

LEGISLATIVE ASSEMBLY

Wednesday 30 May 2001

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

Mr Speaker offered the Prayer.

CRIMES LEGISLATION AMENDMENT (EXISTING LIFE SENTENCES) BILL

Bill introduced and read a first time.

Second Reading

Mr CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [10.00 a.m.]: I move:

That this bill be now read a second time.

Last Friday I announced that the Government would introduce legislation to protect the community forever from Baker, Crump and other never-to-be-released prisoners. That includes the killers of Anita Cobby and Janine Balding. The bill was approved by Cabinet in October last year—which should be borne in mind—though I was not able to announce it because of Supreme Court proceedings concerning Baker. On Friday Justice Greg James refused to redetermine Baker's sentence, which means I can at last introduce this bill and refer to it. In doing so, I keep the commitment I gave to Brian Morse in 1997 that I would do all in my legal power to protect the community and keep Baker and Crump in gaol. This bill is needed because of deficiencies in the "truth in sentencing" legislation introduced by the former Coalition Government. That legislation permits those offenders sentenced to life imprisonment before its introduction to apply to the Supreme Court for a redetermination of their sentences.

The Supreme Court can replace a life sentence with a sentence for a fixed term. It can also set a non-parole period after the expiry of which the Parole Board could grant parole. In 1997 this Government introduced the toughest sentencing laws in the history of the New South Wales Parliament. I refer to the Sentencing Legislation Further Amendment Act 1997, which requires the Supreme Court, in hearing an application for a redetermination, to have regard to, and give substantial weight to, the recommendations, observations and comments made by the original sentencing judge. This bill will tighten the law even further. This bill will remove the ability of the Supreme Court to set a fixed period of sentence for a non-release offender. The Supreme Court will continue to be able to set a non-parole period or minimum sentence. It will no longer be able to set a fixed period or maximum sentence. This means that a non-release offender will never be released from custody unless a parole order is granted.

Currently a non-release offender may apply for a redetermination of sentence after serving 20 years of his or her sentence. This bill will require a non-release offender to serve at least 30 years before applying for a redetermination. Currently the legislation defines a non-release recommendation to mean a recommendation or observation, or an expression of opinion by the sentencing court that, or to the effect that, the offender should never be released from imprisonment. This bill expands the definition of "sentencing court". This will make it clear that the non-release recommendation provisions apply, whether or not the non-release recommendation was made by the original sentencing court or by another court on appeal or on a retrial.

This bill provides that the Parole Board may release a non-release offender on parole if, and only if, three conditions are met. First, the Parole Board must be satisfied, on the basis of a report prepared by the chief executive officer of the Corrections Health Service, that the non-release offender is in imminent danger of dying or is incapacitated to the extent that he or she no longer has the physical ability to do harm to any person. Second, the Parole Board must be satisfied, on the basis of a report prepared by the chief executive officer of the Corrections Health Service, that the non-release offender has demonstrated that he or she does not pose a risk to the community. That is in addition to the first provision. The prisoner has got to be in imminent danger of dying and the Parole Board must be satisfied that the prisoner does not pose a risk. Third, the Parole Board must be further satisfied that, because the first two conditions are met, the making of a parole order is justified.

These changes mean Baker, Crump and the other never-to-be-released prisoners can only ever be released on their death beds or be so incapacitated that they would pose a threat to nobody. It means that the community is protected from these killers forever. The bill also removes the right of non-release offenders to be automatically considered for parole. Currently the Parole Board is required to consider whether or not a serious offender should be released on parole on an annual basis, once the offender becomes eligible for parole. This bill will ensure that non-release offenders who have had their sentences redetermined are not entitled to any automatic consideration for parole.

On a number of occasions the Government has refused to debate the Crimes (Sentencing Procedure) Amendment (Life Sentence Confirmation) Bill introduced by the Leader of the Opposition. In August last year Government members combined with members of the cross bench to defeat this legislation introduced by the Deputy Leader of the Opposition in the Legislative Council. The Government refused to debate the Opposition's bill in this Chamber because of legal advice from the Attorney General's Department to the effect that any debate might have on Mr Baker's application for redetermination of his sentence. On 27 June last year the Attorney General's Department advised:

A real danger exists that any debate or statements made about the hearing could and would be regarded as an attempt to influence Justice James in his decision ...

If he did not adjourn—

I interpose that it was a possibility that he would adjourn—

then there is a danger that Baker, if the court were to hold against him, would be handed grounds of appeal on a plate.

We did not want that to happen, not the least because of what it would have put Mr Morse through. My staff showed that advice to members of the Opposition before they introduced their bill. They chose to ignore that advice for short-term political gain. The Government and I were not prepared to take that risk. The Supreme Court hearing had to be allowed to take its course.

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

Mr CARR: This is a very technical and difficult area of the law. The High Court has struck down legislation in this area in the past. We have an obligation to make sure that we get it right. I do not want the families of these victims to suffer.

Mr SPEAKER: Order! The Leader of the Opposition will remain silent.

Mr CARR: They will suffer further if they are given false hope by legislation that is struck down by the High Court. By changing the criteria for parole—

Mrs Chikarovski: Point of order—

Mr SPEAKER: Order! If the Leader of the Opposition continues to interrupt I will not give her the call when she seeks to take a point of order.

Mrs Chikarovski: Mr Speaker, I ask you to ask the Premier to refer to his own press release in which he talks about his own legislation being referred to the High Court. Why is it good enough for his legislation and not for ours?

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

Mr CARR: Oppositions can say anything. Governments are always speaking officially, and they have to take legal advice because the comments of the Premier or an Attorney General can end up being the grounds for an appeal to the High Court in a matter like this. I say it again: Families would be forced to suffer further if they are given false hope by legislation that is ultimately struck down by the High Court. Changes to the criteria for parole are very deliberate. By changing the criteria for parole the legislation catches Crump, whose sentence has already been redetermined and who is eligible for parole in 2003. By focusing on parole we avoid constitutional problems. The Parole Board is not a court. Parole is an Executive function. Changes to the parole rules do not affect judicial functions or judicial independence. This approach has been confirmed and endorsed by the Solicitor General. In October last year the Solicitor General provided the following advice:

In my view, there is no reason to doubt the capacity of the New South Wales Parliament to prescribe the matters on which the Parole Board must be satisfied before it directs the release of an offender on parole.

In other words, Parliament can direct the Parole Board. The advice continued:

It has done so, of course, since the Parole Board was established by the Crimes (Amendment) Act 1950.

Accordingly, there is no legal basis, in my opinion, on which the validity of the proposed S154A might be challenged.

That is our advice in October from the Solicitor General on this question of the validity of our approach, that is, determining what the Parole Board can consider and what the Parole Board can do. The Solicitor General's advice, therefore, makes it clear that the bill is within the Parliament's power. I seek leave to table this advice.

Leave granted.

Document tabled.

This is a carefully considered plan. We are encouraged by the Solicitor General's advice. These laws are about protecting the community from these killers forever; doing everything we legally can to keep them in gaol. They are about keeping a commitment to a very decent man, Brian Morse. We had to be silent about the approach we were working on and, in fact, settled on at Cabinet as far back as October. We could not risk for a moment that anything we said, or any of our intentions as announced, would create the possibility of the judge adjourning the case because the Executive Government could be seen as attempting to influence what was happening in that court room. Nor, and this is the second possibility, could we have, in conscience, created circumstances in which we were, in terms of the advice, handing opportunities to Mr Baker for an appeal "on a plate". We had to maintain our silence. I have been heartened by all the expressions of public support we have had since Friday when we announced the Government's intentions, a plan settled on as far back as October, but a plan we can now make public and explain to the public. In that spirit I commend the bill to the House.

Debate adjourned on motion by Mrs Chikarovski.

CONSUMER CREDIT (NEW SOUTH WALES) AMENDMENT (PAY DAY LENDERS) BILL

Second Reading

Debate resumed from 10 April.

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [10.14 a.m.]: On 11 October 2000 the Minister for Fair Trading told this House that payday lenders were nothing but loan sharks, playing on people desperate for cash. He said that is why he was pleased to be able to advise the House that New South Wales, in conjunction with the other States, was in the process of closing loopholes that have allowed these unsatisfactory practices to arise. He went on to say, "Let me make it clear that it is my intention to move quickly." Seven months on we are finally debating the legislation. Even though the Government says that it consults with people, we know that in practice it does not. With seven months up his sleeve the Minister has not properly consulted with the people affected by the legislation. The shadow Minister for Fair Trading in another place received some correspondence from one of the microlenders, Australian Cheque Cashing and Loans Association, dated 11 May, which says:

Firstly, let me say how disappointed I am to know that the Government has chosen to introduce the Consumer Credit (New South Wales) Amendment (Pay Day Lenders) Bill 2001 without any consultation with the microlending industry.

It is hard to believe that in the year 2001 our democratic system of government no longer demands a transparent, consultative process.

Regrettably, this is the approach adopted by the Carr Labor Government to legislation and day-to-day activities. It does not care about the people affected by the legislation or the public at large. The payday lending industry is estimated by the industry to be worth about \$200 million annually across Australia. The industry estimates that it has about 100,000 clients throughout the country. The Opposition does not oppose the bill, although we are concerned that not all payday lenders are covered by the legislation. We would like to hear an unqualified assurance from the Minister in his reply that they are covered and that, if they are not, he will amend the legislation accordingly. If he is not prepared to do that we will move amendments in that regard.

The matter has been before the Ministerial Council of Consumer Affairs. I understand that ultimately the legislation will become uniform and will regulate loans where credit is provided for fewer than 62 days and the fee is greater than 5 per cent of the loan or the interest is greater than 24 per cent. Leaving aside the fact that

the Minister has not consulted, there is no doubt that the community is gravely concerned about this type of lending. One would hope that the legislation will ensure that people who have to rely on this sort of borrowing will be safeguarded and that they will not be put into an economic situation from which they cannot escape. The Opposition does not oppose the bill, but we would seek assurances from the Minister that all moneylenders in this area will be covered.

Mr COLLIER (Miranda) [10.17 a.m.]: I am pleased to support the Consumer Credit (New South Wales) Amendment (Pay Day Lenders) Bill. The first key object of the bill is to apply the provisions of the consumer credit code to providers of short-term credit known as payday lenders. The second fundamental object of the bill is to require providers of credit who are regulated to disclose the cost of credit provided by them in terms of an annual percentage rate of interest. Payday lenders make short-term loans of approximately \$250 for between two and four weeks. These payday lenders are high-cost, low-value lenders. They charge a fee rather than interest. If the fee were calculated as an annual interest rate it would be in the range of 250 to 1,300 per cent.

In addition, many of these lenders take security over cars and household goods for very small amounts of credit. They take open-ended direct debits from customers' accounts and arbitrarily charge the debited amount, leaving the customer without money for essentials. Payday lenders are like sharks circling and preying on the most vulnerable. They are shonky, rip-off merchants exploiting those in the community who are desperate for cash. It may be an emergency. Perhaps the customer has a gambling problem. These parasites target the host. For example, a family may need money quickly. Exorbitant fees are charged and the interest rate, when annualised, is absolutely exorbitant.

Where the only asset the family owns is a car, the payday lender will take security over the car for a short period. The loan may be only a small fraction of the value of the car, but if the debtor defaults, perhaps for only one day, the payday lender might take action to seize the car and sell it to satisfy what is in effect a very small debt. This is despite the fact that the debt accounts for a very small portion of the value of the asset seized. How can the payday lenders do this? The answer is that those mongrels have found, and have been exploiting, an exemption in current consumer credit laws. Loans for less than 62 days are currently exempt from the Consumer Credit Code.

The exemption was intended to take into account mainstream products like temporary overdrafts and overdrawn cheques. But our benevolent payday lenders have treated the exemption like a loophole. This bill will make payday lenders subject to the Consumer Credit Code. It will in effect close the loophole. The bill will force these lenders to express the cost of credit that they give as an annual percentage interest rate. And, in calculating the interest rate, they must include all the costs and charges involved with the taking out of the loan. In short, the payday lenders will have to disclose the true cost of credit to consumers who borrow money from payday lenders to tide them over for a short period, until payday.

When the Minister introduced the legislation I received correspondence from payday lenders telling me what a valuable service they provide to the community and how honest and upright they are. If they are so honest and upright, they will conform to the legislation and stay in the industry, and will not abandon it in search of other vulnerable people in our community. Under this legislation the lenders will be forced to give consumers a copy of the contract. They will be able to repossess security, such as motor vehicles, only after the borrower has been in default for 30 days. This bill provides for full disclosure of all costs associated with a loan. It requires payday lenders to give consumers a copy of the contract, and restricts their ability to repossess household assets, such as motor vehicles, to a minimum of 30 days after default. The Minister is to be congratulated on this bill, which I commend to the House.

Mr ASHTON (East Hills) [10.22 a.m.]: Payday lending, which first came to light in the Parliament of this State late last year, is the closest thing to loan sharking—a term we would probably all understand from watching *The Untouchables* on television. It is a usurious practice. I congratulate the Minister and the Government on introducing this bill, which, if it does not close down the payday lenders, certainly will regulate them so that their operations are much more above the counter than they are now. I want to pay credit to my colleague the honourable member for Bankstown, who raised this issue. Bankstown is one of the areas that has a proliferation of payday lenders, or ChequEXchange operators. Unfortunately they have become the growth industry in the southwest and western suburbs of Sydney where, in a sense, they are preying on people who need small amounts of cash very quickly.

While some members who have spoken in this debate have focused on people who may have a gambling problem or an addiction that requires almost immediate satisfaction and thus quick cash, the problem

can be much wider. Following the HIH Insurance collapse, I can imagine some people might need a couple of hundred dollars just to get by for a couple of days. They could have problems with house finances and be under threat of repossession of their assets. In those circumstances they might feel obliged to borrow from a payday lender, not realising that the fee they will be charged, when annualised, is 1,300 per cent. I worked that figure out last night. The interest is not shown as an annualised rate; it is expressed as \$20 or \$25 per \$100, so that if you borrow \$200 the interest is much more. Taken over 52 weeks, the interest can be 1,300 per cent or more.

Essentially the bill will ensure full disclosure of all costs. It will require that the terms of the loan be part of a contract that must be made available to the borrower. At the moment, as I understand it, borrowers simply sign over a possession of great value, get a couple of hundred dollars and walk out. Of course, the drama comes when they are unable to pay back the money straight away. Persons who borrow \$100 or \$200 for a week or two probably would not think that a debt over that period of time could cripple them. But it can. That aspect must be focused upon.

I am not a supporter of the banks. I think they should be fully reregulated. I am much more a supporter of credit unions and such organisations. As we move down the chain of financial institutions, we could start with the credit unions at the top, perhaps followed by some building societies, and then the banks. The banks have probably set some sort of example for payday lenders. If there is one excuse to be made for payday lenders it is probably that they have seen the operations of the big banks in this country and have thought they can work out how to do something even more profitable than some of our banks. A person who has an overdraft of a couple of thousand dollars can pay \$800 or \$900 to set up the overdraft. So payday lending would appeal to borrowers who do not have the time or the patience to queue at the banks, and they fall prey to these payday operators. The profit motives of payday lenders is usurious. Shylock of the Shakespearean plays would be quite proud to achieve such a quick return on money.

I congratulate the Minister for Fair Trading. Each year his department puts out a series of documents advising the community of a whole range of scams and practices to be careful of when borrowing. I have noted the little black book of scams. That 1999 book, which is jointly funded by the Federal and State governments, lists a whole range of schemes and scams, pyramid schemes, Internet offers, big money prizes, overseas lotteries, return-to-sender schemes, unsolicited mail and tele fraud. The updated version of the book will probably have to have another chapter on payday lending, because though this bill goes some way towards regulating that practice and addressing a loophole in the Consumer Credit Code, probably a little more could be done. One matter the Minister could look at is the advertising by payday lenders and ChequEXchange operators. As I drive through the suburb of Bankstown, and particularly through the centre of the city of Bankstown, I note flashy advertisements about what the payday lenders are supposedly "giving" their customers. We probably could regulate how they may advertise.

I want to make one or two further comments in support of the bill. Most people I know would be happy to get their cash back within a week or two if a friend lent them \$100 or \$200. Most people who would borrow that sort of money would be quite happy to throw in a couple of scratch lottery tickets or say, "It's my shout next time at the football." But that is not a return of \$25 on a loan of \$100; it is a case of, "Thanks, mate, for lending me the money." The payday lenders have been able to exploit a loophole that needs to be closed. This is happening not only in New South Wales but also across Australia.

I have already said that payday lending is a scheme aimed at those in the lower socio-economic group. Wealthy people do not borrow \$100 or \$200 to buy a child's birthday or Christmas present or to put food on the table because they have gambled away their money and do not want to go home and be in trouble with the family and feel depressed about that. These borrowers compound the problem by taking out loans with payday lenders. That adds to their social problems. It would be much better if these people in need of quick cash could access support from Centrelink or some of the charities and churches. Having said that, however, I might say that last week I had in my office a gentleman who had relocated from Nowra. His wife, unfortunately, had left him with two children of two or three years of age. He came to see us, and we provided him with access to some assistance. He made the point that the Centrelink office had given him a loan of \$2.

Someone in the Centrelink office at Revesby gave him \$2 and he had to sign a receipt for it. This is a true story. I can understand the need for a receipt, because the present Federal Government needs every dollar it can get. It does not want some shonky person who works at Centrelink to feel sorry for some person and give away \$2! The amount of work involved in giving someone \$2, obtaining a receipt and processing it would probably cost somewhere between \$20 and \$50. I heard this morning on a news broadcast about the Senate investigation into what is happening in the Prime Minister's Department. Thousands of dollars are being thrown

at the Prime Minister's staffers, beyond the approval given by Federal Parliament. We will undoubtedly hear more about that. They do not have to worry about \$2, or about signing a receipt for it; they just put out their hands and say, "John, we are heading to Opposition. Can you top up our salaries before we go?"

Governments of all persuasions must do more so that people will not need to go to payday lenders. I urge the Government to examine the form of the advertisements of these payday lenders. Perhaps if our big banks were more generous to those at the bottom end of the system, paid a higher interest rate to people with very small deposits and did not charge such great fees, we would be able to stop this exploitation of people by payday lenders. I congratulate the Minister and the Government on having introduced this bill. As an aside I note that, while the Opposition has said it supports the bill, during the first couple of minutes of his contribution the honourable member for Myall Lakes tended to imply that perhaps these lenders had not been given enough notice of what was going to come before them. Frankly, they do not deserve any notice whatsoever.

Mr STEWART (Bankstown—Parliamentary Secretary) [10.31 a.m.]: I am pleased to speak in strong support of this bill. In doing so I point out that payday lenders are a new type of credit-lending institution that have emerged around the clubs and hotels in areas in south-western Sydney in particular, but throughout Australia as well. One does not find these institutions in Vacluse or Mosman; that is not where their market is. These money-lending institutions leech onto the financially vulnerable—many of whom live in Bankstown, Liverpool and the greater western area of Sydney. Such people are, on occasion, easily seduced by institutions such as these that produce glossy brochures and make money lending seem easy. The reality is far different.

I am pleased that the Minister for Fair Trading has moved quickly to respond to this issue. As my colleague the honourable member for East Hills pointed out, it was perplexing that in his contribution the honourable member for Myall Lakes appeared to support these institutions which have very quickly shown themselves to be loan sharks. They are at the bottom of the financial lending scrapheap. I make no bones about that. These institutions, purposely and by stealth, have put themselves near clubs and hotels because they know that, in the atmosphere of gambling that might be available in those areas, they will be able to prey on people who want to cash their cheques.

Such institutions prey on those who have spent their pay for the week and are able to borrow money against their pending wage. Someone who earns \$400 a week can say, "Here is my pay slip. That is what I earned last week. Can I borrow against next week's pay?" Honourable members can imagine how financially crippling that would be. It would draw them into a vicious credit cycle. At a time when every barometer in society is indicating that credit lending has gone through the roof and needs to be further regulated, these payday lenders are not regulated at all. That is why this bill is before the House.

It is disturbing to note that the Federal Minister, Joe Hockey, has done nothing about this matter. I know that he wrote to the New South Wales Minister for Fair Trading about this issue, after New South Wales had already raised the alarm, but he did nothing about it. That is disgraceful! As I have already indicated, these institutions exist nationwide. ChequeEXchange, which has emerged in Bankstown, is a good example. I raised the problem of ChequeEXchange last October in this House. I was the first member of Parliament to do so. I also raised the matter with the Minister for Fair Trading and the Minister for Gaming and Racing, and expressed my concern about what was happening in Bankstown.

One does not have to look too far behind ChequeEXchange and other similar institutions to learn that people such as Alan Bond are behind the financing of them. It is of great concern that they have become established so quickly in Australia. They did so because the Federal Government did nothing about the problem. I am pleased that, once again, under the Carr Labor Government New South Wales has taken the lead to bring these institutions within the confines of the National Credit Code. At the moment there is no requirement for those who borrow money from these institutions to be given a copy of the loan contract. I have spoken to people in Bankstown who have not seen such a contract. They were merely told what the conditions of the loan were. They signed a document, but not a contract stipulating the conditions.

ChequeEXchange is a good example of how the system works. As a lender it does not have to disclose the contract details before borrowers sign. The lender can repossess what has been lodged as security—for example, the borrower's motor vehicle, stereo system or other valuables—without notice within 30 days of default on the loan. That is not reasonable or fair. There is no requirement for the lender to disclose an interest rate. Honourable members know, because it has been stated in this House on many occasions, that lenders charge crippling interest rates of up to 1,300 per cent. That may be almost impossible to believe, but it is happening. These types of interest rates are disguised as "fees" by such institutions.

It is equally important to point out that borrowers have no right to challenge the level of fees and charges, as they do with loans of over 62 days. There is no recourse for them to do that because there is no accountability on the part of the lenders. I am pleased to see that this bill has been introduced, and look forward to its passage and its implementation in the community. It will go a long way towards allaying the concerns I have continually raised in this House—supported by my colleagues, the honourable member for East Hills in particular—since these institutions emerged in my local area.

I have copped a barrage of letters, mainly from ChequeEXchange and to a degree from Australian Money Exchange, about the issues I have raised in Parliament. I point out that some of those letters have been quite threatening, indicating to me that if I continue to raise these concerns I might be subjected to some sort of legal action. The reality is that I will continue to express concern about issues that detrimentally affect my constituents. That is what this House is for: to let members of Parliament and the wider community know what these people are doing. These money-lending institutions are not behaving fairly. They have informed my local community that they do not prey on the financially vulnerable and have issued press releases to that effect. They have said they do not go to clubs and hotels.

The Secretary-Manager of the Bankstown Sports Club contacted me recently because he had been approached by one of the managers of ChequeEXchange in regard to some type of support deal whereby that institution could cash cheques for the club. That is ridiculous! This Government has introduced a number of measures relating to harm minimisation associated with gambling problems in society. Clubs are not permitted to cash cheques that exceed a cap—I believe \$300 or so. This mob, located across the road from a club, has attempted to do a deal behind closed doors to enable club members to cash cheques for any amount. That is the way these people operate.

I am also concerned about what has happened to individuals in my community who have been seduced by Australian Money Exchange and ChequeEXchange without having had an opportunity to properly understand what they were doing. This legislation will force money lending institutions to provide accountability and access to contract details. Importantly, the legislation will, through the National Credit Code, put a cap on interest rates and force payday lenders to disclose the conditions of all loans taken out with their institutions. I am pleased that all payday lenders will soon be regulated and accountable under the National Credit Code.

The Minister has already put out a press release in relation to this issue. In that context I note that this will mean full disclosure of all loan costs, giving consumers a copy of the contract and being able to repossess security such as motor vehicles only 30 days after default and not immediately. Clearly, that situation will change as a result of what this Government has done. Full credit for this initiative goes to the Minister for Fair Trading, the Hon. John Watkins. From the day I raised this issue in the Parliament he has been tenacious in pursuing it. I know that he already had the bull by the horns prior to this issue being raised. Concerns were being raised about this issue by members of the general public. However, when the issue was fully raised and the circumstances relating to it were explained in this Parliament, no stone was left unturned in pursuing it and doing something about it.

I am advised that all payday lenders will be brought within the Consumer Credit Code by early next year. Once that is done, payday lenders in New South Wales will be limited to interest rates of no more than 48 per cent. As has been reported by the Minister for Fair Trading, some payday lenders who were charging up to 1,300 per cent per annum will be held accountable through the Consumer Credit Code. This move will help the financially vulnerable in our community. I thank the Minister for Fair Trading for pursuing this issue, bringing it to fruition, and taking into account the concerns I raised on behalf of my community. People in Bankstown and in the wider community thank the Minister for his approach in relation to this matter.

If these money lending institutions or payday lenders are to survive they will have to comply with the regulations and ensure that there is proper accountability because of the public expectation forced upon them by this Government. I again reiterate the concerns that I have about the Federal Government not taking this initiative. Once again, it left it to New South Wales to take the bull by the horns and force these payday lenders to comply with the regulations. I applaud the Minister for doing that. Once again the Carr Labor Government is at the forefront when taking care of community needs.

Mr GREENE (Georges River) [10.42 a.m.]: I support of the Consumer Credit (New South Wales) Amendment (Pay Day Lenders) Bill. As has already been pointed out, changes to the uniform Consumer Credit Code normally come into force throughout Australia simultaneously after being passed through the Queensland Parliament. Due to delays caused by the Queensland election the Minister for Fair Trading was not prepared to

wait for Queensland to pass the reforms. However, the New South Wales bill will be repealed when the Queensland legislation is passed. The New South Wales bill will close a legal loophole that exempts loans under 62 days duration from the uniform Consumer Credit Code. Payday lending is also called microlending. Payday loans are small, short-term loans to tide people over to the next payday. Often they may be renewed. It is estimated that 75,000 to 100,000 consumers access payday loans. Demand is growing strongly.

Microlending has an annual turnover of more than \$200 million, with some 400 centres nationally. The lenders do not charge an interest rate but a fee of some \$20 to \$25 for each \$100 borrowed for a period of two to four weeks—that is, the fee is 20 to 25 per cent for that one-week or two-week period. Lending is mainly unsecured. While the loans are small—the average loan is around \$250—and the charge is small in absolute dollar terms for a short period, the effective or annualised interest rate equates to extremely high percentages. The amount of the loan is irrelevant. I do not wish to go through all my calculations and tabulations, but I will refer to the \$20 charge per \$100 for one week. The annualised figure for that amount is 1,040 per cent and that, of course, does not take into account the compounded calculation. If that figure were compounded it would be astronomical. Obviously, if that loan was charged at \$25 per \$100 for one week, the annualised rate would be 1,300 per cent. I note that the honourable member for Lismore agrees with that figure of 1,300 per cent on a loan.

Payday lenders' practices have arguably been the shonkiest in New South Wales. They have been rip-off merchants and have taken advantage of people in desperate need of cash for a short period. It is a bit like the man who goes to the races and tries to borrow off his bookmaker. Payday lenders' charges are outrageous and their usurious practices are to be deplored. Some refer to the industry as predatory lenders or loan sharks. I again notice that the honourable member for Lismore agrees with that statement. A director of the Consumer Law Centre in Victoria, Mr Chris Field, said that payday lenders make pawnbrokers look like social justice agencies. Horror stories abound of clients who have borrowed seemingly small amounts of money from payday lenders and have been unable to meet their obligations on time. Relatively small debts quickly mushroom into liabilities of many hundreds of dollars. For example, if a person borrows \$200 for a fortnight with a fee of \$40—a charge of 20 per cent—and then rolls over the debt of \$240 there is a fee of \$48.

For many, it is the beginning of an uncontrollable debt spiral. I, like others, well remember the Minister only recently quoting in Parliament some prime examples of this. The Manager, Financial Counselling Services in Queensland, Kate Keating, says that people being targeted by the microlenders are, in the main, people who are already in financial difficulty. These lenders have operated under a loophole in the Consumer Credit Code. Currently, loans for a period of less than 62 days are exempted from the uniform Consumer Credit Code. Remember, these loans specifically apply for one to four weeks. The legislation will make payday lenders subject to the code. It will ensure that all charges, fees and costs are combined into a total interest rate figure which will be capped at an annual simple rate of 48 per cent. This cap applies also in Victoria and in the Australian Capital Territory. These charges compare with the current charge of \$20 to \$25.

Members of the industry state that these regulated charges are unrealistic as there are costs of \$18 to \$20 to establish the loan. That says something about the practices of payday lenders! For the benefit of honourable members I will now reveal what the new allowable interest rates mean. Effectively, on a \$100 loan for one week the real cost will be 92¢. If the loan was for two weeks it would be \$1.85 and for up to four weeks it would be \$3.69. That shows the disparity in current figures. The legislation will bring these lenders under the net for lending under 62 days when the fee is greater than 5 per cent of the loan or the interest rate is greater than 24 per cent. Requiring these lenders to comply with the Consumer Credit Code will mean, first, a full pre-contractual disclosure of all costs and conditions of the loan. Currently, consumers receive only a form to sign to authorise direct debits from their accounts.

Second, the true cost of the loan will no longer be disguised. The flat fee that is charged will be put into better perspective and it must be quoted as an annual percentage rate. Again, that rate is capped at 48 per cent. Third, consumers will be given a copy of the contract. Fourth, repossession of any security, such as motor vehicles—the most common security—will occur only 30 days after the default rather than immediately, as happens now. Currently, securities are taken mainly over cars for loans that are only a fraction of the value of the car and the securities may be seized and sold if the customer is one day late in making a repayment.

I reflect on something that I said earlier. The average loan is \$250. Normal security is a car. Even my car or the car of the honourable member for East Hills is worth more than \$250. Members of the industry state that actions by the Government will deny consumers access to microlending services, which provide convenience for people who want to obtain a loan without the time and paperwork involved in going to financial

institutions. But this Government, through its Minister, wants to ensure that consumers receive this credit at a reasonable cost. The Government does not want to see people financially disadvantaged or digging themselves into an even greater financial hole.

Ms BEAMER (Mulgoa) [10.50 a.m.]: I also support the Consumer Credit (New South Wales) Amendment (Pay Day Lenders) Bill. Many adjectives have been used to describe payday lenders. They have been called shonky, loan sharks and rip-off merchants. For me, the more appropriate term is thieves. The most vulnerable people in the community are used and abused. There are two payday lenders in the main street of St Marys, Queen Street. I saw a constituent who had come to me needing help with a number of financial problems coming out of the office of a payday lender. Payday lenders claim not to lend to pensioners, but this person was on a pension. This person, instead of having all the next pension payment, would be deprived of a substantial amount of her money. A pension cheque could be \$25 short to pay interest on a loan of \$200. That person would not be able to meet weekly commitments and would spiral into further debt. By the time she comes to me the electricity has been cut off, there is no phone and no water. That is the type of person that payday lenders swoop on.

I have seen young people take out car loans from financial institutions at what I thought were horrendous rates of 22 or 23 per cent. But at least they knew what they were up for: it was upfront. They had a programmed payment and they were able to see where they were at with their loan. But payday lenders prey on people who do not have the wherewithal to get a larger loan to get them out of bother. This bill will be tremendous for the really small people that we are concerned about, the people who need our protection. Payday lenders do not outline to borrowers their responsibility to pay the money back. We have heard from numerous speakers that payday lenders will make borrowers sign a document giving their car as security, no matter what the car is worth, and people lose their car. In many cases the car is not valuable but it is the only asset.

The interest rates are so exorbitant that the mind boggles. It seems incongruous in this day and age that people can be charged 250 to 1,300 per cent per annum. This bill caps interest rates at 48 per cent, which seems an extraordinary amount, but at least it provides the consumer with redress and an awareness of what is occurring. I commend the Minister for Fair Trading for introducing this necessary bill at this time. Because of the Queensland election the bill was delayed. We were not prepared to wait for Queensland to pass similar legislation so that there could be national laws. The honourable member for Bankstown referred to payday lenders preying on people in clubs, people at a disadvantage. Proprietors of gambling establishments are urged to consider patrons and the employees must attend the courses about responsible gambling. But payday lenders are outside that system. The claim that payday lenders act just to tide people over is a laugh when they lend to people to gamble. Payday lenders should have a code of conduct.

The honourable member for Georges River mentioned that a Queensland Minister described pawnbrokers as social reformers compared with payday lenders. That sums up the difference between how pawnbrokers act and how these thieves act. I am really concerned that members of my community who have little ability to go anywhere else are ripped off so that payday lenders may gain. The two lending shops in my area are well patronised. The ChequEXchange is frequented all the time. As the local member I ensure that I find out what sort of business is setting up in my area. We have tried to revitalise and revamp the Queen Street area. The council has spent millions of dollars to provide consumers with a vibrant centre. But payday lenders prey on a community that is not rich, and this exacerbates the problem.

The Queen Street area has had low occupancy rates but increasing occupancy rates with payday lenders will not be to the advantage of the area. Consumers who at present have no protection will be grateful for the provisions of the bill. They will know up front how much their fees and annual interest rates are. Their obligations will be set out. The Minister referred to the blatant entry into the debate by Federal Minister Hockey. Recently Mr Hockey has had to deal with a few bushfires. This issue deserves a high profile. Consumer protection is a paramount example of the thinking of the Government. I commend the bill to the House.

Mr STEWART (Bankstown—Parliamentary Secretary), on behalf of Mr Watkins, [10.58 a.m.], in reply: I thank honourable members for their contributions to this most important debate. I will comment on the issues raised by the honourable member for Myall Lakes in particular. He mentioned that the Minister had not consulted with the payday lending industry. I point out that the bill is a direct result of a report that was circulated by the Queensland Minister for Fair Trading. This report has been around since August 2000. It was known to me as the member for Bankstown; I am sure the honourable member for Myall Lakes was aware of it as well. Preparation of the report had involved consultation with and involvement of the industry. The bill is based on the report and I am advised that the industry has been in consultation with the former Queensland Minister for Fair Trading, who initially intended to introduce the legislation, and the Queensland department. So the industry was very well aware of the focus being pursued, with some validity, by State governments.

Also, all correspondence from the industry has been responded to by the Minister very diligently. The Minister will meet with Money Plus and the Australian Money Exchange in the coming weeks to discuss issues relating to their industry and the implementation of this bill and its effect generally in the industry. The industry has known that this legislation has been public knowledge for some time. As I have already said in the House—basically since last September or October—I have been raising the issue, along with other members, and the industry has been writing to me since then. So, it has known that this matter was being canvassed and discussed in the community.

The Minister has been commenting on payday lending practices in this context for more than a year. The Australian Consumers Association has also been involved in that consultation process. The Australian Consumers Association has contacted the industry and related its concerns as well. It is farcical for the honourable member for Myall Lakes to say there has been no consultation. There has been considerable consultation about this bill, and the concerns raised have led to the bill being implemented. The honourable member for Myall Lakes said that not all payday lenders are captured by this bill. The Minister advises me that if there are any anomalies in the way the bill works and if it does not capture all payday lenders, he will support further amendments to make sure that those anomalies are rectified and to make sure that all payday lenders are brought within the purview of the national credit code.

The Minister intends to stop any unconscionable practices in the payday lending industry. If lenders survive following the implementation of this bill, that is great, but it will be within the confines of proper accountability and proper regulation. On behalf of the Minister I thank the departmental officers for their assistance in pursuing the concerns about this bill. In particular I thank Margaret Raffan and Anthea Kerr, who have been very involved in this. With the passing of this bill proper regulation will be brought to the payday lending industry in Australia. It is an initiative led by New South Wales and the Carr Labor Government. At the forefront of that has been the Minister for Fair Trading, and he is to be commended for that. I strongly commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

STATE REVENUE LEGISLATION AMENDMENT BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 11 April

No. 1 Page 7, schedule 1 [7], lines 3-6. Omit all words on those lines. Insert instead:

71 Eligible persons

- (1) A purchaser or transferee under an agreement or transfer may apply under the scheme, but will be eligible only if the purchaser or transferee has not at any time owned residential property in Australia (either solely or with someone else) that he or she occupied as his or her principal place of residence.
- (2) If there is more than one purchaser or transferee under an agreement or transfer, they may apply under the scheme, but will be eligible only if at least one of them has not at any time owned residential property in Australia (either solely or with someone else) that he or she occupied as his or her principal place of residence.

No. 2 Page 7, schedule 1 [8], lines 9-22. Omit all words on those lines. Insert instead:

- (3) A purchaser or transferee under an agreement or transfer is not eligible if the purchaser or transferee has previously been a party to an application under the scheme and the application was approved by the Chief Commissioner.
- (4) If there is more than one purchaser or transferee under the agreement or transfer, the purchasers or transferees are not eligible if any one of them has previously been a party to an application under the scheme and the application was approved by the Chief Commissioner.
- (5) Despite subsection (4), the Chief Commissioner may determine that the purchasers are eligible if the Chief Commissioner is satisfied that the purchaser who has previously been a party to an application under the scheme that was approved is acquiring an interest in the property that is the subject of the current application solely for the purpose of assisting the other purchaser or purchasers in financing the acquisition.

Mr WHELAN (Strathfield—Minister for Police) [11.03 a.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr O'DOHERTY (Hornsby) [11.04 a.m.]: There is no reason we should have waited from before Easter until now to pursue these amendments. The Opposition stood ready to agree to them on the last day we met before Easter. I well remember that I sat on the Opposition bench and said to the Leader of the House, "I want to speak for 90 seconds on this but we are not going to oppose it, and if the Government needs these amendments to proceed because they have to do with its administration of the first home owners grant scheme, we should do that today."

There was a question about whether the Minister was going to proceed with them. In the end, he threw his hands in the air and said, "It is too hard. We will deal with them when we come back." I rang the Treasurer's office and the people there were completely mystified as to why the Minister would have done that. They need these amendments to go through, and with good reason. The State Government has mismanaged its administration of the changes to the first home owners grant scheme, and this legislation is putting right something that needed to be put right a couple of months ago.

When the Federal Government extended the scheme New South Wales was caught flat-footed. People were going to their banks or through other means trying to get the forms they needed to get the grants to enable them to purchase their first homes. They were being told by the Office of State Revenue that no forms were available and they did not know how the administration was supposed to proceed. They did not have any direction on the matter. I am led to believe that at one stage a bank was told that legislation had to be passed for the extended scheme to be made properly available.

Amidst all that the Commonwealth was trying to get economic activity going in New South Wales by promoting new home ownership. The administrative delay by the New South Wales Government stood in the way of that occurring in the short term. It is pleasing to see that activity has started to pick up, but we make the point that it was New South Wales that ensured that Australia suffered an economic downturn in the December quarter last year. It was the decline in building activity in this State alone that ensured one quarter of negative growth for Australia. This State had a decline of more than 3 per cent in activity in the December quarter, and the national average was a decline of 0.6 per cent in the December quarter. Clearly, New South Wales led the country down.

Measures such as the first home owners grant and the Commonwealth's schemes to get construction going deserve to be supported with gusto by the New South Wales State Government. To be fair, the Government will say it has provided its own scheme that encourages first home ownership from the State Budget. We agree with that, but, in light of what happened on the last day of sitting before Easter, one wonders why we did not go ahead with it straight away. If the Government was truly concerned with getting this thing fixed, it had the opportunity to fix it, and it missed it. Six weeks later we are finally putting these amendments through. That is all I wanted to say, and if I could have said it six weeks ago it would have been done. We endorse the amendments. We endorse the Commonwealth's efforts to get economic activity going in New South Wales and we wish the Carr Government would have been hastier in assisting the process.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

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

CRIMES AMENDMENT (COMPUTER OFFENCES) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 29 May

No. 2 Page 3, Schedule 1 [1], proposed section 308. Insert after line 27:

serious computer offence means:

- (a) an offence against section 308C, 308D or 308E, or
- (b) conduct in another jurisdiction that is an offence in that jurisdiction and that would constitute an offence against section 308C, 308D or 308E if the conduct occurred in this jurisdiction.

No. 3 Pages 7 and 8, Schedule 1 [1], proposed sections 308F and 308G, lines 1, 3, 5, 18, 23, 25 and 27 on page 7 and line 4 on page 8. Omit "computer offence" wherever occurring. Insert instead "serious computer offence".

Mr WHELAN (Strathfield—Minister for Police) [11.08 a.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr HARTCHER (Gosford) [11.09 a.m.]: The Coalition does not oppose these amendments but I want to place on record how the hasty introduction of legislation results in its having to be amended. The Government consistently introduces legislation without any consultation or prior advice. It is rushed through very quickly: standing orders are suspended so the Minister's second reading speech can be given on the same day as the notice of motion, despite the fact that one day's notice is supposed to be given. Then the five-day rule is often abrogated, so nobody in this Parliament gets a proper chance to consider legislation, and the public servants and the Government itself are the ones disadvantaged by the process, because when defects in the legislation are pointed out or become apparent the Government has to amend its own legislation.

This legislation has not even hit the books, yet the Government is proposing amendments to it because of its own drafting incompetence. The Government is trying to rush legislation through because Parliament will be sitting only this week and next week, and because the Leader of the House does not want to be here on Fridays, or for some other spurious reason. That is why we have poorly drafted legislation coming before the Parliament. I am not saying that the Leader of the House is personally responsible in this instance, but I am sure he is responsible in many instances, and we will not let him off the hook.

Mr Whelan: None that you can actually prove.

Mr HARTCHER: But we will one day. We will hold a royal commission of inquiry into the way the Leader of the House has handled this place. The Government should look at dealing with non-contentious legislation in the same way it is dealt with in the Federal Parliament: in a second Chamber, with reasonable notice given, and with reasonable opportunity for people to study the legislation and be briefed on it. Then there could be proper consideration of the legislation in an essentially non-partisan manner to achieve the result that the whole community wants.

The community accepts that computers are part of modern life—not only of commercial life but also of personal life. Computers have been subjected to criminal activity by malicious people and it is essential for the crime laws of this State to be updated to take into account offences committed by the use of computers. Therefore, legislation such as this bill is necessary and is not opposed. However, it is a reflection on the management of the Parliament and on the community consultation process when legislation introduced by the Government must be amended by the Government simply because it failed to get it right the first time. Accordingly, I place on record the Opposition's concerns about this.

I note that, while the legislation follows the model criminal code as recommended by the Standing Committee of Attorneys-General, nonetheless it has had to be amended. I suppose that is another reason why we need a Legislative Council in the New South Wales Parliament. That is the only way we can have proper oversight of a government that has a large majority and is determined to use it for its own interests and not always the interests of this State.

Mr WHELAN (Strathfield—Minister for Police) [11.12 a.m.], in reply: I thank the honourable member for Gosford for his contribution and for the strict ethical standards that he imposes on himself. However, I suggest that he should impose those strict ethical standards on himself, not on others.

Motion agreed to.

Legislative Council amendments agreed to.

Resolution reported from Committee and report adopted.

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

FIREARMS AMENDMENT (TRAFFICKING) BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Strathfield—Minister for Police) [11.14 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Firearms Amendment (Trafficking) Bill. Honourable members will be aware of the community's concern about the illegal use of firearms by criminals. I share these concerns. That is why the Government is introducing this bill. The bill introduces a range of measures designed to ensure police have sufficient enforcement powers to deal with the illegal trafficking of hand guns and prohibited firearms. It will provide the firearm trafficking unit of the New South Wales Police Service with the powers it needs to crack down on illegal gun traffickers. It will not impact on law-abiding licensed shooters.

The firearm trafficking unit was formed within Crime Agencies in November 1999 to develop new methods of tracking the supply of guns to criminals. The unit's main purpose is to identify, investigate and prosecute those involved in the illicit trafficking of firearms. To date, the unit has conducted 13 major strike force investigations targeting individuals and organised crime syndicates involved in the illicit supply of firearms. These investigations have resulted in 31 arrests; 503 charges; the seizure of \$347,175 in cash; and the seizure and confiscation of 441 illegal firearms, plus 366 firearm frames and a variety of firearm parts. Amongst the firearms seized by the unit were 151 pistols, 4 machine guns and an anti-tank rocket launcher. Explosives and detonator cord were also found in 11 instances.

The unit has also located a clandestine laboratory and seized drugs, including 4.1 kilograms of methylamphetamine and 6 kilograms of Sudafed, the equivalent of 600 trips of LSD, cannabis plants and leaf, cocaine, amphetamines and ecstasy. This is merely the beginning of enforcement activities. The firearm trafficking unit is working closely with other agencies in New South Wales, particularly the New South Wales Crime Commission, as well as with agencies interstate, to develop an Australia-wide law enforcement firearms trafficking intelligence network. However, despite the considerable success experienced by the New South Wales trafficking unit to date, the Police Service has advised that additional powers are required to target illegal trafficking activity.

The Police Service has asked for powers similar to those in the Drug Misuse and Trafficking Act 1985—powers which are designed to catch the masterminds of trafficking activity. Operational experience has shown that, just as it is the case with drugs, it is vital to simultaneously target illegal firearm trafficking at both street dealer level and higher up the criminal hierarchy. Laws are needed which specifically target the organisers of firearm trafficking, who remain removed from the actual trafficking activity and yet instigate large-scale trafficking activity and derive substantial profits from it. Unless police are provided with the tools to target this group, they cannot effectively fight firearm trafficking activity.

For this reason, on 27 March 2001 the Premier announced the creation of new laws to target the trade in illegal firearms as part of the Government's Cabramatta initiatives package. I am pleased to see the honourable member for Cabramatta in the Chamber in support of the legislation. The Firearms Amendment (Trafficking) Bill will both limit the availability of firearms to criminals and introduce a deterrent against the criminal use of firearms. The bill will do this not only within New South Wales; it is intended to form part of a nationwide action plan against firearm traffickers. I will be providing this bill to other jurisdictions through the Australasian Police Ministers' Council working party on hand gun crime as a national model for firearm trafficking laws. A co-ordinated national response to firearms trafficking will ensure that a loophole in one jurisdiction's legislation cannot be exploited by criminals to divert illegal guns to another jurisdiction.

Mr Deputy-Speaker, you will recall that in 1996 the Australasian Police Ministers' Council agreed to the national firearms agreement. This agreement established the basis for the New South Wales Firearms Act 1996 and the firearms legislation in all other States and Territories. The Firearms Amendment (Trafficking) Bill adopts a two-pronged strategy of detection and deterrence that is consistent with the national firearms agreement. Specialist, dedicated trafficking police with increased police powers to target firearm traffickers will detect criminals attempting to avoid the law and, through enforcement activity, will limit the availability of illegal firearms. To increase the deterrence for illegal use, the penalty for illegal possession of a pistol or prohibited firearm will be increased from a maximum of 10 years imprisonment to 14 years on conviction on indictment. These high penalties are reflected throughout the bill.

The Firearms Amendment (Trafficking) Bill 2001 also makes it illegal to sell or take part in the sale of firearms to any person not authorised to possess a firearm—this offence will attract a 20-year gaol term; makes it illegal for a licensed firearm dealer to wilfully record false details in firearms transactions—this will attract a 14-year gaol term; makes it illegal for an eligible person to obtain a licence to act as a front for an illegal firearms dealer—this will attract a 14-year gaol term; makes it illegal in New South Wales to conspire to traffic illegal firearms, even if such conspiring takes place with persons outside New South Wales; provides police with the power to demand all firearms and parts for inspection from suspected arms dealers; introduces compulsory registration of firearm frames to curb the illegal trade in firearm parts; extends the definition of possession of a firearm; and requires defendants to argue their case before the court.

These measures are not aimed at licensed shooters and their lawful associates. Persons with a licence or a permit for a firearm have nothing to fear from this bill. In addition, to ensure that otherwise law-abiding persons are not unduly penalised, prior to the commencement of this bill I will introduce a regulation to establish a three-month amnesty. The Firearms Amendment (Trafficking) Bill provides the firearms trafficking unit with the power it needs to combat the illegal trade in firearms and to target criminals in possession of illegal firearms. For example, new section 4A of the bill creates an extended definition of possession, which provides that the owner or person in the care, control and management of premises is deemed to be in possession of a firearm in or on that premises unless the firearm was placed there by or on behalf of a person licensed or otherwise authorised to possess the firearm; the person did not know and could not reasonably be expected to have known the firearm was on the premises; or, on the evidence before the court, the person was not in possession of the firearm.

I have been advised by the Commissioner of Police that the Police Service is very concerned about a number of cases that have occurred where criminals are blatantly manipulating the law to escape charges of illegal possession of a firearm. For example, an illegal gun may be located by police in a vehicle occupied by a group of persons with a history of serious criminal offences involving illegal firearms. Nevertheless, I am advised that, in such situations, the legal requirement to establish that a person had control of the gun to the exclusion of other persons means that serious criminals are able to manipulate the law to their advantage. This is an unsatisfactory situation.

New section 4A has therefore been specifically designed to target criminals found with a gun on or in their premises. The new section is balanced by appropriate safeguards. Persons who lawfully associate with a legitimate licensed shooter will not be caught by this new section. Under paragraph (a), for example, the family of a licence holder who stores his or her firearm at home will not be affected: neither will a person who lawfully transports a licensed shooter and his/her firearm. Similarly, paragraph (b) is designed to protect persons who were genuinely unaware that a gun is on their premises. Paragraph (c) will ensure that the court has sufficient flexibility to determine matters on the facts of each individual case, but will nevertheless provide law enforcement with a powerful tool for combating organised firearm trafficking.

The bill also introduces a range of supply offences through a combination of including a specific definition of sale in new section 4 and establishing three new sale offences in new section 51. New section 51 restricts the sale of a firearm to persons who are authorised to possess the firearm. This mirrors the current provision in section 51 of the Firearms Act 1996. Anyone who sells to an unauthorised person will be committing an offence. However, new section 51 also creates new offences of illegally taking part in a sale, and participating in illegal ongoing sales. The maximum penalty on indictment for illegal sale is 14 years imprisonment. The offence of ongoing sale also carries a 20-year maximum, but in addition a person charged with this offence will be subject to asset confiscation under the Criminal Assets Recovery Act 1990. New section 51 also provides an offence of illegal purchase of a firearm, the maximum penalty for which is 14 years.

This range of new supply offences will ensure that police accurately target the masterminds behind major firearm trafficking operations. In addition to those who physically handle illegal guns, this bill will enable police to arrest the masterminds who stay one step removed from the actual sale, but arrange and profit from the sale. To effectively target firearm trafficking, it is vital that police are able to pursue those who are at the top of the criminal hierarchy. In addition to new supply offences, new section 72 will make it illegal for a licensed firearm dealer to wilfully record false details in firearm transaction records. This offence will attract a maximum penalty of 14 years on indictment. This will not affect ordinary, law abiding firearm dealers who merely make a mistake in their records.

Police will target those engaged in systematic trafficking activity using duplicate books in an attempt to divert law enforcement suspicion. New sections 17B and 44 combine to make it an offence for an eligible person to obtain a licence to act as a front for an illegal firearm dealer. This is done by declaring certain persons who have had their licence application refused, or their licence revoked, as prescribed persons who cannot be involved in a firearms dealing business.

A firearms dealer who has had his or her licence revoked within the last 10 years is prescribed from being involved in a firearms dealing business by new section 44A. This is designed to catch persons who are unfit to hold a dealer's licence, but use another person to obtain a dealer's licence and to act as a front for the ex-dealer's continuing participation in the dealership. If this occurs, and a front person is used to run a dealership for an ineligible person, new section 44A (1) provides that both the front person and the ex-dealer will be liable for a maximum penalty of imprisonment for 14 years.

The bill also provides that all new persons applying for a dealer's licence must specify their close associates. This will assist police to identify persons who have been disqualified from holding a firearm dealer's licence, or those who would be refused a licence, because they are not fit to hold one, from using a front person to obtain the licence for them. The close associate provisions in the bill are modelled upon the requirements in the Security Industry Act 1997 in relation to the issue of security master licences. Currently licensed dealers will not be required to provide any further details on their close associates unless the police serve them with a notice to supply such details pursuant to new section 44 (3). In addition, new section 44A prevents a dealer from employing a prescribed person in the dealership, where the dealer knew that the person was prescribed.

A person whom the commissioner has refused or revoked a licence because the commissioner was not satisfied the person was fit and proper to hold the licence and could not be safely trusted to have possession of firearms without danger to public safety or the peace, or because the commissioner considered it would be against the public interest to issue the licence, will be prescribed by new section 44A (3) (c) from being involved in a firearms dealing business.

As firearms dealers have access to a wide range of firearms, including pistols and prohibited firearms, it is vital that those who operate and control the business do not pose a public safety risk. It is also vital that employees who should not have access to firearms for public safety reasons are not able to do so through their employment with a dealership. This is why persons who have a current apprehended violence order against them will also be prescribed persons under the bill.

Once the order has lapsed or is revoked, the person ceases to be prescribed. This will ensure that only persons who do not constitute a public safety risk may have access to firearms via their employment in a firearms dealer business. The bill also includes a cross-jurisdictional machinery provision which will enable the prosecution of persons in New South Wales who conspire to commit an offence in another State or Territory. New section 51C provides that it will be illegal in New South Wales to conspire to commit a firearm offence in another State or Territory. This new section is modelled on a similar conspiracy offence in the Drug Misuse and Trafficking Act.

New section 51C is designed to target sophisticated and organised cross-border criminal activity. For example, currently if two people in New South Wales conspire to purchase an illegal shipment of firearms from another State and one person travels to that State to arrange for the purchase, that person may be arrested in that other State for the illegal purchase but there is no corresponding power under New South Wales law to arrest the New South Wales conspirator. This is because there has been no offence committed by the New South Wales person that falls within the jurisdiction of either New South Wales or the other State's law. New section 51C will change this, making New South Wales conspirators to an illegal purchase in another State subject to the same penalties as if the actual purchase had occurred within New South Wales.

Currently section 45 (6) (b) of the Firearms Act provides police with the power to require that a licensed dealer produce for inspection all firearms and spare barrels in his or her possession. However, there is no similar power in relation to firearm parts. New section 45 will require dealers to record all transactions involving firearm parts and will provide police with the power to inspect parts held by a firearm dealer. This does not mean that dealers will need to record every spring that goes to make up a firearm. It will mean that records must be kept of barrels, breeches, pistol slides, frames, cylinders, trigger mechanisms, operating mechanisms and magazines. This will assist the police to track firearm parts, and ensure that they are not used by traffickers to construct illegal guns.

New section 93 provides for compulsory registration of firearm frames, and ensures that firearm frames are covered by all the registration requirements currently set out part 3 of the Firearms Act 1996. A firearm frame is one of the most important parts required to construct an illegal gun. Registration of frames will assist police to curb the illegal trade in firearm parts by enabling police to track the movement of frames and prevent them from being used to construct illegal firearms. Frames that already form part of a registered firearm will not need to be registered separately.

Schedule 3 to the bill provides that persons who currently have a spare frame will have six months in which to register the frame, sell it to or through a licensed dealer, or surrender it to police, before they commit a registration offence. The penalty for failure to register a spare frame will be the same as that for possession of an unregistered firearm, that is, a maximum of five years on indictment for a non-prohibited frame, and a maximum of 10 years on indictment for a pistol or prohibited firearm frame. This Government is serious about firearms trafficking. The Firearms Amendment (Trafficking) Bill will provide the New South Wales Police Service with the powers it needs to crack down on illegal gun traffickers. New South Wales has the toughest gun laws in Australia. We are making them tougher. I commend the bill to the House.

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

COMPANION ANIMALS AMENDMENT BILL

Second Reading

Debate resumed from 10 April.

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [11.33 a.m.]: The Companion Animals Act 1998 was introduced by the Government as part of a reform process aimed at reviewing animal welfare legislation in New South Wales. The original bill was essentially badly written legislation that required more than 200 amendments to render it mildly workable. Problems still exist, and the bill currently before the House is an attempt by the Government to amend the Act to fix some of the more obvious problems. In his second reading speech the Minister referred to the Act as the vehicle for sound framework for the management of companion animals in the new millennium that reflects current community values and expectations about animal management and welfare. The Opposition contends that the Companion Animals Act has become a chain around the neck of many councils, veterinarians and pet owners across the State, and could hardly be described as a sound framework for anything.

Whilst members of the Opposition support the concept of responsible pet ownership, we continue to have significant concerns about the operation and administration of the Act. Last year my colleague the shadow Minister for Local Government wrote to all councils seeking their views on various aspects of the Companion Animals Act. More than 60 councils responded to the survey form that was sent to them, and the message was clear: This Act has impacted heavily on council finances and resources. The Act is a burden; it is presenting problems relating to database access and data entry. The Act is causing community concern. In short, the Act has fallen short of the Government's original stated aim of effective pet management—an aim that the Opposition continues to support.

The bill contains two separate sets of amendments that go some way towards addressing the outstanding issues in the Act. The bill is a start, but it is in no way a solution to the multitude of problems posed by the Act. The first set of amendments in the bill are aimed at strengthening the penalties that can be imposed on the owners of dangerous dogs who fail to comply with their obligations. Stronger penalties are currently in place for a number of offences when a dog is declared to be dangerous. The Opposition supports those amendments, which mean that the penalties for offences pertaining to dangerous dogs are 10 times higher than those for offences pertaining to other dogs.

The Act currently places conditions on the owners of dangerous animals to ensure that the animals do not pose a threat to members of the public. These conditions include specific control issues, including de-sexing, ensuring that the animal is on a lead and is muzzled while in a public place, the display of a dangerous dog sign on the property where the animal is ordinarily kept, as well as the requirement to keep the dog in a child-proof closure. Under section 51 of the Companion Animals Act failure to comply with those requirements attracts a maximum penalty of 50 penalty units and may result in the seizure of the animal under section 52 of the Act.

A new offence contained in the bill will mean that the owner of a dangerous dog will be guilty if an attack on any person results from the owner's failure to comply with the requirements of section 51 to which I referred earlier. The new offence will carry a maximum penalty of 200 penalty units or imprisonment for two years, or both. The owner of the dog involved in the attack would be automatically and permanently disqualified from owning a dog. The Opposition supports the creation of this new offence. Some may claim that the penalty is too harsh and draconian, but the figures speak for themselves. Last year in New South Wales 213 dog attacks were reported, 134 of those attacks having occurred on humans. More than 70 per cent of the attacks took place in public places, with 29 different breeds of dogs identified as being responsible for the attacks.

One of the most brutal attacks took place in 1997 when a five-year-old boy was brutally attacked by a pig dog near Walgett. The child was alone with the dog during a hunting trip, and the animal turned on him, attacking his head and neck. Although the child recovered, he required extensive surgery to repair deep wounds and cuts. The Opposition supports any move to strengthen the penalties that can be applied to owners of dangerous dogs for breaching their responsibilities. Although the number of attacks falls each year, the potential for harm is present, and any move to minimise the chances of a dangerous dog being on the loose in public is to be supported.

The bill also addresses the practical issue of the registration of dangerous dogs. Under section 25 of the Act dogs that are declared dangerous must be lifetime registered within seven days of having been declared a dangerous animal. However, the penalty for failure to comply with the requirement is simply a fine, which means that owners of dangerous dogs are not compelled to register the animal and can continue to pay fines if they are caught out by council rangers. That is an example of the types of problems that are found when legislation is not properly thought out and consideration is not given to all practical issues. The bill, therefore, includes lifetime registration as a requirement for dangerous dogs under section 51 of the Act and for the restricted breeds listed in section 56. Failure to comply with the lifetime registration requirement will attract higher penalties and/or the dog being seized, instead of a fine.

Other minor amendments in the first part of the bill are targeted at fixing up problems that have emerged since the Act commenced operation. I note that the Minister said in his second reading speech that only non-controversial and pressing amendments have been included at this stage. The question, therefore, for the Minister is: When will the Government address the major issues facing councils—issues such as the cost burden of the Act, the use of and access to the pet registry database, the arbitrary approach by some councils to enforcing the Act, and registration discounts for pensioners?

The Opposition believes it is time for a full-scale review of the Act to identify and pursue any further major problems with it. The bill addresses other registration issues. Currently a pet owner can only be fined once for owning an unregistered animal. That means that once owners have been handed a fine, there is absolutely no incentive for them to register the animal because the owners are safe in the knowledge that they cannot be fined again. The penalty for not registering an animal is \$110, yet the cost of lifetime registration is \$100. The effect of that is that many people are choosing to pay the extra \$10 and cop the fine rather than register the animal.

The bill creates two additional offences. The first offence will lead to the owner of an unregistered animal being fined if the animal is found in a place other than the place where it is ordinarily kept. The second offence of failing to comply with notice to register within 28 days will cover a situation where a council has sent a notice warning that an animal is overdue for lifetime registration. If owners ignore that notice and their animal is not exempt from registration under the Act, a fine can be issued. A new offence may occur, and another fine may be levied, every six months until the dog is registered. These are sensible new offences; they are offences that the Opposition thought should have been in place in the Act. Another anomaly that currently exists is that only owners of animals that are microchipped and lifetime registered are required to update their records on the statewide pet registry when there are any changes of ownership or address. Obviously that has caused problems.

My colleague the shadow Minister for Local Government reports he has received many complaints from pet owners and councils on this particular issue. The provision makes it difficult to track the owner of an animal because in some cases a breeder or a pet shop owner who is selling the animal may not complete the forms relating to a change of ownership. The bill, therefore, requires all changes of ownership or address to be notified. That is another issue that should have been addressed in the original bill.

The bill also addresses the regulation of the microchipping of animals in New South Wales. A peculiar situation currently exists in which owners who choose to microchip their animals, but are not required to register those animals on the pet registry, are not subject to any form of regulation. Those animals not required to be entered onto the pet registry include cats which were owned before July 1999, working dogs and dogs still on the old annual registration system. The provisions of the bill mean that all people conducting microchipping will be covered by the Companion Animals Act, and will be subject to guidelines and directives from the Director-General of the Department of Local Government. This is a sensible amendment. It offers a greater level of protection to pet owners, who will be safe in the knowledge that the microchipping process is being carefully regulated. It will mean that unauthorised microchippers operating outside the Act can be fined and may have their accreditation withdrawn.

The Minister mentioned in his second reading speech the use of non-ISO microchips in New South Wales. He claimed that at least one supplier has been providing chips that do not conform with international

standards. It is worth pointing out that a situation existed some 18 months ago when ISO test chips, which do not have a unique serial number and were never intended for widespread distribution or implantation, were sent out around the State. The result has been that entries have been made onto the statewide database that do not have a unique number. That means that some of the data may be compromised as conflicts could exist. The problems have not been only with non-ISO chips; there have also been problems with the complying chips. The Minister should bear that in mind.

Other offences created by the bill go some way towards addressing some of the peculiarities of the Companion Animals Act. Currently it is a defence for the owner of an animal to claim that someone else apart from the owner was in charge of the animal at the time an offence occurred. If animals attack while a professional dog walker is taking them for a stroll in the park, owners can claim that the animals were not under their control and escape a fine. There is no corresponding fine for the person in control of the animal. The bill allows the person in control of the animal to be fined in lieu of the owner, provided that the owner is not present and the person in charge of the animal is over the age of 16. The Opposition is pleased that the bill also contains provisions to address operational difficulties experienced with regard to confidentiality and privacy issues. The existence of the statewide pet registry means that there is a large repository of centralised data on thousands of pet owners, and any misuse of that information could be a serious privacy breach.

Section 89 of the Local Government Act covers only information that is acquired in the exercise of functions under the Act. The problem is that section 89 does not cover information obtained unlawfully by people other than those authorised to access the pet registry. The Opposition is pleased that the amendments in that regard will strengthen the protection of privacy of pet owners. Penalties will be increased dramatically, and that is appropriate. The Opposition welcomes the bill as an important first step in rectifying problems with what has proven to be fundamentally flawed legislation. The Opposition hopes that the reform will not stop with this bill, and that the Government may move to a full and open review of the Act to deal with remaining matters of concern. The Opposition will not oppose the bill at this stage. However, we reserve the right to move amendments in the Legislative Council.

Mr PRICE (Maitland) [11.45 a.m.]: I support the bill and commend the Minister for bringing forward the amendments in it. The honourable member for Myall Lakes outlined a number of important technical aspects of this legislation. There are problems with having dogs declared dangerous, the unfortunate occurrence of dog attacks, the inability of the Act to cope with registration requirements and the penalty system that currently prevails. The amendments in the bill are important and must be dealt with as quickly as possible. First, the amendments will assist councils in the application of the Act. Second, they will protect the wider community. Third, they will give some measure of protection to owners where confusion has arisen. Animals declared dangerous under the Companion Animals Act have inflicted serious harm to, or even caused the death of, the people they attacked. Because of that their owners are required to effect registration within seven days or have the dogs confiscated and ultimately destroyed.

A number of actions must be enforced to control both those dogs and dogs declared to be of breeds that would not normally be kept as friendly domestic animals. The recommended action for those dogs includes de-sexing, keeping them on a strong leash and under the control of muzzles when they are being exercised, and keeping them in properties identified with dangerous dog warning signs and in child-proof enclosures. Those efforts have not always resulted in the general public being safe from those dogs. In some cases the enclosures and the restraining mechanisms have not been adequate and people have been seriously injured. Because the present fines are considered inadequate and because owners can be fined only once, there is a lack of incentive for owners to comply with the registration requirements. At present the fine is only \$10 more than the lifetime registration fee and can only be enforced once.

To force owners to comply with the Act it is essential that there be multiple fining for multiple offences. Registration must be for the lifetime of the animal, and microchipping must be applied as prescribed under the Act and as strengthened by the amendments in the bill. In my electorate I do not come into contact with those seeking exemptions for working dogs in rural areas. By and large working dogs are well controlled and do not cause major problems. However, if they are allowed to break loose, or wander randomly at night there will be problems not only with stock but possibly with attacks on humans. These are serious matters and such animals must be controlled. Councils must be given the support that they need to make sure that enforcement of the requirements is possible.

The amendments proposed in the bill go a long way towards making the Act far more effective. This is not about damaging the relationship between friendly, social animals and their owners. Companion animals make a great contribution to our social way of life. This bill offers those animals and the general community a

degree of protection. Registration is essential, and microchipping, where required, is vital. The ability of councils to enforce the Act as effectively and economically as possible is equally important. These amendments enhance that ability. Obviously, there will be more amendments to the Act over time. I commend the Government for its relationship with the Companion Animals Advisory Board, for making sure that these amendments are achievable and acceptable to the wider animal-loving community, and for making sure that they have human safety as a primary direction. I commend the bill to the House.

Mr ROZZOLI (Hawkesbury) [11.50 a.m.]: I will refer to one matter which I believe is a weakness of the bill. While I do not intend to suggest that the bill be amended, I would like to bring this matter to the Government's attention so that it can possibly be picked up in a subsequent amending bill. The fact is that the principal Act and this amending bill refer to the owner of a dangerous dog. Whilst, on the surface, that appears to be a completely reasonable provision, my considerable experience and that of my constituency is that the registered owner of the dog is not necessarily the person who actually has control of the dog.

Therefore, an offence committed by the person who is the registered owner of the dog does not necessarily remove the problems posed by dangerous dogs in our community. I will give a particular instance. I could supply more detail if the Government requires that. In this particular instance there are about seven or eight dogs on a rural property. One of those dogs escaped and savaged a lady, inflicting quite serious injury on her. The matter proceeded to prosecution. The registered owner of the dog was but one member of a family. The allegation is—I put it no higher than that at this stage—that the registered owner of the dog is the member of the family most conveniently able to be notified as the registered owner, but in fact the control of the dogs is in the hands of the other members of the family.

In this particular case not only did one dog savage the lady, but a second dog looked likely to become involved in the incident. Luckily for the lady, a car travelling along the road at the time the second dog was about to cross the road to join in the attack by the first dog virtually prevented that dog from crossing the road. The driver jumped out of the car, went to offer assistance to the lady, and managed to save her from being attacked by the second dog. Subsequently, the dog owner was prosecuted. From memory, the dog was destroyed. The dog owner was prohibited from owning a dangerous dog for a stipulated period. But the reality is that the family of which the registered owner is a member still has six or seven dogs on its premises, and all of those are similarly dangerous. The property is not adequately fenced. The dogs therefore could escape from the property. Those dogs have not yet come under notice, but the situation is clearly a matter of concern.

I suggest to the Government that it considers a subsequent amending bill to provide for action against the registered owner or persons having control of a dog or dogs. I do not intend to move an amendment to this bill, because one would have to carefully work out the exact phraseology of the amendment to ensure that it caught the intended circumstances. The subsequent amendment could provide that other people having control of a dog or dogs should also be capable of being subjected to an order directing them to take certain steps to control those dogs. While ever the legislation refers only to the owner of the dog, it is possible to have what one may term an "owner of convenience" as the official owner of the dog, thereby allowing the real controllers of the dog to escape action under the Act. That is because ownership of the dog may be transferred to another member of the family, although the former registered owner is struck off, and so on. Potentially there is a situation that is of continuing danger to the community.

While the provisions of this bill dealing with dangerous dogs are appreciated, it is my belief and that of constituents with whom I have been working that this is a weakness of the legislation that needs attention. I support the visions of this amending legislation; I have no particular argument with them. However, I believe that in the sense I have spoken about, these provisions do not go far enough. I commend my constructive suggestion to the Government as a means of materially assisting authorities to administer the Act properly and as being within the philosophy of the Act.

There is one final comment that I would like to make. In part, it relates to what I said earlier although it is not directly related. Although it is my experience that councils have the majority of responsibility in the initial stages, councils vary greatly in the extent to which they pursue their powers under these Acts. Some councils are very conscientious. In fact, some are so conscientious that one might say they go a bit too far and create problems, perhaps in circumstances where a neighbour becomes vexatious and unfairly uses the provisions of the Act to achieve an impact on an owner who really is quite responsible. I am more concerned that a number of councils are loath to pursue all avenues that are available to them under the Act and situations of genuine concern.

Perhaps the Government could consider further amendments to the Act to clarify the role of the councils where their roles might overlap with those of the police and other law and order enforcement agencies.

That consideration could examine whether the roles of the various players administering the Act could be more clearly defined, with their responsibilities being made clearer, and setting out the community's expectation of protection against dangerous dogs. Perhaps that could be more clearly set out and therefore understood, so that persons seeking redress under the Act have a somewhat better understanding of the line they can pursue than perhaps they have at the moment. With those suggestions, I commend the legislation.

Mr CAMPBELL (Keira) [11.58 a.m.]: I will speak only briefly on this legislation, which I regard as eminently sensible. Hopefully, it will be a deterrent. Obviously, it is preferable that none of the penalties outlined in the bill will ever need to be imposed. If penalties are not imposed, that would mean that a dangerous dog has not caused havoc to an individual, and most likely has not caused havoc and injury to a child. This legislation is important and reasonable in the way it is presented. The overview of the bill reads:

The objects of this Bill are as follows:

- (a) to create a new offence under which the owner of a dangerous dog will be liable for a penalty higher than those currently applying under the *Companion Animals Act 1998* if the dog attacks or bites any person and the incident occurs because the owner has failed to comply with the control requirements for dangerous dogs under the Act,
- (b) to require dangerous dogs to be registered under the Act within 7 days of being declared dangerous by a local council or Local Court,
- (c) to provide that a number of existing offences under the Act for which only the owner of a companion animal is liable (eg offences relating to the control of dogs in a public place, dogs attacking or biting people, and dogs defecating in public places) will, if the owner is not present at the time of the offence, be offences for which the person who is in charge of the animal is liable (but only if that person is at least 16 years old),
- (d) to create new offences under which the owner of an unregistered companion animal will be liable if the animal is in a place other than where it is ordinarily kept or if the owner fails to comply with a notice to register the animal,
- (e) to make other amendments to the *Companion Animals Act 1998* of a minor, consequential or ancillary nature.

The legislation refers, in the main, to animals which, from time to time, are dangerous. Anybody who has any experience of residential areas where families keep animals such as this would know that the majority of people do the right thing. The majority of people register their dogs and keep them within the confines of their property. The majority of people keep their animals on a leash when they take them out for a walk. Some people might not do the right thing when they take their dogs out for a walk in that they do not clean up after them, but that is the exception rather than the rule. As I said earlier, most people in the community who own dogs do the right thing.

It is unfortunate that we have to pass legislation such as this to deal with people who do the wrong thing from time to time—those people who keep animals that do not have an appropriate temperament to be in the community and those people who do not keep their dogs on a leash and allow them to roam freely. This legislation will certainly impact on those who do the wrong thing. I support it for that reason. As I said at the outset, the aim of this legislation is to ensure that the majority rather than the minority of people do the right thing with their animals. Penalties would not be imposed if they did the right thing. In general terms, the objects of the bill are sound. I join with other honourable members in commending the legislation to the House.

Ms MOORE (Bligh) [12.03 p.m.]: Clearly, all honourable members support appropriate action being taken in relation to dangerous dogs. However, I am concerned that this amendment bill really deals only with punitive action in relation to companion animals. I believe that the context of the debate should be that the majority of dogs are not dangerous and that the majority of owners are responsible. I refer in particular to the aims of the legislation introduced in May 1998, which was assented to in September 1998. That legislation failed to respond to the expectation of most people involved in the extensive public consultation process. When the bill went through this House it required extensive amendment. I, as a great defender and lover of companion animals, was very involved in that debate.

I am sorry that this amending bill deals only with this punitive action. One of the aims of the legislation was to educate dog owners about responsible ownership, in particular, the behaviour of dogs towards humans and other dogs, and dog waste. Another aim of the legislation was to educate the general community about the real importance of companion animals in the lives of many people. Companion animals play an incredibly important role in our society—a society in which people often live on their own and are alienated. Companion animals contribute to the physical and mental wellbeing of many constituents of members of this House.

I would like to get the debate on companion animals back on track. We should be talking about the majority of owners and the majority of dogs. I ask the Minister to inform us—if not on this occasion in the near

future—as to whether or not the majority of councils in New South Wales and other organisations and trusts, for example, the Centennial and Moore Park Trust, are fulfilling their obligations under the provisions of the Act. Has each council established at least one public place as an off-leash area to provide space for dogs to run freely? Are courts and local councils—as they are legally required to do—exploring all reasonable alternatives before destroying animals, such as a lost pet? Are the funds from pet registration being used on community education campaigns on responsible ownership and the importance of pet ownership—something that is absolutely vital?

There are two groups of people: first, people like me, many other members of this House and our constituents who have dogs and, second, people who do not. The people who have dogs are keen about their animals because they play such an important role in their lives. The other group of people might not have had the same experience and might be full of fear. An education campaign is absolutely vital—an issue that was discussed at length when this legislation was debated in this House. How are councils and organisations such as the trust responding? I have three councils and one trust in my electorate. My trust runs the Centennial Park and Moore Park area, the largest metropolitan park in New South Wales, which six million people visit each year. About 70 per cent of the people who go to that park live in the surrounding area. The 22 municipalities in my electorate have less open space than any other area in Australia. I cannot stress enough how important that park is to people who own companion animals. Yet two years down the track there is no provision of dog waste dispensers.

Centennial Park and Moore Park Trust is good at putting on outdoor events and erecting monuments, but it has failed to provide bins for the majority of people who use that park. On the other hand, South Sydney Council has a good track record on educating people and providing bins and bag dispensers. I commend South Sydney Council for its initiatives. Woollahra council and Sydney council lag behind South Sydney Council on this issue. It might be of some interest to the Minister that the Sproats inquiry has recently brought down its recommendations. I want to get debate about companion animals back on track. The majority of owners are responsible and the majority of dogs are not dangerous. I would like the Minister to ensure that councils and trusts are fulfilling their vitally important obligations under this Act.

Mr ASHTON (East Hills) [12.08 p.m.]: I am pleased to speak in debate on the Companion Animals Amendment Bill. I do not disagree with much of what the honourable member for Bligh said.

Ms Moore: We are passionate about our dogs.

Mr ASHTON: We are. I do not even mind cats. However, I am definitely a dog person.

Mr Fraser: Some people have said that you are a mongrel.

Mr ASHTON: Someone else used that term recently. I was once quoted in a famous journal prepared by the Banks Young Labor Association as saying that there was something wrong with anyone who did not like dogs, the Beach Boys and ice cream.

Mr Hickey: And the Labor Party.

Mr ASHTON: And the Labor Party. The point that the honourable member for Bligh was making was that we have to educate people about the use of their companion animals. We understand the importance of companion animals to young people, older people and sick people in nursing homes. Earlier this year my father was in a nursing home before he passed away. It was great when a young lady with a dog visited that nursing home. She took the dog all around the nursing home and cheered up everyone. However, we are not talking about the friendly, lovable little dog that has never bitten anyone or growled nastily at anyone; we are talking about dogs which have the potential to be dangerous.

I say from personal experience that we have to be vigilant in relation to this issue. My wife and I, on our wedding anniversary, visited the RSPCA. My wife rang me up and said, "There is a nice little dog at the RSPCA. Come and have a look at it." When I arrived at the RSPCA she showed me a little dog, which really did not suit my purposes. It was her view that the larger dogs would not be suitable for our home or our children. That was all I needed. I went home with a part cattle dog and part bull terrier. She wanted a Maltese.

I have had to take the dog to training. Dogs have an instinct that goes back many thousands of years. Unfortunately, one night when we were feeding this pup a bone, my young daughter went to pat the dog and it

bit her. There followed a long period of training. The fellow who was investigating this dog—well known to the honourable member for Heathcote—said the trouble with the dog was it was very intense and too intelligent. As we all know from watching television shows, some people end up with dogs that are smarter—not in my case but in the case of members opposite—than them. This bill is trying to make the owners responsible for dangerous dogs. It is about dangerous dogs that have already had one clear shot across the bows by the local council or from police intervention, and the penalties for failing to do something about that will be much more severe than they have been.

I appreciate what the honourable member for Bligh said. The honourable member for Hawkesbury focused, I thought rather incorrectly, on the idea that the owner was in some sense being unfairly targeted. However, if pensioners register a number of dogs because it is cheaper for them to do so, it is not fair for them to opt out and say, "I had nothing to do with that dog: it was my son's/daughter's." The owner has to be held reasonably liable, especially where the dog has been deemed to be dangerous. I am a former councillor, the honourable member for Bathurst is a former mayor, the honourable member for Cessnock was on council and—

Mr Fraser: He is a mongrel too, is he?

Mr ASHTON: We all know that the best dogs are mongrels. The ones that are too purebred are not quite smart. When I was on the council I found that many of the complaints between neighbours occurred over what the dog next door was doing, whether it was barking, keeping them awake or digging under their property. Recently a gentleman came to see me with photos of an aggressive dog—a dangerous dog, I guess, although it has not been declared so at this stage—attacking other dogs, cats and people on his property. The dog had to be dragged away by the neighbours. Those neighbours are irresponsible and do not care. They have been approached about the dog and their attitude is that it is their dog and they do not care. They might have been able to get away with that attitude 30 years ago. Some people have dogs as fashion statements—the very strong dog with the studded collar. The honourable member for Coffs Harbour probably has a couple of dogs tied to the back of his ute. Others have little Pekingese, and so on. One can learn a lot about people by the sorts of dogs they have.

We are talking about dangerous dogs, and people who have not taken the warnings they have been given. The Government must institute a policy that says if a dog has been declared dangerous it must be fenced and a sign must be put up. This is a particularly good provision. I was told by a lawyer that if one puts up a sign that says, "Dangerous dog inside" or "Beware of the dog" one is more likely to be in trouble at law than if one does not put up a sign at all. It is a council liability problem too. If a council puts up a sign saying, "Danger, shallow water", it is saying it is dangerous, but what has it done about it? If we are putting it in the law that a sign has to be put up, equally the owner of the dog has some protection, that people have been told this dog can be dangerous and they should be aware they have some responsibility. I support the increase of penalties in that part of the bill.

It is also important that we recognise that we may have to introduce a prison sentence. We all get horrified when we hear about dogs killing young children, but it happens. Often it happens because owners have answered the telephone, leaving the dog alone, and these things happen. Once a dog gets the smell of blood, its instinct of 1,000 years takes over and there is not much one can do about it and the damage is done. There are out clauses, if you like, that might satisfy the National Party concerns. If the dog is used as a working dog for rounding up stock and the like, that is a defence. If the dog has been teased, harassed or people poke the dog, throw rocks at it or bait it in some way those people have to be held culpable for what they have done to provoke the dog. It can be a reasonable defence if a person is protecting his property with a dog. If people are trespassing illegally where a dog is kept it should not be reasonable for them to use the defence that they were bitten by a dog while they were trying to steal from a house.

When I was first elected there was a dangerous dog in the suburb of East Hills. The council came out quickly and took the dog away. I have found recently that there is an increasing tendency for people running illicit drug houses to use savage dogs, dangerous dogs, as their first line of defence when police come around to do something about that property. On several occasions it has been obvious to me after investigation that the savage or dangerous dog, per se, is being used in that capacity to protect people who are running illegal drug houses and the like. That needs to be kept in mind. This bill will not make it more difficult to eliminate a certain proportion of the dog population. It says owners have to be more responsible. I have become more responsible about how my dog is taken for a walk and when it can be let off the leash and when it cannot. I know the people who walk past my place are equally more aware now that they cannot allow their dogs to run willy-nilly around the suburbs, as they might have been able to do years ago. I support the Companion Animals Amendment Bill. There are many good provisions in it and it deserves the bipartisan support of this House.

Mr WEBB (Monaro) [12.18 p.m.]: Like other members who have contributed to this debate, I speak to this bill having come from local government. A few years ago I was pleased to hear that legislation for the control of dangerous dogs was in the pipeline. All too often we hear stories about young children, the elderly and others being savaged—sometimes losing their lives—by dangerous dogs. I believe the provisions in the Companion Animals Act 1998 have largely altered the situation, although sadly today dangerous dogs still cause harm to people. As the honourable member for East Hills said, I have not noticed as many dogs running wild and not under control in country towns around my electorate. That is one area in which the companion animals legislation is working.

However, the Government should have amended the legislation to support local government and perhaps to compel local government to provide off-leash areas. The Government should properly fund local government to provide on-leash and off-leash areas and to police the effects of those areas and other provisions in the Companion Animals Act throughout towns. The legislation is not working in relation to the nuisance barking of dogs, and people need to be educated about that. When a dog next door or dogs in the neighbourhood start incessant, continual barking during the night that has an impact on people in country towns. The Government should have amended the Act to provide for education in terms of community pets and dogs in particular, and to enable people to make complaints about the nuisance barking of dogs and have those complaints dealt with. The legislation does not appear to be working in that respect, and a lack of funding for local government is part of the problem.

I turn now to access to the registry. It is all very well to have rules and penalties in place, but one result of registration is to have a registry so that rangers can track owners quickly when dogs are accidentally lost or misplaced. Local government has had difficulty accessing the registry and, indeed, tracking dog owners. I am pleased to see a reference to cats in the amendments. Earlier, comments were made about companion animals being of great benefit to elderly people, the infirmed and children. Indeed, dogs and cats play a great role in socialising children and so on. However, when cats are let out at night to roam the parks and streets they prey on native wildlife, and that is a problem. I would like to see provisions for those cats that do not have a home environment, those that roam of a night time and literally turn feral, because they have an impact on parks, reserve areas and further on into national parks.

I welcome the amendments relating to dangerous dogs and their owners, and those in control of dangerous dogs when and if they attack or when and if they are seen to be threatening. The legislation is primarily to prevent harm and damage by dangerous dogs, and I do not think its provisions can be strong enough. Regrettably, we will continue to see dogs, by their very nature, attacking people. Previous speakers have referred to specific breeds of dogs. I do not agree that a purebred dog is perhaps differently placed intellectually within the community. Often a purebred dog that is out of its place in a town environment—such as a kelpie, a sheepdog, a blue heeler or a red heeler—poses a threat. Often mongrels or interbred dogs do not know where they are and are easier to pacify than purebred dogs which have been bred for many thousands of years for the specific purpose of controlling stock or animals.

Across the board, the companion animals legislation impacts unfairly on responsible users, who perhaps do not get the credit that they deserve. Many people—indeed, by far the greatest percentage of people—are responsible users and it is pleasing to see dogs on leads and less dirt on the streets, in parks and so on. Local government must meet owners halfway and provide off-leash areas. Large local councils in country areas may cover a number of towns and villages but are required to provide only one off-leash area in 2,000 or 3,000 square kilometres. One off-leash area is not enough. On the other hand, local government does not have the funding in place to deal with the mess in and policing of that off-leash area.

In closing, recently I had some dealing with another issue relating to this bill. It has been argued that dingoes should be removed from the provisions of the companion animals legislation that impact on breeders of dingoes and those who keep dingoes for scientific purposes. Although it has been argued that specific lines of the dingo should be retained as a native species—some may consider it a threatened native species—in Australia, the breeders and owners of dingoes have been caught up with having to microchip their dogs, register puppies and so on. In one case that is beyond the capability of the person, who is probably the Australian expert on the DNA of dingoes and the pureness of the breed. That person agrees with me that, by comparison, wild dogs that escape from a domestic situation have a greater impact on wildlife, sheep flocks and so on. Mostly, wild dogs are outside the gambit of companion animals legislation, although in the early days some provisions related to them.

The Act should be amended to exclude dingoes in the future. Today it is possible to test a dingo's DNA to determine whether it is a *canis domesticus* or a *canis lupus*, but they are two entirely different varieties of

dog. That is probably outside the area of these amendments. While I welcome the amendments relating to dangerous dogs and to cats, the legislation needs to address community issues. Indeed, the Government needs to empower local government to conduct community education and to fix the problems with the registry and access to it. It also needs to fund local government properly so that it can conduct community education, provide off-leash areas and police breaches of the Act, including the problem of nuisance barking by dogs in towns. These amendments do not go far enough in that regard.

Mr MARTIN (Bathurst) [12.27 p.m.]: I support the bill. I was drawn by the comments of the honourable member for Monaro when he introduced cats into the equation. Cats do not fall within the definition of the bill; we are talking about dangerous animals, with the emphasis on dogs. Recently in my area of Lithgow we have had the phenomena of panthers, so the Act may need to be amendment specifically to deal with panthers. The honourable member for Bligh railed fairly strongly about the punitive nature of these amendments. I am surprised that she thought they were a bit out of character or unnecessary, because we are talking about the worst instances of dangerous animals and dogs in particular.

The honourable member said that she would like to see more community education. Before I entered this House I was the mayor of a local government area. When the Government issued its green paper on the Companion Animals Bill the local council conducted a number of community consultation sessions, to which it invited dog owners and cat owners—separately to avoid having a cat and dog fight. One thing that came out of that consultation process is that some pet owners and breeders are fairly intense. From my experience, people tend to be very subjective about their own animals. Perhaps they are not always aware that sometimes animals act differently in the company of strangers to the way they act in the normal environment—that is, with the owners who look after them every day and who, in many cases, have animals for their therapeutic value. Other honourable members who have participated in this debate have referred to the therapeutic value of animals and that is something that should not be underestimated.

It is important to examine the purpose of the amendments. The Minister has introduced this bill because of the need to create a new offence against dangerous dog attacks. In recent years there has been an increase in the number of mastiff-style hunting dogs and pig dogs, which are fairly common in my electorate. Those animals are specifically trained to attack. Because of the very size and power of those dogs, in extreme cases they can inflict fatalities on human beings—not only on children, but also on adults. All types of attempts have been made by various governments to address the problem through a thorough educative process. I know that the six local government councils in my electorate have worked assiduously to make sure that people are aware of their responsibilities. There is no doubt that the majority of people are very much aware of the responsibilities they should accept in relation to their animals, particularly if they are dangerous.

It is worthwhile noting that under the original legislation people who keep dogs for professional reasons may have a defence against prosecution. The legislation states that if something is done by a person in the course of the use of a dog for the working of stock or the training of a dog in the working of stock, that is a defence against the owner being prosecuted. The defence also applies to a dog that has been provoked. All honourable members would know that some people are silly enough to provoke a large dog, and we all know what the legacy of that can be.

In fairness to the honourable member for Bligh, I accept her comment that it is necessary to introduce punitive provisions to apply to extreme cases involving irresponsible owners—I will not say irresponsible animals—and irresponsible members of the public who provoke animals. At the end of the day, the responsibility for attacks by animals must rest with the owner of the animal. If people keep animals, particularly dogs, that are capable of extreme attacks, they must be responsible for those animals. When all is said and done, the general public must be protected from the offences outlined in the legislation. I commend the proposals to the House.

Mr RICHARDSON (The Hills) [12.32 p.m.]: This legislation increases the penalties applying to owners of dangerous dogs. As recently as two weeks ago I became aware of an horrific incident at Castle Hill involving a lady named Linda Chell who was walking her dog. I am not sure of the breed of her dog but it is a small animal. Three large German shepherds appeared from behind a fence around a house at the end of the street in which Ms Chell lives, attacked her dog, savaged it and certainly would have destroyed the animal if Ms Chell had not protected it with her own body. Indeed, as a consequence of the protection Ms Chell afforded her dog, she was quite seriously injured. I understand that the police were called. Those dogs had actually terrorised the neighbourhood for approximately three hours before they were brought under control and corralled in the backyard of the property in which they are kept. The owners were nowhere to be seen. Indeed, a disturbing

feature of this whole sorry episode is that the neighbours have not approached Ms Chell or apologised to her in any way for the damage that the dogs inflicted on her animal and upon her.

Mr Woods: Have the dogs been declared dangerous?

Mr RICHARDSON: I am not actually certain of that. I have not followed the matter up over the last few days, but my critical concern is that, even if the dogs are declared dangerous, there is an inherent danger to the entire community of having three animals of that type—that is, animals that have a predisposition to attack without warning—kept in a home where presumably the owners are away from home for most of the day. If the dogs can find a way out of the property, obviously they will, and there may be some particularly tragic consequences. This incident did not just involve an attack on a small animal or an adult: At the time the incident occurred Ms Chell was very concerned to warn children not to come onto the street while those dogs were at large.

I have not heard about the final upshot of that matter but I will certainly be seeking legislation that provides for a more immediate remedy in the circumstances I have described rather than simply having the dogs declared dangerous and the owners fined. No matter how large a fine may be, in the circumstances I have described I think the appropriate course of action would be for those dogs to be taken away from their owner. I understand that under the current legislation a court can make an order for the removal of the dogs but the process is fairly long and drawn out. In those circumstances it is my belief that the best course of action is for dogs of that type to be taken away immediately because it is very clear that the way in which they are being kept is not appropriate. Indeed it strikes me that the owners are not fit and proper people to own large dogs of that nature.

The other issue I wish to address is one to which the Minister may wish to respond during his reply. This legislation does not address the very substantial additional costs that accrued to councils as a consequence of the implementation of the original Companion Animals Act. According to my estimate, in July last year councils had to find at least an additional \$4 million during the first year of implementation of the legislation. Some very serious mistakes were made in the way in which the registration process was to be undertaken by councils. I understand that the original decision was that councils would retain 85 per cent of lifetime registration fees and that the remainder would be remitted to the Department of Local Government. That was changed and councils now have to collect registration fees, remit them to the Government, and then receive a share. That process creates a measure of double handling.

Although councils have received their reimbursement for 1999-2000, the inherent delay in receiving the funds obviously cost them a substantial amount. The Internet data entry system was enormously inefficient. I know that it was taking up to 20 minutes for some operators to enter the details of a single animal. That complaint came not just from local councils in my electorate—such as Baulkham Hills and Hornsby—but also from councils right across the spectrum, including city and country councils. Another problem, which might appear to be minor, with the registration system was that the registration forms did not fit into window-face envelopes and the envelopes had to be addressed by hand. Although that might seem to be a minor issue, when all the problems associated with the registration process were added together they amounted to a very substantial impost on local government during the implementation phase. I believe that some of the issues were subsequently addressed, but many of them have not been resolved.

It must be remembered that councils still have their rates capped and have not been allowed to raise their rating structure by more than the level of the cap. In most instances the Minister has rejected any applications by councils to increase their rates to more than the cap figure. As a consequence of the imposition of the costs I have already mentioned and other costs that have been imposed upon local government by the New South Wales State Government, other programs have been affected.

For example, if a council had spent \$50,000—and many councils spent considerably more than that—on the implementation of the Companion Animals Act, that sum was not available for it to spend on road maintenance, footpaths and other council services. Because the Companion Animals Act has been a very sorry saga, I ask the Minister to address in his reply some of the issues relating to the efficiency of the registration process and ways in which his department is assisting councils, and will assist councils, to reduce costs in the future. The original legislation was, as we said at the time, a dog's breakfast. The implementation of the legislation has been far from smooth sailing, and the bill presents an opportunity to address some of the problems that local government has been experiencing in implementing the provisions of the Act.

Mr HICKEY (Cessnock) [12.40 p.m.]: I support the Companion Animals Amendment Bill, whose objects are, *inter alia*, to create a new offence under which the owner of a dangerous dog will be liable for a

penalty higher than those currently applying under the Companion Animals Act 1998 if the dog attacks or bites any person and the incident occurs because the owner has failed to comply with the control requirements for dangerous dogs under the Act; to require dangerous dogs to be registered under the Act within seven days of being declared dangerous by a council or Local Court; and to provide that a number of existing offences under the Act for which only the owner of a companion animals is liable—for example, offences relating to the control of dogs in a public place, dogs attacking or biting people, and dogs defecating in public places—will, if the owner is not present at the time of the offence, be offences for which the person who is in charge of the animal is liable, but only if that person is at least 16 years old.

The honourable member for The Hills referred to councils' costs. In fact, councils share in the revenue that is raised under the Companion Animals Act. When the Companion Animals Act was introduced, the cost of its implementation was taken into account in pegging council rates. I therefore question the validity of the matters raised by the honourable member for The Hills.

I now turn to the effect of dangerous dogs on local communities. I grew up in a very small rural town where dogs ran all over the place. Clearly the Companion Animals Act has addressed many of the problems associated with that. Over many years I had cause to enter private properties. Interestingly, on a large number of those occasions I was bitten by dogs that had never bitten anyone. However, over the last three years the incidence of dogs running the streets, defecating in the streets and attacking people has reduced considerably. It is a sad day when this Parliament has to legislate on what should be a moral and ethical responsibility for dog owners.

As the owner of a hunting dog, a basset hound, I believe that the Companion Animals Act should take into consideration that most responsible dog owners fence their yards to ensure that their dogs are not able to get out unless someone leaves the gate open. In my view we need to address new sections 16 and 17, which makes it an offence for a dog to rush or attack a person or another animal. Section 16 creates a strict, liable offence. Section 17 requires that the person's intention to encourage the dog to attack another person be proven. The act of people encouraging their dogs to attack people or other animals should be regarded with great disdain. The bill is a step in the right direction in dealing with dangerous animals. I was a member of Cessnock City Council for eight years and I found that the main complaint to council involved dog offences. I therefore believe that councils would applaud the bill. Clearly councils and communities alike do not approve of dangerous dogs roaming the streets. Dogs defecating on the streets is also totally unacceptable; indeed, I believe it is a more serious problem.

Mr Woods: Basset hounds wouldn't do that.

Mr HICKEY: As the Minister said, basset hounds would not defecate on the streets. The property on which I live abuts an open area and I am able to let my dog out there, thereby ensuring compliance with the requirements of the Act. By introducing the bill the Minister has again shown that he is a leader in introducing amending legislation that will benefit the public. I commend the bill to the House.

Debate adjourned on motion by Mr Bartlett.

POLICE POWERS (DRUG PREMISES) BILL

POLICE POWERS (INTERNALLY CONCEALED DRUGS) BILL

Bills introduced and read first time.

Second Reading

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [12.48 p.m.]: I move:

That these bills be now read a second time.

I am pleased to introduce the Police Powers (Drug Premises) Bill and the Police Powers (Internally Concealed Drugs) Bill. For clarity I will go through the detail of the bills separately.

The Police Powers (Drug Premises) Bill contains new powers designed to protect the community against drug dealers and manufacturers. It creates new offences and gives police wider powers to stop the drug

trade in premises identified at law as "drug premises". This measure will give force to the announcement by the Premier in this House in March this year that the Government is committed to giving law enforcement officers the powers they need to stop the drug trade in Cabramatta.

Naturally the bill will have an impact statewide. We are legislating to ensure that drug dealers are caught across the State. The new offences are designed to catch people who are on premises that police have evidence are what are known as "drug premises". These premises are often heavily fortified and utilise look-outs to keep the occupiers protected from interference by police. Drugs are dealt and used on these premises, but such is the professional criminality of the occupiers that they are able to rid themselves of the actual prohibited drugs before police can enter. Sometimes there are piles of syringes, or other evidence that demonstrates that the premises are being used for purposes of manufacture or supply of prohibited drugs.

There may be fortification of the door to the premises, or to windows. There may be computer or other records of supply or manufacture of prohibited drugs. There may be pistols or other unauthorised firearms. There may be numerous drug-affected persons on the premises. These indicia will be used as evidence by police in demonstrating to the court that the premises are being used to supply or manufacture prohibited drugs and are to be considered "drug premises".

Once it is established that premises at a location are drug premises, offences flow from being present on those premises. Those new offences are entering or being on drug premises; an owner or occupier allowing a premise to be used as drug premises; or organising, or conducting or assisting in the operation of drug premises. For each of these offences there is a penalty of 50 penalty units or 12 months imprisonment, or both, for a first offence. On a second or subsequent conviction, there will be a penalty of 500 penalty units or five years imprisonment, or both. Hindering a police officer from entering is also an offence once a warrant is obtained, with a maximum penalty of 50 penalty units or 12 months imprisonment, or both.

Police will be able to apply for a search warrant under this bill to gain entry to premises once they have evidence that the premises are being used as drug premises, and have demonstrated to the court that they have reasonable grounds for doing so. The new bill protects the community by making sure that premises are proven to be drug premises to the criminal standard. Once that step is taken, the onus is on persons apprehended to show why they are on the premises. It is a characteristic of drug premises that they are not used for lawful or domestic purposes, so it is reasonable to expect persons to show why they are there once it is proven that they are premises used for the manufacture and supply of prohibited drugs.

The requirement of the person apprehended on the premises is not taken lightly. As it stands, the law provides for a number of specific situations where there is an onus on an accused to provide a lawful excuse. "Goods in custody" is the classic example, whereby people are required to establish how they came into possession of stolen goods. Another is "dangerous driving occasioning grievous bodily harm or death", where the prosecution has to show under section 52A (1) of the Crimes Act that the person driving was intoxicated or driving at a speed dangerous or in a manner dangerous to persons. Once that offence is established, the defence must demonstrate a defence as per subsection 8 that the death or harm was not attributable to the factors just outlined. This is the same kind of requirement to raise a defence. I am satisfied that intelligent policing will have to establish that premises are drug premises in the first instance, and that is the appropriate safeguard to ensure this power will not be compromised.

This bill also amends the Bail Act 1978 in certain ways that are aligned with the aim of stopping professional drug dealers, who are serious criminals who often use pistols and prohibited firearms such as sawn-off shotguns to assist in their activities. The Bail Act 1978 removes the presumption in favour of bail for a person charged with unauthorised possession or use of a prohibited firearm or pistol. It also requires a court determining a bail determination to have regard to whether the offence involves the possession or use of an offensive weapon or instrument in determining whether the offence is a serious offence, or whether the person will commit one or more serious offences while at liberty, as well as to require any prior criminal record of the person involving such offences to be taken into account.

These amendments are all aimed at protecting the community from persons who are charged with offences that indicate that they are serious and probably professional criminals. The bill also amends the Criminal Assets Recovery Act 1990 to have the criminal asset confiscation provisions apply to owners who operate drug premises. In addition, the bill amends the Drug Misuse and Trafficking Act 1985 to reflect and clarify the common law that "deemed possession" extends to "joint possession". It makes no change to the developed common law on possession. It is useful to recognise the developments of the common law in the legislation governing the area.

The bill also makes consequential amendments to the Criminal Procedure Act 1986 and the Search Warrants Act 1985. Another feature of the bill is that it amends the Summary Offences Act 1988 by putting in place powers for police to make reasonable directions to a person in a public place, if the police officer has reasonable grounds to believe the person is in the public place for the purpose of unlawfully supplying, or soliciting others to supply, prohibited drugs or to obtain, procure or purchase prohibited drugs that the person could not lawfully possess. This is a feature designed specifically to assist police in places such as Cabramatta, where it is known that persons congregate to supply and possess prohibited drugs, to clear an area. Cabramatta railway station is one such example currently, but the drug trade will remain mobile to try and subvert the law and this amendment allows police to keep pace with it and destroy it wherever it emerges.

It is a significant feature of the bill that it is aimed at major and organised criminals, and that is why cannabis and derivatives are excluded from it. These prohibited drugs are not usually a feature of the drug premises that the bill is aimed at, and the provisions of the Drug Misuse and Trafficking Act 1985 are adequate to deal with those matters. This new legislation shows the flexibility and strength of will that the Government will display to assist police to stop commercial drug dealers and manufacturers.

Drug dealers will be further targeted by the provisions contained in the cognate Police Powers (Internally Concealed Drugs) Bill 2001, and I now turn to this bill in some detail for the information of the House. The purpose of the bill is to introduce a regime for carrying out an internal search of a person suspected of swallowing or otherwise internally concealing a prohibited drug for the purpose of supply. Currently the only powers New South Wales police have to conduct internal searches are when they are assisting in the investigation of drug importation, under the Commonwealth Customs Act 1901. Under that Act a person entering Australia may be detained and searched if suspected on reasonable grounds of internally concealing prohibited drugs. While based on the internal search provisions of the Customs Act 1901, the bill incorporates many of the protections contained in the Crimes (Forensic Procedures) Act 2000 to ensure that suspects are adequately protected against unwarranted searches and have access to safeguards.

The bill permits non-intrusive internal searches in the nature of an X-ray, ultrasound, MRI, CAT scan or other form of medical imaging. Such a procedure may be carried out under the legislation either with the suspect's informed consent or by order of an eligible judicial officer, being a nominated magistrate or Supreme or District Court judge. A child or incapable person cannot be asked to consent to an internal search. Nor can a parent or guardian give consent on behalf of a child or incapable person. An internal search, no matter how unintrusive, may only be carried out on a child or incapable person with the authorisation of an eligible judicial officer. An incapable person is defined in clause 3 of the bill as an adult who is incapable of understanding the general nature and effect of an internal search or who is incapable of indicating whether or not he or she consents to an internal search being carried out.

In order to detain a person to seek consent to carry out an internal search or apply for an order, a police officer must be satisfied that the person is suspected on reasonable grounds to have swallowed, or is internally concealing, a prohibited drug for the purpose of committing an offence involving the supply of prohibited drugs; there are reasonable grounds to believe that the search is likely to produce evidence confirming that the suspect has committed or is committing such an offence; and detaining the person is justified in all the circumstances.

This high threshold has been included in the legislation to ensure that its provisions are used in exceptional circumstances, rather than as a matter of course. Internal searches will not be carried out simply to obtain evidence of possession or use of a prohibited drug—the suspected offence must involve the supply of a prohibited drug, contrary to the Drug Misuse and Trafficking Act 1985. If the suspect does not, or cannot, consent to an internal search, an application for an order may be made to an eligible judicial officer.

The eligible judicial officer is required to consider the above criteria in determining an application. In addition, the eligible judicial officer must not order an internal search if satisfied that the search cannot be carried out safely. It should be noted that the bill contains a number of safeguards to protect the interests of suspects. All suspects asked to consent to an internal search must be informed of their rights and what an internal search involves. Suspects will be told of their right to refuse consent as well as their right to withdraw consent at any time after it is given and have the matter determined by an eligible judicial officer. An internal search may only be carried out by a medical practitioner or appropriately qualified person. Suspects may at any time consult with a legal practitioner. A police officer must, if reasonably practicable, arrange for a suspect to consult a legal practitioner of the suspect's choice. Suspects who are unable to communicate with reasonable fluency in English must have access to an interpreter.

A suspect who is a child or an incapable person, or an Aboriginal or Torres Strait Islander suspect, must have a search friend with them at the hearing of an application for an order to carry out an internal search,

as well as when the search is carried out. Failure on the part of the police to comply with the provisions of the legislation may render any evidence obtained inadmissible. Under section 138 of the Evidence Act 1995, unlawfully or improperly obtained evidence is inadmissible in proceedings against a person, unless the desirability of admitting the evidence outweighs the undesirability. Suspects who come back from an examination with an image showing suspicious contents can be detained for up to 48 hours to discern the contents upon emission. If a scan reveals no suspicious content the person apprehended is to be released.

It is intended to ensure that police are appropriately trained in the functions permitted by this legislation. To that effect the search legislation will be proclaimed at a later date so police are satisfied they have the appropriate protocols in place to facilitate the operation of the legislation. The drug premises laws will, however, commence in July as part of the Government's commitment to the policing requirements in Cabramatta and across the State. It is true to say that many suspects faced with the prospect of scan and possible detention will concede in the first instance that they are concealing drugs.

Both bills provide for two review mechanisms. There is to be a Ministerial review of the legislation after two years following the date of assent to determine whether its policy objectives remain valid and whether its terms remain appropriate for securing those objectives. The Ombudsman is to monitor the exercise of police powers under the legislation for a period of two years and prepare a report. This is significant legislation that will assist police in providing law enforcement that the community expects. We know there are problems in some areas of Sydney and we do not shy away from giving police appropriate powers to address those problems. I commend the bills to the House.

Debate adjourned on motion by Mr Fraser.

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

DISTINGUISHED VISITORS

Mr SPEAKER: I draw the attention of the House to the presence in the gallery of the distinguished member of Parliament and President of the Parliament of the Czech Republic, Dr Vaclav Klaus. I acknowledge also the presence in the gallery of Mark Peck, the Chairperson of the Finance and Expenditure Committee of the New Zealand Parliament and member of Parliament for Invercargill.

PETITIONS

Willoughby Paddocks Rezoning

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

North Head Quarantine Station

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

McDonald's Moore Park Restaurant

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

State Taxes

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**.

National Australia Bank Gynea Branch Closure

Petition condemning the National Australia Bank's decision to close the Gynea branch and calling on the Federal Government to pass laws that require banks to maintain minimum customer service levels, received from **Mr Collier**.

National Australia Bank Jannali Branch Closure

Petition condemning the National Australia Bank's decision to close the Jannali branch and calling on the Federal Government to pass laws that require banks to maintain minimum customer service levels, received from **Mr Collier**.

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**.

Redfern, Darlington and Chippendale Policing

Petition praying for increased police presence in the Redfern, Darlington and Chippendale areas, received from **Ms Moore**.

Inner East Sydney Policing

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

Surry Hills Policing

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

Inner East Sydney Police Resources

Petition praying that there be an immediate increase in police resources in the inner east, that there be an increase in the uniformed police foot patrols to deter crime and that an effective police recruitment drive be developed to properly resource community policing, received from **Ms Moore**.

Darlinghurst and Paddington Policing

Petition praying for increased police presence in Oxford Street, Darlinghurst and Paddington, and praying for a permanent police van or shopfront at Taylor Square, received from **Ms Moore**.

Eastern Suburbs Police and Community Youth Club Closure

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

Mona Vale Hospital

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

Genetically Engineered Food

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

Vauluse Electorate School Closures

Petition requesting funding for public schools and opposing the merging of local schools, received from **Mr Debnam**.

School Funding

Petition praying that the House address the funding inequities between private and public schools, received from **Mr George**.

Frederickton Public School

Petition praying that priority be given to the construction of buildings at Frederickton Public School, received from **Mr Stoner**.

Kapooka Bridge

Petition praying that capital works funding be made available for the construction of a new Kapooka bridge, received from **Mr Maguire**.

M5 East Tunnel Ventilation System

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

Kempsey and Macksville Pacific Highway Upgrade

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

Woolloomooloo Wharf Redevelopment

Petition praying that the Woolloomooloo wharf redevelopment project include provision for a ferry wharf, received from **Ms Moore**.

Wagga Wagga Electorate Fruit Fly Campaign

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

Compulsory Desexing of Cats and Dogs

Petition supporting the compulsory desexing of cats and dogs which are not registered for breeding purposes, as occurs in the Australian Capital Territory and in many other countries, received from **Mr D. L. Page**.

Animal Experimentation

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

Manly Lagoon Remediation

Petition praying that funds be made available to assist in the remediation of Manly Lagoon, received from **Mr Barr**.

White City Site Rezoning Proposal

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

Bega Valley Shire Council

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

Green Slip Discounts

Petition praying that the Carr Government reinstate the discount on green slips previously granted to sole parents, disability and other pensioners under the age of 55 under the Motor Accidents Compensation Act 1999, received from **Mr George**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr HARTCHER (Gosford) [2.29 p.m.]: I move:

That General Business Notice of Motion (General Notice) given by me this day [Minister for Education and Training and Mr Walter Secord] have precedence on Thursday 31 May 2001.

Yesterday the sham apology did nothing to resolve the real issue in this sorry story, which is why was the Cecil Hills High School story hatched in the first place? And, more importantly, why was a gun introduced to give it a resemblance to the Columbine High School incident in the United States?

Mr Whelan: Point of order: I indicate to the honourable member for Gosford that the Government agrees to bring on his motion.

Motion agreed to.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Report

Mr Campbell, as Chairman, tabled the report entitled "The First Steps ... Review of the First Annual Report of the Commission for Children and Young People, for the 1999-2000 Financial Year".

Order to be printed.

QUESTIONS WITHOUT NOTICE

PUBLIC SCHOOL ENROLMENTS

Mrs CHIKAROVSKI: My question is to the Minister for Education and Training. The Minister's department has confirmed in the budget papers that the exodus from government schools in New South Wales will accelerate next year, with government school secondary enrolments dropping by more than 3,140 while private school numbers will jump by 9,400. Is this yet another indication that his complete mishandling of the education portfolio is driving more and more parents away from public education?

Mr AQUILINA: It is not often in this House that one gets a free kick. I remind the Leader of the Opposition precisely what the State Grants Act 2000 did for funding in New South Wales and around Australia. That is the Federal Government's act that provides—

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

Mr AQUILINA: —two-thirds of Commonwealth funding for the one-third of students at private schools in Australia.

Mrs Chikarovski: Point of order—

Mr SPEAKER: Order! Yesterday I warned the Leader of the Opposition that if she wished to take a point of order she should follow the procedures of the House and refrain from making a personal explanation. I acknowledge the Leader of the Opposition on a point of order.

Mrs Chikarovski: If the Minister is going to refer to Federal Government funding in the period when enrolments in public education are increasing—

[*Interruption*]

Mr SPEAKER: Order! Because of the interruption by Government members, the Chair was unable to discern fully what the Leader of the Opposition was saying. In addition, the Leader of the Opposition decided that she wanted to address the television camera rather than the Chair and that also made her difficult to hear. Because she did not address the Chair, the Chair was unable to fully hear the point of order. However, the Chair does not accept the point of order. In future the Leader of the Opposition should think very seriously about the manner in which she takes points of order. This is the third time in the past two days I have warned her about that matter. If she continues to flout the standing orders, the Chair will not acknowledge her.

[*Interruption*]

Mr SPEAKER: Order! The Leader of the House will remain silent. I call the honourable member for Baulkham Hills to order.

Mr AQUILINA: Once again I remind the House—

[*Interruption*]

Mr SPEAKER: Order! I place all members on three calls to order.

Mr AQUILINA: The Leader of the Opposition ought to be talking to her Federal colleagues. The Howard Government provides two-thirds of Commonwealth funds to the one-third of students who attend non-government schools. I remind the Opposition of a few facts. The largest decline in public school enrolments in recent years was under the stewardship of the former Government. More than 14,735 students left public education between 1988 and 1990. In 1988 there were 757,921 students. When the Carr Government came to office enrolments in government schools had dropped to 755,252. They are now up by 4,371, around 759,623 in the year 2000.

We all know there are changes every year according to population shifts, but government schools accounted for about 70 per cent of all students in New South Wales in the year 2000 yet now are only receiving 33 per cent of Commonwealth funds. Participation rates are also affected by the increasing number of 15 to 19 year olds attending TAFE, an increase of 5,387 from 1999 to 2000, a massive 124,300 young people. This participation rate of 15-year olds to 19-year olds is higher than the national average for schools with combined education and training. That point is always conveniently forgotten. I need to remind the Opposition that TAFE is a public institution and is funded by public moneys.

The fact that more 15-year-olds to 19-year-olds are seeking to do their Higher School Certificate at TAFE is an indication that they value an alternative way to study and to obtain a secondary education and their Higher School Certificate. Yet, conveniently, those figures are never included in the total figures of public education in this State. Members opposite clearly do not know what they are talking about. Once again I invite them to contact and discuss this matter with their Federal colleagues.

STATE BUDGET

Mr PRICE: My question without notice is addressed to the Premier. What has been the response to the 2001 budget and other initiatives to assist New South Wales families and businesses?

Mr CARR: There is no question on the budget from the Opposition. I wonder why. It might be due to the overwhelmingly favourable reaction to the budget from all parts of the community. I set aside those traditional supporters of Labor governments—the Australian Medical Association and the Business Council of Australia. One would expect that, but to get it from other sources is very interesting. I look first at what the regional press had to say about the budget. My colleagues from Newcastle would be gladdened by the 11 pages

of the *Newcastle Herald* devoted to overwhelmingly favourable coverage of the budget: "Hunter's record portion", "Schools marked high in work spree", "Better health for Hunter region", "Commuters win as carriage, station changes set in train" and, on the front page, "The best of health". The *Illawarra Mercury* stated, "Egan's responsive, responsible budget", "Consistent with working values", and "More rebates for lucky pensioners". The editorial stated:

... it is a reasonable and responsible Budget, remarkable because it is the sixth successive surplus Budget the Carr Government has delivered—and this after the State had to carry the enormous cost of the Olympic Games.

It might have added the enormous cost of the HIH collapse, which this Government has shouldered. In yesterday's Grafton *Daily Examiner* the Maclean shire mayor was quoted as saying that they wanted funds allocated for local sewerage works. What a difference a day makes! The Minister for Local Government, who represents the electorate of Clarence, announced the funds and relayed the good news to her worship the mayor, and in today's Grafton *Daily Examiner*, which we are all happy to read—I know I speak for all honourable members—the mayor is quoted as saying:

I would like to thank Mr Woods for the representation he made to the State Government on behalf of Maclean Shire.

I feel that I should go around the House with a microphone like Jerry Springer and sit down next to members. Last night the honourable member for Maitland—stand up and identify yourself—said to me, "My Christmas has come in May". The *Maitland Mercury* acknowledges the generosity of the budget to the people of Maitland. It states, "Budget delivers promises." The article states:

The State Government has continued to deliver on promises to the Maitland electorate in this year's budget.

I will see the good news first hand when my Cabinet colleagues and I are in Maitland for a country Cabinet meeting shortly. There has been great news from the Tweed. The honourable member for Tweed has a big smile because he knows—

Mr Hartcher: Point of order: The question asked by the honourable member for Maitland is relevant because people want to know about the community's reaction to the budget. However, I cannot hear what the Premier is saying. Mr Speaker, I am sitting here trying to listen to every word, but the Premier is standing over there with his back to you and to me. The Premier should speak his words of wisdom in such a way that everybody, including you, can hear them.

Mr SPEAKER: Order! The Chair is able to hear the Premier.

Mr CARR: The honourable member for Tweed would agree that the *Daily News* was rapturous in its welcome of the budget. It states, "Spending spree to hit the Tweed". It states that the State budget—

[*Interruption*]

Mr SPEAKER: Order! I remind all members that they are on three calls to order.

Mr CARR: The Tweed *Daily News* states, "State budget gives area \$100 million." It states that the funding will provide:

... a pedestrian overpass, extra public housing, special schooling for children with behavioural problems and improved crime detection methods.

One would expect me to acknowledge what has been said in western New South Wales, and I will not disappoint the House. The *Barrier Daily Truth* says, "Tax cut friendly Budget", "Murray Darling comes up trumps", and "\$2 million for Year of the Outback". The honourable member for Murray-Darling tells me that all morning his phone has been ringing busy with calls from electors saying, "Onya, Blackie."

Mr Hazzard: Point of order: It has reached the stage that, if there is to be one set of rules for the Government and another set of rules for the Opposition, as far as the Opposition is concerned the rules of the House will not apply. I ask you to behave in an even-handed fashion to both sides of the House. You asked the Leader of the Opposition not to turn her back to you. The Premier is not only turning his back to you; he is walking the full length of the floor. And he shook the hand of a member of his own party. If, as a shadow Minister, I stood up, walked around and started shaking hands with members of my party, you would have me thrown out, as would be proper. I ask you to direct the Premier to behave with some decorum; otherwise the rules of the House will go out the window and there will be no rules so far as the Opposition is concerned. You should direct the Premier to comply with the rules of the House.

Mr SPEAKER: Order! As a former Acting-Speaker, the honourable member for Wakehurst would know—

[*Interruption*]

Mr SPEAKER: Order! Before I was rudely interrupted I was attempting to explain to the honourable member for Wakehurst that the standing orders permit members to move around the precincts of the Chamber as they are speaking. That being so, the Chair has no option but to allow them to do so. Indeed, members may speak from either side of the House; they need not speak from their places. However, a member who takes a point of order should address the Chair directly because it is the Chair, and only the Chair, who makes decisions about the standing orders. The two matters that have been raised this afternoon fall directly within the jurisdiction of the Chair. The Chair has never prevented a member from walking around the Chamber while speaking. However, if a member has been asked twice in the past two days to address the Chair when taking a point of order and the member has refused to do so, that member will not be acknowledged by the Chair. That warning applies to members on both sides of the House.

Mr CARR: The *Western Advocate* states, "Bathurst benefits" and "Community effort delivers results". It is almost embarrassing that I have to quote from the front page of the *Singleton Argus*, which reads, "Funds allocated for Redbournberry". The article discusses funding for a new bridge which will be in the electorate of the Leader of the National Party but has been delivered by the honourable member for Cessnock—in nowhere less than the home town of the Leader of the National Party! What a rap for Country Labor and what a rap for the honourable member for Cessnock! As the *Singleton Argus* notes, the money was secured after the honourable member for Cessnock had " ... negotiated with Transport Minister Carl Scully ... to have the project given top priority".

One does not have to hop on an XPT to see the good news because it is also here in Sydney. The *St George and Sutherland Shire Leader* reported on the budget in terms of "Delivering the goods". The *St George and Sutherland Shire Leader* gives the budget a mark of 33 out of 35, and you do not get much better than that! The paper gave ticks for health, roads, schools, rail, police, emergency services, environment and planning. It is not only in the Government's own backyard where this is happening. Take Dubbo—Eenie, meenie, minie, mo, Dubbo! The news from Dubbo is conveyed by a newspaper with the embarrassing title of the *Daily Liberal*. In Monday's paper, which was produced after my announcement at the Country Labor conference, the newspaper stated, "Carr hands Dubbo 100 new jobs".

The report refers to my speech at the Country Labor conference, where I announced that 100 jobs in the Department of Land and Water Conservation would go to Dubbo, but the newspaper predicted that "Dubbo will be one of the big winners of the State Government's Budget ...". That newspaper had some emanations from Dubbo's diligent local member that Dubbo might fare well or be treated generously in the budget. Today's front page of the *Daily Liberal* in Dubbo states, "Plenty in the Budget for rural NSW" and "Budget has \$35 million zoo grant".

On top of all that, as all honourable members would know, Dubbo has received \$30 million for a school campus. Approximately 2,000 people are expected during the open day in Dubbo on Saturday and Dubbo has been given 100 jobs so Dubbo has done well. The honourable member for Dubbo will be known as the pirate captain of the New South Wales Parliament. How are Sir Francis Drake and his crew faring? The honourable member for Dubbo will need a Hercules transport craft to take all that Dubbo has been given back to his home town on Friday night. There is one reason why the members of the Coalition walked out: they have no questions on the budget and they have no criticisms to make of the budget. The easy way to handle that was to manufacture a walk-out from the House. That is the reason for it, and the one reason alone.

Mr Scully: A juvenile gesture.

Mr CARR: As the Minister for Transport says, it was a juvenile gesture which discredits the Opposition. Honourable members may recall that in a previous Parliament there was one member above all others who did that type of thing and his name was Michael Photios. His voters threw him out. The public deplores that kind of gimmickry. Members of the Coalition have walked out only because they have no questions and no criticism of the budget. Their places have quite appropriately been taken by members who take the Parliament seriously. The Business Council of Australia has stated:

We welcome the significant investment in infrastructure and people, the early phased removal of the Debits Tax and the abolition of the \$100 million a year levy on electricity suppliers.

I am not talking about the traditional friends of a Labor Government. This morning, the New South Wales Farmers Association had this to say:

We ... certainly welcome the initiative, for new capital works initiatives in rural education ... and the spending on developing the internet capacity for rural schools ... and the issue of the early elimination of BAD taxes on the financial transactions ... [it's] a step the association has been working for.

The plaudits have continued to come in. The Credit Union Services Corporation has stated:

NSW Treasurer Michael Egan is to be congratulated.

The Real Estate Institute of New South Wales and the Australian Industry Group have also commented favourably, and so on it goes until we come to the shadow Minister for Local Government. The Deputy Leader of the Opposition in the Legislative Council, the Hon. Duncan Gay, is the fourth most senior figure in the Opposition. Last night the Deputy Leader of the Opposition went down to the press gallery, having put out a press release which claimed that there is no money in the budget to shift the Department of Local Government from Sydney to Nowra. He distributed his press release in all the boxes for all the members of the press gallery. He had stated that an entire project had gone missing in action. He went on:

The Government's much-publicised plan to move the Department of Local Government to the South Coast has come unstuck. They can't find a tenderer for the project so there is no money in the budget for the shift.

Page 19-23 of volume 2 of Budget Paper No. 3 shows an allocation of \$5 million. The Deputy Leader of the Opposition had that drawn to his attention but that was after his press release had gone out. The Deputy Leader of the Opposition went through the press gallery and removed his press release and then slunk away, hoping that it would be forgotten. But the ever-vigilant Minister for Local Government made 30 copies of the press release and had his staff redistribute them. I just want the people in the public gallery to know that that is the type of Opposition we have in this Parliament.

The honourable member for Hornsby, Stephen O'Doherty, has apparently joined the Country Liberals. He was on the Philip Clark program this morning saying that taxes are too high. Of course Philip Clark asked the obvious question, "Would you bring them down?" Philip Clark could not get an answer out of the honourable member for Hornsby. His response was, "Well, everyone wants them to come down." It is pathetic to say that everybody wants taxes to come down and then, as an Opposition, fail to make a commitment to bring down taxes. It is no wonder that members of the Coalition have had to walk out of this Chamber today in embarrassment! It is no wonder that members of the Coalition are so shamed by their responses to this Government's budget! The Deputy Leader of the Opposition and the honourable member for Hornsby are so embarrassed by their responses to the budget that they have had to walk out of the Parliament. In conclusion, I refer to what Standard and Poor's, one of the two great ratings agencies located in Wall Street, had to say about the budget:

The cash surplus budgeted for ... will be the sixth consecutive cash surplus, an unprecedented result for NSW. This track record of surpluses is even more remarkable considering that they were achieved after all government spending on the Sydney 2000 Olympics.

The Government paid for the Olympics in full. On the way through it picked up all the expenses of the HIH exposure in New South Wales and has invested in schools, hospitals and public transport to an unprecedented extent. It has also cut taxes, retired debt and delivered its sixth surplus budget. For anyone else, that would be considered to be a surprising achievement. But those who know the dedication, diligence, style and values of New South Wales Labor know that it is delivering in a great tradition.

PUBLIC HOUSING

Ms MOORE: My question is addressed to the Premier. Given that there are 100,000 people on the public housing waiting list and bearing in mind the developing homelessness crisis, especially in the city, what initiatives are provided in the budget for the most disadvantaged in our community?

Mr CARR: Housing is determined, in large measure, by the Commonwealth-State Housing Agreement. I would welcome the support of the honourable member for Bligh in ensuring that the Commonwealth revisits that agreement and, as my colleague the Minister for Health reminds me, ensuring that its commitment is subject to indexation. The Commonwealth has reduced its contribution, and that is the essence of the problem with public housing funding in Australia.

Ms MOORE: I ask the Premier a supplementary question. Would the Government consider allocating part of the budget surplus to this most disadvantaged group in the community, that is, the homeless and the people on the public housing waiting list?

Mr SPEAKER: Order! The supplementary question does not arise from the Premier's answer. I rule it out of order.

FOOTBALL SUPPORTERS BEHAVIOUR

Mr MOSS: My question without notice is directed to the Minister for Police. How is the Government responding to recent concerns about hooliganism at football matches?

Mr WHELAN: I commend the honourable member for Canterbury for his interest in this matter. His electorate, together with the electorates of other members, embraces the area from which the Canterbury Bulldogs draw many of their supporters and players. I know I speak for many sports fans when I express my disappointment and disgust at the behaviour of hooligans at recent football matches in Sydney. Sport, and in particular the different codes of football, continue to bring great pleasure to millions of people. People are passionate about their sport. Few experiences are as exhilarating as uniting with fellow supporters in the stands and barracking for your team. However, people of all ages have a right to attend a sporting event with friends and family without falling victim to the violent and antisocial behaviour of a few troublemakers.

Mr Torbay: Point of order: As I understand it, the standing orders require that Ministers and members should not read their speeches word for word, and I ask you to rule that way.

Mr SPEAKER: Order! There is no point of order. The standing orders do not say that.

Mr WHELAN: That point of order is often taken by members of this House. However, the standing orders provide that members may refer to notes. Before I was interrupted I was saying that these hooligans—and I was referring to the hooligans who disrupt football matches—are a minority who attempt to hijack an event that gives pleasure to so many. Many people know that I have been a life-long supporter of Western Suburbs, now Wests Tigers. Along with a lot of other football followers, I was sickened by the sight of a small number of thugs, who, under the supposed banner of the Canterbury Bulldogs, went on a destructive rampage in early May. Having said that, I am advised by police that pressure from within the Bulldog army—that is, the supporters of the Canterbury Bulldogs who attend the matches with the Bulldogs logo and flag—seems to have modified the behaviour of some of the troublemakers. Police now attribute that behavioural change to those who may have misbehaved at football matches in the past but have now ameliorated their behaviour. Hopefully, the improvement in behaviour will continue.

Regrettably, following the incident in early May a group of Melbourne Knights soccer fans clashed with police after a match against Sydney Olympic at Parramatta Stadium. I am sure all members will join me in condemning those louts who attacked police and destroyed venues, ignited flares and abused innocent spectators. That sort of behaviour will not be tolerated in sport in New South Wales. We are taking this tough stand so that we will never be plagued with the problems that have plagued British and European football. I am told that in the United Kingdom football violence has become so well organised that bands of thugs prearrange fights with supporters of rival teams both before and after matches. British police have uncovered networks of violent supporters who glorify their own exploits with names such as the Firm, the Inner City Mob and the Massive. Those groups claim allegiance to football teams but their criminal behaviour has nothing to do with sport of any kind.

Police in New South Wales will target anyone who commits a criminal offence in the name of a football club or any other sporting organisation. That is why I am announcing a package of measures that will tackle football violence swiftly and effectively. Police are trialling powerful digital cameras that will be used to identify hooligans and troublemakers captured on security cameras at football grounds. I am advised that the criminal suspects identification system can identify offenders quickly by comparing key facial and physical characteristics stored on an electronic database. Funding for the system has been budgeted for.

Other police initiatives include an intelligence database to track known hooligans and their activities; two police strike forces, Operation Tarat and Operation, which will target disruptive and violent rugby league and soccer fans; spotters at stadium entrances to identify known troublemakers; enhanced security at stadium entrances where required; safety audits of all major football grounds; the development of protocols for police

and governing football bodies; written warnings for unruly supporters and a life ban for repeat offenders; and publicity and education campaigns by police and clubs against hooliganism, including visits to schools by the stars of the game and appeals on club web sites.

I am advised that the National Rugby League, particularly David Moffett and John Brady, and the National Soccer League have been very supportive and deserve praise for working closely with New South Wales police in addressing these issues. Their co-operation and assistance has been vital and clearly reflects the views of the vast majority of sports fans and the administration that there is no place for loutish behaviour in and around stadiums. Police advise that these initiatives can be easily adapted and enhanced to take in all codes of sport, should that ever become necessary. Wherever problems arise with hooligans in sport, police will be able to respond quickly. I am told that the National Soccer League grand final between Wollongong and South Melbourne will be played at Parramatta Stadium on 3 June. I urge everyone who attends to enjoy the grand final, whatever the result, in the knowledge that police have taken every step possible to ensure that hooligans do not disrupt that and all future football matches.

SEAFORTH TAFE SITE

Mr BARR: My question is directed to the Minister for Education and Training. When will the Minister advise the House about the future of the Seaforth TAFE site? Is the Minister willing to seriously examine the opportunity for locating a community education college on the site?

Mr AQUILINA: The Seaforth TAFE site is currently the subject of negotiations between my department and Treasury. We have considered a number of alternative uses for the site, but at this stage it would appear that none is appropriate. It is therefore likely that the site will be sold to provide funding to improve TAFE facilities in the Manly electorate and elsewhere. For the benefit of the honourable member for Manly I indicate that the budget provides substantial benefits for TAFE facilities in the North Sydney area, particularly for the North Sydney Institute. For example, \$7.7 million has been allocated for stage one of the senior campus of the Northern Beaches Multicampus College and \$2.5 million has been allocated for the upgrading of accommodation at Harbord Public School.

The honourable member knows that, together with the Northern Beaches Multicampus College, a university campus will be established on that site. There will also be continued upgrading of the North Sydney Institute of TAFE. I know that the honourable member is keen on the Harbord Public School project, about which I have received many petitions and letters from him and which will be of benefit to him. Not only will the Northern Beaches Multicampus College have a senior campus but, as I indicated earlier, there will be TAFE and university campuses on the Freshwater High School site.

I regret as much as anybody that an institution of past repute, such as the Seaforth TAFE campus, had to be closed to enable us to provide improved facilities elsewhere but within close proximity—that is, within the Northern Sydney Institute of TAFE. I assure the honourable member that this Government is spending millions of dollars to ensure that TAFE facilities are of a modern standard and to provide for the future of education in his electorate and the northern area of Sydney generally. We want to make sure that we provide the essential links required to schools in that area, particularly through the Northern Beaches Multicampus College and the establishment of the joint link between the senior, TAFE and university campuses at the current Freshwater High School site.

NEW ENGLAND AREA HEALTH SERVICE MULTIPURPOSE SERVICES

Mr TORBAY: My question is addressed to the Minister for Health. Now that the budget has been delivered, will the Minister advise on the progress of the much-needed multipurpose services in the New England Area Health Service area?

Mr KNOWLES: An interesting highlight of the Opposition's response to the budget yesterday was the Leader of the National Party touting around the media that Denman had been left out of the Multipurpose Service [MPS] program. The Leader of the National Party does not know how to read budget papers. Denman, like the other 34 programmed MPSs, is there and is progressing well. We intend to further engage communities in some locations—particularly the New England and Northern Tablelands areas—to see whether we can add further to that collaborative approach combining, as we do, nursing home beds and the older style acute services. For example, we are working to incorporate ambulance services into the MPS facility, linking all of the health services in a particular town at a particular location.

Because of the terrific support of the honourable member for Northern Tablelands, the honourable member for Tamworth and the honourable member for Dubbo—who benefit largely by these MPSs—they are progressing well, with an enormous amount of goodwill and commitment by the community. I am reminded of the remarks I made in the House recently: that despite our desire to move on with these programs, there is a slowdown at the Commonwealth end in relation to the allocation of licensed aged-care beds. The good news is that, as a consequence of the Government's alerting the general public to that slowdown last session, people such as John Anderson and others quickly got on the phone to Michael Wooldridge and Bronwyn Bishop and—surprise, surprise—the Commonwealth is back on track. Despite that little hiccup, the community can now be assured that the Commonwealth and the State are working together on an effective program, one which is being developed and will benefit people who would otherwise have to leave town for their health care needs due to an absence of health services.

Right across the State—not just in the electorate of Northern Tablelands—MPSs are good models of health care. They provide local health care services for acute services when people have a fall and need the treatment of a nurse or a doctor, or when they need allied health services—such as podiatry or physiotherapy. More importantly, aged people in country towns, who traditionally had to leave town to get aged care beds, now have better prospects of staying in their town, where they have raised their kids and where their friends and networks are. They can have a peaceful and dignified existence in their old age. It is a good program, much to the credit of country communities who have supported it.

STUDENTS AND TEACHERS INTERNET ACCESS

Mr STEWART: My question without notice is to the Minister for Education and Training. What is the latest information on the Government's plan for students to use the Internet and email?

Mr AQUILINA: Last night's budget funded the beginning of a new era in teaching and learning in our schools: an initiative called e-learning accounts. Information technology [IT] has moved from being a subject studied at school to being the basic tool in the classroom. I have often pointed out that computers are no longer a subject to be studied in schools; they are the tools of teaching and learning. Computers are very fast replacing exercise books and ballpoint pens as the tools by which we teach and learn. Every student needs to be technologically fluent to succeed in life and work.

The Carr Government has been at the forefront of educational technology. I remind honourable members that it was the first Government to connect every school to the Internet, a program which was completed by the end of 1996. Since 1995 it has had a roll out of 90,000 new and replacement computers and a further 25,000 computers will be rolled out during the next two years. More than 20,000 teachers have been trained in how to use IT in teaching and learning, with another 20,000 to be trained during the next two years. Computer support funding has been provided directly to schools and IT specialists in district offices across the State.

It is now time for IT to revolutionise not just what our students learn about or what tools they use to learn with, but how they learn. New technology has changed what constitutes a class. Last year the Premier announced that the Department of Education and Training would tender for the provision of 1.3 million email accounts to government schools and TAFE students and teachers in New South Wales. The tender process started earlier this year, and the department is currently considering tender bids. I look forward to announcing the preferred tenderer in the next couple of months, with the initiative being phased in later this year. It will be the first instalment of a nation-leading educational revolution.

Yesterday's 2001-02 State budget provides a down payment of \$21.6 million to start that revolution. During the next four years this seed funding will be provided to deliver email addresses and Internet accounts for every student and teacher in a government school or TAFE college. With an e-learning account, 1.3 million students and teachers from government schools and TAFE colleges will have an individual and personal email address, and free access to the education intranets from home or from anywhere in the world through the Internet. That means that students and teachers will be able to access learning material and library resources placed on the intranets by schools and colleges, communicate with teachers and classes by email, create and share web resources, and work together in teams within their school, across the State or even around the world.

Dial-up access to the Education intranet will enable Higher School Certificate students to prepare for exams using the innovative HSC online project from home. We are putting more and more subjects onto the HSC online. We will have 23 subjects by the end of this year. Students may be able to study one of 15

vocational subjects currently provided by TAFE online, such as e-commerce, agribusiness or construction. Individual email addresses mean that teachers can set homework for students electronically, confident that every student has access—unlike a Hotmail account—and confident that they can communicate and work with students in a safe and secure electronic environment. Teachers will be able to set the homework on their computers, email it to their students, the students will be able to do their homework on their computers and email it back to their teacher.

Students will be able to submit essays and assignments electronically, and students could work together in virtual teams whether they are in Wollongong, Woolloomooloo or Wagga Wagga. Students and teachers will be able to complete their work at home or at school and save on their own electronic work space, which they can access from anywhere in the world. Teachers will be able to communicate electronically with parents about student performance or attendance. Teachers will be able to use the Intranet resources from home to prepare lessons, access and assess student work, or read syllabuses. This initiative will create one of the largest Intranets in the world. But the real revolution in this area is the potential for the future. This initiative builds the infrastructure for a radical new approach to schooling. It lays the foundations for the classroom of the future. This is an exciting initiative. It is a major step forward, and the potential for the future is enormous. E-learning accounts will mean New South Wales schools will continue to lead the way in educational technology in Australia and beyond.

RURAL CAPITAL WORKS BUDGET

Mr WINDSOR: My question is to the Premier. Will he release the methodology used to substantiate the claim made by the Treasurer yesterday that country people will receive 34 per cent of the capital works budget? Country people deserve to know how these calculations are made. Will he release that methodology?

Mr CARR: I am happy to release that methodology. The budget reports that, while 28 per cent of the State's population lives outside Sydney, the Central Coast, Wollongong and Newcastle, this budget provides them with 34 per cent of the State's capital works and road maintenance budget. I might say in passing that the Leader of the National Party is another shadow Minister who got something hopelessly wrong. He dashed onto radio this morning to say the budget was a trick because it was, he said, the first budget to include road maintenance spending in the calculation of rural capital works. Uh, oh, another banana skin—just like the Hon. Duncan Gay, just like the honourable member for Hornsby! The foreword to last year's budget papers contains details of spending in regional and rural New South Wales and says:

In this Budget more than 35 per cent of all spending on capital works and road maintenance will take place outside Sydney, Newcastle, Wollongong and the Central Coast.

Again from the same document:

Forty two per cent of people live outside Sydney, and they will receive 46 per cent of spending on capital works and road maintenance this year ...

So the member for Upper Hunter, the Leader of the National Party, got it absolutely wrong. Mr Speaker, I think Opposition members walked out today because they tested all their questions on morning radio—

Ms Moore: They could have worked out some more.

Mr CARR: That would have required a bit of brainpower and a bit of research capacity. The Hon. Duncan Gay, when he gets it wrong, goes down there to reclaim them. George Souris has it pointed out to him. The same methodology was in last year's budget. They tried different lines around the place. O'Doherty says, "Taxes should be coming down, but don't ask us to make a commitment to bring them down." They try out all those lines and not one of them takes. So the easiest option, by far, is to give effect to a sense of offence and walk out after asking one question in question time.

It has just been pointed out to me that there is not a case in the history of any Australian Parliament of an Opposition choosing the question time after the budget to effect a walkout. We will choose it well: we will wait for the question time the day after the budget—when any other Opposition is picking this, picking that, a flaw here, an opening there, with a bit of research leading to a train in questions on this front. Any Opposition worth its salt is doing that. But to choose the day after a budget to walk out at question time sends a very big message: they have not got a criticism to make.

DENTAL HEALTH SERVICES FUNDING

Mr CAMPBELL: My question without notice is to the Minister for Health. How is the Government helping to improve public dental services following the Federal Government's abolition of the Commonwealth's responsibility to maintain its dental health program?

Mr KNOWLES: I think I can safely assume now that every member in the Chamber would agree that the abolition of the Commonwealth dental program by John Howard was clearly a gross abrogation of responsibility. I think I can say on behalf of every member in this Chamber that until the Commonwealth Government reintroduces a Commonwealth dental program—a unifying program between the Commonwealth, every State and every Territory in this nation—we will always have a poorer oral and dental health service as a consequence of that failure. When Howard cut the Commonwealth dental program he left people without dental services. Michael Wooldridge said that dental health programs are the domain of the States and the Territories.

Just think about that for a moment. In the case of New South Wales, the Howard Government immediately took, cumulatively, about \$134 million away from dental care from our public dental facilities, like the big ones at Central railway station, the United Dental Hospital, the Westmead dental facility and all those right round the State. But, at the same time, it subsidised private health insurance companies to the tune of about \$2.5 billion. Look at those packages and you will see that about 10 per cent of the funding goes to privately subsidised dental insurance—effectively a shift from welfare for people who cannot afford their dental services, such as pensioners and poor people, to people who can afford to pay insurance premiums. That is a shift from people who cannot afford dental care, and have to rely on the State system, to people who now are subsidised through the Commonwealth tax payments to insurance companies for their dental care.

Honourable members will recall NIB, for example. For \$11 you can get a check and a clean, and NIB picks up the other \$100—courtesy of the Commonwealth Government's hypothecated tax rebates. If you are in the MBF, for example, you can get that for nothing. Of course, that is plainly unfair. In recognition of the fact, as we now know, that gum disease for example has a direct causal link to cardiovascular disease, obviously and appropriately, dental care should be one of the national health priorities. It used to be under Labor nationally; it no longer is under Howard and Wooldridge. It should be a major component of a nationally planned priority health program, reinstated and done in conjunction with the States, because that is the only way we will play the catch-up needed to take us from third-last now, on OECD assessments, in dental care and in dental health quality, to somewhere better than that.

We have slipped dramatically, in OECD terms, in dental care as a consequence of the axing of the Commonwealth program. Michael Wooldridge last week, as a result of the Commonwealth budget—not the State budget, but the Commonwealth budget—finally had to acknowledge to the Australian Dental Association, which has been pressing for the reintroduction of the Commonwealth program since it was cut, that the States, including New South Wales, have had to put in more money in an attempt to play catch-up.

Honourable members will recall that, at about this time last year, I announced a major injection of new money into the dental program—about \$33 million over three years—to try to deal with the backlog that was caused by the cut in the Commonwealth program. That program is beginning to have an effect. I can report to the honourable member for Keira that, down in the Illawarra, on average last year we were treating 1,250 patients a month. This year we are treating 2,100 patients a month. So that is a big increase. That is beginning to be reflected right around the State. I am the first to concede—and I think that the honourable member for Northern Tablelands raised this issue in the Parliament recently—that there is much to be done. It can only be achieved collaboratively by the Commonwealth and the States working together.

There is not enough money in any State budget to meet the growing demands and needs of dental care. Of course, because of the impact of poor dental health on a person's wellbeing, it is appropriately a national program. We have been desperately trying to find new ways to make those large dollar amounts go further. I can announce today a new scheme that will further assist people in this State. It will not replace the Commonwealth scheme, but it will go a long way towards assisting those people who are currently on public dental lists and who are waiting for service. From 1 July a new scheme—the Oral Health Fee for Service Scheme—will be established to assist up to 70,000 people a year to obtain dental treatment.

The scheme has been established in co-operation with the New South Wales branch of the Australian Dental Association. In simple terms, it will expand the range of options available for people who are currently eligible for public dental services by providing them with a voucher so that they can obtain priority dental care

from private dentists in private dental clinics. Eligible patients—including those with a health care card, pensioner concession cards or Commonwealth seniors health cards, or a dependant of someone holding one of those cards—will be able to visit a private dentist of their choice for treatment and the dentist will be able to claim the cost of the treatment from the Government. Schedule rates will be the same as those paid to private dentists for patients being treated under the Department of Veterans Affairs local dental officer fee schedule for a range of approved services.

It is estimated that up to 70,000 people a year are likely to use private dentists under this scheme. This means a bigger pool of dentists treating patients, increasing the throughput, improving care, freeing up places in our public clinics, giving people greater choice and using about \$9 million of State Government funds more effectively. This approach is about increasing access for public patients in their local area. For the three country members opposite or for Country Labor members it may also mean that local people will be able to go to their local dentist and get it paid for by the Government instead of needing to travel long distances to public dental clinics—a better deal in particular for country New South Wales. It is also about caring for pensioners and the disadvantaged while, frankly, John Howard and Michael Wooldridge are caring for middle-class welfare by subsidising, through insurance rebates, people and their dental programs under their insurance schemes.

I place on record my thanks to the New South Wales branch of the Australian Dentists Association, which has worked collaboratively and co-operatively to develop this scheme in an effort to help people who are either old or unable to afford insurance, or who need the services of public dental care. Let us be clear about the fact that the problems associated nationally with dental care in the public system will not go away unless and until John Howard reinstates a national program and puts that program in place collaboratively with all the States and Territories. I join with every other State and Territory government, the Australian Dental Association and the Australian Medical Association in calling on the Federal Government to do just that.

POLICE POWERS

Mr McGRANE: My question without notice is directed to the Minister for Police. Will the Minister consider implementing the police regulations that are in force in the Cabramatta police district in other police districts?

Mr WHELAN: The honourable member would be aware that the Cabramatta local area command, Hume region, has its own special problems.

Ms Moore: As does Kings Cross.

Mr WHELAN: The Government is committed to dealing with those specific problems in the best and appropriate manner. The honourable member would be aware that the Premier recently announced the Cabramatta package, which, inter alia, encompasses the new and tougher firearms laws that I introduced today. We already have the toughest firearms laws in Australia and we intend to make them tougher. This issue is all about removing firearms. However, that is only one part of that Cabramatta package. The Attorney General has introduced legislation relating to drug houses and we will establish another nexus. The package to which I have referred today relates specifically to Cabramatta. The honourable member for Bligh interrupted earlier and said that there were also problems in Kings Cross. The same thing will apply in relation to Kings Cross. The police and the Government are working together to solve the problems in those areas. I refer to the suggestion that the Government should implement the package that has been implemented in Cabramatta in other parts of the State. I state, fortuitously, that a number of other areas in the State are not experiencing the problems that are being experienced in Cabramatta. The Police Service and all other government agencies—community services, health and housing—are all working together to provide community and other protection. As I indicated earlier, the Cabramatta package—a comprehensive package of initiatives to tackle the drug and crime problem in Cabramatta—includes legislative changes to enable police to counter effectively new methods being adopted by drug traffickers in Cabramatta.

Let us say, for example, that a tactical action group that is active in Cabramatta displaces drug dealers—terminology that is referred to by the police—to other areas. Police have already taken into consideration the likely effect of such action. That is likely to happen in other parts of the State, such as Dubbo or Tamworth. We have introduced new laws in the Cabramatta package, but they are statewide laws and will apply not only in Cabramatta. If police in Dubbo are able to prove that a drug house is located in Dubbo, those laws will apply equally in Dubbo. The Police Service is continuing to monitor this situation and it is working with other government agencies. Frankly, the Police Service will continue to monitor the needs of operational police officers and react to those needs.

The legislation that is currently before the House will ensure that police officers receive the best opportunities. The honourable member referred in his question to legislative initiatives being sought by the police. It is worthwhile going through those initiatives. The legislation will enable police to combat the rising number of drug houses in any area of the State if it appears as though drug traffickers are being displaced. If the Police Service establishes that they are selling drugs throughout the State we will expedite the passage of the legislation through the Parliament. The Premier is determined to ensure that the legislation is in place by 1 July this year. The Government wants a speedy passage of the legislation through the upper House and would like the legislation to be operational by 1 July this year.

If there is an increase in the number of drug houses the legislation will give police additional powers to deal with them. Those legislative initiatives will enable police to detain offenders and have a medical practitioner conduct searches for drugs to counter the practice of concealing drugs. We are using a model that has been adopted by customs. Customs has in place a protocol with St George Hospital and we are working through that protocol. Some issues are of concern not only to the government but also to the community. However, the Attorney General has those problems well in hand. I refer, for argument's sake, to the serious issue of body searches for children aged 10 and above. Legal responsibility starts at 10, but how awesome that is if we think about it for a while. That is actually happening on the street. Police are reporting that children as young as 10 are being used as drug couriers and they are concealing heroin and other drugs inside body cavities.

This is a very difficult issue for the police. While police have standard operating procedures to deal with these issues, we have to be very sensitive about what the police are doing. My colleague the Attorney General has this in hand. He is working with the police and, as I say, there is an existing protocol and arrangement with St George Hospital and the customs service via the Australian Federal Police. The Government wants to make sure that the federal law can apply in New South Wales.

This is a sensitive issue and one we want to investigate fully. When one thinks of the ramifications for a 10 year old who is going to be searched by a police officer, it ill behoves us to rush this through. I have just been reminded that there is an age of legal responsibility above 10, which is qualified until the age of 14, and the consent of a child cannot be given unless a parent or guardian is present. I do not want anyone to be under the misapprehension that children will be dragged off the street and searched by police. There is existing law in relation to that issue.

The other part of the package that will be very important for Dubbo is the power to arrest people loitering to buy or sell drugs or acting as go-betweens. The police in Dubbo, Tamworth and Armidale will have that power. The main purpose is to better target the illegal trade in drugs. I reinforce to the House the importance of these tough laws we are introducing in relation to firearms. Make no mistake, New South Wales has led the way. We have led the nation in tough firearms laws. Police found anomalies on the streets. Hoodlums and gangs were breaking up the component parts of guns, barrels and other parts, and that meant they did not have to be registered. They did not have to be registered in Queensland and Queensland became the home of these varying parts of guns throughout the nation.

Hoodlums would go to Queensland, buy the various parts, bring them back in their cars, put them together and use them on the streets. What we are doing with this legislation looks very insignificant but I am explaining to the House what it is for. It means that someone in possession of a firearm frame illegally, with no entitlement or licence, will go to gaol for 14 years unless that person can prove he has a bona fide reason for holding it. That is how tough we have to be with the gun laws in New South Wales.

The gloves are off. Not only have I been to the Australasian Police Ministers' Conference about it, I am urging the other States to take part in the initiative to make Australia a lot safer. In other words, I want the rest of the States to ensure they have legislation in place that comes up to the high standards of New South Wales. I conclude by saying that the people of Dubbo will be the beneficiaries of this tough new legislation. I look forward to the honourable member's contribution and support for the bill when it is introduced.

PUBLIC HOUSING

Mr CARR: I wish to provide a supplementary answer to the question asked of me by the honourable member for Bligh. More than 15,000 extra families and households will find permanent homes in government-subsidised housing over the coming year: 2,042 new homes will be built, bought or leased in addition to the 1,148 homes already under construction. New South Wales now has more than 149,000 homes used for public community crisis and Aboriginal housing. The Government has increased funding for day-to-day maintenance

and home improvements by \$26.6 million. This brings the total budget for repairs and maintenance to \$354.5 million. This contrasts with a mere \$144 million in 1994-95. So, we will continue our efforts to reduce the maintenance backlog built up under the previous Liberal Government. Despite the continuing Commonwealth cuts I referred to earlier, our efforts to improve and increase our stocks of housing are even greater this year.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Impulse Airlines and Qantas Airways Merger

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [3.45 p.m.]: My motion is urgent because of the effect on the Hunter region of the Impulse takeover. It has been made urgent because of the failure of both the Federal Government and Qantas to guarantee a continuation of Impulse services to the Hunter. The possible takeover of Air New Zealand by Qantas could lead to further reductions in air services for Newcastle and makes it urgent that this motion be debated.

Qantas has a moral and legal obligation to maintain a substantial presence in the Hunter. The Impulse call centre was established at a cost of \$5 million, of which \$2.5 million was Federal Government money from the Newcastle structural adjustment package, a Federal scheme. Public money was provided on the basis that it would provide 70 full-time jobs in April last year and a further 150 jobs within 12 months. This is now of considerable concern to the Hunter. The merger of Qantas and Impulse causes uncertainty to former Impulse workers and they do not know where they stand with their jobs next week. Therefore, this matter is urgent and should be debated in Parliament today.

Country Town Water and Sewerage Scheme

Mr D. L. PAGE (Ballina) [3.46 p.m.]: My motion is urgent because the country town water and sewerage scheme in New South Wales has reached crisis point, which has occurred for one very simple reason: it has been underfunded since 1995. To give honourable members some background on this issue, it is important to recognise that the country town water and sewerage program is a jointly funded program between State and local government, usually on a 50-50 arrangement. In 1995, when the Carr Government was elected, it reduced the annual allocation to the country town water and sewerage program from \$85 million to \$50 million—a \$35 million per annum reduction in the State Government's contribution. That has continued until now. So, we have had five years with a \$35 million shortfall in funds, which means the country town water and sewerage scheme has lost about \$175 million.

At the beginning of this exercise the impact was not felt particularly badly but in recent times it has reached crisis point. I have been talking to many councils around New South Wales—and I acknowledge in the gallery today two councillors from Ballina Shire Council, Deputy Mayor Peter Moore and Councillor Marilyn Perkins, who are here for the Local Government and Shires Association conference, and the general manager, Stuart McPherson. Ballina council is one of a number of councils—and Byron in particular—that has a real issue in relation to the funding of the country town water and sewerage arrangements.

The situation is so bad that the Environment Protection Agency [EPA] is telling councils that they must engage in pollution reduction programs and upgrade their sewerage systems to meet the reduced pollution licence requirements. On the one hand one State agency, the EPA, is telling councils to upgrade their systems to meet their guidelines and on the other hand the Department of Land and Water Conservation, another State agency, is failing to provide the funds necessary to enable local councils to meet the EPA requirements. This is not just my supposition. Indeed, letters in my file indicate that these requirements are being imposed on councils by the EPA. In some cases councils are forward-funding their programs to try to keep the EPA off their back.

Shame on the State Government, because the State Government should be providing extra funding. No doubt the Government will respond by saying that in the budget released yesterday it has increased the allocation by \$15 million a year. Frankly, that goes nowhere in terms of the backlog of projects in the community. Indeed, that funding will probably be gobbled up by two or three projects around the State. For example, Tamworth City Council is looking for \$6 million, so that immediately reduces the additional allocation to \$9 million for the rest of the State. Most councils are in the appalling situation of having insufficient funds from the State Government to carry out works that the EPA is saying they must carry out. Councils will remain in a parlous situation and their projects will remain unfunded.

The Chairman of the New South Wales Country Mayors Association, Ian Macintosh, has said that the State Government has reneged on its commitment to provide funding of \$85 million a year, or \$850 million over 10 years. The Labor member for Bathurst is quoted in the *Western Advocate* of 23 March this year as saying that the country town water and sewerage scheme needs at least \$70 million or \$80 million a year. A member of the Government said that. The honourable member said:

This is important for both the environment and for public health.

Most of the effluent from sewerage schemes ends up in our river system. The Government is forever telling us that many of our rivers are under stress. Therefore, it is important that we have the best possible sewerage systems to ensure that the treated sewerage entering our waterways, particularly up and down the coast of New South Wales but also in inland New South Wales, is of the highest quality to reduce the possibility of health and safety issues for the community. I urge the House to debate my motion because it is important that we debate this significant issue.

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

IMPULSE AIRLINES AND QANTAS AIRWAYS MERGER

Urgent Motion

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [3.52 p.m.]: I move:

That this House:

- (1) deplores the takeover by Qantas of Impulse Airlines, and
- (2) calls on the Federal Government to ensure that Impulse jobs in the Hunter are protected.

I turn first to the establishment of Impulse Airlines. In 1993 Impulse expanded into passenger operations with the acquisition of the assets of the New South Wales regional operator known as Oxley Airlines. Over the next seven years the airline grew to the stage that it was connecting the major cities of Sydney, Brisbane, Canberra and Melbourne with 11 major regional centres, including the New South Wales provincial cities of Wollongong, Tamworth and Newcastle. At the beginning of 2000 Impulse was operating 425 passenger services per week. Its fleet included 12 19-seat Beech 1900D-turboprop aircraft, and it carried more than 210,000 passengers in the 12 months to 30 June 1999.

It was at this point that Impulse decided to expand its operations into the nation's biggest, busiest and most competitive trunk routes: Melbourne to Sydney and Sydney to Brisbane. On 1 December 1999 Impulse applied to the Civil Aviation Safety Authority [CASA] for a certificate to operate on the routes, and came to an agreement with Australia's three largest airports for terminal access at Mascot airport in Sydney, Tullamarine airport in Melbourne and Brisbane airport. Impulse had planned to operate a total of 19 services per day on these trunk routes using five 117-seat Boeing 717-200s. On 8 February 2000 the Federal Government announced that it would be providing \$2.5 million of the estimated \$5 million set-up costs for a call centre in Newcastle. This funding would be provided as part of the Federal Government's structural adjustment package. Asked in the Senate whether Impulse's application for funding had been fast tracked, Senator Macdonald replied:

We try and get these things through as quickly as possible.

Simon Westaway is well known in the Newcastle area. I am not condemning him for his political views. It is well known that he has been an active member of the Liberal Party: in the past he has worked for the Prime Minister, Bronwyn Bishop, Peter Collins and Bob Baldwin, the former member for the Federal seat of Paterson. Mr Westaway went straight from working with Mr Baldwin to Impulse. It is rumoured that after Mr Baldwin ceased being a member of Parliament he acted as a consultant on the call centre deal, collecting a suggested \$150,000 commission for the \$2.5 million deal. I am not saying that that happened, but the Federal public accounts committee should be looking at the matter because that suggestion continues to surface.

It was at this point, in March 2000, that Impulse's corporate affairs manager, Mr Simon Westaway, approached government at both State and Territory levels for assistance with its expansion program. Mr Westaway indicated that Impulse was considering establishing the following infrastructure within New South

Wales and in the Hunter region in particular: a B717 heavy maintenance and engineering facility; a new B717 regional operational headquarters; a second or expanded reservations and call centre facility; and possible formation of an aviation centre of excellence, including the potential positioning of a B717 simulator and Raytheon Beech 1900D simulator adjacent to an airport and higher education facilities.

The New South Wales Government became involved. It was approached on a number of fronts, through the office of the regional co-ordinator in my office in Newcastle and through the Department of State and Regional Development, to commit public moneys to a number of these activities. Indeed, I was present at a meeting with Mr McGowan, who is now the former owner of the airline. He fought a pretty hard bargain by saying that if the New South Wales Government did not do certain things all the infrastructure would go to Canberra, the New South Wales Government would be the loser and it would have egg all over its face. Of course, that did not happen.

During these negotiations Impulse indicated that the Australian Capital Territory Government was particularly interested—the New South Wales Government could not meet what that Government offered—and was seriously considering committing up to \$8 million and payroll tax concessions to the expansion if various infrastructure items were constructed in the Australian Capital Territory. On 22 March 2000 the Australian Capital Territory Government and Impulse announced, in separate media releases, that these negotiations had been successful. The Australian Capital Territory Government would provide an \$8 million interest-free loan, converting to a grant when certain milestones were reached; \$2 million in payroll tax relief; construction and lease back of a hangar; and unspecified promotional assistance.

Obviously, it was of concern to the Australian Capital Territory Legislative Assembly. The then Chief Minister of the Australian Capital Territory, Ms Kate Carnell, stated that she would introduce a special motion in the Australian Capital Territory Assembly seeking endorsement for the proposal. I would like to know, as would many other people, how much of this money has already been advanced to Impulse. I am sure the taxpayers of the Australian Capital Territory would like to know how much of their money has already been lost.

The Impulse call centre in Newcastle was funded on the basis that it would provide 70 full-time and part-time jobs in April 2000 and a further 150 jobs within a year. I understand that the \$2.5 million advanced by the Federal Government was used to purchase the building in which the call centre is located. Impulse was obliged to operate the call centre in the Hunter for a period of not less than three years. We now have less than two years to go, and the question must now be asked: What is there to stop Qantas from closing the call centre in less than two years time, reaping the benefit of taxpayers' money and selling the building, which is effectively half owned by the people of Australia?

The Impulse call centre had 120 staff as at Saturday 26 May 2001. When asked if he had broken his promise to create 220 jobs, Mr McGowan stated that he had not broken his promise but, rather, that he had underachieved on his promise. There have been many other utterances in the newspapers, such as "Get on with your life." It is of great concern to the people of the Hunter that the Commonwealth money used to establish the call centre, which was part of the Newcastle structural adjustment package, could go out of the region.

This funding has been much heralded by the Federal Government but very little responsibility has been attached to its distribution. The money was to be used to provide substantial jobs in the Hunter as a result of the loss of jobs owing to the closure of the BHP Steelworks. The people of the Hunter would like a commitment from the Federal Government that the money will be recouped and spent on job creation in the Hunter. There is a difference between the Federal package and the State Government's Hunter Advantage Fund. The State funds are not made available until certain milestones are met. In other words, the money can be allocated to a firm, but until the firm reaches sustainable job targets it will not be able to receive that money. That is not the case with the Federal Government fund; and that is the whole difference between the two funds.

The staff at Impulse's Newcastle call centre have been asked to take a forced break of one week, apparently to enable Qantas to update the call centre and make it compatible with the Qantas national network. At this point we should begin to ask questions. What was the financial package that Mr Westaway received when Impulse was sold? Did he receive moneys although a lot of other employees did not? Were Impulse staff dismissed on Federal budget day as part of a deliberate strategy to minimise media coverage of their sackings? Was the commission that was allegedly received by Mr Baldwin paid by Impulse or by the Federal Government? As I said earlier, this is a matter that could be cleared up. Was the call centre funding deal fast-tracked as a result of Mr Baldwin's involvement? What was Mr Westaway's involvement in the deal? Will

Qantas give an undertaking to the people of the Hunter that the call centre jobs will remain? Will Qantas increase the jobs at the call centre in accordance with the agreement with the Federal Government which was entered into by Impulse?

If Qantas does nothing else, it should increase jobs at the call centre on moral grounds. I repeat my call on the Federal Government to make sure that the jobs I have mentioned are not lost to the Hunter. If those jobs cannot be saved, the Federal Government should ensure that the \$2.5 million of funding that it provided does not fall into the Qantas black hole but, rather, is returned to the Hunter via an appropriate job-creation mechanism. Primarily, that is what I am asking for. I also call on the Federal Government to ensure that appropriate resources are allocated to any displaced Impulse employees for retraining to ensure they are not disadvantaged by this shabby and hasty deal. That is why I have asked whether one person has received a financial package although other people have not.

I understand that the \$2.5 million that was received from the Federal Government was to purchase the building in which the Impulse call centre is located. Today I wrote to the Prime Minister asking for assurances to be given to the people of the Hunter district and, more importantly, to the call centre employees that the call centre will remain and that they will be taken care of. This is a matter of considerable concern. Qantas has a moral and legal obligation to maintain a substantial presence in the Hunter. As I said earlier, the Impulse call centre was established by the provision of public funds. Consequently, certain assurances were given. The silence by the Federal Government has been deafening on this issue: it has made no attempt to ensure that Qantas meets its obligations in the Hunter.

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [4.02 p.m.]: Although the Coalition is concerned about the closure, or merging, as the case may be, of Impulse

I find it rather strange that the Minister Assisting the Premier on Hunter Development has yet again tipped a bucket on the Federal Government. I recall that not long ago the Minister and the Premier were all over Impulse and could not do enough for the company. The Premier and the Minister were running backwards and forwards to Newcastle, yet the Minister now says that what has happened recently is all the fault of the Federal Government. Perhaps the Minister should realise that the New South Wales State Labor Government is in the driver's seat and that, believe it or not, some responsibility falls on the State Government.

I am also disappointed that the Newcastle-Sydney-Wollongong axis has again come to the fore in debate on this motion. What about the Impulse employees in Taree, Kempsey and other parts of rural and regional New South Wales? Not one word has been said about them, and that epitomises the attitude of this Labor State Government. The New South Wales Government is totally and utterly city-centric and displays no regard or concern about rural and regional New South Wales. Although the Opposition would not like to see a loss of jobs in Newcastle, it must be pointed out that on a pro rata basis the smaller towns of rural and regional New South Wales are equally affected by job losses. I therefore move:

That the motion be amended by leaving out all words after "calls on the" in paragraph (2) with a view to inserting instead the following words:

State Government to ensure that Impulse jobs in country New South Wales are protected and the State Government provide initiatives to do so.

The State Government handed down its budget yesterday. The Minister at the table, the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development, travelled throughout this State both before and after the Olympic Games promoting the massive post-Olympic Games capital infrastructure programs that would be introduced. Even a cursory glance at the budget will show that there are no such programs.

If the Minister really wants to be fair dinkum about looking after people who have been hurt as a result of some corporate collapses, such as the collapse of Impulse, he would have instituted capital works infrastructure projects throughout New South Wales, which is what he tried to pretend would happen. Instead, the Minister has focused on fixing up a coalmine or creating a new mine near Cobar and refers to that as a State Government initiative. Such a claim is analogous to the owner of a local milk bar approaching a local council for a licence to sell ice cream. All that the Premier has to do is hand out licences. It was not the Premier who dug up the ground to create the mine at Cobar.

This State Government has lost the plot when it comes to recognising that it has an obligation to people who are being hurt as a result of commercial collapses. This Government always deflects blame onto the Federal

Government and it is a continual blame game that this State Government is playing. This Government always sheets home the blame to the Federal Government and says that the Federal Government got it wrong and did not provide the jobs. On the contrary, unemployment has reached its lowest level for some considerable time. I would have thought that low unemployment rates are a plus for the Federal Government and indicate that the Federal Government is actually providing job opportunities.

The Coalition would not like to see any person associated with Impulse disadvantaged, and that includes people at Newcastle and Taree. I am very pleased to say that one of the two Impulse employees at Taree was fortunate enough to obtain a job a couple of days after the collapse occurred. He told me that he and his family would have to move out of the area as a result of the collapse. That person is a worthwhile member of the Taree community and it is in the interests of the community for him to remain there and keep his children at the local school.

That is typical of the points that the Minister has missed by confining his remarks to Newcastle. What has occurred as a result of the collapse of Impulse is indicative of the problem right throughout country New South Wales. If jobs are lost in Gloucester, this Government does not talk about that, even though the economic impact of three or four lost jobs in Gloucester equates to 100 or 200 jobs lost in Newcastle. All we hear from this Government is information about the Newcastle-Sydney-Wollongong axis.

It is time that this Government understood that people in rural and regional New South Wales are hurting. They need this Government to provide initiatives and create jobs, as well as provide the capital infrastructure program that this Government said it would introduce. The effects of the collapse of Impulse on the travelling public should also be discussed. In my electorate of Myall Lakes and in the electorate of Oxley—I believe that later in the debate the honourable member for Oxley will confirm my comments—the collapse of Impulse has created some difficulties with travel arrangements. They are matters that the Minister at the table should make inquiries about. If the Minister wants to talk about Federal Government programs, he should also refer to responsibility for licensing the airlines and the requirements that exist under licensing arrangements.

Currently all Dash 8s have been lost to the Taree area and have been replaced by Beechcraft planes that have no in-flight services. Although I do not need a plastic lunchbox, some people do. The collapse of Impulse has also created a problem for people in Kempsey who wish to travel to Sydney. They now have to take a triangular route and first travel to Taree. I am concerned about the welfare of people in Taree, Gunnedah and other country areas right throughout New South Wales, not just about the people who live in Newcastle.

People in Taree now have to fly to Sydney on flights that offer an inferior standard of travel compared with the standard they previously enjoyed on the Dash 8s, yet they are still being charged the same return fare, namely, \$442. That is outrageous; indeed, all intrastate airfares in New South Wales are extremely restrictive and create enormous problems for tourism as well as day-to-day activities. That is not the subject matter of the debate, but I suggest that honourable members should examine what happens far beyond Newcastle. The implications of the collapse of Impulse will affect people in other areas throughout New South Wales whose quality of life has been changed. Eventually there will be just two airline players in the field and that will mean that people who live in my electorate will not be given a choice. Moreover people who live further afield in New South Wales will be denied low-cost travel.

Most importantly, the collapse of Impulse has created a problem of unemployment not only in Newcastle but in other areas throughout New South Wales. It is about time this State Government stopped passing the buck, stopped playing the blame game, and took some responsibility. This Government should say that it will get out there and try to create some jobs and capital works that will ameliorate the situation. Regrettably, however, it has instead resorted to flicking the blame to the Federal Government at every opportunity.

Mr BARTLETT (Port Stephens) [4.09 p.m.]: The Singapore Government, through one of its banks, pulls out of Impulse, and all of a sudden it is suggested that the State Government must assume responsibility for the aviation industry because Impulse is in trouble. According to the Opposition, it is the State Government's problem. For some six years I have been associated with Newcastle airport, from the time it was established by Port Stephens Council and Newcastle City Council. During my time both as a councillor and as the mayor, the council set up an independent board, the Newcastle Airport Corporation, to run Newcastle airport. That coincided with the growth of Impulse and the growth of regional services that used Newcastle airport as a hub. That led to huge growth for the Hunter. Twice it led to the construction of terminals. Car parking facilities had to be extended twice and tarmac areas were put in place twice as well. State money went into those

infrastructure projects, which are still on the ground. As the Minister said, over the last 12 months around 210,000 passengers have used Newcastle airport. That is a huge number compared to six years ago, when the number was around 50,000. It provided huge opportunities for Port Stephens, Newcastle and the Hunter.

The Federal Government allocated some \$2.5 million to the Hunter region from the its BHP structural adjustment fund to allow Impulse to establish a call centre. The establishment of the call centre involved conditions, one of which, as the Minister said, was three years and a certain growth number. However, no-one could ever understand the process involved in getting that money. I will take up the time of the House by referring to the matter in detail, but I simply indicate that there was deafening silence on the matter from the Commonwealth Government, from the former member, Bob Baldwin and, seemingly, from Simon Westaway, who, along with Gerry McGowan, keeps promising that 1,000 jobs will be saved. However, 200 jobs have now gone and at present all the call centre staff are on forced leave.

The question must be asked: What is happening with this \$2.5 million, which was provided to the Hunter as part of the Hunter's growth for jobs effort with the State Government's Hunter Advantage Fund, and the funding from the Commonwealth Government, which together totalled about \$10 million? The rule of thumb with the Hunter Advantage Fund is basically there is about \$5,000 for every new job that is created. No-one has ever been able to ascertain the process that allowed Impulse to get the money to get the funding to buy the property. At \$5,000 a hit, it represents something like 1,000 jobs. The Hunter's money in terms of replacing BHP, the way the State is putting the money out into the community, it is \$5,000 for the employer, and here there could be 1,000 jobs and still be wandering around at the level of about 150.

Over the past couple of weeks some of my friends who worked in the baggage handling area at Newcastle airport have lost their jobs. The process that was gone through to get the \$2.5 million from the structural fund is like one of those Ros Kelly whiteboard exercises. It simply seemed to appear out of mid air and no-one could understand the process or the reasons for the money coming in. All in all, the demise of Impulse has been a big hit for Port Stephens, where Newcastle airport is based, and the Hunter. In many ways Impulse has been driving the growth at Newcastle airport. Impulse used the airport as a hub, and the area is now faced with job losses. There is no competition with regard to route times. Qantas link is now the only service that flies to Sydney; Impulse aircraft have been taken off that route. There are now fewer services and obviously prices are increasing in an economy where competition is supposed to be good—the more competition, the better. We have ended up with a situation where there are larger and larger monopolies, and members of the local business community have less and less control.

Mr STONER (Oxley) [4.14 p.m.]: The takeover of Impulse by Qantas is significant for regional and rural New South Wales. I agree with the honourable member for Myall Lakes, who said that it was of concern for areas beyond the Hunter. I also agree that, unfortunately, the Government seems to be pointing the finger at the Federal Government rather than accepting some responsibility for constructive action in the wake of what is, to all intents and purposes, a mess for us all. The takeover is a significant issue for Kempsey. Impulse is the only airline to fly into Kempsey. Eastern Australia, a Qantas subsidiary, pulled out several years ago. It is of great concern to the residents of Kempsey that Qantas has now taken over Impulse, and there are no guarantees whatsoever that Impulse will continue any air services into and out of Kempsey.

Last Friday I spoke with Mr Bevan Coote, General Manager of Qantas link, who has undertaken to continue the Impulse service for a limited period only and to look at the viability of that run. However, Mr Coote indicated that he was not hopeful that it would be a viable run in the longer term. That would leave Kempsey without any flights whatsoever, and that would certainly be a death knell for economic development in the Macleay region. Any businesses or professionals seeking to relocate to that part of regional New South Wales would certainly go to Port Macquarie or Coffs Harbour, which are nearby and are serviced fairly well by air services. However, government employees can now fly direct to Kempsey whilst ever there is the Impulse service. The Qantas contract will allow them to access ex-Impulse flights directly into Kempsey, whereas previously that was not the case.

In the past all departmental staff have flown to Port Macquarie and taken a bus or hire car to Kempsey and, of course, that has affected the viability of Kempsey airport. In the last day or so I wrote to all Ministers asking them to direct any staff travelling to Kempsey—and certainly we have some significant projects in the district with the new gaol and work on the Pacific Highway—to fly directly to Kempsey using the services which can now be accessed under the Qantas contract. The people of Kempsey and the Macleay need an assurance that the Government will assist by endeavouring to fly to Kempsey under the new arrangements.

The Minister for Gaming and Racing referred to job losses, which is a significant issue in the Hunter. However, jobs in other parts of New South Wales have also gone. Two staff members at Port Macquarie airport,

with whom I am well acquainted, and a staff member at Kempsey airport were told, with virtually no notice whatsoever, that they were out of a job. It is hoped that some of those people are able to find work with Hazelton, which I understand has now undertaken to fly to Port Macquarie. I have also written to Hazelton, and I was pleased to have received a response from Mr Andrew Drysdale, the Chief Executive Officer, who advised that it is his intention to review the network structure throughout New South Wales in the near future and it is possible that this may provide an opportunity for services to Kempsey to begin.

I very much look forward to having discussions with Hazelton with a view to having an air service continue into and out of Kempsey. I commend the amendment moved by the honourable member for Myall Lakes. The responsibility for the wash-up is not simply the province of the Federal Government. The State Government has a responsibility to take constructive action. I also point out that the Hunter is not the only area that is suffering because of the takeover.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [4.19 p.m.]: The Government has rapidly recognised the impact of the takeover of Impulse by Qantas on rural and regional New South Wales. The Minister for Local Government has indicated clearly the impact on jobs and the potential destructive impact of the loss by regional airlines of slots at Sydney airport. Members of the Opposition have somewhat missed the point in their arguments in this debate. The call centres that enable bookings to be made on regional airlines not only by telephone but also using the Internet and emails are pivotal to Impulse or whichever airline operates in regional New South Wales. The importance of jobs in Newcastle and whole regional network has taken on added importance with the rapidly occurring changes that have taken place since the agreement was entered into by Gerry McGowan and Qantas on 1 May. The *Newcastle Herald* reported that Mr McGowan had said that it had been agreed that more than 1,000 jobs at Impulse would be secure.

Within three weeks 200 staff, 23 in Newcastle and 32 in Tasmania, have been sacked. As members opposite have said, important jobs in the Impulse service centres across regional New South Wales have been lost. What was the arrangement entered into between the Federal Government and Impulse in setting up this call centre? What guarantees are there in the passing over of the contract between Impulse and Qantas that those jobs in the Hunter will be retained in the Hunter and that the call centre will retain its present level of activity or grow under Qantas? Will its workers suffer the same plight as those in terminal operations? Members must understand that the employment of people within Impulse was on a non-union contract basis. In my view those workers do not have a strong trade union base to argue their case.

As the Minister for Gaming and Racing has pointed out, the workers at the call centre were pressured to take a week's leave so that Qantas equipment could be brought into the centre. I am concerned about the Federal funding. Is it secure? Will the jobs it has created be retained in the Hunter? If not, will the funding be used in other employment-creating projects or will it become part of the Qantas empire and not necessarily be retained in Newcastle? There are concerns right across the board about the retention of jobs in Newcastle. As the honourable member for Port Stephens said, what about the security of employment and growth of the Williamstown regional airport, which has depended so strongly on the Impulse thrust and the strong commitment to development of the area?

When I was a member of the Hunter regional development organisation its second major project, which was to have Federal and State funding, was the further development of the Williamstown airport. When the present Federal Government came to office the first thing it did was withdraw that funding. I am pleased to say that the State continued its funding and, with the two councils, a wonderful facility has been developed. The Federal Government should come clean. What is happening with that funding? It should ensure the future of both the call centre and employment in our regional cities.

Mr TORBAY (Northern Tablelands) [4.24 p.m.], by leave: I commend the Minister for bringing this matter forward. The impact on regional and rural New South Wales of the Qantas takeover of Impulse is of deep concern to me. Members will have a further opportunity to debate this matter at the Regional Airlines Summit which has been called by the Minister for Local Government. I am fortunate to have received an invitation to participate in those discussions, and I am certainly looking forward to doing so. I heard from a concerned member of my community that Impulse was considering pulling services out of my electorate, particularly from Glen Innes and Inverell, and also from Kempsey. I note that the honourable member for Oxley has already contributed to the debate. Not having all the necessary information, I publicly called on Qantas to give a firm commitment to retain the services to those communities. I was disappointed that the official response was "No comment", which led the community and myself to believe that the withdrawal of services was clearly on.

I then heard that six employees had lost their positions at short notice or with no notice at all. The communities, and particularly the councils, made immediate representations to clarify the matter. There have

been a number of phone calls and meetings and, like the honourable member for Oxley, I received an assurance from Qantas link or air link that they will look at this matter during the next month and issue their findings. We do not hold out much hope, given that the process appears to be more about soft landings—excuse the pun—than about a legitimate review of services for regional and remote parts of New South Wales. I am concerned not only about the immediate impact on jobs, the loss of services and revenue for regional airports and others. This decision sends a message to business and investment communities that regional New South Wales is not worth investing in and is not viable.

I am delighted that there is interest by Hazelton, another provider to which previous speakers have referred. I will certainly pursue that matter to try to keep the process competitive. Honourable members must remember that the outcome of this takeover has been a reduction in competition. Several speakers have commented about the responsibility of the State Government. Clearly, everyone shares a degree of responsibility. I cannot agree that the Federal Government has to take an equal share of the blame: it has to take more than 50 per cent of the blame. Commitments and undertakings were given to protect regional airlines, but this decision relates to slots. If Qantas and others have their way the slots will be taken away from regional communities and put in the pool, as required by the legislation. After a period of time has elapsed they will be redistributed to the more profitable routes. That means that the strategic plan of the airlines in a reduced competitive market is right on track, regardless of the feasibility of the particular routes.

Smaller communities will miss out because the airlines can earn more money by providing services to larger areas. This decision comes on the heels of organisations such as Westpac saying that home loan borrowers in regional areas cannot access certain grants available to those in metropolitan areas; it comes on the back of statistics showing that regional communities are losing their populations at great rate. That is the backdrop for regional New South Wales. If regional communities miss out on these services because of a reduced competitive market and because of the blind pursuit of centralisation without any consideration of its impact on regional communities and without any consideration of any sort of community service obligation, I suggest that we will all be living in the metropolitan area with a feedlot mentality, driving in and out, trying to get our basic services. That is not the sort of New South Wales in which I want to live.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.29 p.m.], in reply: I thank honourable members who contributed to the debate. The honourable member for Newcastle said that the point of this whole debate has been missed. It is about 220 potential jobs and assurances given about a call centre which, at the end of the day, would preserve not only those jobs for the Hunter but air services to rural New South Wales. The honourable member for Myall Lakes had a hide to suggest that I do not care about country areas. I am one of the Ministers who has travelled extensively in country areas. I have a dual portfolio: I am the Minister representing the Hunter. I am forever in various parts not only of the Hunter but adjacent areas.

Of course we are concerned about the two workers at Taree and Kempsey, but this debate is about hundreds of jobs in Newcastle that are dependent on what happens in other areas. With all due respect to the honourable member for Myall Lakes, whom I have known for a long while, I do not think he had his heart in what he said in this debate. He could not speak for even seven minutes. He employed the old trick of the National Party and wandered all over the ship, indulging in what we call the manufactured lie. He got right away from the central point of the motion.

This motion is about employment, but it is also about the long-term viability of an airline that provides alternative air services to operators who have been taken over or put out of business. Over the years the major carriers have withdrawn services from the smaller centres in New South Wales. When I first became a member of this Parliament nearly 29 years ago we could fly to any country town. Try to get to those towns by air now! It is only through the involvement of Impulse and another small carrier that we are able to get to places like Inverell. Not long ago, air travellers were forced to go back to Tamworth.

Qantas, I believe, as a national entity, has a moral and legal obligation to maintain a substantial presence not only in the Hunter but in other country areas. The silence of the Federal Government is deafening. It got into bed with Impulse through the two people that I have named this evening. I am not against those people, but what happened made it very difficult to deal with Impulse. As I said to the honourable member for Newcastle, here we have a Liberal Party operative who has worked for the Prime Minister, for Bronwyn Bishop, the local Federal member, and wandered all round my electorate in parts of 1988 as an identified Liberal. I have nothing against that. I know the Westaway family. But it is very difficult to try to deal with a company, as I am, when it has an operative who has a long track record of Liberal leaning. It was the same with Bob Baldwin: he lost his seat and soon after was an operative for the company. I think I could be forgiven for being a bit suspicious.

This motion has been moved today to try to resolve this problem before it worsens. Some \$2.5 million of public money is involved. As I said earlier, the Opposition has been bleating about the Hunter Advantage Fund. Every one of those commitments has been made, and if you do not reach the milestone you do not get the money. The Federal Government fund has seen handouts to all sorts of people. To this day, nobody knows the criteria for those funding allocations. Senator Ian Macdonald was crowing about the Federal Government's commitment to the Hunter by assisting Impulse to set up this call centre. Now, all of a sudden, we do not hear from him.

We do not know whether these jobs are safe. We do not know whether the regional routes will be maintained. The Federal Government has done nothing to clarify the position. It is all right to ask what the State Government is doing. When I woke up this morning the bulk of licensing and controls of aircraft carriage and laws pertaining thereto were still within the Federal jurisdiction. The Opposition's position was absolutely laughable. I do not think the Opposition was even serious about its amendments. The suggestion is that I was not including rural New South Wales in the motion. The crux of this motion seeks to achieve a bit of fairness and honesty, while at the same time attempting to clarify whether the airline has any chance of long-term survival not only in the Hunter but in rural New South Wales. If this call centre goes, we can kiss goodbye to the services mentioned by the honourable member for Northern Tablelands.

Amendment negatived.

Motion agreed to.

MINISTER FOR LAND AND WATER CONSERVATION

Motion of No Confidence

Debate resumed from 29 May.

Mr ANDERSON (Londonderry) [4.37 p.m.]: I had not intended to participate in this debate because it is a waste of the time of the House. Though the honourable member for Hawkesbury is an outstanding fellow and I have the greatest respect for him as a member of Parliament, he is wasting the time of the Parliament by bringing this motion of no confidence in the Minister. The Coalition does not appear to have learned much in the years that it has been in Opposition. Nearly five years ago a motion of no confidence in this Minister was moved. The issues raised then were vexatious.

Mr Amery: They didn't want me to transfer jobs to the country.

Mr ANDERSON: Exactly. In preparing a response to that debate we spoke to a number of people in the agricultural industry across the State. They said loud and clear that it would be a disgrace, and certainly a waste of time, to move a motion of no confidence in the Minister. They said that the motion of no confidence should be in the movers of that motion. The honourable member for Lachlan, who was then shadow Minister for Agriculture, was one of those highlighted as failing in their duty to the people of New South Wales, particularly to the rural community, because they had ignored the needs of the community for so many years.

The focus of members of the Opposition was so narrow that they could not see the big picture in New South Wales. It was a breath of fresh air when the current Minister for Agriculture took over the portfolio. People in agriculture have expressed total support for the work that he is doing. As the Minister said in debate on this matter, the Opposition referred to the fact that the Minister was taking away jobs from the city and reinstating them in the country as those resources were being wasted. It took just a few phone calls to establish that the facility at Rydalmere on which the Opposition based its campaign was flourishing under private enterprise. We were not only getting additional research and development from the private sector; it was also generating other interest, jobs and initiatives—all the things that the Minister said would happen when we made that move.

However, the Opposition could not see that at the time. It just ignored it. It ran headlong down a blind alley, obviously with nowhere to go, and it had nothing concrete to put before this House. This motion is exactly the same. It is a waste of the time of this House. If one had listened to the contribution of the honourable member for Hawkesbury one would have thought that the Hawkesbury-Nepean system was about to die. One would have thought that the curtailing of the activities of the Hawkesbury-Nepean Catchment Management Trust would have resulted in the end of the Hawkesbury and Nepean rivers. That is not so. Last night the

Minister graphically illustrated the activities that had taken place on the Hawkesbury in addition to the work of the Hawkesbury-Nepean Catchment Management Trust. He said that he was not about to waste another \$3.588 million every year and that the strategies that had been implemented would be acted upon.

Quite honestly, that is what we want for the Hawkesbury-Nepean system. We want the talking to stop and we want more things to be done. The Minister said in debate on this matter that he had received a number of communications about his decision. I have received similar communications across the board—from local government representatives and from people who actually worked on the board. As late at last Monday evening I attended a function with a senior member of a reputable organisation within my electorate who has an involvement in the Hawkesbury-Nepean system. His comments to me were similar to the comments that have been made by the Minister. He said, "It is about time that the talking stopped and the work began." He made it clear to me that, when the time came, he was not interested in applying for reappointment. In his opinion it was a talkfest.

We heard the same story from local government people, from people on the weeds board and from people on Hawkesbury River County Council. They said that all the work they were doing was supposedly being consumed by the Hawkesbury-Nepean Catchment Management Trust. They felt that their work and their efforts were being compromised by the things that were being done by the Hawkesbury-Nepean Catchment Management Trust. I totally agree with the sentiments expressed by the Minister. The 44 reports to which he referred in debate are an indication of what should and can happen within the Hawkesbury-Nepean system. The talking has to stop and the work has to begin. I know as a result of consultations with people from the Department of Land and Water Conservation in the local area that they are keen to enter into a work phase. They will support many of the committees referred to by the Minister that work in the Hawkesbury area. They want to work with all those community committees.

We are not breaking a trust with the community, which is what members of the Opposition attempted to portray last night. We are creating an opportunity for people in our area to work on the issue and not just sit and talk about it. We are now getting down to the nuts and bolts of what we all want. Like my colleague the honourable member for Hawkesbury, I have a great interest in the river. I am not on the Hawkesbury-Nepean Catchment Management Trust board, but when the annual canoeing regatta is held on the Hawkesbury and Nepean rivers I am there. I missed last year's regatta because of illness, but I was there in previous years. I was paddling my little canoe with many other people.

Mr Amery: Up the creek with a paddle.

Mr ANDERSON: I was trying to get down the creek with a paddle. But I was certainly there and I enjoyed it. The Hawkesbury-Nepean system has an important and significant role to play within our community—as it has done for many years. My children learned to swim in the Hawkesbury river. My children and I have spent many days over a long period engaging in different activities on the river. That was our recreation. After work I would pick up my kids and we would go up to the weir near Penrith and that is where we would swim. We enjoyed that immensely. We did that not once or twice but many hundreds of times over a period of 11 years. So we all have an interest in what goes on in the Hawkesbury-Nepean system.

I agree with the statement of the Minister that it is now time to start the work. That is what we want to see. The fact that the Opposition saw fit to move a motion of no confidence against the Minister—an issue to which the Minister referred in his contribution last night—shows in itself how bereft of ideas the Opposition is. Opposition members had an opportunity to say, "Let us talk about it." They could have asked questions of the Minister in this House. Many things could have been done. However, all that Opposition members said was, "Let us throw out the Minister." That motion will flounder as this Minister is not at the mercy of the Opposition. This House will vote against the motion moved by my colleague the honourable member for Hawkesbury. We will vote against the motion and it will be resoundingly defeated. I look forward to taking a vote on this issue.

Mr FRASER (Coffs Harbour) [4.47 p.m.]: I support the motion moved by the honourable member for Hawkesbury, which seeks to establish what the Minister has done in relation to the Country Town Water and Sewerage Scheme—an issue that was raised in this House today.

Mr Amery: That has nothing to do with this motion.

Mr FRASER: The Minister said that that has nothing to do with the motion. Paragraph (8) of the motion states:

That his decision is further indication of the substantial wind back in support for essential catchment management work within the State which, as such, sends a clear message to catchment boards, land managers and the wider community that he is no longer interested in the conservation of land and water for future generations.

The Minister has substantially reduced funding for the Country Town Water and Sewerage Scheme. There is ample evidence to suggest that communities in regional New South Wales that are relying on septic systems and that are trying to obtain funding for sewerage systems are not being supported by the Government. The Minister knows that Coffs Harbour City Council is desperate at the moment for funding to complete its works which, if not completed, will most likely cause damage to the catchment. Basic works such as the laying of lines need to be done at the moment. When the Minister recently opened a treatment plant at Mooney Mooney he was asked by council to provide more funding.

The response from his department to Coffs Harbour City Council was that money that had been collected from development contributions had been set aside by council to complete those works. However, council wants the Minister to allocate an additional amount of money to complete that work. That decision by the Minister's department clearly demonstrates that the Minister has little regard for catchments on the North Coast. This motion covers that. It is a motion of no confidence in a Minister overseeing his department for the care and control of catchments. I congratulate the honourable member for Hawkesbury on the terrific job he has done in this motion in outlining what has happened in the Hawkesbury River catchment and the way the Minister took his arbitrary decision to get rid of that trust.

What needs to be shown in this debate is that this is not isolated to the Hawkesbury. It is all over New South Wales. I have a letter—unfortunately, I do not have it in the House at the moment—from one D. Wallace, a member of the Labor Party in the Coffs Harbour electorate, who has written to the Minister complaining about the lack of funding for land care groups and other groups under his control. Because of the lack of funding groups are unable to carry out their duties, which means that the catchment is denigrated and degraded. This letter has come from a member of the Labor Party, and the Minister has not responded to it yet.

Coffs Harbour City Council has been requested to spend its money rather than government funds when this is a jointly funded project. This is something that this Minister and previous Ministers have waxed lyrical about. I have said privately and will say publicly that this \$120 million scheme is probably overpriced. It sets out to do something that is unachievable, but this Government put it in place and therefore it must be funded. The Minister's funding has not been put into it and that means untreated effluent is going into waterways and catchments in the Coffs Harbour and Clarence areas. Clarence waterways will be affected as well, and that is because of a lack of budgetary funding from the Government to local government and other institutions for the management of these catchments, the management of the waste water projects. Until such time as the Minister seriously takes on board the fact that this funding is not available to them and presses the Treasurer for some of his surplus, instead of spending it on the Olympic site, it will not be fixed. The Mayor of Maclean is Gordon Braithwaite. His local member is the Minister for Local Government, who does not want to hear from the mayor. Local government is in a desperate situation.

Mr Anderson: You have not mentioned the Hawkesbury-Nepean!

Mr FRASER: I have mentioned the Hawkesbury. I suggest that the honourable member reads the motion. If he wants to take a point of order he can, but he will not win. At the end of the day Gordon Braithwaite is saying that the Minister needs to give local government the funding—about \$8 million or \$10 million. The Minister for Local Government will not even meet with him. He knows full well that he cannot get the funding from the Minister for Agriculture, who cannot get it from the Treasurer because he is going to spend it on the Olympic site and other irrelevant issues. We will see a degrading of the waterways because the Minister for Agriculture cannot get the money to regional New South Wales to look after catchments the way we would like to look after them.

His department had meetings all over the State on what the public wanted and how they would achieve it. Everyone said they wanted pristine rivers and the highest possible quality of water, but the only way they can attain that is by the Minister for Agriculture honouring his commitment to provide funding for country town water and sewerage schemes, which he is not doing. Under the previous Government funding was \$89 million a year; under this Government it is \$50 million. Allowing for the consumer price index, that funding should now be well over \$100 million. The Minister is showing me a blank page. I understand why he has prepared that: he has ignored the Mayor of Maclean, he has ignored the Minister for Local Government and he has ignored the Coffs Harbour City Council. He has ignored those requests on the basis that he cannot get the money, and therefore he is degrading catchments right across the State.

Mr Amery: It would be a good story if it were true.

Mr FRASER: It is true. The Minister has degraded catchments right across regional and rural New South Wales. He stands condemned for it. That is why I will be supporting this motion. I do not have a lot of knowledge about the Hawkesbury-Nepean catchment, but I accept what the honourable member for Hawkesbury says. His argument was well reasoned. I thank him for broadening the motion so that we in regional New South Wales can support him and show what the Minister is incapable of doing or unwilling to do. From the Minister's interjections and responses today, I suggest that although he is incapable of getting the Treasurer to respond to any requests for funding, he is unwilling to do anything about it.

The Minister showed me a blank page, and I will relay that to the Coffs Harbour City Council and to Gordon Braithwaite. The Minister is not interested in what is going on up there. He is not meeting the commitment his Government made to the people of Coffs Harbour and to the people of the Clarence electorate. He said he would give funding for these important schemes, and he has failed dismally. The fact that he has dropped funding from \$89 million to \$51 million is proof that he does not have the catchment, the councils or any issues relating to the proper disposal of effluent in regional New South Wales in mind.

Ms SEATON (Southern Highlands) [4.56 p.m.]: I have great pleasure in supporting the motion of the honourable member for Hawkesbury, because total catchment management is one of the fundamental cornerstones of the Coalition's approach to resource management, to the environment and to integrated resource management. More than anything, it involves the community and that was the driving force behind the creation of total catchment management. I was outraged last night when I heard the Minister criticising the honourable member for Hawkesbury, saying that he was, "Too close to it"—that for some reason because the honourable member for Hawkesbury was so involved in the catchment management trust that he could not be objective.

The Minister said that the honourable member was not objective, that he had personal involvement. I see that as a badge of honour, something we should be proud of. It is something that people in our community should not shy away from. Why are we frightened of people who are "Too close to it"? People being close to environmental issues, taking responsibility as a community, and people coming together in a region to solve these problems is something we should be promoting and rewarding. That is what all the members of the Hawkesbury-Nepean Catchment Management Trust and all the community members they have inspired and brought together over the past years have done.

What the Minister said last night is an insult and it is exactly the problem the Government has. The Government is too far away from these things. It accuses us of being too close to it, but it is too far away from these things. It has lost sight of the idea that communities want to be involved in environmental planning and remediation. It is afraid of getting people personally involved in these issues. It does not want to have to face people on a day-to-day basis. It would rather move them into some bureaucracy away from where it is all happening so it does not have to deal with people or with the environment. That is the fundamental difference between the Coalition and the Labor Party. We trust people to take a role in solving problems. We want to involve them, whereas the Labor Party does not. We trust people and communities, but the Labor Party would much rather put these things into bureaucracies where it does not have to deal with real people. I draw the attention of the House to the Total Catchment Management Triennial Report 1995/98 to remind honourable members of what this should be about. The cover of the report states:

Community and government working together

What is it about "Community and government working together" that the Labor Party does not understand? It is not hard to understand. The key word in that sentence is "community". I do not understand why the Labor Party cannot get its head around that concept. This 1995/98 publication refers to the Hawkesbury-Nepean Catchment Management Trust. If the Minister for Agriculture has any doubt as to why the Opposition supports the continuation of the Hawkesbury-Nepean Catchment Management Trust he should look at page 30 of the report, which refers to all the different community projects the trust was involved in at that time. The honourable member for Hawkesbury made the very important point that every dollar spent by the Government in the trust is multiplied by an enormous factor in terms of community support, volunteer effort, education and the inspiration that flows through trust activities into the general community.

The section headed "Community Network Support and Development" refers to the co-ordinated regional habitat network; the establishment of a network of Lions Clubs which led to the involvement of 11 catchment clubs in environment projects; continued support of a network of about 100 Streamwatch groups made up of 3,000 school students and community members providing training, technical advice and equipment;

and facilitating the involvement of more than 4,000 people to improving river and catchment health with a "contribution value of the network members exceeding \$1 million". That is only one small group of activities that the catchment trust has managed to initiate.

The trust has gathered together literally thousands of people in the community to add value to the trust's work. That is not an isolated experience. One of the most valuable things that the trust has done, and continues to do, is to educate people about how to change their land use practices and their behaviour, what they can do in their own backyards on a daily basis to improve the way they use the catchment and to improve water quality and environmental values in the catchment. I am talking about ensuring that people know that the best place to wash their car is on a grassy verge rather than on a paved area on the side of the road. It is such projects, together with people involved in the trust on a daily basis, that start to educate the community. Education is trying to get the message to people that they should think about planting native trees rather than imported ornamental trees, planting native grasses and landscaping their gardens other than by paving. Finding ways to encourage people to undertake environmental practices in their own backyard on a family-by-family basis ultimately improves the catchment.

I congratulate the honourable member for Hawkesbury because he has not only walked the talk; he has been an active member of the Hawkesbury-Nepean Catchment Management Trust for some years. He has played a senior role in the trust and he has done so on a bipartisan basis. He has not sought to politicise the trust at all. He has worked in the trust because it is his passion and it is something he believes in. He lives in the Hawkesbury area and believes that being a member of the trust is a valuable way for him to share his skills and experience. I congratulate the honourable member on moving this motion, because it is one of the most important motions we have debated in this place for some time. The fact that the Minister for Agriculture, and Minister for Land and Water Conservation is prepared to put the knife into a community-based organisation that has done such a lot to educate the community and to raise our awareness and consciousness in terms of finding better ways to do things in our environment—

Mr O'Farrell: That is the problem—he is overachieving.

Ms SEATON: The Deputy Leader of the Opposition is right. The honourable member for Hawkesbury is showing up the Minister, and that is scaring the Government. The Government does not want that; it wants to say, "Pull the plug. This is all too scary. We don't like this community stuff. People might criticise the Government." From time to time members of the Upper Nepean Catchment Management Trust board might tell the Government that it is doing the wrong thing. They might say, "We think there is a problem in the way you are managing the Cataract River. There are huge, gaping holes developing underneath the river because you have not been checking up on mining operations under the river bed. We think you should do something about it." That scares the Government, because it does not want to be told the truth. I suspect that one reason the Hawkesbury-Nepean Catchment Management Trust has been stabbed in the back is that it has been brave enough to speak up for environmental improvements, and the Government does not like that.

Last night I heard the Minister argue about outcomes; I heard him say that we should all want better outcomes and environmental flows. I will take the Minister up on that. On a related issue, let us look at what the Government has allowed to happen with the water licence granted to Delta Energy. Delta Energy has been given a water licence to use water from the Lyell Dam, in which the drought trigger, at which point environmental flows are switched off, is 90 per cent. On any estimation, 90 per cent is a very full dam. If the Lyell Dam reaches only 90 per cent of capacity, the water licence enables Delta Energy to switch off environmental flows. Worse than that, a water management committee for the Cox's River has still not been established. People in that area are desperate to have that committee formed, to have it working and to have it properly assessing and providing—dare I say it—a watch-dog approach to what the Government is doing with the water licence.

The Minister boasted that he will increase environmental flows and do all these good things for the environment. He need only look at his Government's activities and its approach to the Delta Energy water licence to see that community fears are well and truly founded. The Government does not want watch dogs. It does not want anyone speaking out. It does not want committees advising it because they might say embarrassing things. They might tell the Government the truth. They might blow the whistle, and the Government does not want to hear that.

I commend the former members of the catchment management trust who have decided not to accept the Minister's decision lying down. They have decided to form a parallel group and try to maintain the spirit and momentum of the trust that they created. I have received a letter from Dr Tony Ross, a former Chairman of the

Hawkesbury-Nepean Catchment Management Trust who has been a member of the Hawkesbury-Nepean trust for some time. In the letter he protests what the Government has done with the Hawkesbury-Nepean Catchment Management Trust and then he makes a plea for future governments to sign up to important principles, including the support of community-government partnerships in general and community-based regional catchment management organisations.

As a Coalition member, as the shadow Minister for the Environment and as a resident in the catchment, I think that that is fundamentally the way to go. For a long time the Coalition has had a policy of pursuing integrated resource management. The honourable member for Ballina spoke about this at length last night. If we are to solve any catchment issues, and if we are to get a proper and integrated approach to dealing with catchment issues in the future, it is vital that we involve the community.

What the Government has done to the Hawkesbury-Nepean Catchment Management Trust is a signal that it does not want community involvement. It simply wants people to butt out. It wants to do its own thing. It wants to take it all back into a bureaucracy and say, "Basically, trustees, we are from the Government, and we know what is best." But all the people who were looking toward the trust for leadership and information and who were involved in community activities will begin to drift away. That is why I congratulate Tony Ross and his colleagues on wanting to maintain the spirit of the trust within the newly formed task force, and on keeping people involved until such time as a Coalition Government can restore community participation in environmental management.

I and other honourable members, I am sure, have been deluged with letters from people who are very angry and very disappointed about the Government's unilateral decision. On Friday of the week in which the decision was announced, I was telephoned and told that the Government had been contemplating making this decision. The person who phoned me said, "I have just heard that the Government is planning to announce the dissolution of the trust. I just cannot believe it is true. I must have got the message wrong. I really cannot believe that they would be so stupid as to undo the Hawkesbury-Nepean Catchment Management Trust as well as all its goodwill, support and achievements." I must say that when I first heard about the Government's proposal, I, too, thought that it could not be true. I just could not believe it. Unfortunately it was true, and I deplore the way in which the staff of the trust were told of the Government's decision.

I know that many former staff members of the trust feel deceived, let down and discarded. I do not think that any of them would be truly comfortable with the Minister saying yesterday that they will be taken care of and absorbed into the new organisation. I think those staff members will have a very difficult time coming to terms with what has happened to them as a result of this Government's unilateral decision. Another related issue has been raised by the Hornsby Bushland group, who, in addition to also being very angry about the Government's decision, support members of the Sydney Harbour Catchment Management Board. The Sydney Harbour board members feel, understandably in the context of the Government's current decision, that their board might be the next to go. I commend the activity of Chris Stanton and others whose concern led them to ensure that they were represented at the Sydney Harbour forum, which took place a few weeks ago.

They supported members of the Sydney Harbour Catchment Management Board in calling on the Government to guarantee that that board would not be the next to go. It appears to boards throughout the State that there may be a domino effect and that, one by one, they will be picked off by the Minister for Land and Water Conservation. If that were to happen, they fear that all the community infrastructure and networking will be lost. On 28 April the Hornsby Bushland group and member of many other groups attended the Sydney Harbour forum and moved a motion that called on the Government to guarantee the continuation of catchment management boards. In addition, members of the Hornsby Bushland group wrote to the Premier. So that the House is aware of the very real community feeling and very real community disappointment that exists, I cite a letter to the Premier from Chris Stanton, who is very involved in local community and environmental issues:

The importance of holding the community's trust in environmental matters is essential for the obvious reason of being able to capitalise on their voluntary efforts in TCM [total catchment management]—but for me a more important reason has to do with cause and effect.

The next part is very important:

I have always learnt that prevention is preferable to cure, and in environmental matters this is clearly the case - preventing degradation and pollution is clearly preferable to rectification and regeneration. The influence of community groups such as the HNCMT [Hawkesbury-Nepean Catchment Management Trust] in education of the community into more responsible behaviour through example and instruction just cannot be overstated. Seeing or even hearing of volunteer groups spending their discretionary time in the various activities of the HNCMT [Hawkesbury-Nepean Catchment Management Trust] and its affiliated bodies has a very powerful influence on the wider public - "if they place so much value on the environment, then perhaps I should be a bit more careful in how I treat it".

That is how Chris Stanton thinks community members will respond to the tireless work that so many people in our community undertake. The Sydney Bushland and Australian Defence Industries [ADI] resident action groups, numerous environmental groups throughout the Sydney Basin area and groups in my electorate have deplored the Government's decision. People are concerned that the Hunter area board might well be next for abolition. If the Government is claiming that the reason for the cessation of the boards is that all the strategies are in place and all that remains is implementation, that could be true of almost any group in our community. Groups in the Hunter area might be in the firing line and any of the native vegetation committees might be about to disappear. Many of the bushland regeneration advisory groups and, for that matter, almost any advisory group—including those interested in community services and social services and even parents and citizens associations—might disappear after their strategies have been devised.

Mr O'Farrell: Transport and health groups, and school councils.

Ms SEATON: As soon as school councils have set a strategy for the year, bang! The Government would get rid of them. The Government might ask those groups to plan a 10-year strategy and then get rid of all of them.

Mr O'Farrell: Health boards.

Ms SEATON: Health boards could be next. They could be asked to plan a strategy for the next three years and then they could be abolished. Basically, under this Government, all community groups in this State are now at risk of being in the firing line. They have done what the Government wanted them to do. They have planned their strategies and the Government does not need them any more. Last night the honourable member for Ballina made a very important point when he said that the Government cannot freeze a strategy in a vacuum. The strategy does not stop the moment it is written down. Strategies involve change and they must respond to changing circumstances. Any well-run and well-led group will make sure that its strategy is able to evolve. The on-ground works that the Minister thinks he has captured in a vacuum will not function without ongoing strategy development. I support the motion moved by the honourable member for Hornsby. I condemn the actions of the Minister for Agriculture, and Minister for Land and Water Conservation.

Debate adjourned on motion by Mr O'Doherty.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

KU-RING-GAI ELECTORATE EDUCATION FACILITIES

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.15 p.m.]: On behalf of the Ku-ring-gai electorate, which values education generally and particularly public education, I refer today to schools and education in the electorate of Ku-ring-gai. It is fortunate that across Ku-ring-gai there are a number of fine public schools, including 11 primary schools, two high schools and a number of private education institutions. Fortunately, Ku-ring-gai is equipped with fine public schools and, even more importantly, they are well supported by the residents of the area.

It is interesting to note that Ku-ring-gai public schools operate in a competitive environment. There are 11 government operated primary schools competing against seven privately operated primary schools. Both the bush school at Wahroonga, with which the honourable member for Hornsby has had a long involvement, and the public school attended by my own children operate in an environment in which nearby private schools are seeking to enrol public school students. I am pleased to inform the House not only that public education in Ku-ring-gai is holding its end up but also that enrolments across the electorate in public schools are increasing. Public schools are successfully competing in the education markets, and that is a tribute to the teaching staff in those schools.

Two-thirds of primary school-aged children in my electorate attend public schools. However, when those students reach high school age two-thirds of them then go to private schools. I am concerned about the resourcing of public education generally, but more specifically in my electorate. This year's budget papers show that State grants to public schools have not increased at the same rate as Federal Government grants to State

public schools. The budget papers show also that over the past two years Commonwealth grants to New South Wales schools have increased from \$565 million to \$620 million, an increase of around 10 per cent.

Despite protestations by the Government, the Minister for Education and Training and the Treasurer, the reality is that the budget shows that the proportion of the budget spent on public education in this State is falling. Increasingly, spending on education as a percentage of total budget outlays has fallen under this Government. I read in today's newspaper that the allocations announced in this year's budget include \$80 million for new school halls; \$50 million to replace 330 demountables in classrooms with permanent facilities; \$45 million for landscaping, new fencing and general improvements at older schools; \$130 million to improve facilities for students, teachers and school staff, including \$50 million for better disabled access; and \$70 million for upgrades to classrooms, libraries and security of the thousands of existing schools.

All those allocations relate to existing school stock. In certain cases they specifically relate to older schools, which Ku-ring-gai certainly has. No new public schools are being built in Ku-ring-gai. In fact, one of my beefs is that stage three of the rebuilding of Wahroonga Public School is still not provided for in this year's budget. I ask the Treasurer and the Minister for Education and Training—who are happy to parade their alleged support for public education—What resources will be directed to Ku-ring-gai Public School? Will West Pymble Public School and Warrawee Public School finally get the halls that those schools have done without for more than 50 years? Will demountables at Killara primary school—a school that shows a remarkable growth in student enrolments and whose teachers work under great pressure—be replaced by permanent facilities? When will funds be allocated for the third stage of Wahroonga Public School? When will the appalling toilet blocks at North Turramurra, Killara and other primary schools in my electorate be replaced?

It gives me no pleasure to inspect toilet blocks in schools. I have visited schools in Killara, North Turramurra and other suburbs in my electorate and gagged as I went into them. Yet children as young as six years of age have to use those facilities. In one of the school's toilet blocks students cannot even reach the chain to flush the toilet. Mr Deputy Speaker, they are the sorts of toilets you would have seen when you were a boy. I ask the Government when funding will be allocated to Ku-ring-gai so we can further advance the public education outcomes of our local schools.

WOLLONGONG HAWKS

Mr CAMPBELL (Keira) [5.20 p.m.]: On 29 April pandemonium broke out in my electorate. There was euphoria in our city when the Wollongong Hawks won the title in the National Basketball League competition. On that occasion in Townsville the Hawks defeated Townsville 97 points to 94 in game three of the grand final series. In game one, which was played in Wollongong on 22 April, the Hawks beat Townsville 104 points to 101. In game two, which was played in Townsville on 28 April, Townsville beat the Hawks 114 to 97. As I have said, Wollongong came back in the third match, winning the three-round series by two games to one.

The roster for the Hawks this season included Glen Saville and Matt Campbell as co-captains; Melvin Thomas; Grant Kruger; Charles Thomas; Axel Dench, who was this year's National Basketball League Rookie of the Year; Matt Garrison; Damon Lowery; Matt Shanahan; Luke Doherty, a local junior from the Illawarra region through the Illawarra Basketball Association; and Kane Riley Henderson and Josh Woods, who were development players this season. Kane Riley Henderson and Josh Woods did not get any court time but made a strong contribution to the whole of the roster as the team went about representing our community in a decisive way in the National Basketball League and, as I have said, ultimately winning the competition.

Twenty-three years ago the Wollongong Hawks, then known as the Illawarra Hawks, were foundation members of the National Basketball League competition. It took 23 years of strong and solid support from the people in the region to keep the team on the court, through sponsorship and all sorts of fundraising. However, as I have said, eventually the team won the competition. For the last several years the team has been coached by Brendan Joyce, who was this year named the National Basketball League coach of the year, and rightly so. Brendan is extremely professional about his sport but is also a very genuine and down-to-earth person, a person whom I consider to be a friend. I am delighted to have the opportunity to congratulate Brendan and the whole of the Hawks roster on their win.

Brendan was assisted by assistant coach Erich Lowe and Eric Cookes. I pay tribute also to Dave Leske, a member of the Hawks support team. Dave was with the Hawks for a number of years but died, sadly, in January this year. He left a family, and I pay tribute to them. Dave had a very brave fight with cancer but died during the recent season. Players and coaches of the Hawks squad have on many occasions said how during very

difficult games Dave's spirit lifted them. Certainly in the grand final series the spirit of Dave Leske lifted them. In fact, Damon Lowery made the point that during the first play-off game in Wollongong he thought Dave might have blown in a couple of free throws in as they rolled around the ring.

None of the team's on-court success can occur without the support of others. At present the Wollongong Hawks are privately owned by John Carson, who is one of the most understated people one could imagine. John simply wants to make a contribution to the community he works in. Supported by his wife, Nerida, and others, John puts a lot of effort and money into the team. I pay tribute also to the administrative team, led by the general manager, Chuck Harmison, a 234-game veteran of the National Basketball League and for the Hawks. Yvonne White has also put in a great deal of effort for the Hawks over a number of years, as have Gia Gross and Kylie Carson.

The Hawks team plays at the Sandpit at the Wollongong Entertainment Centre, a project built and opened by the Carr Labor Government a couple of years ago at a cost of about \$20 million. It is yet another project in our regional centre funded by this Government that provides so much community involvement and focus, particularly as it is home base for the Wollongong Hawks. As I have said, the Wollongong Hawks are the National Basketball League champions. The players used the win of the Wollongong Wolves in the National Soccer League last year as their inspiration. I conclude by wishing the Wolves well in the grand final play-off match against South Melbourne Knights next Sunday.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.25 p.m.]: I would like to add my support to the Wollongong Hawks. The Hawks' win was a magnificent boost to the whole community of the Illawarra, particularly the Wollongong community. I did not have the opportunity to attend any of the matches, but I can assure members that I watched the three games on television and found them extremely exciting. The Hawks' win was extremely important for the Wollongong region and for the entertainment centre, which has been the home of the Hawks ever since it was opened by the Premier. I take this opportunity to also wish the Wollongong Wolves all the best on Sunday at Parramatta Park. They will bring the trophy back to Wollongong and there will be another celebration in Wollongong. The Wollongong Wolves are yet another example of the great sporting sides and great sporting people who come from Wollongong. I congratulate each and every one of the players. I know they will do their best, and in doing so will bring the trophy back to Wollongong on Sunday afternoon.

MAIN ROAD 120

Mr FRASER (Coffs Harbour) [5.27 p.m.]: I refer to a matter of utmost importance not only to the Coffs Harbour electorate but to businesses and persons living elsewhere in New South Wales, that is, the urgent need for an upgrade of Main Road 120, which runs between Caramba and Ulong through to Dorrigo. For many years I have pressed for the upgrading of that road and when the Coalition Government was in office the Coffs Harbour City Council allocated a lot of money from the 3 x 3 funding for the road from Caramba right through to Ulong. The section from Ulong to Dorrigo badly needs upgrading. That was highlighted during the major floods on two occasions last year and again in March. The Minister for Small Business, and Minister for Tourism, who was recently in Dorrigo, heard the plight of the locals, and I am sure she will support me.

The March flood was so severe that the road from Dorrigo to Bellingen was closed in several places by severe landslides. At the moment the road is partially closed in four spots because of undermining. Approximately \$5.4 million in emergency road funding will be required to bring the road back to its former standard. I suggest that the section between Dorrigo and Bellingen will have to be closed for many days while the repairs are effected. That means that all traffic, including tourist traffic, and all local produce that goes down Waterfall Way will have no alternate route. Major roadworks are required on the Dorrigo Mountain when the road is upgraded as corners have dropped away, and for many years there has been a problem with continued slips on the road.

During times of flood and disaster, people from the Dorrigo plateau have no alternate route because the section of road between Ulong and Dorrigo is a gravel surface and some of its bridges will not take certain weights. Those bridges need to be replaced and the road basically becomes impassable, except for four-wheel drive vehicles, in times of wet weather. I know it is budget week, but I have tried to contact the Minister about this matter on a couple of occasions this week. I hope that the Parliamentary Secretary, the honourable member for Wollongong, will refer this matter to the Minister. This is not a political matter, it is a matter of ensuring that people in Dorrigo wishing to access employment in Bellingen or Coffs Harbour, as well as other local and tourist traffic, will be able to do so whilst the road is being upgraded due to the damage done by the floods.

The floods have isolated that small community and will continue to do so. The March flood isolated the people of Dorrigo for four weeks because Main Road 120 was not upgraded. The Minister should sit down with

Coffs Harbour City Council, State Forests, who use the road regularly, the National Parks and Wildlife Service, the Dorrigo Chamber of Commerce and Bellingen council to look at ways to upgrade Main Road 120 in conjunction with the repairs to Waterfall Way. If that is not done and the repairs go ahead, those people will be isolated yet again. It is of vital concern to that community and to the Coffs Harbour community.

We are approaching winter, when a lot of people travel from South Australia, Victoria, the south of the State and Wollongong and come to Coffs Harbour. Bowlers and other people often come on the inland road and down Waterfall Way into Coffs Harbour. Because the road will be closed for lengthy periods, their travelling times and travelling distance will be altered, and their return journey will be affected. I suggest that the road may be closed on some corners for weeks at a time. It is essential that Main Road 120 is used during those times as the alternative route. I appeal to the Parliamentary Secretary and the Minister to heed my invitation. The Minister should look at the road, speak to the people, and ensure that the job is completed to their satisfaction. [*Time expired.*]

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.32 p.m.]: I appreciate the points raised by the honourable member for Coffs Harbour after the devastating floods in that area, similar to the floods in Wollongong a number of years ago. I have no doubt that the honourable member will personally speak with the Minister about this matter, and I assure him that I will bring this matter to the Minister's attention.

LAKE ILLAWARRA POLICE AND COMMUNITY YOUTH CLUB

Mr BROWN (Kiama) [5.33 p.m.]: I refer to the role of police officers in Police and Community Youth Clubs. This subject is close to the heart of many people in the Illawarra, particularly the former honourable member for Kiama, Mr Bob Harrison, who, since his retirement from the Parliament, has been President of the Lake Illawarra Police and Community Youth Club, which is in Lake South. The club provides a multitude of excellent activities for many young people in the Illawarra working class environment. They include school holiday activities, workshops on crime prevention and drug and alcohol, basketball competitions and, every Friday, a housie night at Windang Bowling Club. However, its activities do not stop there. There is also an under-18s disco held every month at Shellharbour Workers Club and the city's first and only art gallery specifically for youth, the Pelican Room.

Another program is links to learning. It is little wonder that since his retirement Bob Harrison has thrown his weight into the club. In 1989, more than 10 years ago, he said he regarded himself as a product of the police boys club and that the movement is one of the most credible and respected organisations in the State. Bob Harrison emphasised strongly that Police Citizens and Youth Clubs are about kids and their welfare. That emphasis has also been given by the Illawarra Police and Community Youth Club. He talked about the role of the council in building that club and raising money by selling raffle tickets in local clubs. At the moment the youth club groupings have met and are deciding whether to have civilian managers in the clubs or retain the existing police officers.

A New South Wales inquiry into Police and Community Youth Clubs was conducted by Bruce Callaghan and Associates Pty Ltd. Its report said that police are essential for the continuing role of Police and Community Youth Clubs. The honourable member for Illawarra also has a strong interest in this matter and will speak more about that report. At the moment two police officers are in the Lake Illawarra youth group, one being a branch controller and the other a branch programmer. The Illawarra youth club is concerned that those positions will be reduced to one, that of a youth programmer.

There is evidence that the Lake Illawarra Police and Community Youth Club is financially viable, effective and has a good working relationship with police officers. Members of the community have come to see me, asking me to inform the House that I am supportive of police officers being retained in that youth club. I will be working with the former member for Kiama and the current member for Illawarra to ensure a strong police presence within the Lake Illawarra police and community youth clubs movement.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.38 p.m.]: The issue of police and community youth clubs has been raised in this Parliament many times while I have been a member of this House. I recall the former member for Kiama strongly raising these issues quite a number of years ago. I have been involved with the Wollongong Police and Community Youth Club for many years. In fact, I am a patron of that organisation. I have had many discussions with young people, parents, police officers and other people who are interested in police and community youth clubs. I totally support them in saying that these clubs will not be what they were designed to be if the police presence is removed from them. The Minister should rethink his

move. I support what the honourable member for Kiama said, and I will support what the honourable member for Illawarra will say later on about this issue. I repeat that the Minister should rethink his position on this issue, because it is absolutely crucial that police officers be at the coalface with the young people in our society and lead by example, which they now do.

WOLLONDILLY WATER, SEWERAGE AND TRANSPORT SERVICES

Ms SEATON (Southern Highlands) [5.40 p.m.]: This evening I speak about the important issue of the need for proper forward planning on water, sewerage and transport, particularly in the Wollondilly area. The people of Wollondilly sometimes refer to themselves as being in no-man's-land. The Government certainly has neglected the Wollondilly area on a number of important fronts. One of the most fundamental issues in Wollondilly is sewerage. I know that the honourable member for Camden, who is in the Chamber, will agree with me that sewerage and long-term planning for sewerage in Wollondilly and in the neighbouring area of Camden are important issues.

Despite the fact that the Government has attached much fanfare to the Picton regional sewerage scheme, the reality is that implementation has fallen well short of expectations and promises. People in Tahmoor, Thirlmere and Picton outer areas who believed they would be included as part of the stage two connection are still left wondering whether that will be the case. We are getting mixed messages from Sydney Water, which basically is saying that it first has to try to determine capacity. I do not believe that in 2001 we cannot build a sewage treatment plant and system that can determine, with a reasonable degree of accuracy, the capacity of that system.

The most recent victim of the Government's delays is the Queen Victoria Memorial Nursing Home plans to attract an additional 70 beds from an independent provider—in this case Lucan, the Uniting Church organisation—in which 30 of the beds were Commonwealth funded to the extent of about \$1 million. Those beds are desperately needed in our area, which is short of nursing home accommodation. Some 40 beds would have been relocated from the city area to our area by Lucan. Lucan made its application on the basis that it had been told the sewerage line would go past the door of the Queen Victoria facility. The total value of the redevelopment was to be \$8 million.

It is a matter of great disappointment in our area, to the board and all potential future residents, and certainly to the honourable member for Camden and me, that for the past two years or more we have been requesting the Carr Government to commit to the connection of the Queen Victoria site to the Picton regional sewerage scheme, but that those requests have been ignored. In fact, most recently, in March this year, the honourable member for Camden and I corresponded with the Minister responsible for Sydney Water. I have raised the matter in the House in recent times. But the Government has stood by and seen this golden opportunity for our area to have 70 additional, new nursing home beds disappear. The Government has not bothered to put any effort into making sure that the Queen Victoria site can be connected. It is also talking about estimates of up to 10 years before towns such as Appin and Bargo, which are fast-growing centres, will be serviced with sewerage.

Another issue of great concern is the developer service charges for water and sewerage in our area. By a factor of perhaps nine or 10, they are greater than the charges in other city areas. For example, in Picton, under the review of the Sydney Water Corporation's customer contract, the proposed charge for connection is \$8,334. Compare that charge with \$3,914 in Penrith, \$1,073 in Glenfield, \$393 in Kurnell and \$172 in East Hills. I regard that situation as anti-competitive. Someone with a certain amount of money to spend who wanted to invest in businesses and development opportunities probably would not choose an area that has such an inflated cost attaching to the development.

We need much better forward planning in respect of transport. This budget has delivered very little in that respect. Now that we have no prospect of a fast train, we desperately need our current railway line upgraded and electrified. But first the Government must come up with a plan to straighten out the railway line and remove some of the unnecessary bumps and curves that were built into the line 100 or so years ago, in days when trains needed long grades. They no longer need those grades. We need to plan realignment of the railway, and then electrify it, so that at last we can have the modern railway service that we deserve. We also need confirmation of additional railway carriages, which I understand will come from the South Coast line. We need a guarantee that they will be delivered to our area as soon as possible.

LAKE ILLAWARRA POLICE AND COMMUNITY YOUTH CLUB

Ms SALIBA (Illawarra) [5.45 p.m.]: As has already been suggested by the honourable member for Kiama earlier today, I speak in support of a strong police presence in police and community youth clubs,

particularly in the Lake Illawarra Police and Community Youth Club, which is within my electorate. I have a personal attachment to the police and community youth club as two of my children are actively involved in it. My son Dennis is a member of the men's artistic gym, and my daughter Sara is a member of the women's artistic gym. Firstly, I would like to acknowledge the president of the police and community youth club at Illawarra, Mr Bob Harrison, vice-president George Bourke, secretary Josie Ingram and treasurer Steve Bryant. They, along with the 15 councillors who run the Lake Illawarra Police and Community Youth Club, are doing a great job. Our club is doing very well within the community.

Over the years I have watched many youth groups and clubs come and go in my region. In fact, when I was young I was involved in many of those. But the reason that the Lake Illawarra Police and Community Youth Club has lasted and gone from strength to strength is the police presence in the club. I would oppose any proposal to do away with the police presence in that club because it is crucial for young people to have role models and participate in activities with the police officers, thereby learning to respect police and the law whilst providing diversionary activities for those who would otherwise get themselves into trouble.

The honourable member for Kiama made reference to the Callaghan report, which was handed to the Minister for Police on 4 February 1998. That report was compiled after considerable consultation. More than 1,000 people attended those consultations. Clear consensus emerged from those meetings. Those matters can be summarised under five headings. Police and community youth clubs have been a major contributor to the wellbeing of young people in our communities, and in particular to young people at risk. The police contribution is central to the work done by clubs. Clubs cannot function without them. At least two police are required to establish a stable and recognisable presence in the clubs.

Clubs should focus on youth and juvenile crime prevention. Given a choice of objectives for clubs, participants indicated that clubs should give priority to diverting young people from antisocial activity, working with communities to identify young people's problems and develop local solutions, providing an opportunity for at-risk young people to discuss and resolve their problems, and allowing an opportunity for young people and police to meet and work together on friendly terms. There has been an increase in crime in the Illawarra, particularly juvenile crime. However, the police and community youth club and the police presence in that area have enabled young people to become involved in different activities and to work with police.

A number of programs have been implemented by Lake Illawarra Police and Community Youth Club, for example, crime prevention and drug and alcohol workshops, which are part of the Young Offenders program. Young offenders are usually referred by the police to that program. Mark Hedges, the current programmer at Lake Illawarra Police and Community Youth Club, who is in charge of that program, should be commended for the work he has done for the club. I refer to another of the recommendations in this report, which states:

The inquiry recommends that the service continues its involvement with PCYCs at current levels. The mix of uniform and non-uniform staff may change, but a formal uniform police presence should continue.

Councillors at the Lake Illawarra Police and Community Youth Club are concerned about a trial that is being conducted at the moment to employ civilian managers at these clubs. I want an assurance from the Minister that Lake Illawarra club will not be one of those clubs. If it is not broken, why fix it? The Lake Illawarra Police and Community Youth Club is working very well, it is functional, and it is achieving its desired outcomes. There is no reason at this stage to employ a civilian manager at that club.

Mr WHELAN (Strathfield—Minister for Police) [5.50 p.m.]: Tonight I have been crash-tackled by three members: the honourable member for Kiama, the honourable member for Wollongong and the honourable member for Illawarra. I state at the outset that the Government is committed to maintaining a uniform police presence in police and community youth clubs. Having police in clubs is essential to the delivery of effective crime prevention programs to youth at risk. One officer, and one officer alone, should be doing that work. Following the recommendations of the Royal Commission into the New South Wales Police Service, I appointed Bruce Callaghan to conduct an independent inquiry into the police and community youth club movement.

That inquiry found that a second police officer in clubs spent an inappropriate amount of time doing administrative and managerial work rather than core policing and crime prevention work. It was estimated that the second officer generally spent over 90 per cent of his time doing administrative work. In the Government's view, police should be delivering policing services. Accordingly, the Government will fully fund a three-year trial to civilianise these positions in several police and community youth clubs. An additional \$1.88 million will

be allocated over three years for the trial and for the deployment of a project development team. Consultation is under way with police and community youth clubs to finalise those details. The trial of civilianisation of administrative positions is about ensuring that the police are doing their job of fighting and preventing crime. As I said earlier, they should not be bogged down doing administrative work.

This year there is money in the budget to take 159 police officers from desk-bound jobs and put them in front-line policing. As this issue has sparked a degree of interest I invite all honourable members who have an interest in and a passion about police and community youth clubs to make arrangements with their local club to go to the newly opened Umina Police and Community Youth Club, which employs a civilian officer, to see for themselves how brilliantly successful that operation is. Honourable members should at least go with an open mind to see how police and community youth clubs should operate. The police and community youth club in Umina is successful. I am sure that this project will be even more successful if it receives support. Where there is passion we need support. [*Time expired.*]

CASINO BOOK LAUNCH

CASINO BEEF WEEK

Mr GEORGE (Lismore) [5.52 p.m.]: Tonight I inform honourable members about some good news stories in my home town of Casino. On Saturday 12 May I had the honour of launching a book entitled *Sale-O Sale-O*, which covers the history of livestock auctioneers, carriers, buyers and drovers on the North Coast and was put together by local historian Helen Trustum. More than 530 people attended the function at the Casino Returned Services Memorial Club to launch this book. The guest speaker that evening was Colin Monroe from the ABC who is no stranger to people in rural areas of New South Wales. The book, which covers the history of agents in the Northern Rivers area from 1877 to 2001, has been well researched and put together. It is certainly a credit to Helen Trustum.

On the evening I met with a lot of old identities in the Casino area. The function, which was virtually a reunion of members of the livestock industry, was a credit to Helen and to the organisers of the event. As a former stock and station agent I was pleased to be given the honour of launching the book, which was sold that evening for charity, the money going to the Cedars Casino nursing home. The book, which was auctioned by Tom McCormack sold for \$9,500, was purchased by Stuart Ramsey of Ramsey Wholesale Meats at Grafton and Casino. I thank Stuart for his contribution. I must admit that I was a bit nervous when my old company, George and Fuhrmann, put in a bid of \$9,000. I did not know where it would find that sort of money. However, it was all for a good cause. The sale of that book was typical of what the night was all about: giving, renewing old friendships and going back over history.

Another event that took place last week was Casino Beef Week. Casino has become a leading promoter of beef on the east coast of Australia. On Saturday the population in Casino was three times its normal size. Lisa Gelzinnis, a local girl who works for Hansard, was home for the special occasion and she thoroughly enjoyed it. Last week's celebration was the twentieth annual Casino Beef Week, something about which I am proud as I was the inaugural chairman of Casino Beef Week. I never anticipated that it would grow to such an extent. I was proud and at the same time humbled by that growth. I place on record the congratulations and appreciation of the Casino community for the work done by Sandra Humphrys, chairperson of Casino Beef Week committee, and Sharni Mulherin, co-ordinator. I thank each and every person who helped to contribute to the success of Casino Beef Week.

Over the years Casino Beef Week has been successful because of the assistance of volunteers and service organisations. As 2001 is the International Year of Volunteers, Casino Beef Week highlights what volunteers can do for small communities such as Casino. The volunteers excelled themselves and Casino Beef Week was a tremendous success. As I said earlier, last week was the twentieth annual Casino Beef Week. Over that period there have been only four chairmen. I was the inaugural chairman and I was replaced by Col Sullivan, who is now Mayor of Richmond Valley Council. He was replaced by Terry Serone and Terry was replaced by Sandra Humphrys, the current chairman. Over that 20-year period the co-ordinators of Casino Beef Week were Jackie Birney, Verla Hayes, Sandra Humphrys and Sharni Mulherin.

The Beef Week queens were a highlight of Casino Beef Week. That event created a lot of interest and publicity in New South Wales and Australia. Many of the Beef Week queens over the last 20 years returned last Saturday to celebrate the twentieth annual Casino Beef Week. I am honoured that my home town of Casino hosts the annual Beef Week celebrations, something of which the community is very proud. I believe that it is the envy of most country towns not only in New South Wales but in the whole of eastern Australia.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.57 p.m.]: I would like to comment on the book the honourable member for Lismore has brought to the attention of the House about the history of livestock auctioneers, carriers, buyers and drovers in the North Coast. I see the honourable member has written a foreword to the book, and I am told by the honourable member for Coffs Harbour that the name of the honourable member for Lismore appears 20 or 30 times throughout the book. It amazes me that someone outbid him to get this book. With his electoral allowance I have no doubt he could easily have gone to \$10,000 and won something he could have cherished for the rest of his life.

MELANOMA CUP RACE DAY

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.59 p.m.]: I bring to the attention of the House the Melanoma Cup race day, which was held at Kembla Grange racetrack in Wollongong on 28 April. This is the eighth year that the Melanoma Cup has been contested at Kembla Grange. The race is an important event that brings to the fore the important melanoma research undertaken in Sydney by Professor Bill McCarthy from the Melanoma Research Unit at Gloucester House, which is part of Royal Prince Alfred Hospital and the University of Sydney. Professor McCarthy again attended the course on race day with his wife, Mavis. Also in attendance from the research unit was Professor John Thompson, head of the Melanoma Research Unit, Professor Fred Stephens and Dr Michael Quinn. My colleagues the Minister for Gaming and Racing, the honourable member for Kiama and the honourable member for Rockdale also attended.

I pay special tribute to a number of people who have worked hard to make sure that the Melanoma Cup race day is the success it has been in the past and continues to be today. Daphne Carey and her husband, Ron, worked extremely hard over the past 12 months to make sure that each of the eight races on race day had sponsors in the amount of \$1,000. June Sinclair, the secretary, and Joan Hurt, the treasurer of the Illawarra branch of the Melanoma Foundation, and committee members Melissa Markham, Ann Raymond, Denise Bartsch, Barbara Coombs and Maureen Polly put in a great deal of effort as well. Bearing in mind that more than 400 people attended the function and a little over \$30,000 was raised, the race meeting had a very effective result. I applaud everyone involved in that great day on 28 April.

Professor William McCarthy, AM, is a professor of surgery, melanoma and skin oncology, at the University of Sydney, Director of the Melanoma Foundation, Director of the Melanoma and Skin Cancer Research Institute and Deputy Director of the Sydney Melanoma Unit. For 30 years Professor McCarthy has been involved in the clinical management of people with melanoma. At the fifth world conference on melanoma held in Venice from 28 February to 3 March this year he was awarded the World Health Organisation melanoma award for a lifetime devoted to melanoma research. The award comprised a medal and a plaque and was presented by Dr Natale Cascinelli, President of the World Health Organisation melanoma program, which is a collaborative centre for the evaluation of methods of diagnosis and treatment of melanoma.

Australia has the highest incidence of melanoma in the world. It is the most frequently occurring cancer in the 25 to 45 age group. In the overall population of Australia, melanoma ranks as fourth most common cancer. It is preceded only by lung, breast and prostate cancer. Melanoma is a highly aggressive form of cancer and, if not diagnosed and treated appropriately, it is almost invariably fatal. The fifth world conference was well attended by members of the Sydney Melanoma Unit and the Melanoma and Skin Cancer Research Institute. The Sydney Melanoma Unit is the largest treatment centre for melanoma in the world and the Melanoma and Skin Cancer Research Institute was the first institute in Australia devoted to research into melanoma and skin cancer. Both those organisations are supported by the Melanoma Foundation, a non-profit, charitable foundation of the University of Sydney. The foundation's objective is to raise funds to support research and education into the causes, control and prevention of melanoma and skin cancer.

The foundation is a major supporter of the Melanoma and Skin Cancer Research Institute. It promotes educational programs in all schools, community groups and other organisations, and also supports the work of the Sydney Melanoma Unit. The centre is unique in that it focuses only on patients with melanoma or skin cancer. The Sydney Melanoma Unit has maintained a database of the clinical details of all melanoma patients since the mid-1960s. That database holds more than 18,000 records and is used worldwide to establish best practice in diagnosis, causes and care of melanoma patients. It is easy to understand why it is important that the Illawarra branch of the Melanoma Foundation continues to raise funds for important research. It has been doing so for eight years. I was made a patron of the organisation last year, and I will continue the support I have given to Bill McCarthy and his lifelong research. [*Time expired.*]

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [6.04 p.m.]: I should like to add a few words of congratulation on the race day held on 28

April at the Illawarra Turf Club. As indicated by the honourable member for Wollongong, that was the eighth occasion on which the fund-raising day has taken place. It has developed into one of the great functions of the year for the Illawarra Turf Club. More important, it continues to supply a stream of money to Professor Bill McCarthy, who is acknowledged as a worldwide expert and, indeed, has recently received an award from the World Health Organisation.

I also extend congratulations to Daphne and Ron Carey, who set out at the completion of each of these race days to raise all sorts of money and to promote the races for the next year. They have a tremendous band of workers. I have attended several of these race days. The first time I went the day was rained out after about the third race when the jockeys could not see the straight. Nevertheless, the day continued in a convivial manner and a great deal of money was raised for this very worthwhile cause. The honourable member for Wollongong is a little modest. He has been one of the driving forces behind these race days. He and his wife, Melissa, were never still on the day, selling raffle tickets and making certain the silent auction went so well. The race day is a great credit to the Illawarra community. I also congratulate the honourable member for Kiama, who has joined the fold, and the honourable member for Rockdale, who, like me, has attended the race day many times.

JACK'S GULLY WASTE DEPOT

Dr KERNOHAN (Camden) [6.06 p.m.]: On 7 March I spoke about the future of Jack's Gully waste facility if Sydney metropolitan councils were allowed to use it. Happily, commonsense prevailed and its current use by the Macarthur and Wingecarribee councils will be maintained. However, there are more problems with Jack's Gully. This month Waste Services New South Wales advised Camden Council of an increase in tipping fees of 40.9 per cent to \$75.70 per tonne. That percentage increase is exclusive of the section 88 levy of \$78 per tonne imposed by the Environment Protection Authority. That means that my constituents will have to pay cost increases of \$21 for the 80-litre service, \$22 for the 120-litre service and \$83 for the 240-litre service per property per annum.

I would like the Minister for the Environment to answer a number of questions. Why did Waste Services New South Wales inform councils only in May when new prices were promised to them in February? This late advice prevented councils from incorporating these exorbitant charges in their budgets. Why was no consultation or notice given to councils of the massive increases? As the Independent Pricing and Regulatory Tribunal ruling that provides for no price differential between rates for councils and commercial users was made more than four years ago, why has there been a sudden change in policy to have it take effect now?

What are the increased management and remediation costs that have suddenly been incurred, bearing in mind that remediation costs should have been accumulated from charges over the past 25 years? As the only fuel used at Jack's Gully is for plant, can the Minister justify "increasing fuel costs" as a reason for a 40.9 per cent cost increase? How can a 40.9 per cent increase be justified, compared to 6.35 per cent in 2000-01, 9.24 per cent in 1999-2000 and 8.74 per cent in 1998-99? Is this not simply another way for this tax-loving Government to get more dollars by stealth under the guise of a local government cost?

Ironically, last year Waste Services New South Wales gave its major award for metropolitan Sydney, The Waste Avoidance Award to Camden Council. What hypocrisy to penalise a council whose policies and promotion of recycling allowed it to reduce the real cost of its waste service and its charge to residents! More ironically, Jack's Gully recently caused more problems to Camden residents than ever before. It made the headlines of the *Chronicle* of 10 April. The headline is "Kids sickened" and the article states, "Students overcome by odour". Children at Mount Annan Public School were affected by odour from Jack's Gully. The Environment Protection Authority accepts that both the Jack's Gully Waste Management Centre and Camden Soil Mix, an adjoining composting facility, are collectively the source of the odour. Statutory notices have been issued to both organisations requiring them to employ a suitably qualified person to identify all possible odour sources and measures to overcome the odour.

Both organisations are trying to solve the problem of odour emanating from their operations. Camden Soil Mix is installing a vertical composting unit which is totally enclosed and should result in negligible odour. I understand that such a unit has been operating for 18 months in the middle of the University of New South Wales without complaint. However, I have four more questions for the Minister. Will Waste Services now further improve and extend the odour fence at Jack's Gully? Will the Minister guarantee that the odour will be controlled? Will the 40.9 per cent increase in revenue from Camden residents be used for this purpose? Are the residents of Camden being penalised for complaining about odour from the waste facility by having to pay for its prevention?

FAIRFIELD ELECTORATE WESTBUS SERVICES

Mr TRIPODI (Fairfield) [6.11 p.m.]: A number of constituents have contacted my office regarding the service provided by the private bus company Westbus, which is failing to service the Fairfield area. The most recent problem relates to the level of service provided on route 824 to Fairfield, particularly in the afternoons. Constituents using this route for many years have been subjected to a continual deterioration of services. Commuters have been left with no option but to put up with poor service as they have no economic alternatives. Commuters advise that buses run between 15 and 20 minutes behind schedule on an almost daily basis. Worse still, on some occasions the bus does not arrive at all. An enormous number of people rely on Westbus to get to work. However, often they have had to return home to make alternative arrangements as the bus simply did not arrive. This is unacceptable from a company that provides the only service in the area.

The New South Wales Government grants Westbus an exclusive right to service the area and commuters pay for a service expecting, and deserving, it to be reliable. Westbus is failing its patrons. Recently I raised this matter in correspondence with Westbus on behalf of one of my constituents. I was assured that the electronic ticket machine data had been checked over a two-week period which confirmed that the service had been running on time, except on one occasion when it ran two minutes late. However, my constituent has advised my office that she has a bus ticket confirming that the service was 11 minutes late during the time Westbus claimed it was running on schedule. She also advised of three specific dates when the bus ran late during this period. She has advised my office that her experience directly contradicts the Westbus record of events.

Another constituent has advised me of a number of occasions when the bus ran late during the period Westbus claims its buses were running on schedule. This lady missed three scheduled appointments due to the delays. Apart from my own representations, local residents have repeatedly contacted the bus company directly to voice their concerns and request improvements. They have repeatedly been given poor excuses such as roadworks, accidents or traffic jams. I can appreciate that such circumstances may occasionally arise. However, both my constituents and I find it difficult to believe that these events are consistently interfering with the afternoon services on route 824.

When commuters contact Westbus they receive a most hostile reception—as if it was their fault problems exist. One constituent was even told to catch an earlier bus if she found the service unsatisfactory. This person catches a bus to Fairfield, which is supposed to pass at 4.00 p.m., to commence work at 5.00 p.m. If the service was punctual she would arrive with plenty of time to spare. However, the bus is regularly late, making her late for work. Westbus' response to her complaint was to catch the earlier bus. This is an hourly service, so the earlier bus passes at 3.00 p.m. Requiring two hours to travel a distance of three to four kilometres is ridiculous.

Westbus has let its passengers down in other respects. The company cancelled its popular route 800 service. This angered local commuters. This service was so heavily utilised that passengers often had to stand in the aisles at peak times as there were no seats available. Indeed, commuters actually requested extra buses to cater for the high volume. However, rather than assist its commuters, Westbus cancelled its service. The reason given to commuters was that the service was underutilised and adjusted to meet demand. This excuse was given to the very same people who had been crying out for extra services. They must now catch two buses, involving increased travel time and cost.

People who had been relying on the service for many years now find it extremely inconvenient to get to places such as shopping centres and Fairfield hospital. Further, cancellation of the weekend service along this route has forced many children to abandon weekend sporting activities as they have no transportation to events. My own representations to Westbus on behalf of constituents often go ignored. When responses are received the main issues of concern have often not been addressed. Westbus clearly puts profit before commuter amenity. Westbus is currently providing buses behind schedule, cancelling services without notice and has an organisational structure with a shocking commuter complaints procedure. The people of Fairfield deserve and demand better.

LOCAL GOVERNMENT PECUNIARY INTEREST DECLARATIONS

Mr WINDSOR (Tamworth) [6.16 p.m.]: I draw to the attention of honourable members, particularly the Minister for Local Government—I note that he is not here but I hope that he is listening and will respond accordingly—the Local Government Act provisions relating to pecuniary interest declarations, not only the

impact that circumstances within Tamworth City Council are having on major developments within Tamworth city at the moment but also the broader implications of problems with pecuniary interests at a local government level for councils in general and country councils in particular. To paint a small picture of what is happening, a major development is proposed within the boundaries of Tamworth city. Due to circumstances last year when Councillor James Treloar was found to have a pecuniary interest because he had a business within 1.5 kilometres of the development, it was deemed that he had breached the pecuniary interest provisions of the Local Government Act.

Since then, most councillors on Tamworth City Council who have any business arrangements or who are employed by a business that has arrangements or property within 1.5 kilometres of the new development have abstained from voting on the issue. Tamworth City Council is in the absurd situation of not being able to get a quorum for a vote on a major development which could result in as much as \$60 million being spent in the area. The matter has been referred to the Minister for Local Government. When councillors ask whether they have a pecuniary interest, the department hides behind the Act and says that the pecuniary interest is determined by the councillor and, if in doubt, stay out. I am not concerned about this specific development. I am concerned about the broader implications of the pecuniary interest provisions in the Act in that there is no umpire to assist councillors to determine whether they have a pecuniary interest when they are approaching a vote.

Councillor James Treloar, in particular, was confronted with a dilemma. I have a very high regard for him as an individual. I think that most people in local government were shocked when he was deemed to have had a pecuniary interest in, and had voted for, a development located within 1.5 kilometres of where he lives. Although his vote was not required for approval of the development, he nevertheless was suspended from council for three months because he voted on the proposal and he eventually lost his position of mayor. The broader implications of the legislation are that people who are members of the business community, particularly in country communities, will not offer themselves for election to local councils if the legislation remains as it is.

It is still not clear whether a council member living within two kilometres of a development will be deemed to have a pecuniary interest in a project. Half of the Tamworth City Council will not vote because they are worried about the Department of Local Government's determination after the event. I call upon the Minister to look very closely at this matter. In my view there is a requirement for an umpire—an officer of the department or an independent body—to whom, prior to voting, a councillor can refer and say, "These are my property acquisitions, this is the organisation I work for and this is the project. Do I have a disqualifying pecuniary interest?" It would be a great shame if people were afraid to stand for election to local councils because of legal costs that could be incurred and damage to their reputation that might be suffered.

The Local Government Act should be amended or an umpire should be designated so that councillors are secure in the knowledge that when they are required to vote, they do so legally. If after amendment of the Act a councillor were to vote, having lied to the umpire or the independent body, penalties should be prescribed for the councillor having failed to avoid a conflict of interest. Having said that, before councillors are required to vote—given that the present provisions are so grey—they should be placed in a position of being able to obtain an independent opinion on whether they have a disqualifying pecuniary interest. Although the Minister is not present in the Chamber, I call upon him to respond to the concerns I have raised.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.21 p.m.]: Tomorrow when *Hansard* is available I will ensure that the attention of the Minister for Local Government is drawn to the matters raised by the honourable member for Tamworth. I suggest that the honourable member for Tamworth knock on the Minister's door to obtain an appointment to see him. If that is not possible, I suggest that the honourable member should write to the Minister. Notwithstanding that, I give the honourable member an undertaking that I will bring this matter to the attention of the Minister.

Private members' statements noted.

[*Mr Deputy-Speaker left the chair at 6.23 p.m. The House resumed at 7.30 p.m.*]

**DEATH OF BARRY JOHN MORRIS, A FORMER MEMBER OF THE
LEGISLATIVE ASSEMBLY**

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [7.30 p.m.]: I move:

That this House extends to the family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death on 19 May 2001 of Barry John Morris, a former member of the Legislative Assembly.

Barry John Morris was born in April 1935. When he came to this Parliament his occupation was recorded as beef and cattle grazing, fruit growing, feed lotting, real estate investment and the petroleum industry. According to the record, Barry was educated at Lithgow High School. He obtained an Apple Orchardng Scholarship in the Huon Valley, Tasmania, and a Pome Fruit Industry Scholarship in Orange and Tasmania. When he became a member of Parliament Barry was involved in various businesses, including wholesale-retail marketing of farm produce, Australian wines and health foods. He was the chairman of family companies, including Morris Petroleum and various other holdings.

Barry was involved in his community. He was a member of the Rotary Club, the President of the Blackheath Club and an extremely devout member of the Catholic congregation. Barry was always extremely proud of the fact that his family had lived in the Hartley area since 1828. When he came to this place he had the same hopes and aspirations that we all have. I genuinely believe that only a few members who have passed through the portals of this place have not done so for the right reasons. There have been exceptions to the rule, but Barry, like all of us, as he indicated in his maiden speech, was very proud to have been elected to this Parliament.

Barry Morris served two terms in this Chamber: he was elected on 19 March 1988 as a consequence of the landslide victory of the then Greiner Government, and he was re-elected in May 1991 and continued to serve in this Chamber until 1995. Barry passed away peacefully at the Royal Prince Alfred Hospital following a long illness. A mass of Christian burial was held at St Bernard's Catholic Church on the Old Western Highway, Hartley, on 24 May. Over the last few days I have spoken to various people who have said that it was a fitting tribute to a man who made a considerable contribution to the community in which he lived. Barry made his maiden speech in this place on 30 August 1988. It contained all the aspirations that most members have when they are elected to Parliament. In his maiden speech he paid special tribute to his wife, Annette. He said:

It would be wrong of me not to pay specific tribute to my wife, Annette, without whose help and assistance over many years my political dreams would never have become a reality. Together we have met the challenge which was necessary to win this seat of Blue Mountains. I say thank you, Annette, and know that you will continue to support me in the efforts we share together to secure the seat of blue Mountains as a safe seat in the Greiner Government.

According to both his maiden speech and his funeral notice, Barry was proud of the fact that he was the son of a coalminer, David Morris, and his wife, Nola—her name was actually Fenola. Barry was very proud of his family. He was also proud of the fact that he had participated in so many things associated with the Blue Mountains. Many people come through this Parliament. Surprisingly enough, we all seem to think that there is a great deal of long service. When Kevin Rozzoli celebrated his 25th anniversary as a member of this place I noted that the average turnover in this place is six years and three months. Of course, that turnover has been hastened by all the major elections we have had in recent times. Since 1978 there have been major swings for and against the various political parties. It is therefore not surprising that that figure was arrived at.

I got to know Barry well. As members know, at night we sit around the tables and talk, and we also talk along the corridors. Barry and I had a common bond: in the 1920s, prior to the Great Depression, my father and grandmother went to live in the Blue Mountains, at Wentworth Falls. Barry knew of my great love for the Wentworth Falls area. My father always regarded that time as the greatest period in his life. My father started out as an office boy in Sydney, then he, along with the rest of his family, moved to the Blue Mountains to take on a carrying business. I often related to Barry the various things that occurred throughout my father's life and the various things they did during that period in the mountains.

As happened to many people during the Great Depression, my grandfather's stay in the Blue Mountains was cut short; they went bust. My father and grandmother never really recovered from that. My father and his two older brothers then left the Blue Mountains. His two younger sisters and youngest brother were all educated at Wentworth Falls Public School and have returned to the area from time to time for the various events that have taken place in that community. I have fond memories of the Blue Mountains. Wentworth Falls was one of Barry's favourite areas. I often related to him my experiences of going up there to visit various relatives as a child. On behalf of the Government I place on record my appreciation of Barry's contribution to the New South Wales Parliament and the community he represented, and extend our condolences to his wife, Annette, and his remaining brother. May Barry rest in peace.

Mrs CHIKAROVSKI (Lane Cove—Leader of the Opposition) [7.37 p.m.]: It is with sadness and regret that I lead for the Opposition in speaking on the death of the former member for Blue Mountains, Barry John Morris. To his wife, Annette, his family and friends I offer the condolences of the Opposition and, in particular, the sympathy of Barry's many friends in the Liberal Party. As a friend of Barry, as well as Leader of

the Opposition, I value this opportunity to put my feelings on the record. Barry had been ill for some time and it was a particularly trying period for Annette as Barry's doctors worked to improve his health. Only a couple of months ago we had reports that Bazza was on the improve, but sadly this was not to be.

Barry Morris was a larger than life character who brought many qualities to his commitment to representing the people of the Blue Mountains electorate. His outgoing and engaging personality and his "hail fellow, well met" approach were a reflection of his self-education—the mark of a man who had learned life in the college of hard knocks. Barry was the son of a coalminer, David Morris, and his wife, Nola. The Morris family had an association with the Blue Mountains dating back to 1828. Barry was proud of the hard work his family—his parents, his brothers Jim and Bob, and his wife, Annette—did in building up the family business. In the simplest terms he was a knockabout bloke, as they say in the bush.

Those who served with Barry in government remember him affectionately for his naturalness, his enthusiasm and his robust approach to life. To Barry I was always Chika, and he was always offering me fatherly advice: "Say what you believe, Chika, speak from the heart, and you'll be right mate." Good, sound advice. He was also the master of the vernacular. I said to him time and again, "Barry, write down these expressions because no-one is ever going to remember them." There were a few people on the opposite side of the Chamber who were regularly referred to by Barry as a bag of fleas. With Barry, people knew where they stood.

As a truckie working the stock sale yards, as a fuel supplier, as an orchardist, as a real estate investor and as a farmer and grazier he had a no-nonsense style. It was this style that endeared him to the electorate of Blue Mountains and led to his election to this House as a member of the first Greiner Government in 1988. At that time Barry was quick to acknowledge the work of his predecessors. He had a big heart. He went out of his way to praise the former Independent member, Harold Coates, and to acknowledge the work of Labor members Mick Clough and the current member, the Attorney-General, who won the seat again in 1995.

Today is an appropriate occasion for us to dwell on the positives, to recognise and acclaim Barry Morris for his achievements and for what he gave to the electorate of Blue Mountains and the people of New South Wales. The events of Barry's final months in this House, and the penalty he paid, are a matter of record. There are many of us who thought Barry was harshly treated and that his penalty was disproportionate. Barry had an ingrained suspicion, even contempt, for bureaucracy and he believed that too much of the initiative of the people in New South Wales was tied up with red tape and regulation. It was this philosophy that placed Barry firmly in the mainstream policy direction of the Greiner Government program. He shared Nick Greiner's vision of a freer, more open business environment with less regulation but clear protection for consumers.

Barry had a bushman's appreciation of the mountains—the bush was both his home and his workplace. In his maiden speech on 30 August 1988 he spoke of the natural beauty of the forests of the Blue Mountains, describing them as one of nature's greatest legacies. He also spoke of the contribution that the forestry industry had made to the lives and livelihood of so many families in the mountains. Barry was in touch with the needs and concerns of his electorate. Barry's life experience gave him a very clear understanding of the dangers of the mountains as well as their beauty. One of his constant battles was to ensure that access for firefighters was a priority in any planning decisions taken by the National Parks and Wildlife Service, the Department of Planning and local government.

Barry was fiercely proud of his roots; he loved the people and the natural features of his electorate. Above all, he loved his wife, Annette. He would sometimes sit and talk about his regret that he had never had children, but he always spoke about Annette and said that she was the great love of his life, and for her he was truly grateful. We could all wish to have such a great love in our life. We will miss Bazza. We will miss the big bloke. He was larger than life, a character who certainly was interesting and certainly made our lives interesting. We know that his family and the people he represented will miss having him as part of their lives. I commend the motion to the House.

Mr MARTIN (Bathurst) [7.45 p.m.]: It is with sadness that I support this condolence motion for Barry Morris because Barry was a good friend of mine. I acknowledge the presence in the public gallery of his wife, Annette, his brother, Bob, and his good friends Dick Harris and Bob Reid. As previous speakers have said, Barry's family were true pioneers of the Hartley Valley going back to 1828. His father came from England and his mother was a Kelly, so there is no prize for guessing that that is where he got his Irish blood. My family has been associated with the Morris family since 1835—we were latecomers to the Hartley Valley. The Ryde family on my mother's side came to Australia not as free people, as Barry's father did, but as good Catholic convicts.

From that time there has been a link between our families. I am pleased to have kept up my association not only with Barry and Annette but with his brother, Bob, with whom I served on council for a number of years.

Barry came from very humble beginnings of which he was proud. As we have heard, he was born in 1935 at the time of the Depression. His father had to chase relief work and move the family around the upper mountains. They finally settled back in Hartley, where his father was a miner. I remember from the eulogy at the funeral service delivered by Barry's nephew, Wayne, that the family eventually settled in a small humpy on the Lett River. Basically that is where Barry's family started life and where his brother, Bob, was born.

From those humble beginnings with perseverance, hard work and a touch of entrepreneurial spirit, which I suppose eventually led him in to the Liberal Party despite his father having strong Australian Labor Party roots, Barry was able to build a good life for himself, and a successful business life with his late brother, Jim, and his brother, Bob, and other family members. They had extensive business interests over the years in petroleum distribution, property development, cattle trading and the beloved Hartley apples. No matter how successful Barry became in later life, with his lifelong love and partner, Annette, he never forgot those humble beginnings.

As the Leader of the Opposition said, Barry was always straight and to the point and never believed in the trappings of office at all. At Barry's funeral last Thursday, hundreds of people from all walks of life, people with whom he went to school and who remembered him from all those years ago even though he had moved around a bit, people from politics, people off the street, and his constituents all showed their great loyalty to him. Definitely the best thing that ever happened to Barry was to meet Annette Harris, whom he married in 1961. There is no doubt that Annette was the rock around which Barry built his life. Throughout their life together, and especially their business life and their extended family, Annette was always central to Barry. We know of Annette's tremendous contribution in recent years when he suffered a few vicissitudes and, of course, in recent months when he went through hospitalisation, when she was his daily bedside carer. Barry died in Annette's arms.

A number of things struck me about Barry's funeral last Thursday. One was the composition of the group of people who gathered together. Barry was true to his Christian beliefs and his Catholic faith, but I suppose he was not what might be called the nine to five Catholic. Barry did not always agree with the bureaucracy of the church or any other organisation, but he lived his life by its beliefs. The funeral service was quite unique, because officiating was the Roman Catholic Bishop of Parramatta, the Reverend Kevin Manning; participating was the Anglican rector of the Church at Blackheath, Reverend White; and on the altar were two other Catholic priests and a Salvation Army captain. Ecumenically, that was an impressive array. They were a tribute to Barry's ability to reach out to all types of people.

Whilst it was a sad day and a sad occasion, it was indeed a celebration of the life of Barry Morris. The church in which the service was held was very dear to Barry because it was the Catholic Church of St Bernard, which was built in 1842. It is part of the historic village of Hartley, of whose committee Barry's brother Bob is chairman. I served on that advisory committee for many years, and was serving on it when Barry was a member of Parliament. In those days local members probably got to tick who would serve on those advisory committees. Despite my political leanings, I continued to serve on that committee.

Though Barry and I were very good friends, we went different ways politically. I do not think we ever argued about it, but we often discussed our political leanings. Barry used to say to me, "You should come and join our mob; you and I are very similar, and together we could kick a bit." I used to say to Barry, "Well, you should come back to my side; your father would think that you should have stayed here in the first place."

Mr R. H. L. Smith: Barry was right!

Mr MARTIN: I am not going to argue the point tonight. Barry used to regale me with stories of his time in this place. We often talked about whether we would serve here together, but that was not to be. I suppose I am unique among speakers tonight: others who have spoken served in this place with Barry. I know Barry would have been touched and impressed by the attendance at the funeral of members of the Liberal Party. I think eight or nine of his colleagues were there. Most of them are seated in front of me tonight. We all know that Barry's parting from the Liberal Party was painful to him. I think it would be fair to say that Barry regretted a lack of loyalty to him on the part of certain people. But Barry would have been pleased to have at the funeral the members with whom he had served.

As with any organisation with which Barry was involved, he gave 100 per cent, whether it was the Rotary club, a working bee or a working party at an historic cemetery that Barry would be involved with. He

always gave a 100 per cent effort; he never did things by halves. Occasionally he probably tried to cut a few corners—which I suppose goes back to his distaste for bureaucracy and red tape. Barry always saw the goal or the aim, but did not always have the patience to negotiate all the corners to get there. He believed in that old maxim that the quickest way home was the straight line. For that reason, I suppose he ruffled a few feathers along the way.

When I was mayor of Lithgow, Barry was developing some land in the area, and quite often we had to referee disagreements between Barry and the planning staff. Things always worked out, but a few council officers from time to time had their ears singed. But Barry did appreciate their efforts and he made a considerable contribution to our community through business and through Rotary. Barry served the Blackheath Rotary Club with distinction for many years. He was made a Paul Harris Fellow. Those who are familiar with Rotary would know that that is the highest honour that can be bestowed on anyone in Rotary. Barry was very proud of those achievements. Whilst he was serving Rotary, of course he was working extremely hard raising money for charities.

In recent years Barry's real passion was developing a wonderful garden at his property "Deloraine" at Hartley, with some 20 acres planted with probably 10,000 rose bushes and all manner of native Australian trees. It was a garden that was created with great skill and proper planning. It will be a great joy for many years to come. The first thing that Barry did when it was completed last October was to have an open day over two weekends, from which he raised thousands of dollars for the Lithgow hospital and for charities in the upper mountains. Whatever he had he wanted to share and do something constructive with. That was a hallmark of Barry for long as I knew him. I have said that Barry was a great family man. He had great love for his two brothers, Jim and Bob. Jim's untimely parting in 1981 was a great blow to the family, but Barry and the rest of the family worked on, with Jim never being far from their thoughts. Barry often referred to Jim. Though Barry and Annette did not have children of their own, they had a great extended family of nieces and nephews, who certainly benefited from their love and care.

I recall a conversation between Annette and Bishop Manning at the graveside service conducted by Reverend White. Bishop Manning pointed out to Annette, my wife Cathy and me that that, of all the funerals at which he had officiated, this had been one of the most special occasions. There was just something special about the people there, the ecumenical spirit and the warmth of the feeling for Barry. As I said, it was a sad occasion, but really it was a celebration. I am very happy to stand in this place tonight and count Barry Morris as a great friend and someone I will miss.

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [7.57 p.m.]: On behalf of the State Leader of the National Party and members of the National Party I join with the Leader of the Liberal Party and others who have already spoken and will speak in paying tribute to Barry Morris, the Liberal Party member for Blue Mountains from 1988 to 1995. Barry Morris was a jovial character who enriched political life with his humour and his wit. He rose from humble circumstances to become the member for Blue Mountains in the Coalition's landslide victory in 1988.

Barry was the son of a struggling Hartley Valley orchardist and, like the sons of many rural families at the time, his education ended with the Intermediate Certificate, which Barry obtained from Lithgow High School. He improved his knowledge of orcharding through scholarships and made a success of apple growing at Little Hartley. He possessed an entrepreneurial spirit and, from his property at Little Hartley, became successful in marketing farm produce, beef cattle dealing, fuel marketing and property development. He was always dedicated to the Blue Mountains region, his family having been involved in the area since 1828.

Barry was a dedicated and enthusiastic politician. He vigorously represented Blue Mountains communities and he was one of the region's most active advocates. He attracted a significant increase in government investment and development in the Blue Mountains. Suffice it to say that this dedication to the development of the Blue Mountains, combined with his enthusiasm to get things done, in all probability led to his demise from politics. Whatever the circumstances, Barry was a most colourful character, and a great number of people in the Blue Mountains region will genuinely feel a sense of loss at his death after some months of illness. On a personal note, might I say that Barry and I sat next to each other in a corner of this Chamber. There was not a better bloke a member could sit next to. The National Party extends its sympathy to Barry's wife, Annette, to his brother, Bob, and to his nieces and nephews.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts [8.00

p.m.]: Tonight I speak as the member for Blue Mountains to offer my condolence on the death of the former member for Blue Mountains, Barry Morris. I am honoured to follow my colleague the honourable member for Bathurst in this debate as he spoke so eloquently about the life and times of Barry Morris. He was an entirely appropriate person to have done that. The Blue Mountains is uniquely a diverse and demanding electorate, full of fascinating contradictions. Almost legendarily it is full of colourful and eccentric groups and individuals, often with diametrically opposed interests and demands. It is strung out for miles along the ridges of the mountains, with villages nestled in a rugged and beautiful terrain. I do not doubt, and I have never doubted, that Barry Morris loved the Blue Mountains as I do and sought to serve the area according to his best endeavours.

There was a public Barry Morris and a private Barry Morris. The public Barry Morris lived his life in the glare of media scrutiny, as we all do. In that role he had conflicts with many people, including me. He also had many successes. There can be no denying that he worked hard to bring the benefits that the State Government could bestow upon the Blue Mountains electorate. I agree with my colleague the honourable member for Bathurst that Barry Morris never did anything by halves. The private Barry Morris left his legacy in the form of a legion of loyal, lifelong friends who live in the Blue Mountains and in Lithgow—people like Dick Harris of Mount Boyce, who I believe went to Mount Victoria Primary School with Barry; people like Tom Colless, who is widely understood to be the unofficial mayor of Leura; people like Bob Reid, who is present in the gallery tonight—people whom I also hold in the highest esteem—and people steeped in the oldest tradition of the families who pioneered the Blue Mountains, as Barry was.

The Leader of the Opposition referred to Barry's command of the Australian vernacular. I must confess that I will never forget the time I watched him on television, not all that long before the 1995 election, when he referred to the staff of the then Premier of New South Wales as "fleas". He blamed them, he said, for certain circumstances that existed at the time and he said, "I would not feed them boiled rice with a shanghai." I thought that was about as good a metaphor from that tradition as I had ever heard.

The private Barry Morris had a family that never wavered in its support, no matter how difficult the circumstances. Since I learned the news of Barry's passing my thoughts have been particularly with his widow, Annette. Barry Morris's affection for Mrs Morris was one of his most evident and disarming qualities. His brother Bob has been known to me for many years, not least because of his association with that Hartley Cemetery Trust. I know they will be supported by that same large circle of friends who never ceased to support Barry during his lifetime. So I join the House tonight in paying my respects to the man from the mountains who took such delight in always publicly calling himself "the mountain man".

Mr COLLINS (Willoughby) [8.04 p.m.]: I join previous speakers in this tribute to Barry Morris. Last Thursday, like several honourable members, I made the pilgrimage to Hartley. As I drove along the Great Western Highway to Hartley I suppose I relived my experiences with Barry. Many things came to mind. Driving through Faulconbridge, the Corridor of Oaks, I was reminded of Barry's commitment to the history of the area. Driving along that long and improving stretch of road I was aware of the fact that so many calamitous road accidents had happened on that stretch of highway. That loss of life caused Barry great distress, as it has caused all members of this Parliament great distress over the years. But things are gradually improving.

I suspect that the Blue Mountains is a unique electorate in that in this World Heritage setting all roads virtually feed into a single road, the Great Western Highway, which is often shrouded in rain, mist and fog and which can often be one of the most dangerous roads in this State. Barry wanted to fix that problem, as did his predecessor and his successor. It is a commitment that worried him; and it is a commitment about which he incessantly reminded us in government. As I drove through Katoomba, past the Blue Mountains hospital, I remember Barry saying, "The hydrotherapy pool, mate, when are we going to get money for the hydrotherapy pool? We will not let go of that." Annette, Barry and I were at that hospital on a number of occasions to try to ensure that that hospital—in such a vital location in that unique electorate on that stretch of highway—was improved.

Barry loved the mountains in a way that almost preceded the language of environmentalists today. He loved it in his heart. He loved it, lived it, felt it and breathed it. He did not need the technical language of the last couple of decades to appreciate the Blue Mountains. It was bred into him; it was genetic. He would never have let that go under any circumstances. I remember in particular one Sunday afternoon as Minister for the Arts going to Varuna to establish a writers centre. That centre has produced many good books since that time and it continues to do so. I think it is one of the adornments to the world of literature in New South Wales. I remember Barry saying, "Mate, I do not know many of these writers. They are probably all a bit pink." I said, "Barry, trust me. It is all right. This is a great thing. Your electorate will have a writers centre. No other electorate will have a writers centre." He did trust me and he understood that.

It could be said that Barry was sort of a redneck and I was very urban about a lot of issues. But we got on, we understood each other and we trusted each other implicitly. If it had not been for people like Barry Morris the Greiner Government would not have been elected. I was chairman of our key seats committee. We had a strategy—a strategy that holds as good today as it did in 1986, 1987 and 1988—that is, to win a band of seats starting at about Ryde and ending at Bathurst. If we won that band of seats stretching east-west we would win government. If we did not win that band of seats we would sit on the opposition benches. So Barry played a crucial role in that win, in our winning government. We were proud of his achievement.

Then came the Fiftieth Parliament, that 1991 election, and our world changed. The New South Wales political world changed with a result that almost nobody anticipated. I suspect that not even Bob Carr believed his luck on that May night when the 1991 election results came in. As I sat there in the tally room I almost watched government slip from our fingers. We came back into a hung Parliament and our political world was never the same. We all paid a serious personal price during that Fiftieth Parliament—that tough, relentless, bloody four years. Those who now sit on the Government benches spared no quarter. The term "sparing no quarter" came up in a heated exchange outside this Chamber with the present police Minister. When I was on the receiving end of the shots he said to me, "Nothing personal." I was tempted to use that title for my book but my publisher, I think mistakenly, talked me out of it.

I suspect there was nothing personal in the Labor Party's pursuit of Barry. I want to put something clearly on the record in this condolence motion. Barry Morris was a good and decent man who would never harm even one of those fleas he talked about, and everybody in this Parliament knew it. Barry was one of the victims of a hung Parliament, of that unique set of circumstances we experienced from 1991 to 1995. The sentence imposed on Barry was outrageous. If he had not been a politician, it is most unlikely there would have been any custodial sentence. Because he was a politician, because the political environment was superheated at the time, Barry paid an exorbitant price, and it devastated him.

Like so many members of this Parliament, he fought to get here. Nobody gets in here by accident, or it is extremely rare. There were a couple, but they did not last. Most people fight their way in by tenacity, persistence, drive and vision. That is how Barry was elected to this place. Despite Barry's wealth and success in commercial and other areas, his election to Parliament was the pinnacle of his achievements. How often do we see it in this place—that on this he was seen too fail publicly. He was the victim of circumstances during that time. Had he not been in a hung Parliament: a different result. Had he not been a member of Parliament: a different result. But he was, and he was here at the time and we should recognise that. I choose to do so very much on the public record on his behalf.

He spoke frequently about Annette and his complete commitment to her. Everybody knew that, everybody could see that, and it was his strength. Annette and Barry did not have children, and he said of us on this side that we were his family. It was good to see so many of my colleagues in the little church at Hartley. How great it was to come down into the Hartley Valley last Thursday and see a multitude of people turn up to acknowledge Barry's contribution to the Blue Mountains. It was not a pretty good crowd; it was overwhelming. Several hundred people turned up. That is a huge testament.

It was good to see the honourable member for Bathurst there, who, I know, even in the dark days when Barry was facing legal proceedings, supported him and was prepared to give character evidence on his behalf. It was good to see that and to hear the honourable member for Bathurst and other members speak tonight including the honourable member for Blue Mountains, the Attorney General. There is an opportunity tonight to correct the parliamentary record of Barry Morris and to recognise his fine contribution, to recognise what a great and decent man Barry Morris was, and to recognise the complete commitment he had—first to his wife, Annette; to the people of the Blue Mountains; and to the people of New South Wales. I commend the motion to the House.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [8.14 p.m.]: I feel a bit of a fraud, because I do not have notes about Barry. What I need to say I can say off the cuff. I did not know Barry the way people here did. We did not go out and have a beer together. Annette will be pleased to know that. We met because we had adjoining electorates. I was elected in 1991, in the election the honourable member for Willoughby has just referred to, and Barry was already here.

I feel compelled to make some comment about Barry because he treated me as a friend. We were never going to play on the same political cricket team, we knew that. Here was I, from a neighbouring electorate,

somebody in an opposing party to him, but when he was in Penrith he would call into my office and we would have a chat. I was brought up in the country, and something about Barry Morris was very country. He detested pretence. He would sometimes make comments about things done by members of his own party that he thought were pretentious and he did not support them. He was a decent fellow in that he did not lambaste them, he just noted it in passing.

Barry was noted for his generosity. I remember I had occasion to go to his room because I needed to give him some message about something that was happening in the border areas of our electorates. One could hardly get out of his room without accepting a drink out of his fridge or having a cup of coffee or something of that nature. The man was a generous human being. He certainly will be missed. Everyone likes to think they are leaving their fingerprints in society, but most of us will pass through this life and leave no fingerprints. In time people will say, "I used to have a local member called Faye—I cannot remember her other name." That is the impact most of us will have.

The way we measure the fingerprints we put on our community is the way the community thinks of us. I could not go to the funeral last week but I have read about it and I have heard about it. Six hundred or seven hundred good, ordinary citizens were there to attest to the fact that Barry was a good citizen. That is leaving one's fingerprints on the community. Whether Barry knew it or not, he certainly left his fingerprints. I have met Annette in passing. We spoke last July at the Small Business Awards. Annette usually carries off one of the Small Business Awards. She has the most fabulous shoe shops. If anybody wants to buy excellent shoes, Annette's is the place to go. The Blue Mountains people will remember Barry for a long time. He was a character who was larger than life in many ways. He certainly was not invisible. Everybody knew who he was, and the fact that so many good people turned up at his funeral attests to what people thought of Barry Morris. My condolences to his family. I was pleased to have known him.

Mr HARTCHER (Gosford) [8.17 p.m.]: Annette, this is a sad occasion for us all, but we will all have the joyful memories of Barry, and in many respects the celebration of his life is a joyous one. There was an occasion once in the joint parliamentary party that you probably never heard of but which was alluded to by the honourable member for Willoughby earlier. The joint parliamentary parties were deeply divided on a certain issue and everybody was counting heads to see how the vote would go. Then Barry got up to talk. Nobody knew how Barry stood on the issue. Barry started by saying that he and Annette were never able to have children, but he said, "You are all my family. I really love being in this place. I worked hard at the last State election to get re-elected. I never thought I would but I got re-elected. I love coming here, you are all my family, I love you all" and he sat down. Nobody ever found out how Barry would vote on that issue. Barry probably was not conscious that we were debating an issue. Barry never worried about those sorts of things.

Barry described himself as an old bushy. That was one of his favourite phrases. All he needed was a blanket and a swag and he could curl up anywhere. He was the old bushy come to Parliament, and he saw himself very much in that theme. If one made a movie around him it would have to be in black and white. It could not be made in colour, because in many respects he represented an era of Australian life that has probably long since passed. Barry cared nothing for ideology; he cared only for how he could help people and the community in which he grew up and with which he was so totally identified: the Blue Mountains community.

One could not have put Barry in any other electorate or in the Legislative Council. His only role in public life was to serve the people of the Blue Mountains. It was the area he knew and believed in. As the honourable member for Willoughby so eloquently put it, Barry not only lived in the Blue Mountains area; he breathed it. Barry used to talk about a number of things: one was his wife and another was the family cats. All of us used to hear Barry talk about the two cats. In fact, at one stage I even knew the names of the cats. I cannot remember them now but Barry shared stories about his cats with all of us. We knew the name that Barry used to call Annette and the name that Annette used to call him.

Barry lived his private life very openly in many respects because he was such an expansive person. He could not conceal anything. There was nothing that one could conceal about Barry, either physically or personally. He lived his life, and he lived it with everyone else. He lived it very much in a community sense. Until his funeral I had no idea about some of the circumstances of Barry's life: how humble it was and what a battle life was. But that was a typical story of Australia for people who grew up when Barry grew up, in the 1930s, especially outside Sydney and outside any rich or privileged background. Life was a battle and Barry battled through. And he battled through successfully, but he never forgot other people. In all my life in politics I never heard Barry disparage anyone in the Government or in the Opposition, in the Labor Party or in the Liberal Party. He simply did not think like that. That is a rare quality in politics because essentially Barry was not political.

As the honourable member for Bathurst said, Barry chose the Liberal Party. However, if you sat Barry down and asked him the difference between the Liberal Party and the Labor Party I do not think he could have given a clear answer, certainly not in any ideological or philosophical terms. Barry would have said, "We do a good job and Nick Greiner is a great bloke. We are really working hard, and we will get that hospital for the Blue Mountains. And while I am talking to you, Chris, can you help me with the botanical gardens at Mount Tomah?" That would have been the end of the story. Barry was not interested in that form of life; he was interested in doing something for other people. He was proud of the fact that when he entered the House in 1988 he was the Liberal member with the second most marginal seat. His margin was 0.3 per cent. The Liberal member with the most marginal seat was Michael Photios, the former member for Ermington, who had a margin of 0.2 per cent. Barry used to call himself ".3" and he used to call Michael Photios ".2". At first I said, "Are you referring to each other's IQ level?" Barry said, "No, they are our electoral margins."

I did not meet Barry until he entered Parliament in 1988. I had heard about this mountain man and what a larger-than-life figure he was. He could look at you, he could empathise with you and he could understand where you were coming from without putting it into words. Words were not important to Barry. What was important was human feeling and human relationships. I was always impressed by Barry's deep religious faith. Once again I do not suppose he could have expressed it in philosophical terms. However, he used to say about being a Catholic, "There are 900 million of us". He was always proud of the numbers; he was very number conscious. If one tried to ask him what the Catholic faith stood for he would not have been able to describe it in such terms. However, he would have said, "We are pretty good. There are 900 million of us. We are still working and we will get even larger and stronger."

Barry's religious faith was a humanitarian faith. He believed in people and he believed in God in the same way. That is why he found it so easy to relate to people of other religious denominations. He was not denominationally conscious in any strict theological sense. He was proud of his relationships with people in the Salvation Army but, more importantly, he was proud of the Salvation Army because he regarded them as people who really look after other people. He was proud to attend other churches. He often used to talk about how he might go to mass on a Sunday morning but how he might visit other churches in the electorate on a Sunday night, because he simply liked to be with these people. Barry loved people who were prepared to work hard to look after their families, to look after society and to act responsibly in the community. They were his people, regardless of whether they were Liberal, Labor or from any party that represented another political ideology.

The Liberal Party treated Barry badly in 1995. Had the Liberal Party handled differently the issue that Barry had to face, he would not have stood as an independent candidate in the 1995 election. There is not much point going over that. However, the honourable member for Cronulla and I drove to the Blue Mountains to spend the night with Barry and Annette. It was clear that all Barry wanted at that time was for people in responsible positions to reach out to him in his travail and to say to him, "We understand what you are going through and we will stand by you." That is all that was required. Indeed, some time after the 1995 election Barry gave an interview with a magazine in which he said just that. He said that if the then Premier and his wife had sat down with him and Annette, had dinner and talked about it, nothing would have happened. People needed to relate to Barry as a person, not as a politician. If you related to him as a person, he would do anything for you.

Barry would do anything for the community he served. It may not have been an original Barry Morris saying but he certainly popularised it around this place: as a politician you go to the opening of an envelope. And Barry went to everything, not only because it was his job but because he loved doing it. Barry touched my life in his own special way. He made his own special contribution to this place. He was a surprising person. One surprise was to go to lookouts in areas such as the Blue Mountains, which is full of lookouts, and discover that he had a fear of heights. Barry hated to go on the lookouts. When I was environment Minister and we attended national park ceremonies, the ribbon had to be cut some distance from the lookout because Barry would not go anywhere near the edge. That was extraordinary, but he looked at me and said, "You will never move me, Chris." Of course, he was a bit too big to actually move.

Barry was a person who cared. That is probably one of the highest things one can say about anyone. Barry cared. He cared about his family and, above all, he cared about Annette. He cared about his brothers. When the travail that he went through in the 1990s came upon him he said to me, "This is the worst thing that has ever happened to me since the death of my brother. But I will tell you, Chris, nothing has been as bad as that." The memory of the loss of his brother was fresh in his mind to the end of his days. Barry was a worthy and loving person. We are all sorry to lose him but we all celebrate his loving and caring life. We all wish that he will rest in peace.

Mr HUMPHERSON (Davidson) [8.28 p.m.]: I am privileged to have the opportunity to pay tribute to Barry Morris and to pass on my thoughts and condolences to Annette and other family members and friends

who are here this evening. As has been said, Barry had a heart as big as the man. He was the mountain man. I met Barry before he entered Parliament. We were both involved in the petroleum industry and we met on a number of occasions. Little did I know at that time, in the late 1980s, that we would share several years in this place. I would like to think that I am one of a number of people who regarded Barry as more than just a colleague, as is often the case in the place, but as a friend. Barry was nothing if not passionate about many things. As well he was compassionate. He was very much a people person and was committed in everything he did as the parliamentary representative for the Blue Mountains.

Barry absolutely loved the Blue Mountains: the mountains themselves, the communities of the Blue Mountains and the people collectively and individually. During my very early days as a member of this House, I recall being deeply impressed by Barry constantly selling the Blue Mountains as a wonderful place. He continuously praised the natural features and the people of the area and he promoted the Blue Mountains as a place that people should visit. I can recall regularly receiving magazines, literature and pamphlets circulated by Barry in his efforts to promote the Blue Mountains.

Barry's commitment to the communities in his electorate was reciprocated in many ways at his funeral. As I and others arrived in the small Hartley village and approached the church, we were met by an impressive sight. Outside the old sandstone church which was built in 1842 there was an enormous crowd. The church probably seated only approximately 100 people and there were approximately six times that number outside. That was testament to the respect in which Barry was held and it showed how much people wanted to acknowledge in one way or another what he had given to their collective community. The church and the crowd were a warming sight as well as an appropriate tribute to what Barry had accomplished for the Blue Mountains.

Barry was a strong advocate for the Blue Mountains. He achieved a level of advocacy that perhaps nobody will ever surpass. Barry was also a friend to many members of this House. I remember very well the event in the joint party room which has been referred to by the honourable member for Gosford and the honourable member for Willoughby during debate on this motion of condolence. Because the debate concerned a difficult issue, it was very heated and many people contributed. As has already been said, Barry said, "Annette and I have not been able to have children although we have been married for many years. You are my family. You are the people who are closest to me." He was virtually saying that he could not bear to see the depth of apparent division that existed in the room at that time.

There was a short pause after he finished speaking as his words and the realisation of his depth of feeling for his colleagues and friends sank in. It also caused those in the room to reflect more on the interests that they had in common, which were stronger than the issues that would divide them. In many respects, that incident reflects the characteristics of the Barry Morris we all knew as well as the pain that he would have been feeling because of the division evoked by the debate. Although his love for the Blue Mountains has been referred to, I do not believe that it has been truly recognised by the many people who have passed through this Parliament. I looked back at some of the comments Barry made in *Hansard* during his period of service in this House and wish to refer to some of them because I believe they illustrate the way in which Barry saw the Blue Mountains. He said:

The Blue Mountains are a very special place. The area has great scenic beauty ... for more than a century the Blue Mountains have been Sydney's lungs and playground. The fragile environment, harsh climate and unique pattern of the settlements along the sandstone ridges mean that the electorate of Blue Mountains requires special services and consideration.

On another occasion, Barry said:

Many people living in the mountains have many differing views. I guess that is what life is all about and it makes the world go round. Some people argue that the best course is to close up the mountains and not do anything at all. I do not agree with that view. I believe that we are all deeply aware of the environment but are driven by market signals.

Those comments were made during the contributions Barry made to debate in this Chamber from 1991 to 1992 and they demonstrate a number of things. They reveal his passion for the Blue Mountains, his respect for the natural scenic beauty of the mountains and the special environment of the area. Underlying his appreciation of the physical beauty of the mountains was his belief that people should be able to go there, enjoy the mountains and share the area. That belief underpinned his philosophy and the approach he took as an advocate in this Chamber and representative of the people of the Blue Mountains electorate.

In the mid-1990s Barry experienced several very difficult years as a result of his passion and, in some respects, his occasional impatience with some people. I believe that he paid a price which was well out of proportion to what he had been accused of doing. Many honourable members are saddened by that and believe

that the position Barry held and the passionate manner in which he became an advocate for his community were wrongly counted as factors which contributed to the substantial price he paid. As Dick Morris said at Barry's funeral, Barry would never hurt anyone. Those who knew Barry would know that to be true. Barry would never ever hurt any person and never could hurt any person. That should be well and truly understood.

Barry certainly had a degree of impatience, particularly when dealing with those whom he believed or perceived to be pursuing their own vested or narrow interests and were placing those interests above the wider community interests. I believe that is why Barry was prepared to fight the good fight and advance the arguments which strengthened his representation of the Blue Mountains communities. Barry was a good man who leaves a great legacy. Very few members will ever leave behind in this place a legacy of the magnitude that has been left behind by Barry.

Barry was certainly a good and decent man who made a great contribution as a member of Parliament and as a community representative. The quality of his representation was evidenced by the loyalty that he earned from his colleagues, his friends and his community. We are left with many memories and the indelible mark left by Barry on our hearts. Many honourable members have served this Parliament for periods much longer than the seven years served by Barry as a member of this House, yet they have not contributed nearly as much as Barry. To Annette, Bob, all Barry's nieces, nephews and friends who are in attendance and those who are unable to be here, I simply say that it was a great privilege to know Barry. I still think of him as a friend. The Blue Mountains is certainly the better for the time that he was involved in representing the area. I convey my condolences to his family and my appreciation for having known such a nice bloke.

Mr KERR (Cronulla) [8.38 p.m.]: I speak in support of the motion because Barry Morris was a good friend. Honourable members who attended his funeral would agree that it was not so much a funeral as it was a celebration of Barry's life, and there was much to celebrate. Unlike so many funerals for public figures, people who attended Barry's funeral did so not because they knew of Barry Morris, but because each and every person would have known Barry Morris personally. The two essential characteristics of Barry that I remember were his kindness and his concern for people. I believe that each of the persons attending his funeral, as well as many people whom Barry would have come across, would testify to the kindness and concern of Barry Morris. To simply know Barry was to appreciate those characteristics. As the honourable member for Bathurst said, Barry's fortune was to know and marry Annette. It was very much a love match, as was so obvious to anyone who came into contact with them. I spent time at Barry's home on a number of occasions and kept in contact with him because of my regard for him.

It has also been said tonight that, despite Barry's commercial and social successes, he regarded being the member for the Blue Mountains as his greatest achievement—not through any sense of status but simply because the member for Blue Mountains provided the widest avenue of service for him. When I listened to Barry I understood that he was basically in business not so much to make money but to help people through his association with people and, through his undertakings, to provide livelihoods for so many people. During his parliamentary career Barry made many friends here because of the sort of person that he was. He was a person who was quite genuine and simple in his approach to any problem that occurred and a person who was committed to the best outcome for the people that he represented. I commend the motion and extend my sympathies to Annette and Barry's family.

Mr ROZZOLI (Hawkesbury) [8.41 p.m.]: It is a great privilege for me to contribute to this condolence motion on behalf of my very good friend Barry Morris and to acknowledge, as others have, the presence in the gallery of Barry's lovely wife, Annette, and other members of the family. My connection with Barry probably goes back much earlier than many of my colleagues, because I knew Barry well and truly before he entered politics. Indeed, I can remember very distinctly the first time I met him. I can assure members that at that stage Barry had no thought of entering politics. I attended a fundraising function for the Liberal Party, which Barry also attended. At the function Barry said to me, "Of course, I am quite happy to help you, but you bloody Liberals will never get anywhere while ever you put up such useless candidates." I thought that that was a refreshingly honest approach. At that stage I did not know Barry from a bar of soap.

We discussed things a little further, and I said to him, "Well, it is all very well to criticise those who put themselves forward. Have you ever contemplated running for Parliament yourself, if you think you know what it is all about?" He said, "It's something I would never do; I'm too smart for that." During subsequent conversations it became clear to me that Barry had a very deep commitment to the area in which he lived, as others have said. Whilst he probably dismissed that suggestion in the manner in which it probably deserved to be dismissed, I have no doubt that it may well have sown the seed for him to think more deeply on the question

of who should represent the Blue Mountains, the sort of person it should be and the sort of person who would have a commitment to and recognition in the Blue Mountains that were relevant to public representation.

I also believe that the best members of Parliament are the people who come out of the community. When I entered politics I was a community person with no strong party political affiliations. I learned my craft of representation, such as it is, with the community that I have had the pleasure to represent for many years. One of my tasks was to identify suitable members for possible preselection for the Liberal Party. I was the patron for the Blue Mountains at that time. It was therefore inevitable that along the way Barry's path and my path would cross. When Barry decided to stand for Parliament—whether on my advice or because Barry made the decision himself; I really do not know—he and I became very close. We spent many days in Barry and Annette's residence. Annette was fantastic in always keeping the food up to us, because we both had fairly strong appetites. We would spend all day working on press releases and letters to the editor. Barry was a great one for writing letters to the editor, and we used to work on those letters and on the angles that he should pursue.

Whilst I may have been able to add some degree of literary skill to the letters, one thing I learnt very early in the piece was not to tamper with the sentiment, because the sentiment was absolutely true to the psyche of the Blue Mountains. My challenge was to maintain the Barry Morris element, and I respected very much that element that he brought to his efforts to gain election to Parliament. I remember tutoring Barry on his preselection technique. I will not disclose the details of what we worked out and how we did it because they are trade secrets. Nonetheless, where it came to the preselection night, with quite considerable competition from those political apparatchiks who so often present themselves as worthy candidates, who really do not have much going for them at all but sometimes have the debating skills to make themselves look good on the night, we trounced them all. It was a source of great satisfaction to me, because I believed at long last that we had found a candidate worthy of the Blue Mountains. Narrow though the margin was, that judgment was endorsed by the people of the Blue Mountains and was re-endorsed in 1991.

During those years, when I was the Speaker in the Parliament, we formed a little group of western Sydney Liberal members of Parliament. We worked very closely together. We used to travel around the western Sydney community, because in those days we had a range of seats. I wish we had such a range of seats today. We will; the cycle will turn. Because of that particular connection and because I used to run the group, Barry always used to refer to me as "boss". I do not know whether I was the boss or whether I got bossed around by the others with their demands on what we should and should not do. It was simply a term of affection. As I observed Barry not only with his own community but with other communities in western Sydney, it continually reinforced Barry's commitment, his caring attitude and the pleasure he got from helping people, whether they were his own constituents or others.

People have said that Barry was kind, caring and considerate. What is more important, I believe there was no malice at all in Barry's make-up and therefore he was absolutely incapable of committing the offence with which he was charged and found guilty. Today nothing will shake my conviction that Barry was the victim of a travesty of justice. I do not point the finger at any particular person, because I think a series of events led to the outcome. However, it was not the greatest moment for justice in this State. I agree with the honourable member for Willoughby that this is a night to perhaps in some small way set the record straight and to assure the people of New South Wales that Barry Morris was incapable of committing the offence with which he was charged and convicted and for which he paid a penalty that was, as has also been said, grossly disproportionate to the offence.

Like other honourable members, I visited Barry when he was in Berrima Gaol. That gave me an insight into the agony and trauma he underwent. I do not think anyone who has not been in such a situation could understand exactly what a person who has not committed the offence for which he or she has been committed to prison, and is not even capable of committing the offence, goes through. We read in the newspapers about people who have been wrongfully gaoled, in some cases even in much worse circumstances than Barry Morris's case. As ordinary members of the community with no experience of such matters, we dismiss them very lightly. I think it made me a much better human being to have witnessed, as I did, that trauma, because it made me understand a little more the problems we have in our justice system and how we as legislators need to continually strive to improve the system to make it more just and more equitable.

People believe that when they go to court they go for truth and justice—they do not. They go for a determination of the matter before the court on the facts as the court sees them or as they have been presented. In many cases the justice system lets down the people of this State, not deliberately but because the system often does not allow the flexibility it should to comprehend the full facts behind the issue at trial. That experience made me look at a number of things in a different light, for which I am grateful, because it has made me a better person and a better legislator.

Having said those serious things, I prefer to think of Barry in the lighter moments and great times we shared together—the times I shared with Annette and Barry, the times we shared in Parliament and the times we shared on the western Sydney taskforce. We had some wonderful times. That is the memory I will always carry of Barry Morris. As honourable members know, I have been a member of Parliament for a long time. I have shared these benches with many people. I have friends on both sides of the House, and I have respect for people on both sides of the House. Although Barry was here for only seven years he will always have a very special place in my heart. I extend to Barry's family, particularly Annette—because I knew her best—my sincere condolences and those of my wife Carol. Barry will be long remembered.

Mr BROGDEN (Pittwater) [8.52 p.m.]: Unlike other honourable members, I did not have the opportunity to serve in Parliament with Barry Morris. I was a young man when I came to know him—I was an adviser to the then Minister for Police and Emergency Services, the Hon. Ted Pickering. In 1989 I took up the position of Parliamentary Liaison Officer to Ted Pickering. The importance of that ministry to the Blue Mountains was particularly through the emergency services and, as they were then, the bush fire brigades. When I was a young junior staff member I had a desk at the back of the office. Two incredible events happened at that desk: one was the Newcastle earthquake, when Sydney and that desk physically shook; the other one was when Barry Morris called me at about 5.15 one night to tell me exactly what he needed and wanted out of the Bush Fire Brigade in the Blue Mountains. I still do not know which was the more seismic event at that desk—the earthquake or the phone call from Barry Morris, who was keen to make sure that the Government knew exactly how hard he was working and what he needed for the people of the Blue Mountains.

I then came to know Barry. One could not put him into context until one knew Annette, because he was not a man by himself. They were very much a unit of two people. All Barry's mock, bluster and carry-on character came into beautiful context when one met Annette and saw the two of them together. Indeed, when I moved on from that role my then fiancée, and now wife, Lucy, went to work for Ted Pickering for some time and also came to know Barry and Annette. We were honoured and flattered to be guests at their home. Indeed, we have a photograph of Lucy and Barry, with his great shock of white hair, standing Annette in front of a Bush Fire Brigade red engine in our photo collection at home.

I had the opportunity to meet people through Barry, people I know to this day. In particular I refer to Father John McSweeney, whose parents are known to Annette. I know now that Father McSweeney is happily ministering in the Blue Mountains. I was also flattered and honoured when Barry referred to me and one or two other young parliamentary staffers—in particular Matt Hingerty—as his boys. To the extent that Barry did not have sons, he was generous in spirit and keen to show a bit of his life, give a bit of his opportunity, lend a bit of his heart and be a bit of a mentor to some young people around the Parliament. As a member of Parliament today I can honestly say some of the skills I employ on a daily basis are the ones that I saw Barry employ in his electorate. He was truly a magnificent local member in every sense. He knew everybody, he knew and loved every part of his electorate, and he knew all the issues back to front. That was not only because of a long life in the area but because he was dedicated to the very end. He worked incredibly hard and deserved to take that 0.3 per cent to a better margin in 1991, as he did.

In recent years he had, in particular, two very great friends—the honourable member for Bega and the honourable member for Baulkham Hills—who on many occasions brought his Liberal parliamentary colleagues up to date with his health and his life. They were great mates of Barry Morris and stayed in touch and kept us informed. He honoured me, and indeed others, by adopting a few of us as "my boys", as he said. It is very sad that he has passed away, but I know that he leaves a great legacy behind him. He leaves Annette, her life and her family as a great tribute to everything he has done, not just for the Blue Mountains, not just for the Parliament, but for everybody with whom he came across in every way that he did. He was a great man, and without wishing to reflect too much on the events of the mid-1990s, I join with the honourable member for Hawkesbury in saying that the punishment did not fit the alleged crime in any sense. To this day, I still believe that he received a remarkable sentence, one which was quite out of line and unfair in every sense.

It is wonderful to see Annette in the gallery with her family and friends. In many senses the first Greiner Government, of which Barry was a big member, were golden days for the Liberal Party not just because it was in government after 12 years with a big majority but because that class of 1988, of which the honourable member for Baulkham Hills and honourable member for Bega were members, represented people from all walks of life. Barry was one of those people. It was a great thing for the Liberal Party of the 1980s that Barry came to it. The honourable member for Hawkesbury reflected on part of that process, but it was great for the Liberal Party and for the Parliament to have Barry Morris. In conclusion, Lucy and I—both of us hold Annette and Barry very fondly in our hearts—offer our deep and sincere condolences.

Mr R. H. L. SMITH (Bega) [8.58 p.m.]: It is with great pride that I join in this tribute to Barry Morris. I acknowledge the presence in the gallery of Barry's wife, Annette, his brother, Bob, and Pick Harris and Bob Reid. My sympathy and that of my wife, Lesley, go to Annette and Bob in particular at this difficult time. I was pleased to have dinner with them tonight. Honourable members respect the distance they have travelled to be here for this testimonial. Contributors to the debate have said that Barry Morris was a character larger than life. Wherever he went he had great presence and people always tended to congregate towards him because of his personality. I first got to know Barry when we were elected to the New South Wales Parliament in March 1988. I may have run the into him prior to that at different Liberal Party conferences, but it was not until the 1988 election that I really got to know Barry. Like myself, he was in the class of 1988. We came into Parliament in the Greiner landslide of that year. A lot of members won difficult seats; it was a big year for new members of our party.

But it was also a very exciting time. Those of us left from the class of 1988 still look back with fondness to the wonderful times we had during those early years of our period in Parliament. I am sure we will never forget Barry Morris, who was very much a centrepiece of the class of 1988. He always had the ability to attract people to his office because they knew that Barry would have a joke of some description to share with them to lighten their day. He always had a funny comment to make on whatever the news was at the particular time. I became particularly good friends with Barry, I guess mainly because we were basically down-to-earth and he was a great bloke and a country fellow, like myself. For years we used to go to breakfast together at 8 o'clock every morning, after we had rung our respective wives, which of course was the most important thing we would do before we went to Parliament. Barry would ring Annette—or, as he used to call her, Joyce—and I would ring Lesley.

Barry and I forged a strong friendship. Our respective wives met each other, and we all became good friends, even though Lesley and I lived on the Victorian border and Barry and Annette lived in the Blue Mountains. We would meet in Parliament for many official functions and go to them together. There are not many people in your life that you can call true friends. We tend to have a lot of acquaintances, but very few close friends. Barry and Annette were certainly close friends of ours. I think Barry quite enjoyed my company as well, because he always used to call me Rusty. I used to love to hear Barry call me by that name. However, I must say that if anyone else called me by that name I probably would be quite upset! But those are the idiosyncrasies of having a good friend: you are so relaxed and can say anything to each other.

Of course, Barry was a self-made man. Quite often he would tell us different stories of his early life in Little Hartley in the Blue Mountains. He told us that when he was courting Annette in the early days they decided to go to the movies. Barry, being the romantic soul that he was, decided they would go after getting a truckload of wood. He then collected Annette and took her to the movies—with the wood still in tow! I remember Barry having a great love for cats—and I remember the name of one of the cats. He quite often talked about different cats he had, and was very passionate about them. The one that always amused me was the one he called Greiner. I used to get great fun from asking Barry of a morning, when Nick Greiner was Premier, "How is Greiner?"

I remember going to many functions with the class of 1988, and even now, although many of us are no longer in the Parliament, we are still extremely close friends; you always have that something extra with people you share certain experiences with. We would often congregate in one or other of our offices and talk and joke about how we were going in our electorates, which cemented many of the friendships that we still have. I recall a time when Barry came down into my electorate to look over the forests. At that particular time Lesley and I happened to be buying second-hand furniture for a new house from a garage sale not far up the road. I had asked three or four people down to look at the forests, and while we were waiting for the transport to arrive I asked if they would help carry some of the furniture that we had purchased. Friends of ours at Merimbula still bring up the time when they and I carried a dining room suite down the street. Barry came to help, but was still talking to the people holding the garage sale well after we had had the new suite installed in our house! That was the type of fellow Barry was. He would always strike up a conversation with almost anybody he met.

Barry and Annette were wonderful representatives for the seat of Blue Mountains. They passionately loved the area and went to almost everything that was on, sometimes going to four or five functions in a day. I do not know of anybody who got so much for their electorate as Barry did. You only have to ask the Ministers of the day how they were pestered by Barry until he got what he wanted. And I am sure the people of the Blue Mountains recognised this, because of the genuine love that Barry and Annette had for the area. Barry also loved his garden. It was not so very long ago that Lesley and I travelled up to Little Hartley and had lunch with Barry and Annette, and Barry took us around his garden, which was his pride and joy. Unfortunately, over the

last few months, Barry became extremely ill, but whilst he had extended stays in hospital at Penrith and here in town, Annette was always by his side, making sure that he had everything that he wanted.

A large number of Liberal Party members, present and past, attended Barry's funeral last Thursday. I would have to say that I have never seen a bigger funeral than that of Barry Morris. What a great tribute to the man. It was obvious that he was loved and respected by all that met him. Bazza, we'll miss you, but we'll never forget you. My deepest sympathies go to Annette and her family. I would like to say on behalf of Lesley and myself that our door is always open at Merimbula. Please come and visit us soon.

Mr WINDSOR (Tamworth) [9.06 p.m.]: I would like to join others who have already spoken in offering sympathy to Annette and other members of Barry's family, who are here tonight. I came into this place in 1991, which was in some ways a fairly difficult time. There was a hung Parliament, and a lot of people wanted to be friendly, and some did not but acted friendly. Barry Morris was one of those people who was genuinely friendly. Like Rusty over there, I had breakfast with Barry on many occasions. At times I would go to Barry's room for a chat. Sometimes he would be having a bit of a rest on his couch. He would say to me, "What do you want, the man from the Liverpool Plains?" I would say, "I am here to see the mountain man," or something in that vein.

Barry was always a very friendly individual, and genuinely so. Because of the hung Parliament, and probably because of the designed nature of politics, a lot of artificiality is built into relationships in this place; from time to time it is best to be friendly or nice to some people. But Barry was one of those very decent men who could not act at being friendly; he either was or he was not. He was not an actor. It was perhaps one of the great things about Barry that when he said something in this Chamber or in the corridors of these precincts—and no doubt, as has been reflected upon, when he said something in his party room or joint party room—he meant it. He did not parrot on for the sake of being able to say that he had said something. When he felt something had to be said for his people, his community or his party he said it, and he meant what he said.

I could imagine a junior staffer, when the mountain man rang, paying a degree of attention! I can imagine Ministers, when Barry came looking for something for his community, paid particular attention—not because he would be antagonistic towards them, but because they could sense that Barry really wanted whatever it was for his community. It is often forgotten in this place that whether we be Ministers, members of Parliament or staff members, people sense when you are serious or fair dinkum and when you are only going through the motions of representing a community when you do not really believe in what your community is asking for.

Barry never involved himself in striving for anything unless he knew that his community needed it. The honourable member for Bathurst and I were on a salinity committee together a few weeks before Barry's death. I was talking to Gerard about how Barry was going, and about the fact that he had not been all that well. I had no idea that he was so unwell. I said to Gerard, "When you run into the big fellow, say g'day for me." I remember getting a message on my answering machine from a friend of the family, Judy Marheine. Judy left a message to the effect that Barry had passed away.

A couple of days later I was suffering with flu and I was home a bit earlier than usual and happened to be listening to the James O'Brien program. I heard the honourable member for Bathurst being interviewed by James about Barry's death and about his service to his community. James O'Brien, whom I regard as a good radio personality, said how odd it was in political terms that the honourable member for Bathurst, a Labor member, was talking about a former Liberal member, Barry Morris. I thought Gerard handled the situation extremely well when he explained why he was doing that.

The honourable member for Hawkesbury spoke about there being friendships in this place, regardless of our philosophical views. I congratulate the honourable member for Bathurst on his contribution to this condolence motion. I thought that he summed up Barry's contribution to his community extremely well. I also think he summed up the man extremely well: his concern for his people and his party. I remember some interesting occasions—I think the honourable member for Baulkham Hills would also remember—when we put aside the legislative program for a moment or two and told jokes. Barry's tummy would start to rumble when he appreciated a particular joke. I do not think he told a hell of a lot of jokes, but he laughed a lot. He had his own way of letting us know when he did not appreciate a joke or when he was not aware of the significance of a particular joke. In my view, Barry was a funny man. He had a real wit about him.

He had a sense of humour and he could lift one's spirits when one was feeling down. When I was feeling down about something he would sense it and give me a jab in the side of the ribs and make me feel

better. If that did not work, at least he made me breath in. He used to enjoy those nights when we told a few jokes. Barry used to talk to me about cattle. He would say to me, "What is happening with the cattle market up on the Liverpool Plains, Windsor? What are you doing up there? Is there any money in cattle up there? Can we get some agistment up there? What is happening with cattle?" He would talk about cattle, about his early days in that area and about all the jobs that he did with his brother. He would talk about different things he did and different businesses he had been in: the fuel company, the apple business and cattle. Barry travelled all over the place and understood what was happening on the Liverpool Plains. He knew that I came from that area, and he had an understanding of the area and he knew people in that area. He knew what was going on in agriculture in other parts of the world.

Above all, Barry Morris had a belief in work and the benefit of work not only in relation to wealth creation and the benefits of success but also in relation to the benefits that people can derive from being part of a community. No-one in this place was more in tune with his community than Barry Morris. Barry did not have to be in politics; he wanted to help his people, whether it was through the various community organisations in which he was involved, through the hospitals, or through a range of people. He did things because he wanted to, not because it made him look bigger or better or because it gave him some kudos or put a badge on his chest. He did it because he wanted to help people.

It is probably inappropriate for me to inform the House that Barry had a high regard for Nick Greiner. I think that one of the reasons he became a member of Parliament was because of his belief in what Greiner was trying to achieve. I liked Nick Greiner, but I did not agree with everything that he was on about. Barry probably did not agree with everything he was on about either, but he had a regard for the man. A number of people mentioned Barry's philosophical position on different things. If I were a member of the Liberal Party I would have a close look at Barry Morris's values. He believed in work, the benefits of work, the creation of wealth and the way in which work can benefit the broader community. Barry represented a lot of the values that the Liberal Party, or any party for that matter, hold true, in particular, that belief in work and the way in which people benefit from it.

The man from the Liverpool Plains pays tribute to the mountain man. He was a friend of a lot of honourable members. I remember the times when we had breakfast together and we told jokes and told each other different stories about the bush, including stories about cattle on the Liverpool Plains. I am not particularly interested in cattle, but I never told Barry that. I always acted as though I knew what I was talking about, but he knew when I was off course. The honourable member for Hawkesbury referred earlier to the injustice of what happened to Barry. I cannot agree more. Barry would not have hurt anybody. The peculiar position with the Parliament at that time and a number of other things produced a set of circumstances that resulted in Barry wearing that injustice. We, as parliamentarians, should reflect on that. Barry Morris's political legacy, other than his contribution to his community, his electorate and his family, should be that we will never allow that sort of injustice to occur again, irrespective of the political persuasion of any individual. I convey my greatest sympathy to Annette and her family on the passing of the great mountain man.

Mr FRASER (Coffs Harbour) [9.19 p.m.]: It is with a heavy heart that I speak tonight on the condolence motion for Barry John Morris. Every member that I have heard speak tonight has reflected on what a great man Barry was. That will always be my memory. He had a nickname for everyone. I was his banana-bending mate from Coffs Harbour. He always greeted me with a smile, a pleasant word and, "How are the bananas going, my banana-bending mate?" So, it was cattle for the honourable member for Tamworth and bananas for me. Barry took a genuine interest in what was going on. When I first came to Parliament in the by-election in 1990, Barry was the bloke who came up and welcomed me and wanted to know my history. When he spoke to you he told you his history. As the honourable member for Tamworth said, he was a man who had tried everything—from his old trucks to his oil business, and he knew the Lindsay Brothers in Coffs Harbour. He had a genuine interest in his own electorate and in the greater electorate of New South Wales.

I have many fond memories of Hartley. As a child, every second year we used to spend the holidays at Blackheath, at a house called Warrawee down on the old airport road. We used to trap rabbits in the churchyard next to the Hartley church and we would go to the old gaol there—I used to kid Barry about sitting on an old penny-farthing that was there—and we used to try to put a stamp on the wall. I relayed those memories to Barry and he made me feel as though I was still there. I told him about a time when we were trapping rabbits and a huge white cat was caught in a rabbit trap. I have a great love for all animals so I patted the cat, calmed it down and let it out of the trap. It bolted and jumped a five feet high fence without even touching it. I remember my father berating me for it because he thought it could have torn me to pieces. Barry had a good laugh and said it was probably his cat, because of his great love for cats.

Barry was a self-made man and in one lifetime probably did what most people could only achieve in two lifetimes. I fully concur with what the honourable member for Tamworth said about him not needing to be here; he did not need to be here. Barry Morris was here because he had an interest in the people of the Blue Mountains. He was not here for Barry Morris; he was not here because he wanted to be a member of Parliament; he did not need the financial awards and he did not need the kudos. He was a self-made man in his own right and a man who passionately represented his ideals and the ideals of his electorate both in Parliament and in the party room. The honourable member for Davidson talked about a memorable debate in the party room that I think we all remember. It was a great sadness to Barry that he did not have a family but we as members of Parliament, not just members of the Liberal Party, became his family. The bias from the National Party was that we thought he was a better Nat than a Liberal, because he had that bushy-type attitude about him. As the honourable member for Tamworth said, he either loved you or let you know he did not.

I well remember those nights with the jokes and Barry's rumbling tummy. We had a lot of good times here. We shared a very good friend in Harold Coates. Harold Coates once said to me of Barry, "He is a great man, this fellow." Harold Coates was a great member for the Blue Mountains over those years and he was another fellow who said Barry did not need to be here, that he was here to represent his people. Barry's sense of humour was legendary. I remember he did a forestry tour in the Coffs Harbour electorate. From the time he got in the back of a four-wheel drive in the morning until he got out, all I got was an earful for not providing morning tea and a cappuccino for him. He thought it was miserable that the member for Coffs Harbour took him to the mountains behind Coffs Harbour and did not organise fresh brewed coffee somewhere for him. But at the end of the day I think he satisfied his appetite and we enjoyed his company.

Graham King rang me to say he was sorry to hear of Barry's passing. I was out of the State at the time and I was home for a day or two before I heard. I rang Annette, and even though I did not get to know Annette as well as I did Barry, I spoke to her often on the phone. It was a joy for me to ring Barry every now and again. Sometimes it would be 10 o'clock at night and he would ask, "How is my banana-bending mate going? How is Coffs Harbour?" There were never any problems with Barry. He never mentioned his own problems, and that showed the mark of this fellow. He never missed a Christmas card. If you were a mate of Barry's you always got a Christmas card. It is sad in politics that when someone leaves this place we tend not to stay in touch as much as we did while they were here. It was nice to stay in touch, even if it was only once or twice a year, to get that Christmas card and to know that someone out of this place remembers you and likes to send you a Christmas wish.

Barry was a great man and I concur with what the honourable member for Tamworth said: what was done to Barry Morris was damnable. One would never meet a nicer fellow. He did not have an axe to grind, he had an electorate to represent, and he did that superbly. There are a lot of things I could say tonight and I should have done what the honourable member for Bega did, and write a speech. I know the honourable member for Bega and Barry were great mates, as was the honourable member for Baulkham Hills. I am sure that as soon as I sit down I will think of a number of things that I should have said. I know Annette was Barry's family and I know what a great support she was to him. Kerrie and I offer her our sincere condolences. I apologise that I could not get to the funeral, and I pass on the best wishes of the people in the Coffs Harbour electorate, who only knew him briefly but who loved him for what he was and will remember him dearly.

Mr MERTON (Baulkham Hills) [9.26 p.m.]: Tonight I am privileged to speak on the condolence motion for the late Barry Morris. As many people have said, Barry Morris was larger than life, a big man with an even bigger heart. Barry was truly a person who could be called everyone's mate, a person who would stop to speak to a stranger he thought needed encouragement. The records of this House will show that Barry Morris came in on the Greiner surge, which brought the Coalition into office in 1988. It may not be a valid comparison, but the Greiner victory after 12 years of Labor rule could, I believe, be compared to the Menzies victory of 1949, on the basis of the great influx of new parliamentarians. These people came from all walks of life, occupations and backgrounds, but the two things that bound them together were support for Nick Greiner and opposition to the Labor Party.

Barry Morris was no exception. He was a self-made businessman but his background, being the son of a coalminer—who I understand was a good Labor man—in a family, he told this Chamber, that battled to survive and prosper through the long, hard Depression, war and post-war years, could well have made him a Labor member of Parliament. But that was never to be Barry Morris. In his maiden speech to this House he said:

Our reward will be in proportion to our vision, enterprise and staying power.

For Barry Morris life was always a struggle, whether it was his early battles with the schoolmaster, and I understand he was not a saint at school, or his later battle to persuade his prospective father-in-law that he should be able to marry Annette Harris, or the hours of commitment to build his businesses in trucking,

orcharding, farming, grazing and fuel supply. Later, to win the seat of Blue Mountains, was no easy achievement. Harold Coates had held the seat as an Independent for many years, as we have been told, and he was followed by the present Attorney General, Bob Debus, and Barry paid tribute to both of them in his maiden speech. I note that Gerard Martin, the honourable member for Bathurst, despite being on the other side of politics, supported Barry during his difficult days.

Barry Morris was not your usual politician. As the Leader of the Opposition said, Barry had almost a disdain for bureaucracy. As a businessman Barry was used to making decisions before breakfast, having them implemented before lunch, and looking for the results in the afternoon. The prospect of dealing with the many sections of bureaucracy or the inevitable delays in the legislative process was simply not Barry's style. The newly appointed Greiner Ministers, overjoyed with the enthusiasm of being in Government after 12 years of Opposition, did not always meet with Barry Morris' approval. As has been said by previous speakers, Barry was utterly committed to the representation of his constituents and he displayed a great knowledge of their problems in his many speeches in the Chamber. Indeed, the coalminer's son became a regular visitor to ministerial offices, often working his way through the policy advisers, who realised that this big man from the mountains would not take the word "no" lightly, but would immediately seek an audience with the Minister. Barry Morris was relentless in presenting his case to the Minister, and quite often he would bring in community groups to support the request.

Often at night his room was full of people. He would say, "Mert, they are down here to see the Minister." That is what it was all about. They were there to see the Minister all right. I have absolutely no doubt that on some occasions Ministers have thought that Opposition was not all that bad when faced with the determination of Barry Morris and the people of the Blue Mountains, for whom Barry Morris became the blue heeler in pushing his constituents' interests. In most cases it was a lot easier to say yes to big Barry, rather than no. It was obvious to visitors to Barry's electorate that the mountains were going through a great resurgence in capital works, with upgrades of sewerage, road and rail services, schools and emergency services, including his beloved bushfire brigades. Barry was truly a quick learner. As the honourable member for Hawkesbury said, it was true to say that Barry was a political novice, unlike members who had local government experience.

Soon after arriving here Barry was called on to attend many local schools to explain the reforms of the zealous new education Minister, Terry Metherell. He did this pretty well on most occasions. However, I recall receiving a call from Barry late one Sunday night, and the big man sounded down. Barry was not out but he was pretty down. He quickly told me that he had been to a public meeting at Springwood to discuss the school changes, where about 700 people had attended. Barry was halfway through his prepared ministerial speech when someone from the audience rushed the platform and grabbed two large boxes of books that Barry intended to give the people. This person threw the boxes in the air, and the books flew all over Barry and Barry ended up with the box on top of his head—a bit like Ned Kelly. Of course it shocked him. He said, "Mert, I didn't even complete my speech. Are all public meetings like this?"

In 1991 Barry faced the electors again and achieved a swing in his favour. He held the seat and increased his majority from 0.3 per cent to 2.5 per cent. His result was contrary to the overall voting pattern, and, as we have been told, the Greiner Government was returned but formed a minority Government. Barry Morris had achieved a distinct swing in his favour. I often looked at Barry's program on a Friday or Thursday night. When I looked at his diary I saw 18 functions for the weekend, and that is what it was. Barry and Annette were like the royal family in the Blue Mountains. They had many engagements; they went to all the boy scout groups, Rotary clubs, Lions and Apex. It was simply a succession of achievement and attending because, as Barry said, "I am the member. I have a responsibility to be there."

As members have said, Barry did not come here for the salary or the glamour; he came here for the service and the input he could give his community. As I said, with renewed determination, Barry was re-elected in 1991. He came back for another term, which was to be his last. I do not propose to deal with the tragic events that engulfed Barry Morris and ultimately led to his running as an independent candidate at the 1995 election. However, I must say that without qualification, reservation, innuendo or any kind of vacillation to the contrary, Barry Morris maintained his innocence right to the end. If there is a measure of how Barry was dealt with and accepted by the public, he ran as an independent candidate in 1995, and even with court charges pending he still gained nearly 20 per cent of the first preference vote. That in itself was an outstanding achievement. That is what people thought of Barry Morris.

Barry Morris had a commitment to private enterprise and the freedom of individuals to pursue it. He spoke in this Chamber of a lean and competitive economy and an efficient public sector doing only those things

that you and I, as private individuals, cannot do better. In "Barry talk" that meant for the bureaucrats to butt out. But above all, the big man was passionate in his love of the Blue Mountains, which he described in his maiden speech as a unique area stretching from the isolated beauty of the Jenolan Caves, through the rugged grandeur of the mountains, down to the rapidly growing rural environment of Yarramundi. Barry also realised that many tourists shared his love of the mountains when he told this Chamber that visitors came to watch the mist rise with the dawn, to walk the deep mountain valleys, to breath the fresh air and to catch the last rays of the sun splashed across the distant escarpments. Sadly, for Barry Morris, the last rays of the sun have splashed across the distant escarpments. But the Morris legacy lives on in the hearts of many people in the Blue Mountains, a great number of whom attended his funeral.

Further, Barry's many achievements will be a continuing and living reminder to people of his term as the local member. Barry Morris liked and believed in people. He was a people's person. That is what motivated him. He never wanted to be Premier or a Minister. He never believed that that was his role. His role was to help the little people, the battlers. If one wants an indication that I am right, it is the people who attended his funeral. As the honourable member for Bathurst said, there were some very successful people and some community leaders at Barry's funeral. But there were also people from all walks of life. The people we spoke to were ordinary people who came to pay their last respects to Mr Morris. As a tribute to Annette—and I will mention Annette again shortly—who else could organise a Catholic bishop, an Anglican minister and a representative of the Salvation Army to appear at the same funeral service and to get on all right? Annette Morris achieved more than the churches have achieved in 2,000 years in trying to seek reconciliation.

These honourable members of the clergy officiated at Barry's funeral because one thing motivated them: they knew there were no divisions, no creeds, no races, nothing that made Barry Morris not want to help someone. If Barry believed in a person's cause he was passionate about it. If he had a fundamental weakness, it was his passion, his commitment and his concern for people, and this may well have ultimately contributed to his demise. Barry acknowledged in this Chamber—and it must be repeated tonight, as other speakers have done—that he could never have achieved so much for the mountains without the support of his wife, Annette.

Annette is present in the public gallery. When the people who live in the Blue Mountains elected Barry Morris in March 1988, they also virtually elected Annette and received a good deal: two representatives for the price of one. Barry and Annette were a team. Barry was the first to acknowledge that but for the support and commitment of Annette, his dreams would never have become a reality. During Barry's inaugural speech, he also mentioned the help of people such as Dick Harris, Bob Reid and Barry's brother, Bob. I am pleased that they are all in attendance in the public gallery tonight. As I said earlier, the sun on the escarpment has disappeared for Barry Morris but the sun will shine again. It will shine again in the memories of people as they talk about Barry's achievements and it will shine again forever in the hearts of Blue Mountains people, so Barry's sun will never be extinguished. I can do no better than cite the words of the old hymn writer who said:

Servant of God, well done!
Rest from thy 'loved employ!
The battle fought, the victory won,
Enter thy Master's joy!

Barry Morris, we will miss you.

Members and officers of the House stood in their places.

Motion agreed to.

COMPANION ANIMALS AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr BARTLETT (Port Stephens) [9.42 p.m.]: The Companion Animals Amendment Bill amends the Companion Animals Act 1998 in relation to dangerous dogs and makes further provision with respect to the control, registration and identification of companion animals. Since 1983 I have spent two years as a member of this Parliament, 16 years as a local councillor and four of those years as a mayor. During my service in various areas of government I have observed a steady change in the rights of dog owners and the rights they thought their dogs had. Since 1983 the rights of dog owners have changed and, in my view, they have changed for the better.

As a local councillor and as a mayor I am aware of the constant problems that cause anxiety between ordinance officers and residents over the control of dogs. Those problems may concern barking dogs, dangerous dogs or disputes between neighbours. In Port Stephens there were problems associated with a koala population which was under threat. Dangerous dogs were let out at night and were killing the koalas. The koalas in the Port Stephens area, which were a popular tourist attraction, were declining in numbers because of urban development, cars and dogs. The control of dogs and dangerous dogs was a constant thorn in the side of people involved in the Koala Preservation Society, who were trying to protect local koalas.

I remember when my mother was at a beach in the Port Stephens electorate. An Alsatian dog had been roaming around but had become excited. My mother was badly scarred by the dog on the beach when it jumped up. In the Port Stephens electorate, a number of residential development applications were actually proposed as dog-free residential zones. Some of those developments were proposed for Fern Bay and the Tilligerry Landcom estate. Most of those ideas fell over because dogs are allowed on public roads. The proposal would have resulted in the residential estate, which was dog-free, being alongside a residential estate in which dogs were allowed. Obviously the dogs would have been allowed to be on public roads in the dog-free residential area.

Because the purpose of the bill is to amend the Act, I will commence my discourse on the legislation by examining the provisions of the present Act. Sections 16 and 17 of the Act provide for offences where a dog rushes at and/or attacks a person or another animal. Section 16 is a strict liability offence. Section 17 requires intent to be proved. In other words, a person who sets a dog on or urges a dog to attack somebody is guilty of an offence under section 17. In addition, section 35A of the Crimes Act provides for an offence where a person maliciously causes a dog to inflict actual or grievous bodily harm. In that case the maximum penalties are five years imprisonment and seven years imprisonment respectively.

The bill creates measures that are additional to the range of provisions contained in sections 16 and 17. The bill proposes the creation of an additional offence which will target owners of dogs that have previously been declared to be dangerous dogs and who have failed to comply with their obligations under section 51. That section requires dangerous dogs to be desexed and housed in a child-proof enclosure and to wear a muzzle when in public. In other words, if dogs to whom the section applies are not under the control of their owners when they are in an area where they can cause problems, the owner will be in breach of the provisions associated with the dangerous dog designation. This bill provides for an increase in the maximum penalty for that offence to 200 penalty units and/or imprisonment for up to two years.

If an owner fails to comply with the provisions of section 51—which basically means that the dog is dangerous and that controls have to be taken into consideration—and, as a result of that failure the dangerous dog attacks a person or bites a person, the owner is guilty of a new offence. The provision has a rider under section 16 whereby, as a result of being deemed to be a person who is not worthy of owning a dog, a person may be prevented from actually owning a dog in future. Section 16 provides some defences. The circumstances which invoke a defence are that a dog is being teased, mistreated, attacked or otherwise provoked, or the dog is acting in the reasonable defence of a person or property or has acted as a result of a person trespassing on the property where the dog is kept. The provisions of this amending legislation will not have a blanket punitive effect in circumstances where people egg on a dog to behave in a dangerous manner.

Section 9 requires a companion animal to be registered from six months of age. However, with the introduction of lifetime registration, which was provided for in the Act passed in 1998, provision was made only for a one-off offence associated with failure to register the animal. That situation is addressed by the bill. Councils have said that there is no incentive for irresponsible dog owners to register their animals if they have already been charged previously. Two new offences are also proposed. An offence will be committed if a companion animal is not registered and is outside the place where it is ordinarily kept. That will apply every time the animal is caught outside the property where it is ordinarily kept. The maximum penalty for the offence is only two penalty units, but the idea is that if people are charged with the offence a number of times, although it will not be a revenue earner for the council it will become such a nuisance for those people that they will choose to register their dogs.

The bill also provides penalties for the offence of failing to comply with a notice to register a companion animal. It is proposed that the local council be permitted to issue a notice to an owner requiring that the animal be registered within 28 days of the issuing of the notice. If the notice is not complied with, the council may issue further notices for up to six months. The offence is committed when the owner fails to comply with the notice. The maximum penalty for such an offence is two units or five units in the case of a dangerous or restricted dog. As I said at the commencement of my contribution, the rights of the owners of dogs

regarded as dangerous to the community have now changed. The Companion Animals Amendment Bill provides for the protection of the community and, therefore, it has my support.

Mr R. W. TURNER (Orange) [9.51 p.m.]: Whilst the Opposition welcomes these amendments in the Companion Animals Amendment Bill it has concerns regarding local government administration of the legislation. The Opposition hopes that there may be further amendments—if not during this session of Parliament, at a later time. The object of the bill is to create a new offence under which the owner of a dangerous dog will be liable for a penalty higher than those currently applying under the Companion Animals Act 1998 if the dog attacks or bites any person and the incident occurs because the owner has failed to comply with the control requirements for dangerous dogs under the Act. In the event that the dog is not under the control of its owner, a penalty will be imposed upon the person in charge of the animal providing that person is over 16 years of age. I note also that the penalties have been increased substantially and may include a prison sentence for certain offences.

The bill also provides for offences committed by persons in charge of companion animals other than owners. It also refers to other ongoing registration offences. To avoid any argument that the owner of an unregistered animal may be convicted only once for an offence, item [5] of schedule 1 creates additional offences in relation to the requirement for registration on an ongoing basis. Today I spoke with an officer from Orange City Council who informed me that this was one of the amendments that the council had hoped would be introduced. At present there is an anomaly in that once a person has been charged with such an offence on the first occasion there is some doubt about whether that person may be charged with the same offence on another occasion. The provision clarifies the circumstances in which a person may be charged on an ongoing basis rather than simply on one occasion.

The bill provides for the prohibition of dogs in some public places. An owner of a dog who is over 16 years of age and is in charge of the dog may be fined five penalty points, or 20 penalty points in the case of a dangerous or restricted dog. The bill also provides that cats will be prohibited in some public places. The maximum penalty for contravening that provision is only five penalty units, and the legislation does not acknowledge that a cat may be dangerous. I suggest that in certain instances a feral cat can be more dangerous than a dog. However, the legislation does not provide for penalties relating to dangerous cats.

Whilst the Opposition supports the amendments contained in the bill, other matters of concern to local government are not covered by the amendments. I ask the House to consider some of those matters at a later date. The bill does not acknowledge the greater workload involved in councils having to administer the legislation or the extra responsibility that the State Government has passed on to local government. Administration, penalties, registration and computer implanting cause pet owners a certain degree of angst. Much of that angst has been passed on to local government, which is bearing the brunt of the criticism. Some of that criticism is warranted and some is not. I think the general public believes there must be a little more control over pets than there has been in the past.

The bill imposes upon council rangers the responsibility of contacting the owners of pets before they are taken to be RSPCA or to the pound. In the past, rangers could take an animal to the RSPCA or to the pound and it was up to the owner to trace it, pay certain fees and have it returned. Sadly, under certain circumstances, the animal was put down. The bill increases the responsibilities of councils and rangers in administering the changes for which it provides. In certain instances animals, whether they be dogs or cats, that are picked up on the street and found to be unregistered are taken to the pound or an RSPCA depot. Subsequently the owners claim the pets, only to find that they are responsible for fees that they may be unable to afford. For example, I presume the fee for microchipping of pets varies between different councils. Orange City Council charges \$35 for microchipping. The registration fee to register an animal for life is \$100. Whilst the animal is in the pound it incurs a fee of up to \$20 a day, and that might accumulate. By the time the owner claims the animal the fee may have risen to \$200.

Under certain circumstances Orange City Council will allow pet owners to pay off the debt. Subsequently council pays that administration fee to the Companion Animals Registrar. However, in many cases the pet owner may make the initial payment but not pay the balance of the fee. Although the council then passes the matter on to the appropriate authority, it does not receive any further payment and, consequently, it suffers financially. They are some of the costs faced by local government. Another concern is the fact that when the council sends the appropriate fees it gets them back less commission. I understand the commission was supposed to be set at approximately 15 per cent but often there are indirect costs to the system. Consequently, in many cases the council finds that the fees have actually reached 25 per cent or 30 per cent rather than the agreed

15 per cent in the initial stages. Councils are concerned that they pay those fees on a monthly basis but they receive payments back quarterly. Again they are behind the eight ball in relation to those fees.

They are a few of the concerns of local government which, I hope, will be taken on board by the Government. Amendments might be moved down the track to allow those anomalies to be picked up and to make sure that the Act works far more smoothly than it does at the moment. In general, the public supports the Act but certain matters that need to be worked out. The Opposition supports the amendments. We hope it is acknowledged that changes need to be made to the Act before local government, which has to administer it, are happy with it. At least the administration costs are recovered by local government, so the whole system works to the ideals behind the Companion Animals Act.

Mr LYNCH (Liverpool) [10.01 p.m.]: I speak briefly in support of the bill. Companion animals play a significant role in the lives of many people who live in this State, and I suppose that is a fairly well-recognised motivation for this legislation. However, it is equally true that a small proportion of companion animals are a nuisance and are extremely dangerous to a large number of people. In that context, strengthening the regulatory regime in the way that these amendments do is positive indeed. Certainly the members of this House who take their local duties seriously would have at one stage received complaints about dangerous dogs and the horrors inflicted upon constituents by those dogs. For those reasons this legislation is to be welcomed.

Several weeks ago, Mr Bill Georgopoulos, a constituent of mine, came to me with a story of horror about some dangerous dogs in my electorate. I have known Mr Georgopoulos for some time. He is a long-term resident of Green Valley. He was walking his dog on a leash in a proper and appropriate manner down Mawson Drive, Cartwright and was set upon by a couple of dogs that were domiciled there. Mr Georgopoulos believes one of the dogs was a rottweiler. They rushed and attacked him and tried to attack the dog that he was walking. Not unnaturally, he remonstrated with the people that seemed to be the owners of the dog; they certainly owned the house where the dogs were located. Their response was, "Why are you walking your dog on our side of the road?"

When one has such a fairly outrageous response, one understands why there is a necessity to strengthen regulatory regimes and to introduce significant penalties against owners of dangerous dogs. I understand that Liverpool council is pursuing the matter I have referred to. I am optimistic that there will be some positive outcomes; there certainly ought to be. There is certainly no justification for dangerous dogs, and there is even less justification for their owners not taking proper care of them.

Ms HARRISON (Parramatta) [10.03 p.m.]: I speak briefly in support of the amendments to the Companion Animals Act. I congratulate the Minister on bringing these amendments to the House. As I understand it, they have been introduced in response to a number of requests made by local governments. The new offence created by these amendments, which targets dangerous dogs, has been requested and is expected by the community. As the honourable member for Liverpool said, there is not a member of this House who has not had a dangerous dog issue come across their desk at some stage. I remember an incident a few years ago when a dog repeatedly attacked children at a bus stop every morning. I contacted the local council, which dealt with the matter. Recently, when my son was walking our dog he was attacked by an alsatian which had been roaming the streets for some time. An irresponsible dog owner had let the dog go. It was not registered and it was hard to track down the owner.

One only has to look at the reports on television to see the damage these dogs inflict, especially on young children. That is not easily forgotten, and the importance of this new offence is understandable. The offence targets owners of dogs which have previously been declared to be dangerous who have failed to comply with their obligations under section 51. That section requires dangerous dogs to be desexed, to be housed in a child-proof enclosure, to wear a muzzle when in public, et cetera. Owners who fail to comply with their obligations under section 51 will be guilty of an offence if a dangerous dog attacks or bites someone.

The offence will not apply when a dog attacks or bites an animal, or when a dog has been chased, rushed at or harassed by another animal or person. As is the case now under section 16, it will be a defence if the owner was in the course of using the dog for the working of stock, or the training of the dog in the working of stock, or was using the dog in the course of lawful hunting, or if the incident occurred as a result of the dog being teased, mistreated, attacked or otherwise provoked, as a result of the dog acting in reasonable defence of a person or property or as a result of a person trespassing on the property where the dog is kept.

The maximum penalty for the offenders will be 200 penalty units and/or imprisonment for up to two years. That is appropriate when one thinks of the damage that dangerous dogs can do. I urge councils to be more

proactive in declaring dogs dangerous. I note that since 1998 only 213 dogs have been declared dangerous. When one thinks of the number of reported and unreported attacks, that number could be higher. In relation to the registration of dogs, again I commend the amendments in the bill. As the owner of a dog I do not understand why people do not register their dogs. A dog is part of the family. Nothing could be worse than losing a dog because of not registering it and perhaps having it escape and not having it returned.

This morning I took my dog to the vet because he had a sore paw. He has a sore toe nail and he had to have a salt bath. For that reason I was a little late arriving here today. This morning there were two other people at the vet's. Both were in tears. One dog was very sick and the other was having an operation; its owner was more distressed than the dog. The owner told me that her dog had run away and if it had not been registered perhaps she would not have got it back. It was fitting to hear that from that lady this morning at the vet's before I came here. I commend the Minister for introducing the amendments.

Mr WOODS (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [10.07 p.m.], in reply: I thank honourable members representing the electorates of Myall Lakes, Maitland, Hawkesbury, Keira, Bligh, East Hills, Monaro, Bathurst, The Hills, Cessnock, Port Stephens, Orange, Liverpool and Parramatta for their contributions to this debate. I note the Opposition's support of the bill. I take this opportunity to address some of the issues raised in the debate. The honourable member for Myall Lakes mentioned that his colleague in the Legislative Council, the Hon. Duncan Gay, sent a survey to councils last year. Many concerns raised by councils at that time in relation to the operation of the Companion Animals Register have since been addressed.

During the past year there have been a number of major system updates and modifications to the register. A register user group, comprising staff from several councils, has assisted in that process. Access to the register is available 24 hours a day to authorised users, via the Internet or the specially established pet line. Therefore I believe that the teething problems experienced in the early days of implementation of the register have been addressed. Those operational matters are, therefore, not the subject of any legislative amendments. The honourable member for Myall Lakes also mentioned the use by one distributor of non-ISO microchips. That distribution ceased at request of the Department of Local Government some 18 months ago. Contrary to the suggestion of the honourable member for Myall Lakes there is no evidence that any microchips already in use in New South Wales do not contain a unique number string. In fact, the Companion Animals Register will automatically reject any attempt to enter a duplicate microchip number. This issue has therefore already been addressed at an operational level, and this bill will ensure legislative backing so that only ISO-compliant microchips can be implanted in cats and dogs in New South Wales from now on.

The honourable member for Hawkesbury also raised an issue about the liability of "owners" of animals. I am happy to point the honourable member to some of the amendments in this bill, especially the amendments to sections 7, 13 to 16, and 20. These changes do exactly what the honourable member suggested, which is to make the person for the time being in control of an animal liable for offences such as dog attacks. I note, however, that this will only apply to those aged over 16 years who are in control of the animal at the time of the offence. I note also that dangerous dogs should never be left in the sole charge of someone aged under 18 years. This is already a provision in the Act. I therefore believe the bill will address the concerns of the honourable member for Hawkesbury. However I will keep this matter under review and, should any further problems arise, they will be subject to a further review.

The honourable member for Bligh raised the issue of responsible ownership. I agree that the majority of dog and cat owners are responsible. However, this bill is aimed at the few problem owners. After all, there would be little need for legislation if all dog and cat owners were responsible. I note also the issue raised by the honourable member for Bligh in relation to community education. The Companion Animals Advisory Board has provided significant support to councils on the issue of community education, and is presently preparing an additional strategy.

I remind the House that this bill contains only non-controversial amendments. A broader review is being co-ordinated by the Companion Animals Advisory Board. It is calling for submissions and consulting with relevant stakeholders as part of that review, before preparing its advice to me. I note also the concerns raised about councils' funding of off-leash areas and community education. I note in reply that around 80 per cent of the registration money raised through dog and cat registration fees has been returned to councils to fund those activities, along with their regulatory activities. This is a significant increase in the revenue available to councils from the old annual registration system.

I note also that when the Companion Animals Act was first introduced, the rate-pegging increase set for that year factored in an additional amount to cater for the costs to councils during the transitional period until the

registration money began flowing in. Additionally, more than \$200,000 has already been spent on community education campaigns aimed at responsible pet ownership. These include print advertising and brochures available in 12 community languages, which have been distributed to all New South Wales councils, as well as stakeholder groups including pet shops, veterinarians, and dog and cat breeders. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BILL RETURNED

The following bill was returned from the Legislative Council without amendment:

Industrial Relations Amendment (Leave for Victims of Crime) Bill

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Special Adjournment

Mr WHELAN (Strathfield—Minister for Police) [10.15 p.m.]: I move:

That standing and sessional orders be suspended to provide for the following routine of business:

Thursday 31 May 2001

- (1) The routine of business for the last sitting day of the week shall apply;
- (2) The House at its rising this day shall adjourn until 10.00 a.m. on Friday 1 June 2001;

Friday 1 June 2001

- (3) The debate on the Appropriation Bill and cognate bills shall be the only business dealt with;
- (4) No member shall be permitted to call attention to the want of a quorum or call a division;
- (5) At the conclusion of the debate on the Appropriation Bill and cognate bills on this day the House shall rise without motion until Tuesday 5 June 2001 at 2.15 p.m.

I indicate to honourable members that effectively the motion means that the House shall sit until the normal time tomorrow, and that on Friday 1 June the House will sit at 10.00 a.m. for the purpose of dealing with the Appropriation Bill and cognate bills, and will rise in the late afternoon, when the House will adjourn until Tuesday 5 June at 2.15 p.m.

Mr HARTCHER (Gosford) [10.15 p.m.]: I move:

That the motion be amended by the addition of the following paragraph:

- (6) That members be allowed to put questions in accordance with standing orders from 2.15 p.m. to 3.15 p.m.

In the past I have made the point, and will continue to do so on behalf of the Opposition, that while it is appropriate that the House sit Fridays—the Opposition believes that the House should sit more frequently than it now does—it is also appropriate that when the House sits it follows a proper routine of business. The most essential item of parliamentary business remains the asking of questions and the provision of answers in accordance with the standing orders. The amendment to the motion stipulates the time at which questions are to be taken is from 2.15 p.m. to 3.15 p.m.

In this House we constantly see the Government reluctant to answer questions at question time, or even to hold question time, despite its large majority in this House. The Government may pride itself on its large majority, but it cannot pride itself on its lack of integrity and its lack of courage in being prepared to receive and answer questions. There have been no Ministers in the Chamber to answer questions, unless those are questions that are pre-scripted for them. It is clear that the Ministers do not have the confidence to come into the House and answer questions put to them, any more than the Government is prepared to subject itself to questions asked at parliamentary estimates hearings.

The Legislative Assembly still does not have estimates committees. That is because the Government is not prepared to allow its Ministers to be exposed to examination of its budget by members of the Legislative Assembly. One would think that if the Ministers had sufficient confidence in their grasp of their own portfolios and in their ability to discharge their ministerial responsibilities, they would be only too enthusiastic to appear before estimates committees, on which after all the Government would have a majority of members, and that for a period of three hours they would answer questions on the parliamentary votes for their budgets. The Government is not prepared to accede to that type of questioning. It is to the enduring shame of the Government that it lacks the courage and will to uphold those simple aspects of parliamentary democracy.

Every question time we have the charade of the Premier, who lacks the ability to answer a question unless he has prepared text in front of him, engaging in personal denigration and abuse of any member who asks him a question. The Premier may regard that as clever. His supine backbench may regard it as clever. The people of New South Wales do not regard it as clever. They regard it as an insult to the process of parliamentary democracy.

What we saw this afternoon was an excellent and extraordinary example of the arrogance of the Government. The Premier was asked a question, which he did not answer. I will not reflect on the Speaker because I uphold standing orders, but we then had a series of rulings from the Speaker which were simply directed at trying to ensure that the Leader of the Opposition was denied a voice in this House. That is yet another example of the extraordinary arrogance of this Government. The Coalition parties will not wear it. We will make it clear again and again to the New South Wales community—as we did today—that the conduct of the Speaker is intolerable and unacceptable.

If the Speaker is not prepared to allow the Leader of the Opposition to take a point of order in accordance with the standing orders of this House, the Coalition parties will react accordingly. The Government will bear the opprobrium of conducting Parliament in such a way that parliamentary democracy is stifled simply by the weight of numbers. This matter will be further ventilated tomorrow, so I will not go into it tonight. As I said earlier, I will not reflect upon the Speaker, but a lot more will be said on a later occasion about what the Speaker did this day. Nonetheless, we are opposed to this motion. We believe that questions should be taken on Fridays.

Amendment negatived.

Motion agreed to.

SPECIAL ADJOURNMENT

Motion by Mr Whelan agreed to:

That the House at its rising this day do adjourn until Thursday 31 May 2001 at 10.00 a.m.

House adjourned at 10.22 p.m.
