implemented, 61 are being implemented and that leaves two recommendations not implemented. The first is the concept of a national profession and registration system, which is a cause for concern for police commissioners in other jurisdictions.

The second is to preserve flexibility, rather than legislating to maintain the existing agreement regarding the distinction between operational and policy considerations. That is 172 out of 174 recommendations, which is 98.85 per cent.

The biggest change in the Police Service as a result of the implementation of royal commission recommendations is also the crucial one: the establishment of a standing body outside and beyond the Police Service with the powers of a royal commission, which did not exist before the royal commission. After the revelations of the royal commission, there is now a Police Integrity Commission armed with royal commission powers. Those powers include integrity testing. Consequently—and contrary to what happened under the Coalition Government before the royal commission—if police officers find a plastic bag with white powder in an abandoned vehicle or a brown paper bag with money in it they now know there is a high chance they will be the subject of an integrity test.

A Police Integrity Commission with royal commission powers, with the power to institute integrity testing, did not exist before the police royal commission. It now exists because of the work of this Government. I met Judge Morland in New York in 1995. He headed the inquiry into New York police corruption. He said:

> If there is one lesson I would impress on you, it is that you need to come out of this process with a standing body with real powers—outside the Police Service, not in it—to investigate complaints of corruption.

I said:

> We've got reservations about committing ourselves to yet another watchdog agency.

A recommendation for a Police Integrity Commission emerged from the royal commission, and we implemented it. The Police Integrity Commission has the powers of a standing royal commission, including telephone interception. It has integrity testing, telephone interception—real substantial powers—and an annual budget of about $16 million. I will go into some of the other recommendations and the cultural and legislative changes that have occurred because of the work of the police royal commission, but let me dwell on the scandals that came out of that royal commission, because they all reflect the Police Service, its practices and its culture that operated when the Coalition was in government.

I have here all the clippings, all the revelations and all the scandals about the police royal commission as it did its work. There are four great bundles of scandals. This was the Police Service as it existed under the Coalition Government. These were the scandals that broke when the royal commission that we set up produced its evidence—page after page, revelation after revelation, story after story. All this happened under the Coalition's watch, with Liberal police Ministers.

Mr Hazzard: Rubbish!

Mr CARR: Do you dispute the findings of the royal commission? The shadow Minister says that the findings of the royal commission were rubbish.

Mr Hazzard: I did not say that.

Mr CARR: These are the findings, these are the revelations, bundle after bundle of them.

Mr Hazzard: Point of order: By way of clarification, I said that what the Premier was saying was rubbish. I was referring to his general demeanour.

Mr SPEAKER: Order! The honourable member for Wakehurst will resume his seat. He will have an opportunity to contribute to the debate at the appropriate time.

Mr CARR: There was the Police Integrity Commission, the new powers for Commissioner Ryan, more flexible recruitment of external personnel, the quick removal of corrupt officers, and drug and alcohol testing of police. The latter is an important measure. Remember the revelation from the police royal commission that in some units police were chronically indulging in alcohol abuse while they were on the job. It was Labor that instituted drug and alcohol testing throughout the Police Service. I am advised that there have been 3,300 alcohol tests and that so far only six officers have tested positive for alcohol, reflecting a change in the culture of policing.

There was the creation of operation and crime review panels that require local area commanders to account for crime in their local area. An organisational restructure of the service involved the transfer of

hundreds of police from administrative to operational duties, by replacing four regions, 25 districts and 165 patrols with 11 regions and 80 local area commands. Now, over 90 per cent of the Police Service are actually at the front line, rather than sitting behind desks. There are now 927 more police than there were in 1995. Police response times are now on a par with the fastest in the world. What were they under the Coalition? Some 85 per cent of urgent calls are now quickly attended to.

The provision of new police anti-gang and anti-knife powers are included in the Police and Public Safety Act. The old Police Service—unreformed, before the royal commission—could not have been trusted with these powers. This Labor Government felt emboldened by the change in the Police Service to implement those powers. The removal of more than 200,000 firearms from the community followed our passing of the 1996 Firearms Act, which I note the honourable member for Gosford—in a virtuoso display of policy activity in recent months—wants repealed. There has been a review of criminal investigations resulting in the establishment of the new Crime Agencies Command.

Assessment centres have been introduced into the selection process to bring greater rigour to the service's method of staff selection and promotion. The police complaints system has been overhauled and streamlined. Remember the debate in this place in 1994 on the findings of the Ombudsman following an inquiry into how complaints against the police, including that infamous one by Mr Vo, had been sidetracked, derailed and corrupted? All these reforms and more. Go to the people of New South Wales and say that you want a return to the practices that prevailed under the Coalition and before Commissioner Ryan!

What did the Coalition do and say when Labor backed John Hatton's move in this Parliament to set up a police royal commission? John Fahey described the establishment of the royal commission as a tragedy. He said that when speaking on 2UE on 12 May 1994. Remember police Minister Terry Griffiths? Under the Coalition Government policing was in the hands of Terry Griffiths, who said that John Hatton was corrupt for even sponsoring the motion to set up a police royal commission. He said in the Parliament:

> Mr Hatton is dealing with fantasy in this House.

The allegations, according to Terry Griffiths, were pure fantasy. He said:

> If we bow to the paranoia of the honourable member for South Coast, I will be ashamed to be in this House.

He said to John Hatton, because John Hatton moved the motion:

> I find your presence in the House obscene.

Minister West said:

> There is no doubt that tonight's motion is in many ways the result of frustration on the part of the honourable member for South Coast, who has spent 20-odd years in this Parliament and whom many would regard as having taken the cause of police corruption in this State upon himself.

The Coalition all voted against the royal commission. I have here quote after quote of their arguing the case against the establishment of a police royal commission. They said, ignoring all this evidence, that there was no case substantiating police corruption, that it did not exist. Then, when the royal commission was set up—because we set it up—it produced this material that resulted in these revelations. That is why we are proud of having implemented 98 per cent of its recommendations. Remember the revelations about Kings Cross—the theft of drugs and money, the shakedowns of drug dealers, the collection of payments from drug dealers, gaming operators, clubs and brothels, the protection of favoured criminals, the process of corruption, the assaults, the receipt of bribes? This was the Police Service that the Coalition told us was corruption free.

What this Government says about the Police Service—given the reforms that we have implemented, given the establishment of the Police Integrity Commission, given integrity testing, and given the changes in personnel practices—is that we now have a corruption-resistant Police Service in this State, because of those safeguards that we have set up, including a standing royal commission, which is what the Police Integrity Commission is.

I am proud that we have implemented these recommendations. I am proud that we recruited Commissioner Ryan. I am proud that we have stood by him in implementing reform, including the reform that gives him power over personnel that he did not have before. We made the hard decisions. We were the ones who sponsored legislation equipping him with power over personnel. When there was a demonstration by police

in the Domain trying to whip up opposition to the legislation, the Coalition supported that resistance. It supported the worst elements of the old unreformed Police Service in opposing our implementation of the recommendations of the police royal commission.

Mr Tink: That is a lie.

Mr CARR: For members of the Opposition to say that that is a lie is like denying that they opposed the establishment of the royal commission in May 1994. I am proud of the implementation of these recommendations. I am proud that the Australian Bureau of Crime Statistics showed public confidence in police integrity at 80 per cent—a far cry from the days when members opposite had responsibility for policing in this State. This censure motion represents a pathetic rearguard campaign by an Opposition that has no public confidence and no public trust to distract attention from its own chronic leadership crisis. That is why this motion was moved today.

Imagine Opposition members moving a motion of censure against a Premier in a Government that is reforming the Police Service when their record hangs over their heads. They have defended and justified police corruption; they have opposed the establishment of the royal commission; they have at every twist and turn opposed Commissioner Peter Ryan and his reform program; they have sought to oppose this Government's DNA legislation; and they have grumbled about this Government's legislation to change police personnel practices for the faster removal of non-performing police officers. Opposition members opposed that, they opposed DNA legislation and they grumbled about this Government's legislation to give police more effective powers over knives and gangs.

This Government is on the side of reform. The Police Integrity Commission, which receives evidence from anyone suspicious of police behaviour or believing in police corruption, is the embodiment of the implementation of reforms recommended by the police royal commission. It did not exist before but it now exists—a standing royal commission to take complaints about the police and investigate them fearlessly, using its budget of $16 million, using the power of integrity testing, using its power to tap phones, and giving us, with the other reforms, a Police Service that is corruption resistant, unlike the Police Service under the former Government that was corruption prone.

Mr KERR (Cronulla) [5.10 p.m.]: When I listened to the Premier's speech I was interested to hear his creative use of numbers. He said that the royal commission had made 111 recommendations and that 61 of those recommendations were being implemented. That means that those recommendations have not been implemented. That simply means that they cannot form part of the 98 per cent of recommendations that have been implemented. If this Government is implementing something, it has not yet been completed.

The Premier, through his creative use of numbering, could apply for the position of secretary of a branch of the Australian Labor Party. He demonstrated his ability to use numbers. It is creative accounting. At least that would be a step up from the job for which we saw him applying a few minutes ago—that of a paper boy. It is a great pity that the documents that he was handing out did not include information about the 61 recommendations and the degree to which they had been implemented. It would be useful to have that sort of information. I refer to those 61 recommendations and give an assessment of what has occurred under the watch of this Government. I quote:

> 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.

That is a description of what is occurring under the watch of this Government. Those are not my words; those are the words of the honourable member for Bligh—no friend of this Opposition. When she made that statement last year did the Commissioner of Police dispute what she said? No. Nobody said that she was wrong in any shape or form. That attack on the commissioner, that attack on what was happening to policing in New South Wales stood on the public record and remains on the public record. The issue has never been joined.

What else occurred under the watch of this Government? Let us look at a document entitled "Future Directions". We should all be grateful to the *Sydney Morning Herald* for putting that document on its web site. The document speaks for itself. When we look at that document we see that it is all in the first person. Has the commissioner ever denied that he was the author of that document? Could anybody who read that document doubt for one moment that the person who said, "I did this", or, "I did that" was not, in fact, the commissioner?

Mr Whelan: You all hate him, don't you?

Mr KERR: This is not a personal attack. When I said that this document was in the first person—

Mr Whelan: What else is it?

Mr KERR: It is about the lack of accountability. That document and the authorship of that document have not been disputed. What does that document say? It states:

> I also—

I, first person pronoun—

> recommend the quality of the strategic audit of the reform process be terminated forthwith.

What is the point of having a standing royal commission if the Commissioner of Police is the terminator of that body? Government members referred earlier to wanting to terminate the royal commission. Any reading of debate on this issue reveals that members of the Opposition said that the Independent Commission Against Corruption ought to be the body that investigates the royal commission, as it has more powers than a royal commission. Yet the Premier came into this Chamber today and said that 61 of the recommendations of that royal commission have not yet been implemented. He then said, "It is all finished; 98 per cent of its recommendations have been implemented."

As I said earlier, the Premier's mathematics do not add up. Any reading of the speech of the honourable member for Epping will reveal that he did not quote managerial jargon; he quoted plain English. In the words of the Premier, this Government is trying to terminate the standing royal commission, which was set up to ensure that the police force remained honest. I hope that, when the Minister responds to this debate, he will talk about what the honourable member for Bligh said and refer to the authorship of that document on the web. [*Time expired.*]

Mr WHELAN (Strathfield—Minister for Police) [5.15 p.m.]: One thing is certain in this debate. Members of the Opposition are not contrite about their failure to support the Australian Labor Party when in opposition and the present Government in its recommendations relating to the royal commission. It is patently obvious this afternoon that members of the New South Wales Opposition hate the Commissioner of Police and they are working against him. That is what we heard from the mouths of the honourable member for Epping and the honourable member for Cronulla.

This censure motion is nothing more than a callous attack on the Commissioner of Police in New South Wales. This is not the agenda of members of the Opposition; this is someone else's agenda. Opposition members would sack the Commissioner of Police tomorrow if, through some miracle, they were elected to office. The Premier said earlier that Opposition members opposed the establishment of the royal commission. This motion was moved by the honourable member for Epping—a member of Parliament who said in this place that he does not trust the New South Wales police. The honourable member for Epping is now saying that this House has to censure the Premier for his failure to do something about the New South Wales Police Service.

Opposition members opposed the establishment of the royal commission. That puts them in the same category as the Chook Fowlers of this world. They turned a blind eye to corruption in the police force and said that John Hatton was corrupt. They attacked everyone on this side of the Chamber. The Premier of the day said that it would be a travesty of justice if a royal commission were established. What did that royal commission uncover? Day after day it uncovered institutionalised corruption and cover-ups by former Coalition police Ministers. They are still not apologetic about that.

Now we have the most successful New South Wales police commissioner since 1856, and members opposite want to run him out of town because they are running a campaign against him, a campaign of vilification and a campaign of lies. The Opposition shadow minister led it. He detailed a farrago of lies to this Chamber this afternoon. He could not even tell the truth when it came to the Police Association meeting yesterday. It was a general meeting with a normal attendance level and it was attended by the commander for the region, who has been appointed since 1 January, Assistant Commissioner Clive Small. I am advised he spoke for 1½ hours. But the shadow minister could not tell the truth about those issues. I ask members who are interested in the structure of this debate to pick up a copy of the executive summary of the qualitative and strategic audit of reform process [QSARP]. They will see in section B recognition of the great work being done

by the New South Wales Police Service. It says the behavioural competency for leadership and management is significant, and it expects a positive development in the Police Service. It goes on to say that the service has placed responsibility for—

Mr O'Farrell: We can all read just the good bits.

Mr WHELAN: It is all there. That is the summation of it all. If it were perfect, Justice Wood would not have said in his royal commission report that the Police Service will need outside help. That was said in May 1997. We acknowledge that and so does the commissioner and so does the Police Integrity Commissioner [PIC]. That is why the Government has adopted the recommendations: an outside expert, an expert team to advise the commissioner. The commissioner is running the reform agenda. It is a co-ordinated management plan. That was envisaged in 1997 and it was adopted by the PIC and by the commissioner in New South Wales, to continue the reform.

The honourable member for Epping criticised the Premier for saying that 98 per cent was implemented or was in the process of being implemented. Members opposite had the opportunity while they were in government of doing something about random alcohol testing. What did they do? What did they do about integrity testing? Nothing. Did they think of setting up the PIC? No. They joined the Chook Fowlers of the world and covered their eyes and did not understand there was endemic corruption in the New South Wales Police Service.

Mr O'Farrell: This is what you did to Tim Priest last week.

Mr WHELAN: Your agenda might be a bit different, it might be about leadership at the moment. Your shadow spokesman has only one agenda, and that is to get rid of the police commissioner of New South Wales. It is like spreading the virtue of the behavioural team in the Police Service. They were the people at the front saying, "Send the pommie back." They were the ones involved in the anarchy. [*Time expired.*]

Mr STONER (Oxley) [5.20 p.m.]: Unfortunately, the Government keeps harking back to the old days when the royal commission was being set up and has completely missed the point of this censure motion. The point of this censure motion is that the Premier in stating that 98 per cent of the reforms have been implemented or were being implemented runs starkly in the face of the independent audit on the royal commission. That is the point of the motion, that the Premier misled the House when he was talking about this vast quantity of reform being implemented—the only reform he pretends to implement after nearly six years in government.

New South Wales has a lot to thank Justice Wood for, but no more than for his final and most important royal commission recommendation, No. 174, that there be an ongoing audit of royal commission reform independent of the Premier's spin meisters. The Premier's extraordinary attack on the independent audit as "management jargon" is nothing less than a full-scale assault on the ongoing royal commission reform process. He is in interesting company with the police commissioner, whose first draft of *Future Directions 2001-2005* recommended that the independent audit be "terminated forthwith". His board chairman would immediately place any public company chief executive officer who made such a recommendation under the closest scrutiny. Not the Premier—he attacks the audit and in doing so deserves the strong censure of this House.

Just prior to the last election the Minister for Police, with the advice of the Premier's Department, signed off on a new performance agreement with the police commissioner, which nowhere incorporates, let alone mentions, anything about the royal commission reform themes. Indeed, if the Premier were to try to direct his commissioner back onto royal commission reform, the commissioner could reply that it was not part of his performance agreement. This little pre-election deal will come back to haunt the Premier long after he is gone. So, the Premier forgets reform and backs the commissioner's crime reduction strategies.

After the commissioner has been in the job almost five years, we see shootings, stabbings, stonings and gang activity as a daily occurrence. New South Wales is an increasingly violent and dangerous place. What are the Carr Government's crime reduction strategies? Strangely, at the height of the gang wars this time last year, the commissioner, talking on Sydney radio from London, seemed to suggest that these were attacks between gangs and did not involve the general community as such. On 24 February last year he said to Alan Jones:

> They’re not shooting the general public, these are targeted attacks on each other. They’re the victim tonight the criminal tomorrow.

On the same day, to Phillip Clark, Mr Ryan said:

> They are attacking each other, they're not attacking anyone else. It's not random for people walking down the straight … it's tit-for-tat violence so it's not against the broader community.

The very next day the commissioner was quoted in the *Daily Telegraph* as saying:

> We've reclaimed the streets of Cabramatta to a large extent.

Does the Premier agree? Does he back a crime reduction strategy that seems to downplay the risk to the public of gang warfare? The Opposition does not. The Opposition supports and the Premier should support, the sorts of initiatives run by the behavioural change program and which, according to the independent audit, demonstrated, "that it is possible to simultaneously achieve crime reduction and positive cultural change." The Minister knows the program works well in Waratah and Shoalhaven, where dramatic reductions in crime were achieved through it. In evidence to the Cabramatta parliamentary inquiry one unit member, Matt Casey, said:

> The program earned the implacable and unreasoned opposition of the region commanders …

and that Commissioner Ryan:

> … invited all the frighteners to his top table.

The point is that the audit finding is that:

> … the Commissioner and other members of the CET have assumed sole ownership of the reform process by communicating to service employees that reform should be left to the commissioner and his leadership team.

What happened to the people in the behavioural change program? The Minister sacked them, and they were told not to deliver documents to the Police Integrity Commission. [*Time expired.*]

Ms MEAGHER (Cabramatta—Parliamentary Secretary) [5.25 p.m.]: The honourable member for Epping has an absolute hide to criticise the Carr Labor Government's record on policing in Cabramatta. When I was elected in 1994 there were 85 police officers at the Cabramatta patrol, despite the fact that John Newman had raised the issue of drugs, crime and police in this Chamber on 28 occasions. The Liberal Government ignored him because it did not care less about Cabramatta.

Mr DEPUTY-SPEAKER: Order! The honourable member for Epping will have an opportunity to reply to the debate at the appropriate time.

Ms MEAGHER: It also rejected the recommendations of the Department of Health to establish a detoxification unit. In 1986 the Department of Health recommended the establishment of a detoxification unit to deal with escalating addictive problems in south-west Sydney. That was resoundingly ignored by the Coalition Government of the time. Members opposite want to talk about what has happened on each other's watch. On our watch the Police Service in Cabramatta has nearly doubled, not to mention the establishment of dedicated strike forces to deal with Asian crimes on our streets. On our watch the detoxification unit was established—a 20-bed facility costing $5 million dealing with addiction on our streets. That happened on our watch. The Coalition ignored the people of Western Sydney. It was not until the Carr Labor Government was elected that these needs were met.

Much has been made of the evidence of Senior Detective Sergeant Priest that was given before the parliamentary committee, and I want to say a little about that as well. He gave evidence to that committee in December, and did not make any of the allegations that he subsequently made in February. He was asked to go back to that committee by the president of the Chamber of Commerce of Cabramatta to fulfil a political agenda. Those allegations were not made in December, but he thought about it and he came back at the request of the Chamber of Commerce.

I take issue with some of what Priest said, because he got up before the committee and said that as the member for Cabramatta I did not care about policing in Cabramatta. However, I have raised the issue of drugs and crime in Cabramatta on 35 occasions, so I take issue with the integrity of Sergeant Priest. I also take issue with the honourable member for Epping's integrity, because he is having a bet each way on the Cabramatta issue. Today he came out and said that the parliamentary committee should be allowed to get on with its inquiry unfettered. I quote what he said on the ABC, because it is pretty good. He said:

> That's really the key at this point, to allow the committee process to go ahead free from any further criticism and to ensure that people who may be able to assist the committee to get to the bottom of the problems in Cabramatta, are encouraged to come forward and give evidence.

That is not what the honourable member said last week. In the *Sun-Herald* of 25 February, he is reported as saying that the Police Integrity Commission [PIC] needed to set up a task force comprised of interstate officers to oversee the allegations of Sergeant Priest. On one hand the honourable member is saying that the committee should be allowed to get to the bottom of the allegations, but one week ago he said that we need officers from interstate. The honourable member does not know which way he is going on the Cabramatta issue. He is simply whipping up the Chamber of Commerce and disgruntled police in what is essentially an industrial dispute.

The committee's activities are doing long-term damage to the community of Cabramatta, because it is providing a vehicle for a bitter internal dispute to be aired publicly and allowing slanderous allegations to stand for four or five days before they can be tested. That is the role of the committee. It is giving voice to a political agenda from the Chamber of Commerce and the conservative elements. Undoubtedly there is a drug and crime issue in Cabramatta, and no one stands back from that. However, the committee inquiry process is giving a platform for a bitter internal dispute that is further driving a wedge between the Police Service and the Cabramatta community.

I heard evidence at the committee hearings about a wall of silence. The Opposition committee in the upper House is doing a great deal to foster a wall of silence and to engender distrust between the community and the police. The only people who benefit from this are the drug dealers in Cabramatta. As soon as we get on with the business of policing and we support the police in the local community we can deal with the challenges confronting Cabramatta. [*Time expired.*]

Mr TINK (Epping) [5.30 p.m.], in reply: The Premier's contribution was astonishing for quite a few reasons. He passed around a bundle of documents. However, a closer inspection of some documents plainly showed the level of corruption under the former Labor Government. Some documents in the bundle are dated 1980 and 1983. Basically, the stuff he handed around was rubbish. That indicates the level of preparation and the level of the Government's concern about genuine police reform and genuine debate on this issue, namely, no serious concern at all.

The problem with the way the Premier approached the issue is that he continues, and he has ignored from the beginning, the independent audit into the Police Service. He talked about the Police Integrity Commission. I agree with him that the Police Integrity Commission is an extremely important body. It is a standing royal commission body with a standing royal commission power in relation to the police service. Plainly, that is of the most importance. The Premier's problem in spruiking the Police Integrity Commission is that he is choosing not only to completely ignore but also to insult the people and the quality of the work of the independent audit. In other words, he is insulting the work of the Police Integrity Commission.

The Premier said that the Police Integrity Commission is a great initiative of this Government. He then promptly turned around and rubbished the most important job of the Police Integrity Commission since it was established. Why is the independent audit the most important work of the Police Integrity Commission? It is the most important work because it was the final and most important recommendation of the Wood royal commission. Justice Wood understood that there were some hard yards to be done in police reform and at the time he doubted whether a government—this government in particular—would be able to run the hard yards to do the reform. He said:

> We need to have an audit along the way and it needs to be a continuing audit to establish how this reform is going.

The Government has fallen at the first hurdle, and that is what is so embarrassing to them. Nothing could be plainer than the plain language of the audit itself. I quote from the independent audit sponsored by the Police Integrity Commission—the Police Integrity Commission which the Premier apparently so strongly supports. The independent audit states:

> The Commissioner's current vision and strategy for the Service do not address the key themes developed in the recommendations of the Royal Commission.

What could be plainer? No wonder the Premier did not want to talk about the independent audit. He did not mention it because he did not like what he read in it. The audit is not very pleasant reading, because it states that not a lot has been happening. The most disgraceful comment the Premier made is that the audit of the Police Integrity Commission, which he says he supports, is a lot of management jargon to be dismissed. That comment

is a disgrace in terms of following through and supporting the body that the Premier says is important to police reform. What are we left with? A recent edition of the *Police Service Weekly* stated:

> Minister Whelan confirmed there was no conflict between the Commissioner's priorities and the Royal Commission reform recommendations.

That is like the organ grinder asking the monkey if he is playing in tune. That is how bad this is. We must go to an audit to find out what is going on. An organisation with some 13,500 employees in Police Service uniform, another 3500 civilians or thereabouts and a $1 billion budget would be a large public company in the real world. A company chairman who received an F in an independent audit of reform and who then bagged the audit would be brought before the Federal Court by the Australian Securities Commission. In this case the tragedy is that it is the people of New South Wales—the shareholders—who are being dudded.

Mr Whelan: Point of order: The honourable member for Epping must quote a document accurately; he cannot quote selective parts. *Hansard* will show that the honourable member quoted a document that stated, "He found that the service is pursuing a reform agenda centred on". However, he left out the words, "ethical", "cost effective", and "crime reduction". *Hansard* should record that he simply left out those words. If he is quoting a document he should quote it in its entirety.

Mr DEPUTY-SPEAKER: Order! The veracity of the quote is all that is required.

Mr TINK: The quote is contained in the QSARP report, which I am happy to seek leave to table. Whatever quote the Minister tables or whatever quote I table, we know that the Premier said that the independent audit is all management jargon. He airily dismissed the independent audit, and that is the big tragedy. The Premier said that the Police Integrity Commission is a new standing royal commission of the Police Service. However, the Government made a regulation on the first working day after Boxing Day. It went to court to argue that members of the behavioural change unit, which it sacked just before Christmas, are unable to take documents to the Police Integrity Commission.

Mr Whelan: Untrue!

Mr TINK: I will quote from the submission of Mr Toomey on behalf of the Government in the case of *The Commissioner of Police v. Kenneth Seddon and Others*, No. 5146 of 2000, before Justice Hulme in the Supreme Court of New South Wales Equity Division on Thursday 28 December 2000. Mr Toomey said:

> Prima facie the Commissioner is entitled to the documents back. If the Police Integrity Commission wants to go along to the Commissioner of Police or his deputies and prove an entitlement to the documents, they will get every one of them.

What a dead-set joke the Government is! The Police Integrity Commission ought to have access to any document—

Mr Whelan: Read that to me again.

Mr TINK: That is the submission of your counsel, dopey! That is not the law. Thank heavens the judge did not accept the dopey submission put forward by your counsel. But it was put forward, and that is the disgrace of the matter. The Minister for Police and the Premier say in this House that the Police Integrity Commission is a royal commission with royal commission powers into the Police Service. Wrong! People in uniform or in civilian clothes who work in the Police Service are not able to directly approach this so-called royal commission with documents or information. They have to go through the clearing house of Labor's office in College Street. That is a dead-set joke! The Police Integrity Commission is being nobbled at the front gate. Where this Government stands is a joke. The so-called royal commission is hogtied by an arrogant Government that claims it knows best. To hell with any audit that is giving the Government views it does not want to hear! Just load up the gun and shoot the messenger!

When 40 police have a meeting—and it is not the first meeting they have had—and want to have a say about what they can see and are concerned about in Cabramatta, what happens? It is all squashed down. The Government says, "Close the inquiry; close the hearing. How dare anybody ask questions! How dare anybody with no control come in with an audit finding we don't like! How dare police want to approach a parliamentary committee! How dare police want to support one of their colleagues who has had the guts to come forward and give some evidence and tell some home truths about problems with policing in Cabramatta. How dare they do this." That is the attitude of this Government, and that is what must change. That is why at the moment the

wheels have fallen off the Carr that is trying to assert that he is pursuing royal commission reform. He is a great history buff. Mark my words: History will be hard on his record in this area—and he deserves condemnation. He is interested only in short-term popularity and not in the long-term future of the Police Service.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 31

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

Noes, 57

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

Question resolved in the negative.

Motion negatived.

Pursuant to resolution private members' statements taken forthwith.

PRIVATE MEMBERS' STATEMENTS

WESTLAKE MACQUARIE COMMUNITY ACTIVITIES ASSOCIATION ANTI-VIOLENCE PROGRAM

Mr HUNTER (Lake Macquarie) [5.51 p.m.]: I draw to the attention of the House the Westlake Macquarie Community Activities Association's anti-violence program. On Monday of last week, 26 February, I had the pleasure of launching an anti-violence production, *Control*. The production is the direct result of a grant

provided by the Minister for Police to the Westlake Macquarie Activities Association. I thank the Minister for the grant of $5,000 to assist in this program being put together. The production, *Control*, is performed by the 2 Til 5 Youth Theatre and is designed to challenge the myths about violence in relationships and to encourage young people to take control of their lives and seek assistance.

Following the debut of the production last Monday, it is expected that it will be performed in local schools to get the message across to young people in the community. The debut performance was well attended. I thank everyone who was involved in putting the production together, particularly the Westlake Macquarie Community Activities Association. The association has been operating in the area since 1983. It runs six core projects with contributions from the New South Wales Department of Community Services. In recent years the youth development project has run information sessions for high school students about domestic violence. The production of *Control* is an extension of that work.

Earlier this year, Westlakes Activities and Van commissioned the 2 Til 5 Youth Theatre to produce a new play about domestic violence. An advisory committee was convened and met six times with the writer to monitor the progress of the script. I thank the people who gave up their time to be members of the committee, namely: Rachel O'Connor, the Lake Macquarie youth development officer; Jillian Meyers-Brittain, the regional violence prevention specialist; Kieran O'Leary, the youth activities officer; Julie Hopkins, the North Lakes adolescent and family counsellor; Sam Varnam, the North Lakes youth project officer; and Kate Woods-Crowe, from the Westlake Macquarie Family Support Service. I thank all those people as well as the members of the 2 Til 5 Youth Theatre and Tantrum Theatre, which collaborated with 2 Til 5 Youth Theatre, for the time they contributed and for putting the production together.

The aim of the group is to take the play to schools and to get its message across to young people in society. Abuse is a matter of concern everywhere and Lake Macquarie is no exception. It is vital to raise this issue with young people to help to prevent abuse in future relationships. The Minister for Police and the New South Wales Government have been very supportive of this project. After the play is performed in schools, there will be a debriefing session to allow time for discussion and for the provision of related information on domestic violence. The information that will be handed out to students includes emergency telephone numbers for police, LifeLine, a sexual assault service and the domestic violence line. It is important to get a message of non-violence to our youth as early as possible and to deliver it in a manner that ensures that the message stays with them for a long time.

It was interesting to note at the launch of the production that the New South Wales Police Service was represented. Acting Newcastle Commander Michael Kenny spoke prior to the production being performed and pointed out that in excess of 60 per cent of general duties police time is taken up with domestic violence. Jillian Meyers-Brittain, the regional violence prevention specialist with the Attorney General's Department, outlined the problems that the Newcastle and Lake Macquarie communities experience with domestic violence. I thank both of those people for their participation.

In conclusion I wish to mention the young people from the Newcastle-Lake Macquarie area who comprised the cast of *Control*: Jema Ayton, Bernadette Alchin, Luke Carson, Prudence Drinkwater and Jo Dyer. I congratulate them and the crew, John Hancock and Rhyce Winterbourne, on an excellent performance. The play was written and directed by Mark Reedman and I congratulate him on a job well done. I am sure that when the message is spread throughout local high schools, it will have lasting results and, hopefully, will reduce the incidence of domestic violence in the Lake Macquarie area.

Mr WHELAN (Strathfield—Minister for Police) [5.56 p.m.]: I commend the honourable member for Lake Macquarie for his private member's statement. I must say how pleased I am that a $5,000 grant was able to be provided to the Westlake Macquarie Community Activities Association from my discretionary fund to assist with establishing the performance. Abuse of any type, particularly domestic violence, will not be tolerated. The Government has taken a tough stand on domestic violence: It is a crime, and it is treated by the Government and by the Police Service as a crime.

The context in which young people, including the group known as 2 Til 5 Youth Theatre, have performed *Control* is important. I understand that it is a production designed to challenge the myths about violence in relationships and to encourage young people to take control of their lives and seek assistance. I understand that the production will be widely performed in local schools. I again commend the honourable member for Lake Macquarie for raising this issue in the Chamber and reiterate that abuse is a matter of concern everywhere—not only in Lake Macquarie, but right throughout the whole of our nation. No area is exempt from domestic violence.

It is vital to raise these issues, particularly with young people, so that they can learn and shatter the myths relating to violence. We must continue to get that message through to the community that domestic violence is a crime and it is treated by the Police Service as a crime. We must also make young people aware that there is a message about non-violence in our community. That message must be instilled as quickly as possible in young people. The way to do that is, as the honourable member for Lake Macquarie has suggested, through the 2 Til 5 Youth Theatre and its production of *Contro*l. I wish the theatre group every success.

BROOKLYN CHILD CARE FACILITIES

Mr O'DOHERTY (Hornsby) [5.58 p.m.]: Honourable members will be aware that arrangements relating to regulations applying to child care in New South Wales have been under review for some time. I participate in this debate to ask that within that review the Government pay particular attention to the needs of remote communities, particularly the small community of Brooklyn, for a child care facility that accommodates the particular concerns of that community. At the moment the facility at Brooklyn is licensed for 16 long day care places and 1.6 after school care places, which, sensibly the department has allowed the community to round off to two places.

The centre has been given the clear impression that with its current level of facilities, it will not be allowed to go beyond two places, particularly when the new regulations are introduced. Brooklyn is an isolated community and those who work in the city have to travel long distances to get home from work. Access, which is via the F3, can be extremely difficult. Travel times can vary a great deal for those who live in Brooklyn but work elsewhere. Being a small community Brooklyn does not have the capacity to raise funding to provide additional capital facilities for the child care centre. The child care centre's current building was provided after Kathryn Greiner, the wife of a former member for Ku-ring-gai, my predecessor in that electorate, visited the centre and was able to facilitate assistance for the construction of the building.

I ask the Government to provide additional funding for the expansion of the facilities. The centre is in the grounds of Brooklyn Public School. I believe it is unlikely that the Government will provide the centre with capital funding. However, the Government should take into account Brooklyn's special status as a remote community and, therefore, not apply the strict rules that might apply to the inner city or even to Hornsby when calculating the number of before and after school care places the centre can accommodate alongside the long day care places. The centre took its concerns to Professor June Wangman of the Office of Child Care Providers, who organised a long, detailed and helpful conference. Professor Wangman made the following statement about the Minister for Community Services, as recorded by the group in its minutes of the meeting:

> "… the Minister is very supportive and aware and is keen to get an outcome that is in the interests of the community". In addition that "special circumstances can be considered … can't cover everything in an information package—

That refers to the information package about the review of the legislation. The minutes record that Professor Wangman said:

> … the Minister does look at specific situations and is willing to change or amend legislative requirements.

That is exactly what the people of Brooklyn need. They need the Minister for Community Services to provide a special arrangement for their remote community. I imagine that honourable members who represent country electorates have similar concerns about metropolitan arrangements being applied to a smaller rural community. It is ridiculous to believe that such communities can find additional facilities and that strict guidelines are necessary in relation to the mix of school age and preschool children. In many cases children come from the same family. The ridiculous requirements to set aside completely different physical spaces for those children are unworkable in a place like Brooklyn. As I said a few moments ago, in many cases parents who work in the city and travel home by the F3 can be delayed by an hour or more if there is an accident on the freeway or, indeed, on Friday afternoons when the traffic is regularly banked back from Brooklyn down to Wahroonga as people try to head north from the metropolitan area.

I have placed on the record the comments of Professor June Wangman, which the centre regards as helpful and positive, but I ask the Minister to respond in detail to the letter sent to her by the centre in December. To the best of my knowledge, the centre has not yet received a response to that letter, other than an interim response acknowledging the correspondence. We want the Minister to take account of the special circumstances of the Brooklyn child care centre and to give it an exemption so that it can provide, with its current facilities, more than two after school care places alongside the 16 long day care places. The centre is an important facility to the community of Brooklyn. It is also essential to the viability of the small Brooklyn Public School, which needs all the help it can get to retain its enrolment numbers and survive. [*Time expired.*]

MIROTONE PTY LTD INDUSTRIAL DISPUTE

Mr ASHTON (East Hills) [6.03 p.m.]: I bring to the attention of the House an industrial dispute at the Mirotone industrial paint company's factory in Marigold Street, Revesby, in my electorate. A long-running dispute commenced in November last year and is being replicated at the Mirotone Wacol site on the outskirts of Brisbane. Put simply, the company has chosen to lock out workers while the dispute goes on. As part of the National Government's agenda under the Reith legislation of trying to introduce Australian workplace agreements, the lockout has returned to the lexicon of trade union negotiations. It was expected that workers would return to work yesterday, 5 March, while further negotiations took place. Shamefully the company management, I am told, has locked out workers for a further two weeks, until Monday 19 March. The men work under a Federal award providing a 35-hour week, which was won more than 19 years ago.

Last Friday the Federal member for Banks, Daryl Melham, and I visited locked out employees and their supporters at the factory site. We spoke to them and were told that they did not want to be forced into Australian workplace agreements, which will increase their working hours to an average of 38.75 hours a week. The agreements will also impose other conditions, the details of which I do not have time to go into. The workers have a genuine fear that if they are virtually starved into accepting these changes, the paint industry across Australia will then open up its employees to working longer hours. Many other industries may then go the same way and, as a concomitant of that, there will be an attempt to deunionise the paint industry work force. Who knows what may follow? Daryl Melham and I sought and were granted an audience with the owner and management of the company. We listened to their case. Mirotone is certainly a small factory which has to compete on the world stage. That is because of the policy of globalisation that our Federal Government is in love with.

We summed up the workers' case, but nothing concrete was achieved in our friendly conversation. The Mirotone company should be aware that the Reith legislation will not survive the next Federal election and that the lockout tactic is unAustralian and doomed to failure. Where are we now? Recent legislation allows companies to impose extended lockouts in response to moderate industrial action. I am not talking about men walking off the job at the critical moment after a concrete pour, as they might have done some years ago; I am not talking about industrial sabotage or anything like that. I am simply talking about a disagreement about how many hours are to be worked, and how many rostered days off might be allowed in this industrial paint factory. At the most it would involve 40 or 50 employees in Australia. This could be a stalking horse, a Trojan horse, to break down conditions.

I do not know where this company is getting its industrial advice from, but it is getting bad advice. The company is dealing with the Liquor Hospitality and Miscellaneous Workers Union, which is not a rabid or outrageous union. The union has tried to present a balanced case on behalf of the workers. The company is trying to starve workers into submission. Historically a four-week lockout is a long lockout. Australian workplace agreements are an attack on conditions of employment; they are an attack on the 35-hour week. Offsets have already been made to get the 35-hour week, and there are threats to the conditions of employment in the wider paint industry if this company succeeds in its aim. I urge management of this paint factory to enter into further negotiations and to immediately resolve this dispute as positively as it can.

In the two years I have been a member of Parliament I have probably made dozens of visits to factories in my electorate where management and employees work well together. I am often asked to assist local companies, as the Minister for Small Business will confirm, with advice on grants from the State Government, research and development applications, and contacts with the Minister for Small Business on how to better help companies do business in New South Wales. It is a pity Mirotone has decided to lock out its workers and, in a sense, compromise some of my good efforts on behalf of workers and companies in my electorate.

FRUIT BATS

Mr D. L. PAGE (Ballina) [6.08 p.m.]: I wish to raise the vexed issue of fruit bats, their impact on fruit and horticultural crops, the health issues involved, and whether they and their environment are under threat. Whilst emotions run high on both the pro-bat and anti-bat sides of the argument, I believe it is important to look objectively at this matter. There are at least three questions that need to be answered. First, do bats do real economic damage to the fruit and horticultural industries? Second, do fruit bats constitute a health risk for humans? Third, even if the answer to those two questions is yes, are fruit bats sufficiently under threat to override the damage that they do to the fruit and horticultural industries and could do to human health?

In relation to the first question—whether bats do damage to our fruit and horticultural industry—I believe the answer is an unequivocal yes. In the 13 years I have been the local member I have received

numerous complaints from all over the North Coast about large-scale fruit damage resulting in millions of dollars of lost income. Most recently, Bob Brinsmead from Tropical Fruitworld has advised me he has lost all of his peach and nectarine crops over the past two years as well as losing part of his lycee crop. Whilst netting is certainly an option, it is very expensive. Nonetheless, many orchardists have pursued this option. In Mr Brinsmead's case it would cost between $1 million and $2 million to net all his fruit. Numerous other farms, including the large Byron Bay lychee farm at Brooklet, have experienced serious fruit losses over the years. The Byron Bay lychee farm lost $400,000 this past year alone due to fruit bats.

As regards the second issue—the threat to human health—the Commonwealth Department of Health advises that a new lyssavirus, first identified in 1996, has been found in several species of fruit bats in Australia. This virus is closely related to the rabies virus. In October 1996 a woman in Queensland developed encephalitis, shown to be due to the virus, after being bitten and scratched by bats. She later died. The Department of Health advises that the lyssavirus is widely distributed in Australia. Furthermore, it states that it should be assumed that all bats have the potential to carry lyssavirus.

The department says that the rabies virus and lyssavirus are usually transmitted to humans via bites or scratches, which provide direct access of the virus in saliva to exposed tissue. It indicates that further research is being conducted into the distribution and transmissibility of the virus, and makes specific recommendations about protective measures that must be taken by humans. The bottom line is that the Commonwealth Department of Health definitely regards fruit bats as a real health risk to humans. A constituent, Leonard Graham, raised with me the issue of whether the saliva that drops onto untouched fruit from bats that are feeding above constitutes a risk to consumers. The advice contained in a letter to me from the Commonwealth Department of Health states:

> People should avoid direct contact with the saliva of bats, as there is a theoretical risk associated with contact between bat saliva which has not dried and the mucous membranes of a person's mouth.

The risk is increased if there is a lesion around the person's mouth, for example, chapped lips. It would seem the risk to human health is not fully appreciated or, if it is, it is not being highlighted by the appropriate authorities. For example, Dr Tidemann, a bat conservationist from the Australian National University, says valid community health concerns are being "studiously ignored, trivialised or held to ridicule by bat devotees". He goes on to point out that the close relation between lyssavirus and the classic rabies virus suggests that it is likely to be capable of causing fatal illness in most mammalian species. Dr Tidemann says:

> The discovery of lyssavirus in Australian bats has highlighted the need for professional and community groups to work together to decrease the risk to human health.

I perceive that this is not happening. Surely the precautionary principle should apply equally to human health as it does to flora and fauna. This is a real concern, given the increase in the presence of fruit bats in urban environments with a resultant increase in the likelihood of exposure to humans. There are those who believe that lyssavirus could be transmitted in the air, including through aerosols. More work needs to be done to test this hypothesis because if it is true the implications are quite worrying.

As regards the fruit bat population, the National Parks and Wildlife Service argues that numbers are declining despite evidence of a large local concentration of bats. The service says that the fragmentation of fruit bat habitat means that they may become more concentrated in certain areas. Notwithstanding this, there seems to be little scientific evidence to support the view that fruit bat numbers are actually in decline. If such scientific evidence exists, I would like to see it. Indeed, in a Supreme Court case in Brisbane Justice Spender accepted Dr Tidemann's evidence that claims made by fruit bat conservationists about declining numbers are not supported by any credible scientific research.

What does all this mean? It means at least two things. First, because of the damage fruit bats do to the horticultural and fruit industries, we need to know whether they really are endangered or not. Much more work needs to be done to better understand the nature and distribution of the fruit bat population. Second, a more honest approach needs to be taken regarding the health risks associated with fruit bats, especially given their increasing proximity to schools and urban populations and the forced handling of them by farmers as a result of bats being caught in netting. Until we get more scientific information, especially regarding the fruit bat population, the pro-bat and anti-bat camps will continue to argue on an emotional rather than a scientific basis. [*Time expired.*]

BRANXTON TO SEAHAMPTON LINK ROAD

Mr HICKEY (Cessnock) [6.13 p.m.]: I bring to the attention of the House my concern about the link road from Branxton to Seahampton, which I have raised in the House on many previous occasions. That link

road is called the Kurri Kurri corridor. Last night I attended a meeting of a group called Fix the Link or Sink. Most people are putting forward the funding problems associated with the link road. The link is important to not only the Cessnock township but the whole of the region and beyond. The Branxton to Seahampton link road deserves total funding allocation in the upcoming Federal budget. That allocation is in the vicinity of $242 million.

The State Government has been doing the planning and route determination, which are to be finalised in June. This has been a longwinded affair. The township of Cessnock continues to complain about the problems associated with heavy vehicle movements along Vincent Street, in the main central business district of Cessnock. This is a safety issue for pedestrians. Yesterday I had in my office a lady who had nearly been run over by one of those heavy vehicles. She was quite shaken, to say the very least. The Cessnock central business district needs to be defined so that heavy vehicles are excluded from it.

In 1940 a Cessnock bypass was planned from Duffys Drive through to the brickworks at Nulkabar. Here we are in 2001 and that proposal still has not come to fruition. Now the people of Cessnock have formed a committee and are requesting the Federal Minister for Transport and Regional Services, Mr Anderson, to make funding arrangements so this important work can take place this year. The Federal Minister continues to say that the planning procedures are not finalised. I ask the Federal Minister to point to any body in the world that has undertaken such detailed planning measures without the surety of funding.

This link road will advantage more than the Cessnock community, for it links the Golden Highway, the New England Highway and the freeway. The link road therefore will benefit the Hunter area as well as the whole of the electorate around Tamworth and Gwydir. Despite this, the Federal Minister remains noncommittal. Though Mr Anderson is the Minister responsible for transport, he has no foresight or commitment to the job. Although the Branxton to Seahampton link, as well as providing relief for those major highways, gives ease of access to the ports of Newcastle and Sydney, Minister Anderson remains silent.

The link road would also benefit Maitland, Lochinvar and Branxton. So it is an economy builder in the Hunter as well. All of the councils of the Hunter met with and told Martin Ferguson that they regard the Branxton to Seahampton link road as their number one priority. They can see the economic benefit that will be generated by the link road, not just for the Hunter region but for the whole of rural and regional New South Wales. Clearly, if we choose to sit and wait for Minister Anderson to commit to funding for the building of this road, we could be waiting for an awfully long time. The New South Wales Government should send a clear message to ensure that Minister Anderson provides immediate funding for the construction of this road.

I return to the lady who came to my office yesterday. How easily she could have been injured. That could happen also to children who walk up that street in the central business district of Cessnock. Safety is paramount. Let us put aside the economic factors and the benefit of the link road to the whole of the State, and think about the threat to the safety of the community caused by trucks accessing the central business district of Cessnock. Something must be done immediately.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [6.18 p.m.]: The honourable member for Cessnock referred tonight to an important transport route from Seahampton through to Branxton—the Kurri Kurri corridor that has been on the planning agenda for some time. Clearly, the completion of that transport route would benefit people in that area. Traffic flow through the towns of Cessnock and Kurri Kurri would be reduced and there would be fewer problems on local roads. The completion of this transport route would result in greater access to the F3 to Newcastle, the New England Highway and the Golden Highway. We need action on this issue. The Federal Government must provide the funding sought by the honourable member for Cessnock. This transport route is the number one priority of the Hunter Regional Organisation of Councils. The Federal Government must come to the party, provide the necessary funding, and establish a much-needed highway link at the earliest possible time.

WINDSOR ROAD UPGRADE

Mr RICHARDSON (The Hills) [6.19 p.m.]: Tonight I refer once again to Windsor Road—the single biggest issue in my electorate and one that I am sure the Minister for Transport, and Minister for Roads wishes would go away. Of course, it would go away if the Minister were to make the commitment he should have made years ago to fix Windsor Road now, consistent with Labor's promise before the 1995 election. Instead, 18 months ago we had the spectacle of the Minister, flanked by the honourable member for Londonderry and the Minister for Education and Training, the honourable member for Riverstone, going out to Kellyville and announcing a $200 million upgrade on one-third of the road over 10 years. No wonder that went down like a lead balloon.

This two-lane road currently carries 33,500 vehicles a day, almost as many as the Great Western Highway at Wentworthville, which has six lanes. Explosive growth in the area—my electorate has the highest population in the State—means that this number will double within six years. The honourable member for Hawkesbury, the honourable member for Baulkham Hills, the Mayor of Baulkham Hills Shire Council and I were not consulted in relation to this issue. When I wrote to the Minister last year requesting that he meet with the mayor of Baulkham Hills Shire Council I got a flat refusal. No reason was given. Such arrogance has its own rewards. Baulkham Hills council refused to go ahead with planning the Mungerie Park Regional Centre until the Government made some commitment to fixing Windsor Road and public transport in the area.

The Minister's approach was lambasted by the *Sunday Telegraph*, the *Daily Telegraph*, Alan Jones, almost every other radio announcer and by community members such as Bart Bassett from the Windsor Road task force and Ray Williams from the Kellyville-Rouse Hill Progress Association. The *Hills Shire Times* launched a ring-in hotline which received hundreds of calls from angry residents. Things got so bad that I understand Mr Scully rang Mr Williams late last year and agreed to meet with him in the new year, but the meeting initially was not to include the Mayor of Baulkham Hills Shire Council, Councillor John Griffiths. Mr Williams, to his credit, insisted and the mayor was invited at the eleventh hour.

Once again the honourable member for Hawkesbury, the honourable member for Baulkham Hills and I were left out in the cold. But the honourable member for Londonderry was present. Does he presume to speak for my constituents, the constituents of the honourable member for Hawkesbury, and the constituents of the honourable member for Baulkham Hills? On 27 February this is what the *Hills Shire Times* had to say about this disgraceful episode in the life and times of Carl Scully:

> The Hills Shire Times has been taken to task by Roads and Transport Minister Carl Scully for publishing a page 1 story and an editorial comment on a "snub" to The Hills' three parliamentary representatives, in that they were not invited to an important meeting on Windsor Rd involving the minister ...
>
> The minister's spokeswoman said only those nominated by Mr Bassett—

the Windsor Road task force chairman—

> attended and they included the two ALP MPs. WRONG. Mr Bassett has confirmed to the *Times* that neither Mr Aquilina nor Mr Anderson had been put on the guest list. The minister is under pressure over Windsor Rd. On that there is no doubt. But to play politics by inviting his mates to the big pow-wow and not those elected to represent most of the people affected is not going to win him any friends. He will remain under siege as long as he delays the inevitable.

When will the Minister get the message? The Carr Government is supposed to govern for all the people of New South Wales—not just for its Labor mates. Had I attended the meeting on 7 February I would have impressed on the Minister the need to upgrade Windsor Road between Old Windsor Road and Old Northern Road. That is the desired line of most of my constituents—not a hike across country to old Windsor Road. But I would not expect the honourable member for Londonderry, whose genius the Minister relied on so heavily on this issue, to understand that. I doubt whether he would know where Old Northern Road was.

What was the upshot of that meeting? Was it a commitment to fast track Windsor Road, to get things moving and to pump in more dollars? No. Instructions were given to the Roads and Traffic Authority to devise a better strategy for upgrading the road within the existing budget. It is clear that the job cannot be done without more money. There is very little in the Government's $200 million, 10-year plan to improve Windsor Road between Old Windsor Road and Old Northern Road. Interestingly, that money is flowing into the Government's coffers from its $32,000 a hectare levy on development in the area, indexed so that if road funding costs rise, the value of the levy will rise to meet them.

Uniquely, this road upgrade is self-funding. Over the lifetime of the north-west sector the Government can expect to reap more than $240 million from this levy, yet it is committed to spending only $200 million on the road. So it is taking money under false pretences and it is profiting from my constituents' misery. I have three requests to make of the Minister: First, he should take on board the need to upgrade Windsor Road as well as Old Windsor Road. Second, he should stop playing political games by inviting only his mates for discussions. Third, he should make a genuine commitment to fix Windsor Road now. If the Minister did that he might actually find members on this side of the House and the media a little more supportive of him. Over the last 12 months the Minister has been bashed about by just about every radio and media commentator on this issue. I wonder when he will get the message. My constituents demand nothing less. They want Windsor Road fixed now.

DAIRY INDUSTRY DEREGULATION

Mr BROWN (Kiama) [6.24 p.m.]: Today I bring to the attention of the House the concerns expressed by the communities I represent relating to deregulation of the dairy industry. I was speaking to a dairy farmer only this morning. He informed me that he has still not yet received his adjustment package. Other farmers who have received their adjustment packages are perplexed that this money that has been levied on consumers is considered as income. Another issue that has been raised is how Safefood New South Wales is to be funded. Due to the uncertainty that exists in the dairy industry at present I asked the Minister for Agriculture, the Hon. Richard Amery, to come to Berry and meet dairy farmers in the South Coast and Shoalhaven areas. My colleague the honourable member for South Coast visited the area as he was concerned in this post-deregulation environment about its effect on farmers and communities.

On 31 January more than 50 local farmers attended a meeting held in the Berry School of Arts. Their main concern was whether they had their land correctly assessed for the adjustment package and when they would receive their package. At that stage the issue of whether their package was subject to income tax had not been raised. Today, however, dairy farmers are even more perplexed, in that the economic assessment of their package is now to be taxed and they are uncertain about the rate of tax. There is no certainty for dairy farmers on the South Coast. They do not know how that adjustment package will affect them. The Minister listened to their concerns and has already acted upon some of them.

After the meeting Minister Amery wrote to the administrator of the adjustment package and asked him to fast track the assessment and payment of the package. The Minister, after hearing a number of complaints about the funding of Safefood, set up a review with John Kerin as the chair. I advise farmers to make detailed submissions to that committee. I am sure many farmers on the South Coast are preparing to make submissions. Last year, when I met with farmers in Berry, I was told that Safefood inspectors would be coming to farms and charging around $280 an hour to carry out audits. Obviously, those audit costs are creating quite a bit of unease amongst farmers. They are not able to calculate their cash flow. I expressed that view to the Minister and he has since decided not to charge farmers that amount. Many farmers in the area are appreciative of the Minister's decision and they expressed that appreciation when he visited Berry. However, as that review is continuing, there is no certainty that audit fees will be implemented by Safefood. That is another reason why I urge dairy farmers to give consideration in their submissions to the funding of Safefood.

After the meeting last year I travelled to Victoria to meet Mr Max Fleming, the president of the Victorian equivalent of the Dairy Farmers Association. Mr Max Fleming has been involved with the Victorian dairy farming industry for many years. In fact, he is still a practising dairy farmer in Victoria. It was a very informative meeting and demonstrated to me just how different the States of New South Wales and Victoria are. Interestingly, Victoria produces more than seven billion litres of milk each year, compared with the New South Wales production of 1.2 billion litres. That figure clearly shows why many farmers on the South Coast of New South Wales are doing it tough. There is simply more milk produced in this country than can be consumed.

One reason why the Victorian industry seems to be promoting deregulation to a greater extent than New South Wales is that the bulk of Victorian milk goes into value-added products, such as cheeses, which can then be exported. Many challenges face our dairy farmers on the South Coast, questions such as: Do I stay on the farm? If I stay on the farm, how do I change my farming practices? Do I simply change what I farm and how I use my land? All members of this House have much sympathy for farmers who have to decide on these questions. I look forward to helping farmers on the South Coast and representing their views, to ensure that the post-deregulation environment is not as traumatic as it might be.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [6.29 p.m.]: The honourable member for Kiama has brought to the attention of the House the situation facing dairy farmers in his area as they struggle to cope with the impact of deregulation of the dairy industry. He has laid before us the steps he has taken as the local member to gain assistance for those farmers, and the work done by the Minister for Agriculture and the committee chaired by the former Federal Minister, John Kerin. Similar assistance is being offered in my area, particularly by the Department of State and Regional Development, which is examining ways in which dairy farmers can transform from being purely dairy farmers into other product areas. It is a most difficult period and, as he pointed out, Victoria has the advantage in that that State's dairy farmers are able to produce huge amounts of milk, putting New South Wales farmers—and Queensland dairy farmers as well—at a great disadvantage. I thank him for bringing those issues to the attention of the House.

Mr JOHN LANGLANDS BUILDING LICENCE

Mr ARMSTRONG (Lachlan) [6.30 p.m.]: I wish to make representations to the Minister for Fair Trading on behalf of Mr John Francis Langlands of Post Office Box 633, Cowra. Mr Langlands undertakes a considerable amount of construction and building work in the electorate of Lachlan. He is a significant employer within the area, employing between three and five tradespeople, increasing to 10 or 15 on particular projects. Mr Langlands is a quality builder and had a problem with the Department of Fair Trading earlier this year when, mistakenly according to the department, his licence was cancelled. His contractor licence number is 38324 and he is licensed under the Home Building Act 1989.

The cancellation of Mr Langlands' licence meant that he was unable to perform his work because he was uninsured. In order to work as a contractor he has to be insured, not only for the obvious reason of looking after tradespeople and himself, but also for the benefit of his clients. It took a number of phone calls and explanations to the Department of Fair Trading for him to get his licence re-established and, therefore, for his insurance to become effective once again. I raise this matter merely to make the point that Mr Langlands had contracts on foot at the time; he had staff employed, and that cost him money; and he also had a reputation for delivering his contracts on time. It is incumbent upon departments, irrespective of who they might be—in this case, let me be quite specific, it was the Department of Fair Trading—to ensure that their inefficiency does not unfairly impact upon their clientele.

There is no provision for compensation—indeed, Mr Langlands is not seeking compensation. Nevertheless, it is symptomatic of what happens from time to time in government departments. What is not often realised is the significant impact of such mistakes on an individual business or contractor and the compounding effect on his or her clients. It is not only employees and tradespeople but suppliers that are involved. Mr Langlands' suppliers are looking for payment for their goods and materials and, if he has contracted to build a house or factory for a client, that person or company has committed to a delivery date and possibly in some cases also arranged finance to coincide with the completion date. This is one of those instances when there has obviously been a breakdown in the process and that has had an adverse impact. I mention this matter for the Minister's benefit, so that he and his staff may be able to put in place a fail-safe mechanism to ensure this sort of thing does not happen in the future.

Ms THERESA SIMMS COMMUNITY SERVICE AWARD

Ms SALIBA (Illawarra) [6.35 p.m.]: Recently I had the opportunity to present the New South Wales Government Community Service Award to a member of my community, Theresa Simms. On the day that the award was to be presented Theresa was not informed why she was to be at the presentation, because I knew she would have been too embarrassed and would have found it difficult to get up and accept the award. I relayed that to a reporter who was doing an interview on the day. That is exactly what happened. When Theresa was acknowledged for her contribution she was embarrassed because she considered that her contribution was no different to that of anyone else. But I have to say that Theresa Simms during her time working as a volunteer with Wollongong hospital is believed to have raised more than $50,000 for the children's ward and other units at the Wollongong regional hospital.

It is a big task for a member of any community to raise that kind of money. Theresa's response was that she did it for the children. Theresa also works in some public schools as a special religious education teacher for the Catholic Church. That is a purely voluntary position and she does that also for the sake of the children. In this the International Year of the Volunteer it is appropriate that people such as Theresa Simms are recognised for their contribution. It is the things that people do every day in their lives to help their community and to help their neighbours that assist the Government and assist the community to survive and improve their circumstances. It is people like Theresa Simms who assist us and give children the opportunities that they really need.

It was a great honour for me to be a part of the award because Theresa had been nominated by the president of the Dapto Pensioners and Superannuants Association. I supported Theresa's nomination because of her contribution to my community. On the day of the presentation of the award the hall was absolutely packed with senior citizens from my local area. I knew that Theresa came with very good credentials because my grandmother had been a member of the Senior Citizens Association at Dapto for some 27 years before she passed away. She checked the credentials of everyone who went through the association. I knew it came on good authority that Theresa Simms had been a very hardworking member of the community.

Not only did Theresa work to raise funds for the hospital and help children in public schools with their religious education, but she also helped at the senior citizens and the superannuants with their craft mornings.

She put in untold hours to help those people within her community. Theresa Simms also assists her daughter to raise her grandson who is intellectually disabled. Theresa does all of this using public transport. She has no private transport and relies on buses. It is a long journey from Dapto to Wollongong and I must say that Wollongong buses are not always regular. One might wait an hour to get on a bus to travel from where Theresa lives in Dapto to Wollongong.

Theresa did all this without complaining and without ever expecting recognition. I know Theresa has been honoured by this because I received a card in my office yesterday thanking me and expressing her disbelief that she was presented with this award. The newspaper wrote a great article and displayed a photograph of Theresa with her award. People like Theresa Simms should be recognised all the time. We should take note of the people working in our community. We should recognise their contribution because every little bit counts. It is those little bits that make all the difference in the world. I acknowledge Theresa Simms' contribution to my community and the contribution of all the volunteers who work in my community—they are definitely making a difference.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [6.40 p.m.]: I congratulate the honourable member for Illawarra on the tribute she has paid to Theresa Simms for the wonderful work she has undertaken as a volunteer—in the hospital system, as a religious education teacher and assisting senior citizens in her community. As the honourable member said, all of us this year—the International Year of the Volunteer—are focusing on unsung heroes who contribute so much towards the positive community life that many people lead.

Mr AND Mrs LOVE AND THE ROADS AND TRAFFIC AUTHORITY

Mr GLACHAN (Albury) [6.41 p.m.]: I make an appeal to the Minister for Transport on behalf of my constituents John and Carmel Love, who live at 755 Young Street, Albury, on the corner of North Street. Young and North streets are part of the Hume Highway route through Albury. The Loves have a Californian bungalow-style home that was built in the 1920s and 1930s and it was, until the Roads and Traffic Authority [RTA] began some work on that corner, a lovely home of which they were very proud and the sort of home that anyone would love to own. In 1993 the intersection was rebuilt and heavy vibrating machinery was used by contractors for the RTA to compact the work. At one stage during the work Mr Love, who was working in his workshop outside the house, felt the vibration through his workshop and through the ground. He went into his house to find that plaster had been dislodged from the ceilings and walls and was all over the floor. There were cracks in the walls, and to get into the front of the house he had to gemmy open the front door because it had been pushed out of alignment.

At that time Mr Love was recovering from a very serious illness, and it was a traumatic experience for him to see his home in this state. He and his wife discussed this, and because he was ill he did not want to cause problems, so they decided they would try to repair the house themselves. He began work on three rooms, which he finally put back into a reasonable state, but it took 30 months to do that, he says, working almost full time as his health would allow. The rest of the house was seriously damaged as well. He realised after fixing the first three rooms that he could not do the rest of the work. He made application to the RTA who told him to get some quotes of what this would cost. He asked a number of builders, who looked at the work and said they could not estimate the extent of the damage, although it was severe. He finally found a builder who quoted $39,000 to do what he said would be a patch-up repair job, but he could not guarantee that the $39,000 would cover the whole of the work. When the RTA learned of this it offered him $16,000 for the whole of the work. Mr Love rejected this offer.

In May 1999, while this was going on, the RTA contractors began work on the road again with compacting machinery. Mr and Mrs Love were absolutely horrified when this work began and found that more damage was being caused to their home. Mr Love rushed out into the road and asked the people on the machinery to stop work, which they did for a short time and then resumed. He rang the RTA office in Wagga Wagga and work was stopped. RTA officials came to look at the house, together with Mr Love, another engineer he had engaged and his solicitor. Later the RTA asked whether it could carry on work on the other side of road. Mr Love said he did not want them to do so but the work resumed and, as this work progressed, there was no further damage to his house.

Although Mr Love's house had been extensively damaged on the second occasion, the RTA then offered to pay the $39,000 that he had been quoted for the first lot of damage, and totally ignored the second lot of damage. This was on the condition that he would take no further action against the RTA and that this was all he would get to cover the damage to his house. Again he was asked for quotes but could not get a builder who was prepared to quote. Finally he contacted a firm called Period Restorations, which was experienced in this sort of damage. Its quote was between $190,000 and $240,000 to put his house right. At present the RTA has broken off negotiations. It said it has gone on for too long, time has run out and it cannot do anything for him.

This couple owns a really lovely home, one they were very proud of and one that was admired by everyone in the area. It is a landmark house that everyone in Albury knows and admires. It has been ruined by this work. I looked at it recently. There are gaps between the windows and the brickwork one could put a fist through and where the windows are starting to fall out. Snails are crawling up through the cracks and one can see snail tracks over the furniture. It was a quality home and it has now been ruined by this work, and the RTA is saying it has gone on too long and it cannot help. I appeal to the Minister to do something to help these people. They are really desperate. Their health has been affected and their home has been ruined. I appeal to the Minister to do something to help.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [6.45 p.m.]: The honourable member for Albury has painted a graphic picture of the long suffering Loves of Young and North Streets, Albury, and the impact on their home of ongoing work that has occurred there. I am sure the matter will be taken before the Minister following debate in the House.

PETROL TAX

Mr WINDSOR (Tamworth) [6.46 p.m.]: The important issue I bring to the attention of the House is a discrepancy in fuel prices for city and country fuel users. I know the honourable member for Newcastle will be very interested in what I am about to say. There has been much debate in recent times, at both State and Federal level, in relation to our fuel pricing. Within the past week we have seen the Prime Minister back down to fuel users on the 1.5¢ a litre across Australia. Today a motion was moved in the House to get the State Government to look at either matching that or to look at some way to alleviate the price of fuel. I draw to the attention of the House a certain degree of hypocrisy. The motion was moved by the Leader of the National Party, who suggested that the State Government should lower the price of fuel, which I do not disagree with.

In 1994 I introduced a bill in the House, the effect of which was to remove the State franchise fee. Today the debate was about the Federal Government rebating by way of GST what used to be the State franchise fee or business franchise fee as it is also known. In 1994 the amount was similar. It was about 4¢ a litre, and then we had the 3 x 3 component. That brought the State excise up to 7¢ or 8¢ a litre. Following the High Court decision in 1998 that excise was removed and the Federal Government collected that component. The debate is now whether part of that component—which is reimbursed from the Federal Government through the GST process—should reimburse road users through a subsidy. I do not have a problem with that, but I point out the hypocrisy contained within the motion. When I introduced a similar bill in 1994 the Coalition was in government. My bill sought to remove the State franchise fee, the business franchise fee, on country road users to overcome the discrepancy between city and country pricing at that time. That discrepancy still exists and ought to be rectified.

Today the Premier pointed out that it would cost the State Government $800 million to subsidise country fuel users 4¢ a litre, which is equivalent to the business franchise fee. However, it would not be $800 million. People in country areas use 20 per cent of the petrol consumption and 35 per cent of diesel consumption, versus city consumption. Therefore, there is a 75 per cent to 25 per cent split of allocation. If $707 million, 25 per cent of which is for country fuel usage, is rebated from the Federal Government at the full rate of 8¢, which incorporates the 3 x 3 levy—and I know this is getting a bit complicated for the Minister for Agriculture, and Minister for Land and Water Conservation—and the business franchise fee of 4¢ is rebated to country people, it would cost $88 million. A business franchise fee of 1.5¢ to country people would cost the State Government $33 million. I suggest that the State Government have a very close look at trying to overcome the discrepancy by considering the impact of the former fuel franchise fee. Maybe through the GST windfall the State Government might be able to address that discrepancy.

Private members' statements noted.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Amery agreed to:

That standing and sessional orders be suspended to allow the introduction and progress up to and including the Minister's second reading speech of the following bills:

Agricultural Tenancies Amendment Bill
Trade Measurement Amendment Bill; and
Business Licences Repeal and Miscellaneous Amendments Bill

notice of which was given this day for tomorrow.

AGRICULTURAL TENANCIES AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [6.53 p.m.]: I move:

That this bill be now read a second time.

The Agricultural Tenancies Act 1990 regulates the rights of agricultural land owners, tenants and sharefarmers in respect of tenancy agreements over farming lands and provides a means for arbitration of disputes between them. The Act has a long lineage. The purpose of the first Agricultural Holdings (Scotland) Act 1883 was to secure for the tenant the value of improvements which the tenant had made to the land and to encourage the tenant to maintain the fertility of the land towards the end of the lease. In New South Wales, with the return of servicemen from the First Australian Imperial Force and the advent of soldier settlement schemes, share farming and tenant farming grew in importance. There was, however, a view that the then current methods of agricultural production were seriously depleting the agricultural resources of the country.

Landlord and tenant arrangements were said to be the main culprits for this depletion of resources. At the time many tenant farmers in Australia were people with limited farming knowledge and experience and very limited capital. They were vulnerable to exploitation and ill-equipped to protect their own interests. In an attempt to protect agricultural resources and to redress the perceived imbalance between the relative power of landlords and tenants, New South Wales introduced the Rural Tenants Improvements Act 1916. The protection that that Act offered was enhanced by the Agricultural Lessees Relief Act 1931. Subsequently the Agricultural Holdings Act 1941 was enacted. That Act was based on the English Agricultural Holdings Act 1923.

By the end of the 1980s the position of tenant farmers and sharefarmers had changed considerably. The number of people employed in farming and the number of farms had reduced substantially. There had also been criticism of the 1941 Act in that it was said that it was mainly concerned with farming in dairying and wheat growing areas, and neglected the grazing industry, in which leasing of land for short periods is often used as a drought strategy. It was also said that the Act was based on an outmoded understanding of farming practices in New South Wales. In 1990 the Agricultural Tenancies Act was enacted.

The Agricultural Tenancies Act 1990 modernised, repealed and replaced the majority of the Agricultural Holdings Act 1941. Procedures, especially in relation to compensation, were simplified and the parties to an agricultural lease were given greater freedom to make their own agreement. The Act provides for the parties to make their own arrangements for compensation, notices and other matters. The Act also makes provision for these matters in circumstances where the parties have not made appropriate arrangements or where the parties have failed to reach agreement. Provision was introduced for compensation for landlords, including compensation for owners' improvements and compensation for deterioration as a result of the tenant’s failure to properly cultivate the farm. The aim of these provisions was to encourage the tenant to use good farming practices at the end of a lease and not cause deterioration of the land.

A comprehensive review of the Agricultural Tenancies Act 1990 was conducted in 1998-99. An officer of New South Wales Agriculture chaired the review group, which comprised other officers of the department who had broad experience in agricultural matters and the New South Wales Government's ongoing program of red tape reduction and regulatory reform, and of the Competition Principles Agreement. The review group was conducted in accordance with the principles for legislation review set out in the Competition Principles Agreement. The review group published an issues paper and by press advertisement invited submissions from interested parties on any issues relevant to the terms of reference. In addition, copies of the issues paper were sent to various individuals and organisations considered to have a particular interest in the Act.

In its final report the review group expressed the belief, based on the experience of departmental officers dealing with matters under the Act, that despite the changes that have taken place in agricultural practices and management, the Act was still required. The experience of the review group members was that in many cases a tenancy arrangement came into existence in circumstances other than as part of a well thought out business arrangement and that in at least some cases tenants remain vulnerable because of their less secure position. The review group reported that, to the extent that the Act achieves its objectives in ways that are anti-competitive, there is a net public benefit in retaining the Act; that the objects of the Act cannot be achieved other

than by the retention of the Act, and that the objectives are being achieved in a manner that least restricts competition. The Review Group also reported that in its opinion the objectives of the Act continue to be appropriate but need to be rewritten so as to express more clearly the three broad objectives of environment protection; certainty in agricultural tenancy agreements; and dispute resolution.

One of the changes made by the bill is to restate the objects of the Act in clear and unambiguous terms. The final report of the review group also contained recommendations for other changes to the Act mainly intended to make the Act more user friendly. The bill therefore makes a number of changes to the Act to remove anomalies and uncertainties; to ensure that its language is clear and unambiguous; and to provide adequate powers and procedures that are as straightforward as possible. This has meant the repeal and re-enactment of parts of the Act to simplify its structure, but in most cases this has been done without changing, or changing significantly, the effect of the provisions.

An area where the bill makes significant change is in the constitution of arbitration committees. At present the Act requires that an arbitration must be conducted by an arbitration committee consisting of a presiding member, who must be a legal practitioner, together with a member selected by the tenant and a member selected by the landlord. Both the tenant and landlord members are chosen from a list maintained by the director-general. It is only in cases of disputes requiring urgent resolution that the director-general may dispense with an arbitration committee and allow the arbitration to be heard by a single arbitrator. The requirement of the present Act for arbitration committees causes extensive delays in the hearing of arbitrations.

While there may be good reasons for selecting members who come from the area in which the farm is situated—local knowledge of farming practices, for example—because the members are locals, they are reluctant to be involved in adjudicating in respect of other locals. The director-general therefore has great difficulty in finding tenant farmers and landlords willing to be included on the lists from which members are selected. The present system also tends to encourage in members an allegiance to the party by which they have been nominated, and which will be paying their fee. This tends to result in committees being split, with the presiding member being required to determine the matter.

The bill reverses the existing requirements. An arbitration will normally be conducted by a single arbitrator, who will be required to be a legal practitioner within the terms of the Legal Profession Act 1987. Only when the director-general is satisfied, whether on the application of a party to a dispute or otherwise, that an arbitration should be conducted by other than a single arbitrator is the arbitration to be conducted by a committee. When the arbitration is to be conducted by a committee, the director-general will appoint the two lay members. The qualification for appointment is to be that the director-general is satisfied that the person has knowledge or experience which, in the opinion of the director-general, may assist in resolving the dispute the subject of the arbitration, and that the person is not an officer of the Department of Agriculture. Ancillary to this proposed change is the proposal to allow the director-general to appoint a technical assessor to assist the arbitrator.

The review group recognised that one of the strengths of the Act is that an arbitration will be conducted by persons having particular knowledge of agricultural enterprises. When a single arbitrator hears an arbitration, this particular knowledge may not be available to assist in the resolution of the dispute. The review group therefore recommended that the director-general should have power to appoint a technical assessor for the purpose of sitting on an arbitration and assisting the committee or the single arbitrator on technical matters. The review group believed—and I agree—that this power would be most often used when an arbitration is conducted by a single arbitrator, but there may be instances when it would be desirable for a technical assessor to be appointed to assist an arbitration committee.

The task of a technical assessor will be to assist and advise an arbitrator, whether a single arbitrator or a committee, in the hearing of an arbitration. A technical assessor will not adjudicate. The director-general will have power to appoint a technical assessor at any time subsequent to an application for arbitration being made, including the hearing of an arbitration which has begun. A technical assessor is to be a person who has knowledge or experience which in the opinion of the director-general may assist the arbitrator in resolving the dispute the subject of the arbitration.

The bill will also allow the director-general, when there has been an application for arbitration, to refer the dispute to mediation. The review group reported that in its opinion the dispute resolution processes of the Act could be improved by including a provision encouraging, in appropriate cases, mediation as a preliminary step to compulsory arbitration. Under the Agricultural Tenancies Act 1990, the option of the disputants

arranging private mediation is currently available before filing an application for arbitration with the director-general. This may be done privately or through groups such as Lawyers Engaged in Alternative Dispute Resolution or the Law Society of New South Wales, which will arrange meditations between parties, if requested.

However the review group reported that it had no evidence before it that parties to an agricultural tenancy dispute, as a matter of common practice, endeavour to resolve the dispute by formal, or even informal, mediation. It reported that anecdotal evidence suggested that some disputes that are currently arbitrated may be capable of mediation and that this was supported by the fact that some disputes are settled by agreement between the parties early in an arbitration hearing. At worst, preliminary mediation in appropriate cases would help to resolve the issues so that the true issues to be arbitrated are clear and the subsequent arbitration hearing substantially shortened. At best, it may result in the resolution by mediation of disputes that might otherwise proceed to arbitration.

Consistent with the review group's recommendation, the bill provides that the director-general will have a discretion to refer to mediation a matter for which an application has been made for arbitration under the Act. The exercise of the discretion will be subject to three conditions: firstly, that the director-general believes that mediation is appropriate; secondly, the parties consent; and, thirdly, the parties agree as to who is to be the mediator. The mediator may, but need not, be a person whose name is on a list complied by the director-general.

Consistent with the accepted principle that mediation can only be successful if it is voluntary, the bill provides that attendance at, and participation in, mediation sessions are voluntary and that a party may withdraw at any time. The costs of the mediation, including any payment to the mediator, are to be borne by the parties in such proportions as they agree or, failing agreement, in equal shares. The bill contains appropriate provisions to protect the mediator and the mediation process. Complementary to the power of the director-general to refer a dispute to mediation is the new power contained in the bill for the director-general to refer a dispute to a court.

Just as there will be disputes, which in the director-general's opinion will be best dealt with by mediation, so too will there be disputes that are not appropriate to be dealt with under the Act at all. This may be because of the nature of the dispute, the issues involved, the amount in dispute or the award to which an arbitration might give rise, or for other reasons. Accordingly, the review group recommended, and the bill provides, that the director-general should have power, when the director-general is of the opinion that it is in the public interest or the interests of the parties to a dispute to do so, to refer to a court of competent jurisdiction any application for arbitration under the Act. Such a reference will take place prior to any arbitration hearing commencement and only if at least one of the parties consents to the referral.

Once a matter is referred to an appropriate court it will be dealt with by the court as if it were a matter which originated in that court. Although the power of the director-general to refer an application for arbitration to a court is an appropriate and necessary power, I do not believe, nor do I want to suggest, that the power will be used very often. The Act should provide via the mediation and arbitration processes the appropriate and preferred mechanism for the resolution of disputes about agricultural tenancies. It will be only on rare occasions when a party has sought to use the Act to resolve a dispute that the director-general will agree to refer the matter to a court.

The bill makes a number of other amendments to the Act to streamline the compulsory arbitration process and procedures generally under the Act. The changes that are made by this bill will considerably enhance the usefulness of the Act and greatly assist tenants and owners in their understanding of the Act. The review of the Act, and the resulting changes recommended by the review group which are given effect in the bill, reinforce the value of the Government's program of legislation review and regulatory reform.

The Act that will result from the changes proposed in the bill will improve the effectiveness of the Act in providing a mechanism for resolving disputes. I hope that parties to agricultural tenancy disputes will see the Act as providing a real alternative to the court system—an alternative which is, as the objects of the Act state, "quick, cheap and free of legal technicality". With those comments, I commend the bill to the House.

Debate adjourned on motion by Mr Maguire.

TRADE MEASUREMENT AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr WATKINS (Ryde—Minister for Fair Trading, Minister for Corrective Services, and Minister for Sport and Recreation) [7.08 p.m.]: I move:

That this bill be now read a second time.

The purpose of the bill is to make a number of amendments designed to improve consumer protection under the Trade Measurement Act 1989. The Trade Measurement Act applies to all measurements made for trade or business purposes, including shop scales, flow meters for petrol and LPG pumps, liquor dispensers, weighbridges and industrial scales. The trade measurement legislation aims to promote fair trading and consumer protection. The New South Wales Trade Measurement Act is subject to the Uniform Trade Measurement Legislation Agreement, signed in 1990, which operates in all States and Territories except Western Australia. The agreement established a uniform legislative and administrative framework under which the Ministerial Council on Consumer Affairs [MCCA] considers and approves amendments to the model legislation. This model forms the base for trade measurement legislation in individual States and Territories.

The amendments proposed in this bill have arisen from a review of the trade measurement legislation by the Trade Measurement Advisory Committee [TMAC]. The TMAC was set up by the MCCA and has representation from all States and Territories. The TMAC has developed over 40 recommendations for improving the trade measurement legislation. The technical recommendations contained in the bill have become known as the batch No. 1 amendments. I will now outline some of the changes proposed in the bill. The amendments to the Trade Measurement Act are intended to provide clarification and certainty to consumers and businesses about the method of calculating weight or price. An area where this has an everyday impact on consumers is general grocery shopping, especially from supermarkets. New section 3A makes it clear to traders that pre-packed articles must be sold by reference to the net measurement of the article, disregarding all packaging used to present the article for sale.

Similarly, section 31 of the Act will be amended to make it clear that in respect of unit pricing of articles—that is, when the article is sold, for example, per kilogram—the weight of the packaging is to be disregarded when calculating the price. These requirements are to ensure that consumers pay for the actual item they want to purchase. This means that there is no incentive for a trader to add layers of elaborate packaging in order to reduce the amount of the real weight of the product being sold. Traders also benefit from these reforms. They will bring greater certainty which benefits traders by giving clearer direction as to what is required of them. It will be clearer also for consumers in the full extent of the protection they receive in relation to the measure and price of items they purchase. A number of other amendments flow from this clarification relating to the sale of articles or product by net measurement. For example, the powers of inspectors to weigh a vehicle to determine the net measurement of its load and to measure an article without its packaging will be clarified by these amendments.

Class 4 weighing instruments are also targeted by these changes. The purposes for which these less accurate and less expensive class 4 weighing instruments can be used will be specified to help ensure their appropriate application. It will be an offence to use a class 4 instrument for a use which is not listed in the legislation. Class 4 weighing instruments will also be able to be used for the determination of charges for freight and haulage. This will be of particular benefit to applications in the mining industry, where low cost materials are being transported. It is also proposed to introduce a new permit system that will enable an inspector to issue a notice to the owner of a measuring instrument to allow up to 28 days to have a minor problem corrected or rectified. Such a notice would be issued provided the problem does not affect the accuracy of the instrument's measurement to the detriment of consumers. This will enable the owner to continue to legally sell product during this period without the risk of prosecution.

Consumers in remote areas, where there may be few or no alternative suppliers of critical products such as petrol, will also benefit from the continuing access to these products. In addition, when a pre-packaging business uses a measuring instrument it will be required to have at least one trade approved measuring instrument on its premises. Other provisions in the legislation provide sufficient incentive for packers to use this approved instrument to accurately measure or check the weight of the products they are packing. To clarify any doubt, it will be made clear that it is the administering authority—in the case of New South Wales, the Department of Fair Trading—which has the legal power to specify the reference standards of measurement. These standards are used by licensees or inspectors to check that measuring instruments comply with the requirements of the legislation.

There are other effective changes under the bill. It will be an offence to incorrectly estimate or decide the measurement of an article. In many situations the use of an estimate is a legitimate and reasonable method to charge for a product or service. However, there have been instances when consumers have been overcharged because the estimate was little more than an uninformed guess on the part of the trader in, say, supplying firewood or accepting rubbish for disposal at a tip. The amendment should encourage businesses to develop their own rule of thumb to ensure that their estimates do not result in consumers being overcharged or

undersupplied, for example, periodically checking the weight of firewood deliveries. Licensing arrangements for partnerships will also be clarified under this amending legislation to establish that partners can jointly hold a single licence. A check on the probity of each partner will be carried out by the administering authority in this State, that is, the Department of Fair Trading.

Other amendments that will assist with the administration of the legislation include making it clear that licensees or the employees of licensees can be prosecuted if they breach licence conditions; formally recognising the use of batch numbers on pre-packaged articles as evidence for the purposes of prosecutions; and clarifying a requirement for batch testers to hold a servicing licence. Currently all batch testers in New South Wales hold a servicing licence. However, the legislation is presently unclear about this requirement. Another requirement to be clarified is for certified instruments to be sealed after they have been checked to prevent them being tampered with in a way that could affect their measurement accuracy. The department has been working with the supermarket industry, as well as being very active in enforcing the trade measurement and other consumer protection laws, and it is apparent that greater certainty in the laws which govern this important area of commerce will improve compliance and provide benefits across the board.

Honourable members may recall that in July 2000 I warned New South Wales supermarkets to improve weighing procedures for food items. This warning was issued following an increase in detection by the Department of Fair Trading of the number of food products that were underweight and resulted in an overcharge to consumers. These overcharges were caused by the inclusion of packaging material in the weight of the product. As I mentioned earlier, the New South Wales Trade Measurement Act 1989 requires that goods must be sold on a net weight basis, that is, any packaging or wrapping material should not be included in the weight and price calculation. The legislation provides for penalties of up to $20,000 for an individual and $100,000 for a corporation. In the 12 months to 31 December 2000, seven New South Wales supermarkets were fined nearly $26,000 for 59 weighing offences. In light of such instances the Department of Fair Trading has again stepped up enforcement programs against supermarkets.

New South Wales consumers have a right to get exactly what they pay for, especially when they buy food. Following my statement in July 2000, the Australian Retailers Association [ARA], Coles Myer Ltd and Woolworths Ltd requested meetings to discuss the issues raised and other fair trading matters. A recommendation flowing from these meetings was that a working group be established with the supermarket chains, the Department of Fair Trading and, as appropriate, other organisations in which information on various fair trading matters could be discussed and disseminated. Subsequently, I wrote to the ARA supporting the establishment of the working group. The first meeting of the working group took place in December 2000, with the next meeting to be held this month. The department's trade measurement inspectors have continued a wide range of compliance activities in respect of supermarkets ranging from assisting them with setting up and testing their point-of-sale systems to initiating prosecutions when supermarket operators have failed to meet their obligations under the Trade Measurement Act.

This broad spectrum approach, when the department assists traders to comply but also disciplines traders who fail to do so, will continue. When necessary and appropriate, the department will look at escalating its enforcement response to ensure that it secures compliance by supermarkets and other traders with New South Wales consumer protection laws. The New South Wales Government is determined to ensure that consumers get what they pay for. This bill will assist in ongoing compliance by traders with New South Wales trade measurement laws. Such compliance is ultimately to the mutual benefit of both traders and consumers. I commend the bill to the House.

Debate adjourned on motion by Mr Maguire.

BUSINESS LICENCES REPEAL AND MISCELLANEOUS AMENDMENTS BILL

Bill introduced and read a first time.

Second Reading

Mr WATKINS (Ryde—Minister for Fair Trading, Minister for Corrective Services, and Minister for Sport and Recreation) [7.20 p.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to repeal the Business Licences Act 1990 and to make consequential amendments to the Dangerous Goods Act 1975 and Regulations, the Motor Vehicle Repairs Act 1980 and Regulations, the Road Transport (Vehicle Registration) Regulation 1998, and the Statute Law (Miscellaneous Provisions) Act (No 2) 1991. The Business Licences Act was enacted by the former Government to cover five business licences across the New South Wales public sector. These were the Petroleum Retailers Licence, administered by State Revenue; the Tobacco Retailers Licence, administered by State Revenue; the Keeping of Dangerous Goods Licence, administered by WorkCover; the Motor Vehicle Repairers Licence, administered by the Motor Vehicle Repair Industry Council; and the Authorised Inspection Station Licence, administered by the Roads and Traffic Authority.

The Department of Business and Consumer Affairs and its successors operated the process, known as the Master Licensing Scheme. However, in 1997 the High Court handed down its decision in *Ngo Ngo Ha v New South Wales* (1997). In that matter the High Court was called upon to consider the constitutionality of the New South Wales Business Franchise Licences (Tobacco) Act 1987 in the context of section 90 of the Australian Constitution. The High Court found that the material provisions of the New South Wales legislation, having the effect of levying excises, were unconstitutional for the purposes of section 90. As a result, the New South Wales Government enacted legislation in 1997 to amend the Business Licences Act to remove reference to the petroleum and tobacco retailers' licences. The removal of these two licences rendered the remaining licensing arrangements under the Business Licences Act ineffective. This being the case, the Department of Fair Trading disbanded the Master Licensing Scheme in December 1998 and administration of the licences was returned to the originating agencies.

With the development of information technology, the principles of the former paper-based Master Licensing Scheme will be better achieved through electronic service delivery [ESD] initiatives. Members will be aware that the Government has given priority to implementation of an ESD platform under the auspices of *connect.nsw*. The Department of Fair Trading has been actively involved in projects to deliver its own services electronically. The department already delivers many of its services—such as consumer and trader information, and rental bond information—electronically. The Business Licences Act has ceased to have any practical operation. Its repeal will therefore have no impact on either business or consumers in this State. I thank the staff of the Department of Fair Trading and my ministerial staff, in particular Helen Noyes, for bringing the bill forward. I commend the bill to the House.

Debate adjourned on motion by Mr Maguire.

SPECIAL ADJOURNMENT

Mr WHELAN (Strathfield—Minister for Police) [7.25 p.m.]: I move:

That the House at its rising this day do adjourn until Wednesday 7 March 2001 at 10.00 a.m.

On behalf of all members of the House I congratulate the Government Whip, George Thompson, and his wife, Lucy, on the birth of their first granddaughter, a daughter to Erica and Anthony. I also congratulate the Speaker's daughter, who I understand gave birth to a beautiful daughter last Friday. Congratulations to John, Maureen and their family on their first grandchild. I am actually the president of the grandfathers association in this Parliament. Application forms are available from my office. The fees are the same as those for parenting: they never stop.

Motion agreed to.

House adjourned at 7.27 p.m.