LEGISLATIVE ASSEMBLY

Wednesday 17 October 2001

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

Mr Speaker offered the Prayer.

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Police Powers (Vehicles) Amendment Bill
Summary Offences Amendment (Minors in Sex Clubs) and Theatres and Public Halls Repeal Bill

ELECTORAL DISTRICT OF TAMWORTH

Resignation of Antony Harold Curties Windsor

Mr SPEAKER: I report the receipt of a letter dated 16 October 2001 from Antony Harold Curties Windsor resigning his seat as member for the electoral district of Tamworth.

Vacant Seat

Motion by Mr Whelan agreed to:

That, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, the seat of the member for Tamworth be declared vacant, by reason of the resignation of Antony Harold Curties Windsor.

PRIVATE MEMBERS' STATEMENTS

Mr FACE: I seek the leave of the House to permit up to 10 members to make private members' statements forthwith.

Leave granted.

LINCS VOLUNTEER SCHEME INC.

Mr ROZZOLI (Hawkesbury) [10.02 a.m.]: I draw to the attention of the House the outstanding success of a volunteer organisation in my electorate. I am proud to announce that the Living in Communities [LINCS] Volunteer Scheme Inc. was successfully named the national winner of the National Health and Medical Research Council award for volunteer services in medically related areas. It won the national award in the community service regional organisation category, following its outstanding success as the New South Wales winner. This is an outstanding achievement for this organisation, which has struggled financially to carry out its work. Despite various attempts, LINCS has not been able to obtain financial assistance from the Government.

The LINCS Volunteer Scheme was initiated in the Hawkesbury district in 1997. The scheme was established to respond to the needs of a number of mothers with young families who suffered depression or were unable to cope because of social isolation and lack of personal family support. Through the LINCS scheme, volunteers are trained to provide support to families in need. LINCS liaises with other vital infrastructure in the Hawkesbury district, such as a service network involving a large number of government and non-government organisations, including the Department of Community Services [DOCS], the child protection unit, family support services, local neighbourhood and community centres, local schools and the division of general practice. LINCS liaises also with parenting support programs, including those run through the school community and the community nursing service at the Hawkesbury District Health Service, which provides home visits to families soon after the birth of their child.

On numerous occasions I have made representations on behalf of LINCS for funding support under the Families First program. To date those applications have been unsuccessful. The outstanding feature of the LINCS organisation is not only its service delivery to the community it seeks to serve but also its extraordinarily successful volunteer training program, which is administered by community nurses from the Hawkesbury Hospital. It is principally for this service that additional funding has been sought. Many similar services throughout New South Wales, which operate under the Families First program, have indicated that they would like to have access to the volunteer training program that LINCS provides because that training program has been so outstandingly successful. Those applications have also fallen on deaf ears. I suggest that the Government consider those applications. I have written to the Commissioner for Children and Young People, Gillian Calvert. I have re-presented the credentials of LINCS and have reiterated my request for the provision of financial support to enable LINCS to provide training facilities for similar program groups throughout New South Wales.

It is quite clear from the national success of this organisation that it is an organisation of outstanding capability. It has a great deal to contribute, not only to the Hawkesbury community but also to communities throughout New South Wales. The benefit of the program operated by LINCS is that volunteers go into the homes. It is an economical and efficient process because the well-trained volunteers are able to support families who find themselves in need through the existence of a variety of circumstances and the volunteers prevent situations getting out of hand. The circumstances would become increasingly traumatic for families if they were not addressed, as well as increasingly expensive for the community and government. The situation for families could also get out of control. The work of LINCS is an all-round win-win situation for the community, the Government and the families concerned. I seek the support of the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development, who is in the Chamber. The Minister, who is a compassionate person, would understand the matters I have raised from his long service in this Parliament. Additional financial support to expand the LINCS training program—a nationally recognised organisation—would result in a great flow-on benefit to the community.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.07 a.m.]: I know of the LINCS organisation to which the honourable member for Hawkesbury has referred. That voluntary group has done some exceptional work. I will convey his remarks to the appropriate Minister.

CAMPBELLTOWN FESTIVAL OF CULTURES

Mr WEST (Campbelltown) [10.08 a.m.]: I congratulate Campbelltown City Council on holding a successful Festival of Cultures last weekend in Koshigaya Park, Campbelltown. It is an appropriate place for such an event because Koshigaya Park is named after Campbelltown's sister city in Japan. It was a great family occasion. I took my son to the festival, and many people took their entire families to see circus acts, including people twirling plates on sticks; to listen to music from around the world; to watch Chinese dragon dancing and other entertainment; and to experience an array of food in various stalls. Campbelltown is one of only four sites across New South Wales which holds this festival with the support of the New South Wales Government in the form of a $10,000 grant under the Street Festivals Project 2001. The project follows last year's Olympic 2000 Street Festivals Project, which was funded by the Ethnic Affairs Commission.

The Street Festivals Project 2001 aims to build on the huge success of the Olympic 2000 Street Festivals Project by continuing to develop and enhance community relations, as well as by promoting the benefits of cultural diversity in local communities. The project certainly achieved these aims in Campbelltown. The day was about celebrating tolerance and difference by showing that we value the rich experience that each of us, and each culture, brings to our community. The Tharawal community welcomed us by word and dance. Many volunteers from communities across Campbelltown came together to make the day a success. They included police, and volunteers from the policing centre. I give a special thanks to Jeff Williams, who allowed children to climb all over the motorbike that was his fiftieth birthday present. Other volunteers included the fire brigades, government agencies, and the Macarthur Migrant Resource Centre.

I especially thank Juan Perez from Campbelltown City Council for his efforts in making the day a huge success. It was especially pleasing to see representatives from the Macarthur Migrant Resource Centre at the festival because they had recently moved to new and larger premises, which opened last Thursday. I congratulate the centre's President, Phillip Costa, and co-ordinator Karin Vasquez on their efforts in assisting migrants in the area. I thank them for their hard work and for the performers they arranged for the day, especially John and his family who gave a great opening. John and his family, who performed traditional

Islander dances and played wonderful music, dragged all the invited guests onto the stage and forced them to dance. That was certainly entertaining for the crowd to watch. As a community, it is a sign of our confidence and spirit that we can work together and we can celebrate our differences. The success of the Festival of Cultures clearly demonstrated that in Campbelltown.

On Saturday Campbelltown will have another chance to show that spirit when the second Relay for Life takes place at the athletics stadium. This great initiative was held in Campbelltown for the first time last year, when the Premier opened the event. It has since been replicated across the State. Staff of this Parliament have been instrumental in ensuring that this worthwhile cause takes root in other communities. The event is about bringing the community together to support cancer research and cancer prevention. Prevention comes about through research, and research costs money.

However, there have been successes such as the Slip Slop Slap campaign, which has helped reduce skin cancer deaths. The Relay for Life brings together survivors and families who have lost friends or relatives and the community in remembering those who have died from cancer and those who have survived. All members of this Parliament would know someone who has been touched by cancer. This year's Relay for Life will be yet another great event in Campbelltown. I am sure it will raise money for the local hospital's research projects and for the Cancer Council. I congratulate Campbelltown City Council, the organisers, and the Cancer Council on again getting behind this event.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.12 a.m.]: I congratulate the honourable member for Campbelltown on his overview of the exciting events that have taken place in Campbelltown. Many people would remember that 30 or 40 years ago, as they drove south towards Canberra, if they blinked as they went through Campbelltown they would almost miss it. No-one in their wildest dreams would have envisaged that Campbelltown would become the huge community that it has. It certainly has come to grips with getting an identity and a position in today's society.

Recently I had the good fortune to attend the Campbelltown Catholic Club with the local member where I heard of the intention and strategy to expand this vital club, which does so much work for the community. That is indicative of the club, which is worried about not only the Catholic community but also the general community. It has constructed various facilities for the community. The club has a visionary concept and it is good to see such large planning. In the past few days it was announced that a consolidation would be able to take place as a result of the continuing tax rates for the next three years. That will give this club and many others the certainty they need to plan for the future. The Campbelltown community will be the recipient of the good works carried out by Campbelltown Catholic Club.

EDEN WHALE FESTIVAL

Mr WEBB (Monaro) [10.14 a.m.]: Twelve months ago I attended the Eden Whale Festival 2000 and spoke about it in this House. Today I commend the organisers of the sixth Eden Whale Festival 2001, particularly Gary Hale, who did a lot of work for the community. I thank Al Armstrong, who opened the festival last Thursday, and Jack Dickenson for his efforts on behalf of the Eden Killer Whale Museum and its new lighthouse. That museum has been acknowledged as the best regional museum in New South Wales. It is interesting that while Eden is celebrating the whale festival much whale watching is occurring in the area.

Eden was the site of the first mainland whaling station in Australia. Today there are more and more sightings of whales, even in Twofold Bay. Humpbacks, southern whites, and even blue whales have been seen in increasing numbers. Whale watching is fast becoming a major tourist attraction. Even the killer whales have returned, once led by the famous Old Tom, whose skeleton is in the museum. The festival included arts and crafts, a wonderful model ship display, parades through the town and other events. A minesweeper, the HMAS *Carruthers*, was in town. The highlight for me, and I am sure for many others, was to see the *James Craig*. I take this opportunity to thank Captain Ken Edwards and his officers and crew, all of whom are volunteers, for going to Eden. They had a full-sail voyage down the coast and almost hove to in the gale conditions.

I commend the *James Craig* restoration program. That sailing ship, built in 1874, was originally named the *Clan McLeod*. The Craig family in New Zealand took it over and left to waste. I invite honourable members to access information about the *James Craig* on its web site *www.seaheritage.asn.au.* I acknowledge the restoration work carried out by the Sydney Maritime Museum Ltd. The *James Craig* is one of only four operational nineteenth century sailing barques in the world, and the only one in the Southern Hemisphere. It is indeed a beautiful vessel. *The Set of The Sails*, by Alan J. Villiers, chapter 6 headed "A move For'ard" states:

> I realised why the figurehead was the Chief of the Clan McLeod when I read the name on the bell by the antique up-and-down windlass immediately abaft her low fo'c'sle head. "Clan McLeod" it read, "1874". The old name was still there though she had been the *James Craig* since 1903. At that time—in the middle of 1920—the line of lovely little barques which (with a sprinkling of barquentines) flew the J. and J. Craig house-flag out of the port of Auckland, had been dispersed, and the *James Craig* had been rescued from service as a coal hulk in New Guinea, rerigged because of the shortage of shipping in the temporary harvest of good freights.

Later she did go to waste, and she was retrieved from Tasmania, towed to Sydney and faithfully restored. Alan Villiers actually sailed in the vessel and his story makes interesting reading. The project unfolded and the near-completed restoration of the beautiful tall ship is testimony to the dedicated people who have been involved. I thank them. I am sure that the people of Eden thank them, as will future generations. Preserving our history and heritage for the benefit of all is very worthwhile.

Eden is indeed in transformation and changes have occurred in the property market. Today an announcement will be made about the new naval munition facility to be built by Federal funds. The State Government supports this important commercial infrastructure. Other progress in Eden includes the Living Centres initiative, the Twofold Bay and hinterland plan, and changes to the Bega Valley Shire Council local environmental plan. It is regrettable that no elected council is in place.

The chamber of commerce has been very active in the town. The new bakery will change the face of Eden and the streetscape will attract people to the town. Similarly, the Gateway, which is to be built by the State Government, will be staffed through funding by the local community. The Boyd Town initiative, a retirement location for the far South Coast, like Eden, is in an isolated area more than 500 kilometres from Sydney and Melbourne. Problems with health and education services and access are occurring in the area. However, I commend and congratulate the community on the recent whale festival. I support the community in its seventh Eden Whale Festival, and will try to get funding for it in the year 2002.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.19 a.m.]: I thank the honourable member for Monaro for his contribution. Given the whale festival, I am sure the honourable member for Bega would also be interested to hear what the honourable member has had to say. In recent times many country communities are transforming themselves by creating special events. These events are not only of benefit to those communities but also attract tourism, which is an important part of our economy these days. I could not imagine any better setting to hold such a festival than on beautiful Twofold Bay.

The Hunter Valley Training Company has had considerable input in the refitting of the *James Craig*. The vessel is domiciled for a period and managed by a former member of this House, the Hon. Milton Arthur Morris, who has also made a significant contribution. The Hunter Valley Training Company has restored many items, such as *3801*, and the *James Craig* is another of its adornments. I will pass on the honourable member's comments to the company in due course. I am sure that Milton Morris will also be happy to hear them.

CENTRAL COAST REGIONAL ATHLETICS CENTRE

Mr McBRIDE (The Entrance) [10.21 a.m.]: I am pleased that the Minister for Gaming and Racing is in the Chamber because I wish to speak about a successful project on the Central Coast. It was developed in conjunction with the policies espoused by the Minister to better integrate New South Wales clubs into the community and provide major assets for our community. In particular I wish to speak about the Central Coast Regional Athletics Centre at Mingara.

Since its opening in November 2000, the centre has been a spectacular asset to the Central Coast. I shall go through some of the statistics associated with the use of the facility. As at the end of August this year 54,000 visitors had attended the centre, 44,000 attending for athletics purposes and 10,000 for soccer purposes. This year the centre conducted 31 carnivals over 32 days, and 10 of those carnivals included schools from the Gosford city area. The centre has held more than 140 games of soccer, and has held two gala days, one for soccer and one for Australian rules football.

Tuggerah Lakes Mingara Little Athletics, Toukley Districts Little Athletics and Central Coast Athletics call the Central Coast Regional Athletics Centre home. I should point out that my children participated in little athletics. People who saw the previous facilities at Tacoma, Killarney Vale and Gosford would realise what an asset the centre is for young aspiring athletes in the district. It has been like a beacon for those young people and a source of inspiration to them. The centre is located in a prominent position on Wyong Road. When you drive past it at night and see those young people running around, enjoying themselves and using the facilities, it is a great boost to know you played a part in the development of the project.

The Central Coast Lakers Soccer Association also uses the Central Coast Regional Athletics Centre as its home base. The centre has also held disabled training and open days for disabled athletes and disabled people in general. This social component is an important part of the project. Dare I say, the Northern Eagles rugby league team has used the centre at various times as a training ground. Many famous athletes use the facility for training purposes. They include Andrew Newell, Paralympic medallist and world champion; Nicole Hackett, a world triathlon champion who is well known to members of the Chamber; and Barb Linquist, world triathlon representative from the United States. The Belgian Olympic triathlon team used the centre as a training base before the Sydney Olympics. Margaret Beardslee, world masters duathlon champion, and Stephen Munnery, the Australian beach sprint champion, whose father I know quite well, also use the facility.

On Tuesday 4 December and Wednesday 5 December this year the twenty-fifth Hospital Mini Olympics will be held at the Central Coast Regional Athletics Centre. I commend Central Coast Health, which won the bid to host the event. It has been a great boost to both tourism and sport on the Central Coast. Between 1,000 and 1,400 medical professionals from hospitals and other health-care facilities across New South Wales are expected to attend the two days of competition. I am sure that any person who sustains an injury will be well looked after. It might also be an opportunity for members of the community to get some free medical advice.

Participants will compete in the following 12 sports: athletics, swimming, touch football, lawn bowls—a specialty for the Minister—snooker, darts, netball, golf, mixed volleyball, tenpin bowling, squash and tennis. Seven of the 12 sports will be played at Mingara Recreation Club, utilising facilities such as the Leisure Centre, which has a 50-metre pool, and the Central Coast Regional Athletic Centre, which has a 400-metre synthetic running track and a full-size national level playing field. The other five sports will be played at Long Jetty, Bateau Bay and in the Tuggerah area, which are all in my electorate. Accommodation will be mostly at The Entrance and will range from budget-priced cabins and caravan parks to five-star luxury accommodation by the water.

The Hospital Mini Olympics will be of great economic benefit to the Central Coast. A preliminary estimate from Central Coast Tourism is that there will be an injection of around $200,000 into local businesses over the course of the event. Hosting of the event on the Central Coast has been made possible mainly by the high quality of Mingara Recreation Club's leisure and athletic facilities, which were the result of a joint venture between the club, Gosford City Council, Wyong Shire Council and the State Government. The consortium put together a unique facility, the first of its kind in the State, which has become a model for other clubs throughout New South Wales and for other local government areas. The event has the strong support of Central Coast Tourism and the Central Coast Regional Development Corporation, and I am sure it will be an outstanding success.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.26 a.m.]: I congratulate the honourable member for The Entrance on bringing this matter to the attention of the House today. I also congratulate him on his assistance in the Government's review of taxation issues, which was undertaken in relation to the package of legislation soon to come before the Parliament. Following that review a community development support expenditure scheme emerged. It has been invaluable, as there is now a significant contribution to the community through that scheme. Previously some clubs were making significant contributions—which is what clubs were originally about—but others were not. Yesterday in the Tweed I reported to the annual meeting of Clubs New South Wales that since the inception of the CDES some $47 million had been injected into it and expended in the community. I thank the honourable member for The Entrance for his contribution and the role he played in securing that funding.

I agree with what the honourable member for The Entrance said about the Mingara Recreation Club. It not only gives members of the community an asset; as the honourable member outlined, it provides a facility where they can hold special events. Special events bring economic benefit to the community, attract tourists and inject goodwill, amongst other things. Mingara Recreation Club is the result of a unique coming together, at the honourable member's instigation, of Gosford and Wyong councils, the New South Wales Government and, most importantly, Mingara.

The club has been a fantastic asset to the area. We can compare the facilities to those provided for the Masters Games in the Hunter, which concluded last weekend. Such facilities bring people together, attract economic benefits, inject goodwill, and have many other benefits. People who use such facilities for sports interaction are likely to return at some time in the future. I thank the honourable member for The Entrance for his role in setting up the club facility and encouraging the community to be involved in that part of the Central Coast. I also congratulate Mingara Recreation Club and all involved.

CENTENARY OF FEDERATION NATIONAL FIRE BRIGADES CHAMPIONSHIPS

Mr GLACHAN (Albury) [10.28 a.m.]: I bring to the attention of the House an important event that occurred in Corowa in my electorate over the weekend of 6 and 7 October. I received an invitation from the New South Wales Fire Brigades Commissioner, Mr Ian MacDougall, AC, AFSM, to the opening ceremony of the Centenary of Federation National Fire Brigades Championships, which were held in Corowa. Honourable members will be aware that Corowa is the birthplace of Federation. Federation got a major boost at the conference in Corowa and then gathered the impetus needed to make it a reality in this nation. It was agreed at the Corowa conference to put the decision about Federation in the hands of the people rather than leaving it to the politicians. The people took control of the Federation movement and made it a reality.

Corowa was chosen as the location for the competition and an historical theme ran through many of the events, which mirrored those of fire brigade competitions from more than 100 years ago. Some 24 brigades and more than 200 firefighters from New South Wales, Victoria, South Australia and Queensland took part in the competition. It is the first time that firefighters from so many States had competed in this manner. Fire brigade competitions began more than 150 years ago and since then there have been enormous changes in firefighting techniques and equipment. Firefighting is now a highly technical process and firefighters use expensive, specialised equipment. Equipment was much more basic 100 or 150 years ago, and some of the events held over the weekend demonstrated the skills that firefighters needed in those days.

Firemen of the past had to be extremely fit, as the events of the weekend—such as racing hand-pulled carts carrying hose reels—demonstrated. There were six main events, including ladder climbing—which sounds quite simple but requires considerable skill. A high scaffold was erected with long aluminium ladders attached, and fit young firefighters raced for 50 metres or so and then climbed the ladders at an amazing pace. Their efforts were timed to the second. The hose and hydrant and the hand-pulled cart competitions mirrored events of the early 1900s.

The magnificent New South Wales Fire Brigades Band played at the competition. It led the parade and provided entertainment across the weekend. Spectators, including many Corowa residents and people from across the district, appreciated the skills of those musicians and enjoyed their performances immensely. The band also supported the precision drill team, which comprises young women wearing military-style uniforms and grenadier-style hats. The team is highly skilled and was very entertaining.

A dinner was also held at the local RSL club. It was a successful weekend, and I congratulate Mr MacDougall and the other organisers of the event. The interstate firefighters enjoyed themselves immensely and the people of Corowa extended their hospitality to them—as country people are wont to do. It was interesting to see the different, colourful uniforms of firefighters from the various States and I was pleased to see some of them wearing the old brass firemen's helmets that we remember from years ago.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.33 a.m.]: I compliment the honourable member for Albury on his comments about the recent event at Corowa—a Federation town—involving the New South Wales Fire Brigades. That competition bears out what I have said several times this morning. Similar events at Campbelltown, Eden and The Entrance have brought people together and provided economic benefits through tourism and so on. It was obviously a delightful weekend in Corowa, and I congratulate all concerned.

NEWCASTLE KNIGHTS NATIONAL RUGBY LEAGUE GRAND FINAL VICTORY

Mr GAUDRY (Newcastle—Parliamentary Secretary) [10.34 a.m.]: It was a privilege for me, in the company of the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development and the honourable member for Wallsend, to congratulate the Newcastle Knights on their stunning victory in the National Rugby League [NRL] premiership on Sunday 30 September when they defeated the gallant Parramatta team by a score of 30 to 24. I commiserate with Brian Smith, Nathan Cayless and the Parramatta team but thank them for a stunning end to a brilliant year.

The Parramatta team were the minor premiers and they displayed absolute brilliance all year in attack and defence. However, 30 September was undoubtedly a night for the Knights. Their half-time lead of 24 to nil indicated clearly to everyone—regardless of whether they supported the Knights—that this was a premiership-winning team. I compliment Parramatta on its fightback in the second half, but the Knights players, under the captaincy of Andrew Johns, were absolutely determined to win the premiership that they so richly deserved.

It is important to recognise and to put on record all the players in the Knights grand final squad. The team comprised Robbie O'Davis, Timana Tahu, Adam MacDougall—who is known as Mad Dog—Mark Hughes, Matthew Gidley, Sean Rudder, Andrew Johns, Bill Peden, Steve Simpson, Ben Kennedy, Josh Perry, Danny Buderus, Matt Parsons, Glenn Grief, Daniel Abraham, Paul Marquet and Clinton O'Brien, and coach, Michael Hagan—whom I particularly compliment on guiding his team to victory in his first year as a premiership coach. The result indicated clearly Michael's astute understanding of the game, the capabilities of his players and the strengths of the opposition. He devised a game plan that absolutely stunned the Parramatta team—there is no other way to describe it.

I also compliment Billy Peden, the club captain, who scored two tries in the grand final. It would be difficult to find a finer club player in rugby league. Bill's unselfish play throughout his career was rewarded in the grand final. I must also mention Paul Marquet, who retired after the game and who has shown tremendous loyalty to Newcastle. I compliment the forwards on their strong play throughout the game, particularly Matt Parsons and Glenn Grief, who are leaving the team. I must mention also the brilliant play of Robbie O'Davis.

I compliment the Newcastle Knights board, chairman Michael Hill and chief executive officer Ian Bonnett on the obvious strength of their administration in the lead-up to this year's grand final. Andrew John's winning of the Clive Churchill medal was a further accolade to his acknowledged brilliance as both a captain and player. Fittingly, Andrew Johns, Matthew Gidley, Ben Kennedy, Danny Buderus and Adam MacDougall were immediately included in the Australian Rugby League touring squad, and it is great to see that that tour will now go ahead.

The win lifted the spirits of the people of Newcastle and increased confidence in the city during a troubled time, both nationally and internationally. I compliment Newcastle City Council on the wonderful welcome they gave to the Knights on the Wednesday following the game when some 80,000 people turned out to welcome the Knights home and to congratulate them on their fantastic win. In the early hours of the day following the grand final, at 3.00 a.m., some 15,000 people went to Marathon Stadium to welcome the team home. At the end of the grand final Andrew Johns told the fans that they deserved a new stadium, and there is no doubt about that. That has been worked on for some years, both through the ISC trust, the Knights, the Premier's Department and the local members. I am sure there will be a positive outcome to those negotiations. I compliment and congratulate the Knights, and I join in the celebration of a wonderful victory.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.39 a.m.]: On this occasion I should reply with some gusto. I thank the honourable member for Newcastle for his chivalrous dissertation on this occasion. On the way down to the game, accompanied by my erstwhile colleague the honourable member for Wallsend, I was asked by 2GB what I thought would be the effects of the two-hour extension of trading. And, naturally, I was asked who would win. I said "Coming from the Hunter, naturally I would like the Knights to win. But I have to confess that I had been an Eels supporter until the Knights entered the competition, and I was a little bit torn." I said I thought the Eels on their form were slight favourites, but if the Knights got on top in the first 20 minutes there would be no stopping them. People sitting with me at the game said I was right, that I must have had a crystal ball, because that is exactly what happened.

It is true to say that the celebrations have been going on ever since. The win has given another great lift to the Hunter and it is another case of a region pulling together in a way that is probably the envy of other regions throughout Australia. The celebrations went on for some time and they have been followed recently by the most successful Australian Masters Games, which provided another opportunity during the past week for us to party with the rest of Australia and people from New Zealand and Papua and New Guinea. It has been a tumultuous time in the region. I will not repeat what an Eels supporter sitting next to the honourable member for Wallsend told him to do at the end of the game when he kept interrupting and jumping up and down. It probably would not be parliamentary for me to say what she said to him, though he took it good faith. As I say, the win and the celebrations are a wonderful example of a region coming together. Go the Knights!

SOOTHBAT PTY LTD

Ms HODGKINSON (Burrinjuck) [10.41 a.m.]: Go the Raiders! I bring to the attention of the House today a significant concern surrounding the August 1999 collapse of the Yass company Soothbat Pty Ltd, which traded as Bradley Wool. I inform the House that criminal charges are currently under way against the principal of that company. I will not further mention the charges other than to say that Mr John Robert Bradley will appear before the Queanbeyan District Court on 3 December. Soothbat was incorporated as a company in New

South Wales in April 1991. Trading as Bradley Wool, it acted as a wool broker to sell the wool clip for local woolgrowers. In 1996 it began an expansion program which included the purchase of new woolsheds and trucks and other equipment. The expansion program was financed by local woolgrowers and investors who were asked to invest their wool cheques at a reasonable interest rate—locals supporting a local business.

On 2 August 1999 an administrator was appointed to run Soothbat. As at 30 August 118 creditors were identified as being owed some $2,289,706. I am told that this initial list of creditors has since blown out to about 500 who are owed some $4.5 million. The list of creditors is a veritable "Who's Who" of Yass district woolgrowers and small businesses. Yass shire is a relatively small local government area centred around the town of Yass. The shire has a population of about 9,400. One can imagine the concern and the impact that losses of this size have had on a community the size of Yass shire.

The issue I wish to raise today is the disgraceful lack of protection and assistance that has been offered to these investors by the regulatory bodies and, in particular, the Australian Securities and Investment Commission [ASIC]. I have been informed of the trials and tribulations of one investor in his dealings with ASIC. The investor first approached ASIC to express his concerns about this situation shortly after the administrator was appointed. The 1999-2000 annual report for ASIC proudly proclaims the motto "Protecting You" on its front cover. He received a personal call at his home from an ASIC officer from the Australian Capital Territory regional office. I am informed that this officer smelt strongly of alcohol at 11.00 a.m. and my constituent was not impressed.

My constituent did, however, arrange for this officer to attend a creditor's meeting which was held at the Ainslie football club on 27 August. When this same ASIC officer attended the meeting he again seemed to be affected by alcohol and had trouble negotiating the steps at the entrance to the club. No further response was received from this officer. In early 2000 my constituent contacted ASIC, by filing a formal complaint about Soothbat Pty Limited and through his accountant. No response to the formal complaint was received, but his accountant received a reply from ASIC on 29 June 2000. In his reply the ASIC complaints manager declined to investigate the matter. He did, however, offer to discuss these concerns further, but my constituent has informed me that when he telephoned this officer he was left in no doubt that he was wasting his time.

But that is not the end of the concerns of my constituents. They are also having significant trouble with the administrator. Now, almost two years after Soothbat was placed in liquidation, they are unable to obtain any answers from the administrator. The last contact the creditors had with the administrator was on 7 October 1999. Since then they have received no letters or information. Liquidation sales have been held at which, I am informed, property worth hundreds of thousands of dollars has been sold, but none of these assets has been released to creditors. Since October 1999 the administrator has produced no reports of the further proceedings, and no funds from the winding up have been distributed. The creditors ask, "Where is our money? Where is our protection?"

Many of my constituents have telephoned the administrator, but they get only his receptionist, and the calls are not returned. The regulatory framework set up to protect investors has demonstrably failed in the case of the creditors of Soothbat. Not only has ASIC failed by declining to involve itself in an investigation;, but the administrator also appears to be failing in his duty. In this case it appears that there is one rule for high profile investors such as in the One.Tel or HIH Insurance collapses and another for smaller investors and creditors. Do they deserve any less protection? Where is the protection for smaller creditors and investors?

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.46 a.m.]: I, too, will be careful about intruding into the rights and wrongs of Bradley Wool. However, on my recent visit to the member's area while I was checking on some licensing matters I heard of the disappointment and observations of people in Yass area as to what has occurred and the apparent inactivity of the Australian Securities and Investment Commission [ASIC] in a range of areas. I will refer the honourable member's contribution to our Attorney General. Obviously he has no jurisdiction over ASIC but I think it is necessary to bring this matter to the attention of his Federal counterpart, even though the Federal Government is in caretaker mode.

Having experienced some of these types of matters in my area over the years, I believe that some administrators leave a lot to be desired. Quite frankly, there must be a tightening up of their responsibilities. They seem to be behaving in a cavalier way and they believe that they are untouchable or some sort of protected species. I do not think that is too harsh a comment, given my dealings with a few of them in my time. It might be of some assistance if this matter is taken up with their professional body, if what the member has said today is correct, and, having dealt with her on other occasions, I have no doubt about that.

The matter should be referred also to the Federal Ombudsman, who deals with these matters. If an officer under my jurisdiction carried on like the ASIC officer I would deal with him at a departmental level. If I did not know about his conduct I would make it my business to find out. I am sure that the Federal Ombudsman might be able to give some relief and, at least, some hope to the constituents of the honourable member for Burrinjuck. If the officer was inebriated it is disgraceful and he should be brought to heel. I will refer the contribution of the honourable member for Burrinjuck to our Attorney General.

NEWCASTLE KNIGHTS NATIONAL RUGBY LEAGUE GRAND FINAL VICTORY

Mr MILLS (Wallsend) [10.48 a.m.]: I also congratulate the Newcastle Knights on their victory on 30 September in the national rugby league grand final. I am proud to be a financial member of the football club. I was pleased to wear into the Chamber yesterday this collection of red and blue ribbons on my lapel. I am wearing them again today to indicate the level of pride that people and representatives from the Hunter have in this achievement. I should add that on the final sitting day of the Federal Parliament last month the Leader of the Opposition was wearing something similar. One Sydney current affairs program commentator asked—as reported on NBN television in Newcastle—"What's that fuzzy stuff he is wearing on his lapel?" Needless to say, Newcastle newsreaders were able to make smart remarks about how people from Sydney did not recognise the Knight's colours. Ray Dineen thought it was a good touch for Kim Beazley to wear the colours in Parliament.

The reason I have raised this matter during private members' statements is that the whole Hunter region was uplifted by the result. Its people were happy and proud. They professed, "We can do big things." People experienced a rewarding inner glow, and a sense of self worth was reinforced in the Hunter. The Newcastle Knights winning the rugby league grand final promoted a confident outlook on life, work and business. There was pride in being identified with the Hunter region. Afterwards players and supporters partied hard but responsibly. Amazingly, 15,000 people were at Marathon Stadium at 3.00 a.m. to welcome the team home, and because it was anticipated there would be a lot of children present there was no alcohol. It was wonderful because the partying and celebrating was done responsibly.

The street parade and presentation of the players to the home town crowd was at least as big as in 1997. I estimate that probably 70,000 people turned up on the foreshore of Newcastle Harbour on a perfect day on Wednesday 3 October. It was perfect also the next day when parades were held in Cessnock—almost half the team originates from the coalfields—and Maitland. This is the second time the Newcastle Knights have won the rugby league premiership. We proved it was not a fluke in 1997, and we can do it again! This victory cannot be subjected to reservations or qualifications because the game has been reunited. It was an exciting grand final providing great entertainment value. As reported, it was a game of two distinct halves. In the first half Newcastle played strong, mistake-free football and lead 24 to nil at half-time. In the second half Parramatta came back as only such a talented team could, indeed, as only minor premiers could, to win the second half 24 to 6—but they did not quite make it.

I congratulate Parramatta and its supporters on a good game and on creating a great atmosphere. I have given my commiserations to the honourable member for Parramatta, and I wish her team well for the next season. Andrew Johns had a great game; he is a worthy Clive Churchill medal winner and also worthy of the title of best player in the world. At the presentation when Captain Johns acknowledged the numerous dedicated Newcastle supporters he said, "You deserve a decent stadium." Marathon Stadium is 33 years old and needs redevelopment. All of my Labor colleagues from the lower Hunter agree with me that the stadium needs to be redeveloped. For the past two years a process has been moving steadily forward, and the International Sports Centre [ISC] Trust, which owns Marathon Stadium, has put together proposals that might win funding support.

The Newcastle Lord Mayor invited representatives of the Knights Football Club, the ISC Trust, the Mayor of Lake Macquarie and some State and Federal members of Parliament to a meeting on the afternoon of 3 October to build on the momentum for change established by Andrew Johns' remarks. I should like to mention those members of Parliament that were present because the *Newcastle Herald* printed the names of everyone else. They were Bryce Gaudry, John Mills, Alan Morris accompanied by Sharon Grierson, Jill Hall, a staff representative for Minister Face, and Senator Tierney. At the parade on 3 October the number one Knights supporter, Kim Beazley, gave his support for the new stadium when he said:

> To get a new stadium we need to bring together local government, State Government and Federal Government support and community support.

The meeting with the Lord Mayor was positive and an official statement was released that said:

> Participants recognised the urgent need to commence work within the next 12 months to provide a multipurpose sporting venue …
>
> There was unanimous support for Marathon Stadium to be the primary football venue for the Hunter.

Congratulations the Knights!

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.53 a.m.]: There is an old saying "Once a night's enough" but obviously today twice in one day is not enough! In addition to the Newcastle Knights winning two rugby league grand final premierships, many people would not realise, and many others may have forgotten, that Newcastle was a foundation club when rugby league made its historic move away from rugby union in 1908. Like Sydney University, the Newcastle club exited the competition somewhere along the track—a good source of information is a book produced some years ago by the Power Brewing Company, which provides the whole ambit of what occurred in those early days. Of course, this latest premiership has resulted in a great deal of frivolity. I give my commiserations to Parramatta, the club I supported until the Knights re-entered the competition. Alan Overton was disappointed on the night and I expressed my commiserations to him. I met Denis Fitzgerald in the Tweed only in the last few days and I believe he has finally got over it! But I believe Parramatta will be back fighting next year with a great team.

Marathon Stadium needs to undergo some work, but it must be undertaken in stages. After the 1999 election the Premier said we would do something, and we have continued to work through my office with our regional co-ordinator Ben Chard and John Dermody from the Premier's Department. At that time the Premier said that apart from State support he would be looking to Federal government, local government and private input. That is the basis upon which we are working. I repeat that development will happen in a staged manner, not all at once. However, I am sure that with the collective brought together by the Lord Mayor we will work towards that goal in the near future.

DEATH OF Mr DONALD MORETON KENDELL, AM

Mr MAGUIRE (Wagga Wagga) [10.55 a.m.]: On Saturday evening Wagga Wagga lost one of its finest citizens with the death of Donald Moreton Kendell AM, aviator and founder of Kendell Airlines. Those who knew Don closely were aware that he had been ill for some time. His illness was not something he broadcast but those closest to him certainly were concerned about his health and wellbeing. Don was diagnosed with cancer some two years ago and underwent an operation. As a community we certainly were blessed to have him with us for an extra two years.

Donald Moreton Kendell was born in Geelong on 19 January 1930. He learnt to fly at age 19 in 1949 at the Wagga Wagga airfields. He spent a period in the Royal Australian Air Force Reserves spending time flying Tiger Moths touring western Victoria and Australia on an odyssey looking for work. He went to England in 1955, sat for and passed his commercial pilot's licence, and began working for British European Airways, initially flying DC3s out of Glasgow and then Viscounts from London. While in the United Kingdom he met and married Eilish Burke. Don, his wife and son Guy returned to Lockhart, which was the area farmed by his father, Ebenezer, who for many years after World War II was the State member for the Corowa electorate. Don and Eilish had three further children, Mary, Sarah and Miles.

In 1965 he moved to Wagga Wagga to become involved in a small general aviation operation. He later purchased that operation and incorporated it in 1967 as Premiair Aviation, an air charter and flying school. In 1968 regional airlines were permitted to go into business but Mr Kendell waited and in 1971 Kendell Airlines carried a total of 36 passengers on its 10 return flights. Don and Eilish Kendell did all the jobs from ticketing and fuelling the aeroplanes to everything imaginable associated with running an airline to get their business started.

As the business progressed the fuel crisis hit. Don Kendell sold his car to keep his airline. He acquired better planes and built Kendell Airlines into a world-renowned airline. In fact, in 1992 Kendell Airlines was named regional airline of the year by *International Aviation*, which was a credit to Don and Eilish Kendell. Don had many achievements in his life. He was a staunch supporter of the city of Wagga Wagga. With his airline he certainly helped to make the city vibrant and he always took the opportunity to promote it. He based his airline at Wagga Wagga and, of course, this gave the area enormous benefits.

Don's passing has created great sadness for the community. It is important that I relay to honourable members the feelings of Don's staff and the people who knew him. In a newspaper article one of Don's staff members said that Don still cared for the staff, even though he was no longer the director of Kendell Airlines. I have no doubt that the recent demise of Kendell under the Ansett-Air New Zealand banner weighed heavily on Don's shoulders, but he was still concerned about the staff. One staff member said to me, "A few days ago Don rang me to see how I was going because he was concerned. He said that he was still thinking about other people." He loved his staff and they loved him. I extend condolences to Don's family, his four children and his

wife, Eilish. Don Kendell's achievements in Australian aviation have been great. He is one of those people who lived his dream. He owned, operated and built a first-class airline. I do not think we will see another Don Kendell for many years to come. I express my condolences to his family at this sad time.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [11.00 a.m.]: I thank the honourable member for Wagga Wagga for his fitting tribute to the late Don Kendell. I met Don Kendell several times over a period of many years. On the first occasion, when I met Don at the Albury races, he was still acting in an advisory capacity after Kendell Airlines had passed from his ownership. Don Kendell was a pioneer aviator, not so much in pioneering aviation but in pioneering routes in country New South Wales. When the big airlines such as Ansett and Trans Australia Airlines ceased operating in country New South Wales that area would have been without any air services if it had not been for people like Don Kendell.

Don Kendell made a significant contribution in country New South Wales. Don, a caring man, was always concerned about Kendell Airlines. As I said earlier, I met Don on a few occasions, but I did not know him very well. When I first started visiting the Coma area many years ago Kendell Airlines was flying from the southern part of the State and from Victoria—routes along which no-one else wanted to operate. As the honourable member for Wagga Wagga said, Don Kendell will be missed. He made a significant contribution to this State. On behalf of the Government I extend condolences to his wife and his family.

KAIYU CLUBHOUSE CLOSURE

Mr HUNTER (Lake Macquarie) [11.02 a.m.]: Kaiyu Clubhouse is one of the programs run by Lake Macquarie Clubhouse Inc. Kaiyu Clubhouse, a mental health support and rehabilitation service, was forced to close in April this year due to a lack of funds. Today I am pleased to inform honourable members that the Minister for Health recently allocated $67,000 to enable Kaiyu Clubhouse to reopen. The Argenton-based service—located in the Lake Macquarie electorate—has just selected staff and will resume operations on Monday 29 October. As I said earlier, an amount of $67,000 has been allocated by the Minister for Health and New South Wales Health, in addition to the mental health funds provided to the Hunter area in the last State budget.

Over the past three years Kaiyu Clubhouse has assisted more than 250 people with a serious and persistent mental illness by providing meaningful activities and a safe place for them. Some 70 people were supported in accessing community recreation and social activities, 21 people were supported in accessing TAFE and further education, and 15 people were supported in accessing employment services. Many of those people would have led lonely and isolated lives if it were not for Kaiyu Clubhouse. The stimulation and peer support at Kaiyu have helped many people develop a more positive view of themselves and their future. The clubhouse, which will reopen on Monday 29 October, will be operating on Monday, Tuesday, Thursday and Friday each week from 10.00 a.m. until 3.00 p.m. at the Argenton Community Hall at the corner of Elizabeth and Montgomery streets, Argenton. I thank the Minister for Health for that funding allocation. Honourable members might be interested to learn that the name "Kaiyu" was chosen because it is a word from the local Awabakal Aboriginal language, meaning "to have power and ability".

As a member of the management committee of Kaiyu Clubhouse I know that other members agree with me that that word embodies the position of members in the clubhouse as well as reflecting our philosophy and focusing on the abilities of people with mental illness. Last week was Mental Health Week and I had the pleasure of attending a number of events during the week. A service was held on Sunday 7 October at 6.00 p.m. at Christchurch Cathedral to celebrate the opening of Mental Health Week. The theme of this year's Mental Health Week was "Let's Work On It." I thank the Dean of Christchurch Cathedral, Reverend Graeme Lawrence, for inviting me to that service. It was a pleasure to attend the service with representatives from a number of other organisations. A collection was taken up for the Association of Relatives and Friends of the Mentally Ill. Members of that association participated in the service. Kaiyu Clubhouse, which was well represented, also participated in the service.

On the Tuesday of that week I was pleased to attend the Morisset Hospital Mental Health Fun Day which was held at Morisset Hospital oval. I congratulate Shannon Gooley, an occupational therapist, who was the co-ordinator and organiser for the day. I congratulate the staff of Morisset Hospital and people at Hunter Mental Health for putting on a fantastic day for the clients of Morisset Hospital. Members of Kaiyu Clubhouse also attended on that day. It certainly was a fun day. I was pleased to officially open that fun day and to participate in an event. I was asked to judge the national anthem singing contest. To show that I was not biased I judged Kaiyu Clubhouse third. I was then asked to roll up my sleeves and participate in a tug of war. I assisted Kaiyu Clubhouse and we won that event. It was a good day and I congratulate everyone involved.

The annual general meeting of Kaiyu Clubhouse was held on that Tuesday night. In the president's report Bernard Griffin stated that the club had been struggling, that it had closed, but that a funding allocation of $67,000 had been made. He thanked local members of Parliament in the Lake Macquarie area for their persistent lobbying of the Minister and Hunter Health. He also thanked members of Parliament for facilitating the funding allocation. I raised this issue today because we must not allow this centre to close next year. We must ensure ongoing funding for Kaiyu Clubhouse because of the valuable service it provides not only for the Lake Macquarie area but also for the Hunter region. [*Time expired*.]

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development [11.07 a.m.]: I thank the member for Lake Macquarie for his contribution. Although Kaiyu Clubhouse is located in the honourable member's electorate at Argenton it affects many people in my constituency and in the constituencies of the honourable member for Wallsend and other honourable members in the Lake Macquarie and Newcastle local government areas. Kaiyu Clubhouse, which has done some tremendous work, has not always enjoyed the support of the Hunter Area Health Service. I am not sure of the reason for that. However, local members have been supportive of the clubhouse because of the work that it does to assist people in that area who are depressed and lonely. I am glad that Kaiyu Clubhouse, a tremendous support group, will again be able to offer services to the mentally ill from 29 October.

The service operates as a club, and that is where Hunter Health went off the beam. It is not a clinical service. It gives people purpose for their day and, quite frankly, in many cases it gives them a reason to get out of bed and out of the house. The club meets members' needs for a healthy lifestyle. Kaiyu Clubhouse has given people confidence they would not have if the service did not exist. Social interaction is important. Kaiyu assists people to access community facilities and services that many do not know are available. That is where I think Hunter Health took a narrow view. It is great that Kaiyu will be back on board on 29 October.

PROGRAM FOR ADOLESCENT LIFE MANAGEMENT

Mr McGRANE (Dubbo) [11.09 a.m.]: I refer to an important drug intervention program planned for Dubbo. This program, jointly run by the Ted Noffs Foundation and the Department of Juvenile Justice, is called the PALM program—the program for adolescent life management. This program will attempt to intervene in potentially self-destructive lifestyles before adolescents become locked into criminality and the hopeless treadmill of reoffending. Acknowledgment must be given to the heightened understanding and the leadership generated by the 1999 Drug Summit. The summit allowed for the public expression and debate of the complex mixture of strong emotions and distressing facts. The previous lack of such a forum has meant that the war on drugs has been fought often by concerned individuals isolated from the resources and the support that should be offered to those who take on this task.

One of the unexpected benefits of the summit has been the acceptance by the wider community of the need to resource and support a range of initiatives aimed at avoidance and intervention. Unfortunately, in the past there has been a readiness to condemn drug users and to suspect and question resourcing aimed at intervention as pandering to weakness. I am pleased to say that a new understanding seems to have been engendered in the wider community. I witnessed this first hand recently at a meeting between the Ted Noffs Foundation, the Department of Juvenile Justice and residents who will be neighbours of the new Dubbo facility. Many reasonable and valid questions were asked and many concerns were raised. However, there was an openly stated view by the neighbours that this facility was essential. As stated by the Premier last Thursday, Wes Noffs, who attended that meeting at Dubbo, noted that the support of the neighbours could not have been expected several years ago.

The Drug Summit stated a goal of building partnerships between communities and government. Surely this project shows the fruition of that goal. This project sees a State agency in partnership with the Ted Noffs Foundation, local government and the community. This project has the support and ownership of the neighbours through a working committee. This committee, comprising management and neighbours, will deal with any issues as they arise and, equally importantly, will allow the neighbours to be aware of the positive outcomes as residents complete the program. The Drug Summit showed that the battle with drugs was disorganised, and resources often could not reach the greatest need. I offer this project as proof that these problems, having been identified, are now being overcome.

The PALM program is for adolescents aged 14 to 18 years at the time of referral. It is a three-month residential program that promotes respect for self, respect for others and responsibility for the individual's actions. Referrals are screened for suitability and then interviews are carried out with a view to allowing the

young persons to understand whether they can commit to the program. Families and those significant in their lives are involved in the program. The program aims to rebuild relationships with adolescents and the normal family and friend support mechanisms. Each young person has an individual program tailored to his or her needs. The focus, as well as being on eliminating drug use, is on issues such as employment, training, anger management and personal growth and develop. The program offers parent support and parent skills training.

It has to be stated that this program in isolation will not win the battle against drugs. We have to continue to support and resource the work of all involved in the directives developed at the Drug Summit. We must continue to engage the community in these programs or risk failing due to a return to contention followed by resources not reaching the coalface. Many times in this House we have heard accounts of families struggling with addicted children, and often losing that struggle, with loved ones entering destructive and demeaning lifestyles and seemingly powerless to change. The prevention, remediation and, ultimately, the end to this must remain the focus of the partnership between community and government.

Private members' statements noted.

CONVEYANCING AMENDMENT (RULE IN PIGOT'S CASE) BILL

Second Reading

Debate resumed from 19 September.

Mr HARTCHER (Gosford) [11.15 a.m.]: It is always sad when one sees the great rules of the common law replaced by the trends of modern commercial practice. The Coalition does not oppose this legislation, which comes about as a result of a recommendation by the New South Wales Law Reform Commission to reform the law of contractual fraud in the State. Many students of law—the honourable member for Hawkesbury being one of them—will remember the rule in Pigot's case. However, as it was formulated in 1614, the honourable member assures me he was not there for the court's delivery.

Mr R. H. L. Smith: Probably not far away!

Mr HARTCHER: As the honourable member for Bega says, he was probably not far away. The rule in Pigot's case related to a contract to pay a debt that was written in Latin in 1614. It relates to a rule that if the contract is altered by the promisor or by a stranger in a material way the contract is rendered void. In this case the words "Sheriff of the county" had been written in Latin next to the name of the promisee. There was no material alteration. Nonetheless, in the days prior to literacy and prior to adequate records being kept, it was a matter of concern that the original document had been altered. Modern commercial practice and changes to the law, particularly to the law of contract and contractual fraud, have rendered it necessary to have a wide range of options when dealing with legal matters, be they matters that come under the jurisdiction of Parliament through the Contracts Review Act or be they matters of a more commercial nature through decisions of the courts here, in the United Kingdom and in the United States of America.

The rule in Pigot's case is no longer of particular relevance. I note that the recommendation of the New Zealand Law Reform Commission, which also looked at the rule, is that it should be scrapped in New Zealand as well. Accordingly, it is appropriate that the rule, having served its purpose and having caused hours of pain to many students as they studied for their examinations, now passes into legal history rather than into the modern law of contract. The Coalition has no problem with the bill. The honourable member for Miranda is about to enlighten us with his views on the rule in Pigot's case. We look forward to hearing them. We will not be opposing the legislation.

Mr COLLIER (Miranda) [11.19 a.m.]: Statutes often modify existing common law. Statutes make new laws and they amend the common law. In some cases statutes made by Parliament abolish elements of the common law. The rule in Pigot's case, which dates from 1614, falls into that category. The reference to the rule is 77 English Reports at 1177. The rule was stated by the New South Wales Court of Appeal in *Farrar v Mortgage Services Pty Limited and Slade* in 1996 38 New South Wales Law Reports at 636. At pages 639-640 the rule in Pigot's case is stated in the following terms:

> Where a deed or other written contract is, after execution, materially altered without the consent of the obligor, by the obligee, or by someone else without the consent of the obligee, or by a stranger whilst it is in the obligee's custody, the deed becomes void (or, according to some, voidable at the election of the obligor).

The rule, which effectively means that any material alteration to a document after execution will make it void or voidable, was laid down originally to prevent the physical alteration of deeds and to counter fraud. The rule in Pigot's case was established some 387 years ago to counter fraudulent alterations in deeds and contracts. Basically, it provides that a contract or a deed will be void or voidable if the document is materially altered by the promisee or by a stranger without the promisor's consent. The rule originally applied to deeds or formal contracts under seal, and was later extended to other contractual documents. Whether or not the rule applies to a particular type of contract can be a problematic issue for the courts today. Indeed, it is worth noting that over the years the courts have attempted to modify the operation of the rule so as to avoid some of its more unjust operations.

The rule as I have read it is not clearly defined. Often it is difficult for parties to a contract or a deed to assess with certainty whether a material alteration has been made to a contract or other instrument and, accordingly, whether that contract or instrument is enforceable. There is also uncertainty as to whether the rule in Pigot's case applies to all contracts. As a consequence there are inconsistencies in the way the alteration of different contracts are treated by the courts. Abolishing the rule will remove these inconsistencies. As I said, the rule was established 387 years ago, at a time when it was crucial, for the interpretation of obligations arising from contracts and deeds, that the evidential value of a document remained in tact and when there was little legal regulation or punishment for fraudulent activities.

Contract law has developed and come a long way since 1614. When I was a student at law studying in the early 1970s the concept of promissory estoppel in contract law was muted. Indeed, I muted that point before Sir Laurence Street, who later became the Chief Justice of the Supreme Court of New South Wales. Today that concept is well established in contract law. Contract law has changed quickly, and it has certainly changed a lot since 1614. Today it is usual to execute multiple copies of a contract, and the courts are open to accepting copies of documents in evidence. In fact, the Evidence Act 1995 amended and codified the law of evidence, which also applies to contracts.

The law now protects parties to a transaction from fraud in a number of ways, most of which are compensatory in nature, rather than punitive. The abolition of the rule will not affect any other remedy for fraud when a party suffers harm due to fraud. In America the rule has been limited to cases involving fraud but not abolished. This has led to uncertainty across America as the courts must determine whether there has been a material alteration or whether there has been fraud. Abolishing the rule will be to the benefit of modern contract law, ensuring that it is more certain, more consistent and more attuned to the needs of contemporary society. Effectively, abolishing the rule in Pigot's case means that a material alteration to a deed does not by itself invalidate the deed or render it voidable, or otherwise affect any other obligation under the deed or contract. Those are evidentiary matters for the courts.

Three hundred and eighty-seven years is a long time for any law to stand. The common law must keep pace with the times; it must evolve through the doctrine of precedent but it must keep pace with changes in modern technology and modern practice, and changes in the law of contract. As a lawyer I find some satisfaction and am privileged to be in the New South Wales Parliament abolishing a rule of common law which has stood for 387 years and which has outlived its usefulness. Abolition of the rule in Pigot's case will improve the operation of the courts and the operation of contract law within New South Wales. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL

Second Reading

Debate resumed from 19 September.

Mr HUMPHERSON (Davidson) [11.26 a.m.]: I lead for the Opposition on the Crimes (Administration of Sentences) Amendment Bill. The Opposition does not oppose this bill; it believes that a number of its components have substantial advantages and deserve support. Primarily, the changes of most significance are those that will enable the Parole Board and the Serious Offenders Review Council to use audio and audiovisual link-ups with offenders who are in correctional centres, rather than have them appear before the

board or the council in person. That particular change has substantial advantages. It will ensure that the amount of travel is reduced and that fewer resources are directed at escorting prisoners around the State to appear before the council or the board.

The changes will reduce the risk of escape or other incidents while offenders are being transported to and from the board or the council. The Opposition supports that in principle. However, the Opposition draws the Minister's attention to one aspect of the bill. There are arguments both for and against serious offenders not appearing in person before the full Serious Offenders Review Council at any stage. There is some merit to the argument that victims or the relatives of victims should have the right, if they so wish, to have an offender appear before the council prior to his final release. Some victims or relatives of victims may feel that it is inappropriate for offenders to appear before the council solely via an audiovisual link-up, and that it may assist an offender to put a more compelling case in some circumstances.

The Coalition is strongly attracted to the idea that victims and their families should have the right, if they feel so inclined, to have an offender appear in person at some stage prior to release. It may well be that in some cases some offenders are more compelling in person whereas other offenders may be more compelling when viewed through the audiovisual link-up. However, at least in the case of offenders who have committed serious crimes of violence victims and their families should be given the discretion to ensure that they have more input. The Coalition is in the process of drafting an amendment along the lines I have foreshadowed and would be pleased to be given the opportunity to seek the Government's agreement to that amendment.

The bill also provides that the governor of a correctional centre must refer alleged major breaches that have occurred in that correctional centre to a visiting justice or a magistrate. Effectively, those provisions to some extent remove the discretion of a governor of a correctional centre. Some people may argue that governors ought to retain that discretion because they are responsible for managing and operating correctional centres. However, the benefit of the provision will be that, on balance, there will be greater consistency if the governors of correctional centres do not have a discretion in relation to major offences and if all such offences are referred to a visiting justice. Section 252A, which is sensible and logical, enables a correctional officer to provide assistance to a police officer or an officer of the Department of Juvenile Justice to restrain someone in custody.

Other provisions of the bill clarify the regulations pertaining to the admission into evidence of certificates in proceedings against inmates in relation to alcohol and illicit drug charges. The Coalition has no concerns about those provisions. Other provisions of the bill close loopholes. Section 115 of the Crimes (Administration of Sentences) Act will be amended to ensure that when a court sets a date for hearing of an application for revocation of a community service order after the order has expired, the court must proceed to hear the application. Some courts have held that such an application cannot be heard, a position that is completely at odds with notions of justice and community expectation. The new provision closes that loophole. The Coalition believes that object of the bill is appropriate.

Section 173 will enable the Parole Board, when it revokes an offender's periodic detention order, home detention order or community service order and issues a warrant for the offender's apprehension, to delay giving notice of revocation to the offender until the warrant has been executed. That is another sensible proposal and the Coalition has no objection to it. All in all, the Opposition has no primary objections to the bill. However, we believe that in certain circumstances serious consideration should be given to providing victims and their families with the option of ensuring that at least at some stage prior to the release of offenders who have appeared before the Serious Offenders Review Council, those offenders appear before them in person. With that reservation, I reiterate that the Opposition will not oppose the bill.

Mr WATKINS (Ryde—Minister for Fair Trading, Minister for Corrective Services, and Minister for Sport and Recreation) [11.34 a.m.], in reply: I thank the honourable member for Davidson for his contribution to the debate. I note that the Government will be asked to consider an amendment. That will be done as soon as I see the amendment and have had an opportunity to determine whether it is practical. That amendment will be debated at a later time during the Committee stage, if that becomes necessary. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

CO-OPERATIVES LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 19 September.

Mr FRASER (Coffs Harbour) [11.35 a.m.]: Although I do not lead for the Opposition in this debate, I note that the object of the bill is to amend the Co-operatives Act so as to repeal a provision which has allowed anti-competitive conduct by co-operatives, to provide that a member under the age of 18 years is not entitled to the vote attached to membership of a co-operative, and to enact core consistent provisions to give effect to a national scheme for the regulation of co-operatives with respect to, inter alia, the procedure for the approval of disclosure statements, the provision of information to members, the setting of member subscriptions, and the repayment of money paid up on share capital and amounts due in respect of cancelled membership. The bill is not of great moment in the overall administration of the State. It is tidying-up legislation and will be welcomed by co-operatives across the board.

As the Minister is aware, the North Coast has a well-known and longstanding co-operative associated with the banana industry. The Banana Growers Federation Co-operative Ltd is constituted by a co-operative of members who are involved in the industry. Over the years the co-operative has acted to ensure that the best possible price has been obtained for local banana growers. The co-operative is based in Murwillumbah in the Tweed area and is very active in Coffs Harbour. The majority of growers are members of that co-operative. This legislation is being enacted in their interests as well as in the interests of other co-operatives on the North Coast.

As time passed co-operatives became less attractive to certain industry groups. However, I believe that growers, especially those involved in the fruit and vegetable industry, are looking toward co-operatives to ensure that their produce is marketed properly, that the best possible price is obtained at the farm gate and that, as a result of value adding, the growers' return is higher. With that in mind, it is my view that it is important for legislation affecting co-operatives to reflect the intention of growers to ensure that they are placed in a position in which they receive optimal returns so that they can develop the industry they are involved in and its worth by value adding throughout regional and rural New South Wales. I commend the Minister for bringing forward this legislation which I know will be well received by co-operatives in my electorate. I commend the bill.

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [11.38 a.m.]: As indicated by the honourable member for Coffs Harbour, the Opposition will support the bill. A more definitive response to the bill will be given in another place by the shadow Minister for Fair Trading. It must be said that co-operatives have a long and proud history. When the Coalition was in government that fact was certainly highlighted by Gerry Peacocke, a former Coalition Minister whose portfolio included responsibility for co-operatives. Gerry was passionate about co-operatives and used them to bring prosperity to country areas. The Yeoval Hospital comes to mind as an example, and there are many other examples of Gerry's use of co-operatives to enhance country districts.

It seems that the Government does not place great emphasis on the co-operative movement, and that is a matter of concern. As the honourable member for Coffs Harbour said, co-operatives are important marketing and economic tools, particularly for local produce. For example, the Wallis Lake fishermen's co-operative in my electorate is a prosperous co-operative. It looks after the fishermen well. It provides all manner of services to them from servicing their boats through the ships' chandlers, to providing fuel, slipping the boats, and providing a resource for selling the fish. However, I regret to say that because the Government, through Minister Obeid, has unilaterally closed down many fishing areas, that important co-operative, which is presently turning over about $5 million a year and employing a number of people, may well be doomed. Unfortunately, that would have a severe impact on both the fishing industry and co-operative movements in my electorate.

Although the Opposition will support this legislation, I would like the Government to give more encouragement to co-operatives so that they are able to continue their activities in the manner in which they have undertaken them historically. Perhaps more importantly, I would like the Government to embark upon positive and proactive initiatives to try to get the co-operative movement going in rural and regional New South Wales, and to assist towns that might not be able to support, for example, a one-off direct marketing organisation. However, it may be viable for them to conduct their activities under a co-operative.

The Opposition is also concerned that this legislation may be another deregulation measure. I hope the legislation has been considered carefully in relation to the possible effect of deregulation or anti-competitive

conduct, as referred to in the overview of the bill. I recall that the Carr Government introduced a bill containing all manner of changes to a plethora of industries in a headlong rush to comply with deregulation principles. That bill was found to be defective. One matter I was involved with related to the deregulation of refrigeration mechanics' licences. When it was pointed out to the Government that refrigeration mechanics deal with poisonous and dangerous gases, the Government was forced to back off.

I hope the deregulation principles have been looked at as they affect this legislation and that the bill is not simply another tick on a sheet to ensure that the Government gets its cheque at the end of the year for complying with the National Competition Policy. If the Government gets the cheque at the end of the year, perhaps it should give some of it back to some of the industries that have been affected by deregulation, particularly the dairy industry. Another matter that is of some concern to me is the removal of the right of members under 18 years of age to vote. I assume the Minister will address the matter in reply. Whilst I can understand the principle behind that, I hope there is adequate provision for the protection of the shareholding status within co-operatives of those under 18. With those reservations, the Opposition supports the bill.

Mr GEORGE (Lismore) [11.44 a.m.]: As a past director of the Northern Co-operative Meat Company, a successful co-operative in the Northern Rivers district of New South Wales, I have much pleasure in supporting the Co-operatives Legislation Amendment Bill. I am sure I speak on behalf of the other co-operatives in the region, namely the Norco Co-operative at Lismore, the Broadwater Sugar Milling Co-operative, the Fishing Co-operatives at Evans Head and Ballina, which are not in my electorate but on the Northern Rivers, and the Banana Growers Federation Co-operative Ltd of the Tweed. There is no doubt that the changes that will be brought about by the bill bring New South Wales co-operatives into line with co-operatives throughout Australia. That is a positive step.

I compliment the Minister on that achievement because it has been long overdue. I want to place on record the appreciation of the co-operatives in my area for the amendments proposed in the bill. The honourable member for Myall Lakes expressed concern about the provision relating to members under 18 years of age having the right to vote. From my experience with the Northern Co-operative Meat Company I am aware that some members of the co-operative are under 18 years of age. I appreciate the argument that problems may arise if they are given the opportunity to vote. However, I fully support the changes proposed in the bill, and I compliment the Minister for taking the initiative to bring New South Wales co-operatives into line with national co-operatives.

Mr WATKINS (Ryde—Minister for Fair Trading, Minister for Corrective Services, and Minister for Sport and Recreation) [11.46 a.m.] in reply: I thank the Opposition for its support for the bill, particularly the honourable member for Lismore. My first introduction to co-operatives in New South Wales was a visit to Norco.

Mr George: You had an ice cream.

Mr WATKINS: I had just one iceblock actually, which was a bit disappointing. I recall we wore funny hats. I assure the Opposition of the Government's support for the co-operative movement throughout New South Wales. The movement is a critical part of our economy. With the movement of the co-operatives registry to Bathurst and the establishment of the special relationship on co-operative research with Charles Sturt University and the Australian Centre for Co-operative Research and Development the developments in Bathurst over recent years are an example of the Government's support for the New South Wales co-operative movement. The bill is tidying-up legislation designed to make it easier for co-operatives to work in this State. In conclusion, I acknowledge the work of my personal staff, particularly Emma Murphy, for their assistance in getting this bill through the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CONSUMER, TRADER AND TENANCY TRIBUNAL BILL

Second Reading

Debate resumed from 19 September.

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [11.49 a.m.]: The Opposition does not oppose the Consumer, Trader and Tenancy Tribunal Bill but has concerns about various aspects of it.

Again, a more detailed speech will be delivered by the shadow Minister in the Legislative Council when the bill is debated in that House. The bill appears to be follow-on legislation from the Fair Trading Tribunal Bill, which came before this House in 1998. At that time I led for the Opposition in debate on that bill and raised a number of concerns, which now seem to have been totally justified. The Opposition has grave concerns about further amalgamations. One of our principal concerns relates to the fact that the expertise of certain tribunals is being lost. For example, in 1998 in relation to the Fair Trading Tribunal Bill and the Consumer Claims Bill I raised the possibility that the bringing together at that stage of all those tribunals with the tribunal that is now about to be abolished would be one-in, all-in and that people with expertise in certain areas would be ignored, supposedly for the sake of administrative benefit.

I do not believe that has occurred. There has been a number of complaints about the manner in which the tribunal has conducted itself. I have received many complaints in my office in relation to perceived fairness and equity and the manner in which matters are finally reported on. I do not believe that the 1998 Act has streamlined or enhanced the tribunal system. There are something like 62,000 cases before the tribunal and there have been many complaints. I understand some of my colleagues will refer to some of them in this debate.

As I understand it, the so-called lemon laws—that is, disputes involving new cars—will no longer be subject to the $25,000 limit on claims before the Fair Trading Tribunal. The tribunal will have two deputy-chairs, one for the adjudicative functions and the other for financial, administrative and registry functions. The chair will issue procedural directions that will be published. Tribunal members must comply with those directions or face disciplinary action, which is probably another move to elevate members to judicial status. I hark back to some matters I raised in 1998 in relation to the earlier bill, which this bill seems to follow. I said:

> In the second reading speech the Minister said that the considerable changes would create an operation that would be fair and efficient. That could only occur with a change of philosophy and perception in the tribunals. This bill seems to be predicated largely on changes to and streamlining of the administration, which can only occur with the goodwill of those involved.

I continued:

> … in my capacity as shadow minister and a local member, over a long period of time I have received a steady stream of complaints from people who have had problems with the tribunal system.

Since 1998 those complaints have not fallen away. I presume the same principle and framework is being followed in the present rearrangement as the legislation is similar, and I cannot understand why there would be any great improvement in the proposed Consumer, Trader and Tenancy Tribunal. In relation to rehearing, the practical aspects that I am aware of have created problems. One has to be quick off the mark to get a rehearing. Often people who attend tribunals are not aware of, and sometimes it is not brought to their attention, what they have to go through to secure a rehearing and the speed with which they have to seek it. At the present time I have a matter before the Minister relating to redress for a man who believes he has a grievance. Because he did not understand the rehearing principles he has lost the right to have the matter reheard. I will not go into that matter any further as it is before the Minister.

The Opposition believes that the Minister should give consideration to possible changes to this legislation. How will the day-to-day operations of the tribunal be affected if the changes are not taken on board? Decisions should be subject to appeal to the Administrative Decisions Tribunal as well as the Supreme Court. I am not sure if that can be done at this time. If members can be removed before their terms have expired, they should be subject to part 8 of the Public Sector Management Act 1988, which limits compensation to full-time members and provides for an independent assessment of any compensation payable. The bill provides that such members are not entitled to compensation. However, the Opposition wants to have that clearly defined.

A significant matter of concern to the Opposition is that tribunal members will not be required to have expertise in particular areas. We believe it is desirable in a hearing in the home building division that members should have knowledge of and experience in building. If members do not understand building techniques and procedures that can lead to judicial imbalance in any decision that is made. Where a matter cannot be resolved by the peer review panel, the Minister should make a final decision. I might add that the last two matters I have raised arose out of discussions between the Opposition and the Housing Industry Association.

The Housing Industry Association suggests that procedural directions should be issued promptly and regularly reviewed. There is concern in the housing industry that certain provisions may constitute a denial of natural justice. The Opposition suggests also that there must be an objective definition of "wilful contravention." Any agreement reached in a mediation or neutral evaluation session should be given effect to by the tribunal as a consent order. That would have the effect of binding the parties to the agreement reached and reduce the risk of matters continually being pursued.

Alternative dispute resolution [ADR] provisions could be further strengthened by the insertion of provisions requiring that parties who wish to cancel contracts go through ADR prior to the cancellation of the contract. That would relieve the tribunal of a considerable amount of work. I have always supported the ADR process. Those constructive suggestions in relation to possible inclusions in the bill have been made by the Housing Industry Association. As I said, the shadow Minister will make more definitive and pertinent comments when the bill is dealt with in the other place. The Opposition does not oppose the bill but is concerned that the changes effected in 1998 do not seem to have worked. The Opposition believes that unless this bill strengthens and tightens those changes, the defects evident in the 1998 Act will be carried forward in this legislation.

Mr BROGDEN (Pittwater) [11.57 a.m.]: I join the Deputy Leader of the National Party in expressing the Coalition's views on and concerns about the Consumer, Trader and Tenancy Tribunal Bill. As the Deputy Leader of the National Party said, the Opposition will not oppose this bill although we have some concerns about it. The object of the bill is to establish a Consumer, Trader and Tenancy Tribunal, which will replace the Fair Trading Tribunal and the Residential Tribunal. The new tribunal will be a quasi-judicial body, as are many of the other tribunals for which the Minister is responsible. In dealing with one of the other quasi-judicial bodies for which the Minister is responsible I have become aware of concerns of some tribunal members about their coverage with respect to defamation and about general judicial officers' protection. As the tribunal of which they are members is a quasi-judicial body, they are not afforded the same protection as the Judicial Commission provides members of the judiciary. That raises concerns about the ongoing capacity of many of these members to continue to serve on the body.

I express concern about the level of remuneration and the status afforded to members of those tribunals, which could result in tribunal members serving a part term rather than a full term and could result in members looking for other careers. It is the view of many members of the judiciary that serving on such a tribunal would probably be their last form of employment. Because of the status afforded to members of this body, members of the judiciary might serve for only 10 or 15 years and then move on to another career. This is not a partisan attack on the Minister; it is just a general concern that I have. If members of such a tribunal were to move on, potential issues of conflict could arise relating to judgments and decisions that were made in the latter stages of their membership.

In general, the role of a body such as this will never be easy. It will have to deal with an enormous range of concerns from a large number of people in a difficult time in their lives. Tribunal members will be required to have a great deal of experience and patience. I often meet people who are dissatisfied with tribunal outcomes. I am certain that every other honourable member would agree with that statement. This legislation seeks to streamline and amalgamate two separate bodies, cut costs and improve efficiencies. However, there is an ongoing concern by members of the community about the lack of justice they are receiving through this process. That is disheartening to me, as a member of Parliament.

We seek to provide the community with an independent body that will ensure that justice is done and that outcomes are achieved. Many members of the community simply do not believe that that is the case. There are always concerns about whether people are skilled enough and adequately briefed to represent themselves. Sometimes people experience difficulties because they do not know how this process works. Let us face it, many people will not go before a court in their lifetime. When people go before a tribunal such as this, despite the best efforts of the tribunal, it can be an intimidatory and confrontational process. The Coalition hopes that these reforms will address those issues.

Most people want to stay out of court and away from these tribunals. In my view, people do not go to these tribunals willingly. As with any other process in the public domain, there are some vexatious complainants, but the majority of people who go to the tribunal do so, in great faith, over a matter that might seem somewhat minor in the general scheme of things but which is important to them. The other concern expressed by the Coalition is who is likely to be appointed to this new body. Is this an attempt by the Government to clean out some existing tribunal members in favour of new appointments? Who will those appointments be? We wait with anticipation to see who will be appointed to this body.

The Coalition is willing to support the Government in any way to streamline this process and to make it more representative, effective and economical. I hope that, in every sense, it continues to be a fair process and that the community is fully represented and obtains justice. Many people are alienated by this process because they never go to courts or to this sort of tribunal. Often they come out of this process upset and worse for wear. They certainly come out of it believing they have not received justice. I hope this tribunal will educate people so they know what they can expect. I, and I am sure all other honourable members, want to be able to recommend the tribunal and support its judgments.

Mr FRASER (Coffs Harbour) [12.05 p.m.]: I support this legislation but I wish to draw to the attention of the Minister, as I have done in writing, a number of matters relating to the Residential Tribunal that concern me as a representative of regional New South Wales. I do not believe that my concerns have been addressed by this legislation, but they should be taken into account. Because of the tyranny of distance it is extremely difficult for many members of the public to appear before such a tribunal. Those who attend tribunal hearings are often ill prepared and are not allowed legal advice—or at least that was the case in the past—or only have available de facto legal advice. The result can be what could be termed a kangaroo court. Both parties often leave these tribunals aggrieved.

Many problems have been experienced in my electorate over the years. I know of two people who have had to sell a property that they had intended would provide their retirement income, because of their inability to remove their tenants from their property—tenants who had been served, and who were familiar with, due process. Those tenants were eventually removed but my constituents had to go through an appeal process. Mediation did not work. When my constituents regained control of their property they discovered that it had been trashed and that the tenants—who, as is generally the case in these matters, were people of straw—had disappeared. My constituents lost their rental income because these tribunals are not effective. Some people receive orders and some do not. Often there are disputes and many other problems. Somewhere along the line we might be able to establish local tribunals chaired by someone from the local law society that can address disputes earlier than the existing tribunals can.

As I said earlier, people on both sides of the fence often leave these tribunals aggrieved. The Government should ask the Law Society to conduct dispute hearings rather than send someone from Sydney or Tamworth to do it. We might be able to expedite this process. The Department of Fair Trading recently advised one of my constituents to appeal against a tribunal decision. My constituent appealed but the appeal was rejected even though that advice was given after the allowable time and the tribunal's decision was made after the allotted time. My constituent, who was forced to go through a costly appeals process and had the appeal rejected, was given poor advice by people in the department.

There is a lack of flexibility in this appeals process. I am totally supportive of the claims that have been made by some of my constituents. In one case certain evidence was not presented. They were not aware it could be presented and they were told by the tribunal it could not be presented. As a result, they were unfairly dealt with, yet there are no avenues of appeal. People have nowhere else to go once a decision has been made and the time for appeal expires. That is creating many problems. There would be less tension and dispute if there were a local tribunal from which legal advice could be obtained to assist both tenants and landlords in the presentation of their claims. Although I have not been through the bill chapter and verse, on face value I agree with many of its provisions.

Nevertheless, I wonder whether it goes far enough and will resolve many of the issues, especially as residential tenancies have pushed many people out of the market. On the North Coast people buy rental properties as a hedge against inflation and as a retirement option. Many landlords have decided to no longer do this because they do not have faith in the current processes. I sincerely hope this bill goes some way towards addressing those problems and I ask the Minister to take on board the suggestions I have made.

Mr GEORGE (Lismore) [12.11 p.m.]: The Minister is aware of my view that tenancy arrangements in country and regional areas need to be addressed. Housing in country areas depends largely on investors and if they do not receive a proper return on their investment they will no longer invest in housing, which will create further problems for the government of the day in providing housing for the rental market. I know that the Minister is sympathetic to the fact that landlords are needed in country areas. Like the previous speaker I have not been through the bill word for word, although I have some concerns that I ask the Minister to address in his reply.

It is a fact that a minority of tenants create problems for good tenants. Unfortunately, it takes between 50 days and 70 days to have a case heard by the tribunal. That is unacceptable and I have had many discussions with the Minister and his advisers about that problem. One way to reduce the delay would be to have members of the tribunal in country areas, perhaps in Lismore. Also, even though tenants may have a prior history of being in arrears, they must be 15 days in arrears before a termination notice can be served. It would be better if that period could be shortened from 15 days to seven or eight days.

Another concern is that privacy laws preclude the disclosure of the previous history of landlords or tenants, and that matter should be examined. There is also the question of who should represent landlords or

tenants when they appear before the tribunal. I have often been told that landlords are asked to publicly disclose their financial affairs when they seek an order and I do not understand the relevance of that. Clause 38 deals with oral evidence by telephone of landlords and tenants. However, I ask the Minister to inform me in his reply how that can be policed. Clause 49 deals with notice of decisions and reasons, but I am concerned that it does not cover any mistakes made by members of the tribunal.

Unfortunately, in country areas hearings are not recorded. Although I have not verified this, people have told me that they have asked for transcripts of their hearings but they have not been available. Something should be done to rectify that problem. Another matter of concern is that there is a huge step between having a matter heard in the tribunal and having an appeal heard in the Supreme Court, especially for someone trying to recover only $1,000. I understand that a tribunal member's performance agreement and code of conduct will soon be produced. I ask the Minister how those documents will be compiled and, also, what will be the make-up of the peer panel review board. Finally, I ask that tribunal members who attend country areas be consistent in their rulings.

Mr MERTON (Baulkham Hills) [12.17 p.m.]: The Coalition does not oppose the bill, which the Minister has introduced in an attempt to try to rationalise problems of concern to many members of the community involved in fair trading or residential tenancy disputes. The residential tenancy legislation, which as I recall was introduced and passed by the Greiner Government back in the late 1980s, made substantial changes to what was previously referred to as the landlord and tenant legislation, which had a history going back to 1899. Prior to the original tenancy legislation being passed and the tribunal being established, most landlord and tenancy matters were dealt with by a magistrate in what was then the Court of Petty Sessions.

I do not propose to canvass the bill in detail, because the Opposition does not oppose it, but I believe there is a substantial degree of difference between the types of issues normally dealt with by Department of Fair Trading tribunals or the Consumer Tribunal, originally referred to as the Consumer Affairs Tribunal, and residential tenancy matters. Residential tenancy matters are by nature very specialised. It is fair to say that during their time in office both governments, the tribunal and the administration have built up quite a degree of expertise in these matters. I would be very concerned if some of that expertise were to be lost, because these are specialist matters that deal with basic issues like accommodation. It is also true to say that there are bad landlords and bad tenants.

Mr Glachan: And good landlords and good tenants.

Mr MERTON: As the honourable member for Albury kindly reminds me, there are good tenants and good landlords, and they are in the majority. However, the bad landlords and bad tenants seem to end up in the tribunal. I am concerned that we do not lose the collective expertise that has been built up over many years in the process of trying to amalgamate this tribunal with others relating to fair trading, which is very diversified.

Those matters include the guy who puts dud cladding on a house, the guy who sells crook products, and any other sort of scam. There must be a distinct emphasis on maintaining expertise in the Residential Tribunal. The honourable member for Lismore raised some excellent points, as he normally does. However, I think some of them relate to the residential tenancy legislation as opposed to this bill, which sets up a tribunal to hear matters arising from the legislation. Nevertheless, the points he raised were very good.

What causes the most concern is the appeal mechanism. I am the first to say that an appeal mechanism under which it is easy to lodge an application but which then puts that application on hold could have a very bad effect on everyone, landlords and tenants. Traditionally, in its previous form the tribunal dealt with appeals on questions of law. The honourable member for Lismore hit the nail on the head, and that is what provoked me to speak.

There is a big difference between going to the local Residential Tenancy Tribunal or the Consumer Claims Tribunal, whatever it may be called, and finding yourself in the hallowed precincts of the Supreme Court of New South Wales. You go from what is generally a friendly or easy atmosphere, if that can exist in residential tenancies and consumer disputes, to the Supreme Court of New South Wales. That could have a most intimidating effect on most people, particularly those who are not represented.

Appeals should probably be confined to questions of law. These disputes are reasonably simple and they do not often involve technical disputes. In most cases questions of law do not require serious, weighty consideration, and I wonder whether they should be dealt with at a magistrate's level. To confine appeals to

questions of law, as this legislation does, is a good idea, but I believe they should be dealt with by a magistrate or even by the next step up in the judicial system, the District Court. That court is far more accessible and certainly cheaper for people who feel aggrieved. I do not know the number of people who have taken matters to the Supreme Court but I imagine it would be very few, because the cost would be prohibitive.

The only other comment I make, following what the honourable member for Lismore said, is the difficulty facing people in country areas. I do not know the present situation, but I am old enough to remember that when the Consumer Affairs Tribunal was set up it had part-time referees who travelled the country circuit. The Minister indicates they still do. That is an excellent idea and it should continue. That could solve some of the problems. Perhaps there are not enough of them. If there is a dispute over a residential tenancy matter, it needs to be resolved as soon as possible. If a tenant is not paying the rent, that is a great worry for the landlord, and in many instances it is also a worry for the landlord's mortgagee.

Mr Glachan: And the neighbours.

Mr MERTON: The neighbours too. How many Australians have hocked the family home, borrowed to the hilt and bought an investment property, only to find that the tenant does not pay the rent, which means they cannot pay the mortgage at the end of the month. That is bad. Quite clearly those matters have to be dealt with as soon as possible. The situation under this legislation is far better than in the old days when magistrates dealt with tenancy applications, because that was more congested.

I ask the Minister to ensure that matters are dealt with expeditiously by the tribunal, and to increase the number of members of the tribunal who attend country centres. The structure of the North Coast has changed and the population explosion has been quite dramatic, and there are problems there that did not exist in years gone by. I wonder whether the appeal mechanism, which is confined to questions of law, should be dealt at the Local Court or District Court level as opposed to the Supreme Court. We commend the legislation to the House.

Mr O'DOHERTY (Hornsby) [12.28 p.m.]: I want to make a few brief points about some matters that have come to my attention over the years in talking to constituents about these tribunals. I have some concern about the direction the Government has decided to take. It is a general concern that we on this side of the House will monitor in the years to come. My concern has been increased by a consistent theme that runs through my constituents' complaints. As the honourable member for Baulkham Hills has rightly said, in their original conception these tribunals were meant to be places where one could get a quick decision based on an expert opinion, and where both parties could have some sense that justice would be done without the expense, infrastructure and hierarchy of a formal legal process. I have not done a statistical survey but my impression is that the number of complaints coming through to me as a local member about problems arising from tribunal members being inexpert in the field is now equal to the number of complaints coming through to me from people who are concerned about long delays or who are not happy with the outcome.

As we move down the path charted by the Government there is a great danger that the problem will increase. If people who have matters for resolution see that a tribunal member is not an expert in the field, it is highly likely that the process will go wrong and the decision made will not accurately reflect a true understanding of the issues involved. These matters are at stake for many people. Although these matters are not dealt with in a court of law, with all its infrastructure and expense, they still have a great bearing on people's lives. And I know the Minister is aware of that. My general concern is that as we move to a system that starts to look more like a court system but without the rules of evidence and without some of the other things that attach to a court system, which provides certainty for both parties, we will move further away from the original conception and more towards a system in which people are less likely to perceive that they have received justice out of it. I simply wanted to place that general concern on the record because of matters raised with me by my constituents over the years.

Mr WATKINS (Ryde—Minister for Fair Trading, Minister for Corrective Services, and Minister for Sport and Recreation) [12.31 p.m.], in reply: I thank Opposition members for their contributions to this debate and for their support for the bill. First, I shall address the concerns raised by the honourable member for Hornsby. In no way do I want these reforms to make the Consumer, Trader and Tenancy Tribunal bigger, more complex and further removed from the consumers of New South Wales. Indeed, I have made it very clear that the tribunal is not a court in New South Wales. It is a tribunal, which must be accessible, efficient and relevant to the needs of the tens of thousands of consumers, both in residential matters and in the broader fair trading arena, who make applications each year. It is not intended that this legislation will increase the status of the tribunal to that of a court. Tribunal members do perform a judicial function when they hear matters, but the tribunal is not a court of law; it is a tribunal. There is a difference.

This is major legislation. I am willing to consider amendments right up until the bill goes through the upper House. Members opposite have drawn attention to a number of issues. I encourage them to come forward to me with questions or amendments, and I will consider them. If the amendments make sense and will make the tribunal more efficient and work within the philosophy of the bill, I am happy to entertain them and to take them in the upper House. That offer has been made. The honourable member for Pittwater raised the matter of tribunal members performing a judicial function. I restate: Tribunal members are not judges, and anyone who wants to be a judge should not apply to become a tribunal member. Having said that, past and current tribunal members—I expect a new round of appointments to made soon—are well qualified, honourable and concerned about the consumers of New South Wales. Many of them are currently tribunal members, and I want them to be there after the changes have gone through.

The distinction between a judicial function and a tribunal is interesting. A tribunal is not a court. The original motivation for the introduction of this legislation was the need to have an accessible and relevant tribunal to deal with people's everyday needs. In response to the honourable member for Coffs Harbour and the honourable member for Lismore, the intention is to locate full-time and part-time tribunal members in major country communities such as Coffs Harbour. If someone in Coffs Harbour has relevant experience I will be pleased to appoint them to the tribunal. When the appointment process begins later in the year I encourage honourable members or people in those communities to nominate suitable applicants.

Mr Fraser: Will you advise our electorate offices when that process begins?

Mr WATKINS: It will be advertised widely so I am happy to do that. In the past we have had a problem with tribunal members flying into a town, hearing a matter and then adjourning it, and then leaving town, and that needs to be addressed. We will not be able to place members in every town in New South Wales, but the intention is to place them in the major centres. Some of the concerns raised by the honourable member for Lismore and the honourable member for Coffs Harbour relate more to the legislation that the tribunal enforces, in particular the Residential Tenancies Act. A review of that legislation is under way. I hope to bring that review forward in the first parliamentary session next year, but members opposite should not hold me to that.

Mr George: I was pre-warning you.

Mr WATKINS: Yes. It is reasonable to listen to what members opposite have said about those matters. I make it clear to the Opposition and to members of the New South Wales community that a working party is currently looking at the administrative changes that will need to be made to put the tribunal together. Members of that working party are willing to listen to sensible suggestions. The Property Services Advisory Committee, which is the standing committee that advises me, will also look at issues, such as alternative dispute resolution in relation to residential matters, as members opposite bring them forward. As to the recording of hearings, it is intended to have all hearings recorded in the future.

In relation to residential matters, I also make it clear that both sides of the general debate—for example, tenants' advocacy groups on one side and the Real Estate Institute and other professional associations on the other side—are generally supportive of the changes we are making in this important bill. The bill is designed to change and make more relevant an important tribunal in this State. I thank Opposition members for their supporting comments. In conclusion, I thank my staff member, Emma Ashton, the Department of Fair Trading staff, particularly Peter Berry, and all members of the steering committee who are implementing the changes to this legislation. If the honourable member for Lismore has further questions, I am happy to answer them in person. I commend the legislation to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

MARINE SAFETY LEGISLATION (LAKES HUME AND MULWALA) BILL

Second Reading

Debate resumed from 19 September.

Mr GLACHAN (Albury) [12.37 p.m.]: The Opposition supports this legislation because it introduces sensible provisions, as far as they go. I think they could have gone a lot further. The bill provides for the marine

safety legislation of Victoria to be applied to some sections of the waters of Lake Hume and Lake Mulwala and for the marine safety legislation of New South Wales to be applied to other sections of those waters. It might be better if all the waters were covered by either the Victorian marine safety legislation or the New South Wales marine safety legislation, and if the Victorian and New South Wales governments agreed as to which legislation would apply. It would have been less confusing for people. Having said that, however, the provisions are sensible, because there is a lot of confusion about whether people on these lakes are in the New South Wales jurisdiction or in the Victorian jurisdiction.

Lake Hume was formed when the Hume Weir was established not far from Albury early last century. The waters of Lake Hume are supplied to a large degree from the Snowy Mountains scheme, the rivers that flow into the Murray River and the tributaries from both New South Wales and Victoria. Lake Mulwala was established by a weir which was constructed near Yarrawonga and Mulwala. The waters of Lake Mulwala and the weir were directed into the great irrigation schemes of the southern Riverina and north-eastern Victorian districts. The weir at Mulwala and the waters of Lake Mulwala are very important because a supply of water is guaranteed for an irrigation area that is so important to Australian farming and which provides so much opportunity for intensive farming in the Riverina area of New South Wales.

There has always been confusion about where the border between Victoria and New South Wales lies. The border actually is on top of the bank on the Victorian side of the river. Many people might think that the border should be in the centre of the course of the Murray River but it is actually on the top of the bank which is on the Victorian side. That is where the confusion emanates from because, when the lakes were formed, the river bed was hidden under the waters of the lakes. People are often confused about whether they are in New South Wales or Victorian waters. The confusion causes enormous concern for people who do not know exactly where they are. I know of instances of constituents who found themselves in trouble and who thought they were in New South Wales waters whereas they were in Victorian waters or vice versa. I can say from personal experience that the confusion has caused a great deal of trouble.

The overview of the bill states very clearly what the situation will be in the future. I hope that will help to alleviate some of the confusion that has existed in the past. Under the combined operations of the bill and corresponding legislation in Victoria, the marine safety legislation of Victoria is to be applied to the waters of Lake Hume downstream of the Bethanga Bridge and the marine safety legislation of New South Wales is to be applied to the waters of Lake Hume upstream of that bridge and to all the waters of Lake Mulwala, including the waters of the Ovens River north of the Murray Valley Highway Bridge. I hope that the provisions of this bill will make matters less confusing for people. However, I still feel that it would have been better for the bill to have stated that the applicable legislation for all these waters was either the legislation that operates in New South Wales or the legislation that operates in Victoria. People would then have a clear understanding of the position.

People will have to be able to decide whether they are upstream or downstream from the Bethanga Bridge. Some people may say that that would not be a difficult matter to decide, but there is still real confusion in the minds of people who are not absolutely certain of legislative provisions. Generally speaking, the bill represents sensible legislation and will assist in alleviating confusion. Moreover, it is a step in the right direction to create more co-operation between New South Wales and Victoria in border areas and that, of itself, is a good thing. I strongly support the bill and commend it to the House.

Mr WEST (Campbelltown) [12.45 p.m.]: I support the Marine Safety Legislation (Lakes Hume and Mulwala) Bill. New South Wales and Victoria share a common border along the Murray River from its headwaters in the Snowy Mountains to the South Australian border. The actual boundary between New South Wales and Victoria is located at the high-water mark of the southern, or Victorian, bank of the original course of the Murray River. As a result, boating activities on the river are currently subject to New South Wales legislation. Two major lakes were created on the river subsequent to the determination of the border, namely, Lake Hume at Albury-Wodonga and Lake Mulwala at Mulwala-Yarrawonga. The spread of the stored waters in these lakes has submerged the river course, making it virtually impossible for masters of vessels and enforcement agencies to accurately determine the border's location and, therefore, the applicability of New South Wales or Victorian marine safety legislation.

For some time the joint New South Wales-Victorian Border Anomalies Committee has been considering ways to address the problems faced by boating users and marine agencies arising from uncertainty over the location of the border between New South Wales and Victoria in those areas. At a historic first joint meeting of the New South Wales and Victorian Cabinets at Albury-Wodonga on 26 March 2001, both Labor

Governments agreed to enact complementary legislation to resolve the border anomaly and clarify the application of each State's marine safety legislation in the area. I believe that both Cabinets are also examining agreements on recreational fishing for the future. To resolve the anomaly and clarify the applicable legislation, both Governments have agreed to the Marine Safety Legislation (Lakes Hume and Mulwala) Bill. The Victorian bill, which mirrors this bill, was introduced into the Victorian Parliament on 27 September and is expected to be debated next week. The Victorian Opposition is expected to support the bill.

The agreement of the New South Wales Government and the Victorian Government is another example of the importance that each government places upon facilitating the amenity, prosperity and recreation of rural and regional communities. The bill will increase the ease of travel and safety of more than 3,000 vessels that use the lakes. Boating activities on the lakes include cruise vessels, recreational boating, commercial ski operations, hire and drive operations, a range of recreational boating clubs—including powerboats, yachting, fishing and waterskiing—as well as organised events that are undertaken under aquatic licences. My interest in this bill arises from my involvement in the Red Cross Murray River Marathon, which begins at Yarrawonga each year and continues to Swan Hill. The event covers a distance of 404 kilometres. I have fond memories of a good friend of mine Damian Fawkner and I putting into the race what would have to be one of the heaviest kayaks and successfully completing the Murray River Marathon along that beautiful stretch of the river. It is certainly a beautiful part of the world and I can well understand why tourism is so popular in the area.

I have mentioned that 3,000 vessels use the lakes. However, I have to say from my experience of participating in the marathon that I would have thought the number to be far greater. During the event, at every single bend in the river we encountered recreational boating enthusiasts saying, "Is it the end of the race? Can we put our boats into the water?" I would say that there were thousands of boating enthusiasts in the area on that one day alone, let alone the numbers that may be there throughout the year. The bill defines the jurisdictional boundaries of Lake Hume and Lake Mulwala for New South Wales and Victoria and ensures that the existing marine legislation of each State applies within each State's respective area. The bill provides that New South Wales law will apply to all of Lake Mulwala, including the waters of the Ovens River north of the Murray Valley Highway Bridge and the section of Lake Hume upstream of the Bethanga Bridge. Victorian law will apply to the waters of Lake Hume, downstream of the Bethanga Bridge and for the remainder of the Ovens River.

The bill also provides authorised agencies such as the New South Wales Waterways Authority or the Victorian police with the power to enforce both New South Wales and marine safety legislation on the lakes. This will assist with the implementation of a seamless and co-operative approach to enforcement. The bill will not restrict current boating legislation that provides for the mutual recognition of vessel registration and boating safety equipment for the benefit of boating users on each side of the border. The bill will not change the current boat licensing requirements in New South Wales which require a person who wishes to drive a powered vessel at a speed of 10 knots or more, or a personal watercraft any speed, to have a boating licence from New South Wales or another jurisdiction. Even though Victoria does not currently require boat licences, Victorian users of the lakes and border areas generally obtain New South Wales licences. I understand that Victoria is considering the adoption of a boat licensing system later this year.

Enforcement of the bill will be phased in over a period of three months after its commencement in order to afford Victorian boat users adequate time to acquaint themselves with New South Wales boating laws. During this period, the New South Wales Waterways Authority will educate and inform the boating community about the new arrangements through the media, clubs and associations, as well as through the provision of on-water education. The application of the provisions of this bill will be assisted by a memorandum of understanding which has already been agreed to in principle between the New South Wales and Victorian governments in relation to co-operative education and enforcement, resourcing, on-water management and community consultation.

Mr PICCOLI (Murrumbidgee) [12.48 p.m.]: I also support the Marine Safety Legislation (Lakes Hume and Mulwala) Bill. Because my electorate borders the Murray River for 300 kilometres, almost daily I see at first hand the difficulties created by cross-border anomalies in the region. The situation that has been described by honourable members who preceded me in this debate can be described only as extraordinary in a modern country such as Australia, and I do not think anyone would argue with that. I appreciate the efforts of the Government in addressing this anomaly. However, the bill addresses only one of several hundred anomalies that exist along the New South Wales and Victorian border, as well as in other border regions of New South Wales. Placing a State border along such a busy river as the Murray River is akin to placing a border along Parramatta Road. The suggestion that people on either side of the border have nothing in common is ridiculous and the suggestion that there is no interaction between people on either side of the border is equally ridiculous.

There are many difficulties because each side of the river is represented by a different State. A Deniliquin newspaper has reported me as saying that if we had our time over perhaps the border could be drawn in a more appropriate area to the north of Deniliquin, thus taking into account that the Murray River is an important commercial artery in Australia. I welcome the bill because it seeks to resolve a number of cross-border anomalies. However, I urge the Government to look at other significant cross-border anomalies. Now that Victoria and New South Wales have Labor governments the partisanship of the past can no longer be used as an excuse. I would certainly like some of those other issues to be addressed.

An issue that affects many senior citizens, particularly those in New South Wales, is the use of Seniors Cards for travel. Deniliquin, Albury, Mulwala, Finley and the like are only 2½ hours from Melbourne, but seven hours from Sydney. For the benefit of those who are not aware, a Seniors Card can be used in New South Wales for travel between Deniliquin and Sydney but it cannot be used for travel between Deniliquin and Melbourne. I would suggest that 90 per cent of people in that region travel to Melbourne for medical purposes, to visit their children and grandchildren, for holidays and to see the football. However, they are not able to use their Seniors Cards in Victoria. That is a great inconvenience. New South Wales is able to solve cross-border anomalies, as it is doing with respect to the marine safety legislation. I urge the New South Wales Government, in conjunction with the Victorian Government, to look at some of the other cross-border anomalies and to try to provide appropriate outcomes for the residents of this State.

Mr McBRIDE (The Entrance) [12.52 p.m.]: I support the Marine Safety Legislation (Lakes Hume and Mulwala) Bill. The location of the border between New South Wales and Victoria is an interesting topic. In my previous role as Parliamentary Secretary for Roads I had the opportunity to inspect every one of the 30 or more crossings on the Murray River, all the way from South Australia to the Snowy Mountains, in relation to a dispute between the then Victorian Coalition Government and the New South Wales Labor Government regarding the ownership, maintenance and upkeep of all the Murray River crossings. Many issues in relation to where the border is and the jurisdictional issues associated with that emerged from that process.

As the State border was located at the high-water mark of the Murray River on the Victorian side, the view put forward at the time by the Victorian Kennett Government was that—notwithstanding the fact that since Federation the maintenance and upkeep of those bridges was jointly funded by both States—as the bridges were wholly within the State of New South Wales from the abutment on the northern side they were a New South Wales government responsibility, and that the area south of the abutment was a Victorian government responsibility. We set out on this adventure to determine the cost to the community, the social consequences and the issues affecting communities in those areas. The trip coincided the Victorian Government's decision to do away with or amalgamate councils. Therefore, a large number of jurisdictional issues were unresolved both in relation to councils and the government.

In that atmosphere it was clear that the Victorian people, as distinct from the Victorian Government, supported the view that the maintenance of the river and issues relating to the river should be resolved in a bipartisan way, in the best interests of the local community. That became evident throughout our inspections. I point out that that community view was in conflict with the then Victorian Government's view, but it was genuinely the view of the community. It is the view that politicians on both sides of this Parliament take, and that is reflected in our joint support for the bill. I therefore take the point raised by the honourable member for Murrumbidgee.

When I saw this bill I realised, as has been referred to by the honourable member for Murrumbidgee, that a large number of cross-border issues require the co-operation of both the Victorian Government and New South Wales Government. This bill is the result of a meeting between both governments in Albury on 26 March in which cross-border issues were addressed. Some people in southern New South Wales tend to think that they are Victorians—they get Victorian radio, Victorian television and they play Victorian football. The people in many of those cross-border small towns do not think of themselves as being either Victorians or New South Welshmen; they think of themselves as being people who belong to the Murray River valley. It is with great pleasure that I note that the Government has now received that co-operation. Both the Victorian Government and the New South Wales Government are working collectively to resolve these outstanding cross-border issues.

Mr MOSS (Canterbury—Parliamentary Secretary), on behalf of Mr Scully [12.56 p.m.], in reply: This bill demonstrates how easy it is to define boundaries on land compared to defining boundaries along waterways. Watercourses can change, and that is the case with the Murray River as it borders New South Wales and Victoria. The original boundary meant that all boating along the border fell within the jurisdiction of New South Wales. However, since the creation of Lake Hume and Lake Mulwala the border line has run through a different

watercourse. For quite some time there has been a lot of uncertainty about whose jurisdiction the area falls under. The bill resolves uncertainty about the boundary area and it will add to the ease with which vessels can travel along this expanse of water. Importantly, the bill will not restrict current boating licences or vehicle registrations. More importantly, the bill will enable both the New South Wales and Victorian authorities to enforce their marine safety laws on both sides of the boundary.

The honourable member for Albury, in indicating his support for the bill, said that he felt the bill could have gone further—he said that all legislation of both States should apply to all the water. That is a good point. However, I point out that the issue of the enforcement of marine safety laws, an issue of concern to the honourable member, has been addressed in the bill as both States will be able to enforce their laws on both sides of the waterway. This is a co-operative bill. Of course, it will be effective only if the Victorian Government passes a similar bill. I was pleased to hear the honourable member for Campbelltown mention in his contribution to the debate that a similar bill has already been introduced in the Victorian Parliament. The honourable member for Murrumbidgee referred to other cross-border anomalies that need to be addressed. He is well aware of those anomalies because of the location of his electorate.

The honourable member for Murrumbidgee claimed that we should introduce additional legislation to resolve the anomalies. That will happen as a result of the historic meeting of both Cabinets earlier this year. The honourable member for Murrumbidgee said that if a border were run down the middle of Parramatta Road there would be similarities on both sides of it. That happens when a border runs through any venue—except for this Chamber. With the exception of the occupant of the chair the line running through this Chamber will always reveal tremendous differences of opinion. I am pleased that the legislation has bipartisan support. If both sides of the Chamber agree on this bill we have shown the Victorian Government that New South Wales has honoured its part of the bargain. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[*Mr Acting-Speaker (Mr Mills) left the chair at 1.02 p.m. The House resumed at 2.15 p.m.*]

BUSINESS OF THE HOUSE

Removal of Business

Mr SPEAKER: I draw the attention of the House to General Business Notice of Motion (for Bills) No. 4 and Notice of Motion (General Notice) No. 214 standing in the name of the former member for Tamworth. In view of the member's resignation yesterday, I have ordered that those notices be removed from the business paper in accordance with past practice.

AUSTRALIAN MILITARY FORCES DEPLOYMENT

Ministerial Statement

Mr CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [2.17 p.m.]: Today more than 1,500 defence personnel are joining the fight against terrorism. On behalf of the people of New South Wales I say to each of those quiet heroes, "You have our full support." Sending troops overseas is a serious decision that must be taken with a heavy heart. But anyone seeking the reason for the decision should look no further than the sight of the world's largest mass grave in Manhattan where 6,000 civilians were cruelly slaughtered. Australia is a responsible member of the international community. We must play our part in bringing murderers to account.

Australia has been called upon before in times of war and at times when peace must be preserved, whatever the sorrow, whatever the sacrifice: the Vietnam War , the Gulf War, the fight for independence in East Timor and peacekeeping operations in Bouganville, Israel, eastern Europe and Cambodia. Today we remember the service and the sacrifice involved in all wars, honouring once again the troops who will serve. We support and honour their families. We abominate the terrorist enemy that has brought them to this pitch of battle. We wish them good leadership and good fortune. We salute the traditions that have made them what they are today. We pray for their safe return.

Mrs CHIKAROVSKI (Lane Cove—Leader of the Opposition) [2.18 p.m.]: It came as no surprise to the Australian community when the Prime Minister announced earlier today that 1,500 troops would be committed to the Afghan campaign. It came as no surprise because from the moment of the terrorist attacks on the United States of American the Prime Minister made it clear that we would be part of the world battle against terrorism. The decision to commit military personnel in this way is always difficult, but it is a decision that this country has made time and time again.

Australia has a proud history of involvement in military campaigns dating back to the Boer War. Although it will be difficult for the families, friends and loved ones of those who will be sent overseas, they should bear in mind that Australians will be proud of all the personnel involved. We say to those families: we understand your sacrifice and the heartache you will experience when members of your families are sent overseas. But we also say to them that we, as Australians, are proud of our traditions, and we are proud of your commitment and of what you will do to fight this terrible terrorism. It is with a heavy heart that we send troops overseas, but we do so with great pride. We know that Australians will do more than their fair share in any military campaign. We wish you the best.

BUSINESS OF THE HOUSE

Routine of Business

[*During notices of motions*]

Mr SPEAKER: Order! The honourable member for Kiama may not have been in the Chamber when I last drew attention to the need for notices of motions to be typed in a proper form. I ask him to liaise with the Clerks in relation to the notice of motion he has given today.

AUDIT OFFICE

Report

Mr Speaker, pursuant to section 38E of the Public Finance and Audit Act 1983, tabled the Performance Audit Report entitled "Management of Intellectual Property", dated October 2001, together with a document entitled "Better Practice Guide."

Ordered to be printed.

PETITIONS

Centennial Park and Moore Park Commercial Use

Petition praying that the Centennial Park and Moore Park Trust Act be amended to provide for effective public consultation and full public disclosure of all commercial activities and leases, received from **Ms Moore**.

Centennial Park Dogs Off-leash Area

Petition requesting that Federation Valley, Centennial Park, be reinstated as an off-leash area for dogs, received from **Ms Moore**.

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**.

Beat Policing

Petition calling on the Government to focus policing strategies and resources on beat policing, received from **Mr Debnam**.

Cronulla Police Station Upgrading

Petition praying that the House restores to Cronulla a fully functioning police patrol and upgrades the police station, received from **Mr Kerr**.

Surry Hills Policing

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

Inner East Sydney Policing

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

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**.

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**.

Inner East Sydney Police Local Area Commands

Petition praying that the amalgamation of local police commands in the inner east be opposed, that Redfern, Kings Cross, Surry Hills and Paddington police stations be upgraded, and that an effective police recruitment drive be developed to properly resource community policing, including uniformed foot patrols, received from **Ms Moore**.

Redfern, Darlington and Chippendale Policing

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

Gordon Policing

Petition praying that Gordon police station be upgraded and that the number of police operating out of the station be increased, received from **Mr O'Farrell**.

Malabar Policing

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

Randwick Police Station Downgrading

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

Mona Vale Hospital

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

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**.

Chatswood High School

Petition asking the House to support the retention and refurbishment of Chatswood High School, received from **Mr Collins**.

Vaucluse Electorate School Closures

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

Kiama Rail Services

Petition requesting the implementation of a Sydney service timetable from Kiama station upon commencement of the electrified rail service, received from **Mr Brown**.

Parramatta to Chatswood Rail Link

Petition requesting the Government to re-exhibit the revised environmental impact statement containing changes to the Parramatta to Chatswood rail link, received from **Mr Humpherson**.

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**.

Moore Park Passive Recreation

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

Eastern Distributor Tunnel Ventilation

Petition praying that air purification systems be installed on the Eastern Distributor and cross-city tunnel, received from **Ms Moore**.

Dungog Rail Services

Petition opposing the decision of the State Rail Authority to replace daytime rail services with bus services in the Dungog area, received from **Mr Price**.

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**.

Queenscliff Geographical Names Board Classification

Petition praying that the House reinstate Queenscliff as a suburb with the Geographical Names Board, received from **Mr Barr**.

Manly Lagoon Remediation

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

John Fisher Park

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

Hawkesbury-Nepean Catchment Management Trust

Petition praying that the House reinstate the Hawkesbury-Nepean Catchment Management Trust as soon as possible, received from **Mr Rozzoli**.

Brothel Regulation

Petition praying for legislation to allow for more flexible zoning in relation to the operation of brothels, received from **Mr Torbay**.

White City Site Rezoning Proposal

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

BUSINESS OF THE HOUSE

Reordering of General Business

Mrs SKINNER (North Shore) [2.38 p.m.]: I move:

> That General Business Notice of Motion (General Notice) [Nurses Wage Claims] given by me this day have precedence on Thursday 17 October 2001.

The motion of which I have given notice is timely, bearing in mind that nurses will march on Parliament House tomorrow. The nurses obviously know something that the Federal Leader of the Opposition does not: that the New South Wales Government is responsible for public hospitals, and the state of those hospitals is causing nurses to leave in droves. We must debate this motion because nurses are the backbone of our hospitals. Every honourable member knows that. Government members know that. If nurses are not given the conditions they need to treat patients in hospitals, those hospitals will not be able to do the right thing by those patients.

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

Mrs SKINNER: Government members do not want to hear this. It brings home the fact that the responsibility for public health, public hospitals and the dissatisfaction of nurses rests squarely on the shoulders of the Minister for Health, who is grinning like a Cheshire cat. He commissioned a survey of 10,000 nurses. The survey told him why they were unhappy, why 3,000 of them would return. They would return if he improved conditions in hospitals, if he improved their pay and their working hours. Let me tell honourable members about conditions in hospitals. I was out at Sutherland—

Mr SPEAKER: Order! I suggest the honourable member address the reasons why business should be reordered.

Mrs SKINNER: One can see the reason nurses are marching on Parliament House from a story I heard at Sutherland. One nurse in intensive care had to work two back-to-back shifts, 16 hours, with a patient who was extremely ill. Is that what the New South Wales Government expects our nurses to do? This Government has cut funding to health from 25 per cent of the budget four years ago to 22 per cent of the budget this year. The figures are from the Government's own budget papers. This Government has failed to address nurses' claims. The Coalition believes nurses have a right to have their case heard. This Government diddled the nurses. It was the former Minister for Health, the honourable member for Willoughby, who gave nurses the first professional pay rise so they had equity with other health professionals. This Government let them down. It has let down hospitals and patients. We should be discussing this motion forthwith.

Mr KNOWLES (Macquarie Fields—Minister for Health) [2.41 p.m.]: The Government also believes the Nurses Association has a right to have their case heard. In the context of the wages agreement signed on 2 March last year—a four-year wages agreement—a case by the Nurses Association must be heard. The problem is that at this time the only place to have that case heard is in the Industrial Relations Commission. As at lunchtime today, no case had been submitted to the commission.

Mrs Skinner: Point of order: The argument I was putting is why this motion should be debated. If the Minister agrees, we should proceed. The Minister is explaining his position, not why the motion should not have precedence.

Mr SPEAKER: Order! No point of order is involved.

Mr O'Doherty: Point of order: The question before the Chair is that the notice paper be reordered. The Minister does not have leave therefore to go into the details of the nurses' dispute. Rather, he should vote for this motion and debate the issue tomorrow. The question before the Chair is simply that business be reordered so that the motion can proceed tomorrow. Mr Speaker, I ask you to confine the Minister to the narrow terms of that motion.

Mr SPEAKER: Order! The Minister was doing so.

Mr KNOWLES: First, it surprises me that as of 16 October the Nurses Association has not made a salaries application. Second, one might call it a plaintiff plea but I make the plea that the association does the best by its members by going to the commission as an applicant and running a case. Third, my view is that the stoppage is unnecessary and ought not to take place. The place for this discussion is in the Industrial Relations Commission. It is the only place where a resolution will be found, and that is where we are ready to go upon application by the Nurses Association for their special case. My hope is that the association puts in an application today, calls off the strike for tomorrow and lets us get on to resolve the issues that are very real for every member of the State. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 36

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

Noes, 49

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

Question resolved in the negative.

Motion negatived.

QUESTIONS WITHOUT NOTICE

POLICE NUMBERS

Mrs CHIKAROVSKI: I direct my question to the Minister for Police. Does the Minister agree with Superintendent Kevin Rafferty, who has been appointed by the Minister to rebuild Manly police station after the corruption allegations, that one of the most serious problems at the station is the lack of experienced supervising police and a shortage of experienced detectives? Is that why the Minister is now refusing to tell local communities across the State how many officers are on duty in their local stations?

Mr WHELAN: One reason why Sergeant Rafferty—

Mr Tink: He is a superintendent.

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

Mr WHELAN: Superintendent Rafferty's nickname is Chips but I was a bit reluctant to say that in Parliament. Superintendent Rafferty was appointed to Manly because of his experience in the eastern suburbs of Sydney, and he has great experience and lengthy service as a police officer in New South Wales. His appointment was very suitable in view of the urgency of the circumstances that arose as a result of Operation Florida.

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

Mr WHELAN: In relation to police numbers in the northern area—and this matter has been raised—honourable members should be aware that the number of police serving the community in the northern metropolitan region, which takes in the northern beaches, Manly and Davidson local area commands, has increased by 250 since November 1994.

Mrs Chikarovski: Point of order: Perhaps the Minister did not hear the question, which related to local police numbers. The Opposition would like to know the police numbers, which the Minister has refused to release. Tell us the numbers so that we can tell the communities.

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

NEW SOUTH WALES ECONOMY

Mr COLLIER: My question without notice is to the Premier. What is the latest information on the state of the New South Wales economy since the 11 September terrorist attack?

Mr CARR: Yesterday I advised the House in some detail about the New South Wales Government's security response. Today I want to speak about the economic impact of the world situation and about how we are positioned in this State to respond. Last week the National Australia Bank business survey showed a dramatic fall in business confidence. This week the Westpac Melbourne Institute report showed that consumer confidence has dropped by 9 per cent. On Tuesday the *Australian Financial Review* reported falls in cattle, wool and wheat prices over the past three weeks. There is little doubt that we are facing risks and uncertainties not seen since the Asian crisis four years ago. It must be clearly understood that the State's economy and finances are fundamentally sound. They will see us through these uncertainties. As Franklin Roosevelt famously said in his inaugural speech, "We must resist the temptation to irrational fear and panic." New South Wales is well-positioned because of the sound economic management—

Mrs Chikarovski: Of the Federal Government.

Mr CARR: —of this Government. Silly me! I assumed that what was common knowledge outside would be known by all members of the House. So I must bore members on this side of the House—a most uncommon occurrence—by spelling out in greater detail this Government's economic record. There is no alternative.

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

Mr CARR: When we came to Government in 1995 we had two major priorities for the State's finances: first, to pull the State's finances into shape with a coherent medium and long-term fiscal strategy and, second, to implement an economic development strategy, balancing the interests of workers and employers while supporting competition and economic growth. The Carr Labor Government of course inherited a debt hangover from the previous Government. What is your record? Look at our figures. The Coalition has racked up budget deficits of $5.3 billion whereas, by contrast, we have not added a single cent to State debt in 6½ years . In fact, we are the first Government in the State's history to do that.

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

Mr CARR: We are the first government in this State's history to reduce debt and liabilities rather than add to them. We have cut $6.5 billion from the State's debt and financial liabilities and reduced that to $37.3 billion by June 2001. During the current financial year, we will be cutting State taxes by more than $1 billion.

Mr Souris: That is because of the GST.

Mr CARR: A Coalition leader raises the GST. I thought that members of the Coalition learned their lesson from the worm on Sunday night. Here I am cheerfully talking about a reduction in State debt. I wish that members opposite would stay on the message. The Leader of the National Party says, "What about the GST?" The worm goes down.

Mr SPEAKER: Order! There is far too much interjection from the Opposition frontbench. I call the honourable member for Hornsby to order. I call the Leader of the Opposition to order. I call the Leader of the Opposition to order for the second time.

Mr CARR: We have applied 23 cuts to 15 different taxes. We have been able to do that because we have reduced expenditure.

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

Mr CARR: We have produced six consecutive surplus budgets as a result of responsible and prudent fiscal management.

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

Mr CARR: Paying off debt means that over the next four years we can invest a record sum in capital works, namely, $22.1 billion, for new roads, police stations, hospitals, rail services—that makes for a stronger economy.

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

Mr CARR: In fact, that sum is $3.1 billion more than we spent in the four years leading up to the Olympic Games. In other words, $3.1 billion more has been spent in the past four years than was spent in the four years leading up to the Olympic Games. This Government has been able to do this because we have borne down on State debt. We reduced debt and liabilities and we are in a position to expand capital works. That extra investment supports approximately 85,000 jobs.

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

Mr CARR: Those 85,000 jobs are sustained by this Government's record capital works expenditure. One of the cornerstones of this State's economy is the building industry. In June last year the Prime Minister delivered that industry a king hit with what is popularly known as the—

Mr Amery: GST!

Mr CARR: The GST! In June last year a king hit was delivered to the building industry with the implementation of the GST. It took a desperate move, namely, doubling the first home owners' grant for new homes, to stop the slide. Dwelling approvals in New South Wales reached a low point in February this year with just 2,775 approvals. The industry has not yet returned to the pre-GST levels. In August, approvals reached—

Mrs Chikarovski: Is Kim going to repeal it?

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

Mr CARR: Members of the Opposition constantly challenge me to address the GST.

Mrs Chikarovski: Just answer the question.

Mr CARR: There is just a persistent tinkle of little voices. I will just think about that.

Mrs Chikarovski: There is just a deathly silence.

Mr CARR: There is no silence. I will just think about the challenge while I talk about building approvals. In August approvals reached 3,607 which still rolled down from 4,500 monthly approvals before the introduction of the tax. Honourable members should think about the devastating impact of the GST on building approvals and think about the pressure on the small business sector from the GST. Small businesses have felt the full weight of the GST especially since there has been a decline in consumer confidence following the attacks on the United States. For small businesses, the GST—so beloved by members opposite—is a small business nightmare.

Mrs Chikarovski: Point of order.

Mr CARR: I was stunned last Sunday night to hear the Prime Minister—

Mrs Chikarovski: If the Premier thinks the GST is so terrible, he should ask Kim Beazley to repeal it. He cannot stand here and say how terrible it is without any indication of whether his mate Kim is going to repeal it. Answer the question: Is he going to repeal it?

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

Mr CARR: As I was sitting and watching the debate last Sunday night, I was stunned to hear the Prime Minister raise the subject of the GST, like a dog returning to its kennel. I saw the look on Opposition members' faces. They thought he had lost it!

Mr Hazzard: We know you have lost it.

Mr CARR: Oh Brad, you are better than that! The Prime Minister, holding the great office of state that he does—albeit for a short time—said that large amounts of additional revenue are flowing to the States and he said that the best thing for education is the GST. The intergovernmental agreement on the GST shows that New South Wales does not receive an increase until 2007. New South Wales will receive no extra money from the GST until 2007. The Prime Minister well knows that New South Wales taxpayers are bearing the brunt of the GST because 36 per cent—

Mrs Chikarovski: No, we're not.

Mr CARR: Consider that 36 per cent of GST revenue collected by Canberra streams out of this State.

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

Mr CARR: What percentage does New South Wales get back—30 per cent! We yield 36 per cent and we get back a mere 30 per cent of GST revenue streaming back to the mother colony. In 1888 Henry Parkes had a piece of legislation in this Parliament to rename New South Wales "Australia". Jack Lang said that Federation was a conspiracy against New South Wales.

Mr Amery: He was a good man.

Mr CARR: I wouldn't go that far. However, when one looks at the figures, 36 per cent of the GST goes to Canberra from New South Wales and we get only 30 per cent of it back. There is little doubt that the events of 11 September increased the risk of recession in the United States and elsewhere, so reduced business investment and weaker export growth are possible. We in this State have taken what might be called the tough decisions over the past 6½ years. Consequently, debt and liabilities are down and budget surpluses and this State's finances are in good shape. Our infrastructure plans are strong and credible. Our record of attracting new investment remains unblemished. New South Wales is in a better position than other States to weather the shocks and uncertainties that lie ahead.

NOXIOUS WEEDS CONTROL

Mr SOURIS: My question without notice is directed to the Minister for Agriculture. Given that the Government is this year spending a net $25 million on maintaining Sydney's Botanic Gardens and the Centennial and Moore Park Trust, how can the Minister justify allocating only $6.9 million to noxious weeds control throughout New South Wales?

Mr AMERY: I bet the press gallery did not anticipate that question. That one caught them by surprise. I do not think the Botanic Gardens comes under my portfolio, but I can speak at length about noxious weeds.

Mr Souris: The Botanic Gardens get $25 million but there is only $6.9 million for noxious weeds control throughout the State.

Mr AMERY: Firstly, the Leader of the National Party is right. The allocation from New South Wales Agriculture to local government and weed control authorities is about $6.9 million this year. Last year the allocation was about $6.7 million, the year before it was about $6.5 million, the year before that it was about $6.4 million, and the year before that it was about $6 million. What the Leader of the National Party does not tell the House, of course, is that when we came to office in 1995, the Premier, Minister Yeadon and I travelled around the State on the drought tour and one of the big issues that confronted us in the very first week of the tour was that farmers, members of the New South Wales Farmers Association—whom the Leader of the National Party attacks all the time—said to us, "Premier and Ministers, could you take this on board: since the Coalition has been in office there has been a $5 million grant for noxious weeds to our local authorities and so on, and it has remained at that figure for five years; they haven't touched it for five years." I think the honourable member for Lachlan was the Minister at that time. Armed with that advice from members of the New South Wales Farmers Association—

[*Interruption*]

At this point I think we have to call for calm with these attacks on the Leader of the National Party. I think they are going too far! I take some responsibility for those attacks, but I will be the first to say they are just going too far! Yesterday I criticised his references to the New South Wales farmers, and the honourable member for Tamworth saying that—

Ms Hodgkinson: Point of order: The question was about noxious weeds, including Patterson's curse, St John's wort, and so on.

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

Mr AMERY: The honourable member for Tamworth said he should follow his lead and leave the place. But I am appalled by the behaviour of one of my colleagues, and I think my Coalition colleague the honourable member for Murray-Darling should be called to account. I think he is going too far in jumping on the bandwagon of the honourable member for Tamworth! It is a bit of a cheap shot, I might say, to say that the Leader of the National Party should follow the honourable member for Tamworth's lead and go back to accounting! That is what he said. That was an appalling statement!

Ms Hodgkinson: Point of order: The Minister is way out of line in answering the question. I ask him to answer the question, which is about noxious weeds.

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

Mr AMERY: The honourable member for Murray-Darling suggests that the Leader of the National Party should go back to accountancy after losing $50 million on Luna Park. How could you do that, give him to

the accountancy clients in this State? Just back off, George, calm down. Armed with the advice given to us during the drought tour in 1995, supported by the Premier and the budget committee I went to them—I think it was the second budget of our Government—and I said we had to increase the funding in one year to rack up the $6 million.

The Leader of the National Party is really a nice bloke; I love every bone in his body. Armed with that advice, we increased our budget allocation for noxious weeds to $6 million, and every year we have continued to increased it. In addition, the farmers said: "The former Government didn't protect the noxious weed grant against increasing inflation." So in one go, we addressed the CPI rate for the last five years under the former Coalition Government, and we have increased it in line with the CPI rate every year since.

In addition, I am pleased to inform the House that under this Government the Department of Land and Water Conservation has made Crown lands and lands owned by government agencies subject to the noxious weeds requirements. The former Coalition Government did not provide that funding, either. The Department of Land and Water Conservation and the National Parks and Wildlife Service are now working with the weed control authorities to place more emphasis on the control of noxious weeds in areas such as national parks, Crown estates, and so on.

This Government has a very strong position on managing and funding noxious weeds control, a matter that is very important to members of this House. In the past couple of months it has also received a number of deputations on the issue. We have had a very good season with rainfall. The drought is getting a little worse in some parts of the State, but generally speaking New South Wales has had a fairly good season. But with that good season and good pasture growth there is a lot more pressure on farmers and land managers with regard to noxious weed problems. We are addressing many of those problems through the noxious weed control authorities.

No National Party member of the New South Wales Parliament can argue with any credibility—I know the Leader of the National Party does not have much credibility—that this Government is not doing more than the Coalition Government did about noxious weeds. We have addressed the issue as a policy, we have gone across the portfolios, and we are increasing the funding at a greater rate than the Coalition Government ever did. Its record on noxious weed control was appalling. During our first tour of country areas in 1995, in the middle of one of the worst droughts of the last century, farmers were saying to us that the Coalition Government's noxious weeds policy was appalling and needed to be reviewed. We have done just that. Again, I am delighted that I have been asked another question by the Leader of the National Party.

REGIONAL REAL ESTATE MARKET

Mr W. D. SMITH: My question without notice is to the Minister for Regional Development, and Minister for Rural Affairs. What has been the impact on rural and regional real estate since the 11 September terrorist attack?

Mr WOODS: As the Premier has said, the events of 11 September have changed the world forever. Those events have prompted thousands of people around the world to re-evaluate their lives, in terms of their families and their security. People are looking for a safe haven. In New South Wales we are seeing direct evidence of this. Cherylee Elliott, the principal of Berry First National Real Estate, said that one client spoke of how he felt more comfortable living in that area than in Sydney. Ms Elliott said:

> From September 11 we experienced an increase of up to 10 per cent on the telephone enquiries.

She went on to say:

> We also received a further five per cent increase in the number of calls the week after the attack with people looking to get out of the stock market and go into real estate.

Ms Elliott further said:

> I think a lot of people in the townships here are saying how safe they feel. I know when I'm out on my property I see what's going on in the world on the television, but then unbelievably I'm feeding the chooks and the horses. Life goes on.

Ms Elliot said Berry and surrounding districts were already experiencing record property values. More families are looking outside Sydney for places to call home—building on the strong growth in the country real estate market over the past two years. This is what they call the "always greener sea change" phenomenon. Shows

such as "Sea Change" and now "Always Greener" depict a lifestyle of regional Australia that people would like to call their own—even more so in these troubled times. The Carr Government has long recognised the need to promote the lifestyle advantages of rural and regional areas. We acknowledge our responsibility to change perceptions about country lifestyle, particularly those held by people living in Sydney.

That is why we have been hosting investment tours and relocation breakfasts for business leaders to encourage new investment in country areas. We have undertaken projects with the Real Estate Institute to get the message across that regional centres hold clear lifestyle benefits, particularly for young families. We are moving Government jobs out of Sydney to regional centres such as Maitland, the Tweed, the Central West and the South Coast. In fact, a few days ago I was in Nowra with the Minister for Public Works and Services, the Country Labor member for South Coast, and the honourable member for Bega, at a major event. We turned the first sod to kick off construction of the new $9.9 million three-storey office block that will house, among others, the Department of Local Government.

The South Coast is experiencing significant increases in the real estate market. Paul McGeachie of Ray White, Nowra, said there has been a noticeable increase in inquiries from Sydney in the past couple of months and a further increase since 11 September. He said more and more young families are making the trek along with the traditional retiree and hobby farmer market. Coastal properties in Jervis Bay and Gerringong have seen substantial increases in value over the past years. Real estate expert John Edwards recently told 2GB's Jon Harker program "The Property Show":

> With the large amount of unit development and other things that are going on in the cities, with the high level of technology that is happening in our community, and with acts of terrorism and the sorts of things that we've seen recently, I believe that the regional areas of Australia are going to become more important.

As he encouraged a listener to consider an investment property in Scone in the Hunter, he continued:

> His investment of $100,000 could well turn out to be one of the best investments that he's made in his whole life. In the last three years the growth in Scone has been 31.55 per cent. And we think that the average rate of growth will be about 7.9 to 8 per cent per annum.

In fact, the Real Estate Institute of New South Wales has found a greater interest from Sydney residents seeking to purchase properties in the Sydney fringe and surrounding regional areas as a result of higher city prices and Government grants. But, higher growth is not confined to the outskirts of Sydney, it is far more widespread. Cheree Tobin of Ray White, Bathurst, said there had been a definite increase in inquiries in the past four months. She said the main reason prospective buyers were giving for relocating from Sydney were lifestyle, affordability, and the quality of education facilities in the town.

Christine Clarke from Raine and Horne, Coffs Harbour, was even more optimistic about the mid-North Coast, saying that it has been about the best in more than 10 years, with many buyers coming from Sydney's western suburbs. Ms Clarke said if the property market was strong in Coffs Harbour, it still did not match the market further down the coast at Port Macquarie, which she said was going "gangbusters". In the State's north west, there is also strong growth. Michael Deans from Peel Valley Properties, Tamworth, said there is a constant stream of Sydney people looking at property in the area. He said a talking point in the district is that they feel safer in that area than they do in the metropolitan areas.

In Dubbo, real estate agent Bob Berry said the first home owners scheme and the New South Wales Government's stamp duty exemption for first home buyers had produced the strongest demand for residential real estate in Dubbo for many years. He said for the financial year to June, sales volume in Dubbo increased 37 per cent. Compared with the previous financial year, the year-to-date figures for 2001 show an even higher increase in sales, 45 per cent, compared with last year. As I said earlier, in these uncertain times, people seek a safe haven, and country New South Wales is providing that safe haven to many thousands of people.

NORTHERN BEACHES LOCAL AREA COMMAND

Mr TINK: My question without notice is to the Minister for Police. In light of the Minister's promise in March 1996 that police commanders would be held accountable for corruption occurring within their command, can he explain why Bob Waites, the man who was in charge of the Northern Beaches local area command in the period leading up to Operation Florida, was promoted to regional commander on the very day the Police Integrity Commission hearings began?

Mr WHELAN: Like everybody else, the honourable member for Epping will have to await the outcome of the Police Integrity Commission inquiry into a whole range of officers.

WHOOPING COUGH EPIDEMIC

Mr BROWN: My question without notice is to the Minister for Health. What is the latest information on whooping cough cases in New South Wales?

Mr KNOWLES: I am sure the honourable member for Kiama would be aware that whooping cough is a serious illness caused by bacteria infecting the throat and is normally spread by respiratory droplets released through the coughing of the infected individual. Early symptoms include an irritating cough or bark. Unless treated, the infection causes swelling and, in children, can lead to suffocation. It may also lead to brain damage, fits and pneumonia. Ongoing symptoms include vomiting and bouts of coughing with the characteristic whoop as the victim gasps for air. Whooping cough can last for many weeks. Antiobiotic treatment reduces infectiousness but does not greatly affect the symptoms.

Whilst traditionally thought of as a disease in children, it is now known that a large proportion of cases are, in fact, found in older children and adults. I am advised by the Chief Health Officer of New South Wales that this State is currently in the grip of a whooping cough epidemic. It emerged last year when 3,682 cases were reported. Thus far this year more than 2,800 cases have been reported. Honourable members from regional areas may be interested in a breakdown of cases recorded: Central Sydney 110, northern Sydney 324, western Sydney 249, Wentworth 169, south-western Sydney 193, Central Coast 65, Hunter 259, Illawarra 153 and south-eastern Sydney 225. If honourable members are not interested in what is happening in their own areas, it might interest them to know that when the last epidemic struck in New South Wales in 1997—

Mr Fraser: Brain damage?

Mr KNOWLES: No, it went beyond brain damage: six children died. Honourable members should understand that in the current epidemic in parts of the State there are some quite abhorrent statistical figures about outbreaks of whooping cough. I will continue with the breakdown of cases: Northern Rivers 240, mid-North Coast 138, New England 121, Macquarie 153, mid-western 129, far west, 8, Greater Murray 242 and southern 31 cases. As I said earlier, in 1997—the last time we had an epidemic of this proportion—six infants died. The latest data that is available shows that, for month of August, which has just passed, 564 people were reported with whooping cough. That is the highest monthly figure since 1997.

The prevention of whooping cough is pretty simple: immunisation of infants and preschoolers is the most effective means of avoiding the disease. For parents who might be interested in this reply, immunisation is recommended for children at two, four, six and 18 months of age, and a booster is recommended at four years of age. It is critical that those early shots are followed up with a booster, which delivers greater immunity to the child and reduces the prospect of infection in others.

Vaccination is provided free of charge through general practitioners. Preventive therapy with specific antibiotics is also effective in controlling the spread of the disease among other family members and it is recommended for people who are infected and their close contacts. It is essential that people with a number of young children in their family get antibiotic treatments early to prevent the spread of whooping cough. People who are infected should be excluded from school or work for 14 days from the onset of the illness or until they receive at least the first five days of a course of antibiotics. When close contact with an infected child has occurred, parents of children with up-to-date information against the disease are strongly advised to exclude their children from child care facilities and schools to avoid infection and reduce the chance of further spread. Immediate medical attention should also be sought to avoid and monitor any development of infection.

Doctors, laboratories and hospitals are required to report suspected cases to their local public health unit. Whooping cough warning stickers are placed on all newborn babies' blue books, which is the book that every child is issued with at the time of his or her birth. All parents should ensure that their children are immunised against whooping cough. People with symptoms of whooping cough should see their doctor. People with coughing illnesses should avoid exposing small children. Today we are issuing a public health warning across the State consistent with these principles.

As I said earlier, I have been advised by the Chief Health Officer of New South Wales that this State is in the grip of a whooping cough epidemic. Last year there were 3,682 cases. So far this year there have been more than 2,800 cases, with more than 500 cases in August alone. In 1997 six infants died. We want to avoid the possibility of that occurring during the present outbreak. The only safe way to ensure it does not occur is through prevention and early detection. Parents must take their children or anyone manifesting these symptoms to their doctor for immunisation.

CABRAMATTA DRUG USE

Mr HARTCHER: My question without notice is directed to the Minister for Police. How can the Minister describe his policing strategies in Cabramatta as a success when the Bureau of Crime Statistics and Research has confirmed that, despite a heroin drought in Sydney, the average time it takes a heroin user to score a hit on the streets of Cabramatta is just 15 minutes, compared with 11.4 minutes before Christmas?

Mr WHELAN: I am grateful to the honourable member for having asked that question. To the beginning of October Cabramatta police had charged 51 people under our new drug house laws; they had used their new move-on powers on more than 1,000 occasions; they had bailed 144 non-residents on the condition not to return to Cabramatta; and they had referred five drug-affected people to services under Cabramatta's new local intoxicated persons protocol. In addition, 3,367 discarded needles were collected under the Corrective Services, Cabramatta needle clean-up program; 146 people were helped by the Department of Community Services Cabramatta street team—and that included help to return home to find alternative accommodation and referral to services—and 3,622 firearms were handed in under the statewide firearms amnesty now that it has been extended to the second week in November.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr WHELAN: The Police Service is doing a fantastic job at Cabramatta. Last night I attended a meeting at which the chairman of the National Crime Authority [NCA] was present. He told me that, because of the success of New South Wales police and the Australian Federal Police regarding large seizures, thus creating a drought, heroin prices had gone up. New South Wales police received a big tick from the NCA for the job they are doing in Cabramatta. I congratulate those hard-working men and women of the New South Wales Police Service, particularly those who are working in the difficult area of Cabramatta. Since the appointment of Clive Small and Frank Hansen as region commander and local area commander at Cabramatta and in the Hume region, policing and community circumstances have improved dramatically. I congratulate those officers on their leadership.

BUREAU OF CRIME STATISTICS AND RESEARCH HEROIN STATISTICS

Ms MEAGHER: My question without notice is directed to the Premier. What is the Government's response to the latest report by the New South Wales Bureau of Crime Statistics and Research on heroin?

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

Mr CARR: It appears as though heroin is a laughing matter to the honourable member for Gosford. Today the Bureau of Crime Statistics and Research reported on the heroin issue. The director of the bureau, Dr Don Weatherburn, has reached the following conclusions. First, there has been a dramatic fall in heroin use in Cabramatta and there has been a big fall in heroin use throughout the rest of the State. Second, in Cabramatta there has been a 35 per cent increase in the price of half a gram of heroin and a 75 per cent increase in the price of one gram of heroin. Third, minimum prices for other quantities of heroin have also increased. Fourth, there has been a significant drop in both the purity and the availability of heroin. Fifth, these changes are due to greater interception of heroin importations and more active law enforcement by police. Those factors have led Dr Weatherburn to conclude:

> There are good reasons for believing that the heroin drought was at least partly caused by increased heroin seizures and the arrest of major heroin suppliers. In Cabramatta these factors have combined with more active street level drug law enforcement to produce a dramatic fall in heroin use, heroin overdoses and expenditure on heroin.

The Bureau of Crime Statistics and Research also found that in Cabramatta the number of new needles and syringes dispensed to addicts fell by 59 per cent. Statewide, the numbers of needles and syringes dispensed fell 16 per cent. The Department of Health has also reported that ambulance call-outs to overdoses have more than halved in the last three years. The rate of heroin overdose in Cabramatta has fallen by 74 per cent. The bureau also found that the popular wisdom that higher heroin prices would lead to more crime has not been realised. Motor vehicle theft and theft from a person remained stable not only in Cabramatta but across the State. Shop stealing offences have declined sharply following the onset of the drought and they have remained at a level lower than before the drought.

Across New South Wales drug-related deaths have dropped from a high of 65 in April 1999 to a low of 11 last month. Those figures are a cause for cautious optimism. I say "cautious" for a number of reasons. First, heroin is a 100 per cent imported drug and many overseas factors affect its availability in New South Wales. For example, what is happening in Afghanistan, with the possibility of the great reservoir of heroin being released,

would naturally affect us. Second, New South Wales relies on effective Customs and Australian Federal Police [AFP] action. These are Federal Government responsibilities. That is why we support the provision of additional resources to the AFP and installation of container X-ray facilities at New South Wales ports. Third, it is clear that we need to monitor very closely the growth in cocaine use caused by the heroin drought. This is a matter I addressed in my speech on this subject last week.

Today's figures show that as at 21 September police had arrested 92 people using their new drug house powers. The powers that this side of Parliament sponsored through the House to allow police to crash into drug houses, despite the carping opposite, have already paid off. Since 1 July police have moved on the drug go-betweens on no less than 1,000 occasions, and 144 non-Cabramatta residents have been bailed on the condition that they do not return to Cabramatta. These initiatives flow from the legislation that this side of Parliament sponsored despite the carping and criticism opposite. The legislation got through Parliament and it is having an effect, so much so that Clive Small, the Greater Hume Region Commander, said today:

> The Government's anti-drug package, particularly the drug house legislation that was introduced in July, has been a boon.

The tougher response on the streets is having an effect, as is the provision of extra treatment. Today's Bureau of Crime Statistics report shows that many heroin users have left the heroin market and entered treatment. The number of entrants to methadone treatment in Cabramatta doubled in the first few months of this year. The new Department of Community Services [DOCS] street team has taken 146 people off the streets and placed them in treatment, returned them home or found them alternative accommodation. These are the DOCS workers working out of Cabramatta police station, whom the honourable member for Cabramatta, the Minister for Police and I have visited and commended on our frequent visits to Cabramatta police station.

The drug market fluctuates. Positive trends this year can be replaced by negative trends in the next. But in the current climate the street dealing and drug house focus of police is beginning to work. More users are being diverted into treatment, and police will continue their blitzes. The other day I had cause to mention the carping from the Opposition about this legislation when we introduced it. We had more of that carping on policing matters in Parliament last night. It is sad that I have to draw the attention of the House to the astonishing comments by the honourable member for Epping in the House last night when he said, with regard to the *Four Corners* exposé, that the integrity of the Police Integrity Commission [PIC] had to be questioned. He accused the PIC of committing a very serious contempt of court—an extraordinary allegation from someone purporting to be the shadow Minister for Police. He has lost the plot.

The honourable member for Epping went on to call on the Assistant Commissioner of the PIC to "explain himself to Coalition members of Parliament". He is talking about the assistant commissioner of the standing royal commission having to explain himself to the honourable member for Wakehurst, the Leader of the Opposition and the honourable member for Epping. What an extraordinary suggestion! It fits a pattern of behaviour. These are the people who attacked John Hatton for successfully proposing a royal commission. They called John Hatton a liar and a perjurer. They voted against the move to set up a royal commission, which exposed illegal practices. They did it at every opportunity and now, with that record, they have turned their vitriol against the Police Integrity Commission.

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

Mr CARR: Not content with attacking the Commissioner of Police, not content with having attacked the police royal commission, and not content with having denounced and traduced John Hatton, who sponsored the police royal commission, they have turned their ire and hatred on the Police Integrity Commission. If you believe the Opposition, Tim Sage and the PIC cannot be trusted but the corrupt cop exposed by the commission can be believed. That is the position those members are putting forward. No wonder police corruption flourished under them, and that during the seven years of Coalition Government there was not a single independent inquiry into police corruption. They had a motion for a royal commission rammed down their throats. We backed the royal commission, we established the PIC and we continue to sting corrupt behaviour in the Police Service. That is what is catching crooked cops—and we have not finished yet.

NATIONAL PARKS AND WILDLIFE SERVICE DUCK TRACKING PROJECT

Mr PICCOLI: My question is directed to the Minister for the Environment. At a time when year 11 English classes in one of the high schools in the Murrumbidgee electorate cannot afford to buy novels for the Higher School Certificate, why is the National Parks and Wildlife Service planning to spend $400,000 on a project to place transmitters on 18 wild ducks in the Murrumbidgee Irrigation Area and track them for five years, at a cost of $22,222 per duck?

Mr DEBUS: The budget for the National Parks and Wildlife Service is around $250 million; the budget for the New South Wales Department of Education and Training is $7.3 billion, you dill.

Mr PICCOLI: I ask the Minister a supplementary question. Will the Minister direct the National Parks and Wildlife Service to drop this sort of money-wasting project and invest its dollars in more appropriate projects such as tree planting or noxious weed and feral animal control in national parks?

Mr SPEAKER: Order! That is not a supplementary question.

RURAL RAIL EMPLOYMENT OPPORTUNITIES

Mr GAUDRY: My question without notice is to the Minister for Transport. What is the latest information on the State Government's efforts to create new rural rail jobs?

Mr SCULLY: I shall outline the steps the Government has taken to create country rail jobs. First, we have taken steps to protect jobs at the Bathurst and Goulburn workshops. This year the Rail Infrastructure Corporation has created 220 country rail jobs. I am happy to outline where all those jobs are going. In Grafton there are 42 new jobs. On the North Coast there are another 42 jobs in a sleeper replacement project, replacing wooden sleepers with concrete sleepers on the line between Wingham and Wauchope. Many of those staff are long-term unemployed getting new skills. In Wagga Wagga an extra 22 staff have been employed on track construction. In Newcastle there are 53 new jobs in rail work, 25 of which are on the main rail line between Dungog and Craven. The honourable member for Maitland has been a keen supporter of that.

I am pleased to report to the House that the Bathurst workshops, which the honourable member for Bathurst and I visited a few weeks ago, has had its future secured by a $5 million deal with a firm from Austria. That means 12 more jobs for Bathurst. Clearly, Country Labor has made a difference. Members on this side of the House have made a difference. The Government has been getting on with the job, and I have been encouraging my agencies to look for as many job opportunities as possible in country New South Wales. That is why new jobs have been created in Newcastle, Grafton, Wagga Wagga and on the North Coast.

It is appropriate that the honourable member for Newcastle asked this question because he knows that it was this Government that transferred more than 150 jobs to the call centre in Newcastle. We are creating jobs in Newcastle. Incidentally, we have been able to provide opportunities for some of the tradesmen formerly employed by BHP. We have been looking for opportunities to create work for some of those made redundant as a result of the BHP steelworks closure. John Howard has done precious little. We have been trying to create job opportunities for those who have been left out of work as a result of the departure of BHP. We are getting on with the job of working for country New South Wales and working in partnership with Country Labor to do the right thing by people in the bush.

NOXIOUS WEEDS CONTROL

Mr AMERY: Earlier the Leader of the National Party asked me a question about funding for noxious weeds control. The increase in funding to which I referred earlier represents an increase of $161,000 on the 2000-01 figure—a rise of 38 per cent, compared with the $5 million provided by the previous Government. I advise the House that we have already approved the payment of $4.8 million in interim grants to councils. The remainder of the funds will be allocated when I receive advice from the Noxious Weeds Advisory Committee. I was also asked about the amount of funding allocated to local government. My department has a major investment in research of more than $3 million per year, including external funds, to develop more effective weed control methods. The emphasis has been placed on biological control and other environmentally friendly technologies.

My department is also a partner in the Co-operative Research Centre [CRC] for Australian weed management. The CRC is taking the lead in agricultural and environmental weed management research for Australia, and will operate from July 2001 to 2008. It will have a greater focus on northern New South Wales and coastal weed management problems. In conclusion, I have been advised that the Government allocates $15 million through the National Parks and Wildlife Service to control noxious weeds and feral animals within the national park estate in New South Wales.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Tourism Industry

Mr W. D. SMITH (South Coast) [3.53 p.m.]: My motion should be debated urgently because of the some 167,000 jobs created in the tourism industry and the massive financial input—almost $20 million—generated by tourism across New South Wales. My motion is urgent because the South Coast and North Coast have strong tourism sectors that are vital to their economies. Considering the tragedy surrounding Ansett airlines recently, this motion relating to tourism needs to be debated as a matter of urgency.

Police Corruption

Mr TINK (Epping) [3.53 p.m.]: My motion should be debated urgently because, unfortunately, it touches on the key issue of the time—that is, police corruption in New South Wales. The motion is urgent because, as the Minister for Police indicated to the House last night, if honourable members have been shocked by what they have heard to date and feel ill because of the actions of people in special positions of trust, such as New South Wales police officers, they will feel ill as a result of the revelations that will come forward from the Police Integrity Commission. My motion, which touches fundamentally on police corruption, should be debated urgently. The issue touched on in the motion is the future directions document, 2001-05, that the Commissioner of Police has provided to the Minister for Police. That document is the blueprint for the future of the New South Wales Police Service.

In the current climate, outlined by the Minister for Police last night, the police commissioner proposes to delegate his duties in relation to corruption resistance to the regions. I am sure all members of the public would say that the commissioner's first responsibility is to deal with corruption resistance and to make the Police Service much more corruption resistant than it is at present. My motion should be debated urgently because the proposal before the Minister is to delegate responsibility for corruption resistance down the line from the commissioner. However, there are fundamental failures in leadership down the line, as we have seen in the northern beaches command. A failure by people in supervisory positions in local area commands to show leadership is a problem, but the commissioner wants to delegate his duty to cover corruption resistance down the line towards those people.

The commissioner is paid $450,000 to reform the Police Service and to make it much more corruption resistant. Plainly, we are going backwards on that front, not forwards. The police commissioner must make it his business to continue the corruption resistance program. My motion is urgent because the proposal put to the Minister is that the operations and crime review meetings, which are chaired by the commissioner, should no longer do corruption resistance work. However, the operations and crime review panels provide some accountability within the Police Service. My motion should be debated urgently because the commissioner has proposed that corruption resistance work should be moved out of the Police Service's key internal oversight body, which the commissioner chairs. The commissioner has proposed that the issue of corruption resistance should be taken from the key accountability body and delegated to other bodies that report to the commissioner, and that corruption resistance and accountability should be matters that go only indirectly to the commissioner.

My motion should be debated urgently because, as the Minister said last night, if we are worried about what we have seen on tape so far we have not seen anything yet, and because corruption resistance must be central to the police commissioner's responsibilities. Many proposals and initiatives are put forward with respect to Police Service planning and policy. However, it is especially troubling that a proposal for the police commissioner to delegate corruption resistance is included in the blueprint for the future of the Police Service, which takes us to 2005. For the next four years the police commissioner wants to delegate corruption resistance. However, that is not what we are paying the police commissioner almost $500,000 a year to do. We are paying him almost $500,00 a year to get on top of corruption, and that means making corruption resistance a priority. It also means that this plan must be scrapped.

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

TOURISM INDUSTRY

Urgent Motion

Mr W. D. SMITH (South Coast) [3.59 p.m.]: I move:

That this House:

(1) supports the New South Wales tourist industry and its 167,000 employees;

(2) notes it injects almost $20 billion into the State economy;

(3) notes the successful "Touring by Car" on the South Coast; and

(4) supports the North Coast tourism industry.

Tourism is one of the State's most successful and fast-growing industries, with more than 167,000 people directly employed in the industry and $20 billion going into the economy. The strength of tourism can determine the position of an area as a viable and stable location for a multitude of business opportunities and investment potential, not only among international interests but also locally and nationally. Through tourism, the State's culture and communities are on show and no matter how large or small the impact on the perceptions of visitors the experience remains for life. Apart from workers directly employed in the tourism industry there is a most significant flow-on with jobs and other businesses, including general retail, personal services, health, road transport and fuel suppliers, general entertainment, communication and day-to-day services. The quality of service to tourists exemplifies our image as a welcoming and hospitable society and the reason we see visitors returning time and again, enjoying the peace, freedom, landscapes and people our regions have to offer.

In New South Wales over the past five years tourism has experienced a major boost through innovative programs introduced by the State Government and its moves to encourage operators and local councils to develop and promote their services and attractions more widely. The State Government introduced the tourism plan in 1996 to promote more effective co-ordination and co-operation between industry, community and all levels of government. Once again the Carr Labor Government has taken a big picture approach to State interests and we can be proud of the achievements and successes that have resulted from such clever planning. In early September the Minister for Small Business, and Minister for Tourism referred in this place to the success of New South Wales as a tourist destination, which has the highest number of visitors and visitor nights of any State or Territory. We have 31 per cent more visitors than our closest competitor, Victoria, and 20 per cent more visitors than Queensland. The Minister said:

> … the domestic tourism strategy is reaping results for the State, with a number of highly successful regional tourism issues ensuring that the economic benefits of tourism are spread throughout the State.

Regional New South Wales continues to outperform Sydney. I am delighted to include the South Coast and far South Coast regions as the stand-out tourist destinations in New South Wales. As a local resident for more than 25 years I have observed a number of changes to the area's popularity, with Jervis Bay a central focus for tourists. While the coastal sites are the major attractions, of course, the South Coast and the far South Coast can also boast a number of beautiful bush landscapes, heritage sites and quaint village settlements. Thanks to the Carr Labor Government's commitment to improving State roads we have seen marked improvements to the Princes Highway over the past five years, allowing much better access to some of the best tourist sites in the State. The South Coast tourism region attracts more than 2.3 million visitors a year and total expenditure during 1998 was approximately $883 million. Tourism New South Wales has estimated that this supported about 7,761 full-time jobs, and guest accommodation gains during the 2000-01 financial year totalled $25.9 million.

The South Coast region also featured in Tourism New South Wales' inaugural Touring by Car campaign, which was launched in February 2000. The campaign has generated more than $37 million worth of expenditure, with estimated benefits to the South Coast of more than $21 million. This campaign has received more than 43,000 responses, and in 2000 35 per cent of those inquiring took a holiday to the South Coast within 10 weeks of their initial inquiry period. A major success of the campaign has been extending the busy period for South Coast tourism operators, who reported an increase in occupancy of up to 45 per cent during February and May. This is most significant as it is extremely important to try to level out those periods of peaks and troughs within the South Coast region.

Between Berry and Eden there are 10 separate national and marine parks, and tourists have a diverse range of activities to choose from, including bushwalking, sailing, whale watching, wildlife tours, recreational fishing and winery tours. Eden is just one of the many townships reaping the benefits from an expanding tourism industry and the Carr Government's tourism program, including $375,000 over four years for the Eden Gateway Centre. A town which has experienced difficult periods of economic stalling in the past, Eden is now enjoying a renewed popularity through tourism, recreational fishing, aquaculture and whale watching. Improvements to the Princes Highway have also meant better access to Eden, as well as throughout the South Coast and far South Coast.

I would like to mention some of the lesser known yet popular attractions in the region. The Nowra Animal Park draws hundreds of visitors, mainly from Sydney and Wollongong. It features a variety of native

animals and birds, including kangaroos, wombats, reptiles, koalas and parrots. Set beside the Shoalhaven River the park has a camping area and is also popular among local Shoalhaven families. Mogo Zoo is situated near Batemans Bay and features a selection of the great cats, including lions, tigers and its noted snow leopard. Some honourable members may recall the excitement when that superb animal gave birth to two cubs about three years ago. Mogo Zoo is known internationally and was recently featured on an international documentary about snow leopards.

Mogo is a little highway village which has been transformed into a major tourist centre for road travellers, featuring a re-created nineteenth century mining village and a handsomely restructured township with arts and crafts centres. Mogo is also known for its Aboriginal heritage and cultural traditions. Bega and Bodalla have built an international reputation for their cheeses and Candelo, near Bega, has one at the biggest country markets in the State. I also mention the Moruya granite quarry, which has historical significance. This year the Carr Government granted Eurobodalla Shire Council $20,000 to assist with construction of a monument to the quarry workers. In fact, granite from that quarry was used in construction of the Sydney Harbour Bridge pylons.

Kangaroo Valley has also become a popular stopover for road travellers en route between Moss Vale and Nowra, with its picturesque village and the historic Hampden Bridge, as well as farm land, bushland and streams in near pristine condition. The Ulladulla Blessing of the Fleet Festival, the Narooma International Blues Festival, the Milton Scarecrow Festival, the Ulladulla Food and Wine by the Sea, the Eden Whale Festival and the inaugural Shoalhaven River Riverfest Festival are among those that have been given funding assistance by the Government.

Mr J. H. Turner: Point of order: This motion for urgent consideration is supposed to be more urgent than the motion of the honourable member for Epping, which relates to police corruption. The comments of the honourable member for South Coast would be more suited to a private member's statement.

Mr SPEAKER: Order! No point of order is involved.

Mr W. D. SMITH: Situated at Huskisson is the Lady Denman Heritage complex, where the former Sydney ferry *Lady Denman* has been restored and was recently listed on the heritage register. The Carr Government has also given funding assistance to that complex, from memory a sum of about $180,000. Also on site is a terrific museum with a giant fish pond with large specimens of flathead, snapper, blackfish, et cetera, which is a large attraction. Laddy Timbery, a local Aboriginal artisan, makes and sells artefacts on the site. I have also mentioned a number of times the great wine industry on the South Coast with Coolangatta Estate and Cambewarra Estate winning a number of major awards. With the unfortunate collapse of Ansett Airlines—

Mr J. H. Turner: Point of order: The honourable member's speaking time has expired.

[*Time expired.*]

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [4.09 p.m.]: One can understand why the tourism industry is suffering under the current Government when the B team is sent into debate this matter. The Minister for Tourism is not even at the table. She has been out of sight in the tourism industry, particularly during a period when leadership and initiative need to be shown. The Minister's lack of attention is evident from a comparison with events in other States. Following the terrible tragedies in the United States, Premier Bracks moved quickly. He also took quick action in response to the collapse of Ansett Airlines. Premier Beattie also moved very quickly, but Premier Carr's response to date is that he is still waiting for a report from his Minister for Tourism. As I observed at the commencement of my speech, the Minister has not even come into the Chamber to participate in this debate, let alone lead it.

This debate has been very poorly presented, as I mentioned in an earlier point of order. The contribution of the honourable member for South Coast was no more than a private member's statement and a waste of this Parliament's time. It is not that I do not think the South Coast is a beautiful area. In fact I drove through most of the South Coast district only last Thursday. That is why I found laughable the claim by the honourable member for South Coast that the good condition of the area's roads encourages tourism. The Princes Highway in the South Coast area is a prime example of a road in disrepair. The honourable member for South Coast should be ashamed to claim in this House that the Princes Highway from south of Nowra to Kiama is a good road. The road is a disgrace and if the honourable member for South Coast is a decent parliamentary representative, he will make sure that the Minister for Roads—another Minister who is never seen out and about—inspects the area.

Last Thursday I also drove along Main Road 92, a road of national importance, which, incidentally, was not mentioned by the honourable member for South Coast. That road traverses an area that has significant tourism potential for the South Coast. The Minister for Roads, Mr Scully, who loves to pout and thrust out his chest when interacting with the Federal Government, has completely washed his hands of the Main Road 92. I suggest to the honourable member for South Coast that if he is fair dinkum, he should be knocking down the door of the Minister for Roads seeking to have Main Road 92 restored to a proper condition so that tourism on the South Coast can increase dramatically.

The motion refers to support for the North Coast tourist industry but not one word was said by the honourable member for South Coast about that. However, I can tell the honourable member that tourism is a strong and vibrant industry on the North Coast. The National Party has always recognised the need for rural and regional tourism and has always given tourism priority as a factor of significance in rural and regional economies.

Mr Iemma: You would have some trouble convincing Jackie of that. A mere blip!

Mr J. H. TURNER: Because the interjection of the Minister for Public Works is about the only thing he has ever said, I will respond by pointing out that immediately after the American and Ansett crises occurred the Federal Minister for Sport and Tourism boarded a plane and visited every Australian State to put forward positive and constructive proposals, unlike the New South Wales Minister for Tourism, from whom we are still waiting to receive a report. Frankly, the New South Wales Minister for Tourism is a laughing-stock in the New South Wales tourism industry because of the simple fact that she has shown no initiative, no leadership and no direction in response to the problems currently confronting the tourism industry.

In New South Wales, particularly in rural and regional areas, a golden opportunity exists to capitalise on the tourism opportunities to mitigate the problems that have arisen recently. There are many areas in this State that have enormous tourism potential. As I discovered recently, in rural areas small villages such as Cowra, Hay and Moulamein will benefit enormously from each tourist who visits. The Minister for Tourism has made great play of the fact that she introduced the Touring by Car program, which was referred to by the honourable member for South Coast. I have not checked recently whether the Touring by Car web site has been rectified, but I suggest that honourable members take a look at it. It is impossible to read the information on the web site, and that begs the question of how people can possibly enjoy touring by car when the Touring by Car information cannot be read. Print-out information from the web site is incomplete and minuscule, which proves that the Minister for Tourism does not even know what is going on in her own backyard. I am wearing glasses, and I cannot read the print-out from that web site.

Members of the Opposition have raised the matter with the Minister. We have told her that the web site has problems with accessibility and legibility and that it is almost impossible to use it. If potential travellers access the site via the Government's "Visit New South Wales" web site, they will find that the printing in the Touring by Car section is so minute that it is no more than a blur. If potential travellers attempt to access the site via the New South Wales Government directory listings, they are given a message which states, "directory listing denied: this directory does not allow the contents to be listed". This is the Touring by Car program, so clearly the Minister for Tourism should take a look around her own backyard—or look anywhere, for that matter—because she is certainly not doing much for tourism.

The honourable member for South Coast mentioned Eden as a gateway centre and the funding that has been provided. That is fine, but he was strangely silent about the community having to pay the wages of people who will staff the tourism centre. Eden is not doing well at the moment as a result of the Carr Government's policies and it is unreasonable to expect people in the community to pick up the burden of staff wages. Tourism could lift Eden and put back some of the money that has been lost in recent times from its coffers. The North Coast region is vibrant. In my electorate of Myall Lakes, the Forster-Tuncurry area experienced problems some years ago but that problem has now been overcome and more and more people are coming into the area. However, more needs to be done not only to assist those who live in the Forster-Tuncurry area and on the South Coast but also, as I mentioned previously, for those who live west of the Great Dividing Range and beyond.

Many communities in rural and regional New South Wales can benefit from tourism. Every town has a tale to tell, including Hay. It is a small town in the central south-western area of the State. There is a walking tour throughout the town that is very pleasant. Tourists who take the tour often decide to stay overnight. I was surprised to learn recently when I visited Hay that every motel suite in the town was booked. That is an encouraging sign, but that has occurred more as a result of good luck than good management because the Carr Government has virtually ruled out any form of tourism promotion in areas west of the Great Dividing Range.

The National Party and the Liberal Party are absolutely committed to ensuring that when tourism promotional material is circulated, areas located to the west of the Great Dividing Range are given a fair shake in that promotional material. It is not good enough for the Minister for Tourism or her department to badge certain areas and say, "This is big sky country and explorer country, go and enjoy it". Programs and initiatives have to be created to attract tourists to those western areas and to explain to people, particularly inbound international tourists, that these towns, where they will enjoy the company and the community of the country, are within driving distance and can be reached without much trouble.

Mr Fraser: You cannot get onto the Waterfall Way on the road to Dorrigo because of the flood damage, and Carl Scully won't fix it.

Mr J. H. TURNER: The honourable member for Coffs Harbour has cited another example of what I referred to a short while ago. Roads are the lifeblood of country areas. They are of fundamental importance in getting people to and from their workplaces or their schools and, equally, they are the lifeblood of tourism. Some upgrading work has been carried out on the Pacific Highway and the Princes Highway, but in the latter case the upgrading has proceeded only as far as Kiama because the Minister for Roads will not commit funds to improve the Princes Highway beyond Kiama. Roads increasingly are falling into disrepair in rural and regional New South Wales and people will not travel on them. That is total discrimination against towns and villages in rural and regional New South Wales that are forced to rely on dirt or substandard roads. Tourists will not accept substandard roads and, consequentially, tourists do not visit small country towns. Without the tourism factor employment cannot be created in local rural economies.

The Government should examine the onerous laws applying to employment, particularly employment in the tourism industry. Not the least important of those laws, of course, are the laws relating to workers compensation and unfair dismissals. Workers compensation is a significant impost that hinders employment in the hospitality industry. Although I agree that the South Coast and North Coast areas of this State have great beauty and enormous tourism potential, much more could be done, and much more needs to be done, to fulfil that potential. The tourism industry in this State needs to see the Minister for Tourism because one of the current problems is that people simply do not see her. It is not good enough in a time of crisis to send in the B team to present this debate. We want to hear what the Minister for Tourism intends to do; we want to see the leadership she can provide.

Mr NEWELL (Tweed) [4.19 p.m.]: I support the motion moved by the honourable member for South Coast in relation to the tourism industry in New South Wales, particularly on the North Coast and South Coast. I wish to address some of the issues raised by the honourable member for South Coast relating to the Touring by Car campaign for the North Coast. As the honourable member for Myall Lakes said, even on the lower North Coast there is a successful tourism industry and the area is benefiting from that campaign. The Tweed electorate falls within the Northern Rivers tourism region, which attracts almost two million visitors a year. Total expenditure by visitors to the Northern Rivers region during 1998, which is the most recent year for which I have statistics, was estimated at some $650 million. Tourism New South Wales estimates that that expenditure supported approximately 5,684 full-time jobs. That represents a substantial contribution to the economy of the North Coast; and it is probably one of the largest contributors to the North Coast economy apart from direct government funding.

Guest accommodation takings for the region for the year ending June 2001 totalled some $31 million. The Carr Government has committed in excess of $2.7 million in funding to co-operative advertising campaigns, marketing and development campaigns and funding for regional flagship events in the region. The Government has funded 10 flagship events in the region since 1995 at a total cost of $218,050. Special major event funding of $30,000 was recently allocated to the Grafton Rowing Festival. Some of the regional flagship events that have received funding include the Harvest Fiesta in Murwillumbah, which is probably better known as the Banana Festival; the Northern Rivers Folk Festival in Lismore; the Taste of Byron; the Thursday Plantation Sculpture Show, Thursday Plantation being located at Cumbalum, which is just north of Ballina; the Tyalgum Festival of Classical Music in my electorate; and the Yamba Seafood Festival.

It is estimated that the Touring by Car program has generated more than $37 million in expenditure on the North Coast. It is also estimated that that expenditure supports approximately 300 jobs. Today estimated benefits delivered to the Pacific Coast region amount to more than $7 million. The Pacific Coast Touring Route was launched in May 1999 and repromoted in May 2001. The campaign was worth around $0.5 million and comprised magazine, press and radio promotions which targeted Brisbane in an effort to attract visitors to Sydney using the Pacific Highway. Respondents received a map, a bonus book with special deals on local tourism product, a registered key ring and destination promotion information.

There have been more than 14,000 responses, and conversion rates have been excellent. Some 35 per cent of all people who requested the map and bonus book took the trip within six weeks, which is a fantastic response, and a further 32 per cent of people indicated that they intended to travel within 10 weeks of receiving the promotional material. I assure the honourable member for South Coast that the Touring by Car program has been a success on the North Coast, and I hope the Minister keeps up her good work in promoting the campaign.

I should like to refer to some local initiatives. The Northern Rivers Regional Tourism Organisation has been extremely active in restructuring, and I believe it has raised the bar of performance for a peak industry body. An integrated strategic marketing and development plan has been put in place and a brief to a consultant is currently being prepared. That is being funded by Tourism New South Wales and Northern Rivers Regional Tourism, which have also invited the Northern Rivers Development Board to participate in the program. Additional advice and in-kind support has also been secured from the Department of State and Regional Development, Southern Cross University and the nature task force. An ecotourism development project has been launched with support from Tourism New South Wales. [*Time expired.*]

Mr R. H. L. SMITH (Bega) [4.24 p.m.]: It gives me pleasure to speak to the motion moved by the honourable member for South Coast. I wish to speak about the South Coast, which includes my electorate. I have no doubt that there is great potential for tourism on the North Coast, but I know more about the South Coast and I will concentrate my remarks on that area. There is no doubt that the South Coast is becoming extremely popular as a tourist destination. Over the years it has always enjoyed great popularity, but it seems that in recent years people are rediscovering it. It used to be regarded as one of the undiscovered areas. These days people are realising the wonderful natural environment on the South Coast and the far South Coast. Only a few days ago Michelle Robinson, the tourist officer of Bega Valley Shire Council, prepared a report in which she indicated that at the conclusion of the Victorian and New South Wales school holidays tourism increased over the previous year by some 70 per cent. That is a massive increase for a one-year period. I have no doubt that a similar increase in tourism also occurred in the Shoalhaven, Eurobodalla and other areas on the South Coast and far South Coast of New South Wales.

The South Coast area is only one day's drive from many of the State's major cities. Indeed, that applies to the Merimbula-Tathra-Bermagui end, an area to which people travel from Victoria and even Canberra. People can drive up in one day, have their holidays, and drive back in one day. A large number of people travel to the Eurobodalla area from Canberra. People who live in the southern suburbs of Sydney also come to Shoalhaven and Eurobodalla to enjoy the wonderful environment and natural beauty of the area. However, there are some major matters that the Carr Government is simply neglecting at the moment, the most notable of which is the Princes Highway.

I recall a debate in this House only a few months ago when the Minister was skiting about the amount of money he was putting into the Princes Highway. The Minister told us that funding of $380 million was being allocated in one year, when in fact it was allocated over a 10-year period. Given that the Princes Highway is the State's major highway, funding of $38 million a year for something like 600 or 700 kilometres of road between the Victorian border and the Illawarra is a pittance and represents nothing short of neglect. The shadow Minister referred to the neglect of the Government and the fact that it had to be pulled screaming to the table to match the Federal Government's funding for Main Road 92, which is the link between Nowra and the Canberra area. Funding of that magnitude would make a massive difference to tourism to that area.

Another matter of grave concern—the honourable member for South Coast knew about it but did nothing about it when he visited my electorate—is the stupidity shown by those responsible for building a new bridge at Pambula that will be flood prone. The present bridge is in such a deplorable state that another flood could result in it going. The highway would then be completely closed for many weeks while a temporary bridge is constructed. The Government has now decided to allocate funding for a new bridge. But what is it going to do? It is going to botch it up. It is going to build a bridge that will be flood prone, isolating people in Eden who are trying to get to the hospital at Pambula. Schoolchildren who travel from Merimbula to Eden High School will also be isolated. The Government will not even fix a major problem such as that by providing a decent bridge that will not be prone to flooding. Flooding occurs at Moruya all the time. These matters need fixing now. At Eden a great deal of capital works funding was put into the Gateway to New South Wales but, as the honourable member for Monaro has informed me, Bega Valley Shire Council has to pay all the staff. [*Time expired.*]

Mr BROWN (Kiama) [4.29 p.m.]: It gives me great pleasure today to support the positive motion of my colleague the honourable member for South Coast. The motion has been moved in support of the New South

Wales tourist industry and is worthy of debate. Unfortunately, members of the Opposition do not regard this as a positive opportunity to promote tourism, jobs and small business in the regions they represent. It is disgraceful that they want to talk down the tourist industry. The honourable member for Myall Lakes wants to talk down the tourist industry on the South Coast so that he can promote tourism in his electorate on the North Coast. I ask him to support his colleagues, small business and workers on the South Coast.

I cannot understand why the honourable member for Bega talked doom and gloom about the tourist industry and tried to downplay tourism on the South Coast and the far South Coast. He should talk up the tourist industry. He conceded that the South Coast is becoming a Mecca for tourists coming from Canberra, Sydney and Melbourne but then he tried to play down that concession to score some cheap political points. This is a positive motion and it is about time I provided some basic facts. The Kiama electorate falls within the Illawarra tourism region. The region attracts more than 1.3 million visitors a year. In the year to December 2000 the number of domestic visitors increased by 11.4 per cent. During 1998 total expenditure by visitors to the Illawarra region was estimated at $568.4 million. Tourism New South Wales estimated that tourism supported approximately 4,998 full-time jobs. In the year ending June 2000 guest accommodation takings for the region totalled $34.3 million.

The Carr Labor Government has committed more than $1.5 million to the region on co-operative advertising campaigns, marketing and development campaigns and funding for regional flagship events. The Kiama electorate has some great flagship events. They include the Australian Folk Festival, the Sea, Food and Sail Festival at Wollongong, the Kiama Jazz Festival, the Kiama Seaside Festival, Viva la Gong and the Shellharbour Festival of Sport. The Minister for Tourism loves to come to the South Coast to promote our industries and our beautiful environment. She has never declined my invitations to come to the South Coast. Through her department she has instigated the Touring by Car campaign, a great celebration that attracted many tourists. Credit should be given to the Minister and the Government. We take a whole-of-Government approach with different Ministers working together. The Minister for Regional Development and the Treasurer gave money to the Illawarra Advantage Fund to promote new industries, such as the wine industry, on the South Coast. Coopin River Wines at Gerringong received some of that funding.

The commitment of the Minister for Transport, and Minister for Roads has been excellent. He has committed $380 million to upgrade the Princes Highway. How much did we get from the Coalition when it was in government? There were no major upgrades of any roads. The Wran Government provided funding for the Kiama bypass. We then received nothing and the Minister for Roads has now provided funding for the North Kiama bypass, which has eliminated the nasty bends between Kiama and Berry. As well as road transport improvements the South Coast is about to benefit from the electrification of the rail system to Kiama, which will be another promotion for the South Coast.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Coffs Harbour will cease interjecting.

Mr BROWN: The Minister for the Environment is responsible for the national parks that provide fantastic tourist opportunities. One of those is the Minnamurra rainforest. I commend the motion to the House.

Mr W. D. SMITH (South Coast) [4.34 p.m.]: in reply: I thank the honourable member for Kiama and the honourable member for Tweed for their outstanding contributions to the debate. I also thank the honourable member for Myall Lakes and the honourable member for Bega for their contributions. However, I was extremely disappointed by the whingeing and whining nature of the contributions of those members. The Opposition has no tourism policy. It has no direction in which it wants to take tourism in New South Wales. It is bereft of ideas and positive contributions.

The honourable member for Myall Lakes slighted the Government for what he claimed it had not done. The State has contributed $20 billion to the Australian tourist economy, which is worth about $60 billion—one-third of the income generated by the tourism industry comes from New South Wales. The tourist industry in this State generates 167,000 jobs, yet members of the Opposition still claim the Government is not doing a good job. A derogatory remark was made claiming that the speakers in this debate were the B team. We could be the Z team and we would still leave members of the Opposition behind.

I was also offended by the attitude of the honourable member for Myall Lakes, who claimed that my speech was a waste of time. I do not believe anything relating to tourism is a waste of time. As well as slighting the Minister for Tourism the Opposition attacked the Minister for Roads. That is absolutely absurd. The

Minister for Roads is doing a terrific job on the Princes Highway. In the past 12 months he has put at least $8 million into the Kiama electorate. Another $1 million is on tap waiting for work on the Princes Highway at south Nowra. Another $1 million is available for improvements to the winding and dangerous Moss Vale or Kangaroo Valley Road. The Minister for Roads is acting positively, unlike the Coalition, which whinges and whines about road matters.

The honourable member for Myall Lakes referred to Main Road 92. He does not even know that the State Government, the Federal Government and Shoalhaven City Council have been working together in a most co-operative way to secure funding for that road. The Federal Government and the State Government have each contributed $34 million. However, according to the honourable member for Myall Lakes, although the State Government has contributed exactly the same amount of money, it is not doing its job and the Federal Government is. Shoalhaven City Council has contributed the significant amount of $12 million. Despite the Federal member and me being of different political persuasions, we worked together with the local council to get the project off the ground. One Saturday morning about two weeks ago the Federal member, the mayor and I celebrated the official launch of work on that road. The honourable member for Myall Lakes should make himself familiar with the program.

The honourable member for Myall Lakes referred also to what he thought was the good work of the Federal Minister for Sport and Tourism, Jackie Kelly. She spent $60,000 of taxpayers' money hiring a plane to go round Australia and look at the tourism industry. One would have thought that she would have had her finger on the pulse. That does not appear to be the case because, instead, she wasted $60,000 of hard-earned taxpayers' money looking at the tourism industry. She should know what is going on. There is a degree of irony about that $60,000 flight. On 4 October on the ABC's *PM* program, when asked a question about Ansett airlines, Jackie Kelly said, "There are seats available. Capacity is back. Just get yourself on a flight and forward book it now."

The Federal Minister for Sport and Tourism then spent $60,000 on hiring a jet to take her around the country. Why did she not take her own advice and jump on an Ansett plane if she thought the service was so good? It is absurd! It is outrageous for anyone to say that the problems confronting the tourism industry are just a blip. I refer also to a comment made earlier by the honourable member for Bega. After I visited his electorate, in an attempt to do his job, I made representations to the Minister for Roads about Pambula Bridge. The honourable member for Bega has been a member of this Parliament for many years, but he has done nothing about that issue. It is quite offensive that I have to do his job for him. [*Time expired*.]

Motion agreed to.

BUSINESS OF THE HOUSE

Disallowance Motion: Suspension of Standing and Sessional Orders

Motion by Mr Iemma agreed to:

That standing and sessional orders be suspended to allow the notice of motion for disallowance on the business paper to be postponed at this sitting and to be set down with precedence at the sitting on Wednesday 24 October 2001.

AUSTRALIAN MASTERS GAMES

Matter of Public Importance

Mr GAUDRY (Newcastle—Parliamentary Secretary) [4.42 p.m.]: In the last few weeks, in a period of uncertainty and concern in this nation and internationally, Newcastle and the Hunter Valley have been blessed. On 1 September we had that wonderful Knights grand final win. On 3 October the Knights were welcomed home. From 5 to 14 October we had the fantastic eight Australian Masters Games. Those games, which were held in Newcastle, involved competitors from 17 different countries—a large international contingent. The eighth Australian Masters Games were the biggest and most successful games that have ever been held. Newcastle was awash with champions over that period when people of all ages and from all backgrounds participated.

This was the first time that the games were held in New South Wales and it was the first time they were held in a regional centre. I congratulate the Newcastle and Hunter Events Corporation, the State Government, Hunter councils and the thousands of community volunteers who were either directly involved in the games or who extended the hand of friendship to New South Wales and international competitors. Seventeen countries

were represented at the games. People from as far away as Peru, Papua New Guinea, Lithuania and India attended the games, and 11,150 competitors participated. As I said earlier, this was the biggest Masters Games ever.

Almost half of the competitors to whom I referred came from New South Wales and over 6,000 competitors came from outside the Hunter region. Nearly 4,000 competitors came from within the Hunter region. Papua New Guinea had the largest contingent, with 105 competitors. Other countries that were represented at the games included Britain, Canada, China, Guam, India, Indonesia, Japan, Lithuania, New Zealand, the Northern Mariana Islands, South Africa and the United States of America. The oldest competitor at the games was Mr Alfredo Cherchi, a 94-year-old swimmer from Willoughby. Forty-three per cent of competitors were female and 57 per cent were male. A record number of 61 sports were contested, ranging from badminton to bridge, beach volleyball, softball, shooting squash, diving, dance sport, which is rock and roll, and dragon boat racing—an event that generated much enthusiasm.

Some people are too young to participate in the Masters Games but, as I indicated earlier, people are never too old. Mr Alfredo Cherchi is obviously a good example. There was a great sense of community and camaraderie in Newcastle while the games were being held. That was reflected in the opening ceremony at the Newcastle Jockey Club, which hosted the enthusiastic march past of participants. There were performances by over 500 Newcastle local schoolchildren showcasing the talent that emerged at the Star Struck events developed in the Hunter over the last few years.

An enormous amount of work was put into organising and managing the games. I pay tribute in particular to the State Government for its contribution of over $1 million in cash and kind to the running of the games. I pay tribute also to local government, which contributed over $300,000, and to local businesses, donors and sponsors who contributed approximately $1 million in cash and kind.

Newcastle City Council spent over $100,000 upgrading the venues in the area and undertaking beautification projects around the city. One of the many comments that was made by many visitors was, "What a magnificent city Newcastle is." That statement applies equally to Newcastle's harbour, its heritage buildings, its beautiful beaches and its upgraded sports venues. The Department of Sport and Recreation, which is the responsibility of Minister Watkins, allocated $70,000 for venue improvements over that period and an official was seconded to the games. The Hon. Sandra Nori, Minister for Tourism, will speak in the debate. She will refer to the outstanding contribution to tourism generated by the Masters Games. All forms of accommodation were utilised during those games.

I acknowledge the work done by the Newcastle and Hunter Events Corporation. I refer to Mr Michael Hill, chairman, Mr Jim Barry, Regional Manager of the Department of Sport and Recreation, Mr Ron Burns from Sport Industry Australia, Ms Janet Dore, General Manager of Newcastle City Council, Mr Ken Holt, General Manager of Lake Macquarie City Council, Mr Alan McKeown from Sneddon McKeown, Mr Mike Nesbitt, managing director of Marathon Tyres, Andrew Robertson, director of Robertson and Young Advertising, and Mr John Rose from Tourism New South Wales. That reflects the wonderful linkages effected by the Newcastle and Hunter Events Corporation that led to the success of these games.

That could not have occurred without the enormous amount of work done by Adrian Hurley, the Chief Executive Officer of the Newcastle and Hunter Events Corporation, and his team. I pay tribute to the team: Melanie Arthur, media manager, Chris Sparkes, executive assistant, Heather Brown, marketing manager, James Mackay, communications manager, Jason Holt, volunteer manager, Keith Drinkwater, sports medicine co-ordinator, Narelle McClelland, finance manager, Pat Scammell, sports manager, Paul Thornton, transport co-ordinator, Terry Charlton, operations manager, Tony Thurtell, events and functions manager, Vicki Engert, athletics services manager, and Reverend Steven Troyer, chaplain.

Every section of the community—people from sports, communications and a chaplain—were involved in this event. The Newcastle and Hunter Events Corporation must be assisted in its ongoing role of promoting many sporting and cultural events in the city. We have seen the success of this organisation in promoting and organising the Masters Games. We should work out ways to sustain the organisation so we can benefit from it and from the promotion of tourism, sport and other functions in our community. This was not just a Masters Games for champions, although it was wonderful to see the tremendous outcomes. The Minister smiles because she knows I participated, along with my wife, in the petanque events. It was by no means at championship level.

Mr R. W. Turner: The what event?

Mr GAUDRY: Petanque is a wonderful sport, similar to bolle or boche. It is very popular across the community and is a growing sport. The Lord Taverners is a cricket team set up to raise money for disabled and disadvantaged children and it has a branch in every State in Australia. In the first round it played the NIB Evergreens, a team that included former Australian players Rick McCosker and Dutchy Holland and former Sheffield Shield player Michael Hill. They lost that game but went on to win six games in a row and took out the final of the series because technically it was a washout.

During that week and up to the closure at Beaumont Street there was in the Hunter a wonderful sense of festival and fun, of great competition and the lifting of confidence. There was a good feeling in our community that obviously started with the great win of the Knights rugby league team and continues after the Masters Games. There is a positive feeling for the future in Newcastle and the Hunter, both in sense of community and in the tourist potential of our city. [*Time expired.*]

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [4.52 p.m.]: I join with the honourable member for Newcastle in congratulating all those involved with the Masters Games. It was a terrific initiative and I congratulate particularly the Hunter events committee. The honourable member for Newcastle mentioned a number of people involved. I note Dr Adrian Hurley, Terry Charlton and Pat Scammel were at the top, but the people underneath, the volunteers, who did the work, should be congratulated. I should learn from the honourable member for Newcastle how to play petanque, as I am down to play three games of rugby union on Saturday and I am sure it is much easier to play petanque than rugby union. The philosophy of the games, as I have taken it off the web site, should be read onto the record. It is:

> … to provide an incentive for mature age persons to begin, or continue active participation in sport. It aims to provide a focus for individual sports to develop their own mature age sport events and to maintain mature sports as a continuing aspect of their programs and focus. There is a definite aim of the Games to promote community interest and participation in mature age sport and to thereby contribute to the health of its citizens and the nation.

The games are normally open to people between the ages of 30 and 90. We are now living longer, we need to be involved in sport and we need outlets for that involvement. The Masters Games enables that to occur. In a moment I will allude to the Masters Games that will be held in my electorate next year. The Newcastle organisers catered for 61 sports compared to 28 at last year's Olympics. There were 11,000 competitors, which compares well with the Olympic Games, at which there were about 12,000 competitors. Fourteen countries were represented and 90 venues throughout Newcastle and the Hunter Valley were utilised. This was not easy to organise and the organisers, with a meagre budget of $3.5 million, did a great job.

If we can attract people to areas of New South Wales for any reason—and I have used sport as an example—we will get them back. Having come from Cessnock in the Hunter Valley and from Nelson Bay I know the area very well. I have worked in Newcastle, Maitland and Medowie, and people could not help but be struck by the beauty of the area. These Games were an international event and we hope people will come back to the areas they visited and then move through to other areas.

These Games are also significant for being the first to be held in a regional city. I hope that continues and that we will see them held in other regional and provincial cities. It is estimated that about $20 million will flow into the economy as a result of the games, and that is a significant amount. One political aspect is that as the games were so successful and a lot of venues were used—I suppose Marathon Stadium was one of them—and as the Knights have been so successful, it would be nice to see funds made available to upgrade Marathon Stadium.

Representatives of my electorate attended the games, and they were successful. The Taree Motorcycle Club had three entrants and all proved themselves to be among the best riders of their age in the country. Peter Drury took out maximum points for his two classes, pre-1975 Open and Longtrack Solo, to earn two gold medals. Neil Blanch took third in the pre-1975 Open and a second in the Longtrack Solo, giving him one bronze and one silver medal. Max French was the third rider and came home with medals from his divisions. On the athletics track Lachie Towers took the silver medal in the triple jump. Fred Atkins—whom I know well and I will probably get into all sorts of bother by calling him an elderly gentleman, but he is a very fit gentleman—took bronze in the 100 metre sprint for his age group. Fred's third placing was behind two champion athletes who between them had collected 20 world titles. Fred is still very active in our community.

It is proposed that the Mid North Coast Masters Games, centred on Taree, will be held on 23 and 24 March next. It was proposed to hold them in September this year over a two-week period but regrettably certain logistic and administrative problems and the weather resulted in their cancellation. It has now been decided to

hold a condensed version over two days and we hope to see many of the sports that were in the Newcastle Games held during the games on the mid North Coast. Preliminary meetings have been held by organisers of these Games, Dick Clode and Di McKearn. They had a meeting recently at which 10 sports were represented, including squash, tenpin bowling, soccer, canoeing, golf, rifle shooting, bowls, croquet, touch football, netball, tennis, swimming and athletics. They have all indicated they want to be part of the games and the organisers have said that they would be more than happy to accommodate any sports that asked to participate.

I understand that during the Australian Masters Games in Newcastle the games to be held in Taree were heavily advertised and a committee was invited to speak at the Chamber of Commerce meeting. Mr Clode was arranging for that to occur through his contacts in Newcastle during the last Games. Clearly, the success of the Masters Games in the Hunter with an eye on older people—I class myself as that, as active sport is usually looked at as being for young persons—is important. We should develop these Games and ensure they are properly funded. I acknowledge New South Wales Tourism's and other sponsors' role in that regard. I would like to see them continue.

It is an important strategy to link tourism with sport. I congratulate the Federal Minister for Sport and Tourism, who announced a sport tourism strategy a couple of months ago in an effort to link those two items together. I know that the golden oldies football carnival I am to play in at Forster on Saturday will attract 22 to 24 teams. Although we have not carried out any formal or accurate costing, that should bring in about half a million dollars to Forster-Tuncurry's economy during that period. That is great. As I said a moment ago, the Masters Games have a flow-on effect for Newcastle and the Hunter Valley because people come from Barraba, the South Coast and throughout the area. They will spend a weekend in the area, have a look around and, hopefully, come back and do it again.

One big event for the Forster-Tuncurry area is the ironman triathlon. Some five or six years ago the University of Newcastle conducted a definitive study—the results are out of date because the number of competitors has increased to 1,250 and about 3,000 volunteers are involved. At the time it was estimated that the triathlon would bring about $4.8 million to the area. Participating in the half triathlon, which will be held early next month—I cannot remember the exact date—is a precursor to participating in the full triathlon. Many competitors in the half triathlon are already training in the area. There are many sports tourism initiatives we should be taking. I guess there will be a debriefing on the Masters Games in the Hunter to see what went right, what went wrong and how it can be improved.

Earlier I said that sports tourism is very important. I implore the Minister for Tourism to do everything she can to ensure that rugby union World Cup games are played in the Hunter. I have heard that we may possibly lose some of the rugby World Cup games, and that would be a shame. As the Minister said, the New South Wales economy received some $40 million from about 10,000 overseas visitors who supported the Lions during their recent tour. We expect about 1.9 million people to attend the rugby World Cup games. Imagine what that would do not only for Sydney but for the rest of New South Wales! [*Time expired*.]

Ms NORI (Port Jackson—Minister for Small Business, and Minister for Tourism) [5.02 p.m.]: I was pleased to be in Newcastle on Sunday night to officially close the Australian Masters Games. I can only repeat that the atmosphere there was absolutely fantastic. It brought back wonderful memories of being in Sydney during the Olympics last year. I congratulate the honourable member for Newcastle and his wife, Barbara, on participating in petanque. The honourable member joined in the event and, indeed, the athleticism of the event in great spirit.

After the Sydney 2000 Olympics, the Australian Masters Games is the biggest sporting event that Australia has ever seen. It is also the first time that the Masters Games have been held not only in New South Wales but in a regional centre. I am pleased that Newcastle and the Hunter were successful in winning the bid to host the Masters Games, because the games have built on the Hunter's growing reputation as the regional sporting capital of Australia. Next year the Hunter will host the Eastern University Games, which involves all the universities in New South Wales. In 2003 another major event, the Australian University Games, will be held in the Hunter. That will attract a significant number of people to the Hunter.

Newcastle's bid to host the Masters Games was not all plain sailing. It is a secret, but I will tell the House that in 1998 the Hunter was rejected as a possible venue for the Masters Games. We owe a great debt of gratitude to one staff member of Tourism New South Wales in particular and to Tourism New South Wales generally. The staff member was not convinced that the Hunter could not host the Games because it lacked the infrastructure, accommodation stock and so on, so Tourism New South Wales conducted an audit. It counted the

number of rooms and beds that were available and other possibilities, it looked at the infrastructure and venues, and it realised that the Hunter could host the Masters Games. As a result of that audit, the Hunter won the right to host the games. I am glad that Tourism New South Wales was persistent in making its assessment and pushing the case for the Hunter to host the games.

Early estimates are that $18.5 million will have been pumped into the local economy. That is fantastic. We are now waiting for a fuller debrief on the Games, and I am comfortable that that conservative figure will increase. Newcastle city was not the only beneficiary of the Masters Games, because the events and accommodation were spread across the broader Hunter region. It is great that people will take the opportunity to do a bit of pre-touring and post-touring. Some 12,000 people now know about the Hunter, and there will be great marketing of the region by word of mouth. If people have had a wonderful experience at a destination they will return there. For all those reasons, the Masters Games were fantastic for the tourism industry in that region. I congratulate my agency, Tourism New South Wales, and the Major Events Committee, which provided $1 million to support the bid and the hosting of the Games. Some $400,000 of in-kind support was also given.

Contrary to what the shadow Minister for Tourism said, it is a shame that the Commonwealth Government did not recognise the incredible economic benefits of the Masters Games. The Australian Sports Commission has not funded the Games since 1997. Contrary to any announcements by the Federal Minister for Sport and Tourism, the Hon. Jackie Kelly, the Australian Sports Commission did not help fund these Games, and I have yet to see evidence of the success of her tourism in sport and regional tourism strategies. The only funding provided by the Commonwealth was a modest $35,000 from the Department of Veterans' Affairs.

I thank the people of Newcastle, the local governments involved, sporting groups, the Chamber of Commerce, local businesses and so on. In particular, I thank the 3,500 volunteers—the number of volunteers at these Games was a record—for the fantastic job they did in giving everyone a wonderful experience and for improving the experience that people would otherwise have had at the games. That will go a long way to ensuring that people have a fine and wonderful memory of their time in the Hunter. Also, it will encourage people to encourage others to visit the Hunter for their holidays and to return to the Hunter in the future. As we know, tourism is very important to the Hunter region; it is worth about $1 billion to the Hunter economy. It is a major industry and one that we can now expect to grow. [*Time expired*.]

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.07 p.m.], in reply: I thank the honourable member for Myall Lakes and the Minister for Tourism for their contributions to this debate on the Masters Games. The theme of the games was serious fun. The objective was for people over 30 to develop their athletic ability and fitness, and to maintain a fit and healthy lifestyle in a way that gave them access to having fun in a competitive sport. Obviously the emphasis was on maintaining health and fitness, rather than possibly breaking a world record. The honourable member for Myall Lakes emphasised that aspect. I wish him well in the masters rugby competition. Rugby requires a lot of energy, and I hope that his team is successful.

The Minister for Tourism pointed out the importance of the Masters Games to Newcastle and the Hunter. The Masters Games provided wonderful tourism opportunities, particularly for the range of accommodation available in the area. I take the Minister's point that initially, in 1998, there was some concern and doubt about whether the Hunter could host such an event. Because the Hunter hosted the Masters Games, and did so successfully—it was the biggest Masters Games ever—we received a glowing report from visitors about how wonderful the city is. I reiterate the great sense of community that there is in the Hunter, its can-do attitude, how the business community was linked together with the volunteer community—I congratulate the 3,500 volunteers—and the assistance from the State and local government.

The involvement of the Department of Sport and Recreation and the Department of Tourism, together with the secondment of people from departments to assist in the running of the games and the tremendous work done by the Newcastle and Hunter Events Corporation, all contributed to the success of the games. I particularly mention one aspect that certainly contributed to the games being the most successful games ever staged: the most comprehensive games transport system that has ever been organised in Australian Masters Games history, which was provided by the State Government. All participants in the games enjoyed free local bus and ferry transport and received statewide subsidised train travel.

I offer my thanks to the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development, Richard Face, and in particular to the Minister for Transport, and Minister for Roads, Carl Scully, for the work they contributed in making decisions to facilitate staging the games. It is also important to acknowledge the principal sponsors for the games, namely, the Newcastle City Council, Peach Advertising,

Tourism New South Wales, the *Newcastle Herald*, the New South Wales Department of Sport and Recreation, NBN Television and Channel 10. A highly successful combination of communications media—print, radio and television—resulted in co-ordinated coverage of the games. The fact that sponsors were drawn from across the business community and featured a huge involvement by volunteers re-emphasises the sense of community that exists in Newcastle and surrounding districts.

The principal lesson to be learned from the Masters Games is the emphasis that is placed on the serious fun component. People are encouraged to maintain a high level of fitness as they mature from being young and enthusiastic sports people. People are encouraged not to allow their fitness levels to drop but, rather, to continue with an active lifestyle. That theme conveys an important message to all of us. During the games I met a participant to whom I could speak only with the assistance of an interpreter. The Bolivian runner, Rufino Chavez, is a Masters Games participant of international standard. He watched the petanque with a person who was his host for the games and he showed a great interest in everything that was going on. He is a participant who embodied the interest and feeling that people have towards activities that are features of Masters Games. [*Time expired.*]

Discussion concluded.

Mr DEPUTY-SPEAKER: Order! It being shortly before 5.15 p.m. business is interrupted for the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

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KIAMA RAIL SERVICES

Mr BROWN (Kiama) [5.12 p.m.]: I inform the House that when I was in primary school my class put together a time capsule. I can remember my teacher talking about the diesel trains that travelled back and forth from Wollongong to Kiama and that probably in another hundred years the same red diesel trains and rail cars would still be running. It was a bit of a joke and we all thought that was probably right, but soon after that there was an upgrade of diesel carriages and the Wran Government extended electrification of the rail line to Dapto. My predecessor, Bob Harrison, was a committed supporter of public transport. Prior to my preselection, the issue of electrification of the rail line to Kiama was often discussed at branch meetings. Members of the branch requested the former member for Kiama to lobby for extension of rail line electrification because it is such an important infrastructure development for the area.

It was very pleasing that following my preselection and afterwards, as the Australian Labor Party candidate I could go to the polls and state confidently that the Carr Labor Government was committed to electrification of the rail line from Dapto to Kiama. The rail electrification project has cost taxpayers approximately $50 million in infrastructure development. There are approximately 45,000 electors in Kiama, so the provision of rail line electrification from Dapto to Kiama represents $1,000 committed to each voter by the Carr Labor Government. That certainly puts a stop to some of the mischief that has been made in my electorate which suggests that because Kiama predominantly supports Labor, the Carr Labor Government takes the electorate for granted. The rail electrification project is just one example which shows the commitment of the Carr Labor Government to people who live in the Illawarra and South Coast areas of this State.

An issue that arose during discussion of the rail electrification project was what rectification of the rail line would really mean. Would it mean that an electric train from Kiama would commence its journey at Kiama and travel all the way to Sydney non-stop? Would it mean that there would be a shuttle electric train between Kiama and Dapto so that commuters who board the train at Bomaderry, Berry or Gerringong would have to change trains twice, once at Kiama and then again at Dapto? I stated in my submission to the Minister that if electrification involved having to change trains twice, the people of my electorate would rather not have electrification than suffer such inconvenience. Although commuters support an infusion of funds for electrification because electric trains are quicker, smoother and more environmentally friendly, at the end of the day passengers want a better and more convenient service. If electrification of the rail line involved an increase in the number of times commuters had to change trains, the people in my electorate would not mind reverting to steam train travel as long as they had a fast and direct service running from Kiama to Sydney.

I express my appreciation to all the people who signed the petition I presented to Parliament to let the Government know that people in the Kiama electorate did not want to have to change trains twice en route to

Sydney but wanted to change trains only once, either at Kiama or at Dapto. This week I took great pleasure in announcing in the *Kiama Independent* and the *Lake Times* that following the official opening on 17 November an interim timetable will come into effect on 18 November. I have briefly examined the timetable and cannot see any instances which would result in a commuter having to change trains twice. During implementation of the interim timetable, there will be a combination of electric rail services from Kiama as well as some diesel services which will continue to operate to Dapto.

I congratulate the people of the Kiama electorate on taking the time to sign a petition that applauds the New South Wales Government's investment in rail infrastructure and requests implementation of a timetable for a direct electrified rail service to Sydney. I hope they will join me at the official opening ceremony, together with all the local councillors of the local government areas of Wollongong, Shellharbour City, the Kiama municipality and Shoalhaven City. All those communities should be congratulated on their part in ensuring that this great project came to fruition.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.17 p.m.]: I congratulate the honourable member for Kiama on bringing to the attention of the House the very important rail service that this Government has provided for the people of the South Coast area of this State. The predecessor of the honourable member, Bob Harrison, spoke many times during the course of his campaign to be elected as a member of this House about the need for rail electrification to Kiama and beyond. When Labor was in Opposition, I often heard Bob Harrison say that the project would never happen until Labor won government. The project has become a reality, and the current honourable member for Kiama has played a big part in ensuring that the project has been delivered to the people of the Kiama electorate on time.

I often read in local newspapers the comments made by the honourable member for Kiama on electrification of the rail line to Kiama. I have also heard the honourable member on the radio discussing the rail electrification issue. It is great that the honourable member has brought this matter to the attention of the House. The people who live on the South Coast deserve rail line electrification and I have no doubt that the honourable member for Kiama will continue to campaign to ensure that rail electrification is extended beyond Kiama. I have no doubt that within the term of his service in this Parliament the dream will become a reality. He will continue to work very hard to ensure that people who live in areas south of Kiama receive the benefits of rail line electrification during the term of his parliamentary career. I congratulate the honourable member for Kiama on the hard work he does for his electorate.

WAR VETERAN Mr JIM CHIDGEY NATIONAL PARKS ACCESS

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.19 p.m.]: On a day on which the Australian Government has again had to commit Australian men and women to fight overseas, I raise an issue relating to heroes of a former conflict: those who fought for this country during World War II. I bring to the attention of the House a case involving Mr Jim Chidgey of Wahroonga, an 82-year-old veteran who was a member of the 2/19th Infantry Battalion and fought in the Malaysian campaign in World War II. Mr Chidgey lost a leg on the last day of action before Singapore fell. He was lucky to have survived the catastrophe, given that he spent the rest of his time in the war as a prisoner of the Japanese in both Changi and Krange prison camps. I am told that at one stage in those camps, with his injury, Mr Chidgey's weight fell to 42 pounds. He is a remarkable reminder of the suffering and pain that so many veterans went through during World War II in defence of this country.

Mr Chidgey is a totally and permanently incapacitated [TPI] veteran. He has severe spinal problems as a result of his injuries, his mobility is extremely poor and he lives in almost constant pain. When Mr Chidgey was classified as totally and permanently incapacitated, his TPI gold card entitled him to free access to national parks controlled by the National Parks and Wildlife Service. One of Mr Chidgey's few remaining pleasures is to drive to Apple Tree Bay, which is within Ku-ring-gai Chase National Park and about 10 minutes from his home. There he can enjoy, as often as he can, fresh air and sunshine away from the atmosphere of the home, where he is forced to spend so much of his time. Due to changes presided over by the Carr Government, Mr Chidgey, as a TPI, is no longer entitled to free entry to the national park. One of his few remaining pleasures is now costing him money, and I find that hard to fathom. I do not have to remind this House of the debt owed by all of us to those who fought for this country in former wars. I certainly hope that those who follow me in this House do not have to remind people of the debt that this country will owe to those who are about to embark overseas when they return.

This is not so much a question of money as a question of principle. Our veterans ought to be honoured and provided with benefits, as indeed Mr Chidgey was when originally classified as a totally and permanently

incapacitated veteran. The action of taking away the entitlement of free access to national parks from veterans like Mr Chidgey is miserable, mean-spirited and miserly, and I urge the Carr Government to review the policy. It goes without saying that we are not talking about a large number of people. As I said, Mr Chidgey is 82 years of age. Others are in the same boat. This is not an issue that will blow the State's budget, but it is an issue of honour. It is an issue of honour to all of us to recognise the efforts of these people and the lengths they went to on our behalf at a time of great conflict.

On previous occasions in this House I have said that during his term the Premier, to his credit, has bravely sought to assist the war veteran community. I raise this issue this evening in the hope that the Premier will intervene in relation to the decision of the National Parks and Wildlife Service to deny TPI veterans free access to national parks. I place on record my thanks to the Hornsby District TPI Social and Welfare Club, and in particular Mr Tomlins, the welfare officer, for bringing this matter to my attention. I am one of those who will always strive to uphold the debt of gratitude that we owe to those who have fought on behalf of this country.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.24 p.m.]: I give the Deputy Leader of the Opposition an undertaking that I will bring this matter to the attention of the appropriate Minister. I do not know whether the honourable member has done so already, or whether he has written to the Minister to suggest that the policy should be reviewed. I agree with him that it seems that an oversight, rather than a policy decision, has been made here. I have no doubt the Government will look at the matter in a favourable light. I will ensure that the Minister is made aware of the honourable member's comments.

BANKSTOWN SPORTING AND CULTURAL EXCHANGE

Mr ASHTON (East Hills) [5.25 p.m.]: Bankstown City Council was one of Australia's first councils to develop a sister city relationship, and that relationship was formed with the legendary Far West city of Broken Hill. In the late 1970s the now famous Brushmen of the Bush exhibited their artwork at Bankstown Town Hall, and thus began an ongoing relationship between the great cities of Bankstown and Broken Hill. Bankstown City Council wanted to make its sister city movement relevant, and way back on 16 September 1986 a sister city agreement was established with the city of Broken Hill. The objective was to build relationships between the people of the two cities and to give young people the opportunity to experience and appreciate the cultural lifestyle in two cities that were dramatically different.

Many young people in Bankstown do not have the opportunity to see the great outback of Australia. Of course, many young people in Broken Hill have even less opportunity to see large international cities as big as Sydney, or to see our coastline. When young people from Broken Hill have stayed at my home, the first thing we have done is take them to Cronulla beach, because many of them have simply not seen the ocean before. In July 1987 the first group of 85 young people and their carers visited Broken Hill on a sporting exchange. Since that year a contingent of young people from the two cities visit each other every alternate year. This year saw a successful sporting exchange, where a contingent of 220 young people and adults visited Broken Hill from 5 October to 12 October. Each day they participated in a series of sporting tournaments covering baseball, cricket, darts, netball, rugby and softball. Softball would be a good sport for the honourable member for Coffs Harbour.

Last week I had the pleasure to attend the biannual sporting and cultural exchange, which has taken place since 1987. A trophy is awarded to the winning city, and this year the result was a draw—not a politically correct draw, but a genuine draw based on the results of matches played in each sport. My daughter Gemma played in the Bankstown netball team. All sports were played in great spirit, and most of the students who attended the exchange were billeted with Broken Hill families, just as the Broken Hill youth are billeted with Bankstown families. I wish to thank the Mayor of Broken Hill, Councillor Ron Page, Councillor Gordon Langbine and Broken Hill City Council for making the Bankstown group so welcome. I also thank the former sister city co-ordinator, Mr Bob Allgate, and his committee; and Mr Bob Snell and Yvonne Dalwood for their work. I also thank Bankstown Mayor, Councillor David Blake, and Councillors Stromborg, Winterbottom, Westwood and Abrahams for their attendance, showing the continuing support for the exchange.

I also place on record my appreciation for the great support shown in the past by the former member for Bankstown, Doug Shedden, and Pat Rogan, the former member for East Hills, who are regular visitors to Broken Hill and who looked after many people who visited Bankstown from Broken Hill during the years that they were members of this place. I acknowledge the great support that the former Mayor of Broken Hill and now member for Murray-Darling, Peter Black, gave the sister city relationship for so long. I also acknowledge the support of Bankstown council's sister city committee and the sponsorship of the Bankstown Sports Club in making the exchange a success. Revesby Workers Club has also been a great supporter of the exchange. The presidents of those two representative clubs, Mr Kevin McCormick and Mrs Norma Smith, also attended the exchange visit, as did Revesby Workers Club Director Mr Dennis Hayward and his wife, Margaret.

As part of their recreational activity, the young people were given exposure to the outback and to the way the mining community is reinventing itself and adjusting to change. Bankstown City Council does all the administrative work and co-ordinates the local sporting clubs that are encouraged to put the sporting teams together. The council also provides funding of $15,000 towards the trip, so that the participants are charged a nominal fee of $100 per head. Bankstown District Sports Club assists Broken Hill City Council with funding of $10,000 to help defray the costs of hosting the program, and I thank the club for that assistance. In the council this program was managed and implemented by Chris Passanah, Manager Corporate Communications; Julie Hayes, Administrative Assistant, Corporate Communications Unit; Gwen Thorp, Executive Services Assistant; and Pat Pride, the Meals on Wheels Co-ordinator and Revesby Workers netball co-ordinator.

I was very impressed with Broken Hill, and would urge all potential tourists of Australia to try to visit the city one day. It is a long distance from many Australian capital cities, but it is a vibrant, friendly city with a wonderful history and exciting future. Broken Hill abounds with art galleries, clubs, museums and sporting facilities of the highest calibre. At Silverton, emus, camels, horses and kangaroos roam freely—even on the highway. The former gaol and lock-up is now a museum, and the historical Silverton Hotel is well worth a visit. We visited the township of Menindee and the Menindee Lakes system, which contains four times the amount of water in Sydney Harbour. Members may like to know that I also purchased a few nice ties up there. In the present international climate there has never been a better time for people to see Broken Hill. I place on record my appreciation to everyone involved in the sister city exchange program.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.30 p.m.]: Over the years I have been involved in the issues raised by the honourable member for East Hills. The previous member for Bankstown, Doug Shedden, is visiting Parliament House tonight. When Doug was a member of the Aboriginal affairs caucus committee he would often say that Bankstown and Broken Hill have a great sister city relationship and that such relationships should be encouraged across New South Wales between the coast and the outback. I agree with him. The art exhibition which is held in the Bankstown leagues club every year displays an incredible amount of work of some of the greatest artists of New South Wales, if not Australia, from the Broken Hill area. I have been invited to that exhibition on a number of occasions, but I admit that I have never attended. I understand that the artwork is something to behold.

NORTH COAST GOVERNMENT TENDERS

Mr FRASER (Coffs Harbour) [5.31 p.m.]: I refer to the serious matter of the issuance of government tenders on the North Coast. I raise the concerns of two constituents in relation to different matters. First, Teroma Pty Ltd submitted a tender for an analysis of the potential impacts of the draft proposal for the Clarence Regional Vegetation Management Plan to the Department of Land and Water Conservation [DLWC]. Dr Brennan from Teroma Pty Ltd stated in a letter dated 8 October that the tender document stated:

> The consultant would provide:
>
> - a proposed methodology of their research for agreement by the DLWC;
> - draft results paper to DLWC and presentation to the CRVMP Executive;
> - final report in agreed form.
>
> **Timing:**
>
> - 10 August – Tenders close
> - 20 August – Preferred consultant appointed
> - 24 August – Methodology agreed
> - 21 September – Draft results paper to DLWC
> - 1 October – Final Report delivered
>
> Any variation to this timetable will be at the sole discretion of DLWC.
>
> **Selection Criteria:**
>
> Based on:
>
> - Qualifications and relevant experience in the proposed field.
> - Proposed methodology.
> - Ability to deliver to the set timelines.
> - Tender amount and conditions.
> - Accessibility to Clarence Region.

It would appear that the tender is outside what is needed for government tenders. Dr Brennan said in his letter:

> While the tender document states that 'Any variation to this timetable will be at the sole discretion of DLWC' there are a number of important issues that need to be addressed.
>
> - Has the DLWC imposed limiting timetables on tenderers so as to advantage their preferred applicant …
> - If the winner of the tender was unable to comply with the dates specified in the tender documents, why did the contract proceed …
> - If the DLWC decided to change the schedule of dates, why were not fresh tenders called …
> - If inaccurate results are published the long-term impacts on the community in social and economic terms will be dismissed on the basis of the report …

Dr Brennan has said that he has anecdotal evidence that officers of the DLWC indicated to the successful tenderer that should the department be pleased with the outcome of the project they will be provided with preferred treatment in all future contracts of this type. That is a disgrace. The second matter to which I refer relates to Countrywide Communications. On 16 July the National Parks and Wildlife Service called for tenders for the maintenance of the VHF radio system maintenance contract on the North Coast. Mr Robertson from Countrywide Communications sent $50 with the tender. In a letter addressed to me dated 5 October he stated:

> The current contractor is Northern Rivers Communications based in Grafton. Northern Rivers Communications is a smaller company than ours who may have the same facilities that we do. We appear to be more central to the four regions in question, the four regions that we tendered for are the Mid North Coast, North Coast, Northern Rivers and Northern Tablelands.

Countrywide Communications submitted its tender, and on 28 September received a letter from the National Parks and Wildlife Service that stated:

> The NSW National Parks and Wildlife Service has chosen to not proceed with the above Contract in the Regions for which your company has tendered.
>
> The National Parks and Wildlife Service thanks you for your response and interest.

In fact, the tender was given to Northern Rivers Communication, although that company did not apply for it. It was contracting to the National Parks and Wildlife Service, but how could it win a tender for something for which it did not tender? The Department of Land and Water Conservation has altered tender specifications to a preferred tenderer, and the National Parks and Wildlife Service has legitimately called for tenders. I have a copy of the advertisement and a letter in which Countrywide Communications sent a cheque for $50 to tender. However, the company found out that its tender had been dismissed and that a company that did not tender received the job for the period of the contract. That is disgusting!

Both matters should be referred to ICAC. The Government has said that it is open and accountable, and that it has an open tender system. How many other tenders have been affected? I call on the Minister for Agriculture and the Attorney General to instigate a full inquiry into these tenders immediately so that people on the North Coast can have confidence in the tender system. If councils have to comply, why do Government departments not have to comply? Why are some tenderers being favoured over others? This situation needs to be investigated fully.

NRMA DEMUTUALISATION

Mr E. T. PAGE (Coogee) [5.36 p.m.]: The NRMA's latest annual accounts show that it lost $13.9 million last year, despite the injection of $350 million from demutualisation. The accounts do not show the excesses still rampant within the group. It has come to my attention that it is costing road service members $6.5 million to keep the machinery of the board running. That $6.5 million is nearly $1 million over budget. In one month recently the cost of keeping the board was $874,000 compared with a budgeted figure of $120,000. If honourable members divide the $6.5 million by 16 board members they will see that it is costing the NRMA $406,250 for each board member to attend 10 meetings a year; for board members to travel to places such as Canberra, where they stay at the five-star Hyatt Hotel; to keep the board chief churning out first-class tucker; to keep the wine cellar stocked; for business class air travel; and for luxurious hotels when they travel out of town.

That figure is a long haul from the $35,000 a year the accounts say directors earn for their efforts, with the deputy chair receiving $70,000 and the chairman, Nick Whitlam, receiving $105,000. Members are entitled to know why it is costing so much for NRMA members to have board representation. Members are entitled to know the details of how these enormous per-head costs are run up and whether they can be justified. At least part of the cost blowout problem is related to the extra money board members receive as a result of being put on various committees. Each committee has five members and committee fees are generous. In April this year

advice was sought from the consultants Egan Associates, who were asked how much committee members should be paid for their committee work. The advice was that each committee member should receive a fee of $5,000 a year, while the chair should be paid $7,000 a year. That is per member, per committee.

What is more, that fee covers only three members a year and the committee meeting need only last for an hour. If more than three meetings a year are held, each additional committee meeting delivers a further $1,000 per member, capped at an additional $10,000 per year. Committee positions are handed out by chairman Nick Whitlam, who uses them to buy loyalty. It is an easy way to boost board members' income, and it makes sure that directors stay on the right side of the chairman and vote for his motions. For their $5,000 a year per committee the audit committee members meet three times, the business development committee meets twice, the investment committee meets four times, the public policy review committee meets twice and the remuneration committee meets three times. Surprise, surprise! When looking at the members of those committees, it is clear that they are dominated by the Nick Whitlam-led Members First faction.

Alex Sanchez is on four committees, earning $20,000 extra a year; Mary Easson is on three, Tim Shaw is on three; Susan Ryan is on three; and Nick Whitlam is on three—another $22,500 a year for Whitlam. The non-members first directors fare less well. Anne Keating is on no committees. John Campbell made it onto one, as did Stewart Geeson. Geoff Lawson is on two, and Jane Singleton is on one. Another matter that the accounts fail to show is how much the NRMA chief executive officer, Rob Carter, is being paid.

Having left Brisbane City Council last year on an annual salary of about $150,000, Carter is now earning $1 million in salary and bonuses, which count for more than half his pay. He has also done well in other ways. On his arrival in Sydney last year he had to slum it at The Toaster, overlooking the Opera House, for six months—all expenses paid by the NRMA—while he found somewhere more permanent to live. He was not there for even two months before he travelled overseas, first class, twice. His wife accompanied him on one of the trips. To put that in perspective, Carter's predecessor, Eric Dodd—who ran both the road service group and the insurance company before NRMA split off the insurance company and floated it—was paid $1.4 million for doing both jobs. After demutualisation, the total salary package for the two managing directors totalled more than $3 million.

I draw the attention of honourable members to another matter. The Whitlam-led members first team is promoting itself in my latest copy of *Open Road* as being against demutualisation. Why then are the Members First directors who are already on the board voting the opposite way? At a recent board meeting the board decided which way it would vote on open proxies on motions to be put to members at the next annual general meeting. One motion requires a change to the constitution so that any future proposal to demutualise will require 75 per cent of all members voting for it to be passed, rather than merely 75 per cent of those who bother to vote.

We have to ask why the NRMA board, dominated by the Members First faction, recently resolved to use the open proxies directed to the chair to vote against the motion, making it more difficult to demutualise. In fact, it voted to use the open proxies directed to the chair to remove any higher hurdles to demutualisation. The board also voted to use the open proxies to defeat another contentious resolution—seeking to prevent directors from receiving additional retirement payouts when they leave the board. Given that board members are already well paid and that they are paid additional sums for committee seats and superannuation payments, there is little justification for further retirement payouts, which effectively deliver a further three years of board fees to retiring directors. It is a non-transparent way of giving directors a pay rise without members being told about it or having to approve it.

SOUTHERN HIGHLANDS ELECTORATE POLICING

Ms SEATON (Southern Highlands) [5.41 p.m.]: I draw to the attention of honourable members and, in particular, to the attention of the Minister for Police, some serious issues that have been raised by the Bowral Chamber of Commerce—issues that will not be new to the Minister. I raise these issues tonight because the Minister has yet again refused to let people in the Southern Highlands and Wollondilly areas, representatives of chambers of commerce, including Bowral Chamber of Commerce and president, Laurie Stewart, meet with the Commissioner of Police and talk about local policing issues. All we want to do is bring to the commissioner's attention our experience of local policing issues—issues which we have raised with local area commanders and acting local area commanders, who appear to be in a revolving door situation.

We want to try to bring to the attention of the commissioner those things that we need him to attend to. At the moment the Bowral Chamber of Commerce is struggling with a six-month vandalism repair bill of

around $30,000. Over the last six months businesses in Bowral have suffered vandalism to the value of $30,000. The president of Bowral Chamber of Commerce has written to me. I have written to the Minister for Police to alert him to these concerns. The chamber is extremely concerned that when juveniles are responsible for these acts—and in particular when repeat offences are involved—the police are powerless to do anything about the problem. The police are also powerless to obtain any sort of compensation from the parents or guardians of those children.

It appears as though young people are not receiving the message that this sort of behaviour is not on. The cost of this vandalism is enormous. In the last six months vandalism has cost members of the Bowral Chamber of Commerce and people in business in the Bowral area $30,000. Some businesses have seen their insurance premiums double. At the moment the chamber is considering installing eight cameras, at a cost of around $30,000, to monitor the Bowral central business district. The chamber is attempting to establish whether it should pay $35 an hour for additional security, simply because not enough police are around. I have canvassed this issue on a number of occasions in this Chamber and the Minister for Police has still done nothing.

Bowral Chamber of Commerce is forced to do these things because there are not enough local police. I acknowledge the hard work that local Inspector Brian Daly is doing in the area. In recent weeks he has been the acting local area commander. He has listened to the concerns of the chamber and he has recommended that a professional crime risk assessment be carried out in that town. He is seeking advice from senior police to determine whether that can be effected and whether expert advice can be given to assist the chamber to put in place preventive mechanisms. At the end of the day we need to know that a legislative framework is in place that will adequately, fairly and strongly deal with offenders and ensure, wherever possible, that compensation is paid for any vandalism.

Vandalism has included the breaking of windows and major fixtures in shops, the loss of stock and damage to stock. On a related issue, the Bundanoon Bowling and Recreation Club recently had a glass panel in the main entry door kicked in by an offender. Police arrived after being called. Mr Spencer from the club tried later to establish what had happened. He rang Moss Vale police station where an officer is nominally located but he could not get through to that station. He said that, in the past, if no-one was in attendance at Moss Vale, the call was automatically transferred to Bowral. That is what should have happened on that occasion. Over the past two days Mr Spencer has dialled the number of the Moss Vale police station on a number of occasions; the phone rang for 20 seconds and the call then dropped out. He sent this information to me and said:

> Perhaps this ... information may bolster the case you ultimately hope to be able to put to the commissioner.

As the Minister will not let me meet with the commissioner, I am raising the issue in the Chamber this evening. This is the only chance that I have to make him focus on this issue. I would like to talk to the commissioner about these issues, but the Minister simply will not let me have that meeting. I can only describe that as arrogance and assume that the Minister for Police has something to hide. He does not want to face local issues concerning policing and businesses in the Southern Highlands. He must have another look at these issues and let us meet locally with the commissioner.

TWEED TRAINING AND ENTERPRISE COMPANY LTD

Mr NEWELL (Tweed) [5.46 p.m.]: It gives me great pleasure to bring to the attention of the House, and to pay tribute to, the Tweed Training and Enterprise Company Ltd [TTEC]—an organisation based in Lismore and located in my electorate. Recently the Tweed Training and Enterprise Company Ltd celebrated its twenty-first birthday. I had the pleasure of attending that twenty-first birthday function on Friday 12 October—a function that was ably chaired by Barbara Carroll, who has been with the Tweed Training and Enterprise Company Ltd since its inception. I will refer tonight to the way that organisation evolved. I will go through some of the changes it has faced over the years, as a tribute both to the organisation and to those who have worked behind the scenes to keep that organisation going.

The Tweed Training and Enterprise Company Ltd is dedicated to increasing community wealth by delivering excellent customer service and positive outcomes for job seekers in the Tweed electorate. It is working with businesses and the community through sustainable business practices, job placement, enterprise activities, and training and professional development at strategic locations in the Tweed electorate. The company has a vision to provide leadership and community development and to be the preferred choice for employment and business-related services based on ethics, excellence and respect for all. TTEC, which commenced operating in 1980, underwent four periods of change, as outlined by Barbara Carroll, who chaired the twenty-first birthday celebrations last Friday night.

From 1980 to 1986—a period when the organisation was known as the Community Youth Support Scheme—it operated from No. 1 Nullum Street in Murwillumbah. The organisation was underresourced and underfunded but the people working within it were bounding with enthusiasm. At that stage the organisation had a turnover of around $70,000 to $90,000. In about 1985 the Federal Government realised that unemployment was not a phenomenon but a structural problem. The organisation readjusted itself to take those factors into consideration. In 1986 the organisation, which became incorporated and was known as the Murwillumbah Youth Enterprise Scheme Inc., was managed by a management committee. Gale Richter, who served on that management committee, was present during the celebrations, as were the company's current directors Virginia Catts and Lynn Lazer.

The company's second period of development occurred between 1988 and 1993. Federal Government policy continued to respond to the structural nature of unemployment. After the implementation of strategies such as the Working Nation strategy, the organisation underwent tremendous expansion in its provision of services such as Job Club, Job Skills, the Land and Environment Action program and State-funded initiatives such as Workplace, Get Started and the Helping Early Leavers program.

From 1993 to 1996, the third period, saw further growth in the organisation, and with a review, the present firm, Tweed Training and Enterprise Limited, evolved as a public company with a board of directors and so forth. Management skills evolved to deal with that. Also present on the night was Karen Ehemann. Other directors then were Kate Robertson, Belinda Eyers and Henk Ouwerling, and they were also present at the birthday celebrations. During that period the organisation moved to the Murwillumbah central business district [CBD], to its current Palm Court premises and to the Tweed CBD in the Tweed City Arcade, as well as retaining its office at Nullum Street.

The fourth stage of development began with the delivery of Job Network services through Tweed Recruitment, as a new division of TTEC in 1998. The organisation is now in the second year of its second contract. Since 1998 it saw further expansion into stand-alone premises in South Tweed and to expanded premises in Kingscliff shopping centre. Working within the Job Network framework has been a rewarding and challenging affair for TTEC, but the staff has expanded and has worked well with those programs.

It has worked to the point where TTEC is able to sponsor and fund other organisations such as the Murwillumbah Youth Enterprise Service, which provides support and training to disadvantaged youth. It is great to see funding also going to Volunteering Tweed, which provides much-needed co-ordination, training and support for volunteers and voluntary organisations in the Tweed. I commend Barbara Carroll and the organisation for the great work they have done and the great service they have given to the Tweed.

MACKSVILLE MANGROVE REMOVAL

Mr STONER (Oxley) [5.51 p.m.]: I wish to speak on a longstanding issue for the community of Macksville. The issue concerns a lovely park on the north bank of the Nambucca River, used extensively by locals and tourists alike. Local community groups, including the Lions Club, Macksville Chamber of Commerce and Nambucca Shire Council have developed the park. The park acts as a minor tourist attraction and helps with the Stop Revive Survive strategy on this dangerous stretch of the Pacific Highway. The problem is a very small patch of stunted mangroves situated in the park. These mangroves, occupying probably only 20 square metres, are not on the riverbank but on the dry ground next to the picnic tables, swings and so on.

This patch of mangroves has been described variously as "a tiny triangle of mangroves", "an unsightly pit, accumulating all kinds of rubbish" and "a haven for rubbish and pollution". Obviously the local community would like to improve the park by removing these few mangroves and filling the depression in which they are situated. This course of action would not be adverse to the environment. It would not affect fish-breeding habitat as the problem patch is on dry land. A multitude of mangroves would remain on the water's edge along both banks of the Nambucca River. Over the past several years community groups have, via proper channels and processes, sought approval to carry out these improvements. They have approached New South Wales Fisheries. A staffer visited the park two years ago but was unhelpful in the extreme. They wrote to the Minister for Fisheries, who wrote back in May 2000 stating:

> Insufficient evidence had been presented to justify clearing and reclamation that would allow a determination by my department.

Again, that was not helpful. The Minister suggested that a development application be submitted to the Nambucca Shire Council for the reclamation. The Chamber of Commerce did this and the Nambucca Shire Council contacted relevant agencies prior to deciding upon the development application. On 2 July this year the

Department of Land and Water Conservation wrote to the Nambucca Shire Council with a wonderful piece of officialese, stating:

> It is considered that destroying the mangroves to allow for the establishment of lawn is inappropriate and therefore the Department is unwilling to provide the Crown's consent to lodgement of the DA which is returned herewith.

The letter, authored by a Vanessa Sultmann, then waffles on about wetlands policy. But this minuscule mangrove patch is not wetlands—it is high and dry. Anyone who has visited the park would realise that what is proposed would have no adverse environmental impact, and that wetlands policy is not relevant in this case. Au contraire, important socio-economic benefits could result, including enhanced tourism and road safety outcomes. When will commonsense prevail? I call on the Minister for Land and Water Conservation to visit the Lions Park, which is just across the bridge at Macksville. He would then be in a position to help the community to improve a valuable and important local asset. I call upon the Minister to give Nambucca Shire Council the necessary approval to allow the development application to proceed.

PENRITH IRISH DANCING AND MUSIC FESTIVAL

Mr ANDERSON (Londonderry) [5.55 p.m.]: Tonight I bring to the attention of the House an event that took place in the Penrith local government area over the weekend of 21, 22 and 23 September. It was a festival of traditional Irish dancing and music and it was an outstanding success. Our particular interest in the event went back to when the honourable member for Penrith, the Minister for Community Services, and I were approached by the Penrith Gaels cultural and sporting club to assist in getting funds to provide a band facility—a floor—for Irish dancing to take place. We made the necessary representations to the then Minister for Sport and Recreation, the honourable member for Parramatta. She saw fit to support our application. We got the funds and the facility was provided.

The festival was called an Irish feis. It was an outstanding first-time experience. We had visitors not just from around Australia but also from New Zealand, and not only competitors but also supporters and families who came along to see their people take part in the competition. Some of the competitors were aged as young as five, and the ages ranged right through to adult. One can envisage *Riverdance* and the tremendous dancing that took place in that production. One could see that these young people were aiming to emulate those magnificent dancers. They did it very successfully. The standard was as good as has been seen in Australia for many years.

The festival itself was such an outstanding success that the community—and many thousands of people attended—wanted the festival held at the same venue next year. Penrith Gaels cultural club should be congratulated, as it was the host and sponsor of the festival. It put in a lot of work to get the festival in western Sydney. It is the first time it has come out to western Sydney and it was an outstanding success. It had been held many times in capital cities around the nation but this was the first time it had ever come to a regional centre such as Penrith.

We were more than pleased with the level of support we received, and the club had to put on a shuttle-bus service from Kingswood station to where the festival was held because the number of people who turned up was gratifying. People were jockeying for positions early in the day to witness the various dancing competitions. We were pleased with, and encouraged by, the level of support we received over the three days of the festival. The caterers went out of their way to make the event a success, and to create a pleasant environment. All the food they produced was Irish food, including Irish stews and Irish breakfasts. It was all very fattening but most enjoyable.

The festival was a first-time experience and we were more than pleased with the outcomes and the level of support we received. We look forward to staging the festival for many years to come. I support Penrith council's proposal to expand the festival and to hold it in an outdoor venue if the numbers continue to increase. Penrith council has come on board and said that it will assist us by providing a venue that can accommodate the many thousands of people who turn up, as they did over this weekend. I thank Penrith council for that offer and look forward to working with the council to ensure that international festivals such as the this one come to the heart of the Irish community in western Sydney.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.00 p.m.]: I commend the honourable member for Londonderry for informing the House of this important event. No doubt the honourable member had a lot to do with attracting the event to Penrith. I know he is dedicated to his Irish ancestry. The event would have been enlightening because I understand that he did an Irish jig. That would have been something to behold.

CHERRYBROOK CHINESE LANTERN NIGHT

Mr RICHARDSON (The Hills) [6.01 p.m.]: This Saturday is a most important day in the annual calendar of north-western Sydney. It is the day of the Cherrybrook Chinese Lantern Night at Greenway Park, Cherrybrook. This will be the tenth year for this celebration of multiculturalism and, weather permitting, it will attract as many as 6,000 people from as far away as Baulkham Hills and Hornsby. The lantern night is held each year to coincide with Children's Week. Highlights of the festivities will include a food fair, line dancing, Chinese acrobats, the Cherrybrook Chinese Women's Singing Group—the women in that group have outstanding voices—rides for the kids, and police and emergency services displays. The evening will culminate in a lantern procession headed by children. The guest of honour will be a man known to, and honoured by, ethnic communities throughout Australia—the Minister for Immigration and Multicultural Affairs, the Hon. Philip Ruddock, MP. Coincidentally, he is the Federal member for much of the area covered by Cherrybrook.

The organiser of this event is the Cherrybrook Chinese Community Association [CCCA]. And what an outstanding group of Australians the founders and committee members of this organisation are! When I was speaking at the association's annual Chinese New Year dinner last February I challenged Philip Ruddock to name an ethnic organisation in Australia that better fulfilled its role than the CCCA. Mr Ruddock, with all his knowledge and experience of ethnic communities across Australia, could not do so. Some 1,750 families belong to the CCCA, making it one of the biggest ethnic organisations in the country. The activities organised by the CCCA include a Chinese language school at Cherrybrook Technology High School, which helps maintain language skills and understanding of Chinese culture amongst the new generation of Chinese Australians.

There is also an adult language class under the guidance of William Tai. The women's group not only helps organise the lantern night but also runs cooking demonstrations, family activities, health talks and dance parties. There is an equally active seniors group, which stages a lunch and entertainment during Seniors Week with the help of Hornsby shire council. This group organises regular outings for older people who otherwise might not get the opportunity to visit places as varied as Auburn Park and Fox Studios, which I do not think they will be visiting in the future. Sport is a great way of building friendships, and the CCCA is actively involved in promoting sporting activities, including tai chi, table tennis and Thursday night badminton, in which I have participated. The association is also planning to restart its golf group. The CCCA also runs a community settlement service, with financial assistance from the Department of Immigration and Multicultural Affairs, which helps new arrivals settle into their new country.

What makes the CCCA so special is the way it reaches out to the broader community. Half the people who will attend this weekend's lantern night will be from a non-Chinese background, and they will learn about Chinese culture in a most friendly and inviting atmosphere. This organisation does not simply look after Chinese people. It recognises the importance of building bridges between Chinese Australians and non-Chinese Australians, and it does this in a range of ways. CCCA members participate in a wide range of community and charitable activities. If one goes to the Inala fair—Inala is a facility for disabled people in my electorate—one will see the ladies of the women's group selling a wide range of delicious Chinese food to assist the residents of Inala. CCCA members take part in fundraising for the Red Cross, the Salvation Army and homes for the aged. They are an outstanding group of people.

I am proud to be able to call so many of these fine Australians my friends—people like Wilson Tong, the father of the CCCA, James and Polly Chang, Patrick and Eliza Ho, Stephen and Mary-Ann Law, David Chu, Ken Yap, Jenny Lau, current president Michael Teh and many others. They are an example to all of us. I was delighted when past president James Chang was chosen to carry the Paralympic torch along Castle Hill Road last year as some small recognition of the contribution the CCCA makes to life in the Hills electorate. Recently President Michael Teh attended a conference for overseas Chinese associations in Beijing. He reported that the conference identified promoting the integration of overseas Chinese into mainstream society for the advancement of economic and social conditions of the resident countries as one of the major objectives of these organisations. I doubt whether any overseas Chinese association does this more effectively than the CCCA. At a time when the world is racked by tension and hostility, the CCCA is helping to build harmony and a better future for mankind.

I have only one wish. I play badminton with members of the Cherrybrook Chinese Community Association on Thursday nights. When I was at school I played badminton daily, and I was fairly quick and flexible in terms of picking up the shuttlecock off the floor and so on. However, I am not as flexible as I was, and my reflexes are not so quick. There are some serious players on the badminton courts of Cherrybrook Technology High School on Thursday evenings. They are players for whom harmony is temporarily forgotten.

POLICE CORRUPTION

Mr BARR (Manly) [6.06 p.m.]: I raise one of the most serious and confronting issues I have had to face as the member for Manly. I refer to the Police Integrity Commission [PIC] inquiry currently exposing the corruption of northern beaches police. The corrupt conduct of Manly's Detective Senior Constables David Patison and Matthew Jasper, the evidence of shonky dealings by their boss Ray Peattie, and the conduct of northern beaches Detective Sergeant Mark Messenger provoke anger and disappointment. We entrust these people with the safety of our streets and homes. Many Manly residents share with me the sense of betrayal that such a well-developed network of corruption could exist for so long right under our noses.

The evidence presented to the commission only emphasises this by showing the routine matter-of-fact way they went about their sordid business. They placed their own greed ahead of any moral scruples they might have had or any commitment to the community they served and belonged to. Detective Sergeant Mark Messenger stood as a candidate for Warringah Council, promoting himself as a civic-minded and honest citizen involved in the local surf and football clubs. In his brochure he highlighted his involvement on a police committee dealing with the recommendations of the Drug Summit, and stated:

> As a police officer I have been actively involved in the fight against illegal drugs in our community. I also realise that this issue encompasses law enforcement and the health and wellbeing of our young.

In light of the revelations of the PIC, that brochure reads as a sinister, ironic joke. I hope that the PIC footage of crooked cops dealing with dull-witted criminals like Vinnie Caccamo is just the beginning. Although Caccamo and his cohorts are small beer, the money that has been changing hands is not. This is a cause for great concern. There is no reason to believe that sums of this nature were simply distributed amongst a few bottom feeders. I believe that the tentacles of this culture of corruption spread much wider. The PIC inquiry has revealed the petty criminals, but now I hope that it moves on to bigger game. The inquiry cannot be regarded as a vindication of Commissioner Peter Ryan's strategies but, rather, as a graphic demonstration of the fact that the same issues are still with us. They are the very same issues that Commissioner Ryan was brought in to fix. There is still systemic police corruption, but the commissioner has not yet shown how he will systematically clean up the act. The March 2000 report of the quality and strategic audit of the reform process concluded that police reform had been diverted from the directions set out in the royal commission.

In the auditor's view, Commissioner Ryan's emphasis on "ethical, cost-effective crime reduction" must go along with a concurrent emphasis on the reform process building a "corruption-resistant Service". The report notes that "good ideas and intentions have frequently stalled or faltered in being fully implemented and sustained" and that "staff themselves report confusion and a lack of clarity on the status of reform and the expectations of them in implementing reform locally." I emphasise "locally" because it is on the ground that the talk about reform is tested. The Manly experience shows how different the rhetoric and a reality can be.

The inquiry has brought the Commissioner of Police a temporary reprieve from the level of pressure and criticism to which he was subjected just a few weeks ago. Commissioner Ryan has only limited time to convince the public that he is truly turning around the police force. Apart from some new faces telling the same old corruption story, what has changed? Systemic change in the police force is still the highest priority. The command and control culture of the police force needs to be changed. The behavioural change program needs to be reinstated. The commissioner needs to reach out to his force rather than cut himself off. If he wants to build teamwork and trust across the ranks, he must lead by example. This is what he has to do and he has to do it quickly. If he cannot do so, then the Government should appoint someone who can.

However, that kind of change cannot rely upon one man. It must be systemic change. Commissioner Ryan has been too much of a focus and his position has become politicised. He has to have a strategy, an implementation plan and methodology for bringing about a cultural change in the police force in a direction that is away from the command and control model. If that does not happen, all prosecutions that will be undertaken will be treating the symptoms, but not the disease. New corrupt police officers will rise to fill the places of those who have been removed. I conclude by stating that the drug problem is not just a police problem. It is a problem for all of us. We have to improve our education programs and our health and support programs and recognise drug addicts as ill people who need to be weaned away from their addiction. It is in the interests of all of us to focus on a preventive and rehabilitative approach. The police cannot solve this problem by themselves. If it is not solved, police corruption is not likely to disappear.

Private members' statements noted.

[*Mr Deputy-Speaker left the chair at 6.11 p.m. The House resumed at 7.30 p.m.*]

LAND TITLES LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 19 September.

Mr D. L. PAGE (Ballina) [7.30 p.m.]: I lead for the Opposition on the Land Titles Legislation Amendment Bill and indicate at the outset that the Opposition will not oppose the bill. This bill contains three amendments to the Conveyancing Act 1919 and two amendments to the Real Property Act 1900. I will deal first with amendments to the Conveyancing Act. Schedule 1 to the bill provides for a subdivision to allow leases for forestry purposes. The amendment enables plans of subdivision that are not current plans to be lodged for forestry lease purposes. The object is to facilitate registration of the leases by allowing the land to be divided without creating a permanent subdivision and without the need for a survey to be done to the standard usually required for registration.

Forestry leases will be for a term of up to 40 years, including an option to renew. The plans for subdivision must have council approval. The amendment does not compromise existing planning and environmental controls and one would expect that this will help facilitate forestry plantations, because frequently the owner of the land does not necessarily want to create a plantation but would be more than happy for someone else to take on that role. With carbon credits legislation and the development of that market it is expected that such a proposal would be more attractive to people who want to invest in forestry, but do not necessarily want to own the land. I do not have any difficulty with that proposal. The intention is to stimulate forestry plantations but not to require those subdivisions to have the same level of requirement for registration as the normal subdivisions. That makes a lot of sense.

The second amendment, to section 133E of the Conveyancing Act, deals with the protection of a lessee's option. It arises from a decision in September 1999 by Justice Windeyer in *Flagstaff v Cross Street Investments*. In normal circumstances section 133E permits the court to give relief against breaches of covenants when the tenant seeks to renew the lease. However, in the Flagstaff case it was not clear whether section 133E applied, because the breach occurred after the notice to renew had been served. His Honour found that due to the wording of section 133E the court had no jurisdiction to provide the relief sought.

More generally, His Honour noted that doubt over the section should be clarified by Parliament. This amendment does that by making it clear that the court's jurisdiction extends to breaches of covenants committed in the period both before and after the notice exercising an option has been served. This will permit the court to exercise its current discretion to overcome minor breaches of leases. In other words, a breach of a lease that needs to be resolved by a court may be heard by that court whether the breach occurred prior to or after the application for renewal. Again, this is a technical amendment but, nevertheless, a necessary one.

The third amendment to the Conveyancing Act deals with the registration of documents changing persons' names. Before 1996 a person who wanted to change his or her name could register with the Registrar-General. In 1996 the Births, Deaths and Marriages Registration Act came into being. That Act set up a new system for registering a change of name. However, the Registrar-General cannot currently refuse to register a change of name, because section 184D of the Conveyancing Act provides that the Registrar-General is required to register a document that is presented.

Having two change of name registries is inefficient and, obviously, can lead to fraud. This amendment enables the Registrar-General to refuse to register a change of name, and thereby enables him to send the person to the proper place, that is the Registrar of Births, Deaths and Marriages. The Registrar-General will retain a discretionary right to cover the rare case requirement to be registered under a common law rule of conveyancing. Again, this is a commonsense amendment and makes it very clear that a person wishing to register a change of name must do so through the Registrar of Births, Deaths and Marriages rather through the Registrar-General.

The first amendment to the Real Property Act relates to possessory title to parts of access ways, known as dunny lanes. In many older urban subdivisions, the subdivider made major provision for access to the rear of the property for nightsoil collectors. In modern times many of those lanes have fallen into disrepair and many have become a haven for illegal drug use. Some adjoining property owners have occupied a part of the access way adjacent to their properties, and in the case of old system title have obtained title to the occupied part by virtue of their occupation.

The proposed amendment to section 45D will permit similar recognition of a possessory title where the access way is under Torrens title. This amendment brings the arrangements that applied to old system title under Torrens title. However, under this amendment the person claiming the land will have to do three things. First, the person will have to provide evidence by way of statutory declaration to prove 12 years exclusive possession of the land involved; second, the person will have to lodge a plan of consolidation showing the person's land and the part of the access way that they are claiming; and, third, the person will have to obtain a letter from the local council stating that the council does not object to the claim. I make it plain that I am not talking about lanes at the back of houses that provide vehicular access. I am talking about lanes that are usually one or two metres wide.

Mr Orkopoulos: Dunny lanes.

Mr D. L. PAGE: Yes, dunny lanes. Originally they provided foot access to the property. Over time some people fenced off their section of the lane, and this amendment enables those people who meet the conditions I have referred to make a claim for that land to be included in their title. I imagine that councils would not be unhappy about that because it will increase the amount of rateable land. However, I expect that councils will have to play a responsible role when there is a conflict about who is entitled to what portion of the lane. Persons claiming the land will have to obtain a letter of agreement from their council. I expect councils to respond reasonably in this way and allow people to claim only that portion which is rightly theirs.

The second amendment to the Real Property Act 1990 deals with the variation of registered leases. Section 55A of the Act permits registration of a variation of the term, rent or any other provision of a registered lease. Because it is possible, by virtue of a holdover clause in the lease, for a lease to continue in force beyond its stated expiry date, the view has been taken that parties to a lease have a right to register variations after that date.

This bill amends section 55A of the Real Property Act 1900. In accordance with the existing practice of almost 10 years, the amendment permits the Registrar-General to register a variation of a lease if, first, the variation extends the term of the lease; and, second, it is lodged within 12 months of the lease's termination date. In other words, a lease may be extended beyond its expiry date and registered, subject to the consent of both parties, provided those two reasonable conditions are met. That is commonsense as both parties are often happy to renew an expired lease, but it is not legal to do so under section 55A—even though it has been common practice for the past 10 years or so. This amendment will tidy up the Real Property Act and, like the other amendments to this legislation, represents a clarification of and an improvement to the legislation currently covering land title management in New South Wales. We support the bill.

Mr ORKOPOULOS (Swansea) [7.41 p.m.]: I am pleased to support the Land Titles Legislation Amendment Bill, and particularly welcome the Opposition's support of it. In my contribution I shall emphasise the merits of the proposal concerning forestry leases. Tree planting is a key part of the Carr Government's plan to provide for farm diversification and to promote regional development and employment opportunities. The proposals regarding forestry leases will send a clear message to private investors and land-holders that the Carr Government is actively encouraging plantations. It also demonstrates that this Government wants to optimise the social, economic and environmental benefits of increasing the rate of tree planting in New South Wales.

The proposed amendments are designed to facilitate timber development through the use of forestry leases. The leases, or in some cases subleases, would be for terms not exceeding 40 years. At law, leases of parts of a parcel of land for a term in excess of five years create permanent subdivision boundaries and may require development consent for the subdivision. However, the scheme that is proposed for forestry leases would operate differently along the following lines. First, any requirement for development consent for the subdivision would still apply. This would be in addition to any other approval that might be required under the planning legislation. Second, the subdivision plan to be lodged with the Registrar-General for registration would have to be endorsed with a subdivision certificate indicating that the plan is for forestry lease purposes. Third, on registration, the plan would not become a current plan.

However, the lots shown in the plan could be leased or subleased, and the leasehold interests could be mortgaged or transferred. Fourth, when the lease expires, the boundaries created for the purposes of the lease will cease to exist. The scheme that I have described is similar to that outlined in sections 23H and 23I of the Conveyancing Act 1919 for the leasing of sites in caravan parks and manufactured home estates. The subdivision plan for forestry leases may be one of three types: a full plan of survey registered as a deposited plan; a plan of survey prepared in accordance with clause 29 of the Surveyors (Practice) Regulation 1996 and

registered as a deposited plan; or a compiled plan that is annexed to a forestry lease. The latter two types of plans are to be permitted because promoters of forestry schemes and intending lessees may prefer these plans to the more expensive full survey plans. In summary, the bill seeks to encourage plantations and reafforestation by providing a further legal means of undertaking forestry development. I support the bill and commend the Minister for bringing forward this initiative.

Mr MERTON (Baulkham Hills) [7.45 p.m.]: I support the Land Titles Legislation Amendment Bill. The bill covers a number of somewhat interesting yet necessary changes to real property law. I will outline some interesting points about the bill set out in schedules 1 and 2. Schedule 1 deals with amendments to the Conveyancing Act 1919 and schedule 2 deals with amendments to the Real Property Act 1900. Schedule 1 allows leases for forestry purposes. In essence, it allows for a commercial type of subdivision to occur for the purpose of making interests in forestry projects more negotiable. It provides for a separate title issue on a leasehold subdivision for a forestry project without necessitating a permanent subdivision of the land. This will allow people involved in forestry projects who decide to sell or mortgage them to obtain a title to their part of the project without the subdivision that creates the title forming a permanent subdivision of the land.

This is a worthwhile and workable way of sustaining interests in forestry. As the honourable member for Swansea said, we all encourage forestry projects. They form an essential part of the New South Wales and Australian economies and this provision facilitates the registration of a lease by allowing the land to be divided without creating a permanent subdivision and without necessitating the conduct of a survey. The honourable member for Liverpool, who is in the chair, will be well aware of the costs involved in conducting surveys. The subdivision is permitted for the purpose of allowing separate titles for lots in forestry subdivisions to exist. That will make forestry projects more attractive and more negotiable in so far as they may be bought and sold more easily.

Schedule 2 deals with the lessee's option. Mr Acting-Speaker, you have legal experience over many years and will know that option clauses exist if there has been no default or breach on the part of the lessee. That works well in many cases until the option comes to be exercised, at which point the owner decides for some reason that he does not want the option to prevail, perhaps because he wants to recover possession of the premises. The bill provides that, for the option clause to be negated or a person to be precluded from exercising the option, it is necessary to serve prior to the expiry of the lease a notice of breach regarding any covenant that the owner would rely upon as a reason for not allowing the lessee the option. That simply means that, if a tenant wants to exercise the option and providing he or she has paid the rent, the owner cannot say at the last moment, "Three years, two days and five hours ago you breached the lease and for that reason you have no option."

Under this bill, unless a specific notice of the breach was served at the time of the breach, the breach is of no significance. The bill spells out the law in circumstances in which a tenant argues that the owner of premises, the lessor, has lost the right to rely on the breach because of laches or is estopped because nothing was done about the breach earlier by the owner, who continued to accept the rent. The bill responds quite clearly to uncertainty that sometimes exists. A tenant may remember that three years earlier he or she was three weeks late in paying the rent, but those situations no longer give the owner of premises the right to say, "Sorry, three years ago you breached the lease. I will not renew your lease."

This bill provides people with certainty. If an owner considers that a breach of the lease has occurred, the owner must serve a notice on the tenant within a reasonable time and before the owner can say that the lessor no longer has an option to lease the premises. It is a commonly used provision in leases that if the lessee or tenant retains the right to exercise the lease, there must have been no breach of the lease. The effect of this bill is that the law will deem the breach to be of no effect unless notice is served by the landlord on the lessee and notice of the breach must be given prior to the date of renewal of the lease.

The other interesting aspect of this bill concerns people who wish to change their name. For some years there have been various ways of changing one's name. As I understand it, the law is that a person can change his or her name without doing anything, provided that the change of name is not being effected for fraudulent purposes. Trouble arises when Bill Smith suddenly wants to become known as Tom Jones and goes to the bank and says, "I used to be Bill Smith but I am now Tom Jones." One would expect that a bank officer would wonder what Tom Jones is up to and would ask for proof. In those circumstances, a bank would require a person to produce evidence of the change of name. Years ago a person would consult a lawyer and, at some expense, execute a deed poll which acknowledged the change of name.

The lawyer would take the deed poll to the Stamp Duties Office to have the document stamped and then to the Registrar of Deeds at the Land Titles Office where a seal would be applied. Overnight a person could

change from Bill Smith to Tom Jones or vice versa, and the deed poll would be proof of identification sufficient for a bank, for example, requiring proof of a change of name. Over time, people thought that the deed poll process was cumbersome. Eventually people do wake up to problems that are inherent in legislation and a more informal process involving attendance at the Registrar of Births, Deaths and Marriages was devised. That process involves filling out a form which states that Tom Jones, for example, now wishes to be known as Bill Smith.

After the person signs the form and pays the fee, that is the end of the process. People have a choice of consulting a lawyer to execute a deed poll, which is an expensive method, or adopting the no-frills procedure of attending the Registrar of Births, Deaths and Marriages to fill out a form. As I understand it, most people have adopted the no-frills option. The bill states effectively that a change of name can be effected by a person attending the office of the Registrar of Births, Deaths and Marriages and signing a straightforward form. Unless for some reason that process does not work, people are saved from the trouble and expense of consulting a lawyer to have their name changed.

For reasons which will become obvious, I am somewhat reluctant to discuss the provisions of the bill which relate to a vital part of Australia's great history and heritage. I refer to a matter that is deeply steeped in the annals of our culture, namely, the once common occupation of a night carter. A night carter was a person who disposed of material which was stored in sheds located at the rear of premises. A night carter had to be very steady on his feet to ensure that no accident occurred as a result of tripping. Many a night carter who was not feeling well would have tripped over a kid's rope that might have been left on the ground and that would have caused all kinds of problems for the family concerned the next morning.

Mr ACTING-SPEAKER (Mr Lynch): Order! The honourable member for Baulkham Hills may care to return to the leave of the bill.

Mr MERTON: With the greatest respect, I point out that I am dealing with the bill strictly within the constraints of the leave. An essential part of the bill deals with what are referred to as dunny lanes. I think it is necessary to address the issue of dunny lanes. I am sure that a man of your expertise, Mr Acting-Speaker, would well understand the necessity for placing the provisions of this bill in a historical context.

Mr ACTING-SPEAKER: Order! I understand the leave of the bill, and the honourable member is well outside it.

Mr MERTON: I will speak specifically to dunny lanes. Many properties in the older parts of Sydney had dunny lanes, which were virtually alleyways that the night carters would walk along to carry out the collection and deliver the collected material to the back of a truck—or a horse and cart in earlier days—for disposal. A lot of those dunny lanes still exist but because of the introduction of the sewerage system the dunny lanes are no longer needed. The question is: What should be done with dunny lanes when they are no longer needed because dunny carters no longer exist? I congratulate the Minister and his department on overcoming some of the law's basic problems. If people own land under Torrens title, which involves one title deed instead of a whole bunch of deeds dating from the Crown grant, they have the right to have a dunny lane cancelled, which will mean that it will no longer exist.

In modern times, many dunny lanes have fallen into disrepair because dunny men do not use them. In some cases people have closed off part of the lane and understandably have incorporated the lane into their backyards. In other cases dunny lanes are used for purposes that are not commonly accepted by many people, that is to say, they are being frequented at night by people who have drug problems. This bill provides that a dunny lane that has been converted to Torrens title will be able to be abolished or eliminated. An owner of property can apply to a local council to have the dunny lane declared to be no longer in existence and can obtain the title to the lane so that it forms part of the owner's property.

That procedure is necessary because under the Torrens system of registration people are not able to claim a right to the land constituting the lane based on possession for a period of 12 years. However, this legislation will allow people to make such a claim, in spite of the land being subject to Torrens title restrictions. If an owner of property has had exclusive use of a dunny lane for 12 years, the land can be claimed as part of the owner's property because of what is known as possessory title. The concept is similar to what was done by squatters in the early settlement days in outback Australia, but it applies also to suburban land. In my opinion, this legislation is good. I congratulate the Minister and officers of his department.

Mr COLLIER (Miranda) [7.59 p.m.]: The objects of the Land Titles Legislation Amendment Bill are to clarify the law relating to variations of registered leases and the exercise of options to renew leases and to permit recognition of adverse possession of parts only of a parcel of Torrens title land, that is land under the

Real Property Act 1900, in certain circumstances. The bill is also designed to make provisions with respect to the registration of documents that will effect a change of name and to facilitate the registration of leases for forestry purposes. The bill amends the Real Property Act 1900 and the Conveyancing Act 1919. Those Acts have long formed the legislative cornerstone of property and conveyancing law in New South Wales. The amendments in this bill are intended to enhance the effectiveness of those Acts, to improve their administration and to assist in the smooth and ordered running of conveyancing in this State.

The amendment that I wish to speak on concerns leases. It concerns section 133E of the Conveyancing Act. The amendment arises from the decision in September 1999 by His Honour Justice Windeyer in the case of *Flagstaff v Cross Street Investments*, (1999) Butterworths Property Reports, 17,067. I shall now outline the background to the amendment, which involved a lease of commercial premises at Double Bay in Sydney. Towards the end of the lease the tenant decided to exercise the option to renew and served a notice to that effect. However, soon after the tenant breached a covenant in the lease. Consequently, the landlord refused to grant the new lease because of this breach. The tenant then applied to the Supreme Court for relief under section 133E.

In normal circumstances section 133E permits the court to provide relief against breaches of covenants where the tenant seeks to renew the lease. In this regard it serves a useful purpose and fully justifies the 1972 recommendation of the Law Reform Commission for the introduction of the section. However, in the Flagstaff case it was not clear whether section 133E applied because the breach occurred after the notice to renew had been served. In considering that question Justice Windeyer noted that there were several judicial decisions at first instance—that is, in the lower courts—and that they were not in agreement with each other. His Honour concluded, therefore, that the law remains unsettled. In that particular case His Honour found that due to the wording of section 133E the court had no jurisdiction to provide the relief sought. More generally, he noted that doubt over the section should be clarified by the Parliament of this State.

This amendment has been introduced in response to His Honour's comments. The amendment makes it clear that the court's jurisdiction extends to breaches of covenants committed in the period both before and after the notice exercising an option has been served. That will allow the court to exercise its discretion to overcome minor breaches of leases. In so doing, the amendment will make the law more certain and facilitate commercial activity. Both this amendment and the other amendments contained in this bill will improve the efficiency and effectiveness of the land title system in the State of New South Wales. I commend the bill.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [8.03 p.m.], in reply: I thank the honourable member for Swansea, the honourable member for Miranda, the honourable member for Ballina and the honourable member for Baulkham Hills for their contributions to this debate. The honourable member for Ballina, who led on behalf of the Opposition, indicated that the Opposition does not oppose the bill. As I said in my second reading speech, the bill will amend the Real Property Act and the Conveyancing Act to introduce a number of technical but important reforms. The reforms will streamline the operation of the Torrens title system in a number of areas and, more generally, the system of conveyancing and land transactions. The amendments will extend certain facilities and make matters dealt with in the legislation much more clear in terms of the process. They arise as part of the ongoing improvement process that the Land Titles Office established many years ago.

In relation to variations of leases, the amendments clarify the law and practice. They provide a clear legislative basis for a practice that was developed in collaboration with the Law Society of New South Wales and which has been in place for some time. As to forestry leases, the amendments will facilitate the development of forestry plantations in this State. As a number of participants in the debate have indicated, the amendments will permit a more cost-effective definition of the individual parcels on which the trees will be grown. The theoretical concept is, of course, that a number of landowners will come together to develop a plantation and this streamlined subdivision approach will allow them to do that with the minimum of red tape and barriers.

The amendments will also extend the jurisdiction of the Supreme Court to provide relief against breaches of leases where those breaches are minor. Another important amendment deals with the law on adverse possession. It will now be possible to claim part of a disused laneway or passageway under amendments to section 45D of the Real Property Act. Further, the legislation makes it plain that change of name documents are to be registered at the Registry of Birth, Deaths and Marriages rather than at the Office of the Registrar-General. As I have already pointed out, many of the amendments are technical in nature. However, they are important because they will improve the land administration system in New South Wales. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

HARNESS RACING NEW SOUTH WALES AMENDMENT (RULES) BILL

Second Reading

Debate resumed from 19 September.

Mr OAKESHOTT (Port Macquarie) [8.07 p.m.]: I lead for the Coalition, which does not oppose the legislation. This is machinery legislation that has resulted from the extensive work done by the Regulation Review Committee. The bill establishes beyond doubt that Harness Racing New South Wales is the rule-making body for the harness racing industry. The logic of that should mean that that no-one in this place would oppose the legislation. This amendment has been through the regulation review process. Luke Abbott from Bathurst appeared before the committee to put his case and spoke about the marker pegs, which had a lot to do with initiating the amendment and clarifying the decision-making a body for harness racing.

The only point I need to make about the bill—and I make a similar point in relation to the three codes of racing: harness racing, thoroughbred racing and greyhound racing—that we are waiting for co-investment rights from the TAB. Some of that new money can then flow through to the three codes of racing and provide a future for racing in New South Wales. Following the privatisation of the TAB people believe that they have not received what they were promised and the three codes are slowly bleeding. By comparison, Victoria is wiping New South Wales off the map from every angle: trainers, breeders, owners, prize money and starters.

The complaint from those involved in harness racing is no different from the complaint in the other codes. Only last week I met with Tony McGrath and Peter V'Landis from Harold Park and they also reiterated that fact. That sends a message not only to the Government but to the new privately run TAB and to Warren Wilson. I believe the point I now make will have bipartisan support: rather than being obsessed with trying to rationalise racing, particularly country racing, Warren Wilson should pull the digit out and get on with the job of delivering for racing in New South Wales. He should get on with the job of investing in options such as Jupiters Casino and the South Australian TAB. Both of those fell over for various reasons, but he should get on with the job of sorting out the co-investment rights, investing in areas such as gaming and racing, and providing a secure future for the TAB, TAB shareholders, the three codes of racing and everyone employed in those three codes.

If one looks at racing from an industry point of view rather than a sporting point of view, one realises that New South Wales is fortunate to have an industry that employs a significant number of people. The racing industry employs more than 50,000 people throughout New South Wales. It is a decentralised industry; it is spread throughout country and regional areas. By and large, it is a clean and green industry, something that both the Government and our side of politics are pushing for. We want to support, protect and enhance the New South Wales racing industry. Harness racing is no different from the other two codes; they are all waiting for the money that was promised following the privatisation of the TAB.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [8.12 p.m.], in reply: I thank the honourable member for Port Macquarie for his contribution to the debate. The proposed amendment simply restores the words omitted in the restatement of the existing rule-making functions in the Harness Racing New South Wales Amendment Act 1998. The restoration of those words will reinstate the objectives of the Act, which provide that rules can be made if no current regulation deals with any specific matter.

The bill corrects a drafting omission in the Act. The courts have acknowledged the omission and have sought to interpret the relevant provision upon the basis of the Parliament's intent. However, for more abundant caution and to put the matter beyond doubt, it is believed that it is necessary to reinsert the words as proposed in the bill. The bill will provide greater certainty in the operation of rule-making powers in the Act and will assist in the proper regulation and administration of the State's harness racing industry.

I have taken on board the comments of the honourable member for Port Macquarie. His comments may have been outside the leave of the bill but, like everyone else, I would like to see more money made available. The honourable member has to accept that the difference between New South Wales and Victoria is that the Victorian Government allocated a proportion of gaming revenue to the racing industry. I hasten to say that it would probably not have done so in today's environment. However, whilst that is a fact of life in Victoria it is not going to occur in New South Wales.

It may be that at some time in the future the honourable member, in consultation with either the Leader of the Opposition or the shadow Cabinet, will propose that a proportion of gaming revenue be hypothecated to

the racing industry. It is his prerogative to do that. Having been in Government for some period of time now, I can tell the honourable member that that would necessitate a Treasury decision on whether revenue from slot machines should be diverted from health, education and other areas in which the public has an expectation of a certain level of service.

The honourable member for Port Macquarie continues to compare New South Wales with Victoria in monetary terms. It was a Labor Government that provided that level of funding to the racing industry in Victoria. That would have to be one of the most stupid decisions ever made. The Victorian racing industry has been given considerable funding and has been able to ride on the back of it. I have enough confidence in this State's racing industry to believe that it will continue to be innovative. I hold similar views to those held by the honourable member about rationalisation.

I have listened with interest to what he has said about Warren Wilson and the TAB. I would not go that far, but I would say this. Recently I have clearly indicated to both the harness industry and the greyhound racing industry that the TAB needs to change its attitude, particularly to country clubs, which inevitably are run by people who volunteer their time to provide racing in country areas. People would have to have great stamina or rocks in their heads, or both, to give their time to greyhound racing or harness racing, which are the two smaller codes, purely for the benefit of the shareholders of the TAB. They should have kept that in mind when they recently went on their safari around the regional centres, telling everyone what was good for racing. If they had asked me, I would have told them not to do it. For once we agree that that was not the most sensible thing to do. It was not in the best interests of racing. Having said that, I commend the bill to the House. The problem should not have arisen but, of course, with human frailties an error occurred which has now been rectified.

Motion agreed to.

Bill read a second time and passed through remaining stages.

GAMING MACHINE TAX BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 16 October

No. 1 Page 3, clause 3, line 4. Omit all words on that line. Insert instead:

(c) the monetary value of the credits accumulated by a gaming machine player in the course of play that are redeemed by the award of a non-monetary prize, or

(d) in the case of a gaming machine that is a part of an authorised linked gaming system operating under Part 12 of the *Liquor Act 1982* or under Part 12 of *Registered Clubs Act 1976* the amount that is deducted from the gaming machine in order to build a prize for the authorised linked gaming system concerned.

No. 2 Page 5, clause 7. Insert after line 26:

(3) A hotelier or registered club must:

(a) before the end of each such 21-day period, deposit the amount payable in a bank or financial institution, and

(b) make such arrangements with the Chief Commissioner as enable the Chief Commissioner to access or appropriate that amount (such as by way of direct debit from the account of the hotelier or registered club concerned).

Maximum penalty (subsection (3)): 20 penalty units.

No. 3 Page 6, clause 8, line 12. After "comply", insert "with".

No. 4 Page 7. Insert after line 28:

11 Apportionment of liability for tax in certain circumstances

(1) The Chief Commissioner may, in such manner as the Chief Commissioner considers appropriate:

(a) apportion the liability for tax as between hoteliers:

(i) in any case where there has been a change in the ownership of a hotelier's licence, or

(ii) in such other circumstances as the Chief Commissioner considers appropriate, and

(b) apportion the liability for tax as between registered clubs:

(i) in the event of an amalgamation of a registered club under the *Registered Clubs Act 1976*, or

(ii) in such other circumstances as the Chief Commissioner considers appropriate.

(2) Subsection (1) (a) does not affect the operation of section 7 (3).

No. 5 Page 12. Insert before line 1:

Part 5 Exemption from or deferral of tax

Division 1 Hardship Review Board

17 Waiver, deferral and writing off of tax in hardship cases

The Hardship Review Board constituted under Division 5 of Part 10 of the *Taxation Administration Act 1996* may exercise its functions in relation to tax payable under this Act.

Division 2 Exemption from tax liability of certain registered clubs

18 Constitution of Committee

(1) There is to be a Committee for the purposes of this Division comprising the following members:

(a) the Auditor-General (or a senior officer of the Auditor-General's Office appointed by the Auditor-General),

(b) the Secretary of the Treasury (or a senior officer of the Treasury appointed by the Secretary),

(c) the Director-General of the Department of Gaming and Racing (or a senior officer of the Department appointed by the Director-General),

(d) a person appointed by the Club Industry Advisory Council established by the Minister for Gaming and Racing.

(2) If a person is not appointed for the purposes of subsection (1) (d), the Minister for Gaming and Racing may appoint a person to be a member of the Committee for the purposes of that paragraph.

(3) A member of the Committee may appoint a person to act in the place of that member at meetings of the Committee.

(4) Each member of the Committee has a deliberative vote and, in the event of an equality of votes, the member referred to in subsection (1) (a) has a second or casting vote.

(5) The procedure for the calling of meetings of the Committee and the conduct of business at those meetings is to be determined by the Committee.

(6) The Committee is a continuation of the Committee constituted under Division 3 of Part 4 of the *Registered Clubs Regulation 1996* immediately before the commencement of this section.

19 Exemption from tax liability in certain cases of hardship

(1) The Committee may, by order in writing, exempt a registered club from its liability to pay the whole or part of an instalment of tax if the Committee is satisfied that:

(a) a casino was in operation (under the *Casino Control Act 1992*) during the whole or part of the instalment period concerned, and

(b) the whole or any part of that casino was within 10 kilometres of any part of the premises of the registered club, and

(c) the club first became registered under the *Registered Clubs Act 1976* before 23 April 1993, and

(d) the club is suffering serious financial hardship as a result of a reduction in the profits from poker machines kept by the club during that instalment period, and

(e) the reduction in profits is reasonably attributable to the availability of poker machines in the casino during that instalment period, and

(f) the exemption is necessary to alleviate or assist in the alleviation of that hardship.

(2) The Chief Commissioner is to be notified of, and is to give effect to, any order by the Committee under this section.

(3) Notice of the order is also to be given to the registered club to which the order relates.

20 Application for exemption

(1) An exemption under this Division may be granted on application by the registered club concerned.

(2) An application (and any exemption granted on the application) can relate to one instalment of tax only. Further applications in respect of an instalment period can be made.

(3) An application must be in writing and be accompanied by:

(a) a copy of the income and expenditure statement and balance sheet for the registered club in respect of the 3 financial years immediately preceding the application, and

(b) such other information and documentation as the Committee may request, being information and documentation that it reasonably requires to determine the application.

(4) The Committee may require an application and the details and information accompanying an application to be verified by statutory declaration.

21 Effect of previous refusal by Hardship Review Board

The Committee cannot grant an exemption under this Division in respect of the liability of a registered club to pay an instalment of tax if:

(a) the registered club has made an application to the Hardship Review Board for that Board to waive, defer or write off the tax concerned, and

(b) the Hardship Review Board has refused the application.

No. 6 Page 12, clause 19, lines 19 to 23. Omit all words on those lines.

Legislative Council's amendments agreed to on motion by Mr Face.

Resolution reported from Committee and report adopted.

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

LIQUOR AND REGISTERED CLUBS LEGISLATION AMENDMENT BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 16 October

No. 1 Page 6, Schedule 1 [12], line 21. Insert "unless the prospective purchaser has previously supplied his or her date of birth to the licensee," after "years,".

No. 2 Page 6, Schedule 1 [12], line 27. Omit "only to".

No. 3 Page 6, Schedule 1 [12], line 28. Insert "to" before "the adult".

No. 4 Page 6, Schedule 1 [12], line 29. Insert "to" before "another".

No. 5 Page 6, Schedule 1 [12], line 31. Omit "order.". Insert instead "order, or".

No. 6 Page 6, Schedule 1 [12]. Insert after line 31:

(iii) if the delivery is made on a day after the day the order is taken, or the sale made through an internet site, otherwise in accordance with the customer's instructions.

No. 7 Page 8, Schedule 1 [12]. Insert after line 14:

(11) This section does not apply to or in respect of the sale of liquor to a person who is authorised to sell liquor.

Legislative Council's amendments agreed to on motion by Mr Face.

Resolution reported from Committee and report adopted.

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

SYDNEY WATER CATCHMENT MANAGEMENT AMENDMENT BILL

In Committee

Consideration of the Legislative Council's amendment.

Schedule of amendment referred to in message of 25 September

Page 5, schedule 1 [2], proposed section 24E, lines 6 to 11. Omit all words on those lines. Insert instead:

(1) The Authority may charge, for the supply of any services under this Act or the regulations, such fee as may be prescribed by the regulations for the supply of the service.

Legislative Council's amendment agreed to on motion by Mr Face.

Resolution reported from Committee and report adopted.

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

CRIMES AMENDMENT (SEXUAL SERVITUDE) BILL

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development), on behalf of Mr Debus [8.21 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Crimes Amendment (Sexual Servitude) Bill. The bill contains new offences—with significant sanctions—prohibiting the practice of forcing women and children into sexual service. The new offences are part of the scheme of national laws recommended by the Model Criminal Code Officer's Committee of the Standing Committee of Attorneys-General, a national committee in which this jurisdiction plays an active part. The Government is mindful of the need to have uniform criminal laws where possible, and is today introducing legislation that adopts the relevant recommended provisions set out in chapter 9 of the model criminal code, entitled "Offences Against Humanity; Slavery".

The Commonwealth has now enacted the model provisions contained in that report, with some modifications, in the Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999. That Act prohibits the practice of slavery throughout and beyond Australia. This bill therefore does not deal with slavery per se, as the enforcement of those laws has been assumed by the Commonwealth. However, the report also found that in addition to traditional forms of complete chattel slavery, where the victim is traded as a form of property, servitude is also created by so-called debt bondage. This degrading treatment of human beings is particularly true of the recruiting and trading of women and children in international criminal prostitution rings. The women concerned in this trade are most likely to be isolated and coerced and held against their will and are frequently unaware of the kind of employment for which they have been recruited. In many cases there are contrived debts involved.

Various brokers through a chain of suppliers recruit and provide the women or children sex workers and the end broker pays a sum. This sum is recouped by demanding that the victims provide sexual services to repay that debt. Refusal to provide these services can lead to threats of violence or deportation following a tip-off to immigration officials. All too often we see the persons recruited deported and sanctioned; they are the visible face of criminal networks that may exist here and in other countries that lead them to be unlawful workers in Australia in the first place. It should be noted that sexual servitude is specifically covered in the Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999.

However, the Commonwealth provisions only prohibit sexual servitude that occurs to some extent outside of Australia. The Standing Committee of Attorneys-General felt that such conduct was more appropriately legislated against at State and Territory level. I am therefore introducing a bill designed to complement the existing Commonwealth laws and ensure that in New South Wales there is no legislative gap through which sex slave traders can slip. In light of the need for there to be comity between the schemes, the

Government has drafted the bill I introduce today to follow the relevant parts of the Commonwealth Act as closely as possible. The only divergences from that legislation are where the Crimes Act 1900 already has a form of words that covers the concept. The Australian Capital Territory has just passed similar legislation, and South Australia has introduced recent legislation to the same effect.

I now turn to the specific provisions in the bill. "Sexual servitude" is defined to be the condition of any person who provides sexual services and is not free to cease providing those services because of the use of force or threats. These threats can be of force or causing the person's deportation, or any other unreasonable threat of detrimental action. It is necessary to require that these threats of other detrimental action be unreasonable to ensure that this new legislation does not interfere with the existing laws regulating prostitution in this State. The offences therefore do not apply to the usual employment conditions for sex workers.

The bill proposes to prohibit sexual servitude in two ways. Firstly, there will be an offence of causing sexual servitude. That offence is committed if a person causes the sexual servitude of another and intends to cause that sexual servitude, or is reckless as to causing such sexual servitude. Causation, intention and recklessness are well known terms in criminal law. It is appropriate to include recklessness as a possible mental element of the offence. The circumstances envisaged by the offences are so serious that the law can expect persons to consider their actions very carefully in this area. Secondly, the bill creates an offence of conducting a business involving sexual servitude. That offence is committed if a person conducts any business that involves the sexual servitude of others and knows about, or is reckless as to, that sexual servitude. Activities in that area are often orchestrated by persons as part of a criminal business. It is not appropriate to permit those people to escape conviction because of a lack of direct involvement.

The offence also extends to any person that has any control or direction over the business or, while not being involved in the business itself, provides finance for the business. The offence thus catches those who hide behind others and those who support the trade, and is aimed at the Mr Bigs of the international trafficking in sex slaves. The penalty for both these offences is imprisonment for 15 years. However, if the victim is a child or a person suffering from a serious intellectual disability the maximum penalty is 19 years imprisonment. Those penalties match those of the Commonwealth offences and the model criminal code recommendations. It should also be noted that under section 344A of the Crimes Act 1900 any person who attempts to commit those offences will be liable for the full maximum terms of the offences. The bill also amends the Child Protection (Offenders Registration) Act 2000 to enable persons convicted of those offences to be registered pursuant to that Act.

The Commonwealth offence of deceptive recruiting for sexual services has not been reproduced in this bill. This offence would have been broader in its scope than was necessary to deal with deceptive recruiting for sexual servitude. New South Wales already has offences that more than adequately cover this area. Relevant current offences include section 91A of the Crimes Act 1900—procuring; section 91D of the Crimes Act 1900, promoting or engaging in acts of child prostitution; and section 15A of the Summary Offences Act 1988, causing or inducing prostitution. The current offences already include within their elements procuring by any fraud, section 91B of the Crimes Act 1900; and, in relation to children, inducing by any means, section 91D of the Crimes Act 1900. The penalty for the model criminal code offence of deceptive recruiting offence is identical to the current offence of procuring—that is, seven years imprisonment.

The current New South Wales offences relating to child prostitution are greater than the proposed aggravated offence—the proposed aggravated offence is nine years, the current penalties in New South Wales are 10 years and 14 years. I am sure that all honourable members will abhor the practices at which this bill is aimed and will support it. It is hoped that those States and Territories that have not yet passed similar legislation will do so shortly. It is important to have nationally consistent laws to deal with such issues. I commend the bill to the House.

Debate adjourned on motion by Mr Stoner.

CRIMES AMENDMENT (GANG AND VEHICLE RELATED OFFENCES) BILL

Bill introduced and read a 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) [8.30 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes Amendment (Gang and Vehicle Related Offences) Bill. The bill, which is a multifaceted approach to the issue of gang-related criminal activity, builds upon legislation recently debated in this place relating to gang sexual assaults and other police and crime prevention initiatives of the Government. This bill introduces more severe penalties for committing certain existing offences in company—that is, with one or more additional persons. It also reforms the law of kidnapping, increasing the penalties when a person is kidnapped by one or more persons; it increases penalties for offences relating to car rebirthing; and it creates the new offence of car jacking The bill also deals with threatening and intimidating persons to influence them to withhold material from police, and with recruiting children to engage in criminal activity. As the Premier foreshadowed in this House some weeks ago, this Government is serious about tackling gang crime.

This bill is part of the raft of legislative amendments which specifically target gang-related crime in New South Wales. I am pleased to announce that the first part of this most recent legislative reform, the Crimes Amendment (Aggravated Sexual Assault in Company) Act 2001, commenced on 1 October 2001. The Crimes Amendment (Gang and Vehicle Related Offences) Bill seeks to further the aims of the Government to better protect the citizens of this State from cowardly attacks by gangs. By introducing this bill, the Government sends a clear message that such abhorrent criminal behaviour will not be tolerated. The reforms will add to the efficacy of criminal law enforcement in relation to criminal gang activity in New South Wales. They are a product of the Government's commitment to deal with organised gang activity. It is clear that the reported incidence of gang-related offences is increasing, as are community concerns about these types of crimes. These reforms are aimed at proactively limiting the expansion of this type of activity. The reforms are wide ranging.

The first major component of this bill is the introduction of the concept of "in company" to an extended range of offences that are gang specific. The criminal law recognises that a crime committed by two or more people together is more serious than when an offender acts alone. Specifically, the law recognises that offenders acting in company with others may constitute an aggravated version of the offence. This is currently the case with the offences of robbery, break and enter and sexual assault. The term "in company" is not defined in legislation but exists as a legal principle at common law. It refers to situations where one person participates in an offence with another person or persons. Item [1] of the bill increases the penalty for discharging loaded firearms with intent to do grievous bodily harm from 14 years to 20 years if the offence is committed in company—section 33A. Item [2] increases the penalty for using or possessing a weapon to resist arrest or commit an indictable offence from 12 years to 15 years if the offence is committed in company—section 33B.

Item [3] increases the penalty for maliciously wounding or inflicting grievous bodily harm from seven years to 10 years if the offence is committed in company—section 35. Item [4] increases the penalty for assault occasioning actual bodily harm from five years to seven years if the offence is committed in company—section 59. Item [7] increases the penalty for demanding property with intent to steal from 10 years to 14 years if the offence is committed in company—section 99. Extending the range of offences that "in company" will be attached to tackles criminal gang issues and will strengthen the existing developed and settled law. By increasing the maximum penalty for these types of offences, a clear message is sent to the judiciary that the community expects offenders who commit these offences to be dealt with more severely than they have been in the past.

The second important legislative reform is related to the offence of kidnapping. The bill introduces "in company" as an aggravated element of kidnapping and makes other reforms to the offence of kidnapping. The offence of kidnapping is contained in section 90A of the Crimes Act 1900. The offence provides that a person is liable to 20 years imprisonment if they detain a person for advantage, or 14 years if they prove that the person taken away was liberated without having sustained any substantial injury. The unique structure of this provision places the onus on the accused to prove that no substantial injury was caused to the victim before the lower maximum penalty can be applied. It effectively reverses the traditional structure of offences in aggravation. The structure of this offence has come under judicial scrutiny at various times in the past—notably in the case of Rowe (1996) 89 Appeal Criminal Report 467 by the former Chief Judge at Common Law, Justice Hunt—where the confusion over which offence and maximum penalty applied in certain situations was discussed.

A number of cases under section 90A are appealed on the basis of whether the correct maximum penalty was applied, given the injuries in the particular case. The unclear definition of the words "substantial injury" contributes to the lack of certainty as to which maximum penalty should apply. These issues are further confused when there are co-offenders who are sentenced separately. "Substantial injury" has been variously defined as "more than minor or slight, but that it need not be of the serious kind which would constitute it being grievous bodily harm"—Hudson (1985) 8 FCR 228 at 242-243; and "less than total but more than trivial or

minimal"—Rowe at 471-472. That may be compared with section 23A of the Crimes Act 1900. Even when an assault has produced minor physical consequences, the court has held that the injury "may well become substantial where the circumstances in which it was inflicted … greatly affect its seriousness"—Rowe at 472.

Potential residual psychiatric conditions resulting not just from the actual attack and ensuing injuries but also from the way in which they were inflicted upon the victim have also been taken into account by the court—*R v Herceg* [2001] NSWCCA 242. Section 90A was inserted into the Crimes Act 1900 in 1961. Its structure, while unique, has proven to be confusing and uncertain. The offence, and others contained within that division of the Crimes Act, are ripe for reform. In order not to deviate from the gangs focus in this bill, the wider reforms to the division will be progressed later this session. Item [5] reverses the structure of the offence of kidnapping and introduces a three-staged aggravated offence of kidnapping. New section 85A will replace section 90A of the Crimes Act.

The basic offence of kidnapping, where a person takes or detains another person for advantage without their consent with the intention of holding that person to ransom or obtaining any other advantage, will carry a maximum penalty of 14 years—section 85A (1). An aggravated version of the offence is created in section 85A (2). Where a person commits an offence under section 85A (1) in company, or a person commits an offence under section 85A (1) and at the time of the offence, or immediately before or after the commission of the offence, actual bodily harm is occasioned to the victim, a penalty of 20 years will apply. This provision covers circumstances not only when the offender assaults the victim but also where the victim sustains an injury as a result of an escape attempt. This is consistent with the current application of the "substantial injury" test.

The offence replaces the "substantial injury" test with "occasioning actual bodily harm" as an element of aggravation. The latter term is a settled and well-defined term of the criminal law and should clarify confusion over whether an injury was "substantial". A specially aggravated version of the offence is created in section 85A (3), which combines both aggravated elements of the offence. Where a person commits an offence under section 85A (1) in company and at the time of the offence, or immediately before or after the commission of the offence, actual bodily harm is occasioned to the victim, a penalty of 25 years will apply. New section 85A (4) provides a system of statutory alternative verdicts that will ensure that if the jury is not satisfied that the offence of aggravated kidnapping or specially aggravated kidnapping has been proven, a verdict of guilty may be returned if the jury is satisfied that a lesser offence has been proven.

In short, the present bill reforms the law of kidnapping by introducing the concept of "in company" to the offence as an element of aggravation, by creating a three-tiered aggravation structure with higher penalties, by re-establishing the traditional onus so the prosecution must prove the matters in aggravation, by replacing the "substantial injury" test with "occasioning actual bodily harm" as an element of aggravation, and by updating the antiquated language of the offence. These reforms will assist in the prosecution of the offence by providing more certainty as to which maximum penalty applies, by providing a more commonly understood definition of "injury", and by sending a clear message to offenders that offences committed by more than one person will be treated more seriously by the courts.

The third major component of this bill targets the re-birthing of cars. The organised, systemic and sophisticated illegal trade in stolen motor vehicles and stolen motor vehicle parts is an increasing problem. Approximately 130,000 cars were stolen in Australia last year. Over the past seven years there has been a 17 per cent increase in motor vehicle theft. On the basis of these statistics, Australia is thought to have the second-highest number of vehicle thefts per capita in the world. The New South Wales Crime Commission estimates that the incidence of professional car theft and re-birthing is growing at a rate of 10 per cent per annum. This insidious trade no longer involves the simple theft of motor vehicles. Sophisticated and organised syndicates are involved in the re-birthing of cars, where an engine from one car is used as the basis for the creation of an entirely new vehicle. This re-birthing process makes detection, and consequently deterrence, more difficult.

The illegal trade in motor vehicles and parts has a significant impact on the community. These are not victimless crimes. Insurance premiums are paid by the community and the impact of theft on premiums is passed on to all of us. Motor vehicles are often the second-most expensive item people own in their lifetime and are frequently a source of pride to their lawful owners. The Government now moves to make the law reflect the seriousness with which such offences are viewed by expanding the definition of car stealing and increasing the penalty in relation to receiving stolen car parts, or possessing car parts unlawfully. In an effort to increase the ability of police to catch professional car thieves the definition of "motor vehicle" under section 154AA is expanded by items [8] and [9] to include not only the theft of a car but also theft of a motor or theft of an identification plate.

This is in recognition of the fact that the theft of such vehicle parts is an essential component of the re-birthing of vehicles. Previously, the theft of such car parts would be dealt with under the general larceny provisions, which have a maximum penalty of five years. They are now able to be dealt with as general car theft offences, carrying a maximum penalty of 10 years. The penalties for receiving stolen goods and unlawfully possessing goods, also known as goods in custody, will increase where the goods stolen are cars or car parts. The current maximum penalty for receiving is 10 years imprisonment. Item [11] increases this to 12 years if the goods stolen are cars or car parts. The current maximum penalty for goods in custody is six months imprisonment or a fine of $550. Item [17] increases this to one year or $1,100 if the goods in custody are cars or car parts.

These amendments demonstrate the Government's commitment to halting the illegal trade in motor vehicles and motor vehicle parts. They are intended to target and affect professional criminals. These are by no means the only strategies in place to deal with this problem. My learned colleague the Minister for Fair Trading will also introduce substantial amendments to the Motor Dealers Act and the Motor Vehicle Repairs Act to target this type of crime. Honourable members may also have read in the media about the introduction of so-called microdot technology. Industry and the Government will continue to examine and explore ways to improve our response to this type of crime. In the meantime, the amendments in this bill will be a useful addition to the armoury of police in their pursuit of the professional criminal.

The important fourth arm of this bill is to introduce the new offences of car jacking, threatening or intimidating persons to withhold information, and recruitment of children into criminal activity. Item [10] introduces the new offence of car jacking. Car jacking targets persons who unlawfully take a vehicle by force or unlawfully take a vehicle by detaining the person who is lawfully in the vehicle. A maximum penalty of 10 years imprisonment is provided. This rises to 14 years in aggravating circumstances, which include the offender being in company with another person, the offender being armed with an offensive weapon, or the offender maliciously inflicting actual bodily harm on a person.

The new offence needs to be understood in light of the existing laws relating to car theft and kidnapping. It should be remembered that there are already comprehensive and adequate laws dealing with robbery, assaults and kidnapping. It is not the intention of this new offence to override existing and adequate laws. Rather it is intended that this new offence will apply to circumstances not already covered by a specific offence. In short, it is an attempt to fill the gap between robbery and larceny. The new offence will provide police with a simple and straightforward offence. It will apply in circumstances which involve actions more serious than joy-riding but not as serious as robbery or kidnapping. In addition, it will apply irrespective of whether the defendant has an intention to permanently deprive the owner of his or her vehicle.

Item [13] inserts section 315A into the Crimes Act. This is a new offence which makes it illegal to threaten or cause injury to any person to influence them not to provide information to the police about an offence. A maximum penalty of seven years imprisonment will apply in such cases. Section 322 of the Crimes Act 1900 provides for an offence of threatening or intimidating judges, witnesses or jurors. Section 323 provides for an offence of influencing witnesses or jurors. These sections cover the intimidation or influencing of a person who has already provided information to police and is now a witness in a proceeding. The new offence under section 315A will cover the period before the person has provided information to police and become a witness for the purposes of sections 322 and 323.

Attempts to interfere with potential witnesses in criminal matters strike at the very heart of the criminal justice system. The introduction of this offence demonstrates the seriousness with which the Government regards such attempts. Item [15] inserts section 351A in the Crimes Act to provide for a new offence of recruiting children to engage in criminal activity. The offence will carry a maximum penalty of 10 years imprisonment. As the Premier has said previously, one of the most insidious organised gang activities reported in the media has been the targeting of children to commit serious crimes.

The use of children as drug couriers is just one example. This type of activity may well be the start of a career in crime and of gang membership. The new offence of recruiting children for the purposes of committing a criminal act clearly targets those adult offenders who prey upon children and initiate them into gang culture at an early age. These new offences, together with the other arms of reform contained in this bill, constitute a valuable addition to the protection of the citizens of this State and send a clear message that the Government will be vigilant about stamping out gang activity wherever it flourishes. I commend the bill to the House.

Debate adjourned on motion by Mr Stoner.

COURTS LEGISLATION AMENDMENT BILL

Bill introduced and read a 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) [8.53 p.m.]: I move:

That this bill be now read a second time.

The Government seeks to amend certain Acts relating to the courts and court procedures. The first proposal in schedule 1 to the bill amends section 2 (a) of the Costs in Criminal Cases Act 1967 to provide that a costs certificate may be granted, in certain circumstances, when the Director of Public Prosecutions [DPP] directs no further proceedings. The Director of Public Prosecutions may make no further proceedings directions and decisions to offer no evidence for a number of reasons, including public interest discretionary grounds. To meet the defendant's legal costs in all of these cases out of public funds would be inappropriate. However, when the trial or hearing has commenced and the DPP directs that there be no further proceedings it may be appropriate that a costs certificate be granted. It is also proposed to amend section 3A of the Act to allow for further relevant facts to be established by the prosecution on the application for a costs certificate, when those facts were available to the prosecution at that time the decision to institute the prosecution was made and were not able to be adduced in the proceedings.

Schedule 2 amends sections 13 and 18 of the District Court Act 1973 to allow for the appointment of judges from other States as judges and acting judges of the District Court when an appropriate need arises. Schedule 3 amends section 2 of the Judges' Pensions Act 1953 to include the Chief Judge of the Land and Environment Court within the definition of "judge". This is to correct an oversight at the time the judges of the Land and Environment Court were included in the definition of "judge" in the Act.

Schedule 4 amends section 68 of the Jury Act 1977 to permit disclosure of jurors' particulars and information on the deliberation of jury by the Sheriff to a court or proper investigating authority. In 1996 the Standing Committee of Attorneys-General [SCAG] agreed in principle to adopt the provisions contained in an Australian Capital Territory draft Juries Bill as a minimum standard for the protection of jury deliberations and to prevent the disclosure of the identity of jurors. The draft bill also provided for exemptions to disclosure when the disclosure was made to a court, royal commission, board of inquiry, the Director of Public Prosecutions or a police officer investigating an alleged contempt of court or alleged offence relating to jury deliberations. It is therefore proposed to amend section 68 of the Jury Act to permit disclosure of jurors' particulars and information on the deliberations of a jury to a court or proper investigating authority in similar terms to the model legislation agreed to by SCAG.

Schedule 5 amends various provisions of the Justices Act 1902 relating to committal proceedings. In March 1999 the New South Wales Attorney General established the Committal Review Committee to monitor the effects of amendments to committal proceedings. The committee concluded that the scheme was functioning as intended by the Act but recommended some technical amendments. Further amendments were also proposed by the Chief Magistrate, the Director of Public Prosecutions and the Legal Aid Commission. First, section 48E of the Justices Act provides that a magistrate may direct a witness to attend for examination if there are special or substantial reasons why, in the interests of justice, the witness should attend to give oral evidence. It is proposed to amend section 48E to provide also for a witness to be examined by consent.

Second, section 41 (1B) (d) of the Justices Act provides for a committal hearing when the defendant fails to appear, and allows the prosecution to produce evidence in the absence of the defendant if no good or proper reason is shown for the absence of the defendant and a warrant for the apprehension of the defendant is issued. Apart from serving no useful purpose, there is a danger with this procedure that the first instance warrant may be inadvertently circulated resulting in the defendant being apprehended and brought before the Local Court when the matter has already been committed to the District Court. It is therefore proposed to repeal section 41 (1B) (d) (ii). Third, the combined effect of subsections (5) and (6) of section 48E of the Justices Act 1902 is to make the statement of a prosecution witness in respect of whom a section 48E order has been made inadmissible in circumstances when the defendant fails to attend the committal hearing. The proposed amendments will allow the magistrate to withdraw a section 48E direction in circumstances where the defendant does not appear.

Fourth, the bill amends section 41 (11) of the Justices Act. To commit a defendant for trial or sentence, a magistrate must be satisfied that there is a case to answer, which often involves the magistrate reading a lengthy brief of evidence. This process is appropriate where the accused is unrepresented or there has been a defended committal hearing. However, in cases where the accused is represented and both the DPP and the legal representative for the accused agree that the matter should be committed for trial or sentence, it is appropriate for the matter to be committed by consent. It is therefore proposed to amend section 41 of the Justices Act 1902 accordingly. Schedule 5 to the bill also amends section 123 of the Justices Act 1902 to remove the requirement for an appellant to seek leave of the District Court to appeal where the appellant has not made an application under section 100G of the Act.

The intervention of the Attorney General has traditionally been an option for review open to persons who do not have any right of review in a court. It is considered inappropriate to require parties to use the section 100G remedy before exhausting their right of appeal to the District Court. Schedule 5 to the bill also repeals section 100P of the Justices Act 1902 which prohibits a person from lodging an application for annulment to a Local Court under section 100D of the Act, or an application under section 100G to the Minister for referral back to a Local Court if an appeal or an application for leave to appeal has been made to a higher court. The prohibition also applies to people who have withdrawn their appeal or whose applications for leave have been refused.

Schedule 5 to the bill also amends section 120 of the Justices Act 1902 to clarify that appeals to the District Court may be made only after a matter has been finalised in the Local Court and to provide the Crown with a right to appeal against costs orders made at the conclusion of committal proceedings. Section 120 of the Justices Act 1902 does not allow the Crown to appeal against a costs order made after a committal hearing in the Local Court. The failure to allow for such an appeal appears to be an oversight that is to be corrected.

Schedule 6 to the bill amends section 199 of the Legal Profession Act 1987 to apply the costs assessment scheme to costs paid by third parties in mortgage and lease transactions. The proposed amendment will provide an appropriate means of ensuring that third parties in mortgage and lease transactions are charged fair and reasonable legal fees. Schedule 6 amends section 208 of the Legal Profession Act 1987 to allow the court to exercise a discretion to refer an appeal to "the proper officer" for assignment to a review panel where a review has not been undertaken. Schedule 6 also amends section 199 of the Legal Profession Act 1987 to remove the term "proper officer of the Supreme Court" from the Act and to replace it with the phrase "Manager, Costs Assessment". This title more accurately reflects the role and functions of the office.

Schedule 7 to the bill amends section 59 (1) of the Local Court (Civil Claims) Act 1970 to expand, in certain circumstances, the nature and value of personal property which a judgment debtor would be entitled to retain when a writ is executed by the Sheriff. First, the personal property contemplated are tools of trade, plant and equipment, professional instruments and reference books to bring it in line with bankruptcy legislation. The amount prescribed by the Bankruptcy Rules for similar items is $2,000. This will ensure that debtors can retain sufficient tools of trade to enable them to continue in employment in order to pay their debts. Second, where the goods to be seized are of so little value that the cost of the sale, storage and removal of the goods is likely to exceed the amount to be recovered, that property will be excluded from seizure—that is again in line with bankruptcy legislation.

Schedule 8 to the bill amends section 84 of the Victims Support and Rehabilitation Act 1996, to strengthen the protection given to crime victims' compensation and approved counselling files—prohibiting applications for victims compensation and supporting documents from production for use in any criminal proceedings, other than proceedings in which the applicant is the accused. It is considered appropriate to amend section 84 of the Act to clarify that the section applies to any documents held by the Victims Compensation Tribunal in relation to applications for statutory compensation and approved counselling. All the amendments contained in this bill will improve the operation of the courts of New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Stoner.

CATCHMENT MANAGEMENT AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [9.00 p.m.]: I move:

That this bill be now read a second time.

The purpose of the bill is to amend the Catchment Management Act 1989 to give a coherent legislative base for the Government's vision for catchment management—where the community and the Government work together in an open and transparent process to develop plans. These plans will be the blueprints for action in each catchment and, indeed, are to be commonly referred to as catchment blueprints. They will set the direction for how we will in partnership manage our catchments, native vegetation and water sources. Through the catchment blueprints, land managers, community members and governments will know what actions we will take together to tackle problems such as salinity and to make informed decisions to achieve the optimal balance of environmental, social and economic outcomes. The Catchment Management Amendment Bill provides for catchment management plans. It gives statutory recognition to catchment management boards and brings the Act into line with their current membership and functions. It provides for the Government to set statewide principles, policies and targets. It establishes the Catchment Management Advisory Council to be the peak body advising the Minister on integrated catchment management matters.

I turn now to the specific provisions of the bill. What is catchment management? The Catchment Management Act currently refers to "total catchment management". This term has commonly been understood to imply that considerations of catchment health should govern all decision making within a catchment. This is an incorrect interpretation—we want to see a balance between protection of ecosystems and the productive use of resources. To address this misunderstanding and to be consistent with the terminology used in relation to the Murray-Darling Basin and other States the bill, at item [3] of schedule 1, now adopts the term "integrated catchment management". This term is defined as "the co-ordination of activities that use, or impact on, natural resources within a water catchment, so that decisions on individual resources and areas within the catchment take full account of potential impacts on other resources and areas, and the health and wellbeing of communities within the catchment".

What are the new objects of the Act? Item [4] of schedule 1 changes the Act to make it clear that the principal object of the Act is to "provide for institutional arrangements, and planning and monitoring mechanisms, which allow for informed decision making by the Government and community on integrated catchment management to achieve the optimal balance of environmental, economic and social outcomes". The objects will also note in item [6] of schedule 1 that the Act "provides for a Catchment Management Advisory Council, and a network of catchment management committees, catchment management boards and catchment management trusts, linking the Government and the community to achieve the objects of integrated catchment management".

In May last year the Government replaced 43 former catchment management committees established under the Catchment Management Act with 18 new catchment management boards across the State. Although the previous committees were successful in increasing community awareness of natural resource management, they were handicapped by a lack of mechanisms to successfully implement their strategies. Also their membership structure was dominated by land managers, meaning that they were unable to convincingly reflect the full range of community views. In contrast, the boards have a more balanced membership structure, with stronger representation from nature conservation interests and the interests of Aboriginal communities than the previous committees. The bill's membership provisions reflect the current administrative arrangements for board membership.

Section 16D provides for boards to consist of between 13 and 22 members appointed by the Minister for Land and Water Conservation. Each board must include members who, in the Minister's opinion, are capable of representing the interests of local government, Aboriginal communities in natural resource management, nature conservation, persons using or managing natural resources for production or other purposes, and government, including one member from the Department of Land and Water Conservation. The Minister will appoint one of the members to be the chairperson of the board. The catchment management boards are advisory bodies whose main function, specified at section 16B, is to develop draft catchment management plans, known as catchment blueprints, for consideration by the Government and the community. Boards have the function of consulting with the broad community, and segments of the community with interests in natural resource management, in developing draft catchment management plans. Boards also advise on how grants and other funds should best be invested to make a difference to catchment health and sustainability.

The bill states that a board has the function of advising the Minister about the prioritised management actions for investment in the board's area of funds available under natural resource and environmental management grants and investment programs. It will also advise the community about prioritised management actions for investment, which are in approved catchment management plans. I have appointed the current members of catchment management boards to 30 June 2002 and I expect them, before that date, to have

developed, consulted on and finalised their draft catchment management plans so that they are ready for Government consideration. It is clear that, after the plans have been approved by the Government and released, there remains a range of tasks to be carried out, most importantly advising on how the plans are being implemented. The bill therefore specifies, at new section 16B, that the boards' functions include advising the Minister on progress made in achieving targets and actions contained in approved plans.

Boards also have the function of giving advice on any other aspect of integrated catchment management referred to them by the Minister. For example, I intend to ask boards at appropriate times to report on the continued relevance of the prioritised management actions in the catchment management plans and to advise on the implementation of their catchment investment strategy. I will invite board members to continue their work beyond June next year to undertake these important functions. The bill provides for the continuation of catchment management committees, two of which remain: the Coxs River and Wollondilly catchment management committees. It also provides for the continuation of catchment management trusts, one of which remains: the Hunter Catchment Management Trust. The bill specifies, at items [16] and [28], that committees and trusts have the function of developing catchment management plans. Indeed, the Coxs River and Wollondilly catchment management committees are currently jointly developing their draft Warragamba catchment blueprint and the Hunter Catchment Management Trust is currently on track in developing its draft Hunter catchment blueprint.

The bill specifies, in item [48], general provisions—for example, procedures and delegations—applying to boards, committees and trusts and to the new Catchment Management Advisory Council. One important provision is that all members of boards and the other catchment management organisations are to strive for consensus in reaching decisions. The current catchment management boards are operating in this consensus atmosphere and it is working well. The main initial function of the catchment management boards is to develop draft catchment management plans, commonly known as catchment blueprints. The plans, when approved by the Government, will be the primary tool for the management of all our natural resources in New South Wales to ensure that these resources and the communities dependent upon them have a sustainable future. The content and format of the catchment management plans, as prescribed in the bill, are consistent with how the catchment blueprints are currently being drafted by the boards under my directions.

The bill specifies, at section 59B, that the catchment management plans must include the objectives of the plan, catchment targets, management targets, prioritised management actions, which are the investment priorities for the area, and any other matter specified. This format of objectives, targets and actions is already providing the boards with a sharp focus for their work in developing draft catchment blueprints, and has quickly been accepted as providing an effective planning framework. The bill specifies in section 59B that in formulating a draft catchment management plan a board, or committee or trust must have due regard to the objects of the Act, economic and social impacts, the provisions of land use plans under the Environmental Planning and Assessment Act 1979 and government policy.

The bill's provisions for the reference, public exhibition, review of submissions, alteration in light of the submissions, consultation, making, gazettal, commencement, amendment, repeal and duration of catchment management plans are generally consistent with those applying to water management plans under the Water Management Act 2000. This gives opportunities for all interested parties to make submissions on draft catchment management plans. It also ensures that any recommendations from the Minister for the Environment and the Catchment Management Advisory Council about a draft catchment management plan are taken into account before it is made. In brief, the bill states that certain bodies and people must be notified that a draft catchment management plan is being prepared, in particular the relevant local councils, regional vegetation committees and water management committees, and anyone else specified by the Minister under section 59C. Those people and bodies may make submissions to the Minister about the draft plan. When the draft plan has been prepared, the bill states under section 59I that a copy is sent to the Minister and the Minister for the Environment.

If the Minister is of the opinion that the draft plan is not suitable for public exhibition, the Minister must refer it back to the originating board, or committee or trust, or amend it under section 59E. Once the Minister is satisfied that the draft plan is suitable for public exhibition, and after consulting with the Minister for the Environment, the Minister must exhibit it under section 59F. Under section 59G any person may make submissions to the Minister about the draft plan and the Minister must send the submissions on to the board, or committee or trust, which prepared it. Under section 59H the Minister must consult with, and take into account any recommendations made by, the Minister for the Environment and the Catchment Management Advisory Council about the draft plan.

Under section 59I when the board, or committee or trust, has considered the submissions it must resubmit the draft plan to the Minister, together with its comments on the submissions. In their comments, the boards can advise the Minister how the draft plan should be amended to reflect their consideration of the submissions. Under section 59I before the Minister alters the draft plan he must consult with the originating board, or committee or trust. The Minister may then make the catchment management plan, with any alterations he thinks fit, after consulting with the Minister for the Environment. Alternatively, under section 59J the Minister may re-exhibit it or decide not to proceed with it. The intention is for Cabinet to approve the making of catchment management plans.

Under sections 59A and 59Q if a board fails to prepare a draft plan and for areas not covered by a plan the Minister may prepare a "Minister's plan" generally following the same process as applies to plans drafted by boards. Section 59N provides that the term of a catchment management plan is 10 years. Under section 59N there will be a mid-term review of each plan to ascertain whether its provisions remain adequate and appropriate—that is, to check that it is on track for meeting its targets. Under section 590 plans will be audited more regularly, possibly every one or two years, by an independent audit panel, to ensure that their provisions are being implemented. One message that the boards have been conveying to me as they move through the process of developing their draft catchment blueprints is the need for clear direction from the Government as to what approved government policies should be reflected in them. Accordingly, this bill provides for the Minister to set statewide catchment management policies, targets and principles.

The principles may provide boards with guidance on matters including monitoring and reporting about the provisions of catchment management plans; trade-offs between natural resources; market-based mechanisms, which are economic instruments that support natural resource management outcomes; government and private investment in integrated catchment management; setting objectives and targets for catchment management plans; economic and social profiling and assessment; and integrated property planning. It is the intention of Cabinet to approve statewide catchment management policies, targets and principles before they are made. All catchment management plans must be consistent with the statewide catchment management policies, targets and principles, as set out in new section 59P. This will provide a clear policy context for the boards and provide them with further guidance in the preparation of their draft catchment management plans.

In relation to links between plans, the bill also ensures consistency between catchment management plans and other natural resource management plans. The Government believes that natural resources are best managed through the mechanism of clear long-term plans developed co-operatively by government and the community. In 1997 we enacted the Native Vegetation Conservation Act, which provides for the formation of community-driven vegetation committees drafting regional vegetation management plans. Then last year we enacted the landmark Water Management Act, which provides for water management committees developing draft water management plans. This bill builds upon those pillars to complete the Government's vision of a clear, integrated natural resource planning system.

The catchment management plan is the primary integrating mechanism for all natural resource planning. It sets overarching natural resource priorities for the catchment as a whole. It is the way in which, if necessary, the community and government can together consider trade-offs between natural resources. It should be considered to be the centrepiece of the system, supported by the twin pillars of vegetation and water management plans. Accordingly, the bill amends the Native Vegetation Conservation Act 1997 and the Water Management Act 2000 to provide that draft regional vegetation plans and water management plans must be consistent with any catchment management plans, must address salinity and other targets in the relevant catchment management plans and must demonstrate how their implementation will contribute to meeting those targets, as set out in schedules 2, 2.1 and 2.2.

Thus, although catchment management plans will be advisory only, they will have a direct influence on the setting of regulations governing the use of natural resources. The regulatory components of vegetation and water plans must be consistent, and assist with the implementation of, the objectives, targets, actions and priorities in the catchment management plans. Further, catchment management plans approved by the New South Wales Government will have the status of Government policy and so will influence all other government natural resource management plans, strategies, programs and activities. It will be difficult to always ensure absolute consistency between plans, as their terms will not be synchronised.

To clarify the relationship between vegetation and water management plans and catchment management plans, the bill specifies that new vegetation and water plans must be consistent with any approved catchment management plan, as set out in schedules 2, 2.1 and 2.2. Where there is already an approved

vegetation or water plan in existence, then the relevant catchment management board, or committee or trust, must advise the Minister about any factors that need to be considered in the next review or remaking of the vegetation or water plan, to ensure consistency with the new, approved catchment management plan, as set out in new section 59L. These measures will ensure a seamless progression towards an integrated natural resource planning system.

In relation to the Catchment Management Advisory Council, the bill upgrades the current State Catchment Management Co-ordinating Committee by replacing it with a new Catchment Management Advisory Council, as set out in section 8. I thank the members of the current co-ordinating committee—especially its chair, Mr John Klem—for all of their efforts to advance the cause of integrated catchment management. Many of the amendments I am presenting here today stem from recommendations of Mr Klem and the committee on the need for the group to be given a new focus. The Catchment Management Advisory Council will be a small, high-level, tightly-focused body providing independent advice to the Minister, modelled along the lines of the Native Vegetation Advisory Council and the Water Advisory Council.

Indeed, the formation of the Catchment Management Advisory Council, whose members I hope to announce shortly, will complete the Government's natural resources advisory structure. The bill specifies that the council will consist of not more than 10 members appointed by the Minister, as set out in new section 11. It will comprise people who, in the Minister's opinion, have credibility and influence in nature conservation, local government, Aboriginal cultural interests in natural resource management and the use and management of natural resources for production or other purposes. The council will also include senior representatives of one or more government agencies and at least the Department of Land and Water Conservation.

The bill states that the new council will advise the Minister generally on planning for integrated catchment management and on co-ordinating the management of various natural resources, as set out in new section 9. In particular, the council has the function of providing advice to assist the Minister's assessment of the draft catchment management plans, including whether and how they should be varied and approved, as set out in new section 9. Although the council will have the function of reviewing the performance of catchment management boards, committees and trusts generally, it will not, unless directed to do so by the Minister, audit the performance of individual bodies. Rather, its aim is to give me an overview on the effectiveness of catchment management planning overall.

Importantly, the council has a function of advising the Minister on methods and priorities for the investment, at the State level, of funds available under natural resource and environment management grants and investment programs. An important component of this will be to advise on how available funds should be distributed between regions, as set out in new section 9. In summary, the Catchment Management Amendment Bill provides for catchment management boards, catchment management plans—commonly referred to as catchment blueprints—Statewide catchment management policies, targets and principles and the Catchment Management Advisory Council. In doing so, it gives a coherent legislative base for the Government's vision for integrated catchment management. I commend the bill to the House.

Debate adjourned on motion by Mr D. L. Page.

APPRENTICESHIP AND TRAINEESHIP BILL

Second Reading

Debate resumed from 19 September.

Mr W. D. SMITH (South Coast) [9.27 p.m.]: I have pleasure in supporting the Apprenticeship and Traineeship Bill. First I will make some general comments and then I will discuss the disputes, complaints and appeals procedures in the bill. The apprenticeship and traineeship system in New South Wales is highly valued by industry in this State. In recent times there have been wide-ranging reforms to industry structures, to the nature of work and to vocational education and training in the workplace. These reforms include an increase in part-time work arrangements, new and emerging skill needs, competency-based training and industry-driven national training packages. These have a direct bearing on the growth and increasing relevance of apprenticeship and traineeship training, as well as on the way it is administered.

I am pleased to note that the Apprenticeship and Traineeship Bill addresses these reforms and ensures the relevance of the apprenticeship and traineeship system in New South Wales to meet industry skill needs

across a wide range of industries. The apprenticeship and traineeship system in New South Wales has a strong tradition of protecting the interests of parties entering into an apprenticeship or traineeship arrangement. It is pleasing to observe the broad support from stakeholders in vocational education and training for the distinctive tripartite dispute resolution processes provided in the current legislation. Equally, it is important to note the degree of respect for, and confidence expressed in, the existing dispute resolution structures and processes by the industrial parties, including both employer associations and unions. This support was evident during the wide-ranging consultation process.

Given the level of support from all players in the New South Wales industrial system, it is appropriate that the new legislation retain the current tripartite dispute resolution system involving representatives of employer and employee associations and a training specialist. The new legislation makes some important changes to better reflect the role of its constituent bodies. For example, the existing Vocational Training Board is replaced by the Vocational Training Tribunal, which more accurately reflects the functions of this body. As there can be upwards of 70 to 80 or even more tribunal members as new industries embrace apprenticeship and traineeship arrangements, it is important to ensure that there is an appropriate industry representative on the tribunal.

To enable this industry membership dynamic to be addressed appropriately, membership appointment and replacement arrangements have been streamlined and simplified. These new arrangements will ensure that broad industry representation is reflected in the membership of the Vocational Training Tribunal. Although there is provision to pay fees to tribunal members, virtually all members offer their services to the apprenticeship and traineeship system only on an out-of-pocket expenses basis, creating a significant cost saving to the Government. The director-general will appoint members of the Vocational Training Tribunal and the Vocational Training appeal panel. That will better accelerate the appointment of replacement members as industry organisation personnel are displaced in the ordinary course of their organisational arrangements.

It is appropriate that the legislation will, therefore, provide a simple and fast-track membership maintenance procedure. The main functions of the tribunal and the appeals panel are to hear disputes and complaints, make determinations with respect to apprenticeships and traineeships and hear applications for trades recognition which will remain the same as under current legislation. There is a four-tier process for dispute resolution. The first tier is one of dispute resolution by conciliation. In practice, this is generally conducted at the workplace by experienced industry training advisers employed by the Department of Education and Training. The legislation requires that the Commissioner for Vocational Training attempt to conciliate complaints prior to referring them to the Vocational Training Tribunal. Most apprenticeships and traineeship disputes are resolved through this effective process.

The second tier is a hearing by the tribunal which is administered by the Department of Education and Training. The third tier is the appeal panel structured like the Vocational Training Board. The fourth tier is by way of a final appeal to the Industrial Relations Commission. However, there is one important addition to the determinations that the Vocational Training Tribunal can make in resolving apprenticeship and traineeship disputes. The legislation will further protect the rights of individuals participating in an apprenticeship or traineeship by allowing the Vocational Training Tribunal, in determining a complaint against an employer, to declare an employer as a prohibited employer.

While it is encouraging to note that the need for such measures is, happily, infrequent, with the vast majority of employers meeting their responsibilities, it is essential that the tribunal be provided with a means of ensuring that young people are not established in a contracted training arrangement with a demonstrably unsuitable employer. Equally, it is critical that designated prohibited employers are not allowed open access to the employment of young people in inappropriate training arrangements. Apprentices and trainees frequently commence their training at around 15 years of age. As such, they are entitled to a reasonable degree of protection and an assurance that inappropriate employers are appropriately sanctioned. A determination that an employer is a prohibited employer may be either indefinitely or for a given period.

Where appropriate, the tribunal will the have the power to authorise the transfer of other apprentices and trainees, as deemed necessary, who may be in jeopardy from an employer determined to be prohibited under the legislation. The tribunal is required to give notice of the proposed making of a prohibited employer order and to give the employer 21 days to make submissions to the tribunal in relation to that proposed order. Importantly, this provision will ensure that employers who wilfully breach their obligations under the Act do not participate in the system and put the future careers of young people at risk. I commend the bill to the House.

Mr O'DOHERTY (Hornsby) [9.35 p.m.]: The Opposition will not oppose this bill, which makes some sensible changes to the apprenticeship and traineeship system. The bill was developed in conjunction with people in the field after extensive consultation, which the Opposition believes to be an extremely good process. The bill will replace the apprenticeship and traineeship system under the Australian National Training Authority [ANTA]. The Industrial and Commercial Training Act has served New South Wales well since its introduction in 1989. In its day it was a landmark piece of legislation. I remember that it was considered quite a revolution when the government of the day overhauled the traineeship and apprenticeship system in New South Wales. It was the right time for those movements to take place. We needed to change the way in which we were training people for the workplace.

The government of the day, the Greiner Government, was bringing much greater flexibility into the system—flexibility that employers were demanding and flexibility that was welcomed by employer groups at the time. It also did a great deal for students in creating jobs and providing lasting career opportunities for them. It is now time, in the twenty-first century, for our modern society to look again at its training needs. It is axiomatic that we should review these issues on a regular basis as the nature of the workplace is changing so fast. If our training systems cannot keep up with those changes we will lose the edge that we have. New South Wales is at the forefront of training people for the workplace.

The Opposition has watched with interest and appreciated from the sidelines, as it were, the process that has been undertaken to introduce this current bill. The bill will simplify and modernise the framework for the New South Wales apprenticeship and traineeship system. It will provide greater flexibility and even greater industry involvement in determining training arrangements for apprenticeships and traineeships in recognition of national training reforms. We have had a number of debates in this place over recent years. The Minister for Education and Training, the Minister for Public Works and Services, and Minister Assisting the Premier on Citizenship and I have often crossed swords on the ANTA agreement.

Mr Stewart: Never!

Mr O'DOHERTY: We sometimes agree to disagree, even as honourable as we are.

Mr Stewart: We are good mates.

Mr O'DOHERTY: I thank the honourable member for Bankstown for saying that we are a good bunch. Somebody said that the last time we debated these issues. In that spirit, Government members are also a good bunch.

Mr Stewart: You should get your hearing tested. *Hansard* will record accurately what I said.

Mr O'DOHERTY: Over the years we have had debates in this Chamber about the ANTA agreement. There is some disagreement about the nature of that agreement at a political level. Some of those debates have been unfortunate. I have not considered them to be helpful. In trying to progress the training needs of Australia and New South Wales as the most important component in the training of Australia, development has taken place at a national level with agreement between Commonwealth and State Ministers through the Australian National Training Authority. That has been an important part of progressing the training needs of a modern economy.

The Government recognised that the development that commenced in the late 1980s and the changes that occurred through the 1990s into the twenty-first century were part of a modern and evolving national approach to training. New South Wales must go with the national flow—something that is reflected in this legislation. I said earlier that one of the things that this bill will do is simplify the Vocational Training Board. In fact, this bill will replace the Vocational Training Board with a Vocational Training Tribunal, which will enable faster decisions to be made about industry classifications and those kinds of things.

They are also part of the increasingly rapid pace of change. Whole classifications of jobs disappear and are replaced by new classifications. Who would have thought 10 years ago, or even five years ago, that kids coming out of school would have an exceptionally bright future in web page design or in Internet technology? I remember only a few years ago having arguments with retailers about whether the Internet would be useful for retailing or in a commercial environment. Clearly, the rapid rate at which technology is being taken up shows how wrong it is to sit on one's laurels and do the same thing year after year. That is why we need a flexible training system. That is why the ANTA approach has been important even though it has sometimes been painful

for States that have large infrastructure and do things in a set way, as New South Wales has in recent years. I understand the Minister's concerns, but it is important that we continue to move forward, and this bill reflects that. I commend the bill to the House.

Mr BROWN (Kiama) [9.40 p.m.]: I have great pleasure in supporting the Apprenticeship and Traineeship Bill. Recently the Minister for Education and Training came to the Illawarra to present some TAFE awards. He showed great interest in establishing apprenticeships and traineeships and in working with the TAFE system. He has also shown great interest in making sure that employers are able to have their work force properly trained to ensure the success of their businesses and the provision of ongoing jobs for their workers. One of the main objects of the bill is to repeal the Industrial and Commercial Training Act and other Acts, and to enact savings and transitional provisions consequential on the enactment of this Act.

Other objects of the bill are to regulate the establishment, operation, transfer, variation, cancellation and suspension of apprenticeships and traineeships; to provide for the recognition of other trade qualifications; to provide for the resolution of disputes, along with the conduct of disciplinary proceedings in relation to apprenticeships and traineeships; to provide for right of appeal against determinations under the proposed Act and to establish administrative procedures in connection with the administration and enforcement of the proposed Act. The Minister outlined the objects of the bill in his second reading speech as well as in briefings in his office through his staff. It gives me great pleasure to speak to a well thought out bill, which addresses many of the challenges we face at present.

I am particularly pleased that the Opposition supports the bill. It is great to have both sides of the House making sure that our employers have a skilled work force and that our workers make the most of the educational opportunities available to them. A key feature of the apprenticeship and traineeship system in Australia has been the establishment of apprenticeships and traineeships via a group training arrangement. Under that arrangement, the group training organisation employs the apprentices or trainees and places them with a range of host employers for the work-based component of the apprenticeship or traineeship. In New South Wales more than 70 group training organisation are offering apprenticeship and traineeship opportunities across most industries.

Since their introduction, group training organisations have provided a wide variety of options and opportunities for small businesses to host young people as apprentices and trainees. Such opportunities are generally offered in situations where a commitment of that nature would not be viable for small business operators who cannot guarantee ongoing work or who might not have the required range of work available. As the primary employer, a group training organisation selects prospective apprentices and trainees, manages their training, and takes responsibility for all paperwork connected with wages, allowances, superannuation, workers compensation, sick or holiday pay and other employment benefits.

Group training organisations have played a significant part in growing the skills base of industry in New South Wales by increasing their overall numbers of apprentices and trainees, and thus their total share of apprenticeships and traineeships, from 11 per cent to 15 per cent. Group training arrangements for apprenticeships and traineeships enjoy strong support from both employers and unions. It is pleasing to note that this bill contains a number of measures to support the needs of small and medium businesses in New South Wales by enhancing the quality framework for apprenticeships and traineeship training arrangements. It is particularly pleasing to observe that included in these measures is provision for the introduction of quality arrangements for group training organisations.

It is proposed under the new legislation to introduce a voluntary registration system for group training organisations. This registration system will be established under minimum operating standards specified in vocational training guidelines issued by the Director-General of the Department of Education and Training. To achieve registration, a group training organisation will be required to meet a set of agreed standards. These standards will provide a new benchmark of quality for group training in New South Wales and ensure quality outcomes for apprentices and trainees employed through group training arrangements.

These quality arrangements have been developed and piloted in consultation with key industry players. The proposed group training registration system will provide a benchmark for eligibility for New South Wales Government funding. Therefore, while I emphasise that the bill does not require group training organisations to be registered, organisations wishing to apply for Government funding will be required to be registered to meet eligibility criteria. In this way the considerable number of reputable group training organisations will be rewarded for the quality of their contributions to the New South Wales apprenticeship and traineeship system.

Conversely, any organisation that purports to offer group training arrangements will not be able to indicate that it is registered, endorsed or otherwise approved by the Government to offer training services under a host training arrangement.

I am encouraged by the fact that responsible group training organisations will be recognised by the new legislation. Honourable members will be aware that the extensive consultation process undertaken prior to the introduction of this legislation revealed that there was strong support for these proposals for enhancing the quality of group training arrangements and for the setting of new benchmarks for Government recognition of genuine organisations. We often talk about consultation, and it is this Government and this Minister who made sure that the Government is not only leading the State but is making others want to follow our new legislative requirements.

It is important to recognise that another key feature of the Apprenticeship and Traineeship Bill is its strengthening of all employers' accountability to manage host employment arrangements where an apprentice or trainee is placed with a host employer. Under the host training arrangement, the employer remains responsible for fulfilling the obligations of the employer for all hosted apprentices and trainees. In particular, the employer must ensure the apprentice or trainee is placed with a host trainer who can provide the appropriate work-based training, properly supervise any host trainer, ensure the apprentice or trainee is released to undertake training and monitor their attendance and preservation.

I am delighted that the Minister for Education and Training has incorporated these important measures to place group training arrangements in New South Wales on a sound footing. TAFE colleges in my electorate and in the Illawarra region are particularly interested in ensuring that this bill is passed. Many businesses, both small and medium, want to work more closely with TAFE colleges to ensure that their work forces are able to meet the challenges of the future. I am confident that they will help to ensure the continued growth, viability and quality of group training arrangements, thus ensuring that the apprenticeship and traineeship system is a best practice model in vocational education and training. I welcome the Opposition's support for the Minister and for this excellent bill.

Mr STONER (Oxley) [9.48 p.m.]: I wish to make a contribution to debate on the Apprenticeship and Traineeship Bill. Unlike the honourable members for South Coast and Kiama, I do not have the resources of Government members to write out a voluminous speech and I have to rely on my experience in this area. That experience includes being a former Department of Employment, Education and Training regional manager on the mid North Coast and subsequently a group training company manager on the mid North Coast. I have a little experience with the current arrangements and some interest in the reforms proposed by the Government in this bill.

In general terms, the purpose of the bill is to repeal the Industrial and Commercial Training Act and replace it with a simplified and modernised framework for the apprenticeship and traineeship system in New South Wales. This is a necessary step. The types of traineeships available throughout Australia have changed greatly. The feedback I have received from industry has been to the effect that New South Wales has been lagging behind other States recently in terms of flexibility and responsiveness in the apprenticeship and traineeship system.

The take-up rate for apprenticeships and traineeships in New South Wales has increased. In his second reading speech the Minister quoted some statistics. Over the past five years the number of people undertaking apprenticeships or traineeships has increased by 83 per cent, from 50,270 to 92,370. The number of employers offering apprenticeships and traineeships has increased greatly, and that is beneficial for young people seeking to gain qualifications and experience. In most cases trainees and apprentices go on to obtain and retain full-time employment in their chosen field. Last year the Government undertook a review of the legislation and arrangements relating to apprenticeships and traineeships in New South Wales. A consultation paper was issued and a number of submissions were received.

According to the Minister, more than 1,000 people were invited to comment on the changes, and 10 public forums were attended by more than 350 people in Sydney and across New South Wales. It would be interesting to know what regional areas those forums were held in. Although the Minister said that employer associations, unions, training organisations and government agencies were consulted, I would be interested to know whether the views of trainees and apprentices were sought as part of the consultation process. That information may have been useful. In any event, the consultation was fairly extensive, and industry employers and other relevant stakeholders were given the opportunity to comment.

The review revealed the many changes that have taken place in industry and the response of the traineeship and apprenticeship system nationally and in New South Wales to try to keep up with those changes, such as the emergence of the knowledge economy, scientific and technological advances, outsourcing, deregulation, capitalisation of the labour market, more students staying at school to complete the Higher School Certificate, and more flexible ways of delivering education at school whilst gaining vocational skills.

The review, which resulted in the reforms contained in this bill, revealed also—and this reflects my experience in the field—that in many cases the complexity of, and the red tape involved in, the administrative procedures required under the 1989 Act, particularly for small business contemplating taking on young people as apprentices or trainees, was considered to be too hard. Some businesses faced the decision of whether to employ people as trainees or apprentices or to lean towards casual or part-time employment rather than a traineeship.

From my perspective a traineeship or apprenticeship will always be more beneficial to employees than will casual or part-time work because of the structured training and the qualifications that the employees obtain at the end of the traineeship or apprenticeship. Also, the complexity and red tape will result in employers and small businesses turning to group training companies to handle all of that complexity and red tape for them, hence the growth in the role of group training organisations in this field, as mentioned by previous speakers.

This bill not only repeals the Act, it also addresses 10 key areas of reform by modernising terms and references, reforming declaration of vocations, providing greater flexibility in training arrangements, simplifying the establishment of apprenticeships and traineeships, strengthening employers' duties under host employment arrangements, introducing registration of group training organisations, including provisions for existing worker trainees, clarifying processes for disputes, complaints and appeals, introducing a new provision for prohibited employers, and making provisions for electronic communications and fees.

All those reforms are sensible because they will keep pace with the changing times. However, some key areas deserve particular comment. The first key area is that of a more streamlined process whereby the Commissioner for Vocational Training recognises trade and traineeship vocations. That is a necessary step due to rapid changes in industry, particularly information technology, where occupations and careers, and training requirements, are changing. It is only sensible that the process be streamlined.

The second key area is the introduction of a one-step process to establish a training contract, which replaces the current requirement to first submit an application and then to establish indentures. From my experience, the current process, which involves a lot of paperwork and red tape, is very time consuming. Often, in the time it took to receive indenture documents back from the department, things had changed. That factor was acting as a disincentive to employers pursuing traineeships and apprenticeships. In the past there have been too few Department of Education and Training staff in regional areas to cover the amount of paperwork involved. They certainly had vast areas to cover. Perhaps a reduction in paperwork and in the necessary processes will result in existing departmental staff being able to better manage their case loads, particularly in regional New South Wales.

In terms of the flexibility of the training to be delivered, the legislation introduces a requirement for the submission of a training plan endorsed by a registered training organisation. I hope that that will result in more flexible training, more on-the-job training being delivered, and trainees in certain trades or traineeship categories in rural areas spending less time away from home. Trainees frequently have to travel long distances to attend college or TAFE, and all too frequently TAFEs and colleges are inflexible in terms of when they offer that training. Trainees are often required to be away for weeks at a time, which makes it difficult for employers, especially those in small business, to manage the training requirement process. Flexibility in the scheme is certainly welcome and it is hoped that that will translate into more flexible delivery of on-the-job mechanisms, particularly in regional and rural New South Wales.

The new legislation also strengthens employers' responsibilities to manage hosted employment arrangements whereby an apprentice or trainee is placed with a host employer through group training or labour hire arrangements and that provision is welcome. Recently in my electorate of Oxley I became aware of a group training company in Sydney that had arranged for a trainee to be employed at an abattoir on the mid North Coast. The group training company had never visited the workplace or spoken to the trainee personally. The host employer was paying the trainee incorrectly and not in accordance with the award wage. My view is that the training company abrogated its responsibility to the trainee. The trainee suffered in his employment relationship and was subsequently dismissed by the host employer. I am pleased that the legislation addresses problems of that type.

The bill provides power for the Vocational Training Tribunal, when determining a complaint against an employer, to categorise an employer as a prohibited employer. My concern with this part of the legislation is that there is provision for a number of union representatives—for example, the Liquor, Hospitality and Miscellaneous Workers Union [LHMU] and other unions—to be appointed to the tribunal, and that will provide scope for trade unions to get square with an employer over a previous conflict or dispute. My concern is that trade unions may use the power to declare an employer "prohibited" in accordance with this legislation. I hope that the provision is not frequently exercised and that, when it is, the decision-making process will be transparent and provide a mechanism for review or appeal.

There is the possibility that the regulations will create a schedule of these particular services. Although the Minister has said that no additional fees are envisaged at this stage, given the track record of the Carr Labor Government in raising State taxes, fees and charges, the Opposition treats that commitment with a degree of caution and assumes that there will be new charges at some stage. I do not support the imposition of fees or charges for establishing apprenticeships and traineeships. People pay State taxes for the provision of those types of services—I instance payroll tax, which is paid by employers in this context. In his second reading speech the Minister gave an assurance to this House that the Government will not charge fees for apprentices or trainees to access the tribunal or appeal panel. The Opposition will hold the Minister to that commitment. In view of the consultation process that was undertaken by the Government with key employer and employee groups and the support of those groups for the changes, the Opposition supports the bill.

Mr STEWART (Bankstown—Parliamentary Secretary) [10.03 p.m.]: I express my strong support for the Apprenticeship and Traineeship Bill. In an effort to appease the honourable member for Coffs Harbour I point out that I, in common with the honourable member for Oxley, have had experience in the apprenticeship and traineeship fields. I believe that it is very important to set future directions in traineeships and education in this State. I applaud the Minister for introducing this important legislation that will stand this State in good stead in the future.

My background as a technical and further education [TAFE] teacher confirms that I know very well the substance of the issues that have been raised during this debate, especially in relation to the Industrial and Commercial Training Act 1989 and the bureaucratic difficulties created by that Act in administering apprenticeships and traineeship schemes. I gained more experience in that field by working as a consultant in industrial relations and as the secretary of a trade union, namely, the Australian Workers Union. My professional experience has included an involvement in apprenticeship and traineeship schemes, particularly in my duties as secretary of a branch of the Australian Workers Union.

Essentially this bill will make it easier for employers to take on apprentices and trainees. The bottom line of this bill is the elimination of bureaucratic nonsense—paperwork and paper-shuffling exercises that are part and parcel of current practice—to enable employers to more easily take on apprentices and trainees. Under current arrangements in New South Wales, employers are required to establish an apprenticeship or traineeship through a time-consuming, administratively burdensome and somewhat rigid two-stage approval process. There is also a raft of paperwork confronting employers who seek to claim Commonwealth employer benefits and other entitlements. The bureaucratic process simply goes on and on.

The two-stage approval process to which I refer requires an employer to firstly prepare and lodge an application to seek approval for the proposed training arrangements. Following assessment of the application, a formal set of indentures is issued which the employer and the apprentice or trainee are required to sign and return within one month. The completion of all that paperwork can take many months and consume critical resources of all concerned. The reality is that, in practice, indentures are often not returned and a paper chase ensues. While that may seem to be of little consequence, it can have far-reaching personal and financial consequences and it creates a real problem. For example, it is arguable that if indentures have not been signed and lodged, the proposed apprenticeship or traineeship has not been properly established; it does not exist legally. That can have significant industrial implications and can leave employers exposed to claims for unpaid wages which could run into many thousands of dollars.

As an obvious consequence there has been quite justifiable criticism emanating from some employer groups, unions and training organisations to the effect that the administrative arrangements for establishing apprenticeships and traineeships in New South Wales are unnecessarily complex. Approximately 12 months ago I received a delegation from the Australian Workers Union which was led by the union's State secretary, Russ Collison. The delegation was concerned about the implications of the current Industrial and Commercial Training Act 1989. Russ Collison—who is a fantastic union secretary and cares about workers, their needs and

their rights and who also has a great relationship with employer and customers and understands their needs—told me in no uncertain terms about the need for the current legislation to be amended to suit the current modern training agendas. Russ Collison told me that his real concern is that traineeships and apprenticeships are not getting a fair go.

Not many apprenticeships and traineeships are being instigated, because employers are simply loath to become involved in a paper-shuffling exercise and the scheme is very confusing for prospective apprentices and trainees. As a consequence, both the employer and the prospective apprentice or trainee have been losing out. It must be pointed out that New South Wales is the only State that has retained a two-step process for establishing apprenticeships and traineeships. I welcome the proposal under this legislation for the existing application and indenture provisions to be removed and replaced by a simpler and faster one-step process. It is also welcome that this will be achieved by the more readily understood concept of a training contract for apprenticeships and traineeships—that is, a one-step process that results in a contract that is understood by all parties.

While the newer concept of a training contract is a valuable objective, it is very important to appreciate that the scheme will most definitely retain the same range of strong protections that are provided under the current indenture arrangements. Importantly, the protection of young persons who are employed as apprentices and trainees has long been a key plank in the New South Wales entry level trainee system. That factor will not change the emphasis of this legislation. The current protections will continue; the bill provides for all the existing protections to remain. A well-respected and supported feature of apprenticeships and traineeships that has stood the test of time will continue.

The introduction of a one-step training contract will enable New South Wales to meet its international obligations and to implement the national training contract under the national consistency agreements that were approved by all Ministers of Education and Training in December 2000. The decision was reached by consensus and binds all States. A key part of that agreement was that all States would put in place the necessary legislative, administrative and other provisions to adopt a single, agreed national training agreement that would form a common basis upon which apprenticeships and traineeships are approved across Australia. That is an important achievement: to provide uniformity and a common direction between the States. This legislation will enable New South Wales to meet its commitments to that national agenda.

It has often been said—and it is not rhetoric—that this country's future depends on education. We need to ensure that education not only is at the school level but continues at the TAFE level, and that opportunities are provided for a middle bracket of training to enable people to advance in their careers. Streamlined arrangements such as the one-step training contract will help to overcome any concerns with the current system. I instance minimising parallel processes for approvals, speeding up the payment of employer incentives—that is an important aspect, because employers have complained to the about that in the past—and facilitating national data collection.

An even more important step is that it will now be quite feasible to introduce processes to establish apprenticeships and traineeships through electronic and on-line means. Again, that will address the concerns of the future and enable our workforce to gain the technical skills that will be so important in the future. The introduction of the on-line lodgment of apprenticeship and traineeship training contracts, including electronic transmission, recording and storage of apprenticeship and traineeship details, including signatures, will provide a leap forward in both efficiency and productivity.

As I have said, it is not just about providing efficient training and opportunities for streamlining that training; it is also about recognising that productivity is the ultimate outcome. Unless we achieve productivity we will not have customers, and our industries will not have a future. These arrangements will meet this Government's objective of providing on-line transactions, thus further simplifying and streamlining the legislative processes for establishing training contracts. Another key element of reform that will improve consistency with other jurisdictions is streamlining the New South Wales system of declaring trades and callings. This process, which involves consultation and the agreement of industry parties on the establishment of an apprenticeship and traineeship arrangement, is valuable, but in its present form it is time-consuming. It is proposed that it be simplified and streamlined to make it more effective, efficient and deliverable.

In summary, the Apprenticeship and Traineeship Bill will support much-needed innovation and flexibility in training arrangements, in line with the changing needs of today's economy and the community, to ensure that we are there to serve the industry's customers as effectively as possible. At the same time, the legislation will maintain quality training outcomes and protection—the protection that other speakers and I have

spoken about—for young people entering into an apprenticeship or traineeship. Importantly, the bill includes a range of reforms to simplify and streamline administrative arrangements and make it much easier for employers, including small businesses, to take on apprentices and trainees. The reforms are also in line with nationally agreed training reforms that support a fully integrated vocational education and training system across Australia. In summary, the proposed changes in the legislation will bring the New South Wales legislation into line with key components of the national training system and help to modernise the apprenticeship and traineeship system in New South Wales. I strongly commend the bill to the House.

Ms HODGKINSON (Burrinjuck) [10.13 p.m.]: I do not oppose the Apprenticeship and Traineeship Bill. I acknowledge that the purpose of the bill is to repeal the Industrial and Commercial Training Act 1989 and replace it with a simplified and modernised framework for the apprenticeship and traineeship systems. I believe that such a change is essential in New South Wales, which certainly has had a hard time keeping up with the other States with regard to flexibility. The honourable member for Oxley identified himself as a leader in this field in a former life. As a former TAFE teacher in labour market programs I taught literacy and numeracy and business skills at Queanbeyan and Yass TAFE colleges for several years. It was a great privilege for me to be able to instruct people aged between 14 and 24 and train them for a brighter future in country areas.

It is essential that the Government recognise the need to increase apprenticeship opportunities in TAFE colleges for rural young people, particularly in courses such as motor mechanics, which have a natural constituency among rural men and have a real place in today's society. Those courses are still in demand, and apprenticeships are still needed, but it seems that these courses are no longer being taught at rural TAFEs such as Goulburn TAFE. Many of the instructors at Goulburn TAFE that I have spoken to have been concerned for a number of years about the loss of these apprenticeship courses.

We must make sure that young men, particularly those in rural areas, have the opportunity to pursue a vocation that suits them and that they will naturally fall into. I call on the Minister to acknowledge that those courses have a natural place in rural constituencies, and I urge him to take whatever steps he can to ensure that rural TAFEs are not stripped of such courses in the future. Indeed, I urge the Minister to take steps to reintroduce some of these courses into rural TAFEs. I know that there are young people who want to do a motor mechanic course and other courses. It is simply a matter of re-introducing the courses and not eroding them from rural colleges such as Goulburn and Tumut.

The objectives of the bill are to provide greater flexibility and industry involvement in determining training arrangements for apprenticeships and traineeships in recognition of national training reforms; to simplify and streamline administrative arrangements for apprenticeships and traineeships; to replace the Vocational Training Board with a Vocational Training Tribunal, reflecting the function of the body; and to retain protection for young people and ensure that the decisions of the tribunal are appealable to the Industrial Relations Commission. They are all good objectives.

I reinforce the need for vocational training in rural technical colleges. Young people want to do the courses, but the more these courses are eroded from regional TAFE colleges, the more difficult it is for these young people to find suitable careers to pursue. With the withdrawal of the motor mechanics course from Goulburn TAFE, young people in Goulburn who want to do that course now have to drive to Wollongong. It is a dangerous stretch of the road and it is a long way to travel. As it is, the State's roads are in a fairly appalling conditions. Members opposite can laugh. But it is a very serious problem facing young people and vocational training in Goulburn. I make the point very seriously, and I hope the Minister will take note of my concerns.

Mr GREENE (Georges River) [10.18 p.m.]: I support the Apprenticeship and Traineeship Bill and I congratulate the Minister on introducing this legislation, which will simplify the employment process for trainees and apprentices. Apprenticeships have a long history and tradition in this State and follow a well-established entry level pathway for trade occupations within traditional industries. Apprenticeships have enjoyed strong support from both unions and employers organisations. For many years the majority of apprenticeships were typically served over a four-year term, largely in traditional trade areas such as building and construction, electrical and engineering, and automotives. Since 1986, traineeships have been introduced, like apprenticeships, on the basis of work-based training arrangements. However, traineeships have been established in industries that have not had a tradition of structured training at the entry level. These industries range from retail and business services, to transport and distribution, to property services.

Over the past five years we have witnessed enormous growth in traineeships to the point where traineeship approvals exceed 40,000 per annum in New South Wales. A recent report by the National Centre for

Vocational Education and Research, titled "Australian apprenticeships: facts, fiction", highlighted research confirming the success of apprenticeships and traineeships. The report found that Australia's apprenticeship system is adjusting to global changes in the nature of work and an ageing population better than the apprenticeship systems in other countries. This research indicated that more and more young people are taking up apprenticeships and traineeships than ever before. The national participation of teenagers in apprenticeships and traineeships increased from 5.7 per cent in 1995 to 7.5 per cent in 2000. Nearly half of all teenage full-time employees in Australia are in apprenticeships and traineeships.

It is encouraging to note that the research indicates that 90 per cent of apprentices and trainees are employed three months after completion, making them a first-class option for young people, in particular, to secure a job and a career. In terms of coverage of the work force by the apprenticeship and traineeship system, the Australian system now rates fourth in the world. Although Australia ranks just behind countries such as Switzerland, Germany and Austria, it ranks well ahead of France, the United Kingdom and the United States of America. In New South Wales, although the current apprenticeship system has served the needs of industry in New South Wales, apprenticeships in the present form are becoming less relevant and less attractive to industry and school leavers. Industry advice indicates that the somewhat inflexible establishment arrangements for apprenticeships and traineeships create an unnecessary burden. As all honourable members will understand, many employers are discouraged, by administrative complexity, from taking on young people as apprentices and trainees.

A key feature of the Apprenticeship and Traineeship Bill is that it contains a number of measures to support the needs of industry in New South Wales for increased flexibility in apprenticeship and traineeship arrangements. Without such increased flexibility, New South Wales industry will experience difficulties in meeting its future challenges, some of which were outlined by the Minister for Education and Training in his second reading speech. This bill will enable the New South Wales apprenticeship and traineeship system to formally embrace State and national training reforms introduced over recent years. A good example of increased flexibility and responsiveness to industry requirements in establishing training arrangements for apprenticeships and traineeships is the provision for the Commissioner for Vocational Training to make vocational training orders following consultation with relevant industry groups.

This approach ensures industry parties are involved in the process of establishing vocational training orders. It supports training arrangements on an industry-by-industry basis and provides for the streamlined introduction of national training package qualifications. Revised arrangements for vocational training orders offer greater flexibility in establishing apprenticeship and traineeship arrangements, some examples of which are flexible and variable terms for training contracts, incorporation of national qualifications flowing from the introduction of training packages, allowance for a training arrangement to incorporate more than one qualification to enhance vocational pathways, and variable probationary periods as appropriate to each apprenticeship-traineeship vocation.

A further significant feature of the new legislation is that it simplifies the process of making an application to establish an apprenticeship or traineeship in New South Wales by introducing a one-step application and approval process. The training contract will become binding on the parties on approval, subject to expiry of the probationary period, and will provide the same protection for the parties as the current indenture system. The provision will also support the introduction of e-business into the apprenticeship and traineeship system in New South Wales and facilitate the introduction of the nationally agreed apprenticeship and traineeship training contract. The Minister is to be congratulated on establishing this new legislation, which will greatly benefit industry and enhance vocational training opportunities for the young people of New South Wales. I commend the bill.

Mr FRASER (Coffs Harbour) [10.24 p.m.]: It gives me great pleasure to support the bill. I congratulate the Minister not only on consulting fully with industry and other groups but also on the fine speeches he has written for his colleagues. On the whole, they have been well written and well read. We are reaching the stage where it is harder to get a builder, plumber or electrician to remote areas than it is to get a doctor. Apprenticeship and traineeship schemes are outmoded, particularly on the North Coast, which has a high growth rate. High growth means that the economy goes up and down and there is little that Federal, State and local governments can do about that. The world, national and local economies dictate the growth. The major employer on the North Coast is the building industry—that is, plumbers, electricians, bricklayers, carpenters and so on—which for years has found it increasingly difficult to employ apprentices because of the fluctuating nature of the economy. As a result, group training companies have become the norm on the North Coast.

I congratulate Milton Morris, a former member of this House, who has worked extremely hard through the Hunter Valley Group Training Company on the North Coast to provide opportunities for young people—and some older people—to gain apprentices. The Southern Cross University on the North Coast is a unique education facility. It has an integrated learning process, which includes a high school, a TAFE college and a university. It consults with industry about what courses are necessary. The tourism courses that have been offered and completed by students at the Southern Cross University have proved so successful that more than 90 per cent of the students who complete the course are employed. The long and ongoing discussion with industry ensures that the courses reflect the needs of industry.

The result of educators working hand-in-hand with industry and technological changes will be reflected in apprenticeships after the legislation is implemented. It will also lead to apprentices being better trained and better able to reflect the needs of the marketplace and employers. My brother, Malcolm, is a builder of great repute and he finds it difficult to take on apprentices. He is particular about his work and, in fact, calls himself a craftsman—and I tend to agree with him. Many times he has been approached to take on apprentices and teach them the trade the way he learned it—the old way.

Unfortunately, he has not been willing to do so because of the volatility of the building industry in the Newcastle area. With the portability of employer status and the possibility of other trade qualifications, people will take on apprenticeships and work through them, with the assistance of group training companies and this legislation. I am concerned about some aspects of this bill, particularly the remuneration for adult apprentices. More and more adults are becoming apprentices as they are displaced from their normal employment; they seek to be retrained in a trade. They go to TAFE colleges, but they find it hard to obtain employment. Clause 27 1 (b) of the bill states:

> … until an adult award comes into force in relation to that vocation, the minimum rate of remuneration for the person is to be the maximum rate set by the junior award for apprentices …

It is hard for someone with a young family to retrain. I know that the Minister cannot do much about that, and I know that it would be an impost to inflict on employers a full adult trade rate of pay for adult apprentices. Perhaps the Minister could talk to the Federal Government in this regard. For example, perhaps the welfare system could pick up the difference, thus enabling an adult to undertake a trade course and be remunerated at a rate at which they could support a family. I accept that this bill will not change that situation, but it needs to be looked at if apprentices are to continue to come through the system. The average age of a builder, plumber or electrician is approximately 50 years—they are the baby boomers. Not many young people are being trained at the moment.

Part 4 of the bill deals with proceedings with respect to disputes and disciplinary matters and complaints to the commissioner. The bill does not contain provisions that deal with vexatious complaints. An employer may be targeted by the unions or someone for whatever reason—I have seen this occur in growth areas and in my electorate. There are obligations on the employer but there are no penalties for anyone who makes vexatious complaints about an employer. Orders can be made that prohibit an employer from entering into apprenticeships and traineeships, but that would penalise the young people we want in trade areas.

I congratulate the Minister on the proposed tribunal. It will be fair. The tribunal will have a commissioner, a person appointed from a training organisation, a person appointed to represent employers—which is essential—and a person appointed to represent employees. Even though Hunter Valley Group Training and Milton Morris are based in the Hunter Valley they have branched out onto the North Coast and they have done a fantastic job. Someone from the training group or Milton Morris often call in and advise me about what is going on in the area. They have done a great job for the kids of the North Coast. I acknowledge that employees, mainly young apprentices, must have protection on the tribunal. Many youth are not familiar with their rights under industrial relations legislation. I do not say that all employers are saints, but they are not all devils either. I hope that this balanced tribunal will represent the interests of employers and employees alike.

I commend the bill, which brings apprenticeships into the twenty-first century and gives opportunities to our kids in regional areas. I refer to flexibility arrangements, as mentioned by the honourable member for Oxley. Kids who are apprentices on the North Coast have to complete certain parts of their course with TAFE colleges and teaching organisations, and they have not been flexible. Because of the tyranny of distance, apprentices are away from their employers for numbers of days. In a lot of cases, the courses do not match and that adds time to the length of apprenticeships. Young people from my electorate have had to pack up and move to Newcastle, Sydney or Wollongong to complete their apprenticeships because the education has not been flexible enough to allow them to complete their courses in the Grafton or Coffs Harbour areas, where they could attend easily. I welcome changes that enable that flexibility. I hope that there will be an increase in apprenticeships across all trades, especially in regional New South Wales.

Mr AQUILINA (Riverstone—Minister for Education and Training) [10.35 p.m.], in reply: I thank honourable members representing the electorates of South Coast, Kiama, Bankstown, Georges River, Hornsby, Oxley, Burrinjuck and Coffs Harbour for their participation in this debate. They have spoken with passion and conviction based, in many cases, on personal experience and involvement. When listening to the debate I was intrigued to note the variety of experiences of honourable members prior to their entering Parliament. Some members spoke as former TAFE teachers, others spoke as persons who have been involved from the employer's point of view, and others worked in a trade union background. I could lend my credentials: three years as a part-time TAFE teacher, 10 years as a secondary school teacher and a person who has had considerable involvement with young people.

In my second reading speech I pointed out at length the many benefits of the bill. I am pleased that a number of honourable members have embellished those comments and have added their personal experiences to my comments. That further exemplifies how this bill will be of great benefit to both employers and prospective apprentices and trainees. The 1989 Act, while not a very old Act, is indeed very much now out of date. This bill brings the concept of apprenticeship and traineeship into the twenty-first century to make sure that it complies with national guidelines and that we end the red tape and hopeless mass of paperwork that was burying both employers and young people who wanted to embark upon an apprenticeship or a traineeship. The bill ensures that we have a system of fairness in terms of pursuing apprenticeships and traineeships so that a vexatious apprentice, bringing various complaints against an employer, can be dealt with swiftly. For that matter, an unnecessarily harsh employer can also be dealt with.

The legislation enacted to date did not provide appropriate sanctions against unscrupulous employers, but this bill allows the Vocational Training Tribunal—about which the honourable member for Coffs Harbour spoke—in determining a complaint against an employer to declare an employer a prohibited employer. That provides substantial sanction and support for prospective apprentices and trainees. In addition to members who have contributed to this debate, a number of people have worked hard to bring about this legislation. It has had a long gestation period—probably some 18 months of extensive consultation throughout New South Wales, involving consultation and support from the Australian Industry Group, the Australian Business Limited, the Australian Retailers Association, the Labor Council of New South Wales, the Board of Vocational Education and Training, and the TAFE Commission Board. I compliment my staff, particularly my departmental staff. I thank Pam Christie—the new Assistant Director General, State Training Services—for her work and that of her directorate in preparing this legislation and undertaking the consultation process.

As I said earlier, this is a way of ensuring that the practices of the past are left a century behind us. We look forward positively to the implementation of apprenticeship and traineeship provisions in the twenty-first century. This legislation will ensure that New South Wales practice falls into line with national guidelines, thus keeping apprenticeships and traineeships in New South Wales relevant on the national agenda—an extremely important issue when we recognise that we are part of an Australiawide system. This legislation will also ensure in a meaningful and timely way that apprentices and trainees can establish themselves without being buried in paperwork and without unnecessary hurdles being placed in the way of employers or prospective apprentices and trainees. We want no unnecessary red tape. We must have every confidence in the future. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SPECIAL ADJOURNMENT

Motion by Mr Aquilina agreed to:

That the House at its rising this day do adjourn until Thursday 18 October at 10.00 a.m.

House adjourned at 10.42 p.m.