LEGISLATIVE ASSEMBLY

Tuesday 23 October 2001

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

Mr Speaker offered the Prayer.

DISTINGUISHED VISITORS

Mr SPEAKER: I acknowledge the presence in the Speaker's Gallery of representatives of the Colombian trade union movement, in particular Mr Jesus Gonzalez, Director, Human Rights Department, Colombian Union Congress, and Mr Pedro Mahecha, human rights and labour lawyer.

MINISTRY

Mr CARR: In the absence of the Minister for Transport, and Minister for Roads, the Minister for Public Works and Services will take questions on his behalf.

OFFICE OF THE OMBUDSMAN

Report

Mr Speaker announced, pursuant to section 23 (1) of the Law Enforcement (Controlled Operations) Act 1997 and section 31 of the Ombudsman Act 1974, the receipt of the special report entitled "Law Enforcement (Controlled Operations) Act—Annual Report 2000-2001", dated October 2001.

Ordered to be printed.

PETITIONS

North Head Quarantine Station

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

Willoughby Paddocks Rezoning

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

State Taxes

Petition praying that the Carr Government establishes a public inquiry into State taxes, with the objective of reducing the tax burden and creating a sustainable environment for employment and investment in New South Wales, received from **Ms Hodgkinson**.

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**.

Diabetes Funding

Petition stating that both Federal and State governments assist people who are addicted to drugs, while people who suffer from diabetes must pay for their own treatment, received from **Mr Oakeshott**.

Chatswood High School

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

Albion Park Rail Traffic Arrangements

Petition requesting the retention of the pedestrian crossing with traffic lights at the entrance to Albion Park Rail Public School, received from **Mr Brown**.

Tumut Regional Roads Upgrade

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

Main Road 241

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

Ku-ring-gai Municipality Transport Study

Petition praying that a comprehensive transport study be undertaken to investigate and recommend short- and long-term solutions to problems caused by increased traffic movements in Ku-ring-gai municipality, received from **Mr O'Farrell**.

Disability Peak and Advocacy Organisations Funding

Petition requesting the Minister for Community Services to reverse her decision to defund the State disability peak and advocacy organisations, received from **Ms Hodgkinson**.

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**.

Ovine Johne's Disease Program

Petition praying for deregulation of the current Ovine Johne's Disease program and its replacement with a fair and workable alternative to facilitate trade and alleviate the social issues crippling the New South Wales sheep industry, received from **Ms Hodgkinson**.

Brothel Regulation

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

Wilderness Access

Petition praying that the Government allow continued access to public lands, abandon plans to declare the south-east wilderness study area wilderness, and repeal the Wilderness Act 1987, received from **Mr Webb**.

Fishing Industry Compulsory Buy-outs

Petitions praying that the House reject the compulsory buy-out of fishers and defer all fishing policy changes for a year, received from **Mr Fraser**, **Mr Souris** and **Mr J. H. Turner**.

QUESTIONS WITHOUT NOTICE

HIGHER SCHOOL CERTIFICATE STUDENTS

Mrs CHIKAROVSKI: My question is directed to the Minister for Education and Training. With hundreds of Higher School Certificate students traumatised by the Minister's decision to close their local schools at Hunters Hill, Maroubra and Vaucluse, and with thousands of others not having access to basic texts, will he now ask the Board of Studies to give these students special consideration because their exam preparation has been so seriously disrupted?

Mr AQUILINA: I do not accept the contention of the Leader of the Opposition that the students have been traumatised.

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

Mr AQUILINA: I have seen a number of reports and I have spoken to a number of senior officials within the department who have told me that the issue of the closure of Hunters Hill and the other schools has been kept well and truly away from the students and the students have been able to keep their heads down and concentrate on the work at hand.

Mr SPEAKER: Order! If the Leader of the Opposition continues to interject, I will call her to order.

Mr AQUILINA: The Board of Studies has a well-documented way of ensuring that those who suffer misadventure can put in a claim for misadventure and it will be considered. I am not saying that the closure of a school will be necessarily a case of sufficient merit to claim misadventure. What I am saying—

Mrs Chikarovski: Why do they have counsellors on stand-by?

Mr SPEAKER: Order! I will allow the Leader of the Opposition to ask a supplementary question if she wishes to do so.

Mr AQUILINA: Don’t be ridiculous! If the students had wanted counselling or if the teachers had assessed them as needing counselling, they would have applied for it and received it. The teachers and those immediately in charge of and associated with the students would have been in a far better position to assess whether the students needed counselling than the Leader of the Opposition, who has raised the performance of children precisely for a political issue. If the Leader of the Opposition wants to talk about the closure of various schools so that we can appreciate the benefits for a substantial number of schools within the inner city, I am happy to go through that with her, point by point. It is shameful of her to use Higher School Certificate students as a political scapegoat, during this delicate period for them, so that she can raise political points.

HOAX TERRORIST THREATS

Mr BROWN: My question without notice is to the Premier. What is the Government's response to the large number of hoax calls in New South Wales following the terrorist attacks of 11 September?

Mr CARR: The terrorist attack in the United States on September 11 has placed New South Wales on one of the highest states of alert in its history. The New South Wales Police Operations Centre is on 24-hour duty and the national anti-terrorist plan means that our emergency services stand ready. At the same time, our police emergency services and fire brigades are providing their normal services, going about their everyday duties, helping people in crisis, often people in danger. They are heroes at any time—now we must recognise their contribution more than ever.

Each year New South Wales Fire Brigades responds to more than 120,000 emergency calls; that is a call every six minutes. The number of threats and hoaxes that it receives makes its essential work harder than ever. The Police Operations Centre has received reports of 547 alleged incidents associated with the September 11 terrorist attack. Some are genuine reports and information to police, many are deliberate provisions of false information, and many are outright threats and hoaxes. Since September 11 there have been 106 alleged bomb threats and 118 alleged substance or powder threats, affecting 213 people.

The son of the honourable member for Willoughby was affected last Wednesday when opening an envelope in the Liberal Party's Riley Street headquarters; he was cleared for anthrax, and we were all relieved to hear that news. No-one, no family or person, should be subject to that kind of worry and anxiety. The remaining incidents have included alleged property or arson threats and other suspicious activities. I am advised that one or more personnel of emergency services responded to each incident—106 alleged bomb threats, 118 alleged substance or powder threats, and 213 people affected. Emergency services personnel has been involved in every one of those incidents. That is a very distressing state of affairs.

I stress that many people provide legitimate information but New South Wales Fire Brigades has advised that the number of intentional hoax calls that it received doubled after September 11. It is estimated that those calls have cost New South Wales Fire Brigades close to $1 million. The taxpayers of New South Wales have had to pay close to $1 million because of that behaviour. On Wednesday 17 October, fire crews from Crows Nest were attending a building to clean and remove a white powder substance that was later found to be non-hazardous. Meanwhile, a huge warehouse fire broke out at Artarmon. While Artarmon and Willoughby firefighters tried to contain the spreading fire, they had to wait for backup not from Crows Nest but from stations that are more distant. The Crows Nest firefighters were occupied with the non-hazardous material. That was dangerous for the community and was a wretched nuisance for the fine men and women in our emergency services.

I say publicly today that if anyone has information about persons making hoax or threatening calls, sending hoax or threatening packages or providing police with false or misleading information, they should contact Crime Stoppers on 1800 333 000. Rewards of up to $1,000 are available for information leading to an arrest. I urge people to come forward. I also advise the House that the Attorney General's Department has reviewed legislation on sending hoax packages or threats. Provisions exist in State law for sabotage or threatened sabotage carrying penalties of 25 years and 14 years imprisonment. Currently a five-year penalty exists for the making of hoax calls.

I am advised of the need to draft legislation with a five-year prison penalty if a person places an article or substance in any place, or sends an article or substance by any means of transportation with the intention of inducing another person into a false belief that the article was a bomb or a threatening substance. This is a hoax-specific offence and goes further than the Commonwealth offence, because it applies not only to mail but also to any mode of courier delivery, indeed any mode of delivery at all. Currently legislation is being drafted for introduction into Parliament as soon as possible. Hoax callers are making these threatening times worse, wasting our resources, putting lives at risk and making the indispensable work of our emergency services personnel even harder. I want them found, and I want them arrested and prosecuted. Our community can help by coming forward with relevant information.

HAZELTON AIRLINES SERVICES

Mr SOURIS: My question without notice is directed to the Premier. As intrastate routes are administered by the New South Wales Government, what terms and conditions, if any, on the $3 million State loan to Hazelton Airlines can be invoked to ensure that flights to Tamworth and Armidale are reinstated, rather than allowing the administrator to give priority to other routes?

Mr CARR: The Government is aware of the announcement by Hazelton yesterday that it is suspending services to Tamworth and Armidale, commencing 1 November. The Government has communicated to

Hazelton its hope that this is only a temporary measure. Hazelton said that it will announce further details of its strategy later this week. Honourable members would be aware that the Government provided a $3 million loan to Hazelton to ensure its continuing operations. The suspension of services by Hazelton leaves two licensed airlines on the route to Tamworth—Eastern Australian Airlines and Impulse, both Qantas subsidiaries. Eastern Australian Airlines will continue to fly the Armidale route. Hazelton issued a media release on Monday 22 October, which stated that it had "taken the difficult decision to suspend services to Tamworth and Armidale in response to a significant excess of seating capacity to both destinations". Hazelton's chief executive officer, Andrew Drysdale, said:

> Until the overcapacity of seating to both Tamworth and Armidale is corrected, it will be difficult for a second operator to achieve viable operations in these markets.

At no time has the Government had the power to tell Hazelton to fly to any destination in New South Wales, but Hazelton is aware that we would like those services reinstated.

LOCAL GOVERNMENT ACCOUNTABILITY

Mrs GRUSOVIN: My question without notice is to the Minister for Local Government. What is the latest information on the Minister's push for accountability in local government?

Mr WOODS: In New South Wales local government is worth $4.4 billion to the State economy and employs more than 40,000 people. In New South Wales 172 councils are elected every four years and they provide essential services to families and businesses. Honourable members will recall my previous statements on the need for accountability in local government, and I have spoken on financial matters and the spiralling legal costs incurred by some local governments. Today I want to turn to another area in relation to which we have been encouraging councils to improve, namely, dealing with complaints from ratepayers. There have been improvements in that area.

In 1999 when I became Minister I was receiving long and detailed complaints ranging from grievances about library books to garbage collection. I believed then, and I still do, that councillors, as elected representatives, need to play a more significant role in dealing with ratepayers on day-to-day issues. The 1,700 elected councillors act as a voice for ratepayers. In 1999 councillors were asked to take more responsibility for complaint handling so that the Department of Local Government could concentrate on its core business of policy, legislation, investigation, finance and legal reforms. The department and I still have a significant role, of course, to ensure that we respond to serious allegations and that we have the ability to investigate complaints.

In 2000-01 a total of 788 complaints concerning 112 councils have been received. Although that is a fractional increase on last year's figure, which was 738, it is encouraging that it is significantly down on the figures for previous years. In 1995-96, 1,200 were received, while in a following year, 1997-98, more than 1,400 complaints were received. The department's annual report outlines the top 25 most complained about councils. Warringah Council tops the list with 117 complaints from residents and local businesses, followed by last year's most complained about council, Byron Shire Council, with 71 complaints. In order the other councils are: Shoalhaven, Sutherland shire, Greater Taree, Pristine Waters, Hornsby, Tweed, Maitland, Maclean, Gosford, Ku-ring-gai, Ballina, Lismore, Ryde, Canada Bay, Moree Plains, Kempsey, Mudgee, Lake Macquarie, Nambucca, Eurobodalla, South Sydney, Singleton and Wollongong.

The actual number of complaints is not necessarily an indicator of the general performance of a council. The number of complaints could be the result of a well-organised campaign on a single issue, but it is interesting to compare this year's figures with those of last year. It is notable that of the 25 councils, 12 featured in the previous annual report, with Byron Shire Council and Warringah Council still in the top three. Complaints about Warringah Council mainly deal with planning issues, council conduct and pecuniary interest matters. Whilst keeping a close eye on developments at Warringah Council, I note that the general manager and mayor have changed since the time most of those complaints were received. However, we are currently investigating a number of allegations of pecuniary interest breaches there.

Byron Shire Council continued to receive complaints, particularly in the first part of the financial year, mainly about administration and planning. Last year we warned Byron Shire Council that it is on notice and must still report to the department monthly. It is also interesting to note that Canada Bay council, which was the subject of a great deal of media attention when it was created, has been the subject of only nine complaints since the merger. I also note that many councils have co-operated with early inquiries into complaints, addressing specific service-related complaints without the need for us to instigate more formal investigations.

Finally, I want to update the House on a matter I raised earlier this year, namely, the behaviour of Waverley Councillor Dominic Wykanak. Honourable members would recall at the time I wrote to the Attorney General asking him to consider declaring Councillor Wykanak a vexatious litigant. The Crown Solicitor has carefully examined this matter and advised the Attorney General that there are grounds to commence proceedings in the Supreme Court and the Federal Court to have Councillor Wykanak declared a vexatious litigant. I welcome the Crown Solicitor's advice and the commencement of proceedings against Councillor Wykanak.

I am advised that only two people have been declared vexatious litigants by the courts in New South Wales in the past 15 years. The decision now is entirely a matter for the Supreme Court and the Federal Court. If these applications are successful Councillor Wykanak will be unable to institute action in either court without leave. The commencement of such proceedings is not common, and it should not be, given that the declaration of an individual as a vexatious litigant constitutes a substantial restriction of that individual's right to pursue legal action. I add also that Councillor Wykanak is currently facing the Independent Pecuniary Interest Tribunal over an alleged pecuniary interest breach. I am advised that that matter will resume in December.

GOODS AND SERVICES TAX

Mr O'DOHERTY: My question is to the Premier. Since the rate of the GST cannot be increased by the Commonwealth without the Premier's agreement, can he assure the House that neither he nor other Labor Premiers do not support such an increase?

Mr CARR: I wondered if there was a double negative in that question, but I think there is a triple negative. I am not altogether sure what the question is, but not only do we not support an increase in the GST, we do not support the wretched tax in the first place.

REGIONAL EMPLOYMENT OPPORTUNITIES

Mr PRICE: My question without notice is to the Premier. What is the latest information on the Government's plans to relocate jobs from Sydney to Maitland and other regional centres?

[*Interruption*]

Mr CARR: Isn't there a lot of aggression and truculence over on that side today! One rather speculates about the delightful outcome if someone were to lead them in a field command and parachute into Kandahar, but I do not know what the Taliban has done to deserve someone like you, Brad. You just get out and put on your night fighting equipment!

[*Interruption*]

You see what I mean, all that pent-up aggression! Matron will be around shortly. Because I applaud so highly the job our troops are doing I would not parachute Brad behind the lines. I speak today proudly as the leader of a Country Labor Government. Since 1995-96 the Government has created more than 1,900 government jobs in rural and regional New South Wales.

[*Interruption*]

As my colleagues have said, they never decentralised on that side of the House. Decentralisation has come from Country Labor.

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

Mr CARR: Another one for a field command!

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

Mr CARR: We have relocated more than 1,100 jobs. We will move over 1,000 more by the end of 2003.

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

Mr CARR: We have moved 229 Roads and Traffic Authority jobs out of Sydney to Glen Innes and Dubbo. They are appreciative of these jobs, as the local members confirm with their beaming smiles. Every day they come into this Chamber, working hard for their constituents and smiling broadly. The smiles of these country Independents render George's day gloomier and gloomier. We sent the Registry of Co-operatives, with its 38 positions, to Bathurst and the Native Vegetation Unit to Wellington. What a happy marriage that is, with 24 jobs involving the management of native vegetation going from the city to Wellington. I opened a Firearms Registry in Murwillumbah in February.

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

Mr CARR: That took 50 jobs out of the city to Murwillumbah; 26 of the staff were recruited from the local area. They are pleased with that. A further six local residents have been hired for up to six months to help handle the volume of amnesty registrations.

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

Mr CARR: I am advised that this move has been an enormous success. The Tweed work force has brought a level of commitment and customer focus that is beyond expectations because it values these new job opportunities. On my visit I was struck by the high morale and enthusiasm of staff. The current firearms amnesty has massively increased the registry's workload. As of last Thursday, the registry had processed 48,538 weapons under the amnesty. Routine processing of individual licence applications has also improved dramatically. The monthly average over the past year has been 1,848. Last month the registry processed 2,608—and increase of 40 per cent above the average. The relationship between the Firearms Registry and its clients has improved since the move.

Mr Piccoli: From terrible to bad!

Mr CARR: Why don't you be positive for once? This is all good news; this is positive news.

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

Mr CARR: We are enthusiastic about it and the community is enthusiastic about it. It is only Opposition members who are locked into gloom and feelings of desolation. As proof of what I am saying, I can report that the number of customer complaints has fallen to an all-time low. Let me bring the House up to date about another relocation, this time involving the Department of Local Government, which is now ready and set to move from Sydney to the South Coast. We are rehousing those officers in a fine new $10 million building in Nowra, which will bring more than 100 construction jobs to the Shoalhaven. I can advise the House that yesterday week my ministerial colleagues the Minister for Local Government and the Minister for Public Works and Services turned the first sod to kick off construction, together with the Country Labor member of Parliament for the South Coast. Are those opposite happy now? Are they smiling? Are they happy about those local jobs; are they happy about jobs going from Sydney to the country?

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

Mr CARR: The flow-on effect is considerable for local economies. At the May Country Labor conference I announced that we would move 100 Department of Land and Water Conservation jobs from Sydney to Dubbo. Those 100 officers will join 70 staff already in Dubbo and together they will create a centre of excellence in land and water management.

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

Mr CARR: The move will be completed during 2003. Another good example is the move of the Infringement Processing Bureau, which is great news for the Hunter. By this time next year 150 infringement processing jobs should be up and running in Maitland.

Mr SPEAKER: Order! There is far too much audible conversation amongst members on both sides of the House.

Mr CARR: It is very sad that the Coalition is not interested in the movement of jobs from the city to the country. *Hansard* will record all the instances of lack of interest—indeed, open hostility—in relation to what

we are doing. But that will not deter us. As I have said, by this time next year 150 infringement processing job should be up and running in Maitland. I turn to the next instalment in our country jobs plan. The Department of Mineral Resources—which employs staff in Orange, Armidale, Wollongong, Broken Hill, Singleton and Gateshead—will move 160 jobs from Sydney to the Hunter Valley, the heart of our great coalmining industry. They will go to Maitland where I know they will be well received as a big addition to the stock of jobs in that city.

The people of Maitland have welcomed the Infringement Processing Bureau and I am sure they will provide an equally friendly welcome to the Department of Mineral Resources. These 160 additional jobs brings the department's staff to 200 in the Hunter region. Make no mistake, this is an investment by the New South Wales Government in the skills base of Maitland, local businesses in Maitland and the entire community of Maitland. Why would we do that when Maitland has such an excellent, indeed exemplary, local member? It is yet another vote of confidence in the Hunter. It is proof that Country Labor has made an enduring difference to public policy in this State and that jobs can be shifted from Sydney to the regions. Tony Kelly and the Country Labor team have argued forcefully and consistently for moving public sector jobs to the country.

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

Mr CARR: We have listened and responded, using the public sector decisively to bring decent, well-paid government jobs to country areas. Each pay packet supports local businesses and reduces unemployment. New families will help to reverse the population drain and new enrolments will strengthen the future of country schools. Towns such as Maitland feel empowered and respected because the Government is confident that they will be able to run important public sector agencies. Each relocation so far has been successful because of the skills and professionalism that we have found in our regional communities. There are hundreds more jobs to come over the next three years. What a contrast with the National Party: its credibility is in tatters, shredded by inaction, incompetence and irrelevance. It is abundantly clear that the true voice of rural and regional New South Wales is to be found on the Labor side of both Houses.

Mr SPEAKER: Order! The Leader of the Opposition will cease conversing across the Chamber to the honourable member for Lachlan.

Mr CARR: Those opposite are not happy; we can see the sulphurous clouds of negativity. They are like the character in Li'l Abner who has a rain cloud above his head that follows him around. It is the active, credible men and women of New South Wales Country Labor who are making a difference through the decisive contribution they make to good government and good policy in this State.

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

SOUTH-WESTERN SYDNEY POLICING

Dr KERNOHAN: My question is directed to the Minister for Police. What will the Minister do to address the complaints raised by the Federal Labor member for Werriwa, Mark Latham, that police in South Western Sydney are unable to attend reports of break-ins, street crime and snatch-and-run incidents because they are short of numbers and overworked?

Mr WHELAN: On that issue, I advise the House that the Bankstown local area commander, Superintendent Peter Parsons, has announced that he is reviewing investigative procedures at Bankstown police station following allegations of a delay by police involved in the inquiry. Mr Parsons indicated that he will ensure that these procedures are reviewed in view of the delay to the investigation into the alleged assault of a taxi driver at Punchbowl in July. He said that the delay was caused by the investigating officer taking six weeks annual leave in July and August.

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

Mr WHELAN: He also said that the officer had made a number of attempts to contact one of the parties to arrange a suitable interview time. He said in a press release that the man was unavailable on two suggested occasions and that the officer was unavailable on another occasion suggested by the man. Police were finally able to arrange a suitable interview last Friday. Superintendent Parsons concluded by saying that the delay was the result of an unfortunate set of circumstances that he said would not happen again in Bankstown.

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

Mr WHELAN: He extended an apology to both parties for any inconvenience and assured them that the investigation would be finalised as quickly as possible.

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

Mr WHELAN: As to the latter part of the question, I note that the Federal member to whom the honourable member for Camden referred indicated that his constituents had made some complaints. I wish that he had also advised the Minister for Police.

COMMONWEALTH-STATE HOUSING AGREEMENT

Mr NEWELL: My question without notice is to the Minister for Housing. What is the latest information on the Commonwealth-State Housing Agreement?

Dr REFSHAUGE: Access to safe, secure, affordable housing is an important issue for all Australians. For more than 50 years the Commonwealth-State Housing Agreement has played a vital role in building homes and supporting healthy communities for Australian families and individuals. In 1944 the Commonwealth Housing Commission reported to Ben Chifley that "housing is a national problem, and, in the past, the Commonwealth Government has found it necessary to accept some responsibility for the housing of the people." The report recommended that "the Commonwealth Government should take an active part in housing and make finance available for that purpose." Since that time successive Commonwealth-State Housing Agreements have recognised the important role that the Commonwealth Government plays in helping people with housing.

The current agreement will result in a continuation of that role throughout 2002-03. Over four years this agreement provides more than $5 billion of vital Commonwealth and State money for housing nationally. However, the current agreement ends in June 2003 and the Howard Government has not made a commitment to renew it. Many times we have asked and every time the Federal Government has refused to commit itself to a further agreement.

[*Interruption*]

If the Opposition can flush them out, they should get them to come and do it. We have asked time and again whether the Howard Government will commit to a further Commonwealth-State Housing Agreement. Every time we have asked it has refused to commit.

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

Dr REFSHAUGE: For many people on low incomes, home ownership and private rental are not realistic options. Social housing is the only alternative. Failure to renew the Commonwealth-State Housing Agreement will affect more than 100,000 people in New South Wales alone in the first year following the end of the current agreement. If the Commonwealth does not come to the party—and there is no indication that it will—in that first year some $320 million for public, community and Aboriginal housing would be lost.

Mr SPEAKER: Order! I call the honourable member for Davidson to order for the second time. I remind the honourable member for North Shore that she is on three calls to order.

Dr REFSHAUGE: There would be no new supply programs as we would not have the capacity to fund them. Under the present Commonwealth-State Housing Agreement we buy or lease 1,800 properties per year. If we were unable to continue to provide those properties as a result of the Commonwealth pulling out, an extra 2,000 people would be placed on the waiting list every year and approximately 7,000 existing leases would have to be terminated at the end of the Commonwealth- State Housing Agreement. The termination of those leases would effectively wipe out half the community housing sector and force more than 14,000 people to find alternative accommodation. Without another Commonwealth-State Housing Agreement we would not be able to assist 39,500 families and individuals with the costs of entering private rental. We would not be able to provide private rental subsidies for people with special needs, which would affect more than 2,000 people with HIV-AIDS and with disabilities.

Without a Commonwealth-State Housing Agreement not only can we not buy or lease properties, we would be forced to sell existing properties because we could not afford to keep them. In the first year alone we

would be forced to sell 900 homes to fund existing programs, with further sales in following years. With no new money those homes would be lost forever. Since its election in 1996 the Howard Government has continued to cut funding to the Commonwealth-State Housing Agreement and has failed to commit itself to continuing the agreement. Between 1996-97 and 2002-03 the cumulative impact of Commonwealth cuts to the Commonwealth-State Housing Agreement has been worth $335 million to New South Wales alone. The Federal Government wants to get out of housing. Time and again we have asked it to commit to a continuation of the Commonwealth-State Housing Agreement.

All States, whether Liberal or Labor, have asked the Federal Government to commit. All States have also asked the Federal Opposition to commit. The Federal Opposition has committed to another Commonwealth-State Housing Agreement, but we have been waiting and waiting for the Federal Liberal Government to commit. I understand that Senator Vanstone, the Commonwealth Minister responsible for housing, will address the National Housing Conference in Brisbane tomorrow. That is a good opportunity for her to put on the record the Howard Government's commitment, or lack of it, to a Commonwealth-State Housing Agreement.

Will she say tomorrow that the Howard Government will continue with the Commonwealth-State Housing Agreement or will the Federal Government walk away from the people who need housing across New South Wales and the rest of Australia? Tomorrow is an opportunity for the Federal Government to come to the party and say it is committed to the agreement. We have asked for a commitment at every ministerial council on housing. Every time we have asked Senator Vanstone she has not committed to a further Commonwealth-State Housing Agreement. With her track record It is not surprising that we are getting suspicious.

[*Interruption*]

The honourable member for Davidson is the alleged spokesperson for Housing on the other side. Has he asked the Federal Minister about the Commonwealth-State Housing Agreement? He has never said a thing to her. We would certainly welcome his support in getting the Federal Government to commit to a new Commonwealth-State Housing Agreement.

NEWELL HIGHWAY ACTION GROUP

Mr McGRANE: My question without notice is directed to the Minister for Tourism. Will any funding from the recently announced interstate and Asia tourism financial package be allocated to the Newell Highway Action Group?

Ms NORI: I am pleased that a member of this House other than a Government member is interested in tourism. I commend the honourable member for Dubbo for his concern and thank him for giving me an opportunity to talk about the strategic support package I announced last Friday. I also take this opportunity to remind the House of the difficulties faced by this important industry. First, I emphasise that New South Wales has a strong tourism base. However, we face a serious long-term problem, which, unfortunately, is not a blip. Our industry faces the double whammy of the attacks in New York and the collapse of Ansett. The priority of the Government and the priority of my announcement on Friday is on an effective, realistic package of solutions. Those solutions are based on strong market intelligence, discussion with the industry, research and analysis. I assure the House that our strategic response is designed to deliver results. It is not about pork-barrelling and it is not about making public policy on the run.

Our strategy comes in three parts. The first and most obvious is a switch from an international focus to a domestic and regional focus. As people lose confidence in flying internationally and as the Ansett collapse has made travel in Australia much harder, people will want to take their holidays at home and, in particular, in regional New South Wales. Naturally, we will concentrate a large proportion of the $15 million package on stimulating demand in the domestic market. Some of the money will be kept in reserve, and we will take advantage of the opportunities presented in the international marketplace as consumer sentiment dictates. For example, we suspended some of our campaigns into Asia immediately after the bombing attacks in New York because they simply would not have driven any further visitation. Indeed, Qantas, our co-operative partner in that case, did not want to continue that campaign. We are ready to go back into those marketplaces as and when it becomes appropriate and as and when our involvement will deliver results.

We are preparing to go into short-haul markets, such as New Zealand, Japan and Asia, very soon. The best information is that the United States market probably will not settle for some time, and it is not a market we

will go back into unless something happens to stimulate consumer demand. The package also reflects our concern with the aviation industry, and the $3 million referred to earlier by the Premier is part of the package. The other component of our strategy is to assist the conventions, meetings and conference industry. Five-star hotels in the central business district of Sydney have been hit extremely hard by the downturn in the international tourism market, the slowdown in the world economy and fewer domestic and international travellers. To help that sector of the industry we will develop a program of delegate boosting to ensure that conferences that have already been won for Sydney and New South Wales will be attended by the maximum number of delegates, particularly those from overseas.

We will also go into the marketplace to determine which conferences, won by other cities, the organisers want to switch to a safer location. We will rebid for those conferences when appropriate. It would please the honourable member for Dubbo, as it should please all members, particularly those from country New South Wales, to know that we will do two things to stimulate domestic demand. Obviously, we will try to ensure that people from Sydney visit regional New South Wales because Sydney is the largest consumer base in this country. We will also target Victoria, south-east Queensland and the Brisbane market and urge people to travel to Sydney through regional New South Wales. One of the easiest ways to get to Sydney from Queensland and see New South Wales at the same time is to travel on the Newell Highway.

HIGHER SCHOOL CERTIFICATE ENGLISH EXAMINATION

Mr STEWART: My question without notice is to Minister for Education and Training. What has been the response to the changes to the English examination in the Higher School Certificate?

Mr AQUILINA: Honourable members will be aware that written examinations for the new Higher School Certificate began yesterday. English is the only compulsory subject for the HSC. Yesterday students sat for the standard, advanced English, and English as a second language papers. From feedback I have received, it is clear that although the exams were challenging, most students and teachers have given them the thumbs up. English head teachers and co-ordinators told me that the papers were tough, but fair. That is what we promised, tough but fair. The exams tested the syllabus effectively and were in line with expectations based on a specimen paper to which all students had access. The papers stretched students, but that has always been the intention of reforming our State's major exams.

The 2001 HSC exams represent the culmination of an exhaustive process of syllabus reform and implementation. To get these reforms right we undertook the most extensive curriculum consultation in the history of New South Wales education. It involved more than 7,600 teachers, 480 academics and 560 industry and community groups. We expended $30 million over four years to provide support for the reform process. We made no secret of the fact that we are trying to extend our students. The study of English has been strengthened, and students can now study four units of English. It is time to note that more than 20,000 of this year's HSC students—more than double the number who took the highest level course last year—undertook the most challenging English course, English advanced. Even more pleasing is that English advanced is being undertaken across the State.

In many schools only a small number or, in some cases, no students at all undertook the highest level two-unit course under the old HSC. Mid-year enrolment data indicates that the conversion to English advanced has been significant across the State. In 60 south-western Sydney schools 337 students studied the most demanding English course for the HSC last year. In those same government secondary schools more than 1,300 enrolled in the new English advanced course this year, an increase of almost 400 per cent. Of this number 154 students enrolled in the English extension one course compared to only 52 students who took the corresponding three-unit English course last year. Across 41 government secondary schools in north-western New South Wales enrolments have increased from 162 in the most demanding English course last year to 448 enrolments in advanced English this year.

In 42 government secondary and central schools on the North Coast, enrolments have increased from 381 last year to more than 1,100 this year. In 36 government secondary and central schools stretching from the Blue Mountains to far western New South Wales, enrolments increased from 224 last year to more than 530 this year. Significant increases are also evident in the Riverina, on the South Coast, in the Hunter and in other metropolitan areas. The data shows that the structure of the new HSC is having the intended effect. I will provide more information to the House and the general public as exams proceed.

Questions without notice concluded.

REGULATION REVIEW COMMITTEE

Membership

Motion, by leave, by Mr Whelan agreed to:

(1) That Graham James West be appointed to serve on the Regulation Review Committee in place of Peter Richard Nagle, resigned.

(2) That a message be sent acquainting the Legislative Council of the resolution.

BILLS RETURNED

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

Conveyancing Amendment (Rule in Pigot's Case) Bill
Co-operatives Legislation Amendment Bill

CONSIDERATION OF URGENT MOTIONS

Police Sniffer Dogs

Ms MEGARRITY (Menai) [3.17 p.m.]: My motion is urgent because at this time of national and international concern about personal safety and general security the Redfern Legal Centre is mounting a media and legal campaign to abandon the use of sniffer dogs in police activities. My motion is urgent because this campaign is gaining momentum. It is urgent because the Redfern Legal Centre has already advised a number of clients that searches by police officers resulting from the alert raised by sniffer dogs are illegal and should be challenged. The motion is urgent because, as I stand here today, the centre could be providing this advice to even more clients. It is urgent because, as we speak, honourable members can also find such information on the organisation's worldwide web site "Your rights online". It is urgent because the Redfern Legal Centre and the Council for Civil Liberties have announced their intention to take up that challenge in the courts as early as next month. This Parliament must send a clear and urgent message that we are opposed to any call to abandon the use of sniffer dogs for drug detection and other police activity.

Firearms Amnesty

Mr TINK (Epping) [3.18 p.m.]: My motion is urgent because just three months ago the Minister for Police promised that police stations across New South Wales would be flooded with firearms as a result of the firearms amnesty he announced on 28 June. The motion is urgent because, as of today, fewer than 5,000 firearms have been handed in. The motion is urgent because it is an abysmal outcome when one considers the number of illegal firearms still circulating in New South Wales. The motion is urgent because the amnesty is administered by the same people who administered the firearms buyback in this State in the first place.

The motion is urgent because administration by the Carr Government in New South Wales of the firearms buyback in the first place netted 50,000 fewer firearms in this State than in Victoria, which has only two-thirds of the population of New South Wales. The motion is urgent because, if administration similar to that in Victoria had been applied in New South Wales, 70,000 available firearms in this State would have been handed in during the buyback. The motion is urgent because a very significant proportion of the firearms that should have been bought if the Carr Government had administered the buyback properly were not bought back and will not be bought back under the current amnesty.

Far from congratulating the Government on the amnesty—which most honest firearms owners have done their best to comply with—this House should condemn the Government on the return of such an abysmal number of firearms, following the recovery of so few firearms a few years ago during the buyback. The motion is urgent because fewer than 5,000 weapons have been handed back under the amnesty that the Ministers said would bring a flood. The weapons handed back under the amnesty comprise only about six per cent of illegal weapons still available in New South Wales.

The motion is urgent because the amnesty, like the buyback in New South Wales, is a substantial failure. The motion is urgent because the House has to consider and debate why the amnesty was a failure, is a failure and will continue to be a failure unless and until the Government changes its approach to it. The motion is urgent because the Government ignored, until the very last-minute, the fundamental steps that were required

to get the buyback working properly. When, at the eleventh hour, the Government did start to take some advice about how to run the buyback and get some independent contractors into Penrith, the buyback rate shot up.

The motion is urgent because I suspect that there are fundamental problems with the administration of and approach to the amnesty, as happened with the buyback, given that the same people who administered the buyback are administering the amnesty. A number of members of this House, vitally interested in reducing the number of illegal weapons available in the community, on behalf of their constituents and in particular the many law-abiding firearms owners they represent, would have some very good ideas about how to make this amnesty work better, just as they had some very good ideas about how to make the buyback work better.

At the last minute the Government began to take some proper advice in relation to the buyback. This motion should be debated in order to elicit the sort of advice that could be provided by members of this House who represent those law-abiding registered gun owners who have the ideas that could make the amnesty work. Unless those ideas are brought forward this amnesty will be a substantial failure just as the buyback was a failure when administered by this Government. For those reasons the motion should be debated with priority in relation to the motion of the honourable member for Menai.

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

POLICE SNIFFER DOGS

Urgent Motion

Ms MEGARRITY (Menai) [3.23 p.m.]: I move:

> That this House expresses its opposition to calls by the Redfern Legal Centre to abandon the use of sniffer dogs for drug detection and other police activities in New South Wales.

To my surprise and alarm, yesterday I read that the Redfern Legal Centre and the Council for Civil Liberties had stepped up the call for the abandonment of the use of police sniffer dogs. The reports indicate that those bodies could pose a court challenge as early as next month on this issue. I make it clear that in principle I fully support the existence of organisations such as the Redfern Legal Centre and the Council for Civil Liberties. Over the years they have raised important issues about the dilemmas posed by modern day life. But on this issue I am afraid they have got it wrong.

On reading their comments I thought about the opening of the New South Wales Police Dog Unit facilities in my Menai electorate in October 1999. The $800,000 worth of facilities are recognised as the best police dog facilities in Australia and were constructed with the joint co-operation of the Police Service and the Olympic Security Command Centre. The opening of the facility coincided with the twentieth anniversary of the modern dog unit, dogs having been used for quite some time in police activities. Offices at Mount Druitt, Berowra and Newcastle are co-ordinated from the Menai facility to ensure the centralised deployment of dog teams throughout the State on the 24-hour basis.

Honourable members may not be aware that most dogs live at home with their handlers, but the Menai facility can house more than 30 dogs, and has its own veterinary office and training apparatus. On the day that I accompanied the Minister for Police when he opened the training centre, I was watching the demonstration provided by the dogs and their handlers and was pleased to learn of the good relationship between the two. Indeed, their training indicated that they certainly would not become vicious animals and would not cause an affront to individuals. They could be used at preschool in the morning and be taken out and commanded to perform other activities in the afternoon. It was the sort of high-quality training that they were receiving that impressed me so much. Handlers worked with the personality of the dog; they did not try to change it.

We learned that day that the dogs are used for a number of purposes, one of which is as general purpose or patrol dogs. Honourable members from both sides of the House who saw recent television reports of the Leader of the Federal Opposition and the Prime Minister boarding planes would have seen uniformed Australian Protective Service officers with sniffer dogs inspecting each item of luggage before it was loaded—to the relief of all parties involved. Dogs are also used as part of high-risk incident teams and trained for dangerous situations involving armed and dangerous offenders. They are also used for urban search and rescue. They are trained in the search and rescue of sites, including collapsed buildings. We saw examples of that during the Thredbo tragedy and in New York and Washington in the aftermath of the recent tragic events there.

The explosive detector dog teams, trained to locate five families of explosives and recognise more than 19,000 explosive odours, were critical to our success during the Olympic Games and were used extensively throughout that period. Although it is not a pleasant topic, cadaver detector dogs are trained to locate the bodies of missing persons or murder victims. In tragic circumstances in Rockhampton, Queensland, this week, Russell and Kimberley Griffin, aged 13 and 9 respectively, were found murdered in bushland. Police and State Emergency Services volunteers used sniffer dogs and the Rescue Service helicopter in the search for the children.

It is the last category that I will mention, the specialist drug detector dog teams trained to locate illegal narcotic substances, that has caused concern to the Redfern Legal Centre and the Council for Civil Liberties. Honourable members will recall the May 1999 Drug Summit of the New South Wales Parliament. We sat and debated with drug offenders, reformed drug offenders, police, nurses, doctors and a whole range of different people, and decided that what was called for was a war against drugs. That may be strong language, but these addictive substances—substances that know no class boundaries and happen, as the phrase goes, in the best of families—have a vicious and insidious effect on young people, old people, rich and poor. People called for strong measures to be taken in order to win this war.

I recall that Drug Summit participants identified the availability of drugs in certain nightclubs, and questioned why there was not more action to target nightclubs and other places. Last weekend, as was reported in the media, about 200 police converged on two Oxford Street clubs, while 100 others raided three clubs in Kings Cross and Double Bay. They were accompanied by nine drug-detection dogs in simultaneous raids that began at 1.00 a.m. As a result, 18 people, including two men who allegedly sold drugs to undercover police, were arrested on drug-related charges while nine others received cautions for light cannabis use.

As reported in the *Sydney Morning Herald* yesterday, City East Region Assistant Commissioner Dick Adams said that the raids marked the completion of an eight-month operation of the State Crime Commission involving controlled drug purchases by undercover police aimed at identifying dealers. Assistant Commissioner Adams said he could not believe the sight on the vacated dance floor of two of the nightclubs he inspected before dawn yesterday, where two hours earlier hundreds had been dancing in the heat-filled rooms. He stated:

> The owners of these clubs must now show cause as to why they should be allowed to remain in business.

The sniffer dog's function is to provide a preliminary alert to the need for the search. When the dog sits, that is an indicator to the operator of the need for a search. Searches for illicit drugs are made under section 37 of the Drug (Misuse and Trafficking) Act 1985, which allows police to stop and search for prohibited drugs when they reasonably suspect the person is in possession of them. Police use the dogs to provide them with that reasonable suspicion. If the dogs' actions indicate they have detected drugs then police consider they have reasonable suspicion to search. Last weekend's police raids reaped cocaine, ecstasy and marijuana. In previous busts, as they are referred to by the police, on 27 May, 17 June, 25 June and 29 July of this year there were similar results. So it was not an isolated incident over the weekend; it has been building up.

The use of sniffer dogs for drug detection is not an attack on civil liberties. It is in complete accord with a comprehensive plan developed after the Drug Summit. The approach of discouraging use through law enforcement is reinforced by the release of a report by the Bureau of Crime Statistics and Research titled "Does Prohibition Deter Cannabis Use?" by Dr Don Weatherburn and Mr Craig Jones. They show the impact that law enforcement has against use as well as dealing, and that it has a vital role to play. The bureau found that 91 per cent of people who use cannabis weekly would use it more if it were legal. There is good evidence also that law enforcement stops many young people taking up the habit in the first place. The bureau found that 29 per cent of young adults who do not use cannabis cite the law as the reason for their decision. Nineteen per cent of those who give up cite the law as the reason for doing so. Dr Weatherburn said that his findings suggest that law enforcement has a much more valuable role to play in limiting drug consumption than researchers had previously realised. He made it clear that placing limits on consumption by regular users has a significant added impact on the health of those people.

Police use drug detection dogs to provide them with a reasonable suspicion and, as pointed out by Assistant Commissioner Adams, the dogs are capable of detecting even the smallest amount of a drug. According to Acting Inspector Egan Lee of the Georges River region, the dogs follow the scent trail and then can identify drugs even if they are hidden in plastic or in someone's wallet. Any attempt to challenge the legality of the findings made as a result of the searches after the dogs have raised the alarm could seriously set back our war on drugs. The Premier has pointed out in this place that we need a united front in the war against drugs. Any attempt to undermine the legality of this method of drug detection could also undermine the success of previous examples of drug detection dogs, sniffer dogs, being used in corrective services institutions and in rural areas.

Drug detection in corrective services institutions was mentioned in this House in August 2000. The Minister for Corrective Services, Mr Debus, pointed out that the dog drug detection unit had searched people visiting gaols and had netted a substantial amount of drugs that might have otherwise found their way into the prison system, which would have had a devastating effect. In rural areas the dogs have detected poisons in soil that could have affected vital exports. The Parliament needs to send a clear message that we are united on this front and we oppose any calls to abandon the use of drug detection sniffer dogs.

Mr TINK (Epping) [3.33 p.m.]: I support the motion of the honourable member for Menai but I move the following amendment:

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

(2) calls upon the Government to relocate the police dogs from Menai police station to an appropriate location and return Menai police station to an operational police station.

I fully endorse the words of the honourable member for Menai as far as they go. The sniffer dogs and their handlers play a vital role in policing in this State. I also agree with her that there are many examples of these dogs and their handlers providing vital assistance to general duties police and police in all specialties. I also agree with her that they provide enormous support in the push against drug dealers and users, who should be apprehended and brought to justice. I also agree that their use is not limited to anti-drug work; it involves a great deal of detection work. Skilled expert handling of the dogs can provide important backup to police in many other areas.

I turn to the issue of the appropriate location of the police dog unit. My concern simply is that the location of the police dog unit is at the expense of local policing in Menai. That is of great concern to the Opposition. I hope the honourable member for Menai will support the amendment. The honourable member for Menai referred to the tremendous work done by the police dogs and their handlers in Kings Cross, Double Bay and Oxford Street. There were 18 arrests and, as Commander Dick Adams has said, the dogs and their handlers have done great work. I agree with all of that. But the concern is that this has nothing to do with local policing in Menai. In saying that I do not detract for a split second from the valuable work that the dogs and their handlers do; I am simply saying that in the Menai area there has been a virtual winding up of general policing duties so that the dog squad could be located there.

The Opposition very strongly believes that there are many places where the dog squad and the handlers could be appropriately and centrally located to allow them to do their work professionally and to answer call-outs wherever they are required, all over the State. They could be based at locations other than Menai. Indeed, there may be more central locations that would enable quicker call-out times, apart from the question of local Menai policing. People in Menai would be forgiven for thinking that, whilst the work of the dogs and their handlers is very valuable in Kings Cross, it has nothing to do with Menai. Policing in Kings Cross, Double Bay and Oxford Street has nothing to do with Menai. The regional commander for the area is Chris Evans, not Dick Adams. The central concern is resources for Chris Evans, the Sutherland local area command and, more particularly, Menai police station.

To put it in historic context, until 1 July 1997 Menai police station was a fully autonomous locally led, locally based police command of, I believe, 25 police officers providing 24 hours a day, seven days a week policing under the control of a local commander who was known to the local people, whom he knew as well. Since then—back to the time the Government blocked us from getting rosters under freedom of information provisions—the Sutherland local area command rosters show that in the Menai sector, as it is now known, there was one general duties police officer on duty for what appears to be a 12-hour shift and then another for a 12-hour shift. That is to say, there was one person keeping the light on, one person basically running what is a shopfront police station from a general duties point of view.

Since 1 July 1997 the autonomous locally led police patrol has been replaced by a shopfront. A number of petitions circulating in the Menai and Engadine area with many thousands of signatures bear this out. There is feedback on this as part of the Federal election campaign, indicating the level of concern about Menai police station being relegated to shopfront status. The local area commander is based at Sutherland and response times from Sutherland are a real concern. The reality is that under the Carr Government and the present local member, Menai local policing collapsed and disappeared and the dog unit was based in Menai. The dog unit does vital, valuable work and I wholeheartedly support the praise of the honourable member for Menai for that unit's role in policing. I support 100 per cent the concerns about the Redfern Legal Centre's proposals, but I query why that move was made at the expense of local policing in Menai.

The feedback is that many people in Menai and the surrounding areas are asking precisely the same question. I understand that the people of Menai want appropriate commendation for the work of the dog unit. They also want a recommendation by the Government that that unit would be best based at a location that does not detract from general duty policing being locally based and locally led at Menai. Local policing allows police to know the local people, and the people to know their local police. The feedback to members on this side of the House is that that does not happen, despite the best efforts of Sutherland-based police. They work in a huge area extending to the Royal National Park through a network of suburbs that have limited access and exit. Some suburbs are bordered by water and are not easy to get to and from, particularly at certain times of the day or night during heavy traffic conditions.

A recognition of two things is required. The first is the vital ongoing work of the unit. On behalf of members of this House, I hope without exception, I congratulate that unit and the handlers on their work in supporting other police. Second, I believe, as I hope all members of this House do, that the downgrading of the Menai command has been a blunder. The level of policing services delivered locally to Menai is not as good as it was in the past. A first-class police dog operation can co-exist alongside a fully functioning, locally led and locally based police command operating from Menai so that the problems and concerns of the local people, as reflected in the many petitions received by the Parliament, can be addressed. Hopefully, we can return to the pre-1997 status of police working in Menai with a local leader. Since 1 July 1997 this has become a statewide problem. Many police station commands have been downgraded and I have heard of much community concern. We can have a local command at Menai and we can also have a great dog unit. I congratulate the dog unit and I hope we can improve policing in Menai.

Mr COLLIER (Miranda) [3.43 p.m.]: I am pleased to support the motion of the honourable member for Menai. The simple truth is that drugs destroy lives, whether they are used on the street, in a nightclub or in prison. The Carr Government has demonstrated time and time again its commitment and political will to rid our society of this evil. The Government is implementing more than 100 recommendations of the Drug Summit, it is getting addicts off the streets and into rehabilitation, and it has given the police more powers—power to smash drug houses, power to deal with gangs that peddle drugs and power to break up their supply networks.

If police and law enforcement agencies are to continue to win the battle against drugs, they need to be given the best resources available—and what better resource than man's best friend? We cannot doubt the effectiveness of police sniffer dogs in helping hard-working police identify drug couriers and suppliers, and in assisting them to smash dealing networks. The arrests and drug seizures at five Sydney nightclubs last weekend demonstrate that all too clearly.

Of course, the Redfern Legal Centre and the Council for Civil Liberties complain that police are targeting recreational drug users. They speak as if recreational drug use is not in itself a harmful activity. The addicts, the couriers and the suppliers that I encountered as a Legal Aid solicitor started out as recreational users. The Council for Civil Liberties ignores the recommendations of the Drug Summit. It ignores the findings of Don Weatherburn of the Bureau of Crime Statistics and Research that law enforcement has a much more valuable role in limiting drug consumption, and hence harm, than researchers previously realised.

Enforcement includes the use of sniffer dogs. These dogs have proven effective in locating drugs not only on the streets but in prisons. Indirectly, the dogs can identify youth at risk of developing serious drug habits and they can play a role in promoting the rehabilitation of drug users. These sniffer dogs, might I add, are also used in searches for lost children. They are used to identify suspicious mail packages coming into Australia. Indeed, the dogs have been used to identify poisons used on farmland that could affect our exports, and they are being used in the fight against terrorism.

Sniffer dogs were used in the Sydney Olympics, yet I do not recall the civil libertarians or the Redfern Legal Centre complaining about that! If these dogs were to locate anthrax spores before they reached Australians, would these people complain about that? Unlikely! Drug detection dogs have been used in New South Wales since 1979 and numbers were increased for the Olympic Games. Now the Redfern Legal Centre and civil libertarians say the use of sniffer dogs by police constitutes an illegal search. That is a legal nonsense!

Section 37 of the Drugs Misuse and Trafficking Act permits police to search a person for prohibited drugs if they have a reasonable suspicion that the person is in possession of drugs. The dogs do not search persons. These well-trained drug detection dogs merely raise a reasonable suspicion that precedes any actual search, but they are not part of the search. If we applied the reasoning of the Redfern Legal Centre to metal detectors at airports, terrorists would be able to carry weapons onto our planes unchallenged. Does the use of a metal detector at Mascot constitute an illegal search? The answer clearly is no. Everyone getting on a plane must go through a metal detector, and we all accept that practice.

The metal detector may raise a suspicion that a passenger is carrying an object that could be a knife, a gun or an instrument of terror, and that passenger is searched. No-one complains about that. If a sniffer dog was responsible for the interception of a courier on his way to supply drugs to the son or daughter of a civil libertarian who challenged the use of the dogs, would he continue with that challenge? I think not. The Redfern Legal Centre should abandon its misguided and frivolous opposition to the use of sniffer dogs for drug detection in New South Wales. These dogs are an invaluable tool used by police in the war against drugs.

The Redfern Legal Centre has an important role to play in legal education, and it has done this in the past. Its resources could be better spent in promoting and publicising the positive legal reforms that have taken place in the wake of the Drug Summit, such as the cannabis cautioning scheme and the Youth Drug Court, rather than spending thousands of dollars of public money kowtowing to the misguided whims of some civil libertarians. I commend the officers and their canine companions of the dog unit at Menai for their hard work and commitment to the war against drugs, and I commend the motion to the House.

Mr GEORGE (Lismore) [3.48 p.m.]: I support the amendment to the motion. In my area there has been criticism about dogs used by the Police Service. Recently they were used at Nimbin, Byron Bay, Casino and Lismore. At Nimbin and Byron Bay they attracted a fair bit of criticism, but not from me. The patrol dogs are not vicious; they are very intelligent and, as the honourable member for Epping said, they are certainly man's best friend.

Sniffer dogs are capable of being used in high-risk situations and in searches and rescues. Indeed, they were used extensively during the Olympics and now more than ever they are available for terrorism and security operations as well as for special drug detection. When I visited Nimbin shortly after a raid on cannabis cafes, a constituent told me that he had been sniffed by a sniffer dog but all that was found was notes in his wallet. I asked him whether the notes had been associated with drugs in any way but he denied they had.

Sniffer dogs are very capable and I respect them for the function they perform. The Police Service certainly needs them to follow the scent trail of drugs. The Police Service should be supported in its fight against the drug problem; its efforts should not be undermined. Sniffer dogs and their handlers are doing a great job for the Police Service and I am pleased to place that on the record. We must continue to support them. Therefore, I have no hesitation in supporting the motion as amended by the honourable member for Epping.

Mr McMANUS (Heathcote—Parliamentary Secretary) [3.52 p.m.]: I have some concerns about the Redfern Legal Centre allegations that sniffer dogs are illegal. In the past few weeks police sniffer dogs have made monumental strides in catching people with illicit drugs on their person. It is against the law to take illicit drugs and it is our responsibility as a Government to ensure that all steps are taken to apprehend people with them. The management of a club is liable for the responsible serving of alcohol to ensure that people do not misbehave, and a similar law should apply with illicit drugs. I refute claims that searches by sniffer dogs are illegal. New South Wales police have the right to search someone where there is a reasonable suspicion that that person is in possession of a prohibited drug. I would assert that the reaction of the sniffer dog may create a suspicion.

In the wake of the events of 11 September, sniffer dogs have proved to be a valuable security presence at airports around the world. We have sniffer dogs in our airports, and in all the time I have been a member of Parliament I have never been approached by anyone complaining about their being sniffed by a drug sniffer dog. People understand that the dogs are there for one specific purpose: to make sure that drugs are not brought into our country and, therefore, do not inhibit the minds of our children. The same thing applies to the sniffer dogs in the New South Wales Police Service. We have a responsibility to the community, and the Redfern Legal Centre should realise that.

The honourable member for Epping commented on the appropriateness of the police dog unit being based at Menai. I was the police Parliamentary Secretary when the decision was taken to locate the unit at Menai, and at that time I was not convinced that it was the right location. However, the regional Commander, Alf Peat, a very respected and now retired commander of police at Hurstville, said Menai was the appropriate place because it is provided quick access to the western suburbs of Sydney, the Illawarra and Sydney. As to allegations of concern expressed by the Sutherland shire on law and order issues, recently some Federal members held a public meeting in the Gateway Christian Centre in Sutherland. They undertook a letterbox drop of 160,000 residents and businesses but only 48 people attended the meeting, 10 of whom were Labor Party card-carrying members. That is a measure of the concern about law and order in the Sutherland shire.

The Federal candidates have again got it wrong. It is about time they started to concentrate on Federal issues dealing with funding for education, hospitals and nursing home accommodation instead of campaigning on bogus issues that are the responsibility of the State. In this day and age sniffer dogs are a tool that police must use to ensure the protection of the community in general. Illegal drug taking is against the law and it must be stopped.

Ms MEGARRITY (Menai) [3.56 p.m.], in reply: I thank all honourable members who have contributed to the debate. I acknowledge that there has been some consensus of support for sniffer dogs. Therefore, I assume that the Opposition also joins Labor's call to oppose any abandonment of that policy or practice. I thank the honourable member for Miranda, the honourable member for Heathcote and honourable members opposite to a certain extent. However, those opposite have been misleading and incorrect in some of their statements and I feel honour bound to point that out. It is important to clarify that the Menai Dog Training Centre was not established to replace the police station; the police station was not sacrificed to accommodate the dog training centre. They are separate buildings. In fact, the dog training centre was purpose-built, as I said earlier. The honourable member for Epping misled the House when he tried to suggest that one was sacrificed for the other.

The 1997 regionalisation approach, which saw the creation of local area commands, was supported by the Police Association of New South Wales. When I campaigned for the seat of Menai I spoke to the Police Association—my electorate encompasses three local area commands: Sutherland, Liverpool and Bankstown—and the association supported the regionalisation and creation of local area commands to avoid duplication of various positions within police stations. Having said that, according to the Sutherland local area commander, Henry Karpic, Menai police station is still a 24 hour, seven-days-a-week station. I drive past the Menai police station at all times of the day and night and the door is always open, the light is always on.

Mr Fraser: But is anyone at home?

Ms MEGARRITY: Indeed, there are always police on duty, so there is someone at home. It is also a fact, which is quite unique to the co-location of the dog training centre, that police coming and going from the training centre are obligated to respond to calls received at the Menai police station, so the people of my electorate have access to a number of officers attending that station at all times of the day and night. Since Henry Karpic's appointment in January 2001—and I am rather concerned about the criticisms made of the Sutherland local area command by the shadow Minister for police, the honourable member for Epping—he has applied a strategic approach, targeting resources across the shire and his command area.

The honourable member for Epping failed to acknowledge that Henry Karpic has appointed an inspector-level police officer to oversee the sub-regions of his command—Menai, the Heathcote and Engadine areas, and so on. That senior officer vets incoming calls and allocates responses according to priorities. The inspector-level officer in my area was formerly located at Menai police station before being transferred to gain experience in another region. He is therefore well acquainted with the area and is able to prioritise incoming calls.

I do not reject the notion of regional facilities being located in my electorate. Why would I? I am pleased that the new Police Service weapons training centre will also be located at Menai police station. Some $75,000 has been allocated to that facility, with $72,000 allocated in the Police Service minor works program for 2001-02. The new facility will provide an appropriate location for all weapons training within the Georges River region, including training rooms, offices, accommodation and lecture rooms. There will also be baton training, dry fire training and defensive tactics training. I certainly do not complain about the allocation of additional resources to my electorate.

People are concerned about crime. That is a fact of life today. The Carr Labor Government is also concerned about crime, and has introduced many important initiatives in its previous term and this term. If time permitted, I would list them. As the honourable member for Heathcote said, there is a difference between taking that approach and the blatant politicking of the Federal electoral candidates in the shire. They have talked up the issue of crime and they have held seminars on the subject—at which there was a meagre attendance. Here is another news flash for the honourable member for Epping: the fight against drugs is not confined to the eastern suburbs. People everywhere and the Government are concerned about drugs, and sniffer dogs are an important tactic in the detection of drug-related crime and the fight against it.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 36

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

Noes, 51

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

Question resolved in the negative.

Amendment negatived.

Motion agreed to.

NORTH HEAD QUARANTINE STATION

Matter of Public Importance

Mr BARR (Manly) [4.10 p.m.]: The future of North Head Quarantine Station is a matter of public importance. The site is of international importance. At 3.00 a.m. last Saturday week the third-class dormitory building, building P22, one of the oldest and most intact buildings on the site, was destroyed by fire. The building, which was about 35 metres in length, was constructed in 1883. It had recently been refurbished and was in very good condition. This tragic incident has shaken everyone who was involved with the quarantine station. It is symptomatic of the problems of neglect of and disregard for the quarantine station. The occasion of the fire was not the time where people had gained access to the site and inflicted damage. On 7 February 2000 a Volkswagen crashed into an adjoining building, damaging the stone foundations, and on 25 March stone-throwing louts broke 16 of the hand-glazed windows and damaged the walls of the same building. Despite these incidents, there was no increase in security. In fact, there was no security on the site.

The present state of North Head Quarantine Station is a result of wilful neglect on the part of National Parks and Wildlife Service [NPWS] management. The NPWS staff, the people on the ground, are dedicated to

the site and do all they can. But management is a different story. I produce photographs for the benefit of members who are interested that show a lack of adequate maintenance on the site. Many buildings have been accessed by pigeons, rats and possums through open windows, roofs and unsealed eaves. The photographs show unsecured doors to the autoclave, building A6, which have been off their hinges for over two years. A photograph of building H2 shows a broken handrail, which was damaged after a child fell through. That incident happened after an insurance report stated that the railings were unsafe. The broken rail was not even picked up off the ground for months.

The photographs also show hazardous asbestos left exposed outside building A11 and movable heritage items that are not being adequately looked after. For example, an 1877 tool cupboard in the boiler room is covered with pigeon droppings. The cupboard has the inscription "Victoria Regina" and is dated August 1877. The photographs also show short-term repairs, such as a sink in the mortuary hanging off the wall attached only by tape. Many of the buildings have leaky guttering. Water drips down onto verandas and parts of the verandas are constantly damp. Over time there has been shameful neglect of the site. As another example of neglect, the inscriptions on the rock near the wharf area have not been fenced off for protection and no repair work has been done. Another photograph, which illustrates the risks created by poor management, shows kerosene stored outside building A1, the administration centre, which is easily accessible by people who trespass on the site.

The conservation management plan that was accepted in April 2000 specifically stated that immediate works be undertaken in a one-year program. Those works included building stabilisation and maintenance works and specific work on the inscriptions, which, the plan stated, are in varying degrees of deterioration due to weathering. Among other things, the plan stated that the movable heritage was not being properly looked after. It stated that the repositories, the various buildings, were inadequate for artefact storage and the condition of the artefact collections was deteriorating significantly.

The plan stated that the management and housing of the station's artefact collections need to be addressed in an immediate one-year program. Similarly, the conservation management plan stated that the site required fire hazard reduction to be undertaken within one year. Eighteen months later a building burns down. The plan also referred to the need for improved security on the site and called for the upgrade of existing security arrangements and the implementation of additional 24-hour security arrangements appropriate to the use of the site. There was no 24-hour security and access to the site was by the push of a button at the main gate. They are some examples of the neglect. I concede that structural work has been done on some of the buildings but, overall, the pattern has been one of neglect.

The proposal for the site is that a 45-year head lease be granted to Mawland Hotel Management Pty Ltd. I believe the rationale behind the proposal is the remove of the cost of running the quarantine station from the Government's books. The finances of the NPWS in relation to the quarantine station are not at all clear and we do not have adequate information. This site, which covers 31 hectares of probably the best harbour-front land in the world, incorporates 88 buildings. The proposed arrangements are that in the first two years the public of New South Wales will receive zero dollars rental income from the quarantine station.

In years three to five the taxpayers of New South Wales will receive $350,000 per year in today's dollars and in years five to ten that $350,000 will be indexed to the consumer price index [CPI]. For 35 years after the tenth year New South Wales taxpayers will receive $500,000, indexed to the CPI. In addition to rent, a turnover fee applies after five years. That provides that when gross receipts rise above $11 million, 10 per cent of any additional amount will be payable. It is proposed in year three to have 90,349 visitors, including people taking tours and school groups. Therefore, every man, woman and child must spend more than $121.75 before the NPWS gets one cent of the profits. Looking at that from a purely financial viewpoint, it is hardly a good deal for the people of New South Wales.

Mr Hazzard: I agree.

Mr BARR: I am glad you agree with me for a change. We are dealing with one of the most important heritage sites in the country. The North Head Quarantine Station commenced operations in 1828. Many buildings which are still intact date back to the nineteenth century and are a vital part of our heritage. They inform us about our public health policies over the years and about our maritime and social history. The site is also important to the indigenous culture. All of those elements intertwined on this one special site make it a special place. I understand that it is one of the largest intact quarantine stations in the world. Yet the proposal is

that it be leased out to a private hotel developer for 45 years for an amount not commensurate with the value of the site in real estate terms, let alone in terms of the fabric of its heritage. We should compare this proposal with what happens at Ellis Island in the United States. Ellis Island is run by a non-profit foundation, not by a private hotel developer. All the money raised from the activities of that foundation go back into the heritage areas of Ellis Island.

There has been some talk that a hotel will be built on Ellis Island, but not in the heritage area. The foundation uses whatever profit it makes for the improvement of Ellis Island, which is a significant part of the cultural history of the United States. On the other hand, the Government, which has ignored the quarantine station and underfunded the protection of the building as movable heritage, proposes to lease it out for 45 years to a private hotel developer, a profit-making organisation. That is not conducive to the proper care and control of such an important heritage site. Given what has happened to the important P22 building and the fact that the proposal will change finances and what is possible on the site, I call on the Government and Mawland to withdraw with dignity from this arrangement and provide a better scheme that will keep the site in the care and control of some sort of trust or foundation similar to that on Ellis Island, rather than use it as a private hotel.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [4.20 p.m.]: The quarantine station is of heritage significance. I assure the honourable member for Manly and the House that the Government recognises its heritage values and will ensure that they are conserved. I am certainly committed to ensuring that this nationally significant asset remains in public ownership and is managed in accordance with strict and enforceable heritage protection guidelines. The proposal to lease part of the quarantine station for accommodation and hospitality services aims to increase public accessibility, use and enjoyment of the site. At the same time the proposal aims to generate additional funding to ensure the ongoing and long-term conservation of the site. The proposal is about the adaptive reuse and conservation of existing buildings.

Generally, there are two approaches to conserving heritage buildings: they can be put in mothballs and all visitors turned away for fear that they might damage the buildings in some way, or they can be sensitively conserved, adapted and reused to bring their history alive for the enjoyment of visitors both today and in the future. In no way is the adaptive reuse of heritage buildings a radical concept. It has been recognised in Australia by the International Council of Monuments and Sites charter for the conservation of places and cultural significance. The adaptive reuse of heritage buildings is common in Sydney and, indeed, around the world. Obviously, it has been applied to buildings as significant as the Hyde Park Barracks, the Sydney Mint and many of the buildings in The Rocks. Indeed, it has been applied to most of the properties held by the Historic Houses Trust of New South Wales.

Leasing of historic buildings has proved to be an effective vehicle for conservation, if it is done properly. There have been many successes, such as Customs House, the Queen Victoria Building and the GPO. The heritage values of those buildings have not been lost; to the contrary, they have been conserved. Opponents to the leasing proposal for the quarantine station conveniently forget that public access to that area is currently limited to those who attend guided tours or conferences. The lease proposal—and it remains a proposal—is designed to increase public access by providing general accommodation, improved heritage tours and programs for schoolchildren. If the proposal is finally approved it will introduce expertise in the provision of hospitality and accommodation services, and it will allow the National Parks and Wildlife Service to concentrate on its core conservation activities, including conducting guided tours. The predominantly natural areas of the quarantine station will continue to be managed directly by the service.

I am sure the honourable member for Manly is aware that the Minister for Urban Affairs and Planning has set up an independent commission of inquiry to assist with the assessment process. The inquiry will examine in an open and transparent manner all aspects of the proposal. Submissions to the inquiry must be in by 19 November. I have approved an extension of the environmental impact statement exhibition to coincide with that date. I urge everyone, including members opposite—the honourable member for Manly, the honourable member for Wakehurst, who maintains such a strong interest in the affairs of the honourable member for Manly, and the honourable member for Southern Highlands—to make submissions to the inquiry.

I draw the attention of honourable members to a fire that occurred on 13 October. I am advised that the third-class accommodation block was alight in the early hours of the morning of Saturday 13 October. At about that time the front gate to the quarantine station was damaged. The alarm was raised at 3.00 a.m. by two National Parks and Wildlife Service staff who are resident at the site. They notified New South Wales Fire Brigades and immediately set about the task of deploying firefighting hoses and commissioning fire hydrants in

time for the arrival of the firefighting appliances. I commend the staff for their efforts. I strongly condemn anyone who uses this unfortunate incident to yet again have a kick at the National Parks and Wildlife Service. I say that in anticipation of what I expect the honourable member for Southern Highlands may feel obliged to contribute to the debate at a later time.

Unfortunately, the attempt by service staff to save the building was in vain. It was almost totally destroyed. The building was of a light timber frame construction with external and internal wall linings. It is about 200 metres from the occupied staff residences; they were separated by some vegetation. I understand that the National Parks and Wildlife Service conducted six tours in the course of that night, the last two concluding just after midnight. No suspicious circumstances were reported on that tour.

It is not easy to understand how any realistic level of security could have improved the situation on the night. National Parks and Wildlife Service staff were present. There was significant firefighting capacity. As I understand it, some of that firefighting capacity had been renewed and enhanced only recently. Salvage and recovery of that building is now under way. Last week an experienced firm of heritage conservation consultants commenced some form of stabilisation work. As the honourable member for Manly is only too well aware, the leasing proposal for the quarantine station has been in existence since at least 1987. Opportunities for public comment were available with the exhibition of the original 1992 conservation plan and the exhibition of the draft plan of management for Sydney Harbour Park in 1996.

At that time, as I have pointed out previously in this House, Manly Council was supportive of the proposal. It indicated its support for the invitation to tender documents and congratulated the National Parks and Wildlife Service. Since then Manly Council has changed its mind, but I repeat what I have said in this House: I find some of that new attitude to be opportunist. I do not say that about the honourable member for Manly, who, so far as I am aware, at least in a public sense, has consistently held the same views. But I say it about plenty of people who have been associated with Manly Council. Local community stakeholder groups, the National Trust and the honourable member for Manly have been invited to participate in a community reference working group. Community consultation has continued as part of the preparation of the environmental impact statement for the proposal. This is an open process that will lead to a decision about a proposal that has been in existence for 13 or 14 years.

I point out that many of the buildings at the quarantine station were already in poor condition when the site was placed under the management of the National Parks and Wildlife Service and, therefore, have required considerable conservation and repair work. The presently limited activities at the quarantine station generate insufficient funds to satisfy the site's conservation needs. In the financial year 1997-98 the quarantine station generated a deficit of more than $750,000. The position has recently improved, but there is still insufficient income to do anything like provide for adequate conservation and public presentation. In other words, the bigger the amount of money spent at the quarantine station the less that will be available for expenditure on projects for the preservation of the natural environment throughout the rest of New South Wales. The idea that the quarantine station can be maintained without some form of adaptive reuse is at many levels impractical. At the very least such a project would eat up a fantastic amount of the budget that ought be applied to the preservation of the natural environment throughout the State of New South Wales.

Mr HAZZARD (Wakehurst) [4.30 p.m.]: The residents of Manly and the peninsula are concerned that the Government is not approaching the management and future of the quarantine station with a satisfactory level of transparency. There is also a concern, as indicated by the honourable member for Manly earlier in the debate, that the current proposals for use of the site may exclude the public and the residents of the peninsula. The quarantine station is an icon within the historical context of the development of New South Wales, but for the people of Manly and the peninsula it is a special place.

The Minister is right when he says that many of us would have liked more access to the quarantine station in the years that we have lived in the area. However, we also recognise that the site needed protection. The concern of those on the peninsula is to get that balance right. We are not convinced that the Government has its heart and soul in properly managing the quarantine station. For the Minister to say, as he did a few moments ago, that he thought the security was as good as it could be on the night of 13 October when a building of great significance went up in flames shows a complete lack of understanding of the issue. It also shows a degree of cynicism, because the National Parks and Wildlife Service has since announced a complete review of security and has implied to the *Manly Daily* that security will be upgraded at the quarantine station.

The line that the Minister is spinning today is difficult to understand. The three levels of government on the peninsula—Manly Council, the State Government, the honourable member for Manly and me, and the local

Federal member, Tony Abbott—have expressed concern about the preservation of the quarantine station. Manly Council wrote to Sue Holliday, Director-General of the Department of Urban Affairs and Planning, on 18 October. The letter stated in part:

> Following the destruction of the third class dormitory building by fire on 13 October 2001, Council understands that discussions are continuing between the Service and the Heritage Office, regarding the implications of this loss for the proposal subject of the EIS on exhibition. Council is of the view that the building lost, with damage estimated at $1 million, was an integral part of the proposed education centre. In these circumstances it is considered appropriate that the National Parks and Wildlife Service submit amended plans.

That is the council's position. I believe the honourable member for Manly, as a member of Manly Council, would support that position. The Federal member for Warringah, Tony Abbott, wrote to the Premier on 23 October as follows:

> I am writing on behalf of large numbers of Warringah residents concerned about a lack of transparency in your Government's decision-making processes for the Quarantine Station at North Head.
>
> In common with the other heritage buildings and sites on North Head, the Quarantine Station has immense local—as well as national—significance. As far as local residents are concerned, there has been no meaningful attempt at consultation over the lease arrangements or over the redevelopment plans which the Government and Minister Debus support.
>
> These buildings need to be protected in ways which maximise access by the public and preserve their historical authenticity. Unfortunately, the secretive nature of the Government's planning processes provide little confidence that this is the case.
>
> The Warringah community is entitled to a full explanation of the planning and decision-making process and a clear statement of your Government's aims for the Quarantine Station.

In the Legislative Council some months ago the Hon. Richard Jones moved a motion calling for access to the relevant documents. The Government was reluctant to participate in the process. More recently there was a referral to Sir Laurence Street, who indicated that all of the documents should be made available. Once again the Government has been dragged kicking and screaming to accept the concept of transparency, decency, integrity and honesty. The worry for those on the peninsula is that the Government's conservation plan is more like a destruction plan. We are not convinced that we will have a quarantine station left after the Minister has done what he proposes to do. This is a very important matter about which I have written to the Minister on a number of occasions. In a letter to the Minister on 14 January last year I stated:

> I also note that I, along with many other members of the community, am concerned about the possible exclusion of the public from the Quarantine Station following the tender process and I would be grateful for your **specific** advice as to what arrangements will be made to ensure the public still has access to the Quarantine Station area if a tender proceeds.

I had previously written to the Minister in detail on 19 August, 1999 setting out my concerns about the leasing arrangement. I am pleased that this serious matter has been brought before the House today. I ask the Government to respond to this issue, which has significance not only for Manly and the peninsula but for the whole of the State.

Ms Seaton: Madam Acting-Speaker—

Madam ACTING-SPEAKER (Ms Beamer): Order! The standing orders do not provide for another speaker in the debate. However, the mover of the motion may speak in reply.

Mr Hazzard: I ask you to clarify that, because the honourable member for Southern Highlands, the shadow Minister for the Environment, also wants to speak in this debate. The Minister referred to the fact that she would speak and she wishes to express the Opposition's concern about what the Government is doing, particularly the lack of resources that the National Parks and Wildlife Service is putting into the management of this area and many other areas throughout the State. I ask that the honourable member for Southern Highlands be allowed to contribute to the debate.

Madam ACTING-SPEAKER: Order! The standing orders provide that after debate on an urgent motion, as we have had today, a matter of public importance shall be limited to the following speaking times: 10 minutes for the mover of the motion, 10 minutes for the member next speaking, five minutes for one other member and five minutes for the mover in reply.

Mr Hazzard: I accept that is the case. Could we move the suspension of standing orders to enable the honourable member for Southern Highlands to speak?

Madam ACTING-SPEAKER: You may move that standing orders be suspended and I will put the question.

Mr Hazzard: Will the Government indicate whether the motion for suspension of standing orders to enable the honourable member for Southern Highlands to speak would be supported? The Minister for Education and Training, who is at the table, has a long history of not caring too much about the peninsula, so I expect I know the answer.

Madam ACTING-SPEAKER: Order! The Minister has indicated that he will not agree to that course.

Mr BARR (Manly) [4.38 p.m.], in reply: It is disappointing that the shadow Minister will not have an opportunity to have her say in respect of this important matter. I thank those honourable members who have contributed to the debate. I would like to comment on a few points that the Minister made in the course of his contribution. There is no dispute that adaptive reuse of the quarantine station is appropriate. The issue is not whether there should or should not be adaptive reuse. We all accept the notion that there should be adaptive reuse on the site. The important issue is who has care and control of the site. Is it to be a private hotel developer or someone who will keep it under their care and control for the benefit of the public? That is the fundamental issue at stake, which the Minister did not address. It is important that this site be kept in public hands.

Granting a 44-year head lease for the site is as good as selling it, and at bargain basement prices. The Minister said that the station has been running a deficit of $750,000. For one of our premier heritage sites, one of the most critical sites to immigration, maritime history and public health, that is not a significant amount of money. I put it to this House that a well-managed trust or foundation could sublease parts of the site but the Government would still have overall control. Sufficient income could be generated through conferences run at the convention centre and through various tours. There is no question that because of the way the site is being handled at the moment those sorts of activities have been deliberately inhibited. More people could go through and the site could become a better revenue spinner than it already is. The tours are successful and so is the convention centre. They are operating at a profit and they could expand. There is certainly scope for other kinds of activities under subleases—restaurants and the like, interpretive centres and so on.

No-one is saying that that should not be the case. It is not a matter of mothballing the facilities and not letting the public in; it is a matter of how we keep care and control over it and manage it for the betterment of the site and for the benefit of us all. That issue is not being addressed. The Government still seems hell-bent on going down the path of leasing out the area. The Minister said that there had been an open process. The honourable member for Wakehurst pointed out that it took the upper House member the Hon. Richard Jones to get the lease agreement documents on the table. We were not allowed to look at them. There were freedom of information requests and an appeal to the Administrative Decisions Tribunal before we finally got access to documents, which were released only fairly recently.

They show that the agreement to lease runs out in January 2002. Given that there is not much time left and given that this very significant building has been destroyed, that changes the whole equation. Both sides have the right under the agreement to lease to walk away if certain things happen. There is now the opportunity for that to happen. The Government can go back to the drawing board and look at other ways of managing the site. I suggest that it should not be managed by the National Parks and Wildlife Service because the management of the service has not done us proud by the way it has handled the issue. The staff on the site have been wonderful: they are committed and dedicated to the site.

The Government must be prepared to fund a management plan and then put in place some sort of trust or foundation that can then develop its own business plans for the use and management of the site, and in particular for the betterment of the quarantine station along the model of what has happened at Ellis Island. I again point out that the Ellis Island Foundation has not taken a cent of public money from State or Federal governments in the United States. If it can do that, why should not a similar foundation or trust work in the same way here? It is time the Government pulled the plug and returned to the notion that the quarantine station should be under the care and control of the people, not a private hotel developer.

Discussion concluded.

BUSINESS OF THE HOUSE

Inaugural Speech

Motion by Mr Aquilina agreed to:

That at 7.30 p.m. the business then before the House be interrupted to permit the member for Auburn [Mrs Perry] to make her inaugural speech.

STATUTORY AND OTHER OFFICES REMUNERATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AQUILINA (Riverstone—Minister for Education and Training), on behalf of Mr Carr [4.43 p.m.]: I move:

That this bill be now read a second time.

This bill makes minor amendments to the Statutory and Other Offices Remuneration Act to allow the Statutory and Other Offices Remuneration Tribunal [SOORT] to make binding determinations on travelling and subsistence allowances for judges when travelling within Australia. The amendments also provide for office holders to salary sacrifice for motor vehicles and superannuation on similar terms and conditions as other public sector employees. Finally, the amendments also provide SOORT with greater flexibility in the timing of its annual determinations.

The first amendment will allow SOORT to determine travelling and subsistence allowances within Australia for New South Wales judges. The Federal tribunal currently determines the rates for Federal judges. New South Wales public sector travelling rates—including those for judges and magistrates—are set by the Public Employment Office. The Chief Judge of the District Court would prefer that judges' rates be determined by an independent body such as SOORT to ensure that the views of judges are considered when making its determination. This is a sensible measure as it will provide an opportunity for the judges to make submissions to SOORT so that any rate determined will have regard to the particular needs of judges. It is also consistent with the Federal Remuneration Tribunal's approach. It will also ensure that all determinations on judicial remuneration, including travel, are made at arm's length from government. The second and third amendments provide for office holders to be able to obtain motor vehicles on a salary sacrifice basis and for these office holders—excluding those covered by the Judges' Pension Act 1953—to be able to salary sacrifice for superannuation.

SOORT noted in its 2000 report and determination that for remuneration purposes the Public Office Holder Group was denied access by the Act to a motor vehicle on a salary sacrifice basis. Some officers, on the other hand, were provided with motor vehicles under different terms and conditions as part of their employment arrangements. To provide equity, certainty and consistency in the terms of availability of motor vehicles for this group, SOORT has strongly recommended that officers be permitted to salary sacrifice for motor vehicles only. The proposed amendment will achieve this. It will provide office holders with the ability to salary sacrifice for motor vehicles. Under these arrangements the officer uses his or her existing salary to pay for the motor vehicle under identical terms and conditions as those currently available to other groups in the public sector.

This arrangement would be voluntary and all private use of the vehicle would be met from the officer's salary. For this reason the Government does not envisage a significant cost arising from the amendment. It will, however, provide greater flexibility for these officer holders in the use of their salary and provide them with the ability to obtain a motor vehicle on similar terms and conditions as judges and magistrates, members of the Senior Executive Service [SES] and other senior officers in the public sector. The third amendment extends salary sacrifice arrangements for superannuation as well. Salary sacrifice for superannuation for up to 30 per cent of salary has been available to non-SES public sector employees since 1998. Extension of this arrangement to office holders—excluding those covered by the Judges' Pension Act 1953—would be consistent with provisions available to other salaried public sector employees.

As with the motor vehicles provision, this amendment will provide office holders with the type of flexibility in remuneration arrangements that is available in the public sector. As a result of this amendment

there will be no additional cost to Government. These amendments provide this group of office holders with access to benefits that are currently available to other public sector groups. The administration of salary sacrifice arrangements for motor vehicles and superannuation will be subject to terms and conditions determined by the Minister. This will ensure that rules and guidelines are consistent with those applicable to other groups.

The fourth amendment will provide greater flexibility to SOORT in the making of its annual determinations. SOORT makes binding determinations with respect to the remuneration of office holders, that is, judges, magistrates, other judicial office holders and statutory office holders, and the chief executive service and senior executive service [SES]. Section 13 of the Act, in respect of office holders, and section 24C, in respect of the SES, require that SOORT make its determinations regarding remuneration no later than 31 August each year. The determinations take effect from 1 October each year. For some time this requirement has created unnecessary administrative problems, particularly with regard to judicial remuneration.

Since 1990 there has been an agreement between the States and the Commonwealth that the remuneration of State Supreme Court judges and Federal Court judges would not exceed 85 per cent of the remuneration of a justice of the High Court. This measure, or nexus as it is commonly referred to, was intended to bring stability in judicial remuneration-setting across Australia and avoid the possibility of salary leapfrogging across the various State and Federal jurisdictions. Since that time, New South Wales governments and SOORT have supported this nexus.Responsibility for determining the remuneration of judges of the High Court rests with the Federal Remuneration Tribunal. State and Territory tribunals have regard to the Federal tribunal's decisions when determining increases for judges in their jurisdictions.

The Federal tribunal is required by its legislation to make annual determinations with no absolute time requirement. In recent years the Federal tribunal's determinations have been made after 31 August, that is, after SOORT's annual determinations. To ensure that the nexus is maintained it has been necessary for SOORT to make a further determination on judges salaries, sometimes just weeks after it has made its annual determination. This is an unnecessary duplication of work for the tribunal and it is perceived that judges are receiving two separate increases whereas it is in fact only one. The proposed amendment will provide SOORT with the same flexibility as to the timing of its determinations as is enjoyed by other tribunals both Federal and State. While the timing of the making of the determination will be removed, the determinations will continue to take effect on and from 1 October each year. I commend the bill to the House.

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

OPTOMETRISTS BILL

Bill introduced and read a first time.

Second Reading

Mr McMANUS (Heathcote—Parliamentary Secretary), on behalf of Mr Knowles [4.54 p.m.]: I move:

That this bill be now read a second time.

I have pleasure in introducing the Optometrists Bill. This bill will protect the health and safety of the public of New South Wales by providing for the effective regulation of the optometry profession and by ensuring that optometrists are fit to practise. The bill repeals the Optometrists Act 1930, which was last substantively amended in 1969. The new bill is appropriately updated so as to strengthen and improve the regulation of optometrists in a similar fashion to improvements that have recently been made to the regulatory systems for other health professionals, such as medical practitioners, dentists, chiropractors and osteopaths.

The bill is the result of a thorough review process. The review has involved exhaustive consultation with all relevant stakeholders and, in particular, the optometry and medical professions. Over the course of both this review and previous reviews a number of draft bills have been produced for consideration. However, the bill I have introduced today will see the conclusion of that review process and will allow the optometry profession to develop in a manner appropriate for the role it fills in the health care system and in a fashion similar to developments in other jurisdictions both in Australia and overseas.

The issue that has been the primary cause for the number and length of the various reviews is the access of optometrists to therapeutic drugs. The current Act allows optometrists to use diagnostic drugs in professional practice but prevents their use of therapeutic drugs. In the course of the current review a clinical issues working party was established to examine a number of matters relating to clinical optometry including the use of therapeutic drugs to achieve a consensus among stakeholders on this matter.

The working party recommended that restrictions on the use of therapeutic drugs be removed from the Optometrists Act and that the matter be dealt with by the Poisons and Therapeutic Goods Act. This approach is taken to regulate the access of other professions, including the medical profession, to restricted medications and the Government has agreed that it is the approach that should be taken for access by optometrists. Therefore, the Optometrists Bill will amend the Poisons and Therapeutic Goods Act to provide that an optometrist who holds an appropriate authority from the Optometrists Registration Board may use, supply or prescribe such restricted drugs as are approved by the Director-General of Health.

The director-general is to establish a committee to provide advice on the drugs that optometrists may use in their practices and that committee is to comprise an officer of the Department of Health, a nominee of the Optometrists Registration Board and a nominee of the Royal Australian and New Zealand College of Ophthalmologists. The Optometrists Registration Board will be required to develop competency standards for the use of drugs in the practice of optometry and will also be able to issue different classes of drug authority based on those competency standards. The director-general will be able to approve different drugs for use by optometrists with different classes of drug authority and the advisory committee will be required to consider the competency standards when recommending the approval of particular drugs. Therefore, there will be appropriate safeguards to ensure that only competent optometrists can access restricted drugs.

I emphasise for the benefit of honourable members that optometrists will not be able to sell restricted medications and the only way that optometrists will be able to supply such medications is by way of clinical sample. Over the course of the development of this bill, the Royal Australian and New Zealand College of Ophthalmologists has been concerned to ensure that public health is protected. The college has agreed that the process for optometrists to access therapeutic drugs as set out in the Optometrists Bill achieves this aim by requiring the development of competency standards and by ensuring that medical advice is considered in the approval of drugs for use by optometrists.

Honourable members will be aware that recent health professional Acts passed by the Parliament have amended the Public Health Act to define and restrict certain health care practices to particular registered professions. Restrictions have been placed in the Public Health Act in order to underpin the fact that those restrictions are enacted to protect public health rather than to protect the professional turf of particular professions. This bill takes the same approach to the prescribing of optical appliances, with that practice being restricted to registered medical practitioners and registered optometrists. The term "optical appliance" means contact lenses, spectacle lenses or any other appliance designed to correct, remedy or relieve any refractive abnormality or defect of sight. The bill will not affect the manufacture, fitting and supply of optical appliances as this is controlled by the Optical Dispensers Licensing Act, and there will be no restriction on the manufacture and sale of "ready made" glasses, which are freely available from a number of retail outlets including community pharmacies.

The Government supports the continuation of restrictions on the ownership of optometry practices. In that regard the Government recognises the strong concerns put to it by the optometric profession. Those concerns were particularly directed at the potential for large corporate interests to establish regional monopolies which may reduce access to services in rural areas, as well as concerns that removal of ownership restrictions may reduce the overall quality of services and accountability of service providers. The current legislative regime, which ensures that optometry practices are controlled by registered optometrists, will therefore be retained with amendments to allow optometrists to take advantage of the benefits of incorporating their practices.

I turn now to the specific provisions of the bill. To ensure that the welfare of patients is the paramount consideration in administering the Act, clause 3 of the bill states that the objective of the legislation is to protect the health and safety of the public by providing mechanisms to ensure that optometrists are fit to practise. The bill will achieve this objective through a number of initiatives. The first of these initiatives is to provide that the board may refuse to register a person, or register him or her subject to conditions, where it is not satisfied that he or she is competent to practise.

For the first time it will be an express requirement that applicants for registration must be competent to practise. As part of the requirement for competence, clause 14 of the bill provides that the Optometrists Registration Board will have the power to conduct an inquiry into a person's competence. If, following an inquiry, the board is not satisfied as to the applicant's competence it will be able to grant registration subject to conditions or refuse registration. The power to conduct an inquiry will also apply when a person applies to have their registration restored.

The second initiative within the bill, to ensure that optometrists maintain their competence, is the introduction of a more robust annual renewal process. This process will require practitioners to submit annual declarations to the board on renewal of registration. Clause 24 of the bill provides that the annual declaration will cover criminal convictions and findings, ongoing good character, the refusal by another jurisdiction to register the person, the details of any suspension or cancellation of registration or the imposition of conditions in another jurisdiction or by another health registration board in New South Wales, whether the practitioner is registered with another health registration board in New South Wales, significant physical or mental illness that is likely to affect an optometrist's ability to practise, and continuing professional education activities.

In addition to practitioners being required to provide the board with an annual declaration detailing any criminal findings, clauses 25 and 26 of the bill also provide for the board to be notified about practitioners who are the subject of criminal findings. Under these provisions courts will be required to notify the board of practitioners who have been convicted of an offence or made the subject of a criminal finding in respect of a "sex or violence offence". Essentially, a criminal finding is one where an offence has been proven but a conviction has not been recorded. A "sex or violence offence" is an offence involving sexual activity, acts of indecency, child pornography, physical violence or the threat of physical violence.

Practitioners will be required to notify the board within seven days if they have been convicted of an offence of a type that courts are required to report, or if they have sustained a criminal finding in relation to a "sex or violence offence", or if they are facing criminal proceedings for a "sex or violence offence" where the allegations relate to conduct occurring in the course of practice or involving minors. The third significant initiative is part 4 of the bill. Part 4 introduces a new disciplinary system. Clauses 28 and 29 provide for a two-tier definition of misconduct based on the definitions in the Nurses Act. The adoption of the two-tier definition, which includes both unsatisfactory professional conduct and professional misconduct, will allow for the board to deal with both serious and less serious complaints in the most appropriate manner.

Clause 30 of the bill provides the grounds for a complaint about a practitioner. The grounds for complaint have been drafted to be consistent with the grounds for complaint in the Health Care Complaints Act, the changes in the grounds for refusing a person registration, the introduction of the two-tier definition of misconduct and the introduction of an impaired practitioner's system. The bill introduces an Optometrists Tribunal, which will deal with complaints that practitioners are guilty of professional misconduct. The tribunal will be chaired by a legal practitioner with at least seven years experience, and include two optometrists and a consumer selected by the board. The tribunal will hear the more serious complaints about practitioners and the board will, where appropriate, conduct inquiries into complaints that are less serious.

The bill also introduces the Optometry Care Advisory Committee. The committee will be used by the board as an expeditious and expert mechanism to inquire into complaints about optometry services, which the Health Care Complaints Commission does not propose to investigate. Those complaints will generally be those at the lesser end of the spectrum of seriousness. The committee will comprise four members being three optometrists and a consumer. The committee chair will be an optometrist nominated by the board and the other two optometrists will be selected by the Minister from a panel of practitioners put forward by the board. Due to the importance of complying with the rules of natural justice board members will not be eligible to be appointed to the committee. Precluding board members from sitting on the committee will ensure that complaints are not considered by the same individuals in different capacities and fora. Members of the committee will be appointed for a fixed term of four years.

The committee will investigate complaints and make recommendations to the board for their resolution. Included as part of the committee's investigatory powers will be the power to require a practitioner who is the subject of a complaint to undergo skills testing. Skills testing will assist the board in dealing with complaints about professional standards and in ensuring that practitioners maintain appropriate standards. The committee will not have the power to determine complaints, but can facilitate the patient and the practitioner reaching an appropriate agreement between themselves. Should the committee, during its investigations, reach the view that a complaint raises an issue of unsatisfactory conduct which requires referral for a disciplinary inquiry, the board will be obliged to follow this recommendation. In such cases the board will either conduct an inquiry into the complaint or, for the most serious matters, refer the complaint to the tribunal for a hearing.

Honourable members will be aware of the valuable role that the Health Care Complaints Commission performs in investigating complaints about health service providers and in appropriate cases instituting disciplinary action against practitioners. I emphasise that under the new disciplinary provisions the Health Care Complaints Commission will continue to play an important role in the investigation and prosecution of

complaints. As part of the board's powers to protect the public it will be able to impose conditions on a practitioner's registration or suspend that registration where it is necessary to do so to protect the life or the physical or mental health of any person.

This leads me to part 5 of the bill, which introduces a system for the board to manage impaired practitioners. The provisions of part 5 are modelled on provisions in the Medical Practice Act, which have operated successfully for a number of years. The rationale for such a system is that practitioners whose ability to practise is impaired by factors such as physical or mental illness, or drug and alcohol abuse, can be managed and assisted before those problems develop to such an extent that patients are placed at risk. Following the impairment process the board will be able to place conditions on a practitioner's registration or suspend that registration where it is satisfied that the practitioner has agreed. Where the practitioner does not agree to the recommendations of an impaired registrant's panel, the board will have the option of lodging a complaint about the practitioner and having that complaint dealt with by the tribunal or at a board inquiry.

The bill includes comprehensive appeal mechanisms to ensure that there are appropriate checks and balances in the disciplinary system. When a complaint is heard by the board there is a right to appeal to the tribunal, and for that appeal to be by way of a fresh hearing. There is also avenue for a practitioner to appeal to the tribunal on a point of law. When a complaint is heard by the tribunal there is a right to appeal to the Supreme Court. However, such an appeal may only be made on a point of law or in respect of the sanction that is imposed by the tribunal.

In the interests of administrative effectiveness and efficiency the board will have the power to delegate certain of its functions and to establish committees. The establishment of committees will allow the board to obtain outside expertise from both the optometry profession and other professions such as the medical profession for specific matters such as the development of competency standards for the use of drugs in the practice of optometry. The provisions of this bill will help to ensure that the public can continue to have confidence in optometrists and to expect the highest standards of competence and conduct from the profession. I commend the bill to the House.

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

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Amery agreed to:

That standing and sessional orders be suspended to allow the Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill, notice of which was given this day for tomorrow, being brought in and proceeded with up to and including the Minister's second reading speech.

WOLLONGONG SPORTSGROUND AND OLD ROMAN CATHOLIC CEMETERY LEGISLATION AMENDMENT (TRANSFER OF LAND) BILL

Bills introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [5.10 p.m.]: I move:

That this bill be now read a second time.

This bill amends the Wollongong Sportsground Act and the Old Roman Catholic Cemetery, Crown Street, Wollongong, Act to permit the construction of a new grandstand at the Wollongong Sportsground and to extend the area of the Wollongong Entertainment Centre to allow for the construction of a larger restaurant to service the centre. Part of the proposed new grandstand is proposed to be constructed on land that comprises the Old Roman Catholic Cemetery at Crown Street. The old cemetery was dedicated as a public park in 1969 and is known as Andrew Lysaght Park. Approximately 198 square metres of the old cemetery is proposed to be excised and added to the land managed by the Wollongong Sportsground Trust. This area of land is required in order to accommodate the supporting piers of the new grandstand.

It is most unlikely that any human remains will be disturbed during the construction of the grandstand on the land to be excised because of the method of construction proposed to be adopted. However, in the event that any human remains are encountered, the trust, as proponent of the works, will be required to comply with the provisions of the Heritage Act. In short, the trust has applied for an excavation permit from the New South Wales Heritage Office, and I understand that approval will be given shortly.

Any human remains found will have to be dealt with appropriately and reverently. I said that it was most unlikely that any human remains would be encountered because a survey of the site was undertaken by a heritage consultant and she identified all the locations where human remains were found. All the supporting piers of the proposed grandstand have been designed to be constructed well away from any identified burial sites. The old cemetery was closed in 1862, although families who held burial rights continued to inter remains up until 1914. No burials have occurred since 1914.

This amendment is required because the cemetery was dedicated as a public park under the provisions of the Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969 and the Solicitor General has advised that, whilst the relevant land could be excised from the cemetery by other actions, the dedication of it as a public park would continue to affect the land. The only sure way of removing the dedication and freeing it up for other uses was for Parliament to enact specific legislation.

The second part of the park requiring the enactment of specific legislation is that part adjacent to the Entertainment Centre. Presently, a restaurant is conducted within the Entertainment Centre on land managed by the trust. The restaurant area is far too small to adequately serve the requirements of patrons attending functions at the centre. The proposal is to allow it to expand into the public park by excising approximately 722 square metres of land. However, the Solicitor General advised that the proposed use of the parkland for a restaurant is incompatible with the public park dedication.

Again, even if the land could be excised from the public park by other means, such as by acquisition under the Land Acquisition (Just Terms Compensation) Act 1991, the original dedication would encumber the land. Hence, the dedication may be removed only by a specific enactment of Parliament. The construction work involved in the expansion of the restaurant would not disturb any human remains as there is no excavation proposed for this site.

The bill proposes that some 2,222 square metres of land be added to the rest of the park to offset the two excisions, and it provides that a further 2,395 square metres of land be classified as community land and vested in Wollongong City Council. The land to be added to the public park is a road reserve and it is proposed that the road be closed. Wollongong City Council has agreed to prepare a plan of management for the management of the expanded public park including the land to be classified as community land.

The bill then proposes that the council must ensure that the public parklands are used only for passive recreational activities, that any use does not intrude on the recognition and respect of the land as an old cemetery, and that any use is consistent with any plan of management that the council has adopted for the land. One of the complaints by the local community was that Lysaght Park was being used for inappropriate purposes at times. This was because the Act did not define what purposes were appropriate for the public park dedication. The bill addresses this matter.

The bill will provide a much better framework for the future management of the public park. The seating capacity at WIN Stadium is fairly limited at present. The proposed new grandstand will comprise seating capacity for approximately 6,000 spectators and the total capacity of WIN Stadium at completion will increase to 20,000 spectators. The construction of the new grandstand will provide a first-class spectator facility for the people of Wollongong and will leave a great Olympic legacy for the Illawarra region. Furthermore, the restaurant extension will provide a much larger restaurant for patrons of the Entertainment Centre. Both the grandstand and the restaurant have enormous potential to draw visitors to the Entertainment Centre and the city beach precinct and to act as a tourist attraction for the region.

Apart from the obvious financial benefits to Wollongong and the Illawarra region, the proposed developments are designed to provide increased ongoing revenue to the trust, thereby reducing the trust's reliance on government funding and moving the trust to a more stable financial position. In conclusion, I assure honourable members that in the very unlikely event that human remains are found in the course of construction they will be treated with the utmost respect and reverence and their removal and re-interment will take place strictly in accordance with the requirements of the New South Wales Heritage Office. I commend the bill to the House.

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

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

PUBLIC LIABILITY INSURANCE

Mr BARTLETT (Port Stephens) [5.15 p.m.]: I wish to speak today about a matter concerning small business in my electorate: public liability insurance. Recent employment figures for Port Stephens contrast markedly with those for Newcastle. Newcastle currently has an unemployment rate of 11.2 per cent, while unemployment in Port Stephens is running at about 6 per cent. Newcastle, with its heavy industry, secondary industry and manufacturing base, has to reduce the number of jobs to compete in the world. Port Stephens, whose economy revolves around the aviation, aluminium and tourism industries, is doing very well when it comes to creating new jobs.

Tourism is dominated by small business, which has grown quickly over the past 10 years. Together with the traditional sun and beaches of Port Stephens, we now have dolphin and whale watching. Recent terrorist attacks and the Ansett collapse have produced a boom in the number of tourists visiting Port Stephens. I congratulate the Minister for Small Business, and Minister for Tourism on her tactical approach to this issue through the Drive New South Wales campaign and on her efforts in Queensland and Victoria to attract tourists to New South Wales, including regional areas such as Port Stephens.

However, Port Stephens has two black spots on the tourism horizon. The first is aquaculture, which I will deal with at another time, and the second is public liability insurance. The insurance and reinsurance industry appears to be cross-subsidising different types of insurance cover. Public liability premiums have become a major handicap to the growth, and even the survival, of small businesses in Port Stephens. I will give some examples. Last year Shoal Bay Paraflying paid public liability insurance of $3,500, but this year it increased to $16,800 and the company went out of business. The situation is the same with pony rides at Oakvale Farm, which is a small business situated in a nature reserve. Public liability insurance for a $2 ride on a three-foot pony has increased to $7,000, so the farm no longer offers those rides.

Public liability insurance for the toboggan run at Nelson Bay has increased from $35,000 to $70,000, putting 35 jobs at risk. I particularly want to highlight the case of Tomteland Fun Park, which some years ago was assisted by a State Government grant of $108,005. Tomteland's public liability insurance increased from $7,862 in 1999 to $14,102 in 2000, almost double, and—listen to this—to $148,000 in 2001. This business, which pays $500 a day in insurance to keep going, is asking for assistance. Its business is under threat to the extent that 50 jobs are at risk and closure must be a consideration. In a letter to me the Stockton Bight Dune Operators Association wrote:

> We are the members of the association. We all engage in adventure or outdoor activity-based businesses of various persuasions.

The association members, the owners of mostly small and embryo businesses, face insurance rises of between 200 and 400 per cent over the past 12 months. I raised these issues with Minister Debus on his recent visit to Port Stephens, and the tourism and small businesspeople in Port Stephens addressed the Minister about the problems they face. In a recent letter to me the Minister wrote:

> I met with officials of my Department and asked for a brief paper to be prepared as soon as possible, outlining the problem and canvassing possible solutions.

The Attorney General is obviously trying to address this issue on behalf of my constituents and many others. His letter continued:

> Once the paper is ready, I shall make copies of the paper available to you for distribution to your constituents. Once the paper is released, I hope to establish a small group of experts in this area, to develop proposals.

I emphasise not only to members of the Port Stephens community but to all tourism operators that they need to get to their act together, make submissions and come up with solutions. As I stand here today, I do not know what the solution is.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.20 p.m.]: I ask the honourable member for Port Stephens to supply me with information about his concerns. I do not want to cut across the work of the Attorney General, but tourism is a very important industry in the Hunter and although businesses have to help themselves, I ask that they prepare submissions about their collective problem so that I can look at it from a regional aspect.

I am concerned about reports on a host of tourism matters and the ability of tourist operators to exist with the major changes that have taken place in the insurance industry since the collapse of HIH, as well as workers compensation issues. Also, the impact on reinsurance internationally following the 11 September tragedy will affect every section of our community. Money does not grow on trees; it has to be found from somewhere. From a regional point of view, as the Minister Assisting the Premier on Hunter Development I ask the honourable member to supply information to my office and I will also forward it to my regional co-ordinator, who works out of the Premier's Department, for consideration.

KU-RING-GAI ELECTORATE POLICING

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.22 p.m.]: I want to speak about policing issues in the electorate of Ku-ring-gai. Earlier this year the New South Wales Bureau of Crime Statistics and Research released figures on the recorded criminal incidents across the State for 2000. Those figures show that during 2000, assaults in Ku-ring-gai rose by 16 per cent, robbery without a weapon by 36 per cent, motor vehicle theft by 51 per cent, and stealing from motor vehicles by 23 per cent.

The figures came as a significant shock to the community of Ku-ring-gai. We were well aware of ongoing criminal activity and what appeared to be the diminution of policing. But we were not aware of the quantums until these independent figures were released. Many of the increases in local crime rates far outstrip statewide increases. For example, across the State in 2000 motor vehicle theft increased by 8.2 per cent. In Ku-ring-gai it jumped by 51 per cent. In no small way Ku-ring-gai became the car theft capital of New South Wales during 2000.

Immediately the figures were released I wrote to the Minister for Police and asked that increased policing resources be directed to Ku-ring-gai to deal with the significant increases in crime. I am concerned with the response I received from the Minister for Police. He said that we do not need additional resources and that the problem is not as great as I say. He then proceeded to rattle off a number of statistics that bore no relationship to those provided by the New South Wales Bureau of Crime Statistics and Research. I immediately lodged a freedom of information request to seek the information upon which the Minister had based his response to me. Last month I received a response from the New South Wales Police Service to my freedom of information request. The bald and bold response simply said:

> The information upon which the Minister's response was drafted is not held by this department.

Clearly, the Minister for Police has been caught out lying in his correspondence to me. He has been caught out trying to downplay and downgrade the increases in crime across Ku-ring-gai in an attempt to justify his failure to provide the sort of policing to my electorate that these figures justify. I make the point that these are not the Opposition's figures or Barry O'Farrell's figures; they were provided by Dr Don Weatherburn, the head of the New South Wales Bureau of Crime Research and Statistics.

The second issue I raised with the Minister earlier this year was about Gordon Police Station, which is situated in the middle of Ku-ring-gai Command in my electorate. On any given day during the week there is one general duties officer at Gordon Police Station. Lest it be thought by people listening to or reading this debate that Gordon Police Station is yet another run-down, former residence in a Sydney suburb, Gordon Police Station was upgraded in 1994 at a cost of $3.6 million. It is one of the most modern police stations in this city but it sits there housing one general duties police officer per day. I know from personal experience that that level of rostering is incapable of dealing with the number of crime reports and other inquiries by residents, particularly on weekends.

Gordon Police Station is essentially a $3.6 million white elephant housing one general duties officer who has local responsibilities. I accept that the station is the base of the highway patrol for the Pacific Highway in my part of Sydney, but that does not provide increased policing to the people who live in the Ku-ring-gai municipality and have to face these increased crime incidents. Recently I surveyed my electorate. Not surprisingly, 92 per cent of people who responded to the survey would like to see increased patrols and 88 per cent would like to see Gordon Police Station upgraded, local decision-making returned and additional general duties police officers made available.

I raised again with the Minister the need to tackle the increasing incidence of crime. I am concerned that to date the Minister has not responded to my requests about Gordon Police Station. More than 1,000 people have signed a petition about this matter in a relatively short period and more will sign it this weekend at the Ku-ring-gai Fair. This is an important and significant issue across Ku-ring-gai. I make the point again that this

Government is failing in its duty to provide a basic service to the citizens of New South Wales. It now goes hand in hand that when people buy a house in Ku-ring-gai they also have to buy a security alarm. That is privatising what was formally a public service provided by governments and funded by the people, such as those who live in Ku-ring-gai, on the back of their State taxes. I again urge the Minister to reconsider his approach to policing in Ku-ring-gai.

ONE LIFE ONE CHANCE SHUTTLE BUS SERVICE

Mr COLLIER (Miranda) [5.27 p.m.]: One quarter of a million passengers! That is the number carried by the One Life One Chance shuttle bus service since it began operating in the Sutherland Shire in 1996. This outstanding achievement by a group of committed local business persons and companies, with the assistance of police, the Roads and Traffic Authority and the council, clearly deserves the acknowledgment and recognition of this House. The One Life One Chance shuttle bus service operates between 11.15 p.m. and 4.15 a.m. on Fridays and Saturdays. It allows patrons to get home safely after enjoying a night out at their favourite shire club or hotel. The free shuttle buses, with security guards on board, travel at 30-minute intervals across the shire from Cronulla through Caringbah, Taren Point, Sylvania, Miranda, Gymea, Kirrawee, Sutherland, Loftus, Yarrawarra and Engadine.

The One Life One Chance shuttle bus service allows patrons to leave their car keys at home and enjoy a good night out with their friends, secure in the knowledge that they can be dropped off safely near home. This month the shuttle bus carried passenger No. 250,000. That is 50,000 a year, or 1,000 every weekend! It is an astonishing achievement. This safe and reliable late-night service is appreciated not just by patrons but by the shire community as a whole. It is clear that the One Life One Chance shuttle bus service has made a valuable contribution to road safety in the shire by reducing the likelihood of road accidents and injuries to drivers, passengers and pedestrians. One can only wonder how many lives have been saved by the implementation of this invaluable service.

The One Life One Chance shuttle bus service is fully financed by the 14 shire venues that participate in the scheme—the Sutherland District Trade Union Club, the Miranda Hotel, Cronulla RSL, Northies, the Crest Hotel, Miranda Businessmen's Club, Taren Point Hotel, Engadine RSL, Engadine Tavern, Hunters, the Caringbah Inn, Biggles, the Vinyl Room and the Brass Monkey. The annual running cost of the service is $180,000. Sponsor venues currently contribute around $3,500 per week. Two local bus operators, Crowthers Buslink and Connex-Southtrans, provide the service at cost. On 11 October I was delighted to attend a special breakfast presentation hosted by Sutherland Shire Council to acknowledge those who have contributed to making the shuttle service a very real success.

Awards were presented to a number of organisations in recognition of their support. Recipients included the 14 sponsor venues, Mr Paul Crowther of Crowthers Buslink and Mr Len Kidd of Connex-Southtrans, Mr Roy Southwell of Gendron Security, New South Wales local area commanders—Superintendent Henry Karpic of Sutherland and Superintendent Reg Mohoney of Miranda, accepted by Sutherland traffic sergeant Darren Moule and Miranda licensing sergeant Chris Pickard—Sutherland Shire Council and the Roads and Traffic Authority. I congratulate each recipient for their wonderful, unselfish contribution to my community.

The shuttle service, which began operating in 1996, was the brainchild of Paul Crowther of Crowthers Buslink and the council's road safety officer, Melissa King. Paul told me that when he first floated the idea sceptics were quick to tell him that the shuttle service would not last for two months. Five years and 250,000 patrons later, the service is still going strong. It is clearly a tribute to Paul's belief, his tenacity and his ongoing commitment to the people of the shire. Crowthers is a well-regarded, long-established family bus company in the shire. To his credit, I am advised that Paul Crowther and his company assumed responsibility for the administration of the service until October last year, when the number of sponsors increased from six to 14 and the council took over full administration of the service. I commend Paul and Crowthers for their involvement from the beginning and for making this valuable idea a reality. I also acknowledge the continued support of Len Kidd and Connex-Southtrans for the shuttle bus service. The contribution of Crowthers and Connex-Southtrans clearly underscores their status as good corporate citizens.

I acknowledge, of course, the importance of the police, the council and the Roads and Traffic Authority. The RTA provides $5,000 annually for road safety campaigns in the shire, and shares the cost of funding the position of Road Safety Officer at the council, a position currently held by Mr Mark Stuart. On 24 November last year I launched the Sutherland shire liquor accord to bring together all the hotels and clubs in the

shire to reduce the problem of antisocial behaviour that can arise from the consumption of alcohol. The accord builds upon the pioneering work of the One Life One Chance shuttle bus, which has proven to be a practical and effective strategy to minimise the harm associated with liquor use and to improve safety across the shire. I congratulate the sponsors, the bus companies, the security firm, the police, the RTA and the council on their commitment to the shire. I congratulate the people of the Sutherland shire on embracing the One Life One Chance shuttle bus service.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.32 p.m.]: I congratulate the honourable member for Miranda on bringing this matter to the attention of the House. The One Life One Chance shuttle bus service is a great example of what can be done to overcome antisocial behaviour associated with liquor use and, at the same time, to provide people with a degree of safety in their local area. It is amazing that in the past five years more than 250,000 passengers have used the service. Many recent initiatives to deal with problems associated with the use of liquor, such as liquor accords and liquor industry consultative committees, have not enjoyed the degree of support that Sutherland shire has given this bus shuttle service and the honourable member for Miranda. Although that has not always been the case with some of the elected people at Sutherland, its officers and some of its councillors have realised the value of the accord in overcoming a whole host of problems.

The liquor accord was crafted by the honourable member for Miranda, and I am sure that has led to the increase from six to 14 in the number of venues in the shire supporting the shuttle bus service. Obviously, the $180,000 is regarded as a great investment. It is good to see a member not complain about police resources as if there were some sort of crime wave on every street around the corner. It will be interesting to see how many of these complaints dissipate after 10 November. It seems to be a major Federal issue, but it has nothing whatsoever to do with the Federal election. I congratulate Paul Crowther of Crowther Buslink and his family on what they have done. This is just another add-on to what is probably becoming one of the most successful liquor accords in New South Wales. I congratulate the honourable member for Miranda on its success.

MONARO ELECTORATE POLICING

Mr WEBB (Monaro) [5.34 p.m.]: Notwithstanding what the previous speaker said, I draw the attention of the House to policing problems in Monaro. Policing problems referred to by other members have spread right across the State. In 1999 when I was a candidate for the State election one of the first organisations to make representations to me was the New South Wales Police Association. The problems across the State relate to police numbers and visible policing, as well as protection and working conditions for police officers. I call on the Minister for Police and the New South Wales Government to do everything they can to put extra police in place on the beat in regional and rural areas across the State, particularly in Monaro.

Monaro is a unique electorate in New South Wales. During the winter ski season months additional police are required to deal with the increased population and the increased number of vehicles on the road. During the Olympic Games we were asked to provide police for that patrol out of Monaro's local area command police allocation, which we did. Previously, police would come from across the State to supplement Monaro's local area command during the ski season. Last year the secondment of police training for and working at and around Olympic venues exacerbated the problem. The search-and-rescue role undertaken by police, which is evident from a number of matters raised in this House and in the media, takes them away from their on-the-beat duties and their roles in the town.

The Snowy Scheme South Care helicopter has relieved police of some of that work and reduced the time they are occupied on search-and-rescue operations or escort operations. The provision of police officers from the Monaro local area command for highway patrols, particularly on the Snowy Mountains Highway during the ski season and on the highways that lead into and out of the nation's capital must be reconsidered and addressed by the New South Wales Police Service and the Minister. Monitoring vehicular traffic created by the 300,000 people in Canberra who, for all sorts of reasons, want to get into New South Wales places an extra strain on local police. The problem has been compounded because officers absent on sick leave, stress leave and general leave are not being replaced. There have been reports of retired officers wanting to return to the local beat. They have been told they can do so, but they have to go back to Sydney and start again. That is not acceptable.

The Cooma gaol issue will need to be addressed by the Government as the increasing population of Cooma places extra demands on police. In recent times the stations at Adaminaby, Bungendore, Captains Flat, Michelago, Nimmitabel, Delegate, Bombala and Braidwood have all been placed under strain as a result of

reduced staffing. The fact that Cooma police station now operates only standard hours with a particular phone number is not acceptable to the local community. There have certainly been problems at Michelago, car theft problems and neighbour harassment at Cooma, muggings and other problems in Bungendore, vandalism and shop theft at Braidwood, and problems at Jindabyne.

The problem is insufficient police numbers. The success of the recent drug raid in Queanbeyan was certainly a plus. However, it has taken police away from the beat, as has the Monga forest protests, and has diluted resources in local towns. I have written to and questioned the Minister. I now ask him to resolve this problem as quickly as possible. People have the right to feel safe in their communities and in their homes. They should not have to rely on private security firms. Unfortunately, the criminals know when the police are not around. There are many problems and the Government must solve them now.

"VISIONS WE SHARE" ART PROJECT

Mr McBRIDE (The Entrance) [5.39 p.m.]: On Monday 5 October I attended the official unveiling ceremony of a project entitled "Visions We Share", a New South Wales Government endorsed Centenary of Federation art project. The display included paintings from seven schools within Wyong shire and from the Oasis Youth Centre in Wyong. The "Visions We Share" project was one of the biggest Centenary of Federation projects on the Central Coast and the exhibition commenced last week in Wyong shire. As I said, students from seven primary and high schools and from the Oasis Youth Centre entered artworks in a travelling exhibition organised by Soroptimist International Tuggerah Lakes Club. The artworks will be on exhibition for approximately 15 months and will be displayed in a number of centres in Wyong shire area. In total 25 locations throughout the area will be involved in the display, including six shopping precincts, three council libraries, and local schools and clubs.

Each artwork has taken a different theme and the styles range from a jigsaw-type collage to Aboriginal art, paintings of Central Coast identities, representations of Australian icons and a panel based on the $5 note. Schools taking part in the exhibition include Gorokan, Northlakes, Wyong and Berkeley Vale high schools, and St Marys, Toukley, and The Entrance primary schools. The Oasis Youth Centre is affiliated with the New South Wales Department of Education and Training, and is managed by the Salvation Army. It plays an important role in youth issues in the Wyong Shire Council area.

Helen Masonet, the publicity officer for Soroptimist International of Tuggerah Lakes and the co-ordinator of this project, advised that the schools were asked to paint a panel that depicted significant events in Australia's history since Federation. The panels have been professionally prepared, utilising high-quality canvas. They are approximately the size of a house door and can either stand independently or be hung on a wall. I should point out that the paintings constitute the exhibition and will be kept together in perpetuity. During the course of the speeches on the opening day it was indicated that it is hoped that the paintings will remain in the possession of Wyong Shire Council for the next 100 years. Wyong Shire Council officially supported the project and each school was given $100 to help to meet costs associated with the project. The exhibition is believed to be the only Centenary of Federation display of its type in New South Wales, perhaps in Australia.

I want to refer to the contribution made by one of the schools in my electorate: The Entrance Public School. The example set by that school is reflected throughout by the schools and the Oasis Youth Centre. The Entrance Public School has experienced some problems in the past and has been going through a regeneration process. The school has been blessed with a principal, Alan Irving, who has made an enormous contribution to the rebuilding of the school throughout that process. More recently he has been assisted in that work by the current deputy principal, Henry Middleton. Alan and Henry decided that the school should participate in this project and the school submitted a mural that depicts icons of Australia.

The mural is a colourful mosaic that was planned, sketched and coloured by teachers and children. At least 30 children provided valuable input and effort. The children worked happily and collaboratively on the project. They showed refreshing intuitiveness in their approach to the task at hand. Significantly, it gave some children solace and a type of refuge from some of the seemingly insurmountable problems they encounter in their everyday lives. Ideas as to what they believed the country to be came alive on canvas. The dreaming, European settlement, exploration, technology, sport, fauna and flora, food, important events, the environment, public education, significant landmarks, multiculturalism, culture, the arts, famous Australians, visions for our future and Federation were intertwined into this colourful expression of our nationhood. It was aptly named "Window to a Nation". The captains of the school proudly presented the mural to Soroptimist International of Tuggerah Lakes at the unveiling ceremony at Wyong Shire Council.

This tremendous exhibition involved young people in our community in looking at Federation and the development of Australia over the past 100 years. A number of presenters on the day commented that everyone who participated in the project benefited from their participation. Each school and the Oasis Youth Centre spoke to the mural, and explained their participation and how it was of benefit to them and other young people in the area. I commend Soroptimist International, Wyong Shire Council and all those who participated in a great program that will leave a lasting legacy to the New South Wales Central Coast.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.44 p.m.]: I thank the honourable member for The Entrance for his contribution and for advising the House of the participation by schools in his electorate and the Wyong shire in this innovative program to commemorate the Centenary of Federation. As he said, the project is the only one of its type in the State, possibly in Australia. It was pleasing to note the involvement of the Oasis Youth Centre. The centre is sponsored by the Salvation Army, which does so much great work in the area. That fact alone engenders a great deal of enthusiasm in the local children.

NATIONAL PARKS ACCESS FEES

Mr R. H. L. SMITH (Bega) [5.45 p.m.]: I speak tonight on a subject that has recently resurfaced and created a great deal of anger in my electorate. I refer to the imposition of fees for entry into national parks. My electorate is on the far South Coast of New South Wales and incorporates some of the most beautiful country coastal areas in Australia. Tourism plays a vital role in the economy of the area. Local residents and regular holidaymakers have been visiting our national parks for many years and have enjoyed the benefits of fishing, the beaches and the general good weather that our summer provides. Last November, when this new tax was introduced, many of my constituents protested strongly about this imposition on their way of life.

However, as with most new taxes that have been introduced since Labor came to office in 1995, the people's voices are were not heard. There has been a resurgence of that outrage, particularly from people in the education sector. Parents and teachers alike have contacted me recently because the fee for entry to national parks has created serious implications for school budgets. Over the years, there have been regular school excursions to the Bournda National Park with the co-operation of the staff of the Bournda Environmental Education Centre [EEC]. The students who have participated in those excursions have received science, geography and environmental lessons, as well as recreational activities. These out-of-classroom activities have always been stimulating and enjoyable for students and teachers, and the children look forward to them with great anticipation.

It has been brought to my attention that those excursions may cease or be cut back by the schools because of the entry fee. Many country schools do not own their own buses and cannot afford to charter them. They are dependent on parents, teachers and volunteers with private cars to transport students to the camping ground and excursions site. That is costly to all concerned, with fuel costs and wear and tear on private vehicles travelling on unsealed roads. With the added cost of the entry fee of $6 per car, many volunteers will be reluctant to continue to assist. The visitors fees will discourage parent participation. I regard this as a truly sad development, because we should be encouraging parent-student relationships.

The participation of parents and family members in these excursions has always been encouraged by the schools, ensuring a healthy and enjoyable educational time within a family context. Supervision and safety are also issues. Children will be placed at risk if the numbers of people attending camps with the students have to be cut. Another point that has been brought to my attention by the principals of 10 local schools in my electorate is that neither the Bournda EEC nor public school students are being given priority access for accommodation facilities at the Bournda National Park by the National Parks and Wildlife Service. Surely a public education institution should get first priority for the use of public facilities controlled by the State Government.

The Premier professes to be the green Premier. It does not appear that he is living up to this title. Charging entry fees for children and their families to enter national parks when they are participating in educational and environmental excursions does not show green colours. In fact, it shows his true colours of being the highest taxing Premier in Australia. Perhaps the fees charged for his coffers are more important than the education of children. The Premier would have recently received a petition with hundreds of signatures from the people of the far South Coast in relation to this issue. It is unfortunate that the petition is not in a format that would enable me to table it in this House. However, I have seen copies of it and I know that it was posted to the Premier. On behalf of the teachers, students, parents and volunteers of the schools who wish to access national

parks for educational and environmental excursions I urge the Premier to abolish the entry fees for children and their carers and to provide fairer access to New South Wales National Parks and Wildlife facilities for those in the public education system.

BREAST CANCER

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.49 p.m.]: On 24 September this year health Minister Craig Knowles opened the NBN Telethon Mater Institute, the home of Hunter Breast Screening, the Australian New Zealand Breast Cancer Trials Group and Melanoma Services. The building resulted from the generosity of the Hunter community expressed through two NBN Telethons, $2 million funding from the State Government and the support of the Mater hospital board and the Sisters of Mercy. This building is a tribute to the dedication of both the fundraisers and the medical staff who work in the area of breast cancer research and treatment. It brings under one roof the work that has been ongoing since 1989 to seek an answer to the scourge of breast cancer. It is recognition of the pivotal role played by the institute's members in research into the causes and treatment of breast cancer—a disease which has enormous impact on women and families in our community. Mr Deputy-Speaker, more than most you would understand that. Many members of Parliament have been touched by a disease that impacts right across the community.

For those women and families the month of October has special significance as National Breast Cancer Awareness Month. The many awareness-raising activities held over the month culminated in Australia's Breast Cancer Day on Monday 22 October. Breast Cancer Day was launched with a special service at Christ Church Cathedral conducted by Dean Graeme Lawrence. An annual service is held in Newcastle, bringing together breast cancer sufferers, their families, medical personnel and support groups in a ceremony of understanding, support and remembrance. Reverend Nerida Drake of the Adamstown Uniting Church spoke in her sermon of the fear and anxiety that women feel, the pain of mammography and the strength that comes from the understanding and support from other women and families.

A highlight of the service was the procession of the colours of the rainbow of support for breast cancer sufferers and a memorial candle-lighting ceremony involving the whole congregation. The seventh annual Australian Breast Cancer Day was celebrated by more than 300 people in a breakfast at Newcastle City Hall, which was attended by a wide range of people from the community. At the ceremony Professor John Forbes, the Director of Hunter Breast Screen and the National Co-ordinator of the Australian New Zealand Breast Cancer Trials Group spoke of the progress in breast screening and breast cancer research since the inception of the service in 1989.

Hunter Breast Screen has made a major contribution to women's health in the Hunter. The statistics are impressive. In the period between 1 January 1989 and 30 June 2001 104,816 women were screened in the Hunter for breast cancer, with 1,384 cancers detected. In that period 315,851 mammograms were performed. Of the women in the Hunter Breast Screen catchment area in the target age group 71.2 per cent have had at least one mammogram with Hunter Breast Screen. The percentage for New South Wales is 60 per cent. Hunter Breast Screen has the highest rate of women who continue to have regular mammograms—91.4 per cent.

Hunter Breast Screen is just part of the program that is undertaken by the group at the Hunter Institute. The Australian New Zealand Breast Cancer Trials Group involves 500 researchers in more than 60 of Australia's leading medical and research institutions, and 15 countries internationally. Some 8,500 women over the last 20 years have taken part in clinical trials and research programs—6,500 of them in treatment research trials and 2,500 in prevention trials. This special group of women deserves the commendation of the total Australian community. They have contributed to better treatment of breast cancer and improved survival of women around the world. Breast Cancer Day and Australian Breast Cancer Month are important times in our community for developing better understanding and focusing on the need for research to combat breast cancer in our community. [*Time expired.*]

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.54 p.m.]: I commend the honourable member for Newcastle for raising this important issue. Yesterday morning in Civic Park in Newcastle there was a service to remember those affected by breast cancer. As the honourable member indicated, not many people—certainly of my age—have not had a family member touched by this insidious disease. More than 1,330 breast cancer cases have been detected in the Hunter since 1989 and 150 lives have been saved because of screening processes. Yesterday the Sydney division of the cosmetics giant Avon donated a cheque for $500,000 to the Australian New Zealand Breast Cancer Trials Group based in Newcastle. I say a big thank you to Avon. The donation was the topic of much conversation around the

area last night. Professor Forbes commented on recent international reports that might deter women from being screened for breast cancer. I quote from the editorial in this morning's *Newcastle Herald*:

> There could hardly have been worse timing for the release of a report by two Danish researchers arguing that breast screening does not prevent deaths from cancer.

The editorial went on to state:

> Recent Australian research has shown that women want to know more about cancer and treatments for it. This was a factor behind the launch yesterday of a comprehensive guide for women with advanced breast cancer. The 200-page document, directed at women for whose cancer there is no cure, provides a guide to making informed decisions about treatment programs to suit individual needs. As an advanced cancer sufferer said at the launch, diagnosis of such a condition is not the end but the beginning of a journey.

I commend those in the Hunter region who are involved with research into this insidious disease. We should approach the Danish researchers' report with some concern.

PORT MACQUARIE RSL CLUB AND PENRITH PANTHERS RUGBY LEAGUE CLUB AMALGAMATION

Mr OAKESHOTT (Port Macquarie) [5.56 p.m.]: On 11 October, as a member of the Port Macquarie RSL Club, I attended an extraordinary general meeting at which more than 2,000 people were present. Without doubt that meeting emphasised the meaning of the word "extraordinary" in the phrase "extraordinary general meeting". The meeting was called to decide the future of the management arrangements of the Port Macquarie RSL Club, in particular whether the club should amalgamate with Penrith Panthers leagues club or remain with a syndicate of 19 local investors. Only 10 minutes into the meeting there was a bomb threat, and the 2,000 members were asked to leave the building immediately. A suspect has been apprehended and will appear at court tomorrow in connection with the threat.

The personal property of a club member who spoke in support of the local management option in that 10 minutes was vandalised. Last Friday evening the office of the club's chairman was ransacked. The family pet of the club's general manager was tampered with. The proposed amalgamation has divided the local community and raised many issues of concern. Never in the time I have been the local member or in the time I have been the shadow Minister have I seen such activities in a club. Those activities warrant an immediate investigation in which the Department of Gaming and Racing certainly needs to be involved.

The Port Macquarie RSL Club plays a significant role in the life of the local community. It has 14,800 members, and employs 200 staff. It is the largest consumer of supplies within the area and, as such, utilises the services of many local organisations. The club has a long history of debt, including debt resulting from the decision to move its premises. In 1994 the bank debt was $25 million and in 1998 it had increased to $41 million. There have been ongoing negotiations with the State Government and various banks to resolve a work-out deed. The reason the Department of Gaming and Racing should become involved is because of what seems to be a questionable relationship between the Commonwealth Bank and the Panthers leagues club.

Following the meeting on 11 October and the bomb threat, the club's board of directors sought to reconvene a meeting to put strategies in place and to obtain the views of members concerning the future of the club. Unfortunately, the Commonwealth Bank aggressively declined to grant an extension of six weeks in which to make arrangements, and its deadline of 8 or 9 November stood. The Panthers and the Commonwealth Bank forced the hand of the local directors. I am concerned that the person at the Commonwealth Bank who is in charge of managing the debt is a former Panthers player. I regard that as a questionable relationship, and I hope that the Minister, through Ken Brown, the director-general, will investigate both the relationship and what is going on in Port Macquarie.

I ask for a value judgment on the future of Port Macquarie. We have heard only one of the three or four available options. We heard only one side of the story in the 10 minutes that Roger Cowan had to address the 2,000 members. We deserve to hear all sides; we certainly deserve to hear about the local option, to which I am personally attracted. I am concerned that that option is not coming forward. I ask the director-general to investigate the promises that have been made to upgrade the facilities of the Hibbard Sports Club. My understanding is that that promise cannot be fulfilled.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [6.01 p.m.]: I view the matters raised by honourable member for Port Macquarie with

some concern. The department has kept a watching brief on the proposed amalgamation. I am aware that there was a vote to proceed with the amalgamation of Penrith Panthers leagues club and the Port Macquarie RSL Club. However, there appears to have been a change of heart. I am extremely disturbed to hear that attempts to have the issue openly discussed at a recent meeting had to be abandoned following a bomb scare. It is clearly not in the best interests of either the pro-amalgamation group or the anti-amalgamation group to have rational debate stifled by threats of violence.

The shenanigans at Port Macquarie over the past couple of weeks simply serve to strengthen my resolve to reform laws relating to club amalgamations. As honourable members would know, on 26 July I announced a package of changes, one of which involves significant controls over club amalgamations. In particular, there will be a requirement that two clubs that propose to amalgamate will have to enter into a deed of agreement before applying to the court for approval. The regulations will specify the subject areas to be covered in the deed of amalgamation. It will be necessary for both clubs to provide basic information to their members before an application to amalgamate can be made. The regulations will prescribe the type of information that will need to be provided to members before amalgamation takes place.

I am sure that if those measures had been in place, the Port Macquarie club would not be in the difficult position it is in today. I send this message to both parties: at the end of the day the board of directors and senior managers are there to serve club members and the local community, not the other way around. I am far from impressed by the way in which the Commonwealth Bank has behaved recently in a range of matters pertaining to clubs. I will ask the director-general to look in depth at the matters raised by the honourable member and if criminal matters are involved they will be referred to the police. I repeat that I am far from happy with the shenanigans at Port Macquarie, and they further steel my resolve to do something about club amalgamations to avoid the same sort of thing happening again.

BROTHER BERNARD BULFIN RETIREMENT

Mr TRIPODI (Fairfield) [6.03 p.m.]: I draw to the notice of the House the retirement of a great friend of the Fairfield community who has left an indelible mark on the lives of a generation of young men educated at Patrician Brothers College, Fairfield. Brother Bernard Bulfin, the principal of the college, has dedicated his life to the education of many generations of boys from the Blacktown and Fairfield areas. Brother Bernard is more than just a school principal: he is an outstanding citizen with a sincere belief and commitment to the contribution he makes. In his work life, he is a complete professional. Privately, he is an all-round good bloke. Brother Bernard will retire at the end of this year after serving as principal for 37 years at Fairfield and Blacktown Patrician Brothers. He was principal at Blacktown Patrician Brothers for 27 years and at Fairfield Patrician Brothers for 10 years.

Brother Bernard came from Ireland on a mission for the Patrician Order back in 1955. Since that time he has committed his life to the work of God, to education and to the people of western Sydney. For this commitment, we are eternally indebted. Brother Bernard is a Fairfield resident and proud Westie. His charitable spirit extends beyond the school gates. He is a strong supporter of many charities including the Society of St Vincent de Paul, Caritas Australia, the 2WS-2SM Kids Christmas Party, the Spastic Centre Appeal, Can Teen Bandana Day, Jeans for Genes Day and Meals on Wheels. He is also involved with a number of groups in the local area including the Patrician Brothers sports clubs, rugby league, cricket and soccer, the Rotary Club of Fairfield and Parramatta Leagues Club. Along with every Australian he loves his football and he loves the Eels.

Brother Bernard's commitment to the local area was recently recognised when he was awarded the Fairfield City Council citizen's award for 10 years of service to the local community. Brother Bernard has always been personally involved in the educational development of students. He wants to know about the lives of his students and he personally meets with and interviews each and every senior student. He believes in the dignity of each individual and instils that quality into his students. Not only has he helped students in their learning, he has presided over the redevelopment of the school for the past seven years. Under the watchful eye of Brother Bernard, improvements have been made to the classrooms, technology resources and the school chapel. Brother Bernard has ensured that the learning environment of his students more than meets their expectations and requirements. This is the second time he has met the challenge of a major school upgrade. While principal at Blacktown Patrician Brothers he presided over its major capital works upgrade.

Apart from his commitment to students and the advancement of their education, Brother Bernard is renowned for his warm and friendly nature and his typically Irish sense of humour. Brother Bernard is known for continually acknowledging the achievements of others and for his warm and generous accolades. He is,

however, reluctant to accept praise for himself. Brother Bernard has always related to his staff at Fairfield Patrician Brothers as members of his own family. When teachers are absent due to illness, he calls them to offer personal help in their recovery and to concern himself with the welfare of their families. Teachers, students and parents hold him in high regard and appreciate the care he has demonstrated for each of them. Brother Bernard must be commended for all he has achieved thus far and we wish him every success in his future. I believe I speak for all those who have come to know and love him over the years when I say our community is richer for his contribution. Brother Bernard, Fairfield thanks you.

Mr AQUILINA (Riverstone—Minister for Education and Training) [6.08 p.m.]: Tonight I am delighted to have this opportunity to join the honourable member for Fairfield in paying tribute to Brother Bernard Bulfin whom I have known for almost a quarter of a century. Twenty-five years may be a long time but the time spent with Brother Bernard has been so magnificent that it seems only a short period of time indeed. I came to know Brother Bernard very closely when he was principal of Blacktown Patrician Brothers in the days when I was mayor of Blacktown and subsequently the member for Blacktown. Even then he was a legend in his time. He is one of those fantastic teachers who can walk through the playground and instantly be admired by students and be highly respected by fellow teachers and members of the community.

Although Brother Bernard is not a tall man he stood head and shoulders above many others. He was part of generations of Patrician Brothers who have made an indelible mark on education in this State and nation. They came from Ireland to teach predominantly young men from working-class families to give them hope, aspirations and ambition to make a real mark in the world. On many occasions I have asked people to give me the name of someone who has made a great mark on the world and they have been scratching around but when I have asked people to remember a teacher who has made a difference in their lives people instantly come up with a name. I know that many thousands of men will have no hesitation in coming up with the name of Brother Bernard because he has made such a big difference in their lives and to Christian education in New South Wales. Brother Bernard, may you enjoy your retirement. You have made a wonderful contribution to education and to the community.

HOWLONG COMMUNITY ACTIVITIES

Mr GLACHAN (Albury) [6.10 p.m.]: There is a community in my electorate well known as Howlong, just a few miles down river from Albury. Howlong has a strong community spirit. I congratulate Mr RonWilkins, who co-ordinated a Howlong volunteer exposition on 6 October and who will be co-ordinating Active Australia Day on 28 October, next Sunday. I attended the volunteer exposition held in the Mechanics Institute at Howlong in which more than 60 stallholders, representing volunteer organisations, participated. It was an opportunity for people in the district to find out how those volunteer organisations serve the community.

The stallholders included the Albury Palliative Care Service, Assembly of God youth program, athletics, little athletics, the Bush Fire Brigade, cricket, football, guides, Hume shire aged care services, the Lions Club of Howlong, netball, the pony club, whose stall was located in their grounds at Lowe Square, Red Cross Combined Brocklesby and Bungowannah branches, the public school, scouts, senior citizens, the skate bowl, St Andrews Uniting Church youth group, the St Vincent de Paul Society, swimming and tennis groups, and the Tidy Towns Committee.

It was a wonderful day. At 3 o'clock certificates were presented to representatives of all the groups. Two special Premier's awards were presented and they were well received. I had the great privilege of presenting a special award to the senior golfers, who raised more than $60,000 for charity—a great effort on their behalf. Once again, I commend Mr Ron Wilkins for co-ordinating this fantastic day. This Sunday Howlong will be one of only 60 locations in Australia to stage Active Australia Day, combined with a community walk. This is an important day to get people active and involved in sports of one kind or another, depending on their capabilities. There will be provision for the disabled, walking trails and a bicycle ride, catering to people from the age of one through to 81 or older.

At Lowe Square and other places in the town there will be sports stations for athletics, netball, cricket, football, equestrian, roller blades, skating, tennis, fishing, bowls and golf. People will be able to obtain a passport and participate in each sport, testing their skills. At the end of the day, when their passport is full of stamps, their names will go into a draw for special prizes. There will also be the opportunity for young children to test themselves on the play equipment at Lowe Square and the public school. This will be a wonderful day for a community that is active and has a strong community spirit. The spirit that was evident on 6 October will be exemplified next Sunday. I also look forward to attending Active Australia Day and taking two of my grandsons so they can participate in the sporting events. The little fellow can try out the equipment at Lowe Square and the school. Hopefully, it will be another wonderful day for a great community.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [6.15 p.m.]: I thank the honourable member for Albury for bringing to the attention of the House a great community event on 6 October. I also congratulate Ron Wilkins. Howlong is a great community. One of its famous sons is Harold Mair, a former member and mayor of the city of Albury, and a great friend of mine and the honourable member for Peats. I also express my best wishes to the Howlong community for a wonderful Active Australia Day next Sunday. I am sure it will be a delightful day. I was interested to hear about Brocklesby, which is the home of the second community licence in New South Wales. I am pleased it is still actively in business as it was a great innovation.

HAZELTON AIRLINES SERVICES

Mr TORBAY (Northern Tablelands) [6.17 p.m.]: I express disappointment at the announcement by Hazelton Airlines of the suspension of air services from Tamworth and Armidale to Sydney. As stated in question time, there are enormous concerns about air services in regional and remote parts of New South Wales, particularly in the Northern Tablelands area. Despite this latest crisis, for some time now an inquiry has been undertaken by QantasLink, which is affecting both the Inverell and Glen Innes communities. Indeed, grave concern has been expressed about the trial and whether or not it is a foregone conclusion that QantasLink, in this reduced competition situation, will withdraw those services from all the smaller communities that previously enjoyed them.

Concerns continue to flow into my office about the blind pursuit of deregulation and competition policy. I am pleased that the honourable member for Dubbo is in the Chamber this evening. He will recall that on 21 August 1998 he and I gave evidence in our capacity as local government representatives—it was before we had the honour of entering this place—to an inquiry into the provision and operation of rural and regional air services. I represented the Country Mayors Association and the honourable member for Dubbo also represented local government interests. It is interesting to revisit *Hansard* for that inquiry. Governments cannot claim that this outcome is a surprise; they were well and truly alerted to these concerns, as *Hansard* shows. Owing to time constraints I will quote selectively from *Hansard*, but the information is on the public record if any honourable member wishes to examine it in detail. I acknowledge the contribution of the Hon. Tony Kelly to the debate. It was good to see Parliament raising such issues. Regrettably, it appears that the impacts were not significant enough to protect regional and remote areas of New South Wales. The Northern Tablelands has certainly been severely affected. In response to questions about the concerns raised by local government, I said:

> Deregulation has also been debated at length. Given that currently the Country Mayors Association has 32 member councils, there were varying views in relation to that issue. Almost without exception the major concern was the mechanisms that should be put into place to support smaller regional communities to ensure that they have equitable access to KSA, and to ensure that deregulation does not result in smaller communities having a large decrease in the level of service that they enjoy today.

I made those comments in 1998. A reading of *Hansard* will reveal clearly the mechanisms being called for in the regions. The inquiry heard evidence to the effect that, if we went to fully fledged deregulation or supported competition policy blindly, regional and remote parts of New South Wales would miss out on air services. That is the reality today. The airline's message to the community that the provision of a particular service is no longer viable is as destructive as the loss of that service. Community members, particularly those seeking to make or attract investments, are raising these sorts of concerns. I highlight some of the comments in the Hazelton press release issued yesterday, which states:

> Hazelton CEO, Mr Andrew Drysdale, said, "Until the over-capacity of seating to both Tamworth and Armidale is corrected, it will be difficult for a second operator to achieve viable operations in these markets.

He continued:

> Hazelton flights to Tamworth and Armidale will be suspended from 1 November 2001.
>
> Mr Drysdale said the move is part of a wider forward strategy for Hazelton that will ensure its success in the longer term.

It is about time that we reconsidered introducing regulation to protect regional air services in New South Wales.

Private members' statements noted.

BUSINESS OF THE HOUSE

Condolence Motion: Suspension of Standing and Sessional Orders

Motion by Mr Face agreed to:

> That standing and sessional orders be suspended to permit the consideration of General Business Notice of Motion (General Notice) No. 515 [Condolence motion for Janet Mahon] at the conclusion of the inaugural speech of the member for Auburn.

[*Mr Deputy-Speaker left the chair at 6.24 p.m. The House resumed at 7.30 p.m.*]

HONOURABLE MEMBER FOR AUBURN

Inaugural Speech

Mrs PERRY (Auburn) [7.30 p.m.]: It is with a deep sense of pride and respect, Mr Speaker, that I deliver my inaugural address as the seventh member for Auburn. I continue the tradition and legacy established in 1927 when the former Premier of New South Wales, Mr Jack Lang, won for the Australian Labor Party the then newly created seat of Auburn. Two years after he was elected, Jack Lang was facing the 1929 Wall Street crash that altered the history of the world. I had barely two days to find my feet before the world also changed. I extend my sincere sympathies to the families and friends of the victims of the 11 September disasters in New York, Washington and Pennsylvania. I am deeply moved by the loss of Alberto Dominguez, a long-time resident of Lidcombe, and extend my sympathy and the sympathies of the Auburn community to his family.

While I am not here to comment on history, there are not too many electoral districts in this State that have had a Premier as its member. I, for one, am proud to claim Jack Lang as a prominent historical political leader of this great State, the Labor Party and the Auburn community. Following in Jack Lang's footsteps have come five other members of the Auburn community, namely James Christian Lang, Edgar Dring, Thomas Ryan, Peter Cox and Peter Nagle. Those gentlemen have many great and endearing features—they are sons of Auburn, and throughout their service to this Parliament and State the needs, concerns and issues of Auburn families were priority number one.

Since 1927 the electorate of Auburn has continued to evolve geographically, socially and economically. The electorate now includes Auburn, parts of Bankstown, parts of Bass Hill, Berala, Birrong, Chester Hill, parts of Greenacre, Homebush Bay, Lidcombe, Regents Park, Sefton, Silverwater and parts of Yagoona. Auburn also takes in Newington—the new suburb that has evolved from the Sydney Olympics. Auburn has immense cultural diversity. About 55 different nationalities are represented. When I attended school, the cultural make up of St John's Catholic Primary School was predominantly European. Now my son Matthew attends the same primary school, where there are children representing at least 40 community groups. There is a tangible spirit of goodwill and wellbeing and those qualities are a feature of what binds the many suburbs into one vibrant community.

It gives me great pride to read the names of my parents into the New South Wales Parliament record. Ralph and Susan Abood chose Auburn as their matrimonial home and have remained to this day living in the same house in Northumberland Road for 38 years. My parents are from the village of Kafarsghab, situated in the north of Lebanon overlooking the Kadisha Valley. They are descendants of the Abood and Farhart families. Members of those families have been migrating to Australia since the early 1880s. My father's mother, Barbara, was born in Australia and returned to Lebanon as a young child. As a young widow in Lebanon, she raised three children, Ralph, Aunty Mary and Uncle Saad. From her my father learned the values of hard work and family commitment and service which he has passed on to me. In 1948, after being convinced of the great opportunities Australia had to offer, my grandparents, Jabbour and Mazzel Farhart, together with their children, migrated to Australia.

My father was just 16 years old when he left Lebanon with, like so many migrants of the time, little more than the clothes on his back. His destination was Adelaide where he lived with his grandparents. Eventually he made his way to Sydney, where he found work and made the suburb of Auburn his home. My parents worked hard and built a house in Auburn where they raised a family of five—my sisters Jackie, Karen and Jennifer and my brother Gerard. This house was a home of opportunity, strength, encouragement, love, discipline, charity, hospitality and fairness. I am eternally grateful to my parents and family for instilling those time-honoured values. I am filled with admiration for the kindness and humour with which they approached their parenting, and the support which they continue to pour out to my siblings and to me. They are my inspiration, and will always be my role models.

Joining my parents in the gallery tonight are many members of my immediate and extended family. The absence of the family matriarch, my grandmother, Mazzel Farhart, who is too ill to attend, detracts from this special occasion. We are also saddened that the deceased family pioneers, my grandparents Barbara and Aousel Abood, my grandfather, Jabbour Farhart, his brother Fersen and wife, Howa, as well as my uncle Ronnie Farhart and cousin Morris Kanaan are not here to witness this day.

I am proud and honoured to advise the House that I am the first woman of Lebanese origin to be elected to the New South Wales Parliament. The Lebanese communities in New South Wales have made an

enormous contribution to our nation. There is hardly a sector or business activity that does not have some representation from Australian-Lebanese communities. As a child and teenager I began to learn about service and community building outside the family from community groups such as the Australian Kafarsghab Lebanese Association and the Oaks Organisation, which are responsible for charitable and community-building projects in both Australia and Lebanon. I have long been an admirer of the achievements of another woman of Lebanese background, Dr Marie Bashir, our first female Governor, whose courageous stance on child abuse opened doors on an issue that many at the time would have preferred to remain closed.

As an Australian I am extremely proud of my Lebanese heritage. The electorate that I am honoured to represent is a splendid example of multiculturalism at work. Auburn has been the first contact point for many different people arriving in Australia from around the world and the legacy of it can be seen in the rich cultural diversity of this community. This diversity we have embraced in our Australian culture brings strength and unity but, as a result of recent world events, the area I represent is presently the target of religious and cultural intolerance, as a very small group is abusing the many places of worship and other sites to promote hatred and division. I join with the Premier and my colleagues in affirming the stand for community calm, tolerance and respect. I applaud the police response and tactics to quell this criminal activity. As a community we must not accept these acts. The most effective weapon the police have is a strong partnership between police and the community.

There is still much work to be done, and I was honoured to deliver an address at the Auburn Council citizenship ceremony recently in which I encouraged both new and "old" citizens of the district to continue to foster co-operation, tolerance and respect in the community. As an Auburn councillor I campaigned vigorously against overdevelopment and I worked for the upgrade of roads and bridges to relieve serious traffic congestion. I was delighted with the recent announcement of the grant of $1.5 million over three years to Auburn Council, which followed more than two years of work by my predecessor, Peter Nagle.

With my council colleagues I fought for improved services at Auburn Hospital. Funding for a massive $21 million upgrade has been granted to Auburn Hospital, which will result in immensely improved health services and confidence in the local community. These are the concerns of the people of Auburn, and these are issues on which I was proud and confident to base my campaign. They are matters on which the Carr Government has taken a stand in the broader State arena and I am grateful for the opportunity to continue to work on these issues with my colleagues in the Carr Labor Government.

The Carr Government has taken initiatives to address design, planning and urban development, which are critical issues in Auburn and throughout Sydney's west, as the demographic centre of Sydney moves further away from the central business district. New developments must not merely be residential or commercial accommodation but must integrate with and contribute to the communities in which they are situated. Improved contemporary urban design must be based on environmental sustainability. It must provide a livable environment, enhance community atmosphere and be adaptable to changing needs over time. It must be affordable and appropriate to the needs of individuals, families and the community as a whole, and the planning for such development must not be driven by desire for short-term monetary gain.

These concerns are being addressed by the Carr Government through programs such as the Urban Improvement and Living Centres program, the Design Quality program and the Sustainability Advisory Council. I look forward to serving the people of the Auburn electorate and western Sydney by continuing to address such issues so that functional, sustainable and comfortable communities can be one legacy we leave for our children and grandchildren. [*Extension of time agreed to.*]

The challenge is also to balance appropriate, sustainable urban development with demands for employment. It became evident to me early in my campaign that employment issues rated highly on my constituents' agenda, and that they expected such issues also to rate highly on mine. Tonight I advise the House that I will seek out business opportunity and investment that will provide increased long-term employment for the Auburn electorate.

A commitment to social justice has been a driving force in both my personal life and my career to date. It was fostered by the educational influences of the Sisters of Charity and the Marist Brothers. This driving force influenced me in 1990 to join the Legal Aid Commission, which attempts to improve access to the legal system for the socially and economically marginalised members of our society. The dedication and work of these professionals is truly amazing. It was a great privilege to work with those community advocates.

Social justice was one of the contributing factors that led me to join the Australian Labor Party in 1986 as a member of the Auburn branch, after a short involvement with Young Labor. At this point, Mr Acting-

Speaker, I beg your indulgence, as I must publicly thank those who have supported and encouraged me along the path that has led me to this House tonight. Amongst them are the members of the nine branches. Time will not permit me tonight to name all who offered special support. I have already offered them my thanks and I will continue to acknowledge their contributions. My council colleagues Chris Cassidy, Robert Murray and Patrick Curtin have offered support and guidance throughout the preselection and by-election and have continued to be a source of good counsel. Thank you to their wives, Jeanette, Judy and Barbara, who also worked tirelessly during the campaign.

I am grateful for the faith the party has demonstrated in me, particularly Eric Roozendaal and Mark Arbib. To my good friends Leo Mcleay and Steve Hutchins, who allowed me to draw on the benefit of their experience, I thank you for your support. I am deeply indebted to Karl Bitar, who directed my campaign. His skill, knowledge and temperament were key components of the campaign. It was a privilege to work with him.

Supporting Karl was a sensational team—Robert Furolo, Sharon Badjcek, Danielle Bevins, Shelly Magro, Damian Kassagbi, George Houssos and last, but not least, Tim Gleason and of course Simon Carroll, who gave up their weekends and free time. The dedication of these individuals has also earned my immense gratitude. To the many members of this parliamentary Labor caucus who gave of their time, resources and energy, I offer my sincere thanks. I am indeed privileged to work with such a dedicated and generous group of people. I cannot wait to return the favour.

A special group of young people freely gave of their time and energy to support my campaign at a grassroots level. The spirit of co-operation and friendship provided me with great motivation during the hectic days of the campaign. If this is any indication, the future of the Labor Party is well and truly in good hands. Young Labor, individually and collectively, you are wonderful. My sincere thanks go to the Premier and the Cabinet for their guidance, assistance and efforts throughout the campaign. I particularly wish to thank Carl Scully, Morris Iemma and Eddie Obeid, whom I simply could not have done without. To Paul Whelan, Richard Face, Richard Amery, John Aquilina, Sandra Nori, Kim Yeadon, Faye Lo Po', John Watkins and Harry Woods, I also say thank you.

I have already stated my pride in those pioneers of my family in Australia who have been a source of inspiration to me. Before I conclude it would be remiss of me not to acknowledge publicly the deep wellspring of support my family has embodied in the past months, and indeed throughout my life. To my sister and brother-in-law, Jackie and Danny Daniel, and their children, my sisters, Karen and Jennifer Abood, and my brother, Gerard Abood, I will always be grateful for your immense love, energy and goodwill.

To my parents, who supported me in my education, my career and my ambitions, I owe a debt that I cannot repay. The loving sacrifices and selflessness you have embodied throughout my life have been both a precious gift and an inspiration. While my family and friends led the charge in Auburn, my husband's family in Queensland maintained daily campaign updates. I thank them for all their encouragement. My closest supporters and most dedicated campaign workers, my sons, Matthew and James, and my husband, Michael, share this achievement. They have been my stronghold, my encouragement and my hope.

Tonight is the realisation of the dream of a young girl who, at the age of 11, preferred picture posters on her bedroom wall of Prime Minister Gough Whitlam to pop and movie stars. Gough was my pin-up boy. I am a proud member of the Gough generation. A great honour has been bestowed on me by the Auburn electors. I thank the Auburn electorate for this privilege. Together with my parliamentary colleagues it is our duty and challenge to make this great State of New South Wales, our home, a fairer, stronger, safer, more tolerant and better place to live. I look forward to that challenge. Thank you.

TRIBUTE TO Ms JANET MAHON

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [7.54 p.m.]: I move:

> That this House notes with regret the death of Janet Mahon, a respected and loved long-term personal assistant to the former member for Ku-ring-gai, Opposition leader and Premier, the Hon. Nick Greiner, AC.

This motion is significant. It is not often that we honour non-parliamentary members in this place through a condolence motion. This motion indicates the respect with which Janet was held by both sides of politics. I thank the Leader of the House, the Minister for Police, for so readily agreeing to make this time available. Last Wednesday evening Janet Mahon died in Royal North Shore Private Hospital after a short illness. Like many who knew her, I was shocked by the news on Thursday largely because, like many others, I was unaware that

she was in hospital. But that is the way she wanted it. Janet was never one to want a fuss. It was brought home to me over dinner this evening that many still do not know that Janet has left us. Former staff, former members of Parliament, current members of Parliament and former staff of the parliamentary precincts are not aware that Janet has died. When that information is relayed to them they will be shocked.

Yesterday I attended Janet's funeral at St Thomas Aquinas Catholic Church in Bowral. Typically, it was one of those happy-sad occasions. Those present included her family, some of whom are in the gallery this evening, many lifelong friends and many friends she made since she moved to the Southern Highlands, former work colleagues and two former Premiers of this State, Nick Greiner and John Fahey. Two eulogies were given. Her sister, Patricia Esler, told us of Janet's early years and of her commitment to and active involvement with the extended Mahon family. For instance, I learned that Janet was born in Cowra and that she was educated successively by the Brigidine, Presentation and Sacred Heart Sisters in Cowra, Wagga Wagga and Rose Bay. As someone who had more than a passing brush with the Sacred Heart Sisters, I started to recognise some of the legacies those good women had left in both of us.

I discovered that after secondary school Janet returned to work for Walsh and Blair, Solicitors, in Wagga Wagga. She later headed to London with a couple of her girlfriends and worked at Australia House. She ended up as secretary to the Naval Attaché. On her return to Australia she was employed as secretary to Professor John Fenner at the John Curtin School of Medical Science at the Australian National University. Janet came to Sydney to work for the pastoralist Herbert Field. When Mr Field retired she started her long journey into politics by commencing work as electorate secretary with Attorney General John Maddison. But more of her political career later. The second eulogy was given by Nick Greiner, who spoke of Janet working for him for more than 16 years, and the mark she left on all those who came into contact with her. Janet touched all of those who knew her.

During his remarks Nick Greiner referred to the fact that Janet treated everybody equally, whether you were, in his words, a Head of State, a politician, a member of Parliament's catering staff or a cleaner. His words were reinforced by the presence of the mail boy who had worked in the Premier's Department when Janet was employed as Premier Greiner's personal assistant from 1988 to 1992. Matthew travelled to Bowral to attend the funeral as his mark of respect for a woman whom all of us will miss.

After the service and burial the mourners repaired to *Yarrawin*, which seemed particularly appropriate, first, because of Janet's association with the Ramsay family, Ann and Paul. Yesterday Ann told me that she first met Janet as a 12-year-old at Kincoppal, and that they had remained firm friends, sharing many adventures and great times. Second, *Yarrawin* had been integral to Nick Greiner's 1988 election victory. It had been the site of many brainstorming sessions involving Nick, his senior advisers and his leadership team. Janet attended those meetings and, among other things, was responsible for the cooking. I am told that her cry was always "Lots of soup and crusty bread."

Like all personal assistants in politics, Janet lived the highs and lows of Nick Greiner's political career. Thankfully, *Yarrawin* was full of happy political memories. *Yarrawin* was also the site of Janet's last lunch with her friends. Yesterday Paul Ramsay generously and proudly displayed photographs of an incredibly well-looking Janet Mahon taken just weeks ago at a lunch he organised for friends after Janet learned that her condition had worsened and that she was to be hospitalised. They are great photos of a great lady. They will give pleasure and comfort to those wishing to remember Janet. *Yarrawin* was a particularly apt place for Janet's different groups of friends to gather and remember her life.

I thought it was important to move this motion because, as the current member for Ku-ring-gai, I have a legacy to carry on when it comes to Janet Mahon. Janet worked for the first two members for Ku-ring-gai, John Maddison and Nick Greiner. John Maddison is survived by his wife, Sue, who fondly remembers Janet. It was tremendous to see the Greiner family turn out in force to pay tribute to a woman who, for 16 years, had been such an integral part of that family. Four generations of Greiners were present—nonagenarian Nicholas Greiner, Nick and Kathryn, daughter Kara, son Justin and his wife, and Justin's two children.

Though Janet never worked for me—I am sure she would never have considered working for me—I came to know her when I went to work for the Greiner Government as Chief of Staff to the Minister for Transport in 1988. My wife, Rosemary Cowan, worked in opposition and in government with Janet. Rosemary last saw Janet at a luncheon on 30 May organised by a friend, Alex Gottshall. Sara Pantzer and Phillippa Dekker were present, and food, news and gossip were enjoyed as usual.

During her 16 years in politics Janet made many friends, and many such luncheons must have been held with different groups since her 1996 retirement to Bowral. Nick's Chicks, those women who worked for Nick during his period as Leader of the Opposition and as Premier, always kept in touch with Janet. A number were there yesterday, including Phillipa Decker, Margot Alston, Sharon Sorrodimi and Liz Storey. I would include my colleague the honourable member for Southern Highlands, a former adviser to Nick Greiner, if I were not concerned about using the word "chick" in respect of someone who is shadow Minister for Women's Affairs.

Long-time parliamentary staffers, present and retired, were there: Carol Worland, Di McDougall and Barbara Mork. I am especially grateful to Barbara for telling me last Thursday of the sad news of Janet's passing. Yesterday, family and long-time friends used words like "love", "service", "determined", "selfless", "self-deprecating", and "unique" to describe Janet Mahon. They were words that all of her friends, no matter how long they knew her, could identify with. Her sister, Patricia, summed it up for me when she said that if you were lucky enough to have Janet as a friend, you had a friend for life. Last Wednesday night many lost that lifelong friend but we have not lost, and will not lose, our memories of a woman who brought joy to us all.

In many condolence motions discussed in this Chamber one often hears people say nice things about other people for the first time. This was not true about Janet. People said complimentary things about her when she was alive, and that was appropriate because she deserved them. Janet always had time for a person, was always prepared to help and was incredibly loyal. She will be sorely missed by all her knew her. I express my sincere condolence to her sister, Patricia, brothers, Kevin and John, and the extended Mahon family.

Mr SOURIS (Upper Hunter—Leader of the National Party) [8.02 p.m.]: On behalf of the National Party I join with the Deputy Leader of the Opposition and other members in offering our most sincere condolences to the family and legion of friends who mourn the death of Janet Mahon. Those of us who have been members of Parliament long enough to recognise the special role occupied by Janet Mahon will know what a special person she was. Janet began her political career as electorate secretary to the member for Hornsby, John Maddison, who, with her astute assistance, fulfilled a career in Coalition governments as Minister for Justice, Acting Minister for Labour and Industry, and Attorney General. That was in the 1970s, in the dominant Askin-Cutler regime when New South Wales was at its buoyant best.

Upon John Maddison's retirement in July 1980, Janet inherited as her boss the young and politically inexperienced Nicholas Frank Greiner. A redistribution had made the old electorate of Hornsby into Ku-ring-gai, a seat Nick Greiner was to hold until June 1992. It is history that, together, Janet and Nick formed a formidable political team. When Nick was elected Leader of the Opposition in 1984, Janet became his private secretary. When Nick was elected Premier in 1988, Janet was there. Janet was the glue between the Coalition parties at leadership and ministerial level. That included the relationship she nurtured between Wal Murray and the Nationals and Nick Greiner and the Liberals.

There is no harder job in New South Wales politics than Appointments Secretary to the Premier. Depending upon the gravity or urgency of matters requiring discussion with the Premier, Janet would adjudge the timing. "Now is not a good time," she would advise. "Let me give you a ring when I think it is okay." Even a junior backbencher had currency with Janet. She was never wrong. Added to that responsibility, which is not inconsequential in a Premier's office, Janet was eternally gracious and polite. Her pivotal role in the Coalition dealings at political level will remain a contributing factor in the success of the Liberal and National parties acting in a cohesive manner. To members of the Mahon family and friends who are in the gallery, on behalf of the National Party I extend our heartfelt sympathy to Janet's family and friends. She will be sadly missed.

Ms SEATON (Southern Highlands) [8.05 p.m.]: It is an honour to speak to this motion and pay tribute to Janet Mahon. I am grateful to the Deputy Leader of the Opposition for having moved the motion. Any of us who have had experience of the inner workings of government and the internal pressures of this place will know the extent to which the success of an individual or a team is reliant on so many people who work enormously hard and with great loyalty. They share the good times and find themselves cut adrift in the bad, but their commitment to the people they work with and the cause they represent is a commitment they share.

Janet Mahon was one of the finest people I have ever worked with in a political office, and someone I greatly respected and will miss enormously, as we know the Greiner family will—especially having heard Nick Greiner's moving and heartfelt words yesterday at the celebration of Janet's life at St Thomas Aquinas Church, Bowral. Janet was born in Cowra and grew up in Wagga Wagga. No matter how long she had spent in cities such as London and Sydney, and how many heads of State and captains of industry she worked with, as the saying goes you could take Janet out of the country but you could never take the country out of Janet. After all, as we heard yesterday, this is the woman who once killed two rabbits with one shot!

Country was always her reference point, the place where all decent values came from. She was resourceful, she was practical, she got on with the job wherever she was. When we first moved into the Black Stump on level 8 she was running the Premier out of packing boxes and post-it notes without a second thought. In fact, Kathryn Greiner recalled that when Janet first went to work with the new member for Ku-ring-gai, she spent the first few months working literally on packaging boxes with a telephone, fax—and, no doubt, the legendary diary—in a cupboard. She shared a Wagga Wagga background and dialect with the Premier's country media adviser. She called him "Blue" and he called her "Blue", but her sense of down-to-earth fun went hand in hand with an elegance and sense of impeccable presentation.

Mention was made yesterday of her love of all creatures great and small, except perhaps rabbits, and there was a time one spring when the most important thing in Janet's agenda was the welfare of a baby magpie that had hatched in the tree outside Parliament House. There were daily progress reports, sentries were posted on the verandah in strict shifts to make sure the nest was not disturbed, and delicious things were brought from Janet's fridge to tempt the parent birds to feed the baby. Things got more and more tense as the first flight approached. Janet was worried that if the baby magpie failed in its first attempt, it would be trampled on by crowds in the Domain or eaten by passing dogs. I suspect its biggest problem would have been getting airborne after all that food! I trust that the present occupants of level 8 take care of our wildlife as Janet did.

Janet could cut to the quick of any pretensions and see right through the motivations of most people. Whilst she was always the consummate diplomat, the essence of discretion, the most loyal personal secretary, she was able to indicate to her closest colleagues what she really thought of a particular person without saying a word. With an almost imperceptible movement of her nose she would communicate her view about whether the person measured up to her high standards, and always with a smile on her face.

Janet had a wicked sense of humour and the ability to laugh at herself as well. Her nose, or at least the attitude of her nose, was also a subtle indicator as to what the atmosphere was behind the big heavy door of which she was the gatekeeper—which for me was important as I spent at least three hours of every day inside that room and it was useful guidance, although I know that all who worked for Nick valued every single day of the experience as a rare privilege. Janet had some subtle codes to attempt to keep the Premier on schedule. Two minutes before the scheduled completion of a meeting, Janet would knock, poke her head in the door and say, "Excuse me, Premier, your next appointment is here". Four minutes later there would be another, louder knock with her head further in the door. The third time, which meant major trouble, Janet would come right into the room, and that would normally quell even the most enthusiastic visitors.

Janet was a fixed point in a very fast-moving world, and she was pivotal to my role. Our day began with a 7.30 or 8.00 o'clock meeting with the Premier. Janet was at her desk at that time. It was Janet who made sure that the Premier got out the door at 7.30 or later every evening, and it was rare to find her desk unoccupied. It must be admitted that she did not embrace technology, relying on the old-fashioned pencil and the two pages per day diary. In 1988 the introduction of computer diaries was just beginning, but Janet never trusted them. The diary was a work of art and each year's diary had its own weight again of ink and liquid paper. She would have diary pages with literally layers of white-out where appointments had been altered and then finalised with highlighter pen.

In characteristic fashion, Janet called a spade a shovel. When we first moved over to the Premier's office in the Black Stump soon after March 1988 we did not really know what to expect in the legendary den of Neville Wran and Barrie Unsworth. And when we did start to make a new home in the inner sanctum we were hard put to describe our new surroundings. But not Janet. She took one look at the very 1970s fit-out, and more particularly the ceiling, which was lined with a sort of slatted timber decoration, sized up Neville Wran's state-of-the-art interior decoration, and declared it to be just like a shearing shed, recalling a childhood spent playing under the shearing shed floor and dodging sheep pellets as they fell through the slats.

Janet made all the people she dealt with feel important, whether they made the sandwiches at Parliament House or ran a western democracy. She played an important role in welcoming many international visitors to Parliament and the Premier's office. Nick Greiner's first year as Premier was the Bicentennial year and Janet had the job of juggling visiting delegations including Prime Minister Margaret Thatcher and Premier Li Peng of China with the day-to-day administrative and electorate demands on the Premier. Her diplomacy was also a great part of the success of the Sydney Olympic bid, because the first person every single International Olympic Committee member met on visiting Sydney and the Premier's office was Janet. She had a great way of engaging people and presenting a real picture of the warmth and professionalism they could expect in a Sydney Olympic Games. That is something that she can be very proud of.

That Janet was farewelled by no less than two former New South Wales Premiers is an indication of the enormous regard in which she was held professionally, but more importantly the great affection the Greiner family in particular and the Fahey family had for her. I was pleased that she chose the Southern Highlands as her place to retire. She so loved her new house and her garden, and having more time to spend with friends such as the Ramsays and Thorntons, and Carol Worland and, of course, her family. We are truly devastated that she was cheated of the time in which she had planned to pursue her art and garden and interests with friends and family. In the little time she had she became involved in cattle shows and enjoyed flower shows and the University of the Third Age. She even became involved in some environmental activism on a local stormwater issue. We can thank Janet for some great improvements in the local environment near her home.

We have lost a very special friend and colleague, and I have lost a watchful local critic. I always breathed a sigh of relief when I heard that Janet had approved of something I had said about a local issue. Janet was farewelled yesterday by close colleagues including Margot Alston, Sharon Sorrodimi, Geoff Chiddy, Phillipa Decker, Ken Hooper, Liz Storey and many others. Most of all, we extend our deepest sympathy to Janet's family, who have travelled from Western Australia and other places to say farewell. They are in the gallery this evening, including her brother Kevin and niece Lara. Patrick and Sheila Mahon are representing Trina, John Mahon and Patricia. Knowing the gap Janet's death leaves in our lives gives us some idea of what her family has lost. We will miss her, but be glad we were able to know her, though not for nearly long enough.

Mr ARMSTRONG (Lachlan) [8.14 p.m.]: I join with other members tonight in expressing my deep sympathy to the family of the late Janet Mahon. I hate to admit that I first knew Janet Mahon back in the 1950s. In those days she was the personal assistant to the late Herbert Field, H. F. Field, of Red Hill, Adjungbilly. Then I knew her when she was personal assistant for a while to the late Alf McGeoch and John McDonald of Dalgety's. They were in the halcyon days of the wool industry in the late 1950s when there were all sorts of records for stud sheep in the wool industry. They were colourful days and colourful people. Janet Mahon was one of those people who was always there. She was an absolute natural-born lady, a person of high intelligence and integrity with the most impish sense of humour. She never forgot: she never forgot a name, she never forgot a date, she never forgot an event. After walking in and having 50 words with her she could recount what occurred the last time you met.

Janet had a wonderful knack of making people feel relaxed, warm and at home. One would walk away thinking one had met a friend, and a most intelligent person. Janet then went to John Maddison and then Nick Greiner, and the rest is history. Janet Mahon is one of those people who liked to serve. She liked to be one out, one back, being with successful people. She was always with successful people, and her presence probably added to the success of many of the people she worked with and many of her friends and associates.

Janet Mahon was highly respected by her peers. Since the announcement of her death last weekend a number of staffers, including my own staff from the time I was a Minister in the previous Government, have rung me or contacted me. I have also rung some to say that Janet had passed away. She had this lovely bond with people. People loved her and she loved them back without going over the top. Janet did not have to work at it; it was a natural thing. We are all much the richer for having known Janet Mahon. In her own way she has made a major contribution towards the betterment of the Fields, the Dalgetys, the old stock and station agencies, politics and people generally. She always had a kind word and she was intelligent. She left people, especially her employers, much the better for her presence. I join with other members tonight in expressing my sympathy to the family of Janet Mahon and respecting her contribution to this world.

Mr FRASER (Coffs Harbour) [8.17 p.m.]: I join the Deputy Leader of the Opposition, the Leader of the National Party, the honourable member for Southern Highlands and the honourable member for Lachlan in expressing my sympathy to the family of Janet Mahon. I was elected to this Chamber in a by-election in 1990. I must admit that my staff at that time, Barbara Campbell and Marilyn Eli, could not be described as the greatest allies of Nick Greiner after Matt Singleton's departure. I spoke today to Barbara Campbell and informed her of Janet's sad passing—I learned of it only today myself. Barbara and Marilyn had great rapport with Janet because before Janet was anything else she was an electorate secretary. She knew the protocol and she had rapport with all the electorate secretaries, especially Coalition electorate secretaries, around the State.

I have said before that when I was elected to this Chamber I found that I could get into any Minister's office by kicking down the door. I learnt fairly early in my career that if you try the door handle you could get in without kicking the door down. The easiest way to get in it was to ring Janet Mahon or have my secretary ring Janet to facilitate a meeting with the Premier or any other Minister at any time. She was an outstanding person. She holidayed at Smugglers Inn in Kroro in the Coffs Harbour electorate. I know that she was a great friend of

Paul Ramsay, whom I know and love dearly. I know the special relationship they had. But I also know the special relationship she had with electorate secretaries and, therefore, members across the State. Often if you had a problem your electorate secretary would ring Janet and, probably without your knowing, Janet would resolve the issue for you and advise that the issue had been resolved with the relevant Minister or department.

Janet's knowledge of protocol and the system, and her knowledge of the Premier meant that she could give someone assistance and advice without their knowing it. It was a great shock to me when I heard of Janet's passing. She was much younger than her years and this evening Barbara and I were guessing her age. We both thought she was about 55. To learn that she was some years older than that was a great shock to me, because 11 years ago and prior to that, especially when we went into Government, she trained members such as me with youth and enthusiasm. I appreciated her advice and assistance. It seemed surreal to see her photograph on the order of service for the funeral; it is hard to believe that she is no longer with us. I offer the family my condolences and those of the people in Coffs Harbour, who knew her well. She used to holiday there and enjoyed being anonymous for a short time. I trust that she is now in God's care, as I am sure she is.

Mr HAZZARD (Wakehurst) [8.20 p.m.]: I support other members in bidding a sad farewell to Janet Mahon. In 1991 when I became a member of Parliament Janet was in charge, if you like, of the then Premier behind the scenes. I quickly found that if I wanted to see the Premier, Nick Greiner, I first had to get past the gatekeeper, Janet Mahon, and she was the kindest of gatekeepers. Unfortunately, not long after I entered Parliament I found myself in a spot of bother, as sometimes happens in this place. I was involved in the debacle that resulted in Nick Greiner resigning from Parliament. I remember the torment and anxiety I was going through at that time, as were Tim Moore and others involved in that debacle. Janet Mahon was a rock: a quiet, steady, serene person who provided a great level of support. I will never forget that.

Whenever I sought the counsel of those in the Premier's office, Janet was there always with a kind word—always considered, always sensible and always keeping things in perspective. I express my sympathy to her family. It is indeed sad that such a wonderful person was taken from us so early. Janet's brother Kevin, her niece Lara, and Patrick and Sheila Mahon representing Trina and John Mahon and Patricia are present in the gallery. Each of you can be proud of Janet: she was a wonderful person who touched many lives. I was saddened to hear that she had passed away. She was the sort of person who would not want her family to be sad at her passing. I am sorry Janet is no longer with us; she was a wonderful, wonderful person. If we all had only some of her qualities the world would be a much better place.

Members and officers of the House stood in their places.

Motion agreed to.

BILLS RETURNED

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

Marine Safety Legislation (Lakes Hume and Mulwala) Bill

The following bill was returned from the Legislative Council with amendments:

Consumer, Trader and Tenancy Tribunal Bill

Consideration of amendments deferred.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (PERMANENCY PLANNING) BILL (No 2)

Suspension of Standing and Sessional Orders

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [8.25 p.m.]: Having pre-audience under Standing Order 71(1), I move:

> That standing and sessional orders be suspended to allow the Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Bill (No 2) to be committed pro forma, to be followed immediately by the resumption of the second reading debate.

The purpose of this motion is to simply insert Government amendments in one process, which will then allow the House to have the updated bill for the second reading debate. In the event that honourable members

foreshadow amendments in the course of debate, the bill will have the usual Committee stage for consideration of the amendments in detail. When I introduced this bill in June, I indicated that further consultation would take place, and that has now occurred. The Government's amendments reflect that consultation. Most of the amendments are technical drafting improvements. They do not alter the intended effect of the clause but aim to clarify the language and remove any ambiguity.

The substantive changes relate to new safeguards being introduced for Aboriginal and Torres Strait Islander [ATSI] children in response to concerns expressed by the ATSI community. I am aware that there is nervousness in the ATSI community about the application of permanency planning for ATSI children, due to the historical removal of Aboriginal children from their families. In acknowledgment, I have given assurances that the Government is committed to the Aboriginal child placement principle that is already contained in existing legislation. I have also reinforced the fact that this bill does not provide for compulsory adoptions, and that it is expected that, for cultural reasons, adoption would rarely occur for ATSI children. It is important to recognise that the bill does not alter the law relating to adoption. While an intention to pursue adoption may be incorporated in a case plan considered by the Children's Court, it must be followed by a formal application for adoption in the Supreme Court, as jurisdiction for adoptions remains with the Supreme Court.

The new Adoption Act 2000 already requires that any placement of an ATSI child with a non-ATSI family is only a last resort and can occur only with the consent and approval of the relevant Aboriginal community, when the court can be assured that the child will be brought up with knowledge of his or her culture. At present, I am advised that in recent years adoption orders involving Aboriginal and Torres Strait Islander children have been made only about two or three times each year. The Government intends to carefully monitor whether any non-Aboriginal and Torres Strait Islander adoption placements for ATSI children occur after the introduction of this legislation.

Further, in recognition of concern from Aboriginal and Torres Strait Islander groups, I am happy to give an undertaking that if the number of adoptions of Aboriginal and Torres Strait Islander children by non Aboriginal and Torres Strait Islander families exceeds five in any twelve-month period, the Government will commence a review. To build in legislative safeguards for ATSI children, it is proposed to amend the bill to require the consent of two Ministers—the Minister for Aboriginal Affairs and the Minister for Community Services—before a case plan can proceed that proposes a sole responsibility order or an adoption in a non-ATSI placement for an ATSI child. In relation to concern about the potential use of sole parental responsibility orders to place ATSI children in non-ATSI placements, I point out that as these are new orders, they are yet to be tested. However, I will undertake to ensure that the use of these orders in relation to ATSI children will be carefully monitored by my department in consultation with the Aboriginal community.

In terms of the bill's requirement of a review of the permanency planning provisions within five years, in response to the concerns of the ATSI community it is also proposed to amend the bill to ensure that this review specifically includes the impact on ATSI children. There is, of course, nothing to prevent this review being triggered before five years has elapsed if there are any emerging issues that require examination. I have already asked the director-general to meet with the ATSI community to discuss a range of issues relating to general substitute care.

It is again acknowledged that these proposals need to be supported and complemented by casework practice, information for magistrates and legal practitioners and other non-legislative measures. They represent a modest but important step in the right direction, redressing some of the current imbalance that too often means that in practice decisions about children in care are driven more by concern about the rights and needs of the parents than they are about the rights and needs of the child. Most importantly, I expect that these amendments will result in practical and tangible improvements in the quality of care experienced by abused and neglected children in this State. I commend the motion to the House.

Mr HAZZARD (Wakehurst) [8.31 p.m.]: The Opposition will not oppose the motion but expresses its reservations and concerns about the incompetent way in which the Minister has conducted the management of the bill. It is more than 16 months since the first bill was introduced into the House. The Minister told the community that the bill would change the way children in substitute care are dealt with. She claimed the bill would introduce a new regime that would result in more children being adopted. At that time the Minister did not listen to the concerns of the community or the Opposition. I asked the Minister why she introduced the bill as a second reading draft exposure bill that was destined, from the moment the Minister commenced speaking in this House, for change.

This process has showed a level of incompetence that should worry the Premier; it certainly worries the community sector. Unfortunately, it reflects poorly on the Minister's capacity to handle her portfolio. I do not doubt for one moment the Minister's good intent. She wants to ensure, as we all do, that children in foster care are not moved from pillar to post. However, the bill was not the way to go about achieving the best outcome for children in substitute care. The Minister should have known that at the outset, and that would have avoided the embarrassing situation of the Minister moving a motion to enable her to insert a series of amendments into her own bill. I have been a member of this place for 10 years and that has rarely happened, particularly in relation to a bill that seeks to look after vulnerable children. The whole process reflects poorly on the Government and the Minister.

Premier Carr has allowed the Minister to run the show in this incompetent manner. Her actions have caused great concern in the community. In the intervening two-year period consultation has been forced on the Minister. Whilst any consultation is admirable, community groups have been beside themselves at the way the bill was introduced. Literally as late as 1½ hours ago community groups were still saying, "We have only just been consulted about this legislation and we have only just seen the amendments." In other words, the Minister started incompetently in June last year and she is now finishing incompetently. The same thread of inappropriate consultation continued throughout the 16-month period.

I assume the Minister has decided that the bill should be passed in this session to save face. I do not have a problem with that as I understand where she is coming from, but I worry about the hurt she has caused. I do not know that she fully understands the depth of the grief she is causing to non-government organisations and to people at the coalface. One Aboriginal group is holding a reunion tonight for people who were separated from their children. Those who must respond to the Minister's submissions, which were only sent to them in the last day, are trying to reunite members of the stolen generation with their families, but they are beside themselves because they have not been able to respond appropriately to this legislation. It is pathetic and the Minister needs to rethink the way she is dealing with this bill. [*Time expired.*]

Motion agreed to.

Committee (pro forma) and Adoption of Report

Bill committed pro forma and reported with the amendments in the following schedule:

No. 1 Page 3, schedule 1 [1], lines 7 and 8. Omit all words on those lines. Insert instead:

permanency plan involving restoration—see section 84.

No. 2 Page 3, schedule 1 [1]. Insert after line 9:

permanent placement means a long-term placement following the removal of a child or young person from the care of a parent or parents pursuant to this Act which provides a safe, nurturing and secure environment for the child or young person and which may be achieved by:

(a) restoration to the care of a parent or parents, or

(b) placement with a member or members of the same kinship group as the child or young person, or

(c) long-term placement with an authorised carer, or

(d) placement under an order for sole parental responsibility under section 149, or

(e) placement under a parenting order under the *Family Law Act 1975* of the Commonwealth, or

(f) adoption.

No. 3 Page 3, schedule 1 [4], lines 19B24. Omit all words on those lines. Insert instead:

(f) If a child or young person is placed in out-of-home care, arrangements should be made, in a timely manner, to ensure the provision of a safe, nurturing, stable and secure environment, recognising the child or young person's circumstances and that, the younger the age of the child, the greater the need for early decisions to be made in relation to a permanent placement.

No. 4 Page 3, schedule 1 [4], line 28. Insert "and taking into account the wishes of the child or young person," after "interests,".

No. 5 Page 4, schedule 1 [5], lines 7B13. Omit all words on those lines. Insert instead:

70A Consideration of necessity for interim care order

An interim care order should not be made unless the Children's Court has satisfied itself that the making of the order is necessary, in the interests of the child or young person, and is preferable to the making of a final order or an order dismissing the proceedings.

Note. Sections 63 and 72 deal with the power of the Children's Court to dismiss proceedings and section 94 deals with adjournments.

No. 6 Page 4, schedule 1 [6] and [7], lines 14B25. Omit all words on those lines.

No. 7 Page 4, schedule 1 [8], line 30. Omit all words on that line. Insert instead:

(i) how it relates to permanency planning for the child or young person, and

No. 8 Pages 5 and 6, schedule 1 [9], line 7 on page 5 to line 3 on page 6. Omit all words on those lines. Insert instead:

78A Permanency planning

(1) For the purposes of this Act, ***permanency planning*** means the making of a plan that aims to provide a child or young person with a stable placement that offers long-term security and that:

(a) has regard, in particular, to the principle set out in section 9 (f), and

(b) meets the needs of the child or young person, and

(c) avoids the instability and uncertainty arising through a succession of different placements or temporary care arrangements, and

(d) provides for continuity of relationships with family members and others significant to the child or young person as long as it is in the best interests of the child or young person.

(2) Permanency planning recognises that long-term security will be assisted by a permanent placement.

(3) For Aboriginal or Torres Strait Islander children and young persons where there is no possibility of restoration to their parent or parents or member or members of their kinship group, other forms of permanent placement are to be considered for the purposes of subsection (1) and section 85A only:

(a) as a last resort, and

(b) in consultation with the child or young person, where appropriate, and

(c) in consultation with a local, community-based and relevant Aboriginal or Torres Strait Islander organisation and the local Aboriginal or Torres Strait Islander community, and

(d) if the child or young person is able to be placed with a culturally appropriate family or in independent living, and

(e) after consideration has been given, and best endeavours have been made, by the Director-General or the designated agency responsible for the placement to adhere to the Aboriginal and Torres Strait Islander Placement Principles in section 13 to the finding of an Aboriginal or Torres Strait Islander placement for the child or young person, and

(f) if, in the case of a proposal for a sole parental responsibility order in favour of, or a recommendation for adoption by, a person who is not an Aboriginal or Torres Strait Islander, the approvals of the Minister for Community Services and the Minister for Aboriginal Affairs are given.

No. 9 Page 6, schedule 1 [11], lines 11 and 12. Omit all words on those lines. Insert instead:

(1A) The report must include an assessment of progress in implementing the care plan, including progress towards the achievement of a permanent placement.

No. 10 Pages 6 and 7, schedule 1 [12], line 15 on page 6 to line 19 on page 7. Omit all words on those lines. Insert instead:

83 Preparation of permanency plan

(1) If the Director-General applies to the Children's Court for a care order (not being an emergency care and protection order) for the removal of a child or young person, the Director-General must assess whether there is a realistic possibility of the child or young person being restored to his or her parents, having regard to:

(a) the circumstances of the child or young person, and

(b) the evidence, if any, that the child or young person's parents are likely to be able to satisfactorily address the issues that have led to the removal of the child or young person from their care.

(2) If the Director-General assesses that there is a realistic possibility of restoration, the Director-General is to prepare a permanency plan involving restoration and submit it to the Children's Court for its consideration.

(3) If the Director-General assesses that there is not a realistic possibility of restoration, the Director-General is to prepare a permanency plan for another suitable long-term placement for the child or young person and submit it to the Children's Court for its consideration.

(4) In preparing a plan under subsection (3), the Director-General may consider whether adoption is the preferred option for the child or young person.

(5) The Children's Court is to decide whether to accept the assessment of the Director-General.

(6) If the Children's Court does not accept the Director-General's assessment, it may direct the Director-General to prepare a different permanency plan.

(7) The Children's Court must not make a final care order unless it expressly finds:

(a) that permanency planning for the child or young person has been appropriately and adequately addressed, and

(b) that, if a restoration order were to be made, there is a realistic possibility of the child or young person being restored to his or her parents, having regard to:

(i) the circumstances of the child or young person, and

(ii) the evidence, if any, that the child or young person's parents are likely to be able to satisfactorily address the issues that have led to the removal of the child or young person from their care.

(8) A permanency plan is only enforceable to the extent to which its provisions are embodied in, or approved by, an order or orders of the Children's Court.

No. 11 Page 7, schedule 1 [14], line 31. Omit "and". Insert instead "or".

No. 12 Page 8, schedule 1 [14], line 3. Omit "18 months". Insert instead "12 months".

No. 13 Page 8, schedule 1 [14], line 10. Insert "other" before "arrangements".

No. 14 Page 8, schedule 1 [14], lines 12 and 13. Omit all words on those lines. Insert instead:

(c) whether the designated agency should recommend to the Director-General that an application for a care order be made or whether the designated agency should make an application for the rescission or variation of a care order.

No. 15 Page 8, schedule 1 [14], line 14B25. Omit all words on those lines.

No. 16 Page 8, schedule 1 [14]. Insert after line 25:

(5) Nothing in this section affects any obligation under section 150 to review the placement, and a review under section 150 may be taken to be a review for the purposes of this section also if the review under section 150 satisfies the requirements of this section.

(6) The regulations may make provision for or with respect to a review under this section, including:

(a) the qualifications of the person carrying out the review on behalf of the designated agency, and

(b) the matters to be taken into consideration in carrying out the review, and

(c) the release of reports prepared in relation to the review.

No. 17 Page 8, schedule 1 [15], lines 28B34. Omit all words on those lines. Insert instead:

(2) The Children's Court may grant leave if it appears that there has been a significant change in any relevant circumstances since the care order was made or last varied.

Note. As it must do before making any order, the Children's Court is to consider the principle in section 9 (a). For the purposes of section 90, this will include consideration of:

(a) the nature of the application, and

(b) the age of the child or young person, and

(c) the length of time for which the child or young person has been in the care of the present carer, and

(d) whether the applicant has an arguable case.

No. 18 Page 8, schedule 1. Insert after line 34:

[16] Section 90 (3A)

Insert after section 90 (3):

(3A) If:

(a) an application is made to the Children's Court for the rescission or variation of a care order by a person or persons other than the Director-General, and

(b) the application seeks to change the parental responsibility for the child or young person, or those aspects of parental responsibility being residency and care responsibility for the child or young person, and

(c) the Director-General is not a party to the proceedings and the application is not brought by the Department as the designated agency,

the applicant must notify the Director-General and the Children's Guardian of the application, and the Director-General and the Children's Guardian are entitled to appear in the hearing of the application.

No. 19 Page 9, schedule 1 [17], lines 6B13. Omit all words on those lines. Insert instead:

(4) The Children's Court should avoid the granting of adjournments to the maximum extent possible and must not grant an adjournment unless it is of the opinion that:

(a) it is in the best interests of the child or young person to do so, or

(b) there is some other cogent or substantial reason to do so.

No. 20 Pages 9 and 10, schedule 1 [18], line 16 on page 9 to line 18 on page 10. Omit all words on those lines. Insert instead:

149 Order for sole parental responsibility

(1) This section applies to a child or young person:

(a) for whom the Minister has sole parental responsibility (including the aspects of residence and care responsibility), and

(b) in relation to whom the Minister has shared parental responsibility (including the aspects of residence and care responsibility) with the authorised carer or carers of the child or young person only.

(2) An authorised carer who, for a continuous period of not less than 2 years, has had the care of a child or young person to whom this section applies, may apply to the Children's Court for an order awarding sole parental responsibility for the child or young person to the authorised carer, subject to this section.

(3) The application may be made by the authorised carer and the authorised carer's partner, if the partner so consents, and an order may be made accordingly.

(4) An application cannot be made by a person who has the responsibility of an authorised carer solely in his or her capacity as the principal officer of a designated agency.

(5) An application cannot be made without the consent of the person or persons who had parental responsibility for the child or young person immediately before parental responsibility was allocated to the Minister.

(6) An application that relates to a child who is not less than 12 years of age, or a young person, and who is capable of giving consent cannot be made without the consent of the child or young person. A consent is to be given in such form and manner as may be prescribed by the regulations.

(7) If an application relates to a child who is less than 12 years of age, the principal officer of the relevant designated agency is to give the child notice of the application.

(8) In making an order under this section for sole parental responsibility, the Children's Court may make or vary a contact order under section 86.

149A Variation or rescission of order for sole parental responsibility

(1) An application for the variation or rescission of a sole parental responsibility order under section 149 in respect of a child or young person cannot be brought except with:

(a) the leave of the Children's Court, and

(b) the consent of the principal officer of the designated agency that had last supervised the placement of the child or young person.

(2) If:

(a) the principal officer of the designated agency that had last supervised the placement of the child or young person gives consent under subsection (1) (b), and

(b) the designated agency has provided support for the placement,

the principal officer must provide the Children's Court with a report concerning the placement together with such other information as may be relevant to the application.

(3) Section 90 (6) applies to the determination of an application to vary or rescind a sole parental responsibility order under section 149 in respect of a child or young person in the same way as it applies to the variation or rescission of a care order.

(4) This section does not limit or affect the making of an application to the Children's Court by the Director-General under section 45 or 61.

Note. Section 247 provides that nothing in this Act limits the jurisdiction of the Supreme Court. Consequently, nothing in this section will limit that jurisdiction.

(5) The regulations may make provision for or with respect to:

(a) the form and manner in which a consent is to be given for the purposes of this section, and

(b) the form and contents of a report under subsection (2).

No. 21 Page 11, schedule 1 [21], line 9. Insert "and, in particular, the policy objectives and effects of those amendments in their application to Aboriginal and Torres Strait Islander children and young persons," after "*2001*".

Report adopted.

Second Reading

Debate resumed from 27 June.

Mr HAZZARD (Wakehurst) [8.39 p.m.]: The bill that is now before the House is the result of legislation introduced by the Minister in the middle of 2000. The Committee of the Whole has accepted the amendments to the bill moved by the Minister with the consent of the Opposition. However, our actions in co-operating and accepting the amendments should not be interpreted as wholehearted support for the bill—in fact, they are quite the opposite. I shall relate the history of this bill so that honourable members may appreciate the silliness of this debacle.

In 1998 the children and young persons care and protection package of legislation was introduced in this place. It passed through the House with bipartisan support. The Opposition supported the Government regarding some fundamental and important changes to the care of children and young people in New South Wales. That legislation has not been fully proclaimed to this day. It has proceeded in a piecemeal fashion, and the Government has sought to amend the legislation before it is proclaimed. When the Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Bill was introduced it bore the date 2000.

The Minister for Community Services indicated that it was an exposure draft, but delivered a second reading speech in relation to it. She then went public and spoke solidly in support of the legislation. She said that she could not envisage any sensible objections to the bill and was quite critical of the Opposition in public. Indeed, she was quoted in her local newspaper, the *Penrith Press*, as saying that Brad Hazzard, the shadow Minister for Community Services, had single-handedly held up the passage of the bill. That is not a lie; I can show the Minister the briefing. The Minister made those comments in an attempt to demean the Opposition and to belittle my genuine concerns about the permanency planning bill that she had introduced in this place.

What has happened in the meantime? Does the Minister sit in the Chamber tonight validated or diminished by what has occurred in the past 16 months? Events of the past 16 months indicate that the Minister is not competent to be, and should not be, the Minister for Community Services. That is not to say that I or the Opposition challenges in any way the Minister's bona fides in wanting to do the right thing by children in care. That is not the issue. The Opposition acknowledges—and I acknowledge personally—that the Minister is

interested in, and committed to, trying to ensure that all children, including those in care, are looked after appropriately. However, the Minister got it wrong, and tonight she has got the bill almost as right as she can make it. The problem is: Do we really need this bill? The Minister needs it to restore her credibility; she wants to be able to say, "I put my bill through." However, to gauge whether this bill will help the community and children in care we must consider what has occurred along the way.

After the Opposition blocked the bill in June last year—we indicated that we had major concerns with the bill, that the community sector had huge difficulties with it and that we needed time to examine it carefully to come to grips with its potentially dangerous provisions—the Minister sent the bill to be considered by a small group appointed from within the Department of Community Services. Those people faced an almost impossible task: they had to try to give the Minister a report that said the bill contained some logic, application and sense. They sent draft reports to the Minister's office and on each occasion the office returned them without making them public and directing that various aspects be changed. Those changes were demanded because it was simply impossible, even for a group of well-meaning and highly qualified people, to accord with the Minister's wishes. The Minister giggles. Unfortunately, that is typical of the way in which she has approached this issue.

When the report finally emerged from her office, the Minister put the best possible gloss on it and said that the permanency planning bill would be changed in accordance with some of the recommendations in the report. The document contained a series of recommendations for change that were apparently—I stress that the Opposition was not consulted on the bill until about a month ago—eventually sent to the parliamentary draftsman. The Opposition offered bipartisanship and signalled that we were prepared to assist in the bill's passage if the Minister was absolutely committed to it. However, no consultation took place until about a month ago. The report to the Minister contained a series of carefully worded recommendations for change. In chapter VI under the heading "Addressing the Key Changes Proposed in the Draft Exposure Bill" it is noted that the amended bill aims to strengthen the emphasis placed on considering children's interests over and above those of their parents when making care and protection decisions. That is a bipartisan view. The Opposition would be happy to work with that broad principle and try to translate it into an outcome. Page 13 of the report states:

> It includes an additional principle that the safety, welfare and wellbeing of children and young persons removed from their parents are paramount over their parents' rights.

That is where the Opposition begins to have some difficulties as we do not think those two issues are totally separate. We believe the parents' and the children's interests are part of a continuum. However, this rather simplistic bill does not see it that way. The report also refers to the essential principle of placement of children or young persons in permanent care, and states:

> … all reasonable efforts should be made to preserve and unify families but where this isn't appropriate all reasonable efforts should be made to place the child in permanent care.

If that had been the intent of the bill, as expressed by those words, the Opposition would not have had a problem. But we did have a problem because we felt that the bill was not heading in that direction. At page 14 the report noted:

> The Bill provides that a child or young person in out-of-home care deserves a safe, nurturing, stable and secure environment and that all reasonable efforts should be made to ensure, in some cases—

And I emphasise—

> after the passing of an interim period, that children and young people retain relationships with significant others, unless it is not in their best interests.

Again, we would be happy with part of the wording of that objective of the bill. We agree that a child or young person in out-of-home care deserves a safe, nurturing, stable and secure environment. But we do not understand why there should be retention of relationships with significant others "after the passing of an interim period". Interestingly, the report stated at the bottom of page 14, "The drafting of this provision will be reviewed." Those words appeared often in this report in regard to a number of different and specific issues. What that report is really saying—and it was the best the Minister could get—was "Minister, no matter how hard we have tried to define what we all agree is the intent of what we should be doing for children in substitute care, this bill does not achieve that." My recollection is that there were two or three lawyers on that committee appointed by DOCS.

I attended an Association of Child Welfare Agencies [ACWA] conference where enormous levels of concern were expressed about this permanency planning bill. Those people who were trying to address the

Minister's concerns were clearly in a bind. They were trying to find some way through for the Minister such that her incompetence in regard to this bill would not be more obvious at the end of the process than it was at the beginning. That was a challenge because her incompetence was clear at the outset. To try to reverse that was a major task.

I could go through all the key changes that were addressed in the DOCS report, but that will not achieve much tonight. Some of those issues have now been addressed by the amendments moved by the Minister. Where are we at now? This permanency planning bill seeks to amend the 1998 legislation. According to the Minister, the bill will improve the situation that was created by the 1998 children and young persons care and protection legislation. At the very best, all we can say after this legislation has been debated and passed through this Chamber is that at least with this much-diluted bill the Minister will not do too much harm. If we thought the bill would cause too much harm, if we thought we were back where we were in June last year, the Opposition would fight this bill tooth and nail.

But we believe that the Minister's advisers and assistants, with all their work, have achieved a happy outcome for the Minister. She now has a bill that does not do too much harm. She now has a bill that does not detract too much from her 1998 package of legislation, which was good legislation. We wish she had proclaimed that legislation completely and we wish the parts proclaimed had been proclaimed earlier. At least this bill will not do too much damage. Consideration of this bill cannot be made separately from everything else the Minister is doing that affects permanency planning. I remind the House that there is a great deal of concern in the community about children in out-of-home care. In 1995 when the Carr Government came to power approximately 5,500 children were in out-of-home care, or what is called substitute care or foster care—although those words are not an accurate reflection of each term. Now the estimated number of children in out-of-home care who can no longer live with their families is in the order of between 8,000 and 8,500.

That is a very modest figure because a whole host of others, possibly thousands, live in what is termed kinship care. In other words, they live with relatives. This Government has not made an effort in six years as those numbers dramatically increased to come to grips with the issues facing children in substitute care and the resources that are needed. In particular, the Government has ignored the whole issue of kinship care. I am told that in some communities in New South Wales the Department of Community Services does not even know exactly how many children are in kinship care. In some of the far-flung parts of the State and particularly in Aboriginal communities, the department pays taxpayer dollars to a relative or a friend to look after an Aboriginal child or children but does not do anything else. It pays the money, but it never checks the circumstances of the child in that family. It never checks whether the child is in a better environment than the one he or she has come from. It never checks the outcomes for those children. It never carries out its duty of care to those children, particularly in Aboriginal communities.

A series of reports about permanency planning have been ignored by the Minister, to her shame and to the detriment of the rapidly climbing number of children in New South Wales who are in foster care. I remind the House that in the past 12 months the Community Service Commission, the body that was set up in 1992 to hear complaints about whether DOCS is adequately protecting children, has itself been under attack by this Government and this Minister. For 12 months the Community Services Commission has had its teeth pulled and it has not been able to investigate the sorts of deaths and injuries that occur to children in substitute care and foster care because this Government does not want any public focus on its failings in regard to those children. At least three reports have been published which have been highly critical of the Government. The July 2000 report entitled *Forwards, Backwards, Stand Still* outlined chronic shortfalls in substitute care in New South Wales and the systemic failings of DOCS. It called for a system that can monitor and make DOCS accountable. It expressed concern that the current generation of Aboriginal children being taken into care constituted another stolen generation. What was the response from this Minister? What was the response from this Government?

Mr Fraser: What?

Mr HAZZARD: The honourable member for Coffs Harbour asks a simple and pertinent question, "What?" What has the Government done? The Government has done nothing.

Mr Kerr: Why?

Mr HAZZARD: The honourable member for Cronulla wants to know why. We will have to ask the Minister for Community Services. I suspect and the community believes it is because the Minister does not understand what to do to improve the lot of children in substitute care. She does not understand what is

involved. She cannot argue the case with Treasury. She does not know how to turn around a Department of Community Services environment that is crisis driven and getting worse. She is incompetent. In August 2000 the Community Services Commission issued another report just a few short months before the Minister joyfully sent a letter to the commission heralding the fact that the Community Services Commission was about to be made impotent. The report, known as "Voice of the Children and Young People in Foster Care", reiterated problems with care from children in the system.

The report contained conversations and discussions with young people in care expressing their concerns. Not all young people under the care of the Department of Community Services or in foster care suffer negative outcomes; some young people have very positive outcomes. This report pointed out huge problems for all children. Even children who had been removed from very abusive situations and were happy with the outcomes of foster care continued to suffer from a lack of appropriate management of their care and a lack of resources by this Government. A report by Burnside that investigated educational outcomes for children in foster care made it clear that education for children in foster care was not given the necessary priority. Children who moved from one foster care placement to another did not have school records or reports handed on. There was no sense of continuity of the educational outcomes of those children, and no base for the new school to know where the children had been or what their particular problems were. A number of studies have been done in Britain in that regard.

One would have thought that, because the Burnside report focused on issues such as education and lack of self-esteem that is all too often occasioned to children in foster care and out-of-home-care, and lack of training and appropriate resourcing for foster carers, the Government would have at least responded or said something, anything at all, even that it did not agree with the report. But the Minister and the Government did not respond. They were deathly silent. The Minister should be eternally shamed by what has occurred since she has been the Minister. She should be eternally shamed by her failure to respond to so many worthwhile reports by so many good people who must feel a great sense of frustration at her total blockheaded obstinacy to deal with significant issues. However, as I said earlier, I do not dispute her good intentions. November 2000 is a particularly momentous time. The Minister must have been particularly joyful because she had received Crown Solicitor advice indicating that following the Law Reform Commission review of the 1992-established Community Services Commission there were problems with the legislation.

I can almost imagine the excitement in the ministerial office when they received Crown Solicitor advice that the Community Services Commission, which was seeking outrageously to highlight the Government's incompetence and lack of action, could be shut up. The Minister would have been told that the good news is that the Community Services Commission had been operating outside its legislative framework, the legislation that gave birth to the bipartisan good intentions of this Parliament in 1992 and 1993. The Minister sent a letter to the Community Services Commission to cease investigating some of the deaths and injuries occasioned to children in care and to send such cases to the Ombudsman's office. The community sector was extremely disappointed by the actions of the Government, and the welfare and safeguarding of children in care was greatly diminished as result of limiting the powers of the Community Services Commission. I do not know how the Minister can sit in this Chamber day after day knowing what she has done. The Opposition does not have a staff—

Mrs Lo Po': Point of order: A degree of tolerance is allowed with speeches on the second reading, but the bill is about permanency planning. The honourable member for Wakehurst is on his hobbyhorse again. The only thing he ever talks about in relation to community services is the Community Services Commission. He should be brought back to the leave of the bill. This is a really important bill. It is about permanency planning, not the Community Services Commission.

Mr ACTING-SPEAKER (Mr Lynch): Order! Traditionally, the member leading for the Opposition in a second reading debate is permitted to range broadly over a number of topics. At present the honourable member for Wakehurst has not flouted that tradition.

Mr HAZZARD: This is about permanency planning. This is about what happens to children who do not have appropriate resources within the permanency planning environment. This is about children who do not have appropriate protection within the permanency planning environment. This is about children who are dying. I am shocked that the Minister would seek to try to contain discussions in this place about children she is vested with the task of protecting. If the Minister thinks this is too broad ranging she should make a call to Tahlia Brockmann's aunt in Wellington. She should ask her whether she thinks what I am saying is too broad ranging. Her niece died as a result of the failings of the Minister's Government to look after children. So many reports

come into the Opposition's office, which consists of me and Kath McFarlane, who sits here tonight, that we often feel that we are running some sort of alternative Community Services Commission complaint agency. We are taking the complaints the Minister does not take. Many of the issues relate to children in care and foster care about which she should be concerned.

While the Minister was busy pulling the teeth of the Community Services Commission, its final report, entitled "New Directions—From Substitute to Supported Care", was published. Perhaps the Minister did not read it. She might inform the House later whether she responded to that report. If so, she may care to table her response. That is something that the community sector, the 8,800 children in care and the many more in kinship care, and their carers, would be interested to see. If the Minister has responded to the report the House should see that response. That report recommended a major overhaul of the subcare system because it has failed to provide a safety net for children in care. The report urged, as a matter of urgent priority, the implementation of better monitoring, accountability and training.

The concept of urgent and better monitoring was an aspect the Minister quickly addressed by making sure that the Community Services Commission, the author of the report, would no longer have its appropriate monitoring role. The common theme of all these reports has been the concerns raised in the community sector. While the Minister has played around with this permanency planning legislation for 12 or 16 months, everyone—except the Minister—believes that the current substitute care system is suffering from the same core problems. Despite all her pronouncements and pontificating, and her focus on oversimplifying the issues, the Minister has failed to make any positive change. She has exacerbated the problems in the care system; she has not addressed the failings in the system.

Since the publication of those three reports, we have had the benefit of other research. A report on the outcome of such research was a Community Services Commission report entitled "A Question of Safeguards—Inquiry into the care and circumstances of Aboriginal or Torres Strait Islander children and young people in care". According to the executive summary of that report the commission found little evidence of services optimising opportunities for children and young people in care, providing them with effective oversight, or of the existence of a safety net when problems emerge. The commission recommended that families be given more support and assistance, and information to work towards restoration where possible. I stress the words "restoration where possible".

Those words and that concept appeared to have been lost in the slipstream of the Minister's rhetoric in June, July and August of last year, when she was promoting adoption in an oversimplified way as the answer to the problems of children in care. The commission also recommended that urgent priority be given to building the capacity of Aboriginal children's services across the State. The commission stated that there was a need for self-determination and self-management of Aboriginal services. It said there was a need for an increase in resources for Aboriginal services; and a need for clear and workable guidelines and policies relating to Aboriginal families and children in care. I will tell the Minister in a moment why that is significant. It relates particularly to what the Minister is doing tonight by pushing this legislation through with its amendments.

One has to ask what this Minister has learned from any of these reports. What did she learn about permanency planning and the needs of children in foster care; the needs of children who have been taken away from very difficult circumstances? Sadly, it appears the Minister learned very little—quite possibly nothing at all. We would, of course, know a little more if the Minister were to respond in writing to the earnest endeavours of those who actually understand the issues; those who have been at the coalface, discussed the issues with the workers, seen the sadness of these children and the lack of resources and support, and produced these reports. Because the Minister has not responded, we have to make the assumption—bearing in mind the incompetence of the bill introduced into this House in June last year and the bill that the Minister is seeking to push through the House tonight—that the Minister has learned nothing.

The Minister said she would consult with the community. The bill dealing with the reinstatement of the powers of the Community Services Commission was repeatedly listed for debate in this House. This bill has been listed for debate on numerous occasions but we did not know whether it was actually going to be on the agenda on any given day. I know that the Minister has attributed the delay to problems in the office of the Leader of the House. Whatever the reason, the manner in which the Minister introduced the bill and the manner in which it was allowed to remain on the notice paper has been a source of concern to members of the community who believed that this incompetent Minister might just push the legislation through at a moment's notice. The Minister and no-one else must bear responsibility for that.

Initially, the Minister refused to accept any of the concerns expressed by members of the community about the bill. She believed that the draft bill was good legislation. She was so confident that it would make

things better for little children in substitute care and foster care that she was prepared to introduce it into this House. The Minister caused those who are involved in the care of these children to attend a number of forums to consider the amendments she was seeking to make to permanency planning. Those forums had to consider what the Minister was proposing in the context of changes to the 1998 legislation—which had not even been fully proclaimed. I attended a number of those forums, and the concerns expressed there were genuine and sincere. The Minister had no right to introduce legislation that was not up to speed and not up to a reasonable standard. The Minister had no right to upset the community—Aboriginal and non-Aboriginal—in regard to what is to happen to children who are in substitute care. Fortunately, as I said at the outset, this bill bears very little resemblance to the bill originally introduced by the Minister.

I thank those organisations across the broad spectrum for their assistance. They include the Association of Child Welfare Agencies [ACWA], the Council of Social Service of New South Wales [NCOSS] and a number of other non-government organisations, including groups that represent Aboriginal people. They have all expressed their concern and frustration in the past few months. Most of those groups did not believe that the Minister would attempt to push this bill through the House, but there has been a gradual awakening that the Minister was committed to the passage of this bill. People in the community say that the Minister has to get the bill through because she needs to save face. I do not know, Minister, whether you think that is acceptable, but most of us think you would have been better off, with a certain level of dignity, simply withdrawing the bill and not putting people through the agony that you put them through.

Will this bill fix the problems in the substitute care system in New South Wales, all the problems that were detailed in the series of reports I referred to earlier in this debate? Will it make it better for foster carers who look after these children? Will it make it better for the children themselves? Will it make it better for the children who are in kinship care and who do not really get much of a look-in under this bill anyway? Will it make it better for the carers and children who need more resources and cannot get them? Will it make it better for the children who go into care but do not see a DOCS officer again for years on end because DOCS simply does not have the resources to do the job? Will it make it better in any substantive way that warrants your introducing the bill? Minister, the answer is no, it will not.

Even if this were a brilliant piece of legislation, which it is not, legislation alone cannot solve the problems. It cannot solve the crisis and continuing crises in the substitute care system. It is not going to save many of the children who are now in substitute care from the fate that has befallen so many in the past. It will not stop the disproportionate numbers of children who find themselves in foster care or substitute care through all sorts of sad circumstances but then find themselves in even more sad circumstances.

Having gone to the Carr Government for support, they find themselves almost programmed for eventual contact with the justice system, they find themselves entering the juvenile justice system, and ultimately they find themselves filling disproportionate places in the prison system. I have not heard a word from you, Minister, on any of those issues in the six years you have been Minister. What is the point of changing the legislation every time something does not work and children are harmed? Legislative change is not necessarily the panacea or cure-all for problems. You can put on your curriculum vitae that you put a bill through the Parliament of New South Wales, but I hope people do not ask you the next question, which you would not like to answer—Did it make a difference?—because the answer will be that it did not.

The practices of child welfare and permanency placement, what happens on the ground, how good intentions are carried out—they are the things that cause many of the problems currently and historically besetting your department. As all the reports I mentioned and many more show, the substitute care system still suffers from children having restricted information about their birth parents and their siblings. It still suffers from a lack of information made available to carers and children about their history and about the reasons for their removal. It still suffers from the Department of Community Services lacking knowledge about the fundamental statistical data that it should have. DOCS cannot tell us how many children are in kinship care. It cannot even tell us the exact number of foster care placements. It cannot tell us where all the children are. It probably cannot tell us more than it can tell us.

The substitute care system still suffers from the insufficient training and resourcing of staff and agencies. It still suffers as a result of the failure by your Government, Minister, to comprehend how bad an experience it can be in care when you do not get the resources, when you do not get the support that is necessary to make that experience better than the experience you had with your natural parent or parents. It still is a failure, Minister, under your Government and under you that we can expect those negative outcomes I referred to a minute ago—the much greater likelihood of children ending up in the juvenile justice system or as adults

ending up in the prison system. If anyone of us cared for a child—our own child or someone else's child—and ultimately we knew we had allowed that child to have a greater likelihood of not succeeding in life, of ending up in prison, we would be ashamed of our parenting capacity. Minister, the Carr Government's parenting capacity, under your guidance, is almost non-existent.

Turning to kinship care and permanency restoration planning, a major failure of the system that this permanency planning bill does not address is the failure to include kinship care as out-of-home care. This has resulted in a lack of follow-up, a lack of support, and a lack of placement monitoring. The Secretariat, National Aboriginal and Islander Child Care, as well as ACWA and NCOSS, have expressed concerns in this regard. I note that on 29 August 2001 the Secretariat, National Aboriginal and Islander Care wrote to you. I hope you read the letter. A number of points that were made in that correspondence should have been taken seriously in the redrafting of your permanency planning bill. I quote from the letter:

> Specifically that the permanent or indefinite placement of Aboriginal or Torres Strait Islander children with non Aboriginal families constitutes a serious risk to the cultural identity of Indigenous children.

Why was that issue raised? As late as tonight, other Aboriginal groups were expressing similar concerns to the Opposition. The letter also noted:

> The absolute non negotiable position of Aboriginal and Torres Strait Islander communities has been that their children should never be removed and permanently placed with non Indigenous families.

I do not think I need to take the Minister or the House through the reasons for that but I will say briefly that the experience of Aboriginal people in Australia, particularly in the twentieth century, was very sad. Aboriginal children were taken away for a variety of reasons that we need not go into tonight. There is bipartisan understanding, at least at some levels, that not taking Aboriginal children from their families should be at the forefront of our thinking, that we should do everything possible to avoid taking them. Minister, those Aboriginal Australians are saying that they are not convinced that your permanency planning bill will make things better for them. I note that at page 3 of the submission to the Minister that organisation states:

> The members of the State secretariat also see kinship care as an extremely important topic, and one on which very strong and sometimes almost volatile feelings are felt by our members. The underpinning argument for the inclusion of kinship care into out of home care for Aboriginal children is the Aboriginal placement principle itself. This principle, which is supported by the secretariat, states that Aboriginal family members are the first priority in placing Aboriginal children in out of home care.

The submission—I do not know whether the Minister read it—further states:

> So to enable the effective implementation of the Aboriginal placement principle, the inclusion of kinship care in out of home care is of vital importance to the Aboriginal communities.

The submission also referred to major concerns. It states:

> We unanimously oppose the inclusion of any amendment where there is a possibility of Aboriginal children being adopted or sole parental responsibility being granted to non-Aboriginal adults.

That is an extremely serious issue that the Minister needs to address in her response, because tonight, as this debate takes place, Aboriginal people are still concerned about that. The submission further states:

> It could lead to another generation of Aboriginal children and young people being lost to their Aboriginal natural and extended families as well as their Aboriginal culture.

If that is not right and if their concerns and those of the Opposition and of many Government members are not right, any modicum of decency would demand that the Minister not bring this legislation on tonight but, rather, sort through the issues with the Aboriginal people. Or, indeed, that she sorts them through with members of the Opposition, as it would appear that the Opposition will have to speak on behalf of Aboriginal people about their concerns. I hope that some Government members, even if by virtue of the party system they are bound to support the legislation, will speak about those concerns. I am certain that at least a number of Government members are extremely concerned about this legislation. The submission further states:

> SNAICC is aware that there has been debate in NSW in relation to the relative merits of including kinship care placements within the formal definition of out of home care …
>
> Barnardos Australia have sought to impress upon SNAICC the potential negative outcomes which might flow from what they see as greater state intervention into the lives of children and families …
>
> SNAICC considers that the largely unsupervised nature of kinship care placements may not be in the best interests of children …
>
> The poor socio-economic status of Aboriginal and Torres Strait Islander families combined with the rapidly increasing number of Aboriginal and Torres Strait Islander children make it certain that there will be an ongoing increase in the number of children who will need some form of out of home care.

The point they are making is that this serious issue is growing; it is not diminishing. When consultation commenced with the Minister's office, the Opposition was given a copy of the report by Muriel Cadd, Chairperson of SNAICC. She commented:

> SNAICC considers that the appropriate course of action would be for the NSW Government to proceed with legislation which brings kinship care placements within the definition of out of home care.

There is concern that this bill does not do that. I believe it does not do that and therefore the Minister has to do some explaining to the Aboriginal community about precisely what she sees as the intent and outcome of this bill regarding Aboriginal people. As late as 6.30 this evening, members of the Opposition spoke with another Aboriginal group that was quite sad but frustrated, because it had only just received the amendments to the bill. This bill has been floating around for 16 months, but that group had only just received the amendments, and they were a source of great concern.. In the telephone conversation the caller said the following, though he did not necessarily attribute to it the importance that I have given it. He said:

> This bill, if it does what we think it does, may actually be guaranteeing another 50 years of the stolen generation.

I am not sure that that is what the bill does but the Minister needs to address that issue. She really should not be pushing through amendments this quickly when dealing with such concerns and such major worries for Aboriginal Australians. We who have worked with Aboriginal Australians over a number of years understand their concerns. As the shadow Minister for Aboriginal Affairs I will never fully understand all the issues that face Aboriginal people, because I am not Aboriginal. But, as I hope the honourable member for Wollongong would agree, we try in a bipartisan way to understand and address the issues.

The Minister is letting down both sides at the moment by pushing through this bill. Aboriginal Australians deserve explanations. Unless we hear some clear and succinct explanation of how this bill addresses those concerns, we will move amendments in the Legislative Council to ensure that those concerns are addressed. Although the bill has been substantively amended, the sad thing is that after 16 months of trying to find a way for the Minister to save some face, she has not allowed extra time to sort out issues of concern.

I turn now to meetings with the Minister. The Minister will no doubt indicate that she has consulted with the Opposition and with a variety of community groups. Strictly speaking that is correct, but the level of consultation was not what one would expect from a Minister dealing with the important issue of vulnerable children in care. From June last year until about the middle of this year the Minister was forced to consult with the community sector, which was outraged by the bill. Ministerial staff carried out a reasonable job of going through the submissions so there was a level of consultation. However, it was only about a month ago that the Minister finally decided to consult with the Opposition. The Minister or her staff contacted the Opposition and sought a meeting. We were happy to agree. I confirmed that the Opposition would take a bipartisan approach to these issues provided we were consulted. I also confirmed that we would try to reach common ground so that the bill could pass through the House.

I thanked the Minister, at least at that point, for making available her staff and Department of Community Services officers to advise me and my staff member, Kath McFarlane. To her credit the Minister made available all the submissions, or a substantial number of them, that she had received from a host of agencies and non-government organisations. She also made some effort to have the suggestion relating to the bill put into some sort of form by the Parliamentary Counsel. If she had continued that bipartisan approach and that consultation she would not have received the response from me that she is now receiving.

Last Thursday afternoon her staff, with whom I do not have any difficulty because they do the best job they can in the circumstances, sought a meeting with me and Kath McFarlane to discuss the various proposed amendments. We put to them that it was wrong to present a series of amendments on Thursday afternoon—amendments that were to be introduced on the following Tuesday—without giving interested community groups sufficient time to consider them. At that time I did not publicly make a noise about this issue but I indicated that they should hold off. I said that the Opposition would support the bill if we could sort through the issues and make sure that each of the community groups whose concerns were at the forefront could be addressed. The Opposition was extremely disappointed when we were informed today that debate on the bill would proceed tonight. In my view that is a mistake. This afternoon I spoke to Aboriginal people who were frustrated by lack of liaison with them, and that indicates that the Minister just cannot get it quite right.

Accepting these concerns and accepting the fact that the Minister has failed to properly brief people on the amendments, the Opposition will not oppose the bill. However, it but will reserve its right to move

amendments in the upper House to reflect the concerns that we will now have some time to consider. After members on the crossbench in the Legislative Council have read *Hansard* and realised that major issues still need to be addressed, I hope the Minister will realise they also share the community's concern and will hold off on the bill until everybody, particularly Aboriginal people, have had the opportunity to work through those issues.

I acknowledge that not all members of the Aboriginal community are concerned about all the aspects of the bill I have referred to, but there are a number who are. Tonight in a telephone conversation it was pointed out to me that not all Aboriginal community groups have ready access to lawyers and policy officers. They cannot just drop everything and hand everything over to their lawyers and policy officers. Even the Minister, with all the resources of the Department of Community Services and her ministerial staff, has taken 16 months to get this right. Why can Aboriginal people not have more than what is effectively 16 working hours to consider these proposals? That reflects poorly on the Minister and indicates a certain lack of confidence in the outcomes of her own legislation. If the Minister was confident about the bill and knew it would improve outcomes, she would have given these people a fair go.

I wonder also whether this exercise has a cost-shifting exercise agenda. The view is often expressed to me by foster parents that the Government is motivated by a desire to avoid responsibility, financial and otherwise, for children in State care. From that perspective they suggest that by effectively transferring to foster parents the Minister's or director-general's parental responsibilities under statute through adoption of foster children, they are saving a good deal of money. These sorts of procedures will effectively and conveniently shift the cost of caring for the children because the foster payment scheme is suspended if children are adopted. We remember the words of the Minister when she was jumping up and down in June last year, saying that adoption had to be pushed right up the agenda. She did that in the context of a lack of understanding and possibly, as these parents say, the desire to avoid the costs associated with children in foster care.

I wish to say a little more about the lack of supervision of adoptees by the Department of Community Services, which increases potential for abuse. Some foster parents also raised the question of abusive adoptive placements and asked: Once a child is granted permanency and adopted, who oversees that placement to ensure that abuse is not taking place? Research from the United States shows that adopted children face a significant risk of being abused at the hands of adoptive parents. With DOCS gone and the State no longer interfering in the private realm, who guarantees that the former ward or foster child is not at risk? The Minister has not addressed that issue. In fact, she has not even sought to place it on the public agenda for discussion.

The Minister would also have us believe all carers are trained properly and that, in the case of permanency placements and foster care, children always go to trained carers. A recent case highlights the fact that that is not so. I cannot, with any sense of responsibility, name either the child who died or the carers who cared for that child as criminal charges are now involved. However, I can confirm a gross, recent case involving the death of a child who was placed voluntarily in foster care. The child's Aboriginal mother, who was escaping domestic violence and trying to find herself, placed her child in the care of DOCS and DOCS, at least allegedly—we shall learn the truth in the fullness of time—placed that child with non-trained or partially trained carers. That is not the only child who has died in that situation. Sadly, those sorts of reports cross the desks of Opposition members all too frequently. However, it raises an issue about which the Minister often misleads us: If we are to have placements and to emphasise permanency placements, we should at least get it right when it comes to the carers with whom we place those children.

The Minister has told the community time and again that foster parents are always trained. In reality, my discussions with foster parents and with DOCS officers—the Minister tries to stop them talking to me but they do so nevertheless—have revealed that, sadly, owing to a shortage of foster carers, children are placed with untrained foster carers. That is not true of all foster carers: many of them are excellent, selfless people who do the most amazing things. I know that honourable members in this place have fostered children. They have done, and continue to do, an amazing job for children. However, the Government has an obligation before placing children to ensure that enough foster carers want to do the job, they are receiving the resources to do the job and are therefore comfortable with it, and are also trained to do the job. They should not have histories that would preclude their caring for children. Time and again this Minister and this Government have allowed children in care to end up in unsafe environments.

This bill does not address the fact that sometimes abuse occurs when children are placed in care. Letters received in my office about this bill from children who have been through the care system reveal concerns that the Minister has presented the permanency planning bill as a sop—a feel-good so-called

"solution"—to obscure the real problems facing children and young people in substitute care. I have a quote from a former State ward involved with the Care Leavers Australia Network [CLAN]. As to permanency planning, we do not always get it right for children in care. On Saturday morning I attended the first birthday celebrations of CLAN. The House should rejoice in the existence of that organisation because it has empowered people who have been through the care system to come together and express their concerns.

I stress that many people who have been through the care system have benefited and done well. Many church organisations, non-government organisations and individuals have provided excellently for those in need of out-of-home care. However, it is obvious from the membership of CLAN and the issues it raises, and from the recent Senate report that examined the plight of children who came to this country from Great Britain and Malta following the Second World War, that many children are failed by the system. I attended the gathering and spoke to CLAN members about their concerns. A former State ward stated:

> You say that giving the parents another chance risks the future of the child. I say that in not giving families as many chances as are possible almost guarantees the destruction of the future of the child.
>
> You maintain the only option which offers permanency and real security is adoption. I am an adoptee, yet I had no feeling of permanency or of security. I was constantly threatened with being returned to the system …
>
> You make the comment that children are much more than the chattels of their parents, yet your speech reads as if they are the chattels of the government.
>
> The problem of child neglect is too often a family tradition, with successive generations suffering the same fate until one generation breaks the cycle. Your solution reads as if the answer is not to fix the problem but rather to remove the symptom (being the child).
>
> You disown the effects of past practices by ignoring the sufferers, who are the indicators of past errors, and justify this by saying at least we have learnt from those same past practices. (But) I have to wonder how many experts offered their opinion and how many past wards were consulted in formulating this policy.

The wards of this State and of all Australia deserve to have their concerns heard and their views considered. I listened to the Minister's second reading speech and to her comments tonight—she has said little so far but I look forward to hearing her reply to the debate—and I wonder whether she and her department have consulted wards and those who have been in care. Have their views been considered in developing legislation such as the permanency planning bill? After all, they have lived it and breathed it. Many have benefited but many have suffered. We must ensure that we address the issues of those who have suffered.

Is this bill better than the June bill? It is lot better because the Opposition slowed down the bill's passage and because there has been a great deal of community discussion about its import, the focus on it and therefore the criticism of it. The Government and others who contributed to the debate have made constructive variations to the bill. It should have been this way from the start. We should not have had to be concerned about what was going on. The Association of Childrens Welfare Agencies [ACWA] has welcomed the changes to the original bill, and the architects of the original 1998 legislation and Council of Social Service of New South Wales [NCOSS] have also welcomed the changes. In a media release issued on 27 July, ACWA said:

> Gone are the proposed changes to the Aboriginal placement principle, the restrictions on contact with birth family, the requirement to consider adoption in all cases where final care plans are being made and penalties for disclosure of identifying information.

The changes that have been brought about have substantially improved the opportunity for the Opposition to allow this bill to pass through this House. In correspondence ACWA noted:

> While there are legitimate concerns about the extent to which DOCS, children's guardian and designator agency or resources, can provide the monitoring, support and review required by the amendments, ACWA strongly believe that legislation and policy should be determined by consideration of the safety and wellbeing of children and young people at risk.

The Opposition obviously agrees with that view. ACWA also noted:

> It is possible that concerns by the Government about a lack of resources to support and supervise the number of children in kinship care may override considerations as to what is best to protect the interests of children and young people in these vulnerable circumstances.

We are now at the point where the Opposition has to consider whether the legislation will pass through the House with its support or otherwise. As I have indicated, we will not oppose the bill. We would not have opposed it 18 months ago if the Government had properly consulted with us. As shadow Minister for Aboriginal Affairs and Community Services I express again a high level of concern about the Aboriginal issues that have

been raised within the community. Link-Up is an organisation that is respected by members on both sides of the House. It does amazing work in reuniting Aboriginal people who have been long parted. In a letter to the Minister—copies of which were to many others, including the honourable member for Wollongong—Link-Up said:

> Link-Up is gravely disturbed about the ramifications of the proposed permanency planning bill.

Link-Up also noted:

> DOCS has stated that the object of the bill is "to improve the case management of abused and neglected children and young persons who have been removed from their parents and placed in out-of-home care." We WHOLEHEARTEDLY agree with this concern, however we do not see the proposed legislation as providing long-term, thorough and far-sighted solutions for vulnerable families in need of community support.

Link-Up also said:

> We are extremely disappointed that the Minister has ignored our requests to delay the reading of the amended bill until there has been an opportunity for a formal consultation process to occur. One formal meeting with a small group of Aboriginal organisations plus an informal meeting with one of those organisations and several phone conversations with them do not constitute a formal consultation process whether in the government, non-government or the private sector.

Further it stated:

> In particular we are shocked, troubled and indeed offended at the lack of opportunity we have been afforded to respond to these last comments titled "Permanency Planning Bill—Aboriginal Issues", received by fax only last night.

The date of the letter is Tuesday 23 October. Today is Tuesday 23 October. Link-Up, an important and significant Aboriginal organisation that is respected by both sides of the House, only received these amendments by fax last night. I understand when trying to get legislation through that some things are overlooked. I do not believe for one second that the Government deliberately avoided sending these details to Link-Up. I believe that the Minister's staff and Department of Community Services officers are well-intentioned and try to do the right thing. Indeed, I believe in the Minister's good intention, except for the introduction of this unnecessary bill. However, Link-Up has indicated a higher level of concern. I ask, therefore, that either the Minister consider delaying the passage of the bill through this House to allow time for consideration of those concerns or, if she remains committed to getting the bill through this House, she at least give undertakings tonight to further negotiate with Link-Up and to ensure that the concerns of Aboriginal people are adequately addressed and satisfied before the bill proceeds to the upper House.

The Opposition has never opposed the concept of permanency planning. The idea of making sure that vulnerable children have permanency in their lives, anchors, a framework in which to operate and the satisfaction of knowing that the people around them care for them and do not change in a short period of time is essential. We share the view that permanency planning is an important concept whenever we deal with children who can no longer live with their families. Indeed, it is an important aspect of children living with their families. We have only ever argued that the Minister was oversimplistic in her proposals that adoption should be upfront in considerations. I raised an example on a radio program which the Minister condemned in the media. She treated it in an offhand way and with contempt; she sought to indicate that I did not understand the issues. That example was conveyed to the Opposition by a psychiatrist and endorsed by at least one of the architects of the 1998 legislation.

The example given was of a woman suffering post-natal depression and not being able to care for her child or children. A DOCS officer would arrive at her home and say to her words to the effect "We understand that you are ill and have problems, but we are now bound by our legislation which Minister Lo Po' introduced into Parliament and was approved by Parliament"—except it has not been—"to raise with you the fact that we may have to take your child away permanently. We may have to look at adoption as part of the permanency planning spectrum." If that were even a vague possibility under this bill—and I believe it was and others far more expert than I on the issue of permanency planning and placement of children in out-of-home care felt that it was a genuine concern—the bill should never have been introduced.

That mother is entitled to know that her children will be given a stable, loving environment until she has recovered from her postnatal depression. If whatever created the problem for that person or that family in the first place is able to be overcome then there should be absolute support for that family or that individual. That was the only problem we ever had with the Minister's approach. We had many problems with the bill and the way her stated intent translated into words, but we never differed on the broad principle that children who

are placed in out-of-home care must have a permanent framework and the fundamental approach of permanency planning. Whether permanency planning includes restoration to the family or permanent placement elsewhere should rest with the merits of each individual case. The New South Wales Liberal-National Party would never allow this Minister to determine or prioritise adoption and push it to the front of those considerations. It is simply part of the spectrum of permanent placement. Amendment No. 2, which was inserted into the bill by the Minister tonight, makes that clear. Amendment No. 2, which is the crux of what we have been fighting about, states:

> No. 2 Page 3, schedule 1 [1]. Insert after line 9:
>
> ***permanent placement*** means a long-term placement following the removal of a child or young person from the care of a parent or parents pursuant to this Act which provides a safe, nurturing and secure environment for the child or young person and which may be achieved by:
>
> (a) restoration to the care of a parent or parents, or
>
> (b) placement with a member or members of the same kinship group as the child or young person, or
>
> (c) long-term placement with an authorised carer, or
>
> (d) placement under an order for sole parental responsibility under section 149, or
>
> (e) placement under a parenting order under the *Family Law Act 1975* of the Commonwealth, or
>
> (f) adoption.

Adoption, under this amendment, is now placed appropriately at the end of that provision. If that had been the position at the outset the Opposition would have been able to work far more effectively with this Minister and this Government. I note that the Association of Children's Welfare Agencies [ACWA] now supports many aspects of the bill, as we will support it if we have to have it. The submission to the Minister for Community Services in respect of the Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Bill 2001 (No 2) states:

> ACWA supports many aspects of the Bill including:
>
> The emphasis on permanency planning for children who are the subject of care orders
> The importance of achieving stable and enduring relationships for children and young people
> The inclusion of restoration as a form of permanency planning
> The emphasis on timely decision making by the Children's Court
> The review of permanency plans involving restoration
> The reduction from 5 to 2 years on the qualifying period before an authorised carer can apply for sole parental responsibility.

I thank the many members of the community who have made submissions to try to bring some order to this bill, who have tried to make sense of an otherwise difficult set of circumstances. Although I have been critical of the Minister in regard to the bill and her ability to be the Minister for Community Services, I stress again that not for one instant do I put before this House that the Minister is not generally concerned about the issue. She is, as are all members of this House. I do not believe that any member of this House is not concerned about this matter. I thank the Minister for coming to the party, albeit late, and bringing consultation to the Opposition. I particularly thank her staff who, in the past few weeks, has been very efficient.

I thank everyone in the Minister's office for trying to address these issues, while recognising there were certain limitations in the way in which they could come to those solutions with the Opposition. Finally, I thank the people who put together the 1998 legislative package that has provided such a wonderful basis for bipartisan support in trying to make things better for children in care, Patrick Parkinson and Judy Cashmore. I also thank Kath McFarlane and her partner, John Murray, who have an abiding interest in this issue, for their contributions and helping me to understand the issues a little better than I otherwise would have understood them.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [10.15 p.m.]: I listened intently to what the shadow Minister had to say. I know this is a very complex and far-ranging bill. I will not be able to make a contribution about all aspects of the bill. There is no doubt that in the past 18 months the shadow Minister has studied the bill and spoken to many people. The Minister introduced the bill to address the need of children and young people living in out-of-home-care. The shadow Minister acknowledged that and spoke at some length about this issue and raised a number of points. Finally, however, he indicated that the Opposition would support the bill. I assure members of this House that the Government is absolutely determined to uphold the right of Aboriginal families and communities in the care and protection of their children and young people. The Government is absolutely committed to the self-determination of Aboriginal and Torres Strait Islander people and their communities.

I stress that this Government recognises the special needs and interests of Aboriginal children and young people who enter the care system. Unfortunately, it happens far too often. We have learned a great deal from mistakes of the past. The national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families traced the history and effects of the forcible removal of indigenous children from their families for more than one century of occupation of this country. The inquiry report entitled "Bringing them home" captured the personal stories of some of the Aboriginal people who experienced the grief and loss of separation from their own people and land in the name of institutional policies. Quite a number of years ago the shadow Minister and I attended a very moving conference in Melbourne when this report was brought to the attention of the Australian population.

I have no doubt that he, like I, was very moved by the report, which was brought forward by Sir Ronald Wilson, the chairperson of the review of what had happened during the years of the stolen generations. We have learned of the devastating impact of such policies on future generations. This House acknowledged these impacts and offered an apology. It is a pity that the Prime Minister has not been able to do the same thing. This Opposition in conjunction with this Government has always taken a bipartisan approach to indigenous issues. That aspect of the bill needs bipartisan support. It is a diverse and difficult issue to come to terms with, but I can assure the shadow Minister that while ever I am in this Parliament, and I have said this many times, it will continue to do whatever is possible to ensure that Aboriginal and Torres Strait Islander communities, families and kids are not disadvantaged.

All of us have to work to ensure that outcome. We have learned that the underlying causes of the overrepresentation of indigenous children in welfare systems include the intergenerational effects of previous separation from family and culture. Last Sunday I was invited to go to the Bomaderry Children's Home, which was the birthplace of the stolen generations in New South Wales. For decades and decades children were forcibly removed by officers of government departments and placed in that home. Finally, in 1993 the Nowra local Aboriginal land council purchased the Bomaderry Children's Home.

On Sunday an incredible garden was opened and the plaque that was unveiled recognised Bomaderry as the birthplace of many members of the stolen generation. The event at Bomaderry Children's Home last Sunday was an incredibly moving experience. People from all over Australia—from the Northern Territory, Queensland and Western Australia—and local people who had been taken from their families and who had lived in that home attended that event. Speaker after speaker told us why authorities had taken away those children. That home at Bomaderry looked after children in a most humane way.

Kids were transferred from the home at Bomaderry to Kinchela and Cootamundra, where they experienced many problems. I do not want to see anything like that happening again in this country, or anywhere else for that matter. Those events had a devastating effect on those kids for the rest of their lives. Anyone reading the report of the Royal Commission into Aboriginal Deaths in Custody would be aware that 99 Aboriginal people killed themselves in custody. I believe that fewer than 50 per cent of the people who died in custody came from the stolen generation. After reading the stories of the stolen generation no government with any sort of commitment to human principles would ever go down that path.

Opposition members have been critical of the Minister but I believe that she has tried to do the best thing for these kids. I said earlier to officers from the Department of Community Services that I would not miss an opportunity to have a go at them. It does not matter how good the Government is and it does not matter whether a Liberal-National government or a Labor government is in office. We need a commitment from all honourable members—Ministers, shadow Ministers, parliamentary secretaries and members of Parliament—to do better for Aboriginal people. We must relay that message to middle management and operational staff in every department.

The Department of Community Services is known throughout this State for being pretty slack in that area. That is the message that I am hearing all the time. The Minister recognises that the department is slack in that area. Current government policy must be fully implemented. Members of the Opposition have criticised many provisions in this legislation. I could also criticise many provisions in this legislation. Over the past few months I raised issues in caucus about which I have been concerned—something that all honourable members should be doing.

At the initial drafting of this bill I had significant concerns about the implications of proposed changes on Aboriginal young people in the out-of-home care system. Why are Aboriginal children vastly overrepresented in that system? It is one thing to say that the Minister is not doing enough to sort out that

problem, but are we, as a society, doing enough to sort out that problem? The Opposition, the Government, agencies and communities must do more. How many people in authority take much notice of what Aboriginal elders have to say?

There has been extensive consultation with Aboriginal agencies and community groups in relation to this bill. It became clear that there were concerns that Aboriginal children and young people could be put in inappropriate placements. Concern was expressed about the permanent placement of Aboriginal children with non-indigenous carers. In the past few months I have spoken many times to staff in the Department of Aboriginal Affairs about what they are doing and how they are addressing this issue. On 10 October a roundtable conference was convened. Conference secretariat brought together people who represented organisations such as Link-Up, the New South Wales Sorry Day Committee, Kari Aboriginal Resources, Aboriginal Children's Services, Redfern, Hunter Aboriginal Children's Services and Murrami Leading Care and After Care Service—an Aboriginal organisation that tries as hard as it can to look after kids.

I know that the shadow Minister has the highest regard and respect for Linda Burney. She was at that roundtable conference, as were representatives from the Minister's office. It is not as though we have walked away from this issue. We have said that we want to get this right and we want to ensure that Aboriginal and Torres Strait Islander kids get the best care. I do not want to see one Aboriginal or Torres Strait Islander child go to a carer other than an Aboriginal or Torres Strait Islander family. However, that does not always happen. The New South Wales Sorry Day Committee conveyed congratulations to the Minister for attempting to address Aboriginal and Torres Strait Islander Commission issues within the bill. The Minister normally receives a large number of complaints.

The fact that that organisation said that the Minister is trying hard says something about the Minister. We know how tough it is. We know that, in the end, everyone will not be happy, but that applies to any legislation that is passed in this House. We must work harder and harder in relation to this issue. We must not attack the Minister; we should be offering her our support—support upon which we can build. The amendments to the bill acknowledge that the Government respects the rights of indigenous children and their families. The amendments build on the checks and balances that are contained in the Act. Those checks and balances will be further safeguarded by various measures to be effected to the Adoption Act.

Chapter 2 of the Children and Young Persons (Care and Protection) Act was proclaimed in December 2000. A significant and critical component of that chapter deals with the Aboriginal and Torres Strait Islander principles of self-determination and participation in decision making and the placement of indigenous children with indigenous carers. I referred earlier to that issue. That is the only way to go. Aboriginal people must make decisions for Aboriginal communities and families. Those principles are strongly applied in the revised bill. I welcome specific provisions in the bill that require a number of prescribed and cumulative steps to ensure the appropriate placement of Aboriginal children or young people.

As I have already said, one of the concerns expressed by Aboriginal communities was the prospect of Aboriginal children being permanently placed in non-indigenous placements. That concern is addressed by a number of amendments. An extremely strong, welcome and additional safeguard is that the consent of the Minister for Community Services and the Minister for Aboriginal Affairs is required before a case plan proposing a permanent placement—including sole parental responsibility and adoption—in a non-Aboriginal and Torres Strait Islander family can proceed for an Aboriginal child.

The jurisdiction for adoption, which remains with the Supreme Court, requires that any placement of an indigenous child with a non-indigenous family is only as a last resort. It can occur only with the consent and approval of the relevant Aboriginal community and when the court is satisfied that the child will be brought up with a knowledge of his or her culture. The Government, through this bill, recognises and respects the diversity of Aboriginal families and communities in New South Wales. When considering the permanent placing of an Aboriginal child, consultation must occur with local community based and relevant organisations and the local Aboriginal community.

The undertaking to review permanency planning provisions within five years now specifically includes the impact that those provisions will have on Aboriginal children. That is an important step in recognising the special needs of Aboriginal children and young people living in out-of-home care. The Minister has also undertaken to review provisions in the bill concerning Aboriginal children and young people if there are more than five adoption orders within a 12-month period—an important issue. The bill originally specified 10 orders. I opposed that provision and this morning moved an amendment in caucus to make it five. The Minister readily accepted my amendment.

I believe Aboriginal children will benefit from the improvements to case planning proposed in the bill, which places obligations on courts and caseworkers to consider the long-term prospects of the child. I strongly believe that the amendments will address and safeguard the special needs and rights of Aboriginal children, their families and communities. It is, of course, of critical importance that Aboriginal children, like all children, enjoy the security of a permanent placement. However, the way in which that placement occurs must be consistent with the paramount concerns of placing Aboriginal children with Aboriginal communities. So far as I am concerned—and I will bring this point to the attention of the Shadow Minister—an Aboriginal child should not be placed with a carer other than an Aboriginal carer, or a Torres Strait Islander child placed with a carer other than a Torres Strait Islander carer. I will continue to argue for that to happen. In some cases it is impossible, but we have safeguards in place to make sure that that will be considered correctly.

Let me reiterate that people in different stratas within departments have to be told what the New South Wales Parliament has said, what the Government has said and what the Opposition will support—the Opposition has indicated support for the bill. So far as I am concerned, too many people, not only within the Department of Community Services, but across the spectrum of government, are not committed. It does not matter how committed the Minister, departments or chief executive officers are; when it gets to the regional level and to the coalface, those people have to understand that this is an issue that the Government is going to address and they have to deliver on what we are putting forward.

The Government recognises in particular the responsibilities to the Aboriginal community and the special needs and rights of Aboriginal children. I believe that this bill upholds those special needs and rights, and I commend the bill to the House. As I have said to the Minister, we do not want a review in five years; we want an ongoing review to make sure that Aboriginal and Torres Strait Islander children are not disadvantaged. We do not want another stolen generation. We do not want another debacle. We do not want to go away from this House and be accused of not caring.

Debate adjourned on motion by Mr Thompson.

BILLS RETURNED

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

Land Titles Legislation Amendment Bill
Police Service Amendment (Complaints) Bill

SPECIAL ADJOURNMENT

Motion, by Mr Whelan agreed to:

That the House at its rising this day do adjourn until Wednesday 24 October 2001 at 10.00 a.m.

House adjourned at 10.34 p.m.