

LEGISLATIVE ASSEMBLY

Thursday 8 March 2001

Mr Speaker (The Hon. John Henry Murray) took the chair at 11.00 a.m.

Mr Speaker offered the Prayer.

BUSINESS OF THE HOUSE

Precedence of Business: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow consideration of General Business Order of the Day (for Bills) No. 10 forthwith.

ROADS AMENDMENT (M5 EAST ROAD TUNNEL) BILL

Second Reading

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [11.01 a.m.]: I move:

That this bill be now read a second time.

This is a bill for an Act to amend the Roads Act 1993. The aim of the bill is to install and maintain pollution filtration equipment that will remove particulate matter from the air exiting the M5 East motorway tunnel. It is a tremendous indictment on the Carr Government, and particularly the Minister for Roads, Carl Scully, that this bill even needs to be debated in this place. The Hon. Peter Wong, MLC introduced this bill in the other place and I am pleased to have carriage of the bill in this place. The attitude of the Labor Government and the Minister is one of sustained arrogance to the people who will be affected by the massive fallout of particulate matter from the unfiltered stack. They were guilty of it when they tried to introduce competitive tendering of State road maintenance before a massive uproar from the Opposition, councils and unions forced the Minister to back down.

Now that the Construction, Forestry, Mining and Energy Union has had a role in the debate over the M5 East, the question remains whether the Minister will also ignore the unions, as he has ignored the residents. Will the Minister put his head in the sand in relation to this issue and further distance the Australian Labor Party from its traditional ties with the union movement? The Opposition in New South Wales will not ignore this issue. We support members of the group Residents Against Polluting Stacks who are concerned about the health and wellbeing of residents living near the stack. The Opposition supports their efforts to bring to the attention of the wider community what the Carr Government is attempting to inflict on local residents—in effect, a polluted environment in which they must live. It is absolutely essential that filtration equipment be installed in the stack. The technology is available; we know that it is in place in other countries. It is unacceptable that the Carr Government simply refuses to engage in world's best practice so far as the stack is concerned.

There is scientific evidence showing the need for filtration. The only step the Roads and Traffic Authority [RTA] and the Minister for Roads have taken to address the issue of stack filtration has been to establish an international workshop, at a cost of \$210,000, to discuss ventilation. Even this was short-lived as a number of the recommendations produced from the workshop were not implemented and were further ignored. Similarly, the parliamentary inquiry into the M5 East tunnel produced a number of recommendations. A key recommendation was the calling for expressions of interest for filtering the stack.

This recommendation was completely ignored by the Government, as have the history with the Carr Government and the recommendations of parliamentary committees. The report from the three-day workshop—the Dix report as it is known, commissioned by this Government—identified concerns raised in relation to the M5 East exhaust stack and the design of the ventilation system. The report noted that the international experts at the workshop were all critical of the location of the stack. Dix recognised that:

The complex, remotely located M5 East single stack tunnel ventilation design can be distinguished from any other tunnel ventilation scheme in the world.

The European engineers at the tunnel ventilation workshop were also critical of the waste of energy—more than \$2 million per annum—as a result of an overly complicated design and, the implications being, excessive greenhouse gas production, approximately 30,000 tonnes per annum. An expert from the United States of America said in relation to the stack location, "We've always tried to put them as high as possible, not in a valley." The M5 East stack is positioned in the Wolli Creek Valley, contrary to all recommendations. From this it is clear that the RTA, the Environment Protection Authority and the Department of Urban Affairs and Planning [DUAP] have not done their homework, and as a result a decision has been made that will be detrimental to all living near the stack.

The Dix report also indicated that emissions from motor vehicles could cause adverse health effects. It is this key finding that the Carr Government and the Minister for Roads, Carl Scully, continue to ignore. Residents living near the M5 East exhaust stack will be forced to breathe in unfiltered exhaust emissions, and the Carr Government knows full well that this will undoubtedly create health problems for residents, particularly children. Findings from the report resulting from the ventilation workshop include:

- Emissions from motor vehicles can cause adverse health effects.
- Technologies exist which can alter the composition of polluted air from tunnels.
- Immediate consideration should be given to the most effective ways of improving air quality in areas identified as receiving the least benefit from the operation of the M5 East tunnel ventilation system.

The report also indicated that residents were of the view that there was a severe lack of community consultation concerning the environmental standards and the process of designing the motorway and the stack. This is typical of the Government and the RTA. They simply will not consult the local community, the people whom their decisions will affect the most. Throughout the campaign of local residents in fighting to have electronic precipitators installed in the stack there has been a common thread, and that has been the lack of information provided to local residents. The RTA particularly will not consult with the community, believing that it is a law unto itself.

This bill will put right the wrongs of the RTA, and more importantly the erroneous decisions by the Carr Government and a roads Minister who simply continue to ignore the local community. The Carr Government and the RTA have been deceptive from day one on the M5 East motorway project, particularly the stack. The RTA and the Carr Government refuse to accept that technology exists to remove particulate matter from exhaust stacks. The testimony of experts from other countries has shown that the technology does exist and is economically viable. The use of electrostatic precipitators in the stack is the most economical way of removing the dangerous particles of vehicle pollution. The Carr Government has written quotes demonstrating that electrostatic precipitators remove 90 to 95 per cent of fine particulate matter, and yet the Premier and the roads Minister are refusing to accept these quotes. Why is the RTA ignoring the fact that these precipitators are installed and work in tunnels in Norway, Japan and South Korea, and that they are also planned for Austria and Vietnam and for the reconstruction of the Mont Blanc Tunnel?

The Carr Government is a government ignorant of the needs of the community. It is a simple request. All that residents are asking is that the Government take the necessary steps to ensure that by the time the M5 East motorway is operational, they will not have to live in fear that they and their children will get sick and the local environment will be destroyed. It is an unfit and uncaring Government that is too arrogant to realise the real needs of the people it is supposed to look out for. When the Carr Government attempted to inform the community of its planned environmental destruction and building of a stack which, left unfiltered, is hazardous to the health of residents, the RTA placed on display models of the stack. Those models of the stack were not to scale and were deceptive to the public.

It is quite disgusting that it is up to the Opposition to act and do the right thing by the residents and the environment, especially when the Premier trips around the world sprouting that he is a "green" Premier and that the Government holds high environmental ideals. That is a joke, and it is up to the Opposition to pull up a slack and arrogant Government that thinks it can dismiss the local community out of hand. The Government thinks it can proceed full steam ahead with a project that will not only cost taxpayers a great deal of money—more than originally costed—but it will also compromise the health of residents and the quality of the local environment. What is even more shocking is that the Carr Government believes that not only will it get away with this on the M5 East motorway but on the cross city and Lane Cove tunnels as well.

The Opposition is proceeding with this bill on behalf of the residents of Turrella and also the tourists of Darling Harbour, the residents of Pyrmont, Lane Cove and all of Sydney. This bill will mean that the Opposition is doing what the Carr Government has failed miserably to do, and that is to install electrostatic precipitators in the stack to protect the lives of the local community and ensure environmental quality. When completed, it is expected that the M5 East will carry 70,000 to 80,000 vehicles a day, with 20 per cent of these being diesel trucks. The estimate is that between 40 kilograms and 80 kilograms of particulate per day will be emitted from the M5 East. To date, the M5 East is the biggest tunnel, four kilometres, with the heaviest, and dirtiest, traffic, taking into account that approximately 20 per cent of vehicles will be diesel trucks. In simple terms, it is not unreasonable to talk about figures round 200 kilograms to 300 kilograms per week or two to three wheelie bins in volume of particulate matter in stack emissions.

One of the major health concerns residents have is an increase in the incidence of asthma in their children as a result of the unfiltered emissions. The fact is that the RTA, the Environmental Protection Authority [EPA] and DUAP cannot guarantee that there will not be an increase in health problems in residents as a result of the changes to the environment. In fact, perhaps this legislation would not be necessary if the Minister would stand in this House and give an unequivocal guarantee to residents that in no way will their standards of health or the quality of the surrounding environment be adversely effected. As I mentioned earlier, there are another two road projects on the cards for Sydney. One is the cross-city tunnel, whereby the Minister has announced three tenders for the project, and the other is the Lane Cove tunnel. Both of these projects will have tunnels and will therefore require exhaust emissions to be expelled into the atmosphere—most likely by way of a stack.

This bill will set a precedent for these roads projects and will therefore ensure that the stacks in these projects will be fitted with electrostatic precipitators, thereby protecting the health of local residents and the environment. The Carr Government, and particularly the roads Minister, will have one hell of a fight on their hands if they think that the residents of Pyrmont, as well as shopkeepers and business owners in Darling Harbour and tourism authorities, will roll over and let a 39-metre stack, which spews concentrated exhaust fumes into the atmosphere, to be constructed in Darling Harbour. Similarly, there will be intense community opposition if the Carr Government intends to place an unfiltered exhaust stack in Lane Cove.

The Carr Government, by refusing to filter these stacks, is itself heading on a fast track to self-destruction. The community will not tolerate an arrogant Government that opts to ignore the community at every turn on issues that the community considers have no scope for compromise. It is beyond belief that the Carr Labor Government is willing to compromise the health and wellbeing of local residents living near the M5 East exhaust stack by hiding behind the lame excuse of financial constraints. The M5 East motorway has already cost taxpayers over \$800 million. It would thus be an insignificant amount to install electrostatic precipitators in the stack to ensure that the health and wellbeing of residents is secured. It has been done successfully in many other countries: why not here? The time to install the precipitators is now, before the stack is completed, as it will be more expensive to retro fit the stacks. It is amazing what the Carr Government can find funding for, if it puts its mind to it and if the Government considers it a priority. The Olympics were a prime example of this.

Money was poured into the staging of the Games and, at the eleventh hour, the Government also managed to find an extra \$140 million for that. The Carr Government should have called for expressions of interest, as was recommended by the parliamentary inquiry, to install electrostatic precipitators in the stack. Last month the Roads Minister announced that the Government would offer to buy back homes near the M5 East stack. There were a number of conditions placed on the scheme. This is a cheap political stunt and it did not wash with local residents. The offer is available to residents living within 400 metres of the stack. What happens to those residents who live more than 400 metres from the stack but are still unable to sell their homes at market value?

The Minister has termed this offer a gesture of good will. That is laughable. The only offer that the residents of Turrella will accept is to fit the stack with electrostatic precipitators to filter particulate matter from the stack emissions. On the buyback scheme, when the sums are done it is clear that the Carr Government is not serious with this scheme. It has been reported that the Construction, Forestry, Mining and Energy Union negotiated with the Carr Government to provide up to \$10 million to purchase up to 270 homes. This means an average price of \$37,000 per home if all people take up the offer. That is certainly not unaffected market value.

It is ironic that the Carr Government seems prepared to make this offer, yet will not offer extra money to have the stack filtered. The Carr Government should be aware of the possible consequences if it allows the M5 East stack to be built and exist unfiltered. The Premier and the Minister for Transport, and Minister for Roads should be constantly looking over their shoulders for the onslaught of litigation brought against the Government by residents for wilfully jeopardising their health and wellbeing because their homes are located near the stack.

The Carr Government has had every opportunity, as well as forewarning from international experts, that not only is it necessary that the stack be filtered, but also that the technology is available for it to be done. The law provides that when a person commits a negligent act or omission, that gives rise to a claim. More particularly, when that act or omission could be foreseen and avoided, then a successful claim is almost probable. Here we have an acknowledgment of a dangerous health situation by the Government's own consultants and a remedy to the situation, yet nothing is being done. Asbestos cases are now coming forward. I predict that this Government will be seeing many cases, sadly, for ill health and even death as a result of its point blank refusal to put filters in the stack.

At this point in time I would not like to be in the shoes of the Minister for Roads. The Opposition has introduced this bill to highlight to the Minister what a huge error in judgement he is making on behalf of the Carr Labor Government. It is no coincidence that this bill had the support of the crossbenches as well as the Opposition in the upper House. Minister for Transport, and Minister for Roads has the opportunity to do the right thing and fix this problem. The M5 East exhaust stack can be fitted with electrostatic precipitators before construction is completed. This will give residents peace of mind and restore their quality of life. The Minister must show some intelligence and realise that he is literally sentencing thousands of residents living near the stack to a reduced quality of life. I would like to ask him if he is happy to have that on his conscience.

Opposition members can see as plain as day that, for the reasons I have outlined, that it is imperative that the M5 East stack be filtered. It is beyond me that the Carr Government and the Minister for Roads cannot see how important this issue is not only to the future of road construction but also to the community and the environment. I call on the Minister for Roads to show some leadership on this issue and gain the Government's support for this bill to show that they care about the people they purport to represent. The Minister for Roads was recently reported to have said that he is a family man but he would not want his children living near the stack. It seems that the Minister is all too willing to ignore this issue, as long as it does not affect him. If it is not good enough for the Minister's family to live near an unfiltered exhaust stack then it is not good enough for any other family. I commend the bill to the House.

Debate adjourned on motion by Mr Moss.

CONVEYANCING AMENDMENT (MORTGAGES) BILL

Bill introduced and read a first time.

Second Reading

Mr D. L. PAGE (Ballina) [11.20 a.m.]: I move:

That this bill be now read a second time.

This bill will amend the Conveyancing Act 1919 to impose a higher duty of care than currently exists for mortgagees and chargees in New South Wales with regard to the sale of the property. The object of the bill is to amend the Conveyancing Act 1919 to impose a duty on mortgagees and chargees, that when exercising a power of sale in respect of mortgaged or charged property, to take all reasonable care to ensure that the property is sold for not less than its market value if the property has a market value, or for the best price reasonably obtainable if the property does not have a market value. Furthermore, that when in possession of mortgaged or charged property, the mortgagee or chargee must take all reasonable care to ensure that the value of the property is not diminished.

The intention of the legislation is to increase the duty of care of financiers when they take possession of the assets of a defaulting borrower. There is a difference between the Federal and State law regarding the duty of care for financiers concerning the disposal of assets when they become mortgagee in possession. In New South Wales case law the only requirement is that a selling mortgagee act with good faith and not act wilfully or recklessly. This relatively low duty of care can have the effect of sacrificing the mortgagor's interests when the property is sold. Yet under Federal Corporations law when exercising a power of sale in respect of property the selling mortgagee must take all reasonable care to sell the property at not less than its market value, or otherwise the best price that is obtainable, in view of the circumstances under which the property is being sold. The temptation for financiers in New South Wales is to sell the assets with a view to ensuring their own debt is covered with little regard to any remaining equity held by the borrower.

Other common ways for financiers or mortgagees not to fulfil their duty of care includes failing to advertise the property for a sufficient period, incorrectly describing the size of the property, failing to pursue prospective buyers interested in purchasing the property at a higher price and failing to generally promote the

property to obtain the best possible price. The amendment also provides that a mortgagee maintains the asset in a marketable form prior to its sale. In increasing the duty of care for the mortgagee it is envisaged that the mortgagor, who may already be experiencing unfortunate financial circumstances, will not be further disadvantaged. In respect of the details of the bill, new section 111A provides that:

- (1) In exercising a power of sale in respect of mortgaged or charged property, a mortgagee or chargee must take all reasonable care to sell the property for:
 - (a) not less than its market value, if the property has a market value when it is sold, or
 - (b) the best price that is reasonable obtainable, having regard to the circumstances existing when the property is sold, if the property does not have a market value when it is sold.
- (2) It is the duty of a mortgagee or chargee in possession of mortgaged or charged property to take all reasonable care to prevent the value of the mortgaged or charged property from being diminished.
- (3) The title of the purchaser is not impeachable on the ground that the mortgagee or chargee has committed a breach of any duty imposed by this section, but a person damaged by the breach of duty has a remedy in damages against the mortgagee or chargee exercising the power of sale.
- (4) An agreement or stipulation is void to the extent that it purports to relieve, or might have the effect of relieving, a mortgagee or chargee from a duty imposed by this section.
- (5) Nothing in this section affects the operation of any rule of law relating to the duty of the mortgagee or chargee to account to the mortgagor or charger.
- (6) This section applies to mortgages and charges whether made before or after the commencement of this section but only to a sale in the exercise of a power arising upon or in consequence of a default occurring after the commencement of this section.

In other words, this legislation is not retrospective. Sub-paragraph (7) makes it clear that:

This section applies to mortgages and charges under the Real Property Act 1900.

In summary, this legislation is designed to increase the duty of care of mortgagees and chargees from merely acting in good faith and not acting wilfully or recklessly, to the higher duty of care as prescribed in the Federal Corporations Law. When exercising a power of sale in respect of mortgaged or charged property, they must take all reasonable care to ensure the property is sold for not less than its market value if the property has a market value, or for the best price reasonably obtainable if the property does not have a market value. It also provides that when in possession of a mortgaged or charged property, the mortgagee must take all reasonable care to ensure that the value of the property is not diminished.

Finally, I would like to thank Mr Peter Jackson from Jackson Smith Solicitors, for drawing the weakness in the New South Wales legislation to my attention. He has provided case studies of circumstances where mortgagors have been disadvantaged by the relatively low duty of care that prevails in New South Wales compared with the Federal jurisdiction and where litigation has often ensued. I thank him for his valued input. I believe this legislation is morally and legally the correct approach to take in relation to a mortgagee or chargee's duty of care. I commend the bill to the House.

Debate adjourned on motion by Mr Moss.

POLICE INTEGRITY COMMISSION AMENDMENT (ACCESS TO DOCUMENTS) BILL

Bill introduced and read a first time.

Second Reading

Mr TINK (Epping) [11.26 a.m.]: I move:

That this bill be now read a second time.

This bill enables members of the Police Service to divulge information and produce documents to the Police Integrity Commission despite any existing law to the contrary. It has been argued that there is an existing law to the contrary, namely regulation 46 of the Police Service Act Regulations which, as I understand it, came into force in September last year. Regulation 46, sub-clause 2, states:

... a member of the Police Service must observe the strictest secrecy in regard to Police Service business and is forbidden to communicate without proper society in any way to any person outside the Police Service any information in regard to police or other official business connected with his or her duties, or which may come to his or her knowledge in the performance of them.

Late last year following the sacking of members of the Behavioural Change Unit of the Police Service by this Government, the Government went to court to seek to stop members of that the unit from handing over information to the Police Integrity Commission. The Government took proceedings No. 5146 of 2000 *Commissioner of Police v Kenneth Seddon and Others* in the Supreme Court of New South Wales, Equity Division, on Thursday 28 December 2000 before Justice Hulme. The others were also, as I understand it, members of the Behavioural Change Unit. Mr Toomey, QC, appeared for the Commissioner of Police and Mr Evans appeared for the defendants. I quote from the official transcript of the Reporting Services Branch released on 16 January. I refer in particular to Mr Toomey's submission at page 7 of the transcript of 28 December. It states:

I am asking your Honour to vacate so much of the order as allows the handing over by the defendants of the documents directed to the Police Integrity Commission. In our respectful submission that order was made without power having regard to regulation 46. I know the circumstances in which it was made and the shortness of time and the lateness of the hour but that being so, in our respectful submission there was no jurisdiction to make that order. If it please, your Honour.

I interpose to say that that is a submission by Mr Toomey on behalf of the Commissioner of Police—and, by extension, on behalf of the Government—to prevent members of the Behavioural Change Unit handing documents directly to the Police Integrity Commission, and relying on regulation 46 in making that submission. At page 8 of the transcript Mr Toomey, in answering questions raised by the judge, put this argument:

If the Police Integrity Commission wants to go along tomorrow to the Commissioner of Police or his deputies and prove an entitlement to the documents, they will get every one of them. But with great respect, we object to the making of an order that a defendant to a summons such as this who has no right to documents hand over copies of the documents to a third party who at present has no right to the documents.

To my mind, that is one of the most extraordinary submissions ever made in the New South Wales Supreme Court on behalf of any government. In a nutshell, it says that the Police Integrity Commission has no entitlement to those documents. That is an outrageous proposition. The Premier, in response to a censure motion I moved on 6 March, boasted about the establishment of a standing body outside and beyond the Police Service with the powers of a royal commission. The Police Integrity Commission may stand outside the Police Service, but it does not stand beyond the Police Service if the Police Service seeks to mount an argument that it, and the commissioner's office in particular, should be a clearinghouse for documents that people may wish to send to the Police Integrity Commission to examine matters contained within them.

Here, there is no question that the documents relate to an extremely serious matter which the Police Integrity Commission has now indicated it will hold public hearings on. This Government has been trying, through this regulation, to stop the Police Integrity Commission getting those documents. That is an outrageous proposition. Later the same day the judge, in a decision delivered from the bench, as distinct from a reserved judgment, said, among other things:

Reliance is placed on reg 46 of what I think are regulations made under the Police Service Act which requires a member of the Police Service to treat all information coming to his or her knowledge in his or her official capacity as confidential and not disclose it without proper authority to anyone.

The submission made on behalf of the Police Commissioner is that the defendants have no proper authority to provide the documents they possess or copies of them or information which has come to their knowledge in their official capacity to the Police Integrity Commission.

Then, most importantly, the judge said:

I simply do not know whether that is correct.

So the judge did not come to a final view on that issue. However, in deciding not to do what the police commissioner wanted—that is, to prevent the documents from going to the Police Integrity Commission—the judge said what I think any person who has any commonsense, and who wants the Police Integrity Commission to exercise objectivity and freedom in its deliberations, would agree with. He said:

In that conclusion I am influenced by a belief that no harm is likely to occur, indeed, harm is almost certain not to occur by the disclosure to the Police Integrity Commission of police documents or at least those of which I have become aware in the course of these proceedings.

Frankly, those words of the judge put the matter in perspective. That was a matter of commonsense. This bill is designed to ensure that the sentiments expressed by the judge—sentiments with which I strongly agree—carry forward into express legislation of this Parliament. But, relevantly—and the reason this bill is important and needs to be brought forward—this was not a judgment that was reserved and considered in the fullness of time.

It was one that the judge had to give straight away. For the longer term, as to the fundamental argument put regarding regulation 46, he said, "I simply do not know whether that is correct."

If the argument is correct, the regulation should be overturned by this Parliament. Every thinking person who wants independent oversight of the Police Service wants the body exercising that oversight role to be able not only to seek documents but to have people come to it free of any interference by third parties, particularly people from the Police Service. That independent body should be free from any such interference so that those people may come forward with any documents in their possession at any time if those documents are being provided to the Police Integrity Commission for its purposes.

The Police Integrity Commission, if it is embarking on an inquiry and certain things come to its knowledge, should be able to approach people and request certain documents. There will be many other problems of which the Police Integrity Commission has no knowledge. In those instances the Police Integrity Commission may rely on people coming forward with documents and information without the Police Integrity Commission moving to seek those documents or that information. In those circumstances it is fundamentally important that there be no impediment whatsoever to that process taking place. I note that on 20 October 2000 the Commissioner of Police issued a press release when the issue of the behavioural change group first blew up. That media release of the New South Wales Police Service Commissioner's Office, entitled "Police Service Reform", is noted to be "Issued by Rob Kinny, Commissioner's Media Officer, Authorised by Commissioner, Peter Ryan." It states:

Mr Ryan has asked Police Integrity Commissioner Judge Paul Urquhart to expedite any inquiry that might arise from material delivered to him today alleging any attempt to divert or damage the reform process.

Since the issue of that press release, which I support, the commissioner has gone to court—and, by extension, the Government has gone to court—to try to block material going to the Police Integrity Commission or sought to be forwarded to the Police Integrity Commission for the purpose of that very inquiry. I suppose the argument that Mr Toomey put to Justice Hume is that we are to trust senior police when it comes to the handing over of documents to the Police Integrity Commission. I must say that an incident raised with me raises in my mind the question of the processes undertaken in that regard and whether that trust is well placed.

I now quote from a letter written by the Deputy Ombudsman, Mr Chris Wheeler, dated 5 February 2001 to the police commissioner. It is in my possession because it arises in connection with a complaint made by the honourable member for Davidson and was circulated by the honourable member. The Deputy Ombudsman says in his letter to Mr Ryan:

I would like to advise you of my concern about the Police Service's handling of Mr Humpherson's FOI applications. When he met with Mr Kosh on 22 August 2000 to discuss Mr Humpherson's FOI complaint Chief Superintendent Andrew Scipione informed him that Inspector Les Langburne was only provided with limited access to Mr Ryan's diary for the purposes of conducting his determination of Mr Humpherson's FOI application.

In order to properly determine an application under the FOI Act, it is imperative that an agency's determining officer is able to thoroughly examine all documents the subject of the application, particularly if the determination is to refuse access to the documents. A determination cannot be performed in a proper manner if the determining officer is not permitted unhindered access to all the documents the subject of the FOI application.

It is of concern to this Office that Inspector Langburne was permitted only limited access to the documents sought by Mr Humpherson. In dealing with any future complaints about the Police Service's determinations under the provisions of the FOI Act, this Office will closely examine the Police Service's determinations in order to determine whether or not the determining officer has been allowed unhindered access to all documents the subject of the FOI application.

To be fair, the Police Service has now responded to the Ombudsman's Office. Again, a copy of this letter has been made available to Mr Humpherson. In that document the Police Service takes issue with what was said by the Ombudsman's Office. I quote from the letter, dated 14 February 2001, addressed to Mr Bruce Barbour, Ombudsman, by Mr Michael Holmes, General Manager of the Court and Legal Services Branch of the New South Wales Police Service:

Chief Superintendent Scipione denies ever limiting Inspector Langburne's access to the Commissioner's diary other than to indicate that inspection be restricted to the dates referred to in the application of Mr Humpherson.

Former Inspector Langburne was contacted by my Office in respect of the issue raised concerning the comments attributed to Chief Superintendent Scipione. The former inspector has confirmed he was given as much access to the Commissioner's diary as he required for his determination and that his access to the material was unfettered. He further advised he was free to scroll through the diary as he desired in indicating that Chief Superintendent Scipione in no way hindered his access to the material subject of the application.

Whichever way we look at this, it is a most unsatisfactory situation. It raises an important conflict relating to a freedom of information [FOI] application by a member of Parliament, which touches on the commissioner personally. My concern is that on the one hand the Office of the Ombudsman is saying that unfettered access was not obtained—which, if true, I think is disgraceful—and on the other hand the Police Service is saying that the Office of the Ombudsman has got it wrong. Chief Superintendent Scipione, who was then working in the commissioner's office, has since become head of internal affairs in the Police Service.

I indicate here and now that I will be referring this fundamentally important matter to the Police Integrity Commission [PIC] to be sorted out. I do not make any final judgment at all about these competing claims, except to say that they are serious competing claims that involve senior police—the most senior police—and senior people in the Office of the Ombudsman, whose duty it is to be a source of appeal under FOI applications. However, something which I think is highly relevant to this bill is that huge question marks hang over the handling and provision of documentation by the Police Service in accordance with the laws of this State. I do not believe that anybody in the Police Service should be a third party conduit for what individuals can or cannot send to the Police Integrity Commission. Different questions arise if individuals send things to third parties.

The charter of the Police Integrity Commission is to oversight the Police Service. As the Premier said the other day, the charter of the Police Integrity Commission is to be a standing royal commission. In my opinion it cannot do its job unless it clearly has access to, and it is seen to have access to, any documents that any person or persons want to bring to it relating to any matter which they believe alleges misconduct in the Police Service.

In light of the dispute between the Ombudsman's Office and the most senior police in this State about the provision of documents in accordance with the laws of New South Wales, at the moment there can be no confidence in the capacity of third parties to act beyond doubt as third party middle people for the passage of documents. Any person who wants to take a document to the PIC should be able to do so. That is what this bill is about. This bill is about ensuring that the PIC is a standing royal commission with unfettered powers in every sense of the word when it comes to gathering information. I commend the bill to the House.

Debate adjourned on motion by Mr Moss.

**COMMUNITY SERVICES (COMPLAINTS, REVIEWS AND MONITORING)
AMENDMENT (APPLICATION) BILL**

Bill introduced and read a first time.

Second Reading

Mr HAZZARD (Wakehurst) [11.44 a.m.]: I move:

That this bill be now read a second time.

This bill, the most significant amending bill to come before this Parliament, is desperately needed to enable the Community Services Commission to carry out its vital work in monitoring various community services in this State and, in particular, the main government agency in this area—the Department of Community Services [DOCS] and its various associated agencies. The Community Services Commission, which was established by the Community Services (Complaints, Reviews and Monitoring) Act 1993, was a New South Wales Coalition initiative. The commission was established because members of the community were making complaints to Coalition members of Parliament. People who had to deal with DOCS had no avenue within which to have those matters assessed. They could not establish whether they had been treated fairly and reasonably or whether there was due process in relation to their matters.

I remember having discussions with the Minister at the time, the Hon. John Hannaford. He expressed concern about this matter and established the Community Services Commission to independently monitor the Department of Community Services and its associated agencies, to give members of the community an opportunity to be heard, to determine the outcome of various matters and to make recommendations. In 1993 the Minister, the Hon. Jim Longley, said in his second reading speech:

This bill represents the most far-reaching reform and improvement to client and service provider relationships, complaint and grievance handling and service provision monitoring of any community service legislation in Australia.

He also said:

The commissioner will monitor the standard and quality of service provision of all services funded for the provision of community services.

Minister Longley then made this point:

It is therefore very important that every effort is made to assist clients with complaints and grievances quickly and to provide a powerful framework for service providers to enhance their abilities to provide such a responsiveness.

With the bipartisan support of all members of Parliament the Community Services Commission was born in April 1994. Since that time there have been two commissioners. The first was Roger West and currently the position is occupied by Robert Fitzgerald. Both gentlemen have a proud history in the area of community services. Both commissioners brought a wealth of knowledge and expertise to that position. Up until November last year both operated on the basis that they had certain powers, and that the commission could exercise those powers without any limitation and without fear or favour. In its role as an independent watchdog for community services in New South Wales, the commission inquired into alleged statutory breaches by the Department of Community Services and generally independently monitored services, investigated complaints and eventually reported to the Minister on important community services issues. In the commission's 1999-2000 annual report Commissioner Fitzgerald noted:

Consumers of community services have the right to be treated with respect and dignity.

That is a simple statement but the commissioner felt it necessary to repeat that statement in the annual report, which shows that, on occasions, there is a level of concern that consumers of community services are not treated with the respect and dignity to which they are entitled. In his annual report the commissioner identified priorities for the year ahead. In so doing he laid out for all to see the work that the Community Services Commission was going to undertake in the future. He said that in the next period the commission intended to:

Complete the major inquiry into substitute care service provision in NSW and to promote the inquiry's findings and recommendations

Monitoring developments with, and providing advice on, the *Children and Young Persons (Care and Protection) Act 1998*

Finalise and follow-up the group review of 15 Aboriginal children and young people in care and the reviews of five children and young people from a funded service that has closed

Consumer education program on the rights of children and young people using community services.

Recently the commission produced a major report and some reviews. It also concluded a major inquiry into the performance and provision of substitute care in New South Wales, which affects approximately 8,000 children and young people. The annual report records its performance highlights and includes its work with children and young people. It noted that 67 per cent of finalised complaints, 81 per cent of complaint investigations and 73 per cent of complaints referred to services for investigation and the commission's oversight were about child protection and/or substitute care services. The commission's report noted in that context that its statutory functions were "to receive, assess, resolve and investigate complaints" and "to inquire into matters affecting service providers and persons eligible to receive community services". That is a very significant issue for the Community Services Commission. Complaints have risen quite significantly in the past 12 months. In 1998-99 complaints to the commission numbered 1,061. By last year that number had almost doubled to 1,850.

Investigations of alleged statutory failings of the Department of Community Services [DOCS] have been considered by the commission—and by the public—to be an essential element of the commission's work. Therefore it is disappointing to see in recent weeks that the commissioner, Robert Fitzgerald, has said publicly that what has happened to the commission was "a completely unacceptable position". The commissioner was referring to the fact that in November last year the Government, through Minister Lo Po', sent a letter advising Commissioner Fitzgerald that he no longer had the power to investigate certain alleged breaches of statutory obligations by DOCS. In a public forum, through the media, the commissioner has shown his frustration, but his frustration is only part of the picture. Agencies, non-government agencies, and non-government organisations are also frustrated. The people who want to have their dealings with DOCS investigated are frustrated.

We are talking about the most difficult edge of the Community Service Commission's work, and it has been taken away from it. It has been taken away because in 1999 the Law Reform Commission made a series of recommendations as part of a review of the Community Services Commission. While there are some broad-

ranging recommendations from the Law Reform Commission that the Opposition would like fully investigated by the Government, and the Opposition would like the opportunity to debate those issues, particular issues were raised in the review. One was that after six years of operation of the Community Services Commission, after its excellent work and its acceptance by the community, there was a technical problem in the way the commission was set up. That was known by the Carr Government for more than a year through the Law Reform Commission report.

During 2000 the Carr Government and Minister Lo Po' had a series of unfortunate events. They were getting it wrong in a whole series of community services matters. The report into substitute care that was issued by the Community Services Commission was just one that highlighted the Government's failings. Unfortunately, it would appear that the Minister, in a rather cynical and trivial way, decided to inquire what the Crown Solicitor thought about this advice that the Government had had for more than a year from the Law Reform Commission. Apparently the Minister gleefully got legal advice that indicated that the commission was operating outside its technical jurisdiction when it tried to investigate the alleged breaches of DOCS' statutory duties. What did the Minister do? She did not go to Cabinet or to the Premier. She played silly games. She rushed into print with a letter telling the commission that she had advice that it had to cease its investigations.

From the information the Opposition has, it appears that the commission has stopped investigating some very serious matters. We do not have access to the precise information, but we believe that somewhere between five and 10 very serious investigations have been stopped. Those investigations include, I believe, the case of Jessica Gallagher. I remind the House that Jessica Gallagher was a little girl on the Central Coast who, on the Australia Day long weekend last year, was murdered—in the most horrific way with a sword—at the hands of a fellow who had taken up occupation with her mother.

Jessica Gallagher's aunt and grandparents alleged that they had tried to make complaints to the Corrimal office and the Gosford office of DOCS but they just disappeared into thin air. They had tried to warn that this little girl may be in dire circumstances. The little girl never benefited from those warnings and it would appear that DOCS failed to act. That is the allegation. The Community Services Commission was in a position to investigate that matter, and it was appropriately investigating it. But with the advent of the Minister's letter, I believe that was one of the five to 10 cases that disappeared out of the commission's files and was sent to the Ombudsman. Minister Lo Po' says the Ombudsman can do the job in the meantime. She has issued a statement to that effect. The fact is that the Community Services Commission has been operating for six years, investigating complaints in regard to DOCS and its dealings with children. It is the instrumentality with the expertise and talent to do the job.

The Minister has taken advantage of a technical loophole to curtail one of her main agency's activities. There is a very simple reason for that—the commission, by its essential obligation to protect children and to ensure that DOCS' relationship and other agencies' relationship with children is appropriate, has to be critical of the Government. It would not matter whether the Labor Party or any other party was in office, it has to be critical when criticism is deserved. This Minister cannot live with criticism. Rather than fixing the problem, rather than going to the Premier and saying, "This has to be fixed, the commission has to have the power, the community wants it to have the power," she has been happy for Cabinet not to discuss the issue and come up with a solution.

The Opposition will not stand for that. We stand as one with the community and non-government organisations such as the Council of Social Service of New South Wales and the Association of Child Welfare Agencies. We stand rock solid in our effort to get this legislation back to where the Coalition had it when we thought it was operative and working. There can be no reasonable explanation other than a mealy-minded nastiness, a vindictiveness, by the Minister not to allow this legislation to pass through the House. I am shocked that the more reasoned people on the Government side surrounding Minister Lo Po' have not been able to bring her to task and have not been able to deal with this bill that we were able to get into Parliament very quickly. That is not a reflection on them. It is more a reflection on the absolute ineptitude and intransigence of this incompetent Minister. This bill should be passed by this House. The matter will also be debated in the upper House, because the Opposition is absolutely committed to getting this bill through Parliament.

Pursuant to sessional orders business interrupted.

FJI GOVERNANCE

Mr LYNCH (Liverpool) [12.00 p.m.]: I move:

That this House notes the recent decision of the High Court of Fiji in the case of Chandrika Prasad and reaffirms its support for the restoration of democracy in Fiji.

The court case referred to in the motion is now, I think, fairly well known. Its background is well described in the judgment of Judge Gates, the judge at first instance. His judgment, delivered on 15 November last year, commenced:

This is a case about the status of the Constitution in Fiji today following an armed invasion of Parliament on 19th May 2000, a hostage crisis, a military takeover, and latterly the installation of an interim administration. The applicant, an indigent farmer, claims he has been adversely affected as a result. Presently he is a refugee staying at the Girmit Centre in Lautoka.

The court made a number of orders in November of last year. To paraphrase and summarise the orders, they were as follows. First, the attempted coup on 19 May was unsuccessful. Second, the declaration of the state of emergency was granted validity. Third, the revocation of the 1997 Constitution was not made within the doctrine of necessity and such revocation was unconstitutional and of no effect; the 1997 Constitution is the supreme and extant law of Fiji today. Fourth, the Parliament of Fiji is still in being; its incumbents on and prior to 19 May 2000 still hold office; the status quo is restored; and the Parliament should be summoned by the President at his discretion but as soon as practicable. Fifth, it will remain for the President to appoint as soon as possible as Prime Minister the member of the House of Representatives who in the President's opinion can form a government that has the confidence of the House of Representatives pursuant to sections 47 and 98 of the Constitution, and that that government shall be the Government of Fiji.

The decision was a comprehensive victory not only for Chandrika Prasad but for the democratic forces in Fiji—the democratically elected Parliament and the democratically elected Government of Mahendra Chaudhry. The judgment was subsequently appealed. A number of overseas judges, including Justice Handley from Australia, constituted the appeal court. Judgment in the appeal was handed down last week. The appeal judgment essentially confirmed the lower court decision. The interim government that was installed after the coup was declared illegal; interim Prime Minister Laisenia Qarase thus had his Government declared illegal.

As is now notorious, those court proceedings stemmed from the coup staged by George Speight and his associated group of crooks. On 24 May last year this House debated and adopted a motion relating to that coup. There are a number of reasons that this House devoted time to debate this issue last year and why it has, by majority, elected to discuss it again today. First, and particularly for me, there are many Indo-Fijians now resident in Australia who look to their elected Australian representatives to express their horror and our horror at the coup, delight at the court decision and hope for a return to a democratic path for Fiji.

Many members of the Indo-Fijian community reside in the Liverpool region. Indeed, they regard Liverpool as the centre of the Indo-Fijian community in Australia. I understand that funding for the court case referred to in the motion was to some extent obtained from Liverpool; fundraising was conducted in Liverpool to help fund the case of Chandrika Prasad. I acknowledge a number of people in Liverpool who have discussed with me the issues of Fiji and who have been activists in the Australian context in striving for the restoration of democracy in Fiji. They include Gyan Singh, Govind Sami, who was a Labour Party member of the Fijian Parliament in 1987, Kamal Sharma and Prem Chand.

Subsequent to the previous debate in this House, Liverpool saw a march and rally of more than 2,000 people on 27 May last year. It was the biggest political rally held in Liverpool in living memory. On 13 August last year I had the honour of hosting deposed Prime Minister Chaudhry and Felix Anthony, the leader of the Fijian Trade Union Congress, at a conference of several hundred delegates that was held in Liverpool. Of course, this issue is much broader than simply one of members of Parliament in south-West Sydney representing their constituents. The much broader principle is the retention of a democratically elected political structure. Granted that this place is the first established representative structure in this region, in this part of the world, I would have thought that we have an obligation to express our support for such democratic structures. For members on this side of the House, that principle goes a little further. The coup was not just overthrowing a government; it was the overturning of a Labour government. An article by Darryn Snell and Satendra Prasad entitled "Behind the Fiji Crises", which appeared in *Arena Journal* (New Series, No. 15, 2000), stated:

It is true that the political crisis in Fiji has ignited racial and provincial tensions. It is also true that Speight's terrorism and the military coup represents the overthrow of a democratically elected government that had strong Indo-Fijian representation. More significantly, however, the political crisis represents an overthrow of a government seen as threatening "business-as-usual" in Fiji. It is no coincidence that the three coups that have plagued Fiji over the past 13 years have been against Labour-led Governments. It is evident from the events that unfolded from the outset of the crisis on 19 May that there was complicity between Fiji's military forces and Speight and his terrorist group in the overthrow of the Chaudhry Government. Fiji's military manifestly lacked the resolve and commitment to uphold the Constitution, defend the elected Government or respond to the crisis as a hostage/terrorist situation. The military's abrogation of the 1997 Constitution and setting up of an interim administration made up of Fiji's power brokers from the Rabuka years effectively restored the Government-business nexus of the Rabuka administration. Once again, Fiji's workers of all "races" and poor and rural indigenous Fijians had fallen victim to a conspiracy by an entrepreneurial and feudal elite to retain its hold on power. Retrospectively, this outcome to a challenge by Labour has become something of a constant in Fiji's turbulent and dramatic history.

Opposition to this coup involves not only adherence to the principle of democratic elections; it also includes support for a progressive, reformist party with a progressive, reformist agenda. The Chaudhry Government was a threat, not on a racial basis, to powerful, rich, entrenched elites—elites who exploited everyone they could, whether indigenous Fijians or Indo-Fijians. One final factor places a particular onus on Australia to express a determined opposition to the coup and demand a restoration of democratic rule—that is, the moral obligation that Australia has towards Fiji.

Indo-Fijians first arrived in Fiji as indentured labourers. They were, to all intents and purposes, slaves. They worked in the sugar industry, which was established shortly after Fiji became a crown colony of Britain in 1874. Conditions in the industry were appalling. Official reports resound with comments such as "the mortality is ghastly". The significance of that in this context is that the company running the industry and benefiting from it was an Australian company—CSR. Ken Buckley and Ted Wheelwright, in *No Paradise for Workers*, referred to the Pacific operations of CSR when they wrote:

CSR wore the unacceptable face of greed and oppression.

They refer to the Fijian cane farmers referring to CSR as "the octopus". In another book, *False Paradise*, Buckley and Wheelwright wrote that profit was the supreme consideration in how the company operated. They said:

This was obvious in relation to CSR's Fijian sugar interests, which were based on the exploitation of cheap indentured labour imported from India. The supply of labour was seriously threatened from 1916, when the migration of indentured workers was officially banned by the Indian Government, due mainly to public indignation in India over the treatment of labourers in Fiji. Because labourers in Fiji worked out the terms of their indentures, the effect of the abolition was not fully felt for several years.

Buckley and Wheelwright revealed that the then CSR general manager and chairman, E. W. Knox, exerted every effort to have the ban reversed, that is, he tried to have the system of de facto slavery retained. The authors continue referring to E. W. Knox when they wrote:

He often expressed concern for the well-being of the sugar industry, but this concern did not extend to sugar workers, who were the actual producers. Knox was as contemptuous of sugar workers and farmers in Australia as he was of their counterparts in Fiji. They all sought a better return for their labour than Knox thought they were worth. He was greatly disturbed by extensive strikes in the Fijian sugar industry in 1920-1 and he seriously considered how best to liquidate CSR's position there and withdraw its capital from the colony. Yet even in the troubled period between 1915 and 1923, when CSR made little new investment in Fiji, the average annual return on CSR's investment in Fiji was 14.75%, and probably substantially more. As historian, Michael Moynagh, cautiously concludes, the company had taken out more than it had put into Fiji.

I refer to that because it is not simply some quirky piece of South Pacific history. The immense financial benefits flowing to Australia as a result of indentured Indian labourers being brought to Fiji impose a moral responsibility on Australia to have a firm view about what happens in Fiji, just as we have a moral obligation to express a view about Timor because of the involvement of Australian troops in Timor during the Second World War. Just as we had a moral obligation to express a view about Timor because of the involvement of Australian troops in Timor during the Second World War, because of the history of Australian investment and the consequences of that investment in Fiji, I believe Australians have a clear moral obligation to support the restoration of democracy.

The news from Fiji last night was that the signs for the restoration of democracy are somewhat more optimistic than we might have thought. Given those signs, there is some chance that democracy may be restored. I suspect that if it is not, the situation in Fiji is likely to deteriorate. People tell me that the current economic situation in Fiji is dire. In addition to the human rights violations that are regularly directed against Indo-Fijians, there are immense financial difficulties within Fiji relating to levels of employment and productivity. Those problems will simply get worse if Fiji continues to be regarded as a pariah state, and its failure to adhere to the court decision is likely to do that. This motion gives this House an opportunity to state clearly its support for the democratic principle and the retention of democratic structures in Fiji.

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [12.10 p.m.]: The Liberal Party supports the principle of democratically elected governments; it strongly supports the rule of law. However, it believes that democratic authority is derived from the ballot box and not down the barrel of the gun. We join with the Indo-Fijian community in its support for recent decisions taken about the restoration of democracy in Fiji. We support the Federal Government's efforts to ensure that the democratically elected government is restored in Fiji. But that is not the point. This motion is the responsibility of the Australian Parliament. For those who are in the public gallery, this year is, of course, the Centenary of Federation. From the time Australia federated, relating to foreign affairs went from parliaments like this in the colonies to the Federal Parliament.

Today the honourable member for Liverpool has moved a vote of no confidence in the Labor members of Federal Parliament, who are not pursuing these matters in the appropriate forum, that is, the Federal Parliament. The Liberal Party's concern about the democratic political process relates to this place. It relates to a notice paper that has on it 350 notices of motions relating to important issues affecting the community of New South Wales, issues that relate to the Constitution of New South Wales; they do not relate to the Federal Constitution. The Government will not allow those 350 notices of motions to be debated. It does credit a member of the New South Wales Labor Party no credit—although at least he is a member of the Left, which normally supports democratic principles—to lecture anyone, let alone those outside this State, on the democratic process. Mr Speaker, you know the extent to which the democratic process in this place is abused; it has been abused by members right across the benches opposite. Members of this place are not able to have issues that are of concern to the communities they represent raised in this place. On the notice paper there are bills—

Mr Lynch: Point of order: With the greatest respect to my colleague, it seems that he has strayed well away from the topic of this debate. The issues he now raises were canvassed yesterday when this House decided to give this motion precedence. It is totally inappropriate for him to seek to rerun yesterday's debate. As well as being inappropriate, it is technically outside the leave of the motion before the Chair.

Mr O'FARRELL: To the point of order: This motion, in the words used by the honourable member for Liverpool to support it, relates to the democratic process, the principles of democracy, and the way in which parliaments operate. He cannot have it both ways. He cannot use international principles to defend or to seek to attack what has happened in Fiji and not allow the basic principles—that is, the democratic process and a parliamentary system of government—to also be canvassed here. If he does, he stands to be condemned by his own actions.

Mr SPEAKER: Order! There is no point of order. The subject matter of the motion gives any member speaking in the debate a great deal of latitude.

Mr O'FARRELL: For the benefit of Mr Speaker, who took the chair after the debate commenced, may I say that we support the joy within the Indo-Fijian community about the recent court decision in relation to Fiji. We support, as the Howard Government supports, the restoration of a democratically elected government in Fiji, but we also fundamentally support the constitutional arrangements that apply in this country. The first and foremost of those is that from 1 January 1901 the Federal Parliament had governance over international matters. The criticism and concern that we express, which does not detract from the cause, is that whilst the honourable member for Liverpool, as a member both individually and collectively of the Australian Labor Party, seeks to lecture members about democratic process, the Government will not allow issues which are a much closer to home to be debated in this House. The notice paper contains about a dozen bills that are of vital importance to the people of this State. It also contains 350 notices of motions. Many of those notices have been given by members of the Labor Party. Those motion are simply not being debated.

Members of this House are not able to debate the desperate trouble in which the New South Wales Ambulance Service finds itself. We are not able to debate or vote upon legislation that will seek to keep Allan Baker in gaol. Every day this House sits it is misused by the Government. Therein lies the rub. When the honourable member for Liverpool next has the opportunity to speak in this debate I want him to advise the House how often the Fijian Parliament meets. I want him to advise the House how often the Chaudhry Government met during its first year in office. I will bet London to a brick that it was more than the 43 days that this House sat last year. Last year this House sat only 43 days out of 365. How many days did the Premier spend overseas? Sixty-three days. That simply confirms that the Premier thinks he is in Federal Parliament, as does the honourable member for Liverpool.

The Premier, like the honourable member for Liverpool, is far too preoccupied with international affairs instead of being concerned about matters here in New South Wales. The honourable member for Liverpool knows that only too well, because the rail, hospital, education and police services in his electorate are just as poor as they are across the rest of the country. We cannot believe that the honourable member for Liverpool would seek to lecture members of this House about democratic principles. Presumably his own practices in south-western Sydney are the only thing that stopped head office acting against his Federal members, who presumably are not acting on this matter. Clearly, that is a vote of no confidence in his Federal members.

The New South Wales Parliament is Australia's first parliament, and we should express support for democratic principles. Those democratic principles ought to be put into practice here when the House sits. If

democratic principles and parliamentary democracy mean anything, they mean that this place meets to allow issues that are relevant to the communities we represent to be discussed. Mr Speaker, as you know, since at least 1999—but I believe since 1995—that has not been the case in this House. Significant issues in local and statewide communities have not been aired. I repeat: it does not simply affect policing in Cabramatta, or Wagga Wagga or Liverpool, it affects policing across the State. It does not simply affect rail services in Liverpool, Kuring-gai or the North Coast; it affects rail services across the State. It does not simply affect the exodus of students from public schools in East Hills, Davidson or Albury; it affects students across the State. Yet, the honourable member for Liverpool wastes the time of this House on an issue that is more properly raised in Federal Parliament.

Mr Lynch: This is a sheer waste of time.

Mr O'FARRELL: Let us consider that. This is the first private members' day in this House for at least six months. There are 350 notices of motions on the notice paper. Notice of the first motion was given on 16 September 1999. Members of this House are not allowed to raise matters relating to the New South Wales community, but we must devote time to an issue for which this Parliament has no responsibility and for which it has not had responsibility for 100 years. What dunces! Mr Speaker, this year you have spoken to students in the House about the Centenary of Federation. It is about time you explained to Government members at the next caucus meeting that as from 1 January 1901 responsibility for this issue, and any other international issue, rests with the Australian Parliament.

Members of the Australian Labor Party should get it together. I give the honourable member for Liverpool some credit, and I will support him at his next preselection, because from time to time he raises issues related to human rights. Indeed, the honourable member is described on the Coalition side as a shining light when it comes to issues of human rights in this Parliament. Members of the Coalition implore the honourable member for Liverpool not to misuse the time of this Parliament in this way and we implore the honourable member for Liverpool to begin lecturing his own Caucus about the parliamentary and democratic principles involved in the Fiji dispute. We implore the honourable member for Liverpool to support the Coalition when we try to raise important community issues in this House.

Mr ORKOPOULOS (Swansea) [12.20 p.m.]: I support the sentiments expressed by the honourable member for Liverpool in support of his motion. In response to our colleague the Deputy Leader of the Opposition, who bemoans the fact that this Parliament has not met as often as he would like, I point out that last year this House met on 56 days, which is more sitting days than was the case during the last two years of the Greiner-Fahey Government. I cannot understand where the Deputy Leader of the Opposition is coming from. It is important for the Deputy Leader of the Opposition and for other members opposite to consider the ramifications for the communities of Fiji of the subversion of the democratic processes through the barrel of a gun. Indeed, it is necessary for all deliberative bodies such as this House to do so. What is at stake concerns not only the people of Fiji but also all of the democratic institutions that honourable members profess to uphold. If we ignore our responsibility to defend democracy from its usurpers and if we ignore the people of Fiji by our silence, I believe we lose the right to speak out about injustice anywhere.

The decision of the Fiji Court of Appeal which was brought down on 1 March ruled that the 1997 Constitution remains the supreme law and that the interim Qarase Government ruled without the authority of the people of Fiji. The court then set a deadline of 15 March for the restoration of constitutional authority. I am pleased that the head of the Fiji military forces, Commodore Frank Bainimarama, has indicated that the military will abide by the court's decision, and that the interim Prime Minister, Mr Laisenia Qarase, has also indicated acceptance, albeit with some qualification relating to ability to meet the court's timetable for the full restoration of democracy. The Fijian President, Ratu Josefa Iloilo, stated that the people should "proceed quietly and calmly with the implementation of the Court's decision". I notice that it was reported in today's *Sydney Morning Herald* that the interim Prime Minister has met with Ratu Iloilo to discuss the Government's resignation ahead of a planned meeting with the Great Council of Chiefs.

Political analysts, both here and in Fiji, have proposed a number of reasons for the three coups d'état in the past 13 years, all of which were against democratically elected Labour Governments. Surprise! Surprise! There have been underlying tensions and inevitable conflicts between the traditional chief system of authority and the transition to a more pluralistic, non-racially based form of government in Fiji. There have also been tensions between powerful interests in the present interim Government that have been pushing privatisation of government services, the forestry industry and the airport. The former Chaudhry Government sought to resolve land tenure issues and oppose privatisation of public assets, but openly encouraged foreign private sector investment which threatens those indigenous vested interests.

The critical issue is that the Fijian people cannot afford to have the crooks and spivs routinely using military and paramilitary forces to oust democratically elected Fijian Labour Governments each time their sectional interests are threatened. It is because of that principle that I support the motion and express my hope that the people of Fiji will be allowed to determine the pace and shape of their affairs within the framework of the Constitution of the Republic of Fiji. In conclusion, I condemn the Opposition, which in one sentence expressed support for the motion but in the next sentence launched a tirade of abuse against my colleague the honourable member for Liverpool, his motives, and his expression of interest in the people of Fiji.

Mr ASHTON (East Hills) [12.24 p.m.]: It is entirely appropriate that this House debate the motion moved by the honourable member for Liverpool as a matter of priority. The restoration of true democracy in Fiji should be a matter of concern to all parliamentarians in this House. In May 2000 this House placed on record its opposition to the coup led by George Speight in Fiji when he took the elected Labour Government of Fiji and Prime Minister Mahendra Chaudhry hostage in an attempt to take over the Government of Fiji. George Speight may have been removed eventually—and, might I say, not without quite a deal of bloodshed over many months—but the problem is that innocent Fijians died. Once again, the delicate state of society and the economy of Fiji were in absolute ruin, and they still are.

Since 1987 there have been three armed coups in Fiji and all of those were against Labour Party Governments. We should restate, in this the original Parliament in Australia, that we expect a proper return to full democracy in Fiji as well as an end to the interim Government which was installed in Fiji after the removal of the Speight gangsters. Today in Fiji emergency powers and laws still operate and are used by the police to ban political meetings and rallies. Police can, and do, detain political activists. Most recently the police detained for nearly two hours Dr Tupeni Baba, who was the co-deputy Prime Minister at the time of the coup and who may well be the Prime Minister if full democracy is returned to Fiji. This incident occurred while he was in attendance at a People's Coalition rally.

Mr Humpherson: Point of order: It has been a tradition of this House—indeed, it has been a principle of democracy—that when honourable members speak they present their own opinions to the House and do not rely on speeches written by others. I seek, through you, Mr Speaker, to get confirmation from the honourable member speaking that they are his words that he is speaking, not someone else's.

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

Mr ASHTON: As a matter of interest, although I do not normally respond to points of order of that nature, what does the honourable member for Davidson think these handwritten notes are?

Mr Humpherson: Point of order.

Mr ASHTON: What does he think these five pages are? Who wrote them? I have some typed for the lady over there who likes a nice typed piece of literature to take up to Hansard. The honourable member for Davidson should sit down and stop wasting everyone's time.

Mr Humpherson: Mr Speaker, it is disorderly for honourable members to respond to a point of order after you have given a ruling.

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

Mr Humpherson: I ask you to uphold the point of order.

Mr ASHTON: Sit down, you ponce! Have a look at these notes!

Mr SPEAKER: Order! The honourable member for East Hills will address his remarks through the Chair.

Mr ASHTON: I will. He is a bigger ponce than that Pyne from South Australia.

Mr SPEAKER: Order! The honourable member for East Hills will address his remarks through the Chair.

Mr ASHTON: The military has stated again that the military will choose the person it likes as leader. I will read my original notes and that may take a little longer.

Mr Lynch: Then he will find out that you wrote them.

Mr ASHTON: Yes. The interim Government in Fiji obviously must soon come to an end. With gangsters such as Speight and the honourable member whose electorate I have forgotten—

Mr Lynch: Davidson.

Mr ASHTON: What is his name?

Mr Lynch: Humpherson.

Mr SPEAKER: Order! The honourable member for East Hills will refer to the honourable member by the name of his electorate.

Mr ASHTON: Mr Speaker, I know that, but I do want to know his name. I think that is reasonable. For the information of the honourable member for Davidson, I make the point that emergency powers and laws currently operate in Fiji and are used by police to ban political rallies. The honourable member for Davidson may not care about that: He may think that because he can interrupt my speech in this Chamber, that means we are not worried about Fijian democracy. The point is that members of the Labor Party do care. Let us think of the recent American presidential election and the expectation of the American President George W. Bush that Australia will monitor what goes on in Indonesia and in the Pacific region. If we cannot get something right about what happens in Fiji, how in hell is any Labor Government—or any Liberal Government, for that matter, albeit that it will only remain in office for a matter of months—going to keep an eye on Indonesia?

After last week's Court of Appeal decision, former President Ratu Sir Kamisese Mara is still legally Fiji's President and the Chaudhry Government is still the legal Government of Fiji. I know that Coalition members will rip up any court decision they do not like and will use any powers they have against any Labor Government, just as they did in 1975. The earlier interruption was from the honourable member for Davidson—who tried to question the notes that I have in my hand, which were handwritten by me—just to waste my time. He will wear that as a crown of thorns for the remainder of his time in this Parliament.

Mr LYNCH (Liverpool) [12.29 p.m.], in reply: I had hoped to deal with substantive issues about Fiji and principles of democracy. Regrettably I have to deal with something else, namely, the matters raised in the extraordinary performance by the Deputy Leader of the Opposition. First I comment on the primary argument he put forward, which is either an example of gross hypocrisy or an unrestrained attack upon the Leader of the Opposition. I do not know whether the Deputy Leader of the Opposition is being hypocritical or whether he is attacking the Leader of the Opposition. Labor members in the Chamber will recall that the Deputy Leader of the Opposition said that none of us understands the constitutional position of Australia and that this House should not contemplate or discuss motions relating to matters outside Australia, matters that might be termed foreign affairs.

The Deputy Leader of the Opposition also said that there is a series of notices of motions on the business paper that members opposite have been trying to have debated for a long time and that some of them date from 1999. He is right about that. Let me make the point that the first notice of motion on the business paper, notice of which was given on 16 September 1999, was given by none other than the Leader of the Opposition. That motion stated:

That this House:

- (1) Sends its support to the members of the Australian Defence Forces preparing to participate in the UN Peacekeeping Force in East Timor.
- (2) Commends the Prime Minister, the Hon John Howard MP, for his determined and decisive leadership in this difficult period.
- (3) Re-affirms its solidarity with the people of East Timor in their march to independence.

It might be the first time in living memory that I have agreed with the Leader of the Opposition but I must say that, in the light of the comments made by the Deputy Leader of the Opposition, I assume that his attack upon Labor members was equally directed at the Leader of the Opposition. Everything that he has accused Labor members of doing incorrectly is precisely what has been done by the Leader of the Opposition. If we do not understand politics or political structures, then quite clearly the Deputy Leader of the Opposition is saying precisely that about the Leader of the Opposition. I find it extraordinary that he would make those comments in the way that he did.

The other extraordinary exercise in which the Deputy Leader of the Opposition engaged was a comparison between what has happened in Fiji and what happens in this Parliament. He would have us believe that the antics of George Speight and other shonks and military thugs in some way compares with what goes on in this place. That, on any view of it, is trivialising the debate. It is a classic example of the Deputy Leader of the Opposition using great hyperbole and frankly letting his mouth run away with him, which regrettably is typical of his tactics and stunts. It is meant as a substitute for policy and as a cover up of his complete lack of substantive views that he ought to have but he usually does not.

That is revealed precisely in this debate. On the one hand he has gone on with his extraordinary hyperbole about what goes on in an Australian Parliament and compared it with what happens in Fiji. On the other hand, in his 10-minute contribution, he spent, on my count, about 70 seconds in dealing with the substantive motion before the House. The rest of it was simply policy-free, thought-free ranting and raving. Regrettably that is all too characteristic of the stunts and tricks tried by the Deputy Leader of the Opposition. Having dealt with his hypocritical and, in relation to the Leader of the Opposition, disloyal contribution today, I simply once again direct the attention of the Deputy Leader of the Opposition to the substantive points I made in support of the motion.

There were a number of clear reasons why this Parliament has an obligation to make its views clear on these topics. There is a moral obligation, as I said, as there are general principles involved. It is quite clear that the Deputy Leader of the Opposition came into this House with a prepared speech and did not listen to any of my arguments. He did not understand any of my specific reasons why it is a totally appropriate debate to have in this place. Certainly support for the declaration of restoration of democracy is significant for Fiji. It is significant also not just for the people that I represent in my electorate—many of whom still have relatives there, and frankly, whose life and limb depend on whether democracy is restored in Fiji—but it is also an important matter of principle that should concern us all.

Motion agreed to.

BUSINESS OF THE HOUSE

General Business: Suspension of Standing and Sessional Orders

Motion by Mr Gaudry agreed to:

That standing and sessional orders be suspended to allow consideration of General Business Orders of the Day (General Orders) Nos 1 and 2 forthwith.

CSIRO ENERGY CENTRE

Debate resumed from 10 August 2000.

Mr MILLS (Wallsend) [12.35 p.m.]: I remind honourable members that the motion moved by my colleague, the honourable member for Newcastle, states:

That this House notes the importance of the establishment of the CSIRO Energy Centre at Steel River Eco Industrial Park in Newcastle to the development of energy research and sustainable energy industries in the Hunter region.

I remind honourable members that Steel River was a project established after the announcement by BHP that it was withdrawing from steel making activities in Newcastle. It was part of a co-operative venture between the private sector and the State and Federal Governments to ensure continuation and development of new industries in our region.

When the agreement was announced more than two years ago that CSIRO Energy would come to Steel River, there was great excitement, especially among engineering and scientific researchers. They were excited about the enormous potential of this opportunity to build knowledge-based industries in the Hunter where we had recently seen declines in manufacturing, research and development and employment but nevertheless increases in the tonnes of coal mined per annum and in the diversity in industries.

This is a golden opportunity that occasionally comes along to draw together and do something that will make a big difference. In this case we would draw together CSIRO and Newcastle City Council, which has many sustainable energy initiatives; BHP, which has its minerals research laboratories adjacent to the University

of Newcastle; and the University of Newcastle, which has a co-operative research centre in coal research, and, on the university site, the Pacific Power Advance Technology Centre.

I will tell honourable members a story because an important point needs to be made. When I was working at the BHP research laboratories I was fortunate to be involved in an exchange with Dr Gus Ruch of the Illinois State Geological Survey associated with the University of Illinois, which is a big black coal mining area. The big problem with that coalmining is its high sulfur for metallurgical and steaming purposes, which particularly applies to Northern Hemisphere coals. That institution had a great international reputation. When I was there for six months I learned about the high quality of Australian scientific and engineering research, particularly in coal beneficiation; coal bulk handling and transport; coal blending; cokemaking; coal and coke analysis and testing; and the establishment of standards.

It was not until I was outside our country that I appreciated how valuable and of what great quality is Australian scientific and engineering research in the private industry, the CSIRO, in other government establishments and in the university. That quality of Australian research has been maintained all the way through to the present and is at the heart of the reasons for supporting this motion. The Federal Parliament Joint Committee on Public Works has given, in the interim since the motion was first moved, a big tick to CSIRO expenditure to set up its new energy research division on Steel River Park in Newcastle. The CSIRO has, I understand, doubled the size of the land to be acquired to develop this new energy research centre. They are very positive and forward developments in recent months. Also in recent months the private sector has displayed confidence in the Steel River Eco Industrial Park. A consortium of people in Newcastle has bought that industrial park and site from the previous owner, BHP. Plenty of confidence has been shown by the private sector in the Hunter in going ahead with the Steel River Eco Industrial Park concept.

There is an agreement between the CSIRO, as an anchored tenant, and the State Government to provide land. Previously, the honourable member for Myall Lakes supported this motion, as did the honourable member for Dubbo in outlining the strong links between the Dubbo region and the Hunter. He referred to his membership of the board of the Newcastle Ports Corporation and the potential for major exports other than coal, but as well as coal, and that the potential prosperity through exports were important to a large part of New South Wales. Energy Australia has interests in renewable and sustainable energy that is managed and has a presence in the Hunter. So we are seeing co-location and collaboration and the setting up of an incubator for energy-related industry and a building up of the skills base for Hunter people.

Mr ORKOPOULOS (Swansea) [12.40 p.m.]: I am pleased to speak to the motion moved by my colleague the honourable member Newcastle. That motion is:

That this House notes the importance of the establishment of the CSIRO Energy Centre at the Steel River Eco Industrial Park in Newcastle to the development of energy research and sustainable energy industries in the Hunter region.

This House would be aware that the Hunter region exports through the Port of Newcastle some 62 million tonnes of coal per annum and generates 80 per cent of the State's energy needs. The region has undergone fundamental change over the past 15 to 20 years in the diversity of new and emerging industries and services based on the traditional industries of coal, steel and electricity generation. The major power stations of Eraring, Liddell, Bayswater, Vales Point and Munmorah—the last two in the electorate of Swansea—are all located in the Hunter and Central Coast regions. The establishment of the Centre for Co-operative Coal Research at the University of Newcastle, the BHP research laboratories, the Centre for Sustainable Industry, established also at the University of Newcastle, and Pacific Power International's advanced technology centre are leading-edge industries that augur well for the region and its economy.

The proposal to construct a new research laboratory, to be called the CSIRO Energy Centre which will be located at the Steel River Eco Industrial Park in Newcastle, will provide new research and support facilities for the CSIRO energy technology group. It will accommodate up to 110 research and support staff comprising new appointees to expand research activities at the centre and transfers from the existing facilities at North Ryde and Lucas Heights. The new centre will provide a focus for research in the fields of cost competitive and environmentally acceptable fossil fuel research and development, sustainable energy, including energy storage and renewable energy, as well as researching the environmental impacts of energy, especially those associated with greenhouse gas emissions. We all know that we clearly need to double our effort on the research of greenhouse gas emissions. The centre will be able to collaborate with the University of Newcastle and the other agencies that I mentioned earlier. I am pleased that the CSIRO has decided to establish the research facility in the Hunter region as it will complement and enhance the existing research capacity, taking the region's natural advantage in coal and energy generation into the future.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [12.42 p.m.], in reply: I thank the honourable member for Myall Lakes, the Minister Assisting the Premier on Hunter Development, the Hon. Richard Face, and the honourable members for Wallsend, Dubbo, Swansea and Port Stephens for their contributions to this debate. The decision by the CSIRO to locate its energy research section in Newcastle at the Steel River site is a matter of critical importance to Newcastle and the Hunter Valley. I have had the benefit of the discussion within Parliament as well as appearing before the joint committee on public works on the occasion of its visit to Newcastle on 11 August last year. That committee gave the proposal for the CSIRO energy centre the big tick, if I may use that term.

As has been outlined by my colleagues in this debate, research in renewable energy and more environmentally friendly ways of using our existing energy sources, but particularly coal, will be very important. It will be important not only to Newcastle and the Hunter but to all of Australia as we move into an era when greenhouse issues become more and more relevant. This facility on the Steel River site is extremely important for the Hunter. The CSIRO shows its commitment in the purchase of about twice as much land as it initially proposed.

I mentioned in my speech when moving the motion, but it bears repeating in responding to the debate, that the capacity of the CSIRO centre to link its research with the former central research laboratory—now the main testing laboratory for BHP minerals world wide—the Pacific Power International's advanced technology centre, and the co-operative centre for coal research puts the focus on Newcastle as a tremendously powerful research group. That research will have benefits not only for the City of Newcastle, the Hunter Valley and New South Wales but also for Australia and internationally. Once again I thank honourable members who participated in the debate.

Motion agreed to.

CRIMES (FORENSIC PROCEDURES) LEGISLATION

Debate resumed from 16 November 2000.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [12.45 p.m.]: I attempted last year to have this issue debated by the House, but many procedures taken at the time prevented the motion coming before the House. Therefore I think it is important to state the motion in its full form. It is:

That this House:

- (1) condemns the Opposition for its opposition to the Crimes (Forensic Procedures) Bill 2000, which would have deprived the NSW Police Service of the most important crime fighting tool this century.
- (2) congratulates the Government Members and the Independent Members in the Upper House, namely:

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

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

Imagine the trauma experienced by the families of those who fall the victim to serious and violent crime. That is a time when families expect, and have the right to expect, that the best in policing intelligence will be brought to bear on the case. It is a time when families are absolutely bereft. They are looking for assistance. They are looking for every form of police skill and intelligence to be brought to bear on the case in point. Those families have the right to expect that the police will have the technology that they need to do the job.

It seems that everyone except Coalition members knows that DNA is the best technology available to solve crime. DNA can pinpoint those responsible for our worst crime against odds of one billion to one. It does not get any better than that. For police to use DNA to its full extent, they need legislative support. Police need laws to allow them to test suspects. Police need laws to enable the testing of the State's worst criminals. Police need laws to establish a database of samples to match with those of criminals across this country to solve New South Wales crimes. That is what this Government gave them. But the Coalition tried to take that away from the police. In an extraordinary move, the Coalition in the upper House conspired with a handful of Independents to abolish the DNA laws just 12 months after their implementation.

Mr R. H. L. Smith: Point of order: The honourable member for Newcastle is playing with the truth. The simple fact is that the Opposition in the other place did not vote against this legislation, but tried to amend it so that it could be reviewed after a trial period.

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

Mr GAUDRY: What made the Coalition's move even more extraordinary or hypocritical is the fact that the honourable member for Barwon publicly supported the use of DNA technology in his own electorate. His public support came before the Coalition's day of shame on DNA: that is, as far back as 28 June last year. It is important to bring this matter to the attention of honourable members. The Opposition police spokesman told the House last year that police could not be trusted. But obviously the honourable member for Barwon had enough trust in the State's police to entrust his DNA sample to them, and that trust was not betrayed. I have heard of the successful use of DNA only in the Barwon electorate.

On 28 June last year the Opposition joined with two Greens, a member of the Australian Democrats and an Independent to support a motion that would have had the DNA laws expire in two years. How did the Leader of the Opposition in the upper House, who is a former police officer, explain that to his former colleagues? How did the honourable member for Epping explain his position to the police, the very people who fully supported the Government's DNA laws?

DNA is being embraced by police more and more. The Opposition spokesman constantly talks about police matters, but no policy is forthcoming from the Opposition. However, Opposition members are onto the first amendment that comes their way that seeks to oppose something in the Government's legislation and they almost destroy that legislation by trying to change it. The Coalition's police spokesman must have been involved in advising his upper House colleagues on DNA matters. He and members of the Legislative Council stand condemned on that issue. I hope that the honourable member accounts for his position not only in this House but also to victims of crime who depend on police using the best technology available to find those who are responsible for committing crimes. Surely the Leader of the Opposition should have overridden the advice of the honourable member for Epping to the upper House. She should have stood up and put an end to the chicanery that occurred last year.

Mr R. H. Smith: Point of order: The honourable member continues to misrepresent the position taken by the Opposition in another place. I ask you to ask him to stop misleading the House.

Mr SPEAKER: Order! The honourable member for Bega is well aware that he will have an opportunity to respond to the remarks of the honourable member for Newcastle at the appropriate time.

Mr GAUDRY: The Leader of the Opposition should have taken the lead in this matter, and put an end to the chicanery of the Liberals and Nationals in the upper House. They conspired with the Democrats and the Greens to introduce an amendment that effectively would have destroyed the Government's legislation. She should have said quite clearly, "We support DNA. We will support the police. We will give them the tools that they need to track down our worst criminals." However, she let those games go on. Thanks to the policy of the Labor Party and the sheer commonsense and support of a number of members in the upper House, police have had new DNA laws from 1 January this year. I again acknowledge the support of the Hon. J. S. Tingle, the Hon. Helen Sham-Ho, the Hon. P. J. Breen, the Hon. M. I. Jones, Reverend the Hon. F. J. Nile, the Hon. Elaine Nile, the Hon. D. E. Oldfield and the Hon. Dr P. Wong. They will be recorded in history as people who joined with the Government to give legislative life and length of life to DNA testing in this State. They can stand proud as sure as the Coalition stands condemned.

The ability of police to use DNA will bring solace to the victims of crime. It will also bring freedom to those who have been wrongly accused. The greatest thing about the use of DNA is that level of certainty—the one billion to one issue—and the fact that it sets the innocent free and sends the guilty to gaol. The passage of the bill will ensure that the New South Wales police have access to CrimTrac, that is, the national plan to link all police through a \$50 million state-of-the-art criminal investigation system. It will enable criminals to be tracked across boundaries through their DNA. That plan is supported by the Federal Coalition. How would the Leader of the Opposition and the honourable member for Epping have explained themselves to their Coalition colleagues in Canberra if that amendment had been successful? I can picture the Leader of the Opposition calling Senator Vanstone and questioning her as to why New South Wales had to be cut off CrimTrac because the legislation had expired. She might have said, "We thought it was a good idea at the time."

The Government's DNA legislation is good news for police and, as I said earlier, it is a godsend for victims. It can be the key to unlock the prison door for the innocent and it is something to be feared by the

guilty. We have already seen its effective use in New South Wales. The Government's DNA laws will forever remind the Opposition in this State that it has no policy; it has no trust in our Police Service; it has no care for victims; and it has no commitment to justice for the innocent. It is a legacy of which members of the Opposition will be ashamed. I will read the Coalition's motion onto the record so that there is no mistaking what it wanted. The motion that it supported in the Legislative Council reads:

This Act expires on the eighth sitting day after the day the report referred to in subsection 3 is laid ...

The word that was used in the motion was "expires". However, the Coalition could have used the word "finishes", or "dies". It could even have used the word "kaput". In effect, if that motion had been carried, this legislation would have ceased. There was a procedure to resurrect the legislation if both Houses of Parliament so desired. What nonsense! First, the legal background for a range of DNA tests, criminal investigations and court cases would be put in doubt. Second, police, victims and the wrongly accused would have to depend on the vagaries of the upper House for their future. What a policy nightmare that would be! What a joke! Thankfully, sense prevailed, with the Government and those Independent members in the Legislative Council to whom I referred earlier voting down the amendment and implementing the legislation.

So 1 January 2000 is a historic day in New South Wales as that was the date of commencement of the Crimes (Forensic Procedures) Act. From that day forensic testing of prisoners could be done. The Minister for Police made it clear in this House on many occasions that, once this Act commences, we would enjoy the same success rates that have been enjoyed in the United Kingdom. In the United Kingdom DNA samples have been matched to crime scenes with enormous success. Between 1995 and 1999, 91 murders, 65 rapes, more than 300 serious robberies, 15,000 home robberies and 9,000 car crimes were matched to crime scenes in the United Kingdom.

The legislation is all about giving police the tools that they need to solve crimes. The introduction of this legislation is a legacy of which this House and this Government should be proud. As the Premier announced yesterday, as at 27 February 1,576 serious indictable offenders had been tested in 26 prisons across New South Wales. So the legislation is in place and it is working. The fact that prisoner testing is ahead of schedule demonstrates that planning for the implementation of the Act has been successful. Police and the Department of Health, which play an important role in the carrying out of these tests, are working effectively together.

Members of the Opposition stand condemned for trying to stymie the most important policing initiative since the Wood royal commission. But, of course, they opposed that as well, as was clearly pointed out in debate in this House this week. They have fought against the interests of police and the public by trying to destroy DNA laws. They opposed the royal commission. Their police spokesman does not trust the police, and their leader obviously made no attempt to change direction when Coalition members in the upper House conspired with the Greens and the Democrats to vote against the DNA legislation. That is a record that will not be forgotten.

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

[Mr Speaker left the chair at 12.55 p.m. The House resumed at 2.15 p.m.]

DOGFIGHTING

Ministerial Statement

Mr WOODS (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [2.15 p.m.]: In New South Wales there are about 1.2 million dogs. They are nearly all pets or working dogs. But there is a sick group in our community that breeds dogs for the disgusting so-called sport of dogfighting. Make no mistake, dogfighting is illegal in New South Wales. It is specifically prohibited under section 18 of the Prevention of Cruelty to Animals Act. In New South Wales it is an offence for a venue to be used for dogfighting, to organise a dogfight, to advertise and to attend or bet on the outcome of a dogfight. Those caught engaging in dogfighting face penalties of up to \$27,500 and six months gaol.

Under the Unlawful Gambling Act it is also illegal to bet on a dogfight. A person caught betting on a dogfight faces a fine of up to \$5,500, and the person organising the betting faces a fine of up to \$11,000. Also, under the Companion Animals Act, if an irresponsible owner incites a dog to attack another animal or a person, that person faces fines of up to \$11,000 and six months gaol. I intend to increase that penalty to \$22,000. In the past 12 months there has been an extraordinarily disgusting case. It involves Brendan Reekie of Riverstone, in

Sydney's west. He owned four pit bull terriers. Last October he was sentenced to gaol for eight months for allowing dogfights in a child's bedroom that had been converted for the purpose. One match lasted 30 minutes, and RSPCA inspectors found that his animals were covered in scars—evidence of a history of fights. Reekies' dogs were later destroyed because they were so aggressive.

Due to the shadowy nature of those involved in dogfighting, it is extremely difficult to prosecute offenders. They move quickly and they rarely use the same venue. The RSPCA advises that it receives one report a month of a dogfight taking place in Sydney. The most recent reports have been from the inner city and the inner west of Sydney.

I take this opportunity to appeal to the public. I encourage anyone with a knowledge of dogfighting rackets to come forward and report them to the police immediately. That can be done anonymously. Dogfighting is cruel, inhumane and barbaric. It is not sport. It is the domain of the sick of mind and is a scourge to be stamped out. The RSPCA and the State Government are in agreement about this disgusting activity.

Mr J. H. TURNER (Myall Lakes) [2.18 p.m.]: We concur with the Minister in relation to the terrible sport of dogfighting. We would like to see some more details on how the Government will be implementing the measures the Minister has raised, particularly on what onus will be on local government as opposed to the onus that will be on the State Government. Regrettably this Government often switches the onus onto councils, who have enough to do without looking after State Government responsibilities. Certainly we condemn the practice of dogfighting. It should be outlawed completely and stamped out in New South Wales.

ROCK FISHING

Ministerial Statement

Mr WATKINS (Ryde—Minister for Fair Trading, Minister for Corrective Services, and Minister for Sport and Recreation) [2.20 p.m.]: Since 1995, 34 people are known to have drowned whilst rock fishing along the New South Wales coastline. Last year alone, five men and a woman died as a result of rock fishing incidents. Just last weekend a severely decomposed male body was recovered off the eastern suburbs beaches. I am advised that police believe it was the remains of a fisherman who was swept off the rocks at Maroubra about two weeks ago. That followed another recent incident where two men drowned when they were swept off Yellow Rock at Malabar on 20 February.

These incidents highlight the inherent dangers of rock fishing. That is why today I urge people involved in this recreational pursuit to take extreme care. I also take this opportunity to remind rock fishers that it is not only their lives that are put at risk. With every rock fishing incident our emergency service workers and, often, innocent bystanders are also put at risk. Ambulance officers, police and surf life savers often face this predicament. Their jobs are difficult enough without having to put their own lives at risk to save others who should know better.

Rock fishing is a very popular recreational activity. About 60,000 anglers fish from rock platforms every year. In fact, about 6 per cent of all angling activity is undertaken by rock fishers. Around Sydney waterfront the most popular rock fishing platforms include Bondi, La Perouse, Kurnell, Barrenjoey Headland, North Head and Whale Beach. Most rock fishing accidents occur when fishers are swept into the water by what seem to be all too common freak waves. The most common causes of death are head injuries and drowning. In a bid to cut rock fishing deaths, the Australian National Sports Fishing Association's guardian angel rings project was funded from 1994, with the first ring installed at Port Hacking. This project sees conventional ship-type lifebuoys placed on a stand and located near rock fishing locations. The lifebuoy can then be thrown to a person swept off the rocks to provide support until help arrives.

Since 1994 more than 60 rings have been installed along the New South Wales coast from Eden to Tweed Heads. These devices work. From 1996 to 1998, nine lives are known to have been saved through this project, and the Australian National Sports Fishing Association believes that hundreds of rock fishers have been saved in unreported incidents. I urge rock fishers to get a copy of the valuable check list provided by New South Wales Fisheries. It includes advice such as to watch wind and wave action as well as tide details, never fish in bad weather, fish with other anglers, never alone, and near angel rings, and wear appropriate clothing made from light material and non-slip shoes.

Mr OAKESHOTT (Port Macquarie) [2.23 p.m.]: On behalf of the Opposition I support the Minister's statement urging rock fishermen to exercise care. When the Minister stood to speak I was concerned that he

would announce the regulation of rock fishing in New South Wales. I am glad that that is not the case, and that the Minister simply urged rock fishermen to be careful. The Opposition certainly supports that. Rock fishing is a dangerous practice. However, it is a preferred option and a sport of choice for many people in New South Wales, and it should be encouraged and allowed to continue.

Recently I spent time with the Cronulla surf patrol team, which rescues many rock fishermen who get into trouble. Also, I understand that the Leader of the Opposition spent time with the Port Kembla coastal rescue group last month. Coastal rescue teams do a great deal of volunteer work in New South Wales. This is an opportunity to highlight volunteer sea rescue teams and the work they do, and the funding streams to those teams.

Honourable members who represent coastal electorates would be aware of concerns that coastal sea rescue groups do not receive the same level of government support and funding streams as the bushfire services receive. That issue needs to be resolved through either the Minister for Emergency Services or the Minister for Sport and Recreation. By establishing a good funding stream that supports the work to which the Minister referred, this House would do valuable work for the community.

NORTHERN NEW SOUTH WALES FLOODING

Ministerial Statement

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [2.25 p.m.]: Yet again communities in northern New South Wales are confronted with heavy rain and rising floodwater. I have had reports that State Emergency Services [SES] volunteers in Kempsey carried out a dangerous rescue operation this morning. Two men were stranded when they drove their small four-wheel-drive vehicle into 1.5 metre floodwaters in South Kempsey. SES volunteers took a flood boat into the floodwaters and rescued one man from the roof of his car; the other man had been washed away by floodwaters and was found clinging to a group of trees. Both men are now safe.

SES volunteers look set for another long night as heavy rain continues to fall in the Clarence Valley. Flood warnings are current for the Bellinger, Nambucca and Orara rivers. Bellingen is isolated and residents of Darkwood are cut off by floodwaters. The Bellingen flood boat is responding to requests for assistance from North Bellingen as the main Bellingen bridge is closed. Residents at Repton caravan park at Urunga have been relocated as a precautionary measure. On the Nambucca and Orara rivers schools have been notified of rising floodwaters and told to send students home where floodwaters affect their normal routes home. A number of roads have been closed. The Coffs Harbour unit is currently assisting local residents with sandbagging duties due to localised flooding. I am sure honourable members will join me in expressing thanks, yet again, to the many emergency services workers who help the community in times of need.

Mr FRASER (Coffs Harbour) [2.27 p.m.]: I acknowledge the statement by the Minister for Emergency Services. On behalf of the Coalition I congratulate all the volunteers who are currently putting their lives at risk to save property and lives on the North Coast. Only yesterday and this morning I spoke to the Coffs Harbour and Bellingen SES units. The Kalang and Thora communities are isolated yet again, because the bridges that were restored only a couple of weeks ago after recent flooding have been washed out again. The volunteers spent all last night trying to ensure that people and property in those communities were kept safe. I appeal to the Minister to declare a state of emergency at least in Bellingen shire, and in other shires if necessary, because the work undertaken by the local council in the past couple of weeks to repair bridges and roads has been undone.

The SES volunteers have done a great job in the past few weeks. The controller of the Bellingen SES, who thought he had everything in order, left two days ago on a trip to New Zealand. He is now talking about flying home to assist his crew in Bellingen to protect the lives of the people in that community. The main road to Dorrigo has been cut off in three or four places by landslips. The road to Bellingen and Myleston is covered by more than one metre of water, and the bridge that divides Bellingen is once again covered by more than one metre of water, although high tide has not yet been reached. So there is a real danger. I appeal to the Minister to ensure that emergency funding is available to councils and SES crews on the North Coast.

DISTINGUISHED VISITORS

Mr SPEAKER: I acknowledge the presence in the gallery of members of the Australian Hokien Huay Kuan Association and its Senior Citizens Branch, particularly the President, Mr Le.

MINISTRY

Mr CARR: The Minister for Agriculture is today attending the nineteenth meeting of the Agricultural Resource Management Council of Australia and New Zealand. The Minister for Local Government will answer questions on his behalf.

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**.

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**.

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**.

Tumut Regional Roads Upgrade

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

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 Richardson** and **Mr Rozzoli**.

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**.

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**.

Greenslip Pricing Inequities

Petition stating that the current system of using postcodes to set motor vehicle third party insurance premiums is unfair for rural areas, and praying that a fairer and more equitable system be implemented, received from **Mr Hickey**.

Avoca Beach Primary School Funding

Petition praying that capital works funding be included in the 2001-2002 State Budget for Avoca are proper for Beach Primary School, in order to provide some degree of certainty for the school's future, received from **Mr Hartcher**.

QUESTIONS WITHOUT NOTICE

DEPARTMENT OF COMMUNITY SERVICES HELPLINE

Mrs CHIKAROVSKI: My question is directed to the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women. Why did the Minister's department tell a refuge worker in northern Sydney on 6 March that it would take up to seven days for officers to investigate a case reported to the helpline in which a woman was seriously assaulted and terrorised in front of two children aged eight and 10 as they attempted to flee the family home? Is this why refuge workers, like the school principals that she attacked in this House yesterday, are now bypassing her helpline altogether?

Mrs LO PO': I will certainly get back to the Leader of the Opposition with the information she needs.

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

Mrs LO PO': The Opposition, which in government did nothing but cut Department of Community Services [DOCS] resources, has no credibility.

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

Mrs LO PO': The Opposition has no credibility in relation to these matters.

Mr SPEAKER: Order! The Leader of the Opposition has asked a question. She will listen to the answer in silence.

Mrs LO PO': Each and every one of these cases, six in all, that has been raised by the Opposition to date has been found to be factually incorrect. These cases have shown that DOCS and police officers have acted swiftly and appropriately in each case.

Mrs Chikarovski: Point of order: Yesterday in this House, the Minister accused the teachers of lying. Today she is accusing refuge workers. Refuge workers are in the gallery and the Minister has not consulted them. She owes them the courtesy of answering my question, not just expressing her views.

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

Dr Kernohan: Point of order: I cannot hear what the Leader of the Opposition is saying because of the noise from the Government benches.

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

Mrs LO PO': Yesterday two matters were raised. The first showed that DOCS was notified of potential sexual abuse of a child on one day. The next day DOCS interviewed and placed that child in care.

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

[Interruption]

Mr SPEAKER: Order! If the Chair calls the Leader of the Opposition to order, she should show some leadership and refrain from interjecting. The Chair should not have to call—

Mrs Chikarovski: Mr Speaker—

Mr SPEAKER: Order! The Leader of the Opposition will resume her seat. The Chair should not have to call the Leader of the Opposition to order on two occasions.

Mrs LO PO': I have a letter from the Department of Education written on 5 March to my department which states:

I write to thank you for your prompt action in supporting the staff of [this particular] school on 23 February. It is reassuring to know that the Campbelltown DOCS staff are so responsive to urgent cases.

Mr Hazzard: Point of order: The Minister appears to be confused because the issue yesterday related to schools and this issue concerns refuge workers.

Mr SPEAKER: Order! There is no point of order. The honourable member for Wakehurst will resume his seat.

Mrs LO PO': In relation to the second matter, DOCS was notified of an allegation of sexual abuse and immediately commenced an investigation. Department of Community Services officers sought additional information from the school principal, the notifier, who, two days later, provided sufficient information for a joint investigation team to commence a criminal investigation involving possibly more than one alleged victim. I am, of course, restrained from saying more on this matter, as is the Opposition and the media, because this is the subject of investigation that may lead to a criminal investigation. I need not remind the House, the Opposition and the media in particular of the sensitivity attached to reporting matters of this type, given the recent publication of an article which led to a criminal trial being aborted. Suffice it to say that I am advised this is the manner in which any investigation of a serious matter such as sexual abuse of a child ought to be carried out. The Opposition might like to take shots at the committed child protectionists who work for the helpline, but this is the performance of the helpline.

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

Mrs LO PO': Since it commenced operation on 18 December, a total of approximately 41,000 telephone calls from notifiers have been answered. That staggering figure demonstrates the sad extent of child abuse in the community, but it also demonstrates that the Government's policy of compelling principals, teachers, carers, doctors and others to report suspected abuse makes sense. I remind the House that approximately 41,000 phone calls have been answered already by the helpline. More than 17,000 cases of suspected child abuse and neglect are under investigation as a result of these calls. Of these, there have been 375 referrals to the joint investigation team, and prosecutions for child abuse and neglect may flow. That is the work of the helpline. That is the work of DOCS. As I said in the House, the helpline is receiving in some weeks more than 6,500 calls. To committed professionals—teachers, principals, carers, doctors and other health workers—I have this to say, "Call the helpline. If people cannot speak with a case worker, please follow the protocol that is given and provide a reported via the helpline's facsimile number."

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

Mrs LO PO': The resources of the helpline are being enhanced by the day. By April it will have its full complement of 150 staff operating 24 hours a day, seven days a week.

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

Mrs LO PO': There are peak times when teachers and others attempt to contact the helpline. That is the reason delays occur at certain hours of the day: before and after school, during recess and at lunchtime. That is when teachers and principals, understandably, will try to get help. I will take the question on notice.

NATIONAL ECONOMIC FORECAST

Miss BURTON: My question without notice is to the Premier. What is the Government's response to the recent national economic forecast?

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

Mr CARR: As soon as I get up, there are interjections from—guess who? The honourable member for Gosford, the man who we were told in this Chamber only on Tuesday glories in the title of the swamp fox. I have had my people do some work and, according to the best scientific advice, the swamp fox is an opportunistic forager. The swamp fox uses hunting techniques that vary from stalking to dash and grab. But the swamp fox is best known for the old mouse pounce. Under the mouse pounce the swamp fox jumps up to three feet above its victim and dives, front paws first, onto its prey. The impact of the aerial descent stuns the prey, allowing the swamp fox to catch it. I could go on to talk about the old swamp fox and his technique for bringing down his leader.

However, I would not want to sicken honourable members by having to describe the way the swamp fox marks out its territory. It is not at all edifying, and it is probably too close to the recent lunches of honourable members for them to hear it. I will say that the swamp fox is distinguished by an aggressive yapping, a resonant howl, by barks and occasional soft whimpers and screams. On 5 February 1999 the Leader of the Opposition was asked, in an interview with Quentin Dempster of *Stateline*, whether she supported the GST. She said:

Yeah, yeah, I support the GST package. I think it is actually—

Dempster, acute as always, said:

Which includes food?

The Leader of the Opposition said:

Yeah, I actually think that it is good, a good thing for the people of the State.

The policy that the Government opposed and the Leader of the Opposition supported is now beginning to bite. Yesterday's national accounts record a contraction in the Australian economy in the three months to December. It was the first quarter of negative growth in more than a decade. It is too early to say whether the economy will fall into recession and whether the technical definition of a recession is satisfied, it seems likely that around the nation the number of people out of work will grow, bringing hard times for families and greater insecurity for the rest of us.

[Interruption from gallery]

Mr SPEAKER: Order! I ask the attendants to remove that gentleman from the gallery.

Mr CARR: You get elected to this Chamber before you can interject on me.

Mr Hazzard: He was actually making some sense, Bob. He should have stayed and you should have gone!

Mr CARR: He must be one of the 14 per cent, Kerry. It is now clear that GST has hit the economy harder than the Federal Government anticipated or has been prepared to acknowledge. The GST has knocked the building industry for six.

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber. The honourable member for Newcastle will remain silent. I remind the honourable member for Gosford that he is on two calls to order.

Mr Hartcher: The Labor Party gave us the GST.

Mr CARR: The swamp fox is saying that the Australian Labor Party gave us the GST. That is rewriting political history. If I am provoked like that I am going to be forced to read out to the House the way the swamp fox marks out its territory. The Deputy Premier is a doctor and he advises against it. The past year has seen the worst housing industry contraction in 20 years while production in factories, shops and offices around Australia fell—

Mr Souris: What is happening in Macquarie Street as you speak?

Mr CARR: The Leader of the National Party interjects. In an interview he predicted that one of the great benefits of the GST would be that in country Australia the price of fuel would fall. He said in *Hansard* on 22 September 1998, when he predicted "the price of fuel will fall".

Mr SPEAKER: Order! I place the Leader of the National Party is on three calls to order.

Mr CARR: The weak state of the construction industry, which has been hit for six by their GST, is the biggest single contributor to yesterday's terrible gross domestic product figure.

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

Mr CARR: Duncan Ironmonger from Dun and Bradstreet said, "The GST will push the economy into recession."

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

Mr CARR: I hope that is not the case. The Government of Australia's largest State will do anything it can do to counter any such tendency in the economy. Other economists such as Chris Richardson from Access Economics makes a slightly less direct comment. On ABC television last night he said:

The GST has shifted economic activity into the first half of 2000 and exacerbated an underlying slowdown of the economy .

I, for one, certainly hope that that more benign interpretation is the correct one.

[*Interruption*]

Members of the Opposition are babbling on. The member for Gosford, you give a commitment to this House now that you will never challenge your leader. We are waiting for it, Chris You tell the House now you will not challenge Chikarovski. The sound of silence! Chris, just rule it out!

Mr Hartcher: You take your signature off the GST.

Mr CARR: No, that was not the question. You rule out a leadership challenge! How many times have I asked him? I have asked him four times. How many times has he declined to rule out a leadership challenge? Four times! The old swamp fox, we have got him in a cage now, with all that goes with it. The latest National Australia Bank survey of business confidence shows business expectations at their lowest level in eight years. Small business confidence, as measured by the Yellow Pages Small Business Index, has been at rock bottom since the middle of last year. There is no surprise in that. The GST, we all know, has throttled small business with red tape and cost them a fortune in compliance. The Howard Government has bungled the business activity statement. Members of the Opposition are not in a position to debate this because their shadow Treasurer is not here.

Mrs Chikarovski: Point of order: For the information of the Premier the shadow Treasurer is not well and is paired. Therefore, he should not be subjected to disparaging remarks by the Premier.

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

[*Interruption*]

Mr SPEAKER: Order! If the Premier wishes to direct questions to the honourable member for Gosford he should do so through the Chair.

Mr CARR: There is a lot of curiosity about whether he will ever rule out challenging the Leader of the Opposition. He has had the opportunity four times in this question time to rise in this Chamber. The Leader of the Opposition rose on a point of order. Why did the honourable member for Gosford not raise a point of order and say, "Mr Speaker, I simply rule out any challenge to my leader"? If he had, it would no longer be an issue. Once we know there will be no leadership challenge, we will be able to get back to business. There are too many distractions here while this leadership instability continues.

There is no surprise in that level of small business confidence because the GST, as we know, has throttled small business with red tape. What about the business activity statement? The Coalition signed up for that. The Howard Government has been unwilling to acknowledge the signs of weaker economic growth, crowned by its upward revision of economic growth to 4 per cent only in December. These facts have destroyed the Howard Government's credibility with the business community. It has had a damaging effect on business confidence. While there should be plenty of concern about national economic indicators, I want to point to some positive economic statistics in New South Wales that we will work to encourage despite all the bad news merging from the national capital. Credit is still readily available to business, the share market has held up well, inflation remains low, and exports are strong.

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

Mr CARR: Housing finance commitments are on their way back, with a 9.5 per cent increase in New South Wales since July. The problem is whether this will feed through quickly enough to stop things getting worse before they get better. New South Wales is better positioned than most States to deal with the weakening economy produced by the GST and, should it be the case, a recession. We have produced four surplus budgets, enabling us to pay down debt and reduce our annual interest bill. We have cut \$9 billion from the State's net financial liabilities, more than demolishing the \$6 billion of liabilities piled up by the Greiner and Fahey governments. The fact is that we have retired that debt and those liabilities and paid for the Olympic Games—the best the world has ever seen—in full. That was done by a Labor Government. However, should the economic cycle really turn, we will not need to slash services or hike up taxes.

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

Mr CARR: Jillian, Jillian, Jillian, Jillian. Jillian, Jillian, Jillian, Jillian, Jillian, Jillian. There is a tone of bitterness creeping into her voice, isn't there? There is a tone of bitterness. I do not like it.

Mrs Skinner: Point of order.

Mr CARR: Where is the friendly, happy Jillian of 1992?

Mrs Skinner: Not only do I take exception to the disparaging manner in which the Premier refers to me—

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

Mrs Skinner: I take exception to the impression that visitors to this Parliament get from the misbehaviour of members.

Mr SPEAKER: Order! If the member wants to make a personal explanation, she may do so after question time.

Mrs Skinner: I ask you to direct the Premier, when referring to a member of Parliament, to do so according to the standing orders of this House.

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

Mr Fraser: Point of order: Standing Order 105 provides that when a member rises on a point of order the member who was speaking shall be seated.

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

Mr Fraser: Mr Speaker, you will note that the Premier ignored your exhortation.

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

Mr Fraser: I ask you to direct the Premier to obey the rules of this House.

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

Mr Fraser: I ask you to apply the rules of this House without bias.

Mr SPEAKER: Order! I recall a similar circumstance some two months ago when the honourable member for Coffs Harbour took a point of order, did not resume his seat, and was expelled from the Chamber. He may be expelled again if he persists with his disorderly behaviour. I place the honourable member for Coffs Harbour on three calls to order.

Mr CARR: The budget is on strong foundations. In December, when the Commonwealth was increasing its estimate of economic growth for this year to 4 per cent, we revised our growth forecast downwards, from 3.75 to 3.5 per cent. Yesterday's figures mean that we will need to revisit our economic forecasts, but they will not require drastic adjustment, and no existing spending is under threat. We have built our budgets around strong and growing investment in capital works.

Mr Fraser: There are growing revenues from the GST.

Mr CARR: We do not get any growth in the revenues from the GST until 2007. That is the intergovernmental agreement. That is a public fact. That agreement is available. It spells it out: not until 2007.

Mrs Chikarovski: Point of order: As the Premier is so insistent on talking about the GST, I should like to remind him of this quote from the *Age* of 10 April 1999:

Mr Carr has joked that he would send the architect of his recent election victory, Mr John Della Bosca, down to Canberra to convince the Senate to pass the package.

Mr SPEAKER: Order! During the past week the Leader of the Opposition has taken points of order that she knows do not comply with the standing orders. The matters in relation to which she has taken points of order could properly have been dealt with after question time by way of personal explanation. The Chair will always give members an opportunity to use that provision of the standing orders. Indeed, the Chair will do so for the Leader of the Opposition in this instance. However, the Leader of the Opposition is not at liberty to disrupt the House and interrupt an answer by taking what she knows is not a legitimate point of order.

Mr CARR: The member for Gosford is making jerky movements with a pen. Incomprehensible behaviour! Will he give a written guarantee that he will never challenge for the leadership? That is the guarantee that the House is interested in. That is what his colleagues want. We put in place a \$21.5 billion program of capital works for this year and the next three years, and a \$3.5 billion increase on our capital spending in the four years leading up to and including the Olympics. There is \$1.1 billion for hospital building, including the \$77 million Sutherland hospital refurbishment, a \$100 million upgrade of Campbelltown hospital, and improvement to facilities in the Macarthur region, for which the new member for Campbelltown has fought so hard. The people of Campbelltown endorse that wholeheartedly. I do not know whether the House noticed, but the swing to Labor was greater than the approval rating for the Opposition.

This year alone \$915 million is being spent on new roads, and the State's electricity utilities are spending \$988 million on strengthening and extending the power grid. Sydney Water is spending close to \$450 million on new and upgraded sewerage and water treatment, and \$304 million is being spent on new and upgraded schools and TAFE colleges. In transport, there is \$207 million for new carriages, \$31 million for new and refurbished ferries, and some \$60 million in the next two years for refurbishing CityRail trains. We are midway through a four-year \$2.6 billion plan of tax cuts designed to ease the burden on employers and stimulate the construction industry. We have cut payroll tax from a high of 7 per cent under Greiner to 6.2 per cent today, and 6 per cent from 1 July next year.

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

Mr CARR: We have cut land tax, introduced tax concessions for the employers of apprentices, and reduced tax on insurance. We have tackled the problems in housing construction head-on with a generous new concession for home buyers. I might say they are very grateful. I was in Helensburg recently, when I was able to hand over a cheque for \$7,000 for those young first home buyers. Like lots of people across the State, they are delighted to get it. We have tackled the problems in housing construction by giving that assistance to the industry. Since July last year more than 24,000 young families and other first home buyers have taken advantage of the scheme, which provides savings of just under \$7,000 on a first home. There are more tax cuts to come—\$150 million in the coming budget costing \$175 million in the following year, and \$185 million in the year after that. I can assure the House that these will be directed carefully to support economic activity and help to create jobs as the GST does its damage to the national economy.

DEPARTMENT OF COMMUNITY SERVICES HELPLINE

Mr J. H. TURNER: My question without notice is directed to the Minister for Community Services. Did she tell the House yesterday that, instead of waiting for up to 90 minutes to report child abuse cases to her helpline, school principals should instead use a dedicated fax line? Why has her department failed to officially notify the 600 Catholic schools in Sydney and in country areas of New South Wales that such a fax line existed, let alone explain how the department would handle fax reports, leaving teachers in a desperate situation and facing fines of up to \$22,000?

Mrs LO PO': The Department of Community Services helpline was set up from December last year to assist with cases involving risk of harm to children and young people.

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

Mrs LO PO': Prior to the launch of the helpline an extensive training program was conducted in all workplaces to ensure that principals, school counsellors and other staff with reporting responsibilities were properly trained.

Mr SPEAKER: Order! I call the honourable member for Wakehurst to order for the third time. If he wishes to pursue his motion of censure after question time I suggest that he not interrupt further.

Mrs LO PO': All schools were provided with comprehensive briefing material in term four in the year 2000 and principals were supported by district officers in its use. A memorandum accompanied the procedures when they were distributed in December 2000 advising principals of interim arrangements to fax reports to the helpline. A second memorandum was sent to principals in 2001 advising them of arrangements to be implemented to assist in the making of facsimile reports if they could not get through on the helpline within 10 to 15 minutes. This memorandum also highlighted the availability of information on the departmental web site.

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

Mrs LO PO': The Department of Education and Training has provided a liaison officer to provide advice to the helpline. I am advised that a meeting is to be held next Monday between the directors-general of my department and the Department of Community Services, together with representatives of primary and secondary schools.

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

Mrs LO PO': This meeting is to discuss the helpline and related issues that people bring forward. I assume that they will advise us of their concerns. I am advised that the Department of Community Services has also agreed to employ two additional experts to liaise with schools. Principals will continue to be provided with such support to ensure that they are able to comply with child protection procedures.

HUMAN TISSUE RETENTION

Mr McMANUS: My question without notice is directed to the Minister for Health. What is the latest information on the investigation into the retention of human tissue after autopsy?

Mr KNOWLES: Honourable members will remember that last October I advised the House of my concerns about the need for a national inquiry into the retention, without consent, of human tissue and body

parts. My concerns were alerted as a consequence of the now well-known experience at Alder Hay Hospital in the United Kingdom and similar inquiries being established in the United States and in Holland. I asked the chief health officer of New South Wales to conduct an audit into the retention of tissues and organs following post mortems in our State in the belief that similar practices have occurred in Australia and most likely have been occurring for decades.

In addition to the statewide audit of hospitals and other public institutions, this Government established an information line. I advise honourable members that more than 70 people have been helped with their concerns. This Government has reviewed all existing policies and practices relating to the retention and disposal of human tissue. We have immediately implemented interim guidelines on informed consent for post mortems and we have sought the co-operation of key groups, such as medical colleges, universities and all other State, Territory and Commonwealth governments.

Mr SPEAKER: Order! I remind the Leader of the National Party that he is on three calls to order.

Mr KNOWLES: I have also made contact with all medical colleges, universities and those museums where human tissue collections may be held, as well as all other State, Territory and Commonwealth jurisdictions to ensure what is necessarily the need for a consistent approach in the management of this matter. I can inform the House that I have now received an interim report on these issues from the New South Wales Chief Health Officer, Dr Andrew Wilson. In summary, Dr Wilson advised me of the following: First, there is no evidence that any of the existing tissue is held unlawfully. However, that does not necessarily mean that tissue has been retained with informed consent.

About 25,000 samples of tissue have been located across the State. Some collections date back to the late 1800s, with the overwhelming majority obtained before 1890. Collections are held in hospital facilities, in university medical faculties and in some museums. About one-third of these specimens are from surgical operations, one-third are from post mortems, and one-third are from donated bodies. The older collections include those at the Children's Hospital at Westmead, from its Camperdown days, and Sydney Children's Hospital. Those two collections combined total around 4,000 samples dating back to 1926. They have been used for education and training purposes since that time.

Policy and practices relating to collection and retention have historically not been consistent across the State. Dr Wilson also states that records of consent for retention of samples were uncommon, and detailed information about post mortem procedures is not always provided in a clear and comprehensive manner to the next of kin. It is fairly obvious that my concerns last year were well founded. Whilst organ and tissue retention is an essential part of medical research, teaching and training, we need those tissues and organs for the purposes of finding cures for illnesses. I stress again, as I did last year, that whilst the retention of human tissue following either a coronial or a non-coronial post mortem is not unlawful, it is equally apparent that in a contemporary society there are legitimate questions concerning the right to know and what constitutes proper and informed consent by the next of kin.

I again call for a nationally co-ordinated approach to this issue. However, in the meantime, in New South Wales, in response to this interim report, we will continue to maintain the helpline to link concerned individuals with the appropriate advice, counselling and support. In addition, we have established an advisory panel to assist in determining the best way to deal with the return, retention or disposal of organs once the audit is finalised and following a proper consultation process with the next of kin, where that is possible. I advise the House that the advisory panel will comprise both professional and community representatives. We will undertake a review of bereavement support services in the context of coronial and non-coronial post mortems. We will introduce legislation that will require informed consent to be obtained before any organs are retained, and standardised consent forms are being introduced throughout the State.

These changes need to be reflected nationally. I have again written to my State and Federal counterparts advising them of our actions to date and seeking their co-operation in dealing with this matter openly and honestly. I thank the many individuals who have provided valuable contributions to the inquiry thus far. In particular, I recognise those who have already contacted our helpline. In many cases these are the individuals who have experienced the loss of a loved one, many of whom have been through very distressing and painful processes. Their experiences have been invaluable in guiding our understanding of where improvements should and will be made. The release of the report today for further community comment will add to their efforts.

DECEASED CHILDREN ORGAN REMOVAL

Mrs SKINNER: My question without notice is directed to the Minister for Health. Given that he told Parliament on 10 October last, and again just now, that the removal of organs from dead people without consent would not be tolerated—

Mr Scully: Why are you here?

Mrs SKINNER: How does he explain the removal without parental consent of the brain of a baby stillborn at Bowral hospital on 20 December last?

Mr J. H. Turner: Point of order: Mr Speaker, I ask that you direct the Minister for Roads, and Minister for Transport to withdraw the comment he made to the honourable member for North Shore. It was totally derogatory and he should withdraw it.

Mr SPEAKER: Order! It is up to individual members to make those requests.

Mr KNOWLES: I thought from the answer I had just given that the answer to the honourable member's question was obvious. We commenced an inquiry into these practices because I blew the whistle on it last October, and the New South Wales Chief Health Officer should be given credit for his enormous amount of effort.

Mrs Skinner: Point of order: It is International Women's Day. I would have thought that this House would show some respect. My point of order is that this is a question of very serious concern about the parents of a child who died in December and whose brain was taken without consent in December, after the Minister had made comments last October that that was outrageous. The Minister cannot weasel out of this, and you must not allow him to.

Mr KNOWLES: I know the honourable member is a bit slow, but I think I just said that we have identified a need to vastly improve the process. There needs to be a national response.

Mrs Skinner: Will you apologise?

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

Mr KNOWLES: I just announced that we are going to introduce legislation to require formal, mandatory notification.

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

Mr KNOWLES: This is not a new practice but it is one we have identified, and we are leading the national debate about proper notification.

Ms Seaton: Point of order: The Minister is failing to answer the question, which is about a family who cannot have a funeral for a child whose brain was taken without their permission and without their knowledge.

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

Ms Seaton: The Minister should answer the question. His answer is irrelevant. He should answer the question.

Mr SPEAKER: Order! The honourable member for Southern Highlands seems rather indignant that I will not force the Minister to answer the question in a certain way. The standing orders do not give me the power to force a Minister to answer a question in any way other than the way he wishes to answer it. Ministers are at liberty to answer questions in any way they choose. If the honourable member for Southern Highlands wishes to discuss my ruling with me, she may do so in the Speaker's office after question time.

Mr KNOWLES: Last October I identified what is clearly an international problem. We have sponsored the national debate. I am introducing legislation to require the practice to cease. The opportunity will come for the Opposition to vote for our legislation. That will be the test. We require improvements nationally. We require the Federal Minister for Health and every other State and Territory to join what we have done. The Premier is right: the honourable member's demeanour has changed over the years.

Mr Carr: She has got bitter.

Mr KNOWLES: She has got bitter, and that is because she is not doing things that are creative. I notice the honourable member for Liverpool mentioned that the Leader of the Opposition was 21 days overdue in developing a health policy that she promised on the Terry Willesee show.

Mrs Skinner: Our policy will be not to take the brains of a stillborn baby without the consent of the parents. Get on with it.

Mr KNOWLES: In May last year, in the chat room on the Skinner web site, in response to the question, "What would you do to fix the New South Wales health system?" the honourable member said, "Wow, have you got all day? That is the subject of a huge policy paper." She not only had all day, she has had almost all year, and we are yet to see anything from that side of the House—nothing from the Leader of the Opposition and nothing from the shadow Minister—but they will have their opportunity to determine whether they will vote for our legislation. Which other government in Australia has been demanding a national inquiry into the retention of body parts without proper authorisation, without proper consent from the next of kin? No-one. When I wrote to the Federal Minister for Health demanding a national inquiry, I got a letter I am happy to table saying, "We don't think that is necessarily the case."

It is obvious the honourable member is identifying an issue that goes back—as I said in my answer to an earlier question from the honourable member for Heathcote—to the 1880s. We are doing something about it. Members opposite will get a chance to do something about it when we introduce legislation. Everyone understands, because it has been on national television over and over again, that when brains are removed from small babies in a coronial or non-coronial autopsy, they have to be retained, to be fixed for between six and 12 weeks. If the parents have not been properly notified of a proper and legal coronial or non-coronial process, we will investigate that matter. Members opposite will have the chance to vote for our legislation.

Mrs Skinner: Point of order: The Minister knows full well that this is a matter to do with the removal of a brain without consent. I have asked him to explain how that could happen.

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

Mrs Skinner: The Minister has not even started to answer the question.

Mr SPEAKER: Order! The Minister will answer the question.

Mrs Skinner: I seek leave to table a letter from the parents.

Leave not granted.

COMMITTEE ON INTELLECTUAL DISABILITY AND THE CRIMINAL JUSTICE SYSTEM REPORT

Mr ORKOPOULOS: My question without notice is to the Attorney General. What is the Government's response to a recent report of the Committee on Intellectual Disability and the Criminal Justice System?

Mr DEBUS: The situation of people with an intellectual disability who are caught up in the criminal justice system—whether as victims of crimes or as alleged offenders—is a particularly vexatious problem for all involved. Police, the courts, victims support services and custodial staff will face particular challenges to ensure that people with an intellectual disability are treated fairly by the criminal justice system. Honourable members will be interested to learn that today I will be releasing a discussion paper entitled "People with an Intellectual Disability Giving Evidence in Court".

The Committee on Intellectual Disability and the Criminal Justice System, chaired by the criminal law review division of the Attorney General's Department, has prepared the report. The committee had wide representation from government agencies involved in wrestling with these difficult issues, including the Ageing and Disability Department, the Director of Public Prosecutions, the Police Service, the Department of Juvenile Justice, the Department of Community Services and the Department of Corrective Services. The Intellectual Disability Rights Service and the Council for Intellectual Disability were also represented. The report makes a

number of recommendations about which the committee seeks public response and comment. There are no easy answers in this area, and many of the proposals require careful consideration and wider consultation before any decisions should be made.

This Government's commitment to providing better services and support for victims of crime is well documented. Victims of crime who have an intellectual disability have, in many respects, an even stronger claim to whatever support and assistance the court system can provide to them during the traumatic circumstances of a trial. For this reason I am particularly interested—and I am sure other members of the House are also interested—in recommendations made by the committee that are aimed at addressing precisely those needs. For example, the committee has recommended that victims of crime who have an intellectual disability should have the ability to give evidence by closed-circuit television [CCTV] if the judge determines that it is in the interests of justice. That provision, which presently applies to a child witness under 16, is aimed at reducing the anxiety and intimidation that a victim of crime with an intellectual disability may feel in the environment of a courtroom.

For similar reasons, the committee has recommended the consideration in certain cases of screens within the courtroom when a witness or victim with an intellectual disability may be assessed as particularly vulnerable and would benefit from being shielded from eye contact with the accused. The committee has also recommended consideration of a provision allowing for support persons who can attend court with a person with an intellectual disability. As the report notes, courts are busy and confusing places, and complying with attendance requirements necessitates good literacy skills. Procedures and court etiquette can be confusing and alienating. In that context, a support worker sitting with a person with an intellectual disability can provide the person with confidence and minimise his or her feelings of intimidation. These support facilities would be managed by trained staff and would be similar to those already available for child witnesses in criminal proceedings.

Many of the proposals in the report have strong merit, subject to the further public consultation that I mentioned. For example, the installation of CCTV is a proposal that is likely to be implemented. However, the report also contains a number of other proposals that the Government will not be pursuing. In particular, the committee, after some deliberation, has recommended the limited reintroduction of unsworn statements for defendants with an intellectual disability. This is not a proposal that the Government supports; nor does the Government intend to implement such a proposal. Those who advocate the proposal do so from the best of intentions. They consider that an accused person who has a genuine intellectual disability may be confused and otherwise disadvantaged by court processes, in particular the process of cross-examination.

The proposal to abandon so-called dock statements was debated at some length in the committee. The difficulties of defining and establishing intellectual disability were recognised as being problematic. Such a proposal would give rise to the creation of defendants with an intellectual disability as, effectively, a separate class or stream within the criminal justice system. Accused persons with an intellectual disability are entitled to be fully informed of their rights, and a fair assessment of their capacity to understand court processes needs to be made. However, the reintroduction of dock statements is not a measure that the Government will be pursuing in order to achieve that particular aim. The Government is of the view that a uniform application of the law serves justice well. As I said, the report contains significant suggestions, which will invite comment from across the community, and the Government looks forward to considering those community submissions.

LEGISLATIVE COUNCIL INQUIRY INTO CABRAMATTA POLICE RESOURCES

Mr TINK: My question is directed to the Minister for Police. The Minister has already spent thousands of dollars of taxpayers' money providing legal advice to senior police who appear before the parliamentary inquiry into Cabramatta. Will he now ensure that the eight front-line Cabramatta officers who intend to give evidence to the committee in support of Detective Sergeant Tim Priest are not only encouraged to do so but are offered the same level of independent legal representation as their superiors?

Mr WHELAN: Of course this matter will warrant the closest attention. There has already been correspondence between the legal service of the Police Service to the committee about legal representation. Naturally, the Police Service will take that in its stride. The matter will be resolved.

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

Mr WHELAN: The matter will be dealt with fairly by the Police Service.

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

Mr WHELAN: The Police Service has already written to the committee. The officers are already represented. It is public knowledge that Mr Ian Temby, QC, represents the Police Service. It is on the public record that he is there to represent the interests of the Police Service.

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

Mr WHELAN: The only thing occurring is the procedural unfairness of the committee, just like the unfairness that is evident in this Chamber today in terms of the honourable member for Gosford not ruling out on four occasions a challenge to the Leader of the Opposition. I understand—

Mr O'Farrell: Point of order: I raise a point of order because police not only in Cabramatta but across the State want to know whether the Government will allow them to give proper, unhindered evidence to the parliamentary inquiry. It is a simple question: Yes or no?

Mr SPEAKER: Order! There is no point of order. The Deputy Leader of the Opposition will resume his seat.

Mr WHELAN: To get over this apparent ambiguity in the mind of the honourable member for Gosford, I have prepared a little statement for him. This simple document dated 8 March states, "I rule out any challenge to Kerry Chikarovski". There are two Xs where the honourable member should sign, and then it states, "Signed by Chris Hartcher this 8th day of March 2001". There it is! I want the honourable member for Gosford to sign this document, and when I sit down I will prepare a document for the Deputy Leader of the Opposition.

Mr SPEAKER: Order! Has the Minister completed his answer?

Mr WHELAN: No.

Mr SPEAKER: Order! I suggest that the Minister ceases his digressions and returns to the question.

Mr WHELAN: I will give this document to the honourable member for Gosford because I know that he is rightly concerned about it. I know that he is reluctant to sign the document because he intends to challenge—

Mr D. L. Page: Point of order: Standing Order 138 states:

An answer shall be relevant to the question asked.

The honourable member for Epping did not say anything about leadership in his question. I ask you to draw the Minister back to the leave of the question.

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

Mr WHELAN: The Police Service is legally represented at the inquiry.

SMALL BUSINESS GOODS AND SERVICES TAX

Mr PRICE: My question without notice is directed to the Minister for Small Business. What has been the response to the State Government's support for small business in the wake of the Federal Government's GST?

Ms NORI: I commend the honourable member for Maitland for his interest in small business. It is a pity that not one member of the Opposition seems to have an interest in small business. I have not been asked a question by the current shadow Minister for Small Business or the former shadow Minister for Small Business, or indeed the shadow Minister for Tourism, for 12 or 18 months.

Mr R. W. Turner: But you got upset the last time I had a go at you.

Ms NORI: Upset? You pulled out your little white hanky; it was you who gave up. If there were ever a time when a Minister for Tourism or a Minister for Small Business ought to have been asked a question, I would have thought it would have been during the last 12 to 18 months. Small businesses simply do not have the resources that larger businesses have, and governments at all levels need to recognise this.

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

Ms NORI: When it comes to GST compliance, owners of small businesses have a simple choice: they either spend less time with their families or less time with their businesses. The Federal Government was warned repeatedly—and its refusal to listen has cost small businesses many thousands of dollars and hundreds of hours of wasted time. It does not give me pleasure to say to the Federal Government, "We told you so", but we did tell it.

State Ministers and small business peak organisations all endeavoured to get the Howard Government to save itself from itself, but the Howard Government did not listen. The results are what the Premier referred to earlier today. There is no doubt that part of the economic statistics that were released yesterday, that is the national accounts, are due to the effect of the GST.

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

Ms NORI: What has annoyed me most about the Federal Government's attitude towards the GST and small business is that it absolutely, consistently and steadfastly refused to listen.

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

Ms NORI: The Federal Government refused to understand the plainly obvious: small business would be disproportionately affected by compliance with the GST. We know that small firms face greater tax or other compliance costs as a percentage of their total sales than larger firms face. Large businesses can implement quite complex recording and payment systems, and still this will represent only a relatively small percentage of their total revenue or tax payment. But it took two disasters—two catastrophic State election results—to get the Howard Government moving. And even then it moved only reluctantly—a panicky, knee-jerk reaction.

It does not surprise me that a conservative government would behave like this. After all, here in New South Wales we have a leader of a conservative Opposition who does not think twice about attempting to destroy the reputation of Marrickville—and drive away the customers of all the small businesses that make up the Marrickville shopping centre. It shows how much members opposite care about small businesses. They are only good for a cheap, political shot, and then members opposite forget about them for the rest of the time—just like they have done in relation to the GST.

In contrast, we as a government have put in place a whole raft of programs to help small business—and we know that those programs are working. For the last three years the Department of State and Regional Development has engaged Delta Outlooks Pty Ltd to carry out market research on its small business clients to establish the effectiveness of the programs the department offers. This is what Delta Outlooks found out about the client base in the last financial year. Of the companies that have participated and received assistance, average sales for small and medium-size enterprises increased by 30 per cent in 1999-2000; employment grew by 12 per cent, compared to 6 per cent in the previous year, and it is forecast to grow in the current year; 65 per cent of respondents developed new or enhanced products and 58 per cent developed new or enhanced processes; export growth was 19 per cent, and it is forecast to be 21 per cent in 2000-01; and the number of companies exporting their products grew by 40 per cent over the three surveys, with 48 per cent of respondents in this year's study becoming exporters.

This is an excellent result by any standards. But it is a shame we are constantly fighting to mitigate the effect of the Howard Government's policies. And there was plenty of evidence to warn the Federal Government about what it was doing. First there was the Ernst and Young study commissioned by the Department of State and Regional Development. It calculated the all-up cost for some businesses of getting ready for the GST at up to \$20,000—and more than 740 hours labour—simply to get ready for the commencement date of 1 July. Of course, the ongoing compliance cost has been an enormous burden. The Delta Outlook survey of our client companies, to which I referred earlier, found that 26 per cent of small businesses surveyed anticipated spending more than 20 hours per month, while 33 per cent expected to work between 10 and 19 hours per month—just for the pleasure of complying with the GST.

When almost 60 per cent of small business people have to spend between one and two working days a month filling out GST forms, one knows that there just has to be something wrong. The warning bells should have gone off. Compliance requirements should have been changed straightaway—or even before the GST was

implemented. Studies from the University of Victoria show small business borrowing as much as \$20,000 to cover cash flow shortfalls created by the GST. The same studies put the average cost of bookkeeping support at about \$8,000 per year. Imagine having to borrow \$20,000 just for the pleasure of giving it to the Howard Government! According to these reports, the worst case scenario for a small business is a GST compliance cost of almost \$50,000. And think back to what the Howard Government gave small business as compensation—a voucher for \$200!

Members opposite actually think the GST is a good thing. In fact, some of them interject at different times that the GST is a windfall for New South Wales! Let me tell members opposite about what the Federal Government has done with the GST. Members might recall the Bell report, which in 1996 promised to cut red tape for small business. This is when Minister Prosser was still the Federal Minister. According to the *Australian Financial Review*, at that time the tax Act ran to 3,000 pages. It now runs to 7,500 pages. There have also been 40 tax office rulings about the GST in the space of six months. Who would want to be in small business if one has to read 7,500 pages of the tax Act simply to know how to comply? For members opposite who from time to time interject that the GST is nothing but a windfall for New South Wales, let me remind them that under horizontal fiscal equalisation—something that most members opposite probably have not even heard about, and that is why they will be on that side of the House for a damn long time—whilst this State will collect around 35 per cent of the GST nationally, it will receive back only 30 per cent of it.

So this is the great windfall for New South Wales! Just remember that this State will be handing across more money under that scheme than we ever did prior to the GST. In fact, every New South Wales household will be handing across about \$550. Now that the Federal Treasurer has finally accepted responsibility for the mess his Government has created, we call on him to immediately work with the small business community to develop a compensation package for small businesses that actually compensates them for the burden that the Federal Government has placed upon them.

COUNTRY TEACHERS HOUSING INCENTIVES

Mr PICCOLI: My question is directed to the Minister for Education and Training. By what rationale did the Minister agree to the policy change effected by the Teacher Housing Authority which discontinues the provision of furnished accommodation in country towns as an incentive in attracting teachers to country positions, when the authority previously agreed that such accommodation was an important incentive? Will the Minister override the decision?

Mr AQUILINA: The Teacher Housing Authority is about providing housing for teachers in rural locations. In many cases the furniture in those houses was antiquated and was not up to the standard that teachers required, and teachers wanted the opportunity to be able to purchase their own furniture. Rather than spend money on furniture I would much prefer to pour dollars into providing housing in areas where it is needed in rural areas to ensure that we have appropriate and suitable accommodation for teachers there.

Mr PICCOLI: I ask a supplementary question. In light of the Minister's answer, will he provide other forms of incentive to support rural teachers?

Mr AQUILINA: If the honourable member has the time, I would love to provide him with all sorts of details about incentives for rural teachers. For example, approximately three weeks ago I announced a scholarship to make sure that this State has an adequate number of technology and applied studies teachers, science teachers and maths teachers in country locations. This is a great scholarship scheme. A scholarship is worth \$4,460 and there are 135 scholarships. Not only that, but this Government actually guarantees teachers a job. The department has to guarantee those who win a scholarship a job in a country location and the only trick is that they have to go to the country location to which the department sends them. It must be said that this is good Country Labor policy.

The beauty of this policy is that under the scholarship scheme students who are in their fourth year at university or who are in their final year of a postgraduate degree are promised a scholarship provided they undertake to teach in a country location. They have to be teachers of maths, science or technology and they have to agree to teach in the bush. That is the prime focus of this policy. The Government has many other incentives to get teachers out to the bush but it is likely or probable that the honourable member has heard enough on this subject on this occasion. I will save the remainder for another time, when I will tell him about the incentives this Government has to get principals out to the bush and provide them with extra pay for going there.

Questions without notice concluded.

CENSURE OF THE SPEAKER OF THE LEGISLATIVE ASSEMBLY**Privilege**

Mr FRASER (Coffs Harbour) [3.50 p.m.]: I raise a matter of privilege. I will move, under Standing Order 101, that the following motion be placed on the business paper with precedence.

Mr SPEAKER: Order! What is the honourable member doing? Is he raising a matter of privilege?

Mr FRASER: A matter of privilege, yes. I am asking that the following motion be given precedence on the business paper.

Mr SPEAKER: Order! I ask the honourable member to first give reasons before he moves the motion.

Mr FRASER: I have not moved it. I have to put the motion first. I will speak to it and it will become clear.

Mr Gaudry: Not necessarily.

Mr FRASER: It will. I move:

That this House censures Mr Speaker for his failure to uphold the Standing Orders of the House, namely, Standing Order 105 relating to point of order and Standing Order 138 relating to answers having to be relevant to the question.

The reason I move this motion today is to draw the House's attention to the fact—

Dr Refshauge: You cannot do that.

Mr FRASER: Yes I can; read the Standing Orders. Mr Speaker, that is a typical example of why I am moving this motion.

Mr SPEAKER: Order! I will direct the honourable member to resume his seat if he does not adhere to the standing orders.

Mr Whelan: Point of order: This is not a matter of privilege.

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

Mr FRASER: I have moved this motion for the reasons given by Speaker Ellis at page 125 of *Decisions from the Chair*. He said:

For the Chair to be satisfied that a prima facie case of breach of privilege has been established, one of the following elements should be involved in such a breach: disobedience to general orders or rules of either House ...

Mr Speaker, I draw your attention to the fact that time and time again in this House when members of the Opposition rise on a point of order you ignore them or you wave or indicate in some manner to the Minister or the Premier, who then chooses to ignore it. It gets to the stage where there is a cacophony of calls from the Opposition side and members are saying, "Point of order", which you continually choose to ignore. When an Opposition member finally gets the opportunity to stand and make the point of order, there is so much catcalling from the Government side that the point of order cannot be heard. I am yet to hear—except on one occasion today—you rule in favour of an Opposition point of order. Today you directed the Minister for Police to come back to relevance but that is the only time you have done so in my recollection. The Minister then canvassed your ruling and you sat back and laughed about it.

Mr SPEAKER: Order! I will ask the Serjeant-at-Arms to remove the honourable member for Pittwater from the Chamber if he continues to interject. He has been called to order on at least five occasions today.

Mr Whelan: Point of order: This is not a personal explanation. Allegedly it is a matter of privilege but a matter of privilege that starts with the words "dissent against the Speaker"—

Dr Refshauge: Censure.

Mr Whelan:—or "censure of the Speaker" properly falls within the realms of the existing standing orders relating to censure of the Speaker or censure of a member. That is the appropriate form. The honourable member for Coffs Harbour has moved a motion. He has lost his opportunity today so he should move the motion next week.

Mr Fraser: No.

Mr SPEAKER: Order! The remarks of the Leader of the House will have some influence on my decision. However, I will not make a decision until I have heard the honourable member for Coffs Harbour.

Mr FRASER: I draw the attention of the Leader of the House to Standing Order 101, which states:

A Member may rise to declare that a contempt or breach of privilege has been committed. In order to move a substantive motion immediately or to request the Speaker to have a notice placed on the Business Paper with precedence, the Member must satisfy the Speaker (in a statement limited to 10 minutes) that:

(1) The matter is one suddenly arising—

it arose today in question time—

(2) There is a prima facie case; and

(3) The Member has a prepared notice of motion and the matter should proceed forthwith or have precedence for the next sitting day.

I am complying with Standing Order 101 on privilege.

Mr Whelan: Read Standing Order 102.

Mr FRASER: This is the attitude of this Government. The Government has the numbers. The Coalition acknowledges that.

Mr Whelan: That has nothing to do with it.

Mr FRASER: The Coalition can count, but that does not mean that the Leader of the House does not have to abide by the standing orders of this House; yet members of the Coalition see that day in and day out. The Leader of the House is part and parcel of that. He directs the Speaker daily as to how he should rule on points of order.

Mr Whelan: That is untrue.

Mr FRASER: You direct him daily. The Speaker sits back and laughs—laughs—while Government members misbehave and ignore the rules of this House.

Mr Whelan: You are making that up.

Mr FRASER: The tapes of today's question time will show that. Mr Speaker sits back and laughs but if one member on the Coalition side interjects he or she will get placed on three calls to order. I stood beside Mr Speaker this afternoon when he was putting people on calls to order. I just happened to see the sheet because I was looking at how many of my members were in danger of being thrown out. The honourable member for Myall Lakes was on one call. He made one interjection and was placed immediately on three calls to order. This is the bias.

Mr Speaker, I challenge you to produce your sheet for today's proceedings showing calls so that we can see how many members on the Government side were called to order. There were none—none! Yet the noise and raucous behaviour on the Government side was a disgrace. The disgusting comment made by the Minister for Transport, and Minister for Roads was met with Government members saying, "Oh, he did not say anything." It was a disgusting comment. Members of the Coalition heard it and members of the Government heard it.

Mr Whelan: You are making this up.

Mr FRASER: The Leader of the House knew what he said but he chose, and Mr Speaker chose, to ignore that comment. This place is a joke because the members of the Government are arrogant. David

Penberthy reported in today's *Daily Telegraph* that the Premier is somewhat worried about the arrogance that is creeping into the Government. I can tell Government members now that today's question time was a great example.

Mr SPEAKER: Order! The honourable member for Coffs Harbour is straying from the subject matter of the motion.

Mr Gaudry: Watch your heart valve.

Mr FRASER: I will. Once again I, the member for Coffs Harbour, in moving a motion relating to a matter of privilege am straying from the motion—a motion that is all encompassing! It is amazing that rulings such as the one that has just been made can come from Mr Speaker when a Coalition member is drawing to the attention of the House and the media the fact that this House is being run outside the standing orders. Coalition members are pulled into line, but not anyone on the Government side. Mr Speaker, it is just an absolute disgrace that you allow the place to be run the way it is, with the co-operation of the Leader of the House and the Premier.

Mr Brogden: Under the Premier's instructions.

Mr FRASER: As the honourable member for Pittwater says, under the instructions of the Premier and the Leader of the House.

Mr Whelan: Untrue.

Mr FRASER: Untrue? Mr Speaker, every time a point of order is put before you—I have raised this with you on a number of occasions—under Standing Order 105 the person speaking must be seated and then the person taking the point of order is allowed to make the point of order. What happens is that you, Mr Speaker, choose to ignore that. There was a challenge mounted once before but I will take you back to Erskine May's *Parliamentary Practice*, which states:

... proceedings in the House may be interrupted by a matter of order, which calls for the immediate intervention of the Chair ...

Mr Speaker, are you claiming that you do not have to accept the point of order straightaway? You have said that to me privately in the past, but I have just read from Erskine May at page 261. You choose to ignore that, but Erskine May's *Parliamentary Practice* has been adopted by the Westminster system and this Parliament.

Mr Ashton: What would you know?

Mr SPEAKER: Order!

Mr FRASER: No, let him go: He is on your side. Don't you remember that? He can say what he likes.

Mr SPEAKER: Order! The honourable member for Coffs Harbour will resume his seat until the House comes to order. The honourable member may continue.

Mr FRASER: Notice that when the House is called to order when a member of the Coalition is on his feet, members have to be seated; when the House is called to order when a Government member is speaking, the call to order is ignored or time is given.

Mr SPEAKER: Order! The honourable member for Coffs Harbour will resume his seat. I called the House to order because the honourable member for North Shore was interjecting.

Mr FRASER: Quoting you, Mr Speaker, personal explanations are allowed at a later time.

Mr SPEAKER: Order! The honourable member for Coffs Harbour is canvassing a ruling from the Chair.

Mr FRASER: I'm not canvassing a ruling.

Mr SPEAKER: Order! The honourable member for Coffs Harbour is canvassing a ruling from the Chair. If he continues to do so I will direct him to resume his seat.

Mr FRASER: I will withdraw my remarks. But I draw your attention to the fact that, while I am accused of canvassing a ruling, today the Minister for Police canvassed a ruling on at least three occasions—which you laughed at and chose to ignore. The House must censure you on the basis that the democracy of this Parliament, and therefore the Westminster system, is at risk because the decisions you make, believe it or not, are distributed to all Westminster-style government's in the world. You make us look ruddy foolish, Mr Speaker, ruddy foolish, with some of your decisions. I challenge the members on this side to look at the standing orders and vote with the standing orders on the evidence that we will put before the House under censure.

Mr SPEAKER: Order! The Chair is not satisfied of a prima facie case of breach of privilege. The honourable member for Coffs Harbour will resume his seat.

UNIVERSITY SCHOLARSHIPS

Ministerial Statement

Mr AQUILINA (Riverstone—Minister for Education and Training) [4.01 p.m.]: I wish to announce today scholarships from the University of New South Wales [UNSW] that have been allocated to students who completed their schooling in country Government schools last year. It is important that we announce these scholarships today because I think these young people are very keen to hear that they have been awarded these scholarships. The scholarships are funded from proceeds from investments made by the University of New South Wales following the State Government's decision to prevent the university selling education land at Oatley. This land became part of the new St George Senior College.

This is the second year that these scholarships have been offered and this year's winners represent all parts of the State. They include Clinton Simpson from Bombala High School, who will train as an engineer, Shona Silvester from Alstonville, who will study for a science degree, and Rachel Bateup from Tumut, who is now undertaking a degree in fine arts. Three scholarships were awarded to Bega High School students: to Caroline Bentsen for a Bachelor of Science degree, Freya Metzler for engineering, and Nathan Kilkenny for economics/law.

From the North Coast, UNSW scholarships were awarded to Adrian Craig from Coffs Harbour for economics, James Roberts from Kingscliff for engineering, Kelley Allen from Ballina for science, and Man Jing Siu from Banora Point for science. Special mention should also be made of Ballina High School, where three students were awarded scholarships, all to study science degrees. This is no coincidence, but a reflection of the high quality of science teaching at Ballina High School and a principal and teachers who strongly encourage their students. I am sure the member for Ballina will join me in congratulating Ballina High School on this scholarship achievement.

We are all aware of the need to increase the number of rural doctors, so I am pleased to report that six scholarships were awarded for country medical students. They include Megan Usher from Peel Technology High School in Tamworth, Jarrat Wood from Gunnedah High School, Bianca Corradini from Broken Hill High School, Stephen Donoghue from Farrer Agricultural High School, Rebecca Davis from Cooma, and Nelli Jackson from Armidale High School. This is great news for the future of rural medicine. I urge these students to seriously consider returning to the country after graduation and delivering much-needed medical services in rural and regional New South Wales. Scholarships were also awarded to two students from Coffs Harbour High School: to Adrian Craig for a Bachelor of Economic degree and to Brook Seller for engineering. The member for Coffs Harbour is no doubt as proud as I am of these students' achievements.

These UNSW scholarships are good news, but there is always more to be done. A similar scholarship program has been set up by the University of New England [UNE], one of Australia's finest universities both academically and in its commitment to rural education. The UNE scholarships are designed to encourage talented students from all parts of New South Wales to come to UNE and gain the skills they need for a successful career. There are 75 scholarships worth \$5,000 each, to help with relocation, textbook and enrolment costs. UNE was the first Australian university to be set up outside a capital city. In its 62-year history it has consistently led the nation in fields such as rural science, agriculture, geology, archaeology and linguistics, and it is closely associated with the CSIRO in major agricultural research projects.

For country families, UNE is without doubt the most accessible tertiary institution. More than two-thirds of its students carry out at least part of their courses via the Internet, bringing high-quality university education to remote farms and communities up to 1,000 kilometres from the main campus. There are now UNE

campuses at Armidale, Tamworth and Brisbane, and the university has a strong reputation in disciplines including law, education, health and economics. This year's winners include Peter Rose from Alstonville High School, Nicholas Lawton from Inverell High School and Kathryn Kemper from Uralla Central School. Kathryn has chosen to study secondary science teaching and will no doubt make a fine addition to our public education system. I am proud that a number of the scholarship winners have chosen teaching as their career.

Gilgandra High School, in the electorate of the honourable member for Barwon, has performed extremely well, with five year 12 students being selected for scholarships this year. They are Kristy Taylor, Bachelor of Education—Primary, Talitha and Shona McReaddie, both Bachelor of Education—Secondary Arts, Pamela Brook, natural resources, and Gemma Carmichael, Bachelor of Rural Science.

Once again Gilgandra High School has proven itself to be a great school with great teachers and hard-working students. This year the Carr Government will spend more than \$2.1 billion in recurrent funding in country New South Wales schools. New schools are being built on the North Coast and in far west and southern New South Wales. Major upgrades are also under way at TAFE campuses at Singleton, Taree, Moree and Wollongbar to make sure that rural students have access to a world-class education. With the active encouragement of Country Labor we will continue to do all we can to support and encourage country students, and to recognise their achievements at school, TAFE and university levels. The scholarships are a great new opportunity for 125 country students. I urge all current year 12 students to apply later this year, and get a head start with their university education in the future.

Mr STONER (Oxley) [4.07 p.m.]: On behalf of the Opposition I join the Minister and congratulate the recipients of university scholarships for country students. Certainly they are proof that country students are every bit as smart as students in metropolitan areas. I am sure my colleagues representing the electorates of Ballina, Barwon and Coffs Harbour and the honourable member for Northern Tablelands are rightfully proud of the students from their electorates that the Minister mentioned. I mirror the Minister's comments that the University of New England, based in Armidale and adjacent to my electorate of Oxley, is doing an excellent job in providing high-quality tertiary education in country New South Wales, as is the Southern Cross University in Coffs Harbour, with a campus in Port Macquarie.

The Minister indicated that recipients of the scholarships came from around country New South Wales. It is great that the education system is delivering high-quality students from secondary education into tertiary education. The Opposition certainly supports country scholarships and calls for a continuation and indeed an extension of scholarships into university for country students. Country areas are certainly in desperate need of more professionals, particularly doctors, as indicated by the Minister. Members of the Coalition congratulate the 125 recipients of the scholarships, support the continuation of the country scholarships program and look forward next week to participating in the opening of a new high school, Camden Haven High School in the Oxley electorate, at which the Minister and Federal Minister Mr Kemp will be present.

Mr SPEAKER: Order! It being shortly before 4.15 p.m. business is interrupted for the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

BEGA VALLEY SHIRE COUNCIL ADMINISTRATOR

Mr R. H. L. SMITH (Bega) [4.10 p.m.]: I voice my strongest possible opposition to the extension of the term given to the administrator of the Bega Valley Shire Council. I was notified of the decision by the Minister for Local Government, the Hon. Harry Woods, on 16 February this year, and ever since there has been an uproar within the Bega Valley shire. Local newspapers have commented on this issue, and all editors have stated their opposition to the extension of time. The editorial in the *Merimbula News* states:

Sorting out the planning process is important, but not at the expense of democracy. Any form of dictatorship, even a benevolent dictatorship, is alien in a society wedded to the principles of democracy and should be avoided at all costs.

I could not agree more, and the majority of people in the Bega Valley shire certainly agree with those views. There is a petition against this move circulating in the shire already containing hundreds of signatures, and people are telephoning my office wanting to know where they can go to sign the petition. In August 1999 a proclamation was published appointing an administrator to the shire after a public inquiry concluded that the relationship between council staff and elected representatives had deteriorated beyond repair. That was 19 months ago. The administrator's time was to end on 30 June 2001.

Over the past six months people have expressed to me their dissatisfaction in dealing with the council, particularly with the unavailability of the administrator for consultation, as he is only in attendance 2½ days a week. The reasoning behind the extension of time given by the Minister for Local Government is that there are a range of works in progress that would need to be finalised or further developed before elections could be held. Most of those are major planning documents. Surely if the administrator is so busy that his term must be extended for a further 12 months, should he not be present full time and not just 2½ days a week?

The major review of the Bega Valley local environment plan, which will be in place for the next 10 to 20 years, is of paramount importance. Surely we have the democratic right to have some say in the long-term planning of our shire. The administrator indicated that those plans would go on public display. What he did not tell the ratepayers is that the same people who drew up the plan will examine and comment on the submissions from the public. If we have to have an extension, I call on the Minister not to sign off on the local environment plan for the Bega Valley until such time as we have a democratically elected council to examine these very detailed documents on behalf of ratepayers. I am sure the administrator would like to be the judge and jury, but the ratepayers expect more. Let us remember that the Minister has put the administrator in to run his own agenda. He is not apolitical. These issues should be debated by a democratically elected council that knows its own shire and can best represent the voice of the people. Commissioner Tim Rogers, when he dismissed the council in September 1999, suggested in his report to the Minister for Local Government, Harry Woods, that:

... elections for a new council should take place during the second quarter of 2001. This should be adequate time to restore the organisational balance and review policies, but would give an incoming council the opportunity and responsibility for the final review of the major components of long term plans.

Did Minister Woods consult with Commissioner Rogers or anyone else in regard to the extension of time, or has he based his decision on an approach to him by the administrator and disregarded Commissioner Rogers' recommendation? It would appear that the administrator has not completed the job he was given in the time frame allowed. This in itself is indication enough that the ratepayers deserve to have their democratic rights restored. If the administrator does not believe that these planning documents governing the future direction of the shire should be left for final approval by a democratically elected council then he should step down from his position forthwith.

LUCAS HEIGHTS NUCLEAR REACTOR PROPOSAL

Ms MEGARRITY (Menai) [4.14 p.m.]: Last year I raised in this House the Federal Government's decision to build a new nuclear reactor at Lucas Heights in my electorate. On 20 June last year I asked Minister Debus to provide the Government's response to the Federal Government's proposed upgrade of the Lucas Heights facility. The Minister informed me in his reply that Commonwealth legislation specifically excludes the New South Wales Government from regulating any activity undertaken by the Australian Nuclear Science and Technology Organisation [ANSTO]. However, I remind the House of a specific section of the Minister's response concerning the draft EIS undertaken on the proposal. The Minister said:

The New South Wales Government has made its views clearly known to the Federal Government and they reflect those of the community: the Commonwealth is proceeding with this project with many issues still unresolved and with little potential for public scrutiny of the details.

The New South Wales Government's submission highlighted the many unanswered questions and concerns that exist about the project, particularly the lack of detail concerning the proposed reactor's design and operating details. Importantly, the draft EIS did not justify the Commonwealth's decision to construct the reactor in such close proximity to the suburbs of Sydney. This is a fundamental question for families living in the area surrounding Lucas Heights, and it has not been addressed adequately by the Commonwealth.

The Minister's response on that date is reinforced by the revelations this week about the Federal Government's deliberations in July-August 1997 concerning the site for the new facility. Honourable members may be aware that Sutherland Shire Council has obtained a revealing document on this issue under the Freedom of Information Act. In fact, the council had to take the Federal Government all the way to the Administrative Appeals Tribunal to have the document released. What is referred to as the "Siting" Cabinet submission addressed alternative sites for the location of the research reactor and the spent fuel processing plant. Those sites were Lucas Heights, Holsworthy, Goulburn, Adelaide environs, Perth environs, Woomera, Broken Hill, Mount Isa and Darwin. Despite the fact that some sections of the document obviously have been deleted prior to its release, the document clearly shows that the decision was made in haste and was overwhelmed by financial imperatives. In fact, the overview section of the document, which is on the front page of it, notes:

An independent consultant, NNC Limited, UK, has clarified that the capital cost estimates for additional infrastructure to support a research reactor and/or a spent fuel processing facility at sites other than Lucas Heights, are well founded and appropriate.

The message from that statement is clear. Then, in what is called the issues section of the Cabinet submission, is the subcategory of "Site Selection", which states:

Selection of alternate sites has been a desk-top exercise to find areas where a 1000 hectare site (about 250 acres for the nuclear science facility and the balance as an exclusion zone 1.6 kilometres in diameter, centred on the reactor) could be found which would not be subject to urban encroachment in the next 40 years, having good geological and drainage characteristics and which was in reasonable proximity to an airport for the delivery of radiopharmaceuticals. In freehold areas, several parcels of land may have to be acquired to control the exclusion zone but may be put to non-residential use, consistent with reactor operations. For a location other than at Lucas Heights, the area would need to be visited to identify a particular site, and a period of at least a year would be required to "prove up" the site after it was acquired.

One does not need to read between the lines to know what site was to be used. The next subcategory in the submission is "Site Descriptions". It refers to Lucas Heights as "the base case". I read from that subcategory:

It assumes that the reactor and/or processing plant are built on the existing ANSTO site at Lucas Heights, which is more than adequate for the purpose.

The surprise to me came in the next site to be examined. That, of course, is Holsworthy. The submission states:

This option assumes that the reactor and/or processing plant is built on a site within a few kilometres west of the existing Lucas Heights site. A site can be identified in the Holsworthy Field Firing Range west of Heathcote Road and east of the proposed location of the Second Sydney Airport.

The Cabinet document refers to the fact that that land is owned by the Commonwealth Government, but, of course, it is the subject of three native title claims. The document also notes that the site is in the electorate of Hughes. Honourable members might recall that at that time the Federal Government was also trying to give Sydney a second airport at Holsworthy. Now it is trying to force similar problems on us at Bankstown. I reiterate the comments that I made last year and the year before. It is no coincidence that in 1997, when the Holsworthy airport proposal was taken off the agenda, the Federal Government announced the location of the reactor at Lucas Heights. This Cabinet document clearly shows what is on the Federal Government's agenda and how it inflicted that reactor on the people in my area without due consideration.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [4.19 p.m.]: I commend the honourable member for Menai for bringing this matter to the attention of the House. The Cabinet document to which she referred is most disturbing. It concerns every member in this House but, in particular, it concerns people living in the area where the Lucas Heights reactor is located. People are concerned about the encroachment of housing close to that site and the fact that they have no sense of security about the design of that reactor. The concerns of people in that area have been referred to in this House by many honourable members, and those concerns were reiterated today by the honourable member for Menai. The Federal Government did not take into account the concerns of people in the Sydney area when this project was proposed.

STATE DEBT RECOVERY OFFICE FINES COLLECTION

Mr J. H. TURNER (Myall Lakes) [4.21 p.m.]: I bring to the attention of honourable members a matter that is affecting constituents in my electorate and, I suspect, right across New South Wales, that is, the actions of the State Debt Recovery Office [SDRO] under the new fine enforcement system that was implemented on 27 January 1998. I refer particularly to outstanding fines imposed by the Roads and Traffic Authority [RTA]. In late 1997 or early 1998 an amnesty was proclaimed for fine defaulters. In 1998 all outstanding fines owed to the Roads and Traffic Authority were passed over to the State Debt Recovery Office and old fines were not entered into the system for follow-up.

The SDRO has taken to collecting fines going back some 10 years or more. That system is obviously riddled with faults. During the amnesty period the records of the RTA should have been cleansed. Many illogical and nonsensical matters have arisen which have caused great hardship to many constituents in my electorate. I refer firstly to Mr and Mrs Hein, whose vehicle registration was suspended as they allegedly had not paid a fine. They had no knowledge of this fine and, on inquiry, found that their vehicle registration was suspended because of a defect notice. When Mr and Mrs Hein met with the RTA and the State Debt Recovery Office they were unable to sort out the matter. After a period the RTA determined that the vehicle had been confused with a vehicle from South Australia with the same registration.

Several weeks later the matter was still not resolved, and Mr and Mrs Hein approached my office for assistance. Representations were made to the Attorney General, who referred the matter to the Minister for Transport, who referred the matter to the Minister for Police. In the meantime my constituents received a notice

to the effect that their vehicle registration had been cancelled. That meant that they were unable to drive their vehicle to and from work and I understand that caused them much anxiety. I refer secondly to the case of Mr David Ban, who, in 1991, received a court enforcement order from the SDRO relating to a fine for driving without a licence. He had no recollection of receiving such a fine for unlicensed driving. On inquiry he remembered that he actually lost his licence in 1991 and he had duly reported that fact to the RTA.

Having ascertained the registration number of the vehicle he was alleged to have driven, Mr Ban said that he had no recollection of that vehicle either. Quite obviously, he had lost his licence, somebody had found it and that person had been pulled over by the police for doing the wrong thing and he or she produced that licence. A check was not done to determine whether the person in the car was the holder of the licence. In any event, that person could have said that it was a friend's car. Mr Ban could have been driving while unregistered and uninsured but for the fact that he received notice of the order. That is a serious matter. It caused Mr Ban some distress and it confused him when he received a fine for \$166 for something that occurred 10 years ago.

I again stress that there must be a cleansing of the RTA's records relating to old fines. If fines had not been collected for 10 years a light should have been blinking and someone should have been asking, "Why was this fine not collected? Is there some reason? Is there some anomaly?" As I said earlier, in one case the vehicle was from South Australia and was not owned by the person who received the fine. In the second instance the person who lost his licence did the right thing by reporting the loss of his licence and 10 years later he was hounded.

The third case I refer to involved Mrs Orrock. She has an horrendous tale to tell about how she lost her licence. I do not have the time tonight to detail all the issues. However, this case, which involved many phone calls to the RTA, highlights the anomalies in the records of that body. Mrs Orrock has a roadside mailbox but the RTA will not send mail to a roadside mailbox. Prior to that, Mrs Orrock had a post office box address, and the RTA did not send mail to post office box addresses. This lady was driving unlicensed and uninsured, which could have created enormous problems for her. The system that is being employed by the SDRO is causing many people to drive without licences. Many people do not know that they are driving without licences or registration, which could have dire consequences. Usually it is because of something as simple as a lost licence or a confused registration number. It is totally wrong that these people should be persecuted in this way.

OLYMPIC PARK ADMISSION FEES

Mr MOSS (Canterbury—Parliamentary Secretary) [4.26 p.m.]: Personal experience and a complaint from a constituent prompt me to raise the issue of admission charges to certain venues at Olympic Park at Homebush Bay. I refer in particular to tours and inspections that are conducted at Stadium Australia and the SuperDome. It costs \$26 for an adult, \$19.50 for seniors and \$13 for a child to tour the stadium. It costs \$15 for an adult and \$11.50 for a senior to tour the SuperDome. Those charges are outrageous and are certainly beyond the capacity of ordinary families and pensioners to pay. If, for instance, a family of five—two parents and three children—wanted to tour Stadium Australia, all up it would cost \$91 for one hour. If they decided to take grandma along with them they would be up for \$110.50.

I know that people who go on those tours do not get value for their money, but they do get something. The Stadium Australia tour lasts for approximately one hour and the SuperDome tour lasts for approximately 45 minutes. But unless people are engineers who are interested in every nook and cranny of an empty stadium they do not want to be there for an hour. Not many people are interested in in-depth one-hour tours of empty stadiums. People want an opportunity to go into the stadium, sit down on a seat and look around so that they can go home and say, "I have done that, I have been to the stadium where the 2000 Olympics were held." But these charges are precluding people from doing that.

Earlier this year a friend from the United States and I went to Stadium Australia. We were in a position where we could afford to do so. However, we would have had to spend an hour on a pretty boring tour of an empty stadium. On principle we refused to pay the \$26 entrance fee. One thing irked me that day. Thousands of boy scouts and girl scouts were visiting Stadium Australia because of the Sydney jamboree. My friend and I were in a queue to go into the swimming centre. We talked to a group of young boy scouts and girl scouts from Western Australia between the ages of 11 and 14 and discovered that they were bitterly disappointed. The one day that they were in Sydney they could not get into the stadium to see the big arena where the Olympic Games had been held. Those Australian kids had watched the Games on television. However, entrance fees were so high that they were prevented from entering the stadium.

I do not have problems with tours for those who can afford them or who are keen enough to spend an hour looking at the stadium, but, like opera, the current system is so elitist it is too expensive for many people to

access. In addition to tours, Stadium Australia needs a system under which, for a small fee, people are allowed to sit in the SuperDome or the stadium—perhaps in a confined area that may be fenced off—for a short period and have a look around. That is what most people want. I suggest the Australian Olympic Committee [AOC] has lost a great opportunity by charging these fees. Immediately after the Olympic Games it should have been letting people in for a few minutes for a nominal fee.

The reason the torch relay was so popular before the Olympic Games was that people wanted to see the torch so they could say they had seen it and had been part of the relay. That is why people came out in their thousands. Likewise, tourists—and I mean tourists like the boy scouts from Western Australia—want to sit in the stadium and take it in, but they are precluded from doing so at present. If the AOC were to adopt my suggestion I believe we would derive more revenue from the stadium. There would be a large turnover of people interested in a brief visit for a nominal fee. If my suggestion were adopted I am sure many tourists would be pacified and, undoubtedly, thousands of families who, right now, cannot afford to access these sites would be assisted.

RYDE AMBULANCE SERVICES

Mr TINK (Epping) [4.31 p.m.]: Again I raise concerns about the future of Ryde hospital, which services virtually my whole electorate, particularly in the context of the proposed changes to the Ambulance Service. Two vehicles work from the ambulance station at Ryde. It is proposed to reduce the service to one vehicle only between 11.00 p.m. and 7.00 a.m. I understand there is a similar proposal to reduce the two ambulance vehicles at the Wahroonga ambulance station to one between 11.00 p.m. and 7.00 a.m. The concern can be illustrated from the Wahroonga end. The Wahroonga ambulance often takes patients to Gosford or Newcastle and can be on the road from 8.00 p.m. to midnight. At that time there is no coverage of the Wahroonga-Hornsby area. Bearing in mind the major roads that pass through that area, that is untenable.

The situation is similar in my electorate. Unfortunately, there are often multiple traumas on the M2, Epping Road, Lane Cove Road and Victoria Road, usually arising out of motor vehicle accidents in the dead of night. There is a squeeze on in both of those critical areas with the number of ambulances being cut by 50 per cent—from two to one in each case—or from four to two over a large area of northern Sydney. I am extremely concerned about that. I believe it has implications for the future of Ryde hospital, simply because the local ambulance that would normally deliver patients to Ryde hospital, particularly late at night, will not be able to get to and from the hospital. The footnote on page 39 of the Performance Audit Report into the Ambulance Service states:

The most important determinant of successful cardiopulmonary resuscitation is the time interval from cardiovascular collapse to initial intervention. Because most patients are found to be in ventricular fibrillation, the time from onset to defibrillation is the key element in the acute management of the cardiac arrest victim. The chance of survival decreases 7% to 10% for each minute that defibrillation is delayed. The importance of early intervention is reflected in the "chain of survival" concept of emergency cardiac care systems: early access, early cardiopulmonary resuscitation, early defibrillation, and early advanced cardiac life-support ...

My area, and the electorate of Ryde as well, has a significant older population and there is great concern about cardiac arrest and cardiac emergencies. The Government's proposal to reduce the size of the Ambulance Service in my area and the adjacent area by 50 per cent brings into acute focus the extraordinary risk to which the Government is exposing older people and others who may be subject to cardiac problems. This decision has to be reconsidered. It is plain from page 7 of the Performance Audit Report that this whole business is being driven by staffing problems. The Audit Office said it encountered some difficulties in obtaining confirmation of staff numbers from the service. That is ridiculous when the Government is contemplating cutting ambulance services by 50 per cent in areas where cardiac health is a real concern.

Basically, the Government does not know and cannot provide exact numbers, yet in the absence of that information it sees fit to reduce the service by 50 per cent. That is a disgrace. According to the table on page 70 of the report the North Sydney and Central Coast areas are understaffed. The Government is not sure how it will do it, but it still intends to reduce the service by 50 per cent. That is a real concern for the local people and for the people at Ryde hospital. This is the second occasion on which the Government has wound back services to Ryde hospital and its capacity to transport people for medical treatment. In the case of ambulances, it is largely acute-care transport.

The Minister for Transport is boasting about new bus routes. The joke is that as government buses take over from a private company they have cut the direct links that existed to the major senior citizens village in northern Sydney, namely the old Walker village in Ryde hospital. The private sector formerly provided a

seamless trip for elderly people seeking treatment or for visiting relatives. Now elderly people have to change buses at Eastwood station and wait 20 minutes to do so. It is a joke. The Government needs to lift its game, show a commitment to Ryde hospital and get acute-care transport and other public transport back to the hospital.

RESIDENTIAL PARK RENTS GOODS AND SERVICES TAX

Mr ORKOPOULOS (Swansea) [4.36 p.m.]: I again raise the plight of over 1,000 residents of mobile home villages within the electorate of Swansea who have been forced by the discredited Howard-Anderson Federal Government to pay GST on their site fees. The GST is a most regressive tax which blatantly and unfairly discriminates against people who choose to live in residential parks. That discrimination gives the lie to the Prime Minister's promise that no-one will be taxed on rental premises. It also gives the lie to the assurances by the honourable member for the Federal electorate of Lyne. Mark Vaile's 1998 election pledge to the 3,421 people who live in mobile home parks in his electorate was:

I would like to assure you that residents who occupy accommodation in a caravan park or holiday village on a permanent basis—that is, for more than 28 days—

will not have to pay GST on their site fees. This will be treated the same way as rental of a house or unit and is GST free.

The Federal member for Richmond, Larry Anthony, who has 6,000 people living permanently in residential parks in his electorate, said in the House of Representatives:

As you all well know, prior to the last election we were very open and transparent about the GST, particularly the relationship that it had to rent and particularly the relationship it had with mobile home parks.

The statements by the Federal member for Lyne before the 1998 election and by the Federal member for Richmond last year show that the reality is that people living in this type of accommodation are being slugged with the GST and have been flagrantly lied to by National Party members of Parliament. No wonder the retiring member for the Federal electorate of Cowper, Gary Nehl, told the National Party conference last year:

My integrity and honour is impugned, as is John Anderson's, and Larry Anthony's and Mark Vaile's and the rest of us. Everybody ... It has had an impact on John Howard's integrity and honour.

The honourable member was right and the Federal Government is wrong, and North Coast National Party members have been caught by their own deception. The only party in this country that has given an unambiguous commitment to people living in residential parks is the Australian Labor Party. On 14 February the Leader of the Federal Opposition, Kim Beazley, issued a statement headed "No GST on site fees", which stated:

A future Labor Government will abolish the GST currently being charged on the site fees of permanent residents of mobile homes and caravan parks.

The last time I raised this matter I predicted that this mangy, divide-and-rule Howard-Anderson Federal Government would lose and, as a result, the National Party tail would drop off the corpse of the Liberal Party dog at the next election. I call upon the New South Wales Leader of the National Party to dissociate himself from the Federal Government's GST tax slug on site fees in residential parks, and to do so before the next Federal election.

Mr WATKINS (Ryde—Minister for Fair Trading, Minister for Corrective Services and Minister for Sport and Recreation) [4.39 p.m.]: An estimated 50,000 people are living in residential parks across New South Wales, especially on the North Coast. About 40 per cent of those residents are over 60 years of age, 73 per cent do not do paid work and more than 50 per cent earn less than \$300 a week. Most of them pay weekly rents ranging from \$60 to \$100. So these people are doing it tough. Clearly, the GST applies unfairly to them, and it is good that the honourable member for Swansea has raised this matter again in the House.

GST is not levied on rents on houses, flats and apartments. A person paying rent for a \$1 million-unit in Vacluse does not pay GST. However, people living in residential parks on the North Coast, the South Coast or west of the divide who pay \$60 or \$100 a week in rent do pay GST. That is obscene and stupid. People living in residential parks are like any other person renting a home, and they should not pay GST. The GST has brought hardship to people across the nation, particularly those on fixed incomes and low incomes. It demonstrates the hardness of heart of the current Federal Government that it has applied the GST at all, let alone apply it to those who simply cannot afford it. It is an obscene aspect of an obscene tax, and it should have been removed by this stage. I look forward to a Federal Labor victory when the GST will be removed.

Madam ACTING-SPEAKER (Ms Beamer): Order! I am sure the honourable member for Port Stephens, who is listed to make a private member's statement, would not like to be treated in the way he has treated other speakers.

MONARO LOCAL GOVERNMENT

Mr WEBB (Monaro) [4.41 p.m.]: I should like to bring the House back to basics. The honourable member for Bega spoke earlier today, and it might appear that we are collaborating because I want to speak about local government in my electorate of Monaro. I shall lead by referring to the current debacle in Bega Valley. Bega Valley Shire Council was disbanded in 1999 and Rod Calvert was appointed as administrator at that time. Lately the time until local government elections in Bega Valley shire has been extended from what was thought to be June next to February next year, or thereabouts. At present the people of Bega Valley shire, are awaiting a new local environment plan that will affect towns in the Monaro electorate, particularly Eden, Pambula, south Pambula, Towamba, Wyndham, Bemboka and many other areas, as well as development on the far South Coast.

Many people have contacted my office and complained that they have nowhere to turn and no-one to complain to, and that there is a closed shop. What about democracy? Where is the accountability of an appointed administrator who carries out the roles and functions of local government? Ratepayers have no voice. The local people of Monaro and Bega Valley need to have their elected shire council in place to work on development and growth in the Bega Valley Shire. I call on the Government and the Minister for Local Government to revert to an earlier decision and ensure that local government elections in the Bega Valley shire are held as soon as possible.

Lately in this House the Minister for Local Government has made many statements about local government, in particular the undertaking he gave when he first became the Minister. Recently he slated Tallaganda Shire Council for the time it took to grant planning approval, without taking into account that the process was skewed. The time taken was out of the ball park. One developer has waited more than 400 days to obtain development approval; the council and the developer are working together to see if the matter can be resolved. Recently the Mayor of Tallaganda shire, Geoff Hassell, has been working hard dealing with the Sydney Catchment Authority and in relation to the projected Main Road 92, to which the State Government has committed funds. It is important that that road continue from Nerriga to Braidwood, and Tallaganda council is working very hard for that outcome.

Recently the Minister also mentioned Queanbeyan City Council in this place. The Mayor of Queanbeyan, Councillor Frank Pangelo, and the Mayor of Yarrowluma, Councillor Ian Marjason, are having discussions on amicable ways to resolve growth in the Queanbeyan area, including a possible amalgamation. The views of councillors need to be put forward and taken into account, because they are in contact with their local communities. We need a balance in local government representation to take on the bureaucracy in terms of managing growth. I briefly mention other councils in the Monaro electorate. Bombala Council and Mayor Fay Campbell are dealing with major weed problems, including serrated tussock, as well as the construction of a softwood mill. We hope that project goes ahead soon, because development in the region is very important.

Cooma-Monaro shire has a big problem with weeds, especially as there has been very high rainfall this year. I have seen fantastic summer growth of weeds on Monaro's grasslands. There has been growth in Cooma with the location of a defence call centre there. The Mayor of Snowy River Shire Council, Councillor Bill Smits, is working with the National Parks and Wildlife Service on a problem relating to development in that region. We need to recognise local government in our Constitution because it is close to the people and it is where things happen. Instead, this Government is putting more and more responsibility on local government without funding the initiatives, which makes it difficult for ratepayers to complain about road work and local issues. I congratulate the Federal Government and John Anderson on the roads to recovery package. That package was delivered directly to local government so that this State Government could not bypass the issue or get its hands on the funds. Hopefully, that package will go a long way to dealing with local roads in New South Wales, particularly in Monaro.

LITHGOW ALUMINIUM SMELTER

Mr MARTIN (Bathurst) [4.46 p.m.]: Today I place on record the events that led to the loss to Queensland of the proposed aluminium smelter at Lithgow, which is a great disappointment to the people in my district. Because of much misinformation, it is important to put on record the real reason behind the decision to locate the aluminium smelter in Queensland and the action being taken by the Lithgow community.

Mr Oakeshott: What the National Party is doing?

Mr MARTIN: I am sorry to disappoint the honourable member for Port Macquarie, but if he thinks it will breathe life into the Coalition corpse in the electorate of Bathurst, I have some bad news for him. If he is happy to provide the money, I am quite happy to take it. Back in 1998, when the project was first considered, the Premier, in a meeting with the proponents, said that the project hinged on the viability of a commercial agreement with the New South Wales power generators. Anyone with any knowledge of such projects knows that about 40 per cent of the direct costs of a project relate to electricity. Such projects require a huge amount of electricity, which is why it takes a great deal of time to get projects under way not only in Australia but also around the world.

I have been very critical of the three New South Wales power generators because of their tardiness over two years to engage in direct and meaningful negotiations. It was not until I intervened that the Premier and the Treasurer gave the generators a direction not on price but to get an offer on the table. In the meantime the New South Wales generators, acting as three corporate bodies, had suggested that the proponents might be able to do a better deal in Queensland. Unfortunately that turned out to be the case. On Tuesday of this week I led a deputation, including the Mayor of Lithgow, Neville Castle and other councillors, to meet the Premier. The Premier certainly listened and got the message that I gave him, but supported by the mayor, on how the people of Lithgow feel about the whole scenario. The silicon processing plant for the Lithgow site is well advanced. It is a major development, and planning approval has already been given for the plant at Lithgow and the quarry at Cowra. The proponents for the plant will meet with the Lithgow community and the Premier in about a fortnight to press on with those plans. It certainly will be a major shot in the arm for the local economy. The other day during the parliamentary caucus meeting I was pleased to receive unanimous support for the Government to perform a review of the operations of the generators in New South Wales in the wake of the scenario that has led to us missing out on the project.

I asked that the market implementation group in Treasury, together with the parliamentary energy caucus committee carry out the review. The Government has agreed. They will review and examine whether the generators were sufficiently prepared to offer definitive commercial contracts. They will also review whether negotiations were conducted with enough diligence, given that discussions remained open for more than two years, and whether the generators' policies for valuing the potential costs and benefits of unused generation capacity were justified.

That is an important point. New South Wales has an unused generator capacity of up to 3,000 megawatts. I believe that the generators should not be sitting on that; they should be putting it to work for the State. There is some argument as to exactly how much of that unused capacity is viable. I believe it is close to the 3,000 megawatts. The review will determine that. Already Liddell and Munmorah power stations are idle, and Delta electricity wants to withdraw one of the 500 megawatts at Wallerawang power station in my electorate. I believe that the generators are out of step.

The review should recognise that generators are required to exhibit a sense of social responsibility to the interests of the communities in which they operate. The review should make recommendations to ensure that the potential commercial opportunities and regional development benefits of any future industrial proposals are recognised by the State's generation businesses. It is important that we learn from the loss of the Lithgow aluminium smelter project. The Government must be in a position to directly influence industry policy, whilst always recognising that it must be done in a fiscally responsible way.

Mr STEWART (Bankstown—Parliamentary Secretary) [4.51 p.m.]: I endorse the comments of the honourable member for Bathurst, who has been a diligent and tenacious member and who has not left a stone unturned in his pursuit to deal with the needs of his constituents in the electorate of Bathurst. This has resulted in a great deal of benefit for the people of that electorate. As the honourable member pointed out to the House today, it has led to a review of the operations of electricity generators in New South Wales. This means that the bunsen burner will be put on the bellies of the operations units themselves. The Government will monitor those operations closely to ensure maximum utility.

Unfortunately, the decision not to go ahead with the aluminium smelter was taken having regard to accountability to the taxpayer. It was a fair and equitable decision, because to go ahead with it would have resulted in New South Wales getting a very poor deal indeed. That has been reflected in the way the media has reviewed this matter and the exposition that the Government has given in relation to it. The Government is very concerned for country and regional New South Wales. I am pleased to point out that we do not have many better members than the honourable member for Bathurst, who, as a member of Country Labor, understands country people and their needs and will continue to be a great advocate for that.

ORANGE COMMUNICATIONS MOBILE PHONE FACILITIES

Mr BROGDEN (Pittwater) [4.53 p.m.]: This morning at 9.30 a.m. I held a public meeting with residents of Bilgola Plateau to discuss the location of low-impact mobile phone facilities at 211 Plateau Road, Bilgola Plateau. Firstly I indicate to the House that I am a resident of Bilgola Plateau, so I declare an interest in the location of the mobile phone facilities about four or five streets away from where I live.

The community of Bilgola Plateau is outraged by the decision by Orange Communications, which is a division of Hutchinson Telecommunications, to establish these low-emission towers. The House may be aware that in 1997 the Federal Government handed down the powers for telecommunications facilities from the Commonwealth to the States. However, in so doing it exempted low-impact facilities. Low-impact facilities are determined in the following manner. They include an original extension to a radio tower of not more than five metres; radio communication dishes of not more than 1.2 metres in diameter; manholes of not more than two square metres; external equipment shelter of not more than 2.5 metres in height and with a base of not more than five square metres; panel, yagi or other like antenna not more than 2.8 metres long; and an omnidirectional antenna or an array of not more than 4.5 metres long, not more than five metres apart, and not protruding from any structure by more than two metres.

It is quite clear that the Orange Communications group has ruthlessly used this loophole to build two communications towers on the top of a two-storey building in Bilgola Plateau. The towers are being erected on top of Hilltop Deli, which is a very popular local shop. In fact, there are very few shops in the Bilgola Plateau, and Hilltop Deli would easily be the most popular. As its name suggests, it is a very small business, which the owners, Bob and Shelley, have built up over time. They have done a terrific job. This morning outside the shop some 50 to 75 people expressed great concern about the fact that the Orange Communications company had moved ahead ferociously with the establishment of the facility.

Indeed, yesterday the company had its workmen working in the pouring rain so that it could get the facility built as quickly as possible to avoid any public scrutiny. The company did not at any stage consult with the local community. Indeed, neighbours had their doors knocked on yesterday, as well as earlier in the week when construction started, and were told, "We are building this across the road." One resident recounted to me today that when he asked officers of Orange Communications why they did not consult with the residents before that time, he was told, "Well, we knew you wouldn't want it, so we didn't consult with you in the first place."

This is a very arrogant company, and if it continues to treat people like this I envisage that it will find itself at the end of some very strong consumer action. I am very disappointed to say that there is very little the State Parliament or local council can do to provide these people with any assistance. The Federal law is a bad law and a wrong law because it cuts out community consultation and in this instance has given an unfair advantage to telecommunications companies. The Bilgola Plateau community is well worn when it comes to the issue of mobile phone towers. Some four years ago there was an enormous debate regarding an attempt to move towers located on Sydney Water land next to the Bilgola Plateau primary school. That attempt failed dismally. However, to add insult to injury, Orange Telecommunications has simply moved in and established these towers right on top of a shop. A man and his four children live directly underneath these mobile phone towers, above the shop. The man has a legitimate concern about the safety of his family and about the fact that the jury is out on the health and safety effects of mobile phone towers.

In view of the fact that there is little that the Parliament or local council, in this case Pittwater council, can do, I have sent a very strong message to the community that I believe will be strongly supported. The message is that the community should sternly inform Orange Communications that the people of Bilgola Plateau will boycott that company; that they will not partake of its services; that they will actively tell their friends that they will not deal with the company at any stage; and that the investment it has made on Bilgola Plateau is worthless.

Mr STEWART (Bankstown—Parliamentary Secretary) [4.58 p.m.]: I join the honourable member for Pittwater in condemning the Howard-Costello Government for the shambles in the legislation that has caused the problems in his electorate regarding residents being exposed to hazardous radiation as a result of low-impact mobile phone towers. The health effects of exposure to such radiation have not yet been determined. However, as a result of a British study which was released only a week ago we now know a little more about the effects of such radiation.

Mr Brogden: That was power.

Mr STEWART: No. When you have a chance to read the report you will see that it refers to the effects of radiation in general. As the honourable member for Pittwater rightly states, it is a Federal law and it is bad law. This House must ensure that the Federal Government takes note of that and recognises that communities deserve to be safe and placed in a minimally hazardous environment. In my electorate, Optus is attempting to install communications towers directly across the road from a local public school and above the residences of some people. That is totally unacceptable.

We now know that there are hazards associated with radiation and mobile phones. We need a Federal government that can do something about that. We need a Federal government that will amend legislation to introduce accountability of communications providers so that they are no longer able to put the public at risk. Unfortunately at this stage we do not have a Federal government that is capable of doing that. I look forward to a future Federal Labor government that will tune in to that special need.

KOGARAH ELECTORATE SERVICES

Miss BURTON (Kogarah) [5.00 p.m.]: I participate in this debate this afternoon to update the House on the progress of some electoral commitments that have been delivered in Kogarah. The local police and the people of Kogarah previously had to endure substandard conditions at an old police station for too long. I am proud to be working with the Minister for Public Works and Services, and Minister Assisting the Premier on Citizenship, and local police to provide the necessary tools for the Kogarah Local Area Command to do its very hard and often thankless job.

In October last year the demolition of the Kogarah police station was undertaken in preparation for the construction of a new \$6.4 million station. Building work has commenced and the anticipated finishing date for the project is December this year. The police have been heavily involved in the process of design of this police station. Regular meetings have taken place with the design team and local police. This new state-of-the-art police station will be designed by police, for police and, in combination with increased resources, increased police numbers and police powers, will ensure that more police are on the beat in Kogarah to continue to protect the community. I look forward to keeping the Parliament and the people of Kogarah up to date on this very important project.

Another important project in my electorate is the upgrading of Allawah station. The electorate of Kogarah has a very high proportion of aged persons. For this reason I believe it is important to ensure that public transport in the area is accessible to each member of the community. Allawah station is currently undergoing a process of reconstruction to provide an easy access upgrade. The work to date is as follows: the lift's walls have been excavated and reinforced; track positions have already been placed to install the lift's base; and the transformer for the power supply has already been ordered. The project is forecasted to be completed by December this year. This \$4.4 million project is on time and on budget.

The commuter car park project at Kogarah is also under way. Early works, which include the development of infrastructure by Energy Australia and Sydney Water, have been completed. Reid Constructions was awarded the contract for those works and is currently undertaking the establishment of the foundations and initial service connections to the car park building. Another commitment that was made to my electorate was the upgrading of the Bexley main street project. This project is also well under way. Consultants have been hired. One of the most important points to make is that it is crucial to have as much community involvement as possible when taxpayers' funds are being spent in an electorate.

The Bexley project is a \$1 million project. Hence the consultants, together with the Bexley Chamber of Commerce, shopkeepers, local residents and the council, have been involved in ensuring that every single dollar of taxpayers' money that has been spent on this project is worthwhile and assured of providing long-term facilities. I also strive to ensure that the public is happy with the project. I believe in giving back to the public ownership of these projects. The majority of the project will be finished after the completion of the M5 East.

St George Hospital has received a \$10 million medical research centre. In addition, the \$8.2 million psychiatric ward at the hospital has officially been opened. Both units are operational. The \$5 million day surgery unit is at the planning stage. The Kogarah electorate is benefiting from the many capital works projects that are taking place currently. I have taken a keen interest in ensuring that these projects are completed on time and on budget. I look forward to the completion of these projects. I will continue to provide the House with updated information on how these projects are progressing. They will have an immensely positive impact on my community. The community support for these projects is overwhelming. I know that the community will benefit substantially from these projects.

I also take this opportunity to thank some of the Ministers who have been involved in the provision of these facilities. I mention the Minister for Transport, and Minister for Roads; the Minister for Police; the Minister for Health; and the Minister for Public Works and Services, and Minister Assisting the Premier on Citizenship. These Ministers have worked very hard to ensure delivery of these projects and completion of the projects on time. They have made sure that maximum community input has been part of the projects and that the community will benefit. They have diligently ensured that not a cent will be wasted by projects being delivered in an unworkable fashion. I take this opportunity to congratulate those Ministers.

NORTH COAST POLICING

Mr OAKESHOTT (Port Macquarie) [5.04 p.m.]: I join in this debate to discuss a concern that affects not only the Port Macquarie electorate but also communities along the north coast of New South Wales from Newcastle northwards. I refer to concern over police strength and to distortions in the police officer statistics owing to long-term illness of some police officers. Police on the ground, that is, operational police and active police, are frustrated, in common with the broader community, that police headquarters and corporate management of the Police Service are dealing with statistics that do not reflect the operational strength of police on the ground in the Port Macquarie electorate, in Hastings Valley and in Manning Valley.

At the outset I acknowledge that a meeting took place this morning which involved the Minister for Police, the Greater Taree City Council Mayor, Michael Tuck, the Deputy Mayor of the Great Lakes Council, Peter Thompson, and the general manager of the Greater Taree City Council, Greg Trevaskis, and me. The meeting generally concerned the issues of law and order and police numbers. I was pleased that the Minister for Police accepted the delegation. I believe that the meeting was fruitful. I am hopeful that those who attended obtained some direction from that meeting.

It is fair to say that the broader community, particularly people who live in Manning Valley, is completely fed up with lawlessness and the lack of order on the streets in Taree, Wingham and their surrounds. Genuine concern and frustration are being felt over the fact that nothing is being done. Of even greater concern are the statistics, which show that approximately 20 police officers are on long-term sick leave in the Manning Local Area Command. That has an impact on the rostered staff left to carry the burden for those who are not at work. That fact needs to be recognised by the Government and by the Minister for Police. The position needs to be reflected in the statistics. Areas from Newcastle northwards, including the Manning Valley and the Hastings Valley, are carrying a huge number of police officers who in the long term have been on sick leave or who are long-term absentees.

I call on the Minister for Police to ensure that statistics recorded in the Department of Police are split into categories of active and non-active officers so that everyone can get to the truth about how many police officers are actually on the beat. At the moment the figures are distorted and they do not truly represent what the position is on the ground. The problem is highlighted because it appears to be a North Coast problem. Some people have described it as the North Coast disease owing to the fact that many police who go to work in the North Coast areas end up, for whatever reasons, taking sick leave, are absent or are quasi-retired. That is a matter of concern that needs to be addressed. It is not an easy problem to address. However, the Government should be sympathetic to broader communities, not only those I represent but also along the coast—and should also be sympathetic to individual police officers who are left on the beat and who are trying to do the work of two officers.

Statistics held by the Police Service's corporate office in relation to the Taree and Manning Valley regions show that 120 officers are rostered on duty at any one time. Whereas in practical terms my understanding is that the number of officers rostered on duty at any one time is between 70 and 80. The discrepancy represents a huge distortion in statistics within the ranks of government, which does not permit proper resourcing or proper police numbers to be allocated in response to what is a fairly alarming situation on the ground in the North Coast and mid North Coast areas that I represent.

In the last minute that remains for my speech, I mention the retirement of Jim Cranna from the Port Macquarie Local Area Command. Jim retired during the summer recess of Parliament after having been in the Police Service for his entire working life. Jim has had an incredibly distinguished career. His farewell dinner was a fantastic occasion and was attended by approximately 400 people at the Port Macquarie Returned Services League Club. The occasion was attended by just about every local area commander in New South Wales, which is a great compliment to Jim and to Sandra. Jim has decided to retire to Port Macquarie.

Mr Stewart: Why would he not?

Mr OAKESHOTT: Why would anyone not do so? I certainly wish Jim, a local constituent, a happy retirement in the mid North Coast.

Mr STEWART (Bankstown—Parliamentary Secretary) [5.09 p.m.]: The Minister is receptive to the concerns raised by the honourable member for Port Macquarie. In fact, at a meeting he held today he was receptive to the concerns, and results were achieved. I am confident that the problems will resolve themselves and that there will be more effective policing in the northern area of New South Wales. I also point out that this Government's achievements in relation to police have been unsurpassed. We now have more operational police than has ever been the case in New South Wales.

The Government has fine-tuned legislation and laws that apply to police powers to make them much more effective. As a result, police at the coalface can now effectively deal with crime in a much better fashion. One example of the law and order concerns is the new knife laws that were introduced by the Carr Government under Minister Whelan. They are effective and have had great results in getting knives off offenders and off the streets. Other examples are the additional police search powers, allowing police to move on potential offenders and to deal with young people in a more effective and responsible manner before a problem evolves.

Motor vehicles burnouts were a constant problem in the Port Macquarie area. Now police can confiscate motor vehicles doing burnouts and this creates great embarrassment for the young offenders involved. It means there is much greater accountability for offenders. I recognise the concerns put forward by the honourable member but say that this Government is doing something tangible and positive about the matters he raised.

WORLD WETLANDS DAY

Mr MILLS (Wallsend) [5.11 p.m.]: World Wetlands Day was held on 2 February as part of World Wetlands Week. There were plenty of celebrations and great activities going on at the Shortland Wetlands Centre in the Wallsend electorate at the edge of the Hexham wetlands, which is part of the lower Hunter networks of wetlands, which are of international and national significance. On Wednesday 7 February the Minister for Land and Water Conservation came to the Shortland Wetlands Centre to launch an acid sulfate soil display that was prepared by Angela Brady, a volunteer at the centre.

Approximately 9,000 to 10,000 school students visit the Shortland Wetlands Centre each year through the Awabakal Field Studies Centre, which is a great location for an interactive display on acid sulfate soils. I enjoyed what I learnt about the chemistry of iron oxide being catalysed by microbes to sulfides in a low oxygen environment in wetlands, which leads to the creation of iron sulfides. When those sulfide soils are then exposed to oxygen, other chemicals are produced, including sulfuric acid. It is the acid scald and the burning of the environment that kills vegetation and fish and damages the health and productivity of the land, waterways and wetlands. It was a great display. I appreciate the Minister for Land and Water Conservation coming to the electorate to launch the display.

The Minister's department has also employed some techniques for dealing with acid sulfide soils which exist in pockets in the Hexham wetlands. The local community at Dark Creek recently completed the cleaning of the last kilometre before it ended at Ironbark Creek in the wetlands. There were some hot spots along that creek that were tested beforehand and found to be potentially acid sulfate soils. These days the Department of Land and Water Conservation [DLWC] has a good technique of adding a lime slurry when it has potential acid sulfate soils in small quantities so that there is no damage to the environment. On that day also Dr John Duggan gave a display of the DLWC wetlands web site, which I recommend to honourable members who want to find out more about wetlands in their electorates.

On World Wetlands Day the Shortland Wetlands Centre hosted the national launch of National Wetlands Day. Present on that day was Dr Sharman Stone, who is Parliamentary Secretary to the Federal Minister for the Environment, Senator Robert Hill. She launched a great book prepared by Environment Australia in conjunction with all the State governments. It is called *A Directory of Important Wetlands in Australia*. I have the web site address if honourable members are interested in finding out more about that. Dr Stone also launched a book entitled *Floodplain Flora* from the Australian Biological Research Study Group which was published last year. She referred to the Hexham swamp rehabilitation project, to which the Federal Government is contributing \$2.7 million from the National Heritage Trust over three years. The State Government will match that funding so the Hexham swamp rehabilitation can commence. Dr Stone also announced three new Ramsar sites in Western Australia.

The thirtieth anniversary of the Convention on Wetlands was also on 2 February. The process began in Ramsar in Iran in 1971, when Australia was the first signatory to this international Convention on Wetlands. Thirty years later it is now an effective instrument being used by 123 countries to ensure the conservation and wise use of wetlands. I pay credit to the State Government because when the Shortland Wetlands Centre was in financial difficulties it gave \$ 30,000 to help it to survive. Dr Stone announced an untied grant of \$50,000 from the National Heritage Trust program which will further help the wetland centre to remain viable into the future.

The Shortland Wetlands Centre is a community owned and run organisation heavily dependent on its members and volunteers to keep the process going. Its principal purpose is environmental education about the importance of wetlands to the whole of the community. I pay credit to Shortland Wetlands Centre, and particularly Chris Morris, Christine Prietto and Dave Finlay, who are its leaders. I wish them well in their ongoing tasks.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.16 p.m.]: I congratulate the honourable member for Wallsend on his contribution tonight in relation to the Shortland Wetlands Centre, which was established some years ago. He has taken a personal interest in that centre and assists it in a tangible way. It is true that the State Government gave the centre \$30,000 last year to try to get them over a financial hump. I am happy that their membership has increased a little. I have also become a member of the centre. The Government has given the centre some advice which, hopefully, will ensure its future.

The Shortland Wetlands Centre does important work but I am sure that when it was first established nobody understood its work. In those days mangrove swamps would be filled in and all sorts of things would be done that would affect the environment. People on the edge of the Hexham swamp thought that the sooner the swamp was filled in—for example, for an airfield—the better. However, in recent times the importance of the role of a swamp to marine life and migratory birds has been realised.

The centre is community owned and operated and, most importantly, it has played an important role for the Awabakal Field Studies Centre area, which is now the Awabakal Nature Reserve in my own electorate. It was the first environmental school in this State. I am pleased that tonight the honourable member has raised further awareness of what is happening with Shortland Wetlands and the Hexham swamp rehabilitation, which plays an important part in the environment of the Hunter region.

HONDA AUSTRALIA ROADCRAFT TRAINING FACILITY

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.18 p.m.]: On Wednesday I had the pleasure of again visiting the Honda Australia Roadcraft Training [HART] facility at St Ives, the site of the old St Ives police driver training centre, and also the home of CARES, the road safety facility for primary school aged children. I was present at the launch of the U-Turn the Wheel program, a Rotary International initiative from 15 clubs in Rotary District 9780. This initiative, supported by local councillors, police, the Roads and Traffic Authority, the Department of Education and Training and the corporate sector, but particularly Honda Australia, will allow year 11 students at government and non-government schools to undergo a driver training program offered by HART at St Ives.

I congratulate past President Bruce Angus of the Rotary Club of Moss Vale, who initiated the scheme, and the Governor-elect of Rotary District 9680, Mr Barry Philips, who will have the pleasure of administering the scheme. The visit was a timely reminder of the program offered by HART at St Ives. Also timely was my attendance on Monday of this week at a meeting of the Driver Rehabilitation Subcommittee of Ku-ring-gai Council's Crime Prevention Strategy Task Force. For some time that task force, prompted by its member and Killara resident Peter Wilkinson, has been looking at ways in which the road toll can be reduced. As I have raised in this place before, one of the strategies that I strongly support—and which the subcommittee discussed on Monday—is the need for magistrates and others dealing with traffic offenders to have the option to require those offenders to attend hands-on remedial driver programs of the type offered by HART and other such centres around the State.

It is an idea based upon the view that a monetary fine, loss of licence or even imprisonment alone is not necessarily enough to correct poor driver behaviour. Today I call upon the Carr Government to initiate a six-month pilot program for young traffic offenders in the northern region of Sydney. The program should provide funds to allow HART at St Ives to offer remedial driver training courses to those aged 25 years or younger appearing on traffic offences before courts in the region. It should provide for magistrates to require such offenders to undertake the courses as part of court-imposed penalties that result from their driving offences.

Importantly, the pilot program must also involve rigorous evaluation. As soon as practicable after the completion of the pilot, all interested parties should be told whether the scheme is having the desired effect on those involved. There are, of course, a number of questions that obviously arise in relation to such a trial. For instance, if the young person is disqualified from driving for, say, three months, when should they do the course—immediately after the penalty is imposed or, in my view, immediately before they qualify to go back on the road? Obviously, the magistrates in the region would need to be informed of any pilot program and would have to be required by the Chief Magistrate to participate—and do so in a consistent way, whether they are at Hornsby, North Sydney or Manly.

But none of these problems are insoluble, and they should not prevent the pilot program proceeding. It is a known fact that many of those who commit traffic offences become repeat offenders, and that some of those subsequent offences are so serious that they can result in prison sentences. Currently, taxpayers pay up to \$45,000 to keep one person in a minimum security prison for one year. This pilot program, which would probably cost that amount for its entire duration, has the potential to help hundreds of young traffic offenders to mend their way, and avoid future offences and possibly future gaol terms. As usual, money spent on prevention is far cheaper and more effective than that spent on finding a cure.

I urge the Government to be proactive and not reactive when it comes to young traffic offenders. I have written to both the Attorney General and the Minister for Corrective Services encouraging them both to take up this program. Too often in recent months and years we have witnessed horrific fatal crashes involving young people. We cannot stand by and do nothing. I, and those like Peter Wilkinson and others involved in Ku-ring-gai's Driver Rehabilitation Subcommittee, believe that this initiative can make a positive contribution to solving the problem by better equipping young people to drive on the road and ultimately by saving lives. I urge the Carr Government to embrace the proposal as a pilot, in the hope that if effective it will cut back on the enormous loss of life of drivers aged under 25 on our roads.

CABRAMATTA POLICING

Ms MEAGHER (Cabramatta—Parliamentary Secretary) [5.23 p.m.]: I refer to policing in my electorate of Cabramatta, and in particular the decision of Cabramatta Chamber of Commerce to pursue a class action against the New South Wales Police Service. The decision by the chamber to tie up the Police Service in a costly and lengthy legal battle is an irresponsible political and media-driven stunt. Cabramatta police should be on our streets working to promote community safety—not sitting in a court room arguing the pros and cons of why fewer people are in the chamber president's pub putting their weekly wage through his poker machines. The chamber has indicated that it holds little hope for the success of its litigation but rather sees it as a vehicle for attention. What more evidence does one need to be convinced that this is a media stunt and a frivolous abuse of police time and resources?

I call on the community to unite and work with police if we are to have any real hope of achieving our goals in the fight against drugs on our streets. How can we expect our police to tackle crime head-on and return the streets of Cabramatta to honest and hardworking men and women if the police are being sidelined in a protracted legal battle for individual business people? These are the same local business people lobbying Fairfield City Council to build a new commuter carpark to service the Cabramatta central business district because the existing four-storey multideck can no longer deal with the demands of visitors to Cabramatta. So on the one hand the chamber wants compensation for a decline in business activity allegedly brought on by police inaction and lack of Government will, but on the other hand it is demanding that council come up with \$19.5 million to foot the bill for an additional commuter car park. That is a glaring contradiction!

I point out that retail tenancies in the Cabramatta central business district are more expensive per square metre than those in the central business districts of Bondi or Manly. In fact, Cabramatta has one of the lowest retail tenancy vacancy rates in the Sydney CBD. So the argument of the Cabramatta Chamber of Commerce about a decline in business activity is not borne out by the facts. Furthermore, the question must be asked: Where is the money coming from to fund this litigation? Earlier this year the chamber withdrew \$25,000 in sponsorship of the Cabramatta Chinese New Year Festival. The festival was the most successful ever, with more than 40,000 visitors to Cabramatta joining in a celebration of our rich cultural diversity. And make no mistake: it is the membership of the chamber—the shopkeepers—that are perhaps the greatest beneficiaries of festivals such as these because the festivals build confidence in the local community and attract shoppers who contribute to the economic buoyancy of the local economy.

The chamber had a chance to spend \$25,000 promoting Cabramatta but instead has turned its resources to tearing down Cabramatta. I urge shopkeepers to think twice before they contribute funds for this action. The

chamber has admitted the action is a stunt. It is a waste of time and a waste of police resources. It is a blame game. The challenge we confront as a community is to develop solutions to our problems. And we can only do that if we work together and support our police. We will only have the opportunity to work together when the upper House finally concludes its inquiry into policing in Cabramatta. So tonight I call on the upper House to give us a clear and definite date for delivering its findings, so that we can all get on with the real issue concerning the Cabramatta community—the fight against drugs.

Mr MOSS (Canterbury—Parliamentary Secretary) [5.28 p.m.]: I support wholeheartedly everything that the honourable member for Cabramatta said, particularly about the Cabramatta Inn. This week on my way to Parliament I heard comments on ABC Radio by the ego-driven Cabramatta Inn proprietor, who seems to be the instigator of this class action on the part of the Cabramatta Chamber of Commerce. I could not help but think at the time, "What hypocrisy that this publican would be so pious about drug pushing in Cabramatta", for he himself is the pusher of drugs, albeit legal drugs. I refer to nicotine and alcohol, as well as to poker machine gambling, which is an addiction for a lot of people.

I dare say that during the years the business activities of the Cabramatta Inn could have been just as harmful to hundreds of Cabramatta families, through its promotion of legal drugs, namely, nicotine and alcohol, as the drug crisis currently is in Cabramatta. We all know there is a crisis. We all know there is a problem. I congratulate the honourable member for Cabramatta on her untiring efforts in trying to solve the problem. I conclude by saying that when the class action comes before the courts I sincerely hope that those bringing it are adjudged to be vexatious litigants and have costs awarded against them.

WINDSOR ROAD UPGRADE

Mr ROZZOLI (Hawkesbury) [5.30 p.m.]: I bring to the attention of the House the concern of Hawkesbury residents regarding the tardiness of this Government to press ahead with the upgrading of Windsor Road. This matter has had some ventilation in this House from time to time, but I tonight specifically draw the attention of the House to the fact that a large group of residents in the Hawkesbury electorate live beyond Windsor—beyond the area that is being upgraded and about which we have been talking—who are vitally interested in the upgrading. In addition to the journey they have to face in getting from their homes to the beginning of Windsor Road, they now have to face the problem of perpetual traffic jams on Windsor Road.

Reference has been made in this context to what has become known as the missing link, the stretch of road between Windsor and Schofields Road. At the moment that section of road is not the subject of any upgrading, apart from the section that is known as McGraths Hill bypass, a flood-free access road. In addition to providing flood-free access to Windsor Road, that bypass will alleviate traffic log jams at that point. Even if the upgrading of the road at the end of the bypass is accelerated—the eastern side of Windsor Road through to Schofields Road—which may please people at the eastern end of Windsor Road, the traffic log jam will simply be transferred further down the road. Unless arrangements are made that enable traffic to move more smoothly over that section of the road, whatever work is done at the eastern end of Windsor Road—whilst it will certainly facilitate people who live in that area if it is completed properly—will not help the people further to the west that I represent.

Another matter I raise that is of deep concern to people who travel on that road every day is the seemingly inefficient manner in which the upgrading of Windsor Road is currently being undertaken. It is the most piecemeal roadwork I have ever observed. It is being done in sections, presumably as contributor money from development becomes available to the Roads and Traffic Authority to fund that work. The difficulty is that the road cuts from multiple lanes to a single lane on several occasions, and this has the effect of slowing down traffic and increasing the log jam of traffic.

It has been pointed out to me by contractors in the area—many people in that area are in that line of business—that the nature of the equipment and the method of construction currently being used is suitable to a much lower grade of roadwork than this road deserves. Unless the scale of construction is increased, the time within which the work is to be completed will continually be drawn out. We are seeking a much more economical use of the Government's money in the upgrading of Windsor Road by introducing far more efficient road construction methods.

I travel that road all the time and I have observed the upgrading of Old Windsor Road and Windsor Road over a great many years. Because of the construction process that has been adopted, those who work on the road will become eligible for long service leave and their retirement fund because they have been on the job

so long. That cannot in any respect be regarded as an efficient expenditure of funds. I ask the Government, in all sincerity, to look at the manner in which that roadwork is being carried out to ensure that we obtain a greater scale of efficiency from the roadwork. The Government must also look at what is now known as the missing link between Schofields Road and Windsor Road to see whether something can be done to alleviate the log jam affecting the traffic flow in that area. [*Time expired.*]

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [5.35 p.m.]: I appreciate the suggestions made by the honourable member for Hawkesbury. Windsor Road is an issue that is well-known to us all. Earlier poor decisions and bad planning enabled the expansion of that area without the provision of appropriate services and facilities, particularly transport facilities. We do not intend to do that ever again. However, the suggestions made by the honourable member are certainly constructive, and I am sure the Minister will view them in the light in which they were offered to determine whether we can speed things along.

AUSTRALIAN K-9 SEARCH AND RESCUE SERVICE

Mr COLLIER (Miranda) [5.35 p.m.]: It is with pleasure that I speak about the Australian K-9 Search and Rescue Service. This local unit of the Volunteer Rescue Association, which was established in 1998, has its headquarters in my electorate at GyMEA. The Australian K-9 Search and Rescue Service presently comprises 20 volunteers and three active dogs. Its dedicated captain is Mr Mike Newman. Mr Newman and his committed volunteers and their dogs provide invaluable assistance to police, State Emergency Services, the Rural Fire Service and other emergency services, communities and individuals both within my electorate, within the Sutherland shire and beyond.

These magnificent volunteers with their canine partners assist in the search and rescue of lost persons. They are constantly training and are ever-ready and ever-prepared to go out in all weather to help the community whenever emergencies arise or disaster strikes. They do so freely, willingly and unselfishly. Honourable members will recall the news of the four young snowboarders who were lost in the Snowy Mountains in August 1999. The weather at Thredbo was described by search official Sergeant Warren Denham as "the worst he had seen in 7½ years". It was so bad that helicopters and snowmobiles were forced to turn back from the search. Members of the newly formed Australian K-9 Search and Rescue Service were involved in that search for four days at their own expense. Four young lives were tragically lost. Parents of Mr Dean Pincini, one of the deceased, wrote to service members in the following terms:

Thank you for your hard work, dedication and care ... in the search for Dean. We will never forget the effort which you and your dogs went to. It is much appreciated.

More recently these committed volunteers took part in a search for a young boy from Scots College who was tragically lost in the Kangaroo Valley. They also took part in a search for missing teenagers in Moreton National Park. Closer to home and soon after the disastrous hailstorms that hit Sutherland shire in 1999, members of the Australian K-9 Search and Rescue Service were out in bad weather, alongside the police and emergency services, helping to bring comfort, relief and assistance to local families in the Sutherland shire.

But the K-9 Search and Rescue Service does not just provide relief in emergencies; it also attends important community events and assists the police and councils with traffic and crowd control. Events such as the Olympic torch relay, the lighting of the cauldron at Cronulla and the GyMEA Village festival readily come to mind. Recently, Ike Ellis, then commander of the Georges River region command, presented the service with an award for its assistance during the Olympics. In October Senior Sergeant Les Carter of the Sutherland local area command complimented the work of the service. He said:

Their support is invaluable and they fit in well when working alongside other volunteers such as the SES and the Rural Fire Service.

Recently when I was talking to Captain Newman, it came to my attention that members of the service did not have protective wet weather gear, which is essential to their work. I discovered from Captain Newman that when members of that organisation went to search for missing snowboarders in the Snowy Mountains they had to pay not only for their accommodation but, out of their own pockets, for the hire of protective clothing to search for those four young men. Clearly something had to be done. I am pleased that the Minister for Police, Paul Whelan, provided a grant to outfit volunteers with protective weather gear. That is the least we can do for a service such as this. I publicly thank the Minister for his swift response to my representations.

I am proud to have such dedicated volunteers within my electorate. They are always ready and willing to assist the police and emergency services, and the community and families, not only in times of need but in

times of celebration, with crowd and traffic control. Indeed, I have considered the matter and have nominated the Australian K-9 Search and Rescue Service for the Premier's community service award. As I say, I am proud to have such an organisation in my electorate.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [5.39 p.m.]: The Australian K-9 Search and Rescue Service has obviously been doing a fantastic job in the area, as the honourable member for Miranda has pointed out. It is important to have opportunities such as this in this House to highlight the hard work that is done every day by volunteers. They often do not get the recognition they deserve. We are certainly pleased to have heard about this important organisation.

GUYRA CENTRAL SCHOOL HALL

Mr TORBAY (Northern Tablelands) [5.40 p.m.]: Guyra Central School in my electorate has been waiting 30 years for a school hall. The school's parents and friends groups have been actively campaigning for 20 years to have a hall built at the school. Guyra is a small town in my electorate of Northern Tablelands where winter temperatures can go down to minus 12 degrees with the wind chill factor. Nevertheless, if the 323 pupils and 25 teachers need to gather in the room that is now used for assemblies and so on, in winter or summer, around half have to stand outside. The only alternative is for the whole school population to move almost one kilometre away to the town's basketball hall, if it happens to be available.

Guyra's school is one of the most progressive in our area. It has two school choirs involving 110 students, as well as a high school band. Since the current 30 metres by 10 metres space used for a hall holds a maximum of only 150, none of those groups can give concerts for the rest of the school and the community to enjoy. Basically, the only space available is two classrooms with a partition between them, and at times 200 people have had to squash in for special events. School assemblies are conducted with two sittings. When travelling shows visit the school they have to perform twice or some pupils miss out. The town's basketball hall is not always available. It is a huge space with poor acoustics. It is unsuitable for music and drama and it is inconvenient because of its distance from the school.

In the colder winter weather there is no facility at the school where pupils can train for sport, play sport or participate in gymnastics. The principal, the hard-working Jim White, has been active in encouraging the majority of students to take part in sport because of the improvement it makes to their academic performance and outlook on life. He has been proactive in involving students in a variety of sports, and with a multipurpose hall he could extend this excellent program even further. At present, students at Guyra school wanting to practice sports during winter have to do so in the rain and sleet. These days it would seem inconceivable that a school of that size which performs so well in encouraging a diversity of cultural, sporting and academic activities should be hampered by the lack of a facility which should have been provided many years ago. There is a sense amongst those at the Guyra Central School that they have been treated as second-class citizens and have been forgotten when they compare their school to other schools in the area of similar size that have had multipurpose hall facilities for many years.

I urge the Minister for Education and Training—and I am aware he has made a number of positive announcements in my electorate—to give special consideration to Guyra Central School's need for this hall, particularly because of the severe winter climate and the great effort that has been made to offer a balanced education for the students. This school has a critical need for a large space for music and cultural activities, for visiting performances, for gymnastics and indoor sports, for assemblies, speech days and social activities. A multipurpose hall to meet these needs would enhance the already progressive programs in place at this dynamic school. The school is well supported by the never-say-die Guyra community and the Guyra Shire Council.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [5.43 p.m.]: I am sure the school hall at Guyra will be very much on the Minister's mind and that he will give it whatever priority he is able. I am sure the honourable member's representations will speed up his considerations.

Private members' statements noted.

BUSINESS OF THE HOUSE**Precedence of Business: Suspension of Standing Orders**

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [5.45 p.m.]: I move:

That standing and sessional orders be suspended to permit the following motion to be debated forthwith, namely:

That the member for Gosford inform the House that he has ruled out any challenge to the member for Lane Cove for the position of Leader of the Opposition.

Standing orders must be suspended. We have instability in the Opposition, and a good government needs a good Opposition.

Mr O'Farrell: Point of order: Usually the Minister or the member moving a motion of this sort has the honour and integrity to inform the person to whom the motion refers. I make the point that the honourable member for Gosford is not in the Chamber. Frankly, I am not aware whether he is in the building.

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

Dr REFSHAUGE: It is enormously destabilising to have an Opposition with challenges at every turn. Time and again challenges are being put up but clearly no-one has the numbers. We have seen the fight between the Deputy Leader of the Opposition and the honourable member for Gosford.

Mr Hazzard: Point of order: The standing orders are clear that if a member wants to make a substantive attack on another member, it must be by way of a motion drafted as a substantive attack on the member. The Deputy Premier is obviously playing games..

Mr SPEAKER: Order! The House is debating a motion to suspend standing and sessional orders. That point of order is not open to you.

Dr REFSHAUGE: The instability has to be brought to an end. The honourable member for Gosford has to rule out any leadership challenge to the honourable member for Lane Cove. One cannot lead a party that is being undermined, white-anted, from inside. The once-great Liberal Party is falling apart at the seams, not only because of lack of talent but because at the leadership level there is constant bickering. People are trying to organise the numbers at lunches. Deals are being done. The Liberal Party has a major problem even trying to get on with its Coalition partner, the National Party.

Mr Hazzard: Point of order—

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

Mr Hazzard: Mr Speaker—

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

Mr Hazzard: Are you calling me for my point of order?

Mr SPEAKER: Order! I am asking the member to resume his seat.

Mr Hazzard: I thought you called me for my point of order. I am sorry about that.

Dr REFSHAUGE: It is clear this needs to be resolved. It is only two weeks before Parliament sits again.

Mr O'Farrell (Ku-ring-gai—Deputy Leader of the Opposition) [5.49 p.m.]: I move:

That the honourable member for Marrickville be not further heard.

The House divided.

Ayes, 32

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

Noes, 49

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 Brown	Mr Martin	Mr Torbay
Miss Burton	Mr McGrane	Mr Tripodi
Mr Campbell	Mr McManus	Mr Watkins
Mr Collier	Ms Meagher	Mr West
Mr Crittenden	Ms Megarrity	Mr Whelan
Mr Debus	Mr Mills	Mr Windsor
Mr Face	Mr Moss	Mr Woods
Mr Gaudry	Mr Nagle	Mr Yeadon
Mr Greene	Ms Nori	<i>Tellers,</i>
Mrs Grusovin	Mr Orkopoulos	Mr Anderson
Ms Harrison	Mr E. T. Page	Mr Thompson
Mr Hickey	Mr Price	

Pair

Mr O'Doherty

Mr McBride

Question resolved in the negative.**Mr SPEAKER:** Order! The Minister's time for speaking has expired.**Motion for the suspension of standing and sessional orders agreed to.****OPPOSITION LEADERSHIP**

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [6.00 p.m.]: I move:

That the member for Gosford inform the House that he has ruled out any challenge to the member for Lane Cove for the position of Leader of the Opposition.

On 27 December a former member of this House, Ron Phillips, said it all in the *St George and Sutherland Shire Leader*. He said, "Libs have no hope". The reason that they have no hope is because they have no leadership; their leadership has been constantly undermined and white-anted from within. Ron Phillips said, "The New South Wales Opposition was still lost. They don't know what direction to take philosophically, or how to renew themselves." He said, "Until they do that, they are not going anywhere." That is the option that the Opposition has; whether to take O'Farrell, whether to take Hartcher or whether to stick with Chikarovski. It is about time that the honourable member for Gosford said that he is not standing for leadership, and rule out any challenge to the honourable member for Lane Cove.

Having ignored that aspect, we then read of Chickaroll in newspapers in his heartland on the Central Coast. They wrote that the time is right for him to take over the leadership of the Liberal Party. It appears that a

deal was done with the honourable member for Ku-ring-gai, that they could be a team; the honourable member for Gosford would take over and the honourable member for Ku-ring-gai would be the deputy. Obviously, the honourable member for Ku-ring-gai had it in mind that they would lose the next election, that he should get rid of two obstacles and that he would come in as Leader of the Opposition after the next election. Obviously that was the reason for the deal. Then we have the polls, they come relentlessly time and again.

On Monday 5 March the *Australian* newspaper reported "Chikarovski leads Coalition deeper into the mire". And why is that? For a number of reasons, including absolutely no policies. We are reminded regularly by the honourable member for Liverpool that the Leader of the Opposition says that policies will come. The clock is ticking by, her own deadline has passed, and we have to remind her on a daily basis that she said she would have one policy, that on health. Recently I was talking to some developers at a private function at which the Leader of the Opposition said, "Watch for this year, this year will be the year of policies." But what have we seen? The only thing we have seen is plagiarism by the honourable member for Gosford, getting someone else to write his policy speech, which was quite biased towards one section of the medical indemnity industry.

The latest Newspoll said that the Liberals have fallen down, again. The Liberals polled 31 per cent, and the Australian Labor Party polled 46 per cent. The telling vote as to who would make a better Premier showed Premier Carr at 64 per cent and the Leader of the Opposition at 14 per cent, a score that would make one embarrassed to open the front door, embarrassed to go to work. One would have to apologise every day to one's colleagues, to one's electorate office, and say, "I'm sorry, I am still here. The trouble is that John Howard has not offered me a job." The real instability in the Liberal Party means that there is no real contender. It is about time that we put that instability to bed. It is time that the Liberal Party reasserted itself and said it wants to have relevance, wants it to be party to debates in Parliament, wants to take up issues with the Government, wants to perform the responsible role of a loyal Opposition.

On Tuesday 6 March the *Australian* newspaper carried the heading, "Chikarovski faces her Ides of March". We have one week to go until the ides of March; now is the time for Chris Hartcher to say, "No challenge." Now is the time for Chris Hartcher to say that the Liberal Party matters more than his own personal ambitions. Now is the time to say that the people of New South Wales deserve a better go than an Opposition in disarray. Now is the time for Chris Hartcher to face up to reality. He does not have the numbers, his party will not support him. He should get behind his leader, Chikarovski. We all know how debilitating it is to try to be the Leader of the Opposition and have people carping against you. It is a hard enough job to be the Leader of the Opposition, without your own side undermining you day after day, and with talk continuing in the corridors, and with lunches at the Chifley.

The Premier highlighted a lunch at the Chifley at which the honourable member for Gosford was dining with the honourable member for Davidson and another. Because the honourable member for Wakehurst was not mentioned, he jumped up and said, "I was there as well." Look at the numbers he has! I am surprised that Brad is throwing his lot in with Chris. I would have thought that Brad had more sense than that. But the reality is that he had to show that the instability was continuing. It is time to put an end to the speculation; it is time for Chris Hartcher to come forward, here and now, as we are about to adjourn for two weeks and everyone is assembled here, to put the speculation to bed. He should say that he is not challenging the leadership, this is the end, rule it out, and let us get on with some real parliamentary democracy. Let us allow a good Opposition to perform its duty and flourish. It will never do that when it has instability within its ranks.

Ms MOORE (Bligh) [6.05 p.m.]: I wish to make a brief contribution to this disgraceful debate. I am amazed at the way that the Government has chosen to run the Parliament this week. This is the worst week that I have observed in my 14 years in this place. The Government, with its large majority, has failed to address the very important issues that we are put here to address. I can think of many issues that the Leader of the House and the Deputy Premier could have addressed rather than this nonsense about who went to lunch with whom, and who is the leader of one of the parties of this House. We should be talking about policing and the crisis in Cabramatta and Kings Cross. How about talking about homelessness, and what is currently happening in Woolloomooloo? Those issues spring readily to mind.

We certainly have not discussed the helpline, or many other important issues on behalf of our electorates. Question time today was appalling; Parliament was cancelled on one night this week; private members' statements are brought on at any time that the Government cannot think of any business to bring into the House. No longer does the program matter. What the Government and the Leader of the House are doing shows an absolute lack of respect for the democratic processes that should occur in this House. Who cares who went to lunch with whom? The people of New South Wales do not care.

I am absolutely stunned that the Government is behaving like this following the election results in Queensland and Western Australia. The people of Australia no longer care about the major political parties. They care about issues that confront them on a daily basis. The Government should acknowledge that people are not interested in who is running the Liberal Party or the Labor Party for that matter. The people elect us to get on with dealing with important issues. I call on the Government to start acting responsibly and respect the processes of this House. I am absolutely appalled at what has happened here today. I am ashamed to have been here to observe it.

Mr ASHTON (East Hills) [6.07 p.m.]: It is interesting that the honourable member for Bligh said that people are no longer interested in major political parties. People are interested in one major party: the Australian Labor Party. People are no longer interested in what were once major political parties: the National Party and the Liberal Party—they are now minor parties. I would have thought that the honourable member for Bligh had more understanding of the political system. The Independent members have stayed in the House to take part in the debate, but no members of the so-called major political parties are present.

Mr Hazzard: I am here.

Mr ASHTON: Being on the phone might count. A couple of weeks ago the Premier made an important point, which I wrote down. This is a lesson for all new members like myself who have been here only two years. Premier Carr said, "Parliament is here to test the Opposition, not just the Government." Every question time we test not only our side of the House, with Ministers answering questions raised by the honourable member for Bligh and others, but to test what those on the other side have to offer. They have nothing to offer. They have a front bench that has less colour than my ties! They have a revolving door of leadership—or lack of it. I am reminded of the time that I was privileged to work for one of the great Labor education Ministers, Rodney Cavalier. When Neville Wran was Premier I was able to see a revolving door of Liberal Party leaders.

I will give credit to the hard man of the National Party, Leon Punch. There were so few Liberals in the puppet party at that stage that everyone got a go at being leader. As I recall, they started off after Askin went. I think Willis did not get the job, and Lewis took the job. To get the job Lewis promised that he would give all the people in the Parliament an office and a secretary. That was what he offered them, and they all voted for that. That is not bad politics. He became the Premier. Of course, after a while they realised that he was not up to it. In came Willis for a few months, he bungled on the election and, of course, the rest is history: Neville Wran took the Labor Party to a great one-seat win.

In the next few years what did we see? There were half a dozen revolving-door Liberal leaders. One of them, Coleman, was the leader, and he lost his seat, the seat of Fuller, to Rodney Cavalier. Then they came up with a bloke called McDonald, and he lost his seat on the North Shore somewhere. Then they had a guy called Dowd. In amongst them was a bloke called Mason, whose biggest claim to fame was that his son was a lead singer in a pop group; that was his contribution. Kevin Rozzoli, the honourable member for Hawkesbury, was a deputy during that time.

We move on to today. What the Government wants is a pretty simple statement from the honourable member for Gosford. If a deal is being done, let us know about it. This is a democratic place. Today when I was making a speech I was interrupted—rather rudely, I thought—by the honourable member for Davidson, who implied that what is happening in Fiji does not count. He was in this Chamber to interrupt me about Fiji. Where are the Liberals now to interrupt me about who is the Leader of the Opposition? Have they all gone to an early dinner so they can work out who is going to be the leader? Whether it will be Hartcher, or whether O'Farrell will stick around and be the loyal deputy to Kerry Chikarovski, just like he in future will be the loyal deputy to Hartcher.

Something has to be done otherwise, as the honourable member for Bligh said, question time will be a little sadder than it ought to be, because no questions are being asked by members opposite about matters that concern members on this side. The questions are not very threatening; there are no great problems. The only people who are offering any great opposition and interest in this Parliament are the Independents, who have taken seats not from Labor Party members but from Liberal Party and National Party members. And there will even be fewer of them. Unfortunately, we have heard that the honourable member for Tamworth may have to force himself to go to Federal Parliament. I cannot do anything about that.

Mr Windsor: It's to get away from you!

Mr ASHTON: Give me another tie! I do not want to take up much more of the time of the House. This destabilisation of government is bad enough. But to have good, effective parliamentary democracy we must have a stable Opposition that can pinpoint the problems in the community, get under Ministers' skins and stir them up. That is not happening here, for two reasons: firstly, we have a weak Opposition and, secondly, and more importantly, we have a much too intelligent and capable Government. I remind the House of what I said at the beginning of my contribution: Parliament is about testing oppositions, not just governments. Come on Chris, I know you are watching these proceedings in your office. Come on down into the Chamber, answer the question that has been put by the Deputy Premier, put the rest of your party out of misery. Let us know where you stand as soon as you can.

Mr BARR (Manly) [6.13 p.m.]: Tonight I have an important meeting in my constituency that I was looking forward to attending. However, I have not been able to get there because, frankly, tonight the Government is playing silly buggers with the parliamentary process. I voted against principle, in a sense; I voted for the gag on this motion. I regarded this as a trivial, banal motion. I think Opposition members should be here to hammer the Government on this, and it is a shame that they are not. This motion does not reflect well on the Parliament; it is too silly for words. The Parliament is a serious place. There is room for levity and humour here, and there should be humour mixed in with the serious business. This is all just silly buggers.

Ms Moore: What serious business have we done this week?

Mr BARR: I agree with the honourable member for Bligh that this week has been a sterile and banal week. The honourable member for East Hills pointed out the vote of the Labor Party and the wins in Western Australia and Queensland. I point out to the honourable member, and to members on both sides, that the primary vote for the major parties is trending down and that pattern has been consistent over the last few years and is continuing. It is going to be a real problem for the major parties. The sort of thing that is going on in this place today will only exacerbate their problems down the line. This is a serious place, there are serious issues to be dealt with, and we should be dealing with those matters instead of trivial sorts of matters. I could not care who the Leader of the Opposition is. I could not care if things are signed in blood as to whether there will be a challenge or not. It is of no relevance. We need to have a good opposition, we need to have a good government, and we need to be focusing on serious matters instead of playing silly buggers.

Mr CAMPBELL (Keira) [6.15 p.m.]: What is important in a State like this is strong leadership. We see strong leadership on the Government side of this Parliament, with the leadership team of the Premier, the honourable member for Maroubra, and the Deputy Premier, the honourable member for Marrickville. That strong leadership is also supported very strongly by the Ministers and clearly by others who are on the Government side of this Chamber. But we do not see any leadership from the other side. We do not see Opposition members in any sense coming forward with policy processes; we do not see them coming forward with ideas; we do not see them coming forward with a consistent approach in any way, shape or form. We do not even see them having the courage or the leadership to take part in a debate such as this. It is a nonsense that we see the Deputy Leader of the Opposition running around whipping up the Independents to defend a motion such as this.

Leadership is an important role that we all play in our own electorates, but what we do in this Chamber is equally important. We do not see any leadership or direction given by the Leader of the Opposition, the Deputy Leader of the Opposition, or the swamp fox, as the honourable member for Gosford was referred to earlier in question time. This Chamber has a reputation for robust debate, as depicted in it being referred to as the bearpit—which a former leader of the Liberal Party and a former Opposition leader used as the title for his book. We do not see the preparedness by the Opposition to take part in robust debate such as this. Robust debate in this Chamber on policy and decisions is being hampered by the instability in the Liberal Party. It is for that reason that this motion has been moved.

To ensure, promote and encourage leadership, stability and direction in this place, a challenge should be either ruled out or brought on. It is entirely appropriate that the Deputy Premier moves a motion such as this. The timing of it is appropriate, given that there will now be a two-week break in the sitting. This will enable the Liberal Party to get its house in order, so that it can come back with a united team behind the honourable member for Lane Cove, or perhaps with another team behind the honourable member for Ku-ring-gai, or perhaps the honourable member for Gosford. Once they get that out of the way—and hopefully they will be able to do that in the two-week break—they can then get on with the development of policy, putting up some alternatives and testing what the Government may want to do.

My colleague the honourable member for East Hills referred to that revolving door of Liberal leadership in the 1970s. This State does not deserve to go through that again. The State should not have to put

up with that sort of carnival approach: Get on the merry-go-round and when the music stops you take a chair. I could mix a whole range of metaphors in trying to point out how ridiculous and stupid that situation was and the fact that we are now looking down the barrel of that again. The State deserves an opportunity to move on, and I call on the honourable member for Gosford to come on down, as has been said. He needs to get rid of the notion of who is the weakest link on the opposite side of the Chamber and put an end to the situation one way or the other so that we can all move on.

Mr WINDSOR (Tamworth) [6.19 p.m.]: About 12 months ago the Howard Federal Government lost the forthcoming election. This week some interesting things have happened in this Parliament. I refer Labor Party members particularly to an article in today's *Daily Telegraph* by David Penberthy about complacency and the trivialising of this Parliament. I agree with the honourable member for Bligh, we have done nothing this year. We may as well not be here. We could save our \$155 a night or whatever it costs for us to be here. My point is that the activities of this week could be a watershed for the State Government as it believes it is in such a position that it can do almost anything and win the next State election.

Mr Ashton: Where are they?

Mr WINDSOR: Opposition members can make a decision to be here, or not. They do not have to be here. The Government is doing exactly what the Howard Government did about 12 months ago when it believed that it could not lose the next Federal election. We remember the body language of Peter Costello and the Prime Minister; they were not listening and they ran the Parliament a little like this one—trivialising its importance and not putting through much policy. However, they were so sure they would win the election. Yet now, particularly given the indications of this week, they have reached the stage where they will lose that election.

David Penberthy's article mentioned the Premier in particular and the word "complacency". I know that from time to time the Premier has said to his troops, "Don't take this for granted. The Opposition is running a bit weak, but don't take it for granted." However, since we have been back these last two weeks Government members are taking this Parliament and, by inference, the people and the next election for granted. The real warning sign is not for the Opposition today, because this could be its turning point. If the Opposition does not pick up the ball, the press will. It is not my role to defend the Government, but it should be careful in its conduct of the Parliament.

We spent last week talking about a great man, Sir Don Bradman, and that was tremendous, but we did nothing else. This week we have done nothing else. It may be satisfactory for city members to be here, but many country members would prefer to be actually doing something in the Parliament rather than occupying a few days so that at the end of the year we can say to the Press Gallery that we sat for 30, 40 or 50 days. This week a number of issues were raised that will be a watershed for the Government if proper debate is allowed to take place. I am pleased that the Minister for Police is in the Chamber. The debate concerning police must be allowed to proceed, but not by way of censure or no confidence motions. Many of those issues raised about policing in Cabramatta—and the confidence of police in the commissioner, the Minister and the Government—are very much alive in the country, where we do not have a drug problem to the same extent as Cabramatta.

Those issues are alive and need to be expressed. We must investigate the reasons we are losing some of our best senior policemen because those losses will weaken the Police Service. The debate about problems within the Department of Community Services must proceed also. As members of Parliament we can all refer to an instance each day—it happens during question time—of abuse about which the department has not reacted quickly enough. That is easy to do every day of the week and it can be done also relating to health matters, but the Department of Community Services has some underlying problems. Proper debate in this Parliament may assist the Minister in coming to grips with the issue, if not wipe it out.

What is happening within the Police Service New South Wales and the Department of Community Services should be debated in this Parliament, rather than this ridiculous topic. If the complacency remains, Government members will be at greater risk than Coalition members, who are in limbo with their frontbench and leadership. Unless the Government demonstrates that this Parliament is here for all members to do more than just occupy benches on one side or the other, it may face the wrath of the electors at the next State election.

Mr WHELAN (Strathfield—Minister for Police) [6.24 p.m.]: I am amazed at the comments of the honourable member for Tamworth. Like everyone else, since the Parliament resumed he has been entitled to raise a variety of issues irrespective of whether they relate to policing or the Department of Community Services. There is nothing stopping any member in this Chamber from moving a notice of motion or a motion for urgent consideration.

Ms Moore: What about No. 350? They never get debated, do they?

Mr WHELAN: For an urgency motion like this each member gets five minutes.

Ms Moore: Oh yes, and urgency was always fixed. Urgency was introduced at your behest so that non-government members could raise important issues, yet you stop urgency every week.

Mr WHELAN: Does the honourable member understand that these standing orders were regarded as being very good when she was in a powerful position, when the Independents had the numbers.

Mr SPEAKER: Order! The honourable member for Bligh will remain silent. The Minister for Police will direct his remarks through the Chair.

Mr WHELAN: The real issue is that in this Parliament no-one is denied the opportunity to raise any issues. The fundamental point raised by the honourable member for Tamworth is that we do not have an effective Opposition in New South Wales. At present there are five Independents in this Chamber. They provide more opposition than the National Party and Liberal Party—hence this motion. The democratic process is seriously lacking when major political parties are absent, in this case the National Party and Liberal Party, and when there is no constructive criticism of the Government, the policies or the Acts of Parliament introduced for consideration. That is not happening because there is such major division in the Liberal Party regarding lack of leadership. That lack of leadership is reflected in the Liberal Party's poor performance in the Parliament. That is the very reason this motion was moved.

It is more than mere conjecture; the real debate within the Liberal Party is about whether Mrs Chikarovski should be the leader. There has been a clear failure by the honourable member for Gosford—it was not speculation but a definitive statement in his own local paper, leaked by him—to say whether he is going to challenge Mrs Chikarovski. That is the reason for the poor performance of those major parties. That must impact on the National Party because the Liberal Party is the main proponent of the Coalition. It must occur to its members that with such a diseased problem in the Liberal Party something must be done about it. The honourable member for Tamworth said he wanted to raise issues about policing. I read through the notice paper and did not see any motion about policing or the Department of Community Services by him, and he has been here every day.

It is all right for the honourable member for Tamworth to be the purest of creatures here, but I should like to tell him that if we had an effective Opposition in New South Wales the Government would be considering its views. The Coalition has these divisions in its ranks, but that is no reason its members should not be up to their very simple task. Today the Premier asked the honourable member for Gosford four times to say no or yes and he remained silent. If members opposite think the division in the Liberal Party is not manifesting into the worst Opposition in the history of New South Wales—lack of accountability of government—they must be kidding themselves! In my objective judgment the five Independents do more as an Opposition than the whole Liberal-National coalition.

It is a simple issue. Opposition members have had ample opportunity to clean up their house. I offer them this advice: When we conclude today they will have a fortnight in which to clean up their house, get rid of the smell and odour and the dead hanging carcass and do something, to make a decision. The way to do it is to get the honourable member for Gosford to say unequivocally, "I am not opposing Kerry Chikarovski" and let us see what the Opposition is like. Members opposite should be able to look back and reflect on how effective they were as an Opposition.

Mr TORBAY (Northern Tablelands) [6.30 p.m.]: First, I express support for the comments made by my colleagues on the Coalition side of the House in relation to the time of the Parliament being used for purposes that our constituencies believe are more relevant than is the motion before the House. In fact, I believe that this motion is a joke. The reason I say that is that conceivably any Coalition member of Parliament could ask every member of the Government side to sign a statement indicating that he or she would never challenge the leadership of the Labor Party. This motion is very inappropriate. Let me examine objectively the issues that have been touched upon. There is no doubt that issues more relevant than this motion should be brought before the House.

I point out a range of roles that are important features of Independent members of Parliament. We maintain a very close contact with our constituencies and communities. Nothing interferes: It is just the

Independent member and the community. That is what Independent members do. We are accessible, we are listening and we bring matters before the Parliament. The greater the number of opportunities for Independent members to bring those matters before the Parliament, the higher will be the standing of Parliament. People tend to assume that parliamentarians are debating issues that are relevant to them. However, when people become aware that parliamentarians are debating matters such as the motion which is before the House, even the most objective person who is standing back to consider this motion dispassionately would realise that a lot of politics is being played on both sides of the Chamber. There is no doubt that the Opposition plays as many games as does the Government but the Government has more opportunity to work through its agenda than does the Opposition.

There is an opportunity presented by this motion to take the high moral ground. I challenge the Leader of the House and Government members to take this opportunity to examine non-Government business in the light of it being the first casualty of agenda. As a non-Government member of this Parliament, I am disappointed that Thursday, private members' day, is a casualty of time. Regrettably private members' day is a great opportunity that Independent members rarely have provided to them. In a most constructive way I challenge the Leader of the House to provide more opportunity for non-Government business. I believe that would improve the Parliament and the Opposition. I acknowledge as a result of my objective assessment that clearly the Opposition is not performing well, but in my view the best way to assist the Opposition is to bring forward motions of the type before the House.

I take on board the comments made by the honourable member for Tamworth, namely, that the best that can be done in these circumstances is deliver for the community and keep responding to the concerns of the community instead of debating internal political party issues. In my opinion, debating internal political party issues reflects poorly on the New South Wales Parliament and on all honourable members. I ask the Leader of the House to take up the opportunity that has been presented by this motion. I am attempting to be very objective during my participation in this debate. I suggest that the Leader of the House accept the challenge of allowing more non-Government business to be debated.

I understand that some time ago non-Government urgency motions were championed by the Leader of the House. The present opportunity afforded by this motion should be taken up by the Government to debate non-Government business and provide all honourable members with an opportunity to discuss important issues. That will assist the Government as well as the Opposition. It will also raise the standing of this Parliament in the public eye.

Mr McGRANE (Dubbo) [6.34 p.m.]: My contribution to this debate will be brief. The five Independent members of this House do not have a leadership problem so I am unsure whether I should become involved in this debate. However, I do not think that the leadership of a political party should be put under pressure by a member of a different party moving a motion in this Parliament which deals with leadership. Surely a political party should be allowed to select its own leader. The Government is making great play of the fact that the Opposition is very poor and ineffectual. That is for the community to judge at the next State election. Surely the Government of the day has a simple role to fulfil, that is, government of this State. The Government of the day should do the right thing by this State—this Government does many great things by this State, I must say—and provide more opportunities for discussing issues of concern to the community. Parliament has been in session for two weeks. Today is the best example of lack of action in this House since I was elected to this Parliament.

Mr Whelan: But today is private members' day.

Mr McGRANE: It may well be, but debate on a matter that should not be before this Parliament is taking up the time of this House. Even taking into account interruptions that occur only occasionally as a result of the swearing-in of a Governor, Independent members have spent the whole week without having achieved very much. The point I make to Government members is that, as other Independent members have said, the role of an Independent member is to represent constituents. We want to see good government and we want this State to have a good Opposition. As members of Parliament, honourable members should confine themselves to their rightful roles. As I said earlier, Independent members do not have leadership problems but the Liberal Party members of this Parliament should select their Liberal Leader and the National Party members of this Parliament should select the National Party's Leader.

This House does not need to discuss a motion which effectively tells a political party to select its leader thereby ruling out people who may be future leaders. Nobody can rule out the possibility of any individual

becoming leader of a party. It is often said that a week is a long time in politics, and that is true. In my view, parliamentarians should not encroach upon internal matters of a political party. The Opposition should be given the opportunity to improve its performance. This motion defies logic. The sayings that Oppositions do not to win power, Governments lose power, and that a Government is only as good as its Opposition are myths because if a Government performs and does the right thing by the community, it will be re-elected. If the Opposition does not perform, it will not win the day at the next election. It is up to the Opposition to do what it does best, and that is provide opposition to the Government's policies. It is not up to the Government to tell the Opposition who should be its leader.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [6.38 p.m.]: It is no surprise that there are no members of the Liberal Party in this Chamber to support Liberal Party leadership—no Liberal members at all. It is also not surprising that every one of the Independent members is present in the Chamber because they just love to have the opportunity to say, "We do not belong to a party. We are different." Independent members are full of hypocrisy because, having made the point that Parliament has been sitting for two weeks and having said, "We represent our members and we really want to fight for their interests", a check of the questions on the business paper reveals that it contains not one question from an Independent member. Independent members have been attending this Parliament for two weeks and claim to be concerned about their constituents, yet they are not even prepared to ask a question.

Where are they when they are supposed to be standing up for their constituents? They are simply saying, "We do not belong to the Labor Party and we do not belong to the Liberal Party." What a very silly Opposition the Independent members effectively try to be! Independent members ask why we do not have a debate about homelessness. Ages ago—almost two weeks ago—we had a meeting. Did the Independent members not find that meeting useful? Did the Independent members not find that meeting worthwhile?

Ms Moore: That was good, but we have not discussed it in this House, have we?

Dr REFSHAUGE: That is part of the job, but not one Independent member has put anything on the Questions and Answers paper. They come in here and tell us that they are representing the people, but they have not put even one question on the Questions and Answers paper. Is there nothing the Independent members want to ask? The real issue is that the Liberal Party is not providing an Opposition. The Liberal Party is in disarray. It is very rare, although not impossible, for me to see the Independents here late on a Thursday afternoon. Where is the Opposition? Where are the people who want to be an alternative government? They are skulking away. They are not prepared to stand up and say, "We do believe in something and we are prepared to stand up for it. We are prepared to back our leader, Kerry Chikarovski, and we are prepared to put out policies. We are prepared to take it up to the Government."

But the attitude of the Liberal Party is: no, this is too hard. When the acid is put on members of the Liberal party it is too hard and they slip away. Then they use the Independents as a proxy to try to argue that the Government has got it wrong. The Independents make a very poor proxy, but the Liberal Party makes an even worse Opposition. If we want real debate we want an Opposition that has strength and believes in things. We do not want an Opposition that spends all of its time interrupting each other, trying to get the numbers and trying to destabilise what, allegedly, a good party should be. I moved this motion to highlight that and to make it very clear that we want solid and effective government for this State, but we also want a challenge: We want to be really challenged by an Opposition that can really challenge us. I believe, as my dad said to me more than 40 years ago, that a good Government needs a good Opposition.

At the moment we do not have a good Opposition. The Independents should tell the Liberal Party to get its act together. The Independents cannot continue to take on the role of the Opposition by proxy. That is not their job, and that is not what they want to be. The Independents should tell their Liberal colleagues to get their act together and in this case tell Chris Hartcher, the honourable member for Gosford, to say that he is not challenging. Let the Liberal Party develop its policies, as it said it would—we are still waiting for those policies—and allow them to be a strong Opposition. It is quite hypocritical for the Independents to come into this place and say they are interested in their constituents and they have issues that need to be talked about when not one of the five of them has put a question on the Questions and Answers paper in six days; not one question since the beginning of this session.

Ms Moore: That is not true.

Dr REFSHAUGE: Take that up with the Clerk if you do not think it is right, but that is what the Questions and Answers paper shows. I urge every member of this House not simply to vote for this motion but

to get behind it and say: Do we want an Opposition that is in disarray? Do we want the Independents to be the proxy of the Liberal Party because the Liberal Party cannot get its act together? New South Wales deserves better than that!

Question—That the motion be agreed to—put.

Division called for. Standing order 191 applied.

Noes, 5

Mr Barr
Mr McGrane
Ms Moore
Mr Torbay
Mr Windsor

Question resolved in the affirmative.

Motion agreed to.

SPECIAL ADJOURNMENT

Motion by Mr Whelan agreed to:

That the House at its rising this day do adjourn until Tuesday 27 March at 2.15 p.m.

LEGISLATIVE ASSEMBLY CHAMBER STAFFING

Mr SPEAKER: I draw the attention of honourable members to the fact that Tom Duncan, whom you have often seen sitting in the Chamber, has been on secondment from the Australian Capital Territory Legislature for the past 12 months. Today is Tom's last day. He came here seeking work experience. I am sure all members would want me to wish Tom all the very best for the future. He has been a great help to us. I hope that when the House resumes another officer will have been seconded to take Tom's place.

House adjourned at 6.49 p.m. until 2.15 p.m. on Tuesday 27 March 2001.
