LEGISLATIVE ASSEMBLY

Tuesday 6 November 2001

———

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

Mr Speaker offered the Prayer.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Special Adjournment

Mr WHELAN (Strathfield—Minister for Police) [10.00 a.m.]: I move:

That standing and sessional orders be suspended to provide:

(1) that Standing Order 121 be suspended to allow members to submit matters of public importance to the Speaker no later than 10.30 a.m. at this sitting;

(2) that no quorums or divisions be called from the conclusion of the motion for urgent consideration;

(3) that the House at its rising this day do adjourn until Wednesday 7 November 2001 at 10.00 a.m.; and

(4) that at the conclusion of private members' statements the Speaker shall leave the chair and the House shall adjourn without a motion.

Mr Speaker, to suit the convenience of members, I would advise you to leave the chair at approximately 12.50 p.m. until the ringing of one long bell at approximately 3.50 p.m., to enable members and their staff to view the Melbourne Cup. In view of the fact that question time will be at 11.00 a.m., it would be advisable that you should leave the chair at 10.55 a.m. and the bells be rung for four minutes so that members can attend for question time. The bells should then be rung at 3.45 p.m., or a time suitable to you, to signify that the House will resume at 4.00 p.m. I anticipate that the House will adjourn somewhere between 6.30 p.m. and 7.30 p.m.

Motion agreed to.

INSURANCE PROTECTION TAX AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr CRITTENDEN (Wyong—Parliamentary Secretary), on behalf of Mr Aquilina [10.06 a.m.]: I move:

That this bill be now read a second time.

The Insurance Protection Tax Amendment Bill amends the Insurance Protection Tax Act to provide greater certainty for insurers, particularly in its first year of operation. The bill also includes a number of improvements to the administrative provisions. The insurance protection tax was introduced as part of the 2001-02 budget measures to enable the Government to establish a fund to help builders warranty and compulsory third party [CTP] policyholders affected by the collapse of HIH Insurance Ltd. In announcing the insurance protection tax, the Treasurer stated that the Government would remain open to suggestions of an alternative approach from the insurance industry providing any such proposals accorded with the Government's objectives. The Insurance Council of Australia is currently considering an alternative and, in the meantime, the Treasurer has agreed to a delay in the collection of the first instalment of the tax.

The bill makes provision for the tax to be waived should an alternative arrangement be accepted and also addresses some other matters raised by the industry. The legislation currently imposes the tax on general insurers based on the total annual amount of premiums received by those insurers. The current definition of "insurer" includes insurers who write general insurance as well as those who receive premiums on behalf of general insurers. Concerns have been raised by the insurance industry about the imposition of a liability on

insurance intermediaries who merely facilitate transactions between the insurer and insured persons. The bill therefore changes the definition of "insurer" to include only those insurers authorised under the Commonwealth Insurance Act 1973. However, to ensure that all policies over risk in New South Wales are brought into the tax base, a 1 per cent ad valorem tax will now be payable by policyholders insuring with non-authorised insurers.

Estimates indicate that the ad valorem tax would result in revenue in the order of $4 million. Given the Government's objective to collect $69 million in the first year of operation, the amount payable by authorised insurers will now be limited to $65 million. The 1 per cent ad valorem rate applied to policyholders effecting insurance through non-authorised insurers is consistent with the authorised insurers' rate of contribution. The industry also expressed concerns over the current requirement for insurers to produce an audit certificate with the annual return, which is due by 15 August each year. As a result, the bill eliminates the requirement to lodge the certificate with each return. The bill also makes provision for related bodies corporate to lodge a single return and for the Chief Commissioner of State Revenue to make a single assessment for the group. The bill also inserts provisions to require the chief commissioner to keep a public register of the insurers who are registered under the Act. I commend the bill to the House.

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

STATE REVENUE LEGISLATION FURTHER AMENDMENT (No 2) BILL

Bill introduced and read a first time.

Second Reading

Mr CRITTENDEN (Wyong—Parliamentary Secretary), on behalf of Mr Aquilina [10.14 a.m.]: I move:

That this bill be now read a second time.

The State Revenue Legislation Further Amendment Bill contains amendments to the Duties Act 1997, the Land Tax Management Act 1956, the Taxation Administration Act 1996 and the Unclaimed Money Act 1995. It also provides for the repeal of the obsolete Petroleum Products Subsidy Act 1965. The proposed amendments include a number of miscellaneous amendments to State revenue legislation. I will deal with the amendments to each Act in turn. I turn first to amendments to the Duties Act 1997. Transfers of dutiable property arising from the break-up of a marriage or domestic relationship are exempt from duty. Three anomalies have been identified following recent amendments to the Commonwealth Family Law Act 1975. The first relates to the transfer of property between the parties to a marriage that has irretrievably broken down, but which may not be formally dissolved for many years, if ever.

In most marriage breakdowns, the applicants divide the matrimonial property prior to the formal dissolution of the marriage, and the Duties Act allows the exemption to be granted if the Chief Commissioner of State Revenue is satisfied that the parties intend to dissolve the marriage. However, in a number of cases, the parties will never formally divorce due to cultural, religious or other social reasons, despite the fact that the relationship has irretrievably broken down. The legislation therefore discriminates against married couples who separate by imposing a stricter test than is applied to de facto couples who separate. This is contrary to the policy intention of the exemption, which was considerably widened by the 1999 amendments to the Property (Relationships) Act 1984.

The bill allows the exemption if the chief commissioner is satisfied that the marriage relationship has irretrievably broken down. The chief commissioner is required to apply similar tests to those currently applied to the termination of a domestic relationship. The second anomaly relates to the introduction of financial agreements to replace maintenance agreements. Financial agreements are neither registered nor approved by the court, but are enforceable agreements that can be entered into before, during or after marriage. The Duties Act only recognises the now obsolete maintenance agreements, and requires amendment to clarify that transfers pursuant to these new financial agreements arising from the breakdown of the marriage are eligible for exemption.

The third matter relates to the possibility that duty will be payable on execution of a financial agreement. These agreements make provision for the transfer of property in the event of the breakdown of the marriage. Although only enforceable in the event of such a breakdown, the agreement could be dutiable upon execution as an agreement to transfer dutiable property. The Commonwealth Family Law Act 1975 purports to

exempt financial agreements from stamp duties, but there are doubts about the validity and efficacy of that provision. The bill therefore confirms that financial agreements will be exempt under the Duties Act. The bill provides that transfers of shares in share management fisheries are dutiable at the share transfer rate of duty.

The fisheries industry, together with the Minister for Fisheries, has submitted that the application of the normal rate of duty would represent a significant government charge in addition to the management fees and community contribution currently paid by some types of fishery, which may impact on the viability of the businesses. This is contrary to the objects of the Fisheries Management Act 1991. As interests in these fisheries are shares—albeit not shares in a company—a reduction of duty to the share transfer rate is appropriate. The bill recognises a new means of stamping instruments under special return arrangements.

The Government proposes to have all appropriate government services available on line. Consistent with this policy, the Office of State Revenue is developing an electronic stamp duty returns process that will enable documents to be assessed and stamped by clients, using electronic means, without the documents having to leave their custody. Under the amendment, stamping of a document is to consist of denoting on the document a number or other information generated electronically by the chief commissioner.

The bill confirms that denoting a denoting number or other information issued by the chief commissioner on a document represents stamping of the document. The bill also provides that the notice of assessment issued electronically by the chief commissioner may include information that was provided to the chief commissioner and on which the assessment was based. The bill removes adhesive stamps as a way to pay duty, effective from 1 January 2002. Stamp duties legislation has traditionally allowed adhesive stamps to be used for certain limited purposes, including as a means of paying some other fees and taxes. In recent years duty has been abolished on all but one of the types of document upon which adhesive stamps may be used. The remaining document is a limited type of share transfer. Adhesive stamps are also rarely used to collect other fees and taxes, and agencies that use this facility have no objection to ceasing this practice. The abolition will provide administrative savings to the Office of State Revenue while having no effect on revenue as the duty or fees will be paid by other means.

The bill clarifies the definition of "complying superannuation fund" to include self-managed superannuation funds. The definition of "complying superannuation fund" requires amendment to introduce a new category of small superannuation fund called a "self-managed superannuation fund". These were excluded from the definition as a result of changes to the Commonwealth Superannuation Industry (Supervision) Act 1993. The bill also formalises approval previously given for the Duties Act to be administered on the basis that the exemption available to index trusts apply to the Index Shares Fund, the streetTRACKS50 exchange traded fund, and the Barclays Australian Listed Property Index Fund.

I turn now to amendments to the Land Tax Management Act 1956. The bill provides for the simplification of the assessing process for fixed trusts and interests in fixed trusts without imposing an increase in the overall tax burden. Where the beneficiaries of a fixed trust own other taxable land, the current legislation imposes a primary tax liability on the trust and a secondary liability on the beneficiaries. The result is that the trust gets the benefit of the threshold, but the beneficiaries may suffer substantial reductions in the benefit of their separate threshold entitlement, and in the worst case may not get any benefit from the threshold. Beneficiaries, including unit holders of unit trusts, are currently required to declare their interests in land owned by trusts. However, this secondary tax obligation is not well understood by affected beneficiaries. Consequently, beneficiaries are often in breach of the legislation. Office of State Revenue compliance programs result in substantial numbers of owners of land who have interests in trusts being charged additional tax, including interest and penalty tax for failing to declare trusts interests. The complexity of the assessing process adds to the administration and compliance costs of the legislation.

The amendments in the bill offer trustees an election to remove the secondary liability of beneficiaries by having the trust taxed as a non-concessional trust. Under these provisions the trust would cease to claim the threshold deduction. Based on the threshold of $220,000 applying for the 2002 land tax year, this will add $3,640 to the tax payable by the trust. However, this additional impost will be offset by the removal of the secondary liability of all the beneficiaries. The removal of the secondary liability of beneficiaries will restore the full benefit of the threshold to each beneficiary who owns other taxable land. However, where there is no offsetting benefit to the beneficiaries, because they do not own other taxable land, the trustee can maintain the status quo by not making an election, in which case the trust would continue to claim the threshold deduction. There will be savings of up to $3,640 for each beneficiary who owns other taxable land, but this will be offset by the removal of the threshold entitlement for the trusts concerned, and therefore the overall impact on land tax revenue will be negligible.

The bill replaces the definition of "retirement village" for the purposes of the land tax concession available to owners of land used and occupied as a retirement village. The current definition of "retirement village" in the Land Tax Management Act 1956 is similar to the definition in the defunct Retirement Villages Act 1989. This Act was repealed with effect from 3 December 1999, and was replaced by the Retirement Villages Act 1999. The bill amends the current definition of "retirement village" in the land tax legislation by adopting the definition in the 1999 Act. This new definition will ensure that premises that are not subject to the Retirement Villages Act 1999 will not be entitled to the land tax concession. In particular, the new definition will exclude premises that are subject to a residential tenancy agreement where such an agreement seeks to exclude the application of the Retirement Villages Act. This will encourage operators of retirement villages to bring their premises within the ambit of the Retirement Villages Act, including the provisions specifying the rights and obligations of both operators and residents.

The amendments will maintain the land tax concession for aged care premises used for hostels and respite care that are subject to regulation under the Commonwealth Aged Care Act 1997. These premises qualify for the land tax concession under the current definition in the land tax legislation, but the need for a specific exemption arises because they are excluded from the ambit of the new Retirement Villages Act. The rationale for excluding aged care premises from the new Retirement Villages Act was that such premises are regulated by Commonwealth legislation. The bill simplifies the assessment of land entitled to an unutilised value allowance. This concession applies to land that is used as a single dwelling, and where the land may be redeveloped for multiple residential units or for commercial, business or industrial use. Such land usually has a higher value than if zoned for use as a single dwelling, and owners are entitled to defer part of their tax liability until the property ceases to be used as a single dwelling. The amount of tax deferred for each of the previous five tax years then becomes payable. The amount of deferred tax is the tax on the difference between the full land value and the value if the land could only be used for a single dwelling.

The amendment provides that where an owner is entitled to the concession, the property will initially be assessed on the concessional value only. When the property ceases to be entitled to the concession, the owner would then receive a reassessment for the five previous years based on full value. This simplifies both the assessing and accounting requirements relating to the deferred tax component, without changing the amount of tax payable by the owner or the timing of tax payments, including deferred tax payments. The bill clarifies the concept of land "vesting" under a will for land tax purposes. Where a property is exempt from land tax because it is the owner's principal place of residence, the exemption continues for 12 months after the owner's death or until the land vests in a beneficiary under the will, whichever occurs first. This concession was introduced to allow time for an estate to be administered instead of immediately applying land tax to the deceased owner's residence. There is some uncertainty about the precise meaning of "vesting" in this context, with the possibility that the exemption may cease to apply before a beneficiary is able to deal with the land.

The bill amends the Act to confirm that the exemption will continue until the transfer of the land to a beneficiary is registered with Land and Property Information New South Wales or until 12 months after the death of the original owner. This proposal will confirm the current interpretation of "vesting" applied by the Office of State Revenue. The bill provides for an extension of the exemption for certain tenancies created or permitted under the terms of a will. Where a will creates a life tenancy, and the land is used and occupied as the life tenant's principal place of residence, the land remains exempt until the death of the life tenant or until the life tenant ceases to use the land as his or her principal place of residence. However, this exemption does not apply where a beneficiary is granted a right to occupy the residence, but the right is not created as a life tenancy.

These rights of occupancy are not common but are sometimes granted to allow a spouse, child, grandchild, housekeeper or other dependant to use a property as his or her home for as long as that person wishes. From the perspective of the beneficiary who is entitled to the freehold estate, the creation of such a right to occupy the land has the same effect as a life tenancy in that it prevents the beneficiary from using the land or from generating income by renting it. It is therefore proposed to apply the principal residence exemption in these cases, provided the person with the right to reside continues to use and occupy the property as his or her principal residence.

An exemption applies for a limited period to vacant or unused land that has been acquired for the purpose of constructing the owner’s principal residence. However, the current legislation requires that the land is within a residential zone under an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act 1979. If land is unzoned, the chief commissioner must be satisfied that the land is to be used for residential purposes. The bill removes the requirement that land must be within a residential zone under a planning instrument so that eligibility for the concession will depend on an existing

provision in the land tax legislation, which requires that the proposed occupation of the land for residential purposes is lawful. This will ensure that land within a rural zone that can legally be used for residential purposes will qualify for the concession. Such land is currently excluded from the concession.

The Act is being amended to simplify the rules for determining the liable owner of land that is subject to a contract of sale. Land tax is imposed on the owner of land at midnight on 31 December prior to each tax year. However, where land is in the process of being sold but the sale has not been completed by 31 December a set of complicated rules is applied to determine whether the vendor or purchaser is liable for land tax. These rules include provisions relating to who is in possession of the land, the amount of the deposit paid and a requirement that stamp duty must be paid.

The bill seeks to simplify these rules by providing that if a sale has not been completed by conveyance the vendor remains the owner for land tax purposes unless the purchaser has taken exclusive possession of the land before the taxing date under a written clause in the sales contract. The requirements relating to the proportion of the purchase moneys paid as a deposit, and stamping of the sales agreement, will be removed. The remaining land tax amendments are in the nature of statute law revision, including removal of redundant provisions that are no longer applicable.

I turn to amendments to the Petroleum Products Subsidy Act 1965. The Petroleum Products Subsidy Act 1965 was enacted to enable Commonwealth subsidies to be passed on so that the difference in the wholesale price of petrol between country areas and cities would be limited to a specified amount. The Commonwealth scheme has not operated for many years and the bill seeks to repeal the Act because it is now redundant.

In respect of the Taxation Administration Act 1996, prior to 13 December 2000 the Land Tax Management Act 1956 authorised refunds of tax where such refunds were necessary to give effect to decisions of the Hardship Board. However, with effect from 13 December 2000, the land tax, payroll tax and stamp duties hardship and review boards were amalgamated into a single Hardship Board created under the Taxation Administration Act 1996, and the power to authorise such refunds was inadvertently left out of the legislation that created the single board. The bill reintroduces the power to make refunds, with effect from 13 December 2000. This confirms a variation to statute under which such refunds have been made since that date.

The Parking Space Levy Act 1992 is under the administration of the Minister for Transport, with the Department of Transport providing policy and technical advice to the Minister. The levy is administered by the Chief Commissioner of State Revenue, and is subject to the provisions of the Taxation Administration Act 1996. The bill clarifies the legislation giving the chief commissioner the authority to provide information acquired under a taxation law, and used in the administration of the Parking Space Levy Act, to the Director-General of the Department of Transport.

I turn to amendments to the Unclaimed Money Act 1995. The bill amends the legislation to allow the chief commissioner to recover money incorrectly paid to a claimant who was not the real owner of the money so that it can be repaid to the correct owner. The amendments require businesses that hold unclaimed money to make reasonable efforts to locate the owners of the money prior to its being forwarded to the chief commissioner. This will reduce unnecessary delays in returning money to the rightful owners. It will also reduce the number of claims lodged with the Office of State Revenue because more unclaimed money will be returned to the owner by the business instead of being paid to the chief commissioner.

To be consistent with the requirement to publish amounts in excess of $20, the bill sets a minimum amount of $20 to which the Unclaimed Money Act applies. Businesses to which the legislation applies will, therefore, not be required to pay these small amounts to the Office of State Revenue. The cost to businesses of complying with the requirements of the legislation, including the proposed requirement to make reasonable efforts to locate the owners, and the administrative costs to the Office of State Revenue, do not warrant these small amounts being treated as unclaimed money. I commend the bill to the House.

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

LIQUOR AND REGISTERED CLUBS LEGISLATION FURTHER AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.28 a.m.]: I move:

That this bill be now read a second time.

Over the past six years the Carr Labor Government has done much to reform the liquor laws so that they focus on minimising alcohol-related harm and reducing under-age drinking. That process has been ongoing since 1995, with the relevant legislation being amended as issues relating to harm minimisation and under-age drinking have been identified. When the Government's legislation promoting liquor harm minimisation was introduced in 1995, it was groundbreaking legislation in Australian and world terms. However, the reform of the liquor laws was never going to be achieved at the one time.

Recently in another place the Hon. Greg Pearce made the amazing statement that I am constantly amending the provisions of the Liquor Act. The honourable member is obviously not aware that, because of many decades of neglect, it has been necessary for the Government to amend, over a period of time, various sections of the Liquor Act. Some of those amendments are highlighted today. For example, nurses can be subjected to a fine of $5,500 merely for giving a nursing home patient a drink. The Hon. Greg Pearce could probably be excused for making such a statement as he has been a member of Parliament for only a short period. However, I found his comments most unbecoming and quite off the mark.

As I said earlier, the process of reforming the liquor laws was never going to be achieved at the one time. That is why the Government has progressed a series of harm minimisation and under-age drinking changes in recent years. During Olympic and millennium celebrations people's conduct in streets and other public places was better than it was for similar events in 1988 leading up to the bicentenary, when police were running a shuttle service for arrests—unlike during Olympic and millennium celebrations, which were attended by hundreds of thousands of people, when police arrested no more than a few handfuls of people. Obviously the Government's actions have had some impact on community behaviour. But those reforms were not achieved overnight.

When the Government introduced harm minimisation legislation the liquor industry was not happy. However, to its credit, it backed that legislation. Not one section of the liquor industry has not now lauded the Government's actions. Much of what has been done in this State has been adopted nationally. When harm minimisation legislation was introduced members of the Liquor, Hospitality and Miscellaneous Workers Union were concerned about the fact that, under the legislation, they would have to determine whether a patron was sober. It was their view that more responsibility should be placed on individuals, and that is what has occurred recently.

Any individual who now refuses to leave licensed premises and misbehaves will receive a substantial fine of $550. I do not believe that to be a draconian measure. Individuals must take responsibility for their actions. The Government had to get this legislation right. What was happening inside and outside licensed premises was unacceptable. Union members were the first to agree—as the industry, licensees of clubs, hotels, bottle shops and, to some degree, restaurant caterers did—that the legislation should be amended. This recent action prevented the occurrence in Australia, as is currently happening in America, of server liability cases. People in America have been brought before courts in the civil jurisdiction and fined by way of damages. That is what would have occurred in Australia if this legislation had not been amended.

Honourable members will recall a recent example of that process. Legislation was introduced last year so that action could be taken against the sale of undesirable liquor products which have a special appeal to minors. Once again, the Government has tried to address the problem of younger people—that is, people under the age of 18—obtaining access to alcohol. The first and only product to be prohibited from sale in New South Wales so far has been alcoholic ice-blocks. The fact that the legislation has been used only once so far is a good thing. That is to the credit of liquor merchants and those who supply liquor. Recently a New Zealand-based company produced in Australia a range of products that left a lot to be desired.

We do not want our community flooded with undesirable liquor products that we will need to ban as well. That legislation was introduced as a result of serious concerns that were expressed about alcoholic ice-blocks. Their potential to encourage under-age drinking was an issue for the Government, the liquor industry and the community. Many people expressed strong views against such products. Ice-blocks have a measure of appeal to young people. Someone from the industry attempted to get around the intent of the legislation and the expectations of the community. It is with that legislation in mind that the Government introduced this bill.

Research indicates that the way in which alcoholic beverages are marketed and promoted can also be attractive to minors. Recent United Kingdom research into alcohol beverage marketing and its impact on under-age drinkers, particularly the marketing of pre-mixed designer drinks, recommended systematic monitoring and controls over marketing practices. Similar research in the United States of America considered the impact of alcohol beverage advertising on under-age drinkers and recommended that public officials pay attention to the categories of wine coolers and pre-mixed drinks on the market.

All the drinks that I have just described have a great appeal to young people. That is not to say that they should not be allowed to consume them. However, the Government is concerned about some of the marketing practices. It might not come as a surprise to honourable members to hear that concerns about the appeal of pre-mixed drinks for under-age drinkers have also been expressed through the media and in various other ways in Australia. Those concerns have increased in recent times as a result of the expanding range of pre-mixed, ready-to-drink products. Changes to excise duty have resulted in lower prices for pre-mixed alcoholic beverages and, in some cases, their retail price is comparable to the cost of some soft drinks.

New South Wales liquor laws currently do not allow specific action to be taken when there are concerns about undesirable liquor promotions that appeal to under-age drinkers. Recently I viewed with some concern the sale of sausages in a supermarket being used in an attempt to sell a liquor product. Some amazement was expressed by those promoting the sale of the sausages and they said that I was a bit of a spoilsport. I do not believe it is desirable to promote the sale of sausages through the offer of free alcohol or a lead offer of alcohol. It would be apparent to all honourable members that juveniles would have access to that alcohol.

In a recent example, a complaint was received by the Department of Gaming and Racing about the sale of pre-mixed alcoholic sodas for $1 a bottle. The liquor laws do not allow action to be taken to stop that undesirable promotion. This bill will amend the Liquor and Registered Clubs Legislation Amendment Act so that action can be taken when concern has been expressed that an undesirable liquor promotion has a special appeal to under-age drinkers. Recently I spoke to liquor merchants and other vendors who expressed concern about what they considered to be draconian measures. I assured them—and they accepted my word—that there would be consultation with industry in relation to the imposition of any regulations. We will work together to ensure that we weed out those who, from time to time, want to test out the law—for example, producers of alcoholic ice-blocks.

The bill empowers the Director of Liquor and Gaming to issue reasonable directions to liquor licensees and registered clubs where a promotion is likely to have a special appeal to minors and it is in the public interest to prohibit that promotion. The director will not need to use this power every day of the week. Non-compliance with such directions will be an offence. The Government appreciates that there is some opposition to this type of measure from within the liquor industry. However, I assure the industry that the Government is looking to work in a co-operative manner in relation to the new legislation. That is the approach I have always taken on contentious matters. That is why the circumstances under which the director can issue directions will be subject to guidelines approved by me as the responsible Minister. I have given the industry that assurance as well. The liquor industry has always acted responsibly and has indicated to me it will continue to do so.

This administrative approach will provide an opportunity for the liquor industry to be consulted in the development of the guidelines. The guidelines will provide a framework to assist the director in determining whether a direction shall be issued, and the mechanism for issuing directions. The Government sincerely hopes that the new legislation will not need to be used. We hope that the liquor industry will ensure its promotions are responsible and do not encourage minors to purchase or drink alcohol. We want all liquor licensees and registered clubs to continue to play their part in promoting responsible service and consumption of alcohol, while doing the best they can to prevent under-age drinking.

However, we need to be able to take effective action where necessary. The undesirable liquor product laws that were passed by the Parliament last year are a good example of the best intentions in the world failing to stop a potentially harmful product from falling into the wrong hands. Last year we needed to take definitive action and send a strong message to alcohol manufacturers. This legislation also sends a powerful message in relation to alcohol promotions. This significant initiative makes another important contribution to the Government's ongoing liquor harm minimisation and under-age drinking program.

The opportunity has also been taken with this bill to advance some administrative and miscellaneous amendments to the liquor laws. I will now outline those amendments, which form part of the Government's ongoing program of improvements to the operation of the liquor laws. Under the Liquor Act licensed vessels are not permitted to sell or supply liquor while they are at their berth. However, the Act does allow liquor to be sold and supplied while a vessel is moored, as long as it has left its berth and is taking on board passengers and/or crew for a voyage, or passengers are alighting after a voyage.

Recently, the new King Street Wharf in Darling Harbour has been promoted both as a berth and a mooring point for charter and cruise vessels. As a result, the Charter Vessel Association, along with some vessel operators, approached the Government seeking changes to the liquor laws to allow liquor to be sold to

passengers while a vessel is at berth. Operators claim they have been disadvantaged by having to move their vessels from the new King Street Wharf. Previously they were able to sell liquor while moored at this wharf and taking on passengers. The bill amends the Liquor Act to allow wharves at which liquor may be sold to passengers while a licensed vessel is berthed to be prescribed in the liquor regulation. Allowing berths to be prescribed will ensure that the police and relevant regulatory authorities can be consulted regarding specific wharves before liquor is permitted to be sold on vessels berthed at those wharves.

I point out that it is the Government's intention that only a few of the established wharves where charter and cruise vessels regularly collect passengers for a voyage will be prescribed. Operators will not be able to moor their vessels at every wharf in New South Wales and sell liquor prior to and after a cruise. The Government will not prescribe scores of wharves across the State. This proposal was trialled during the Olympic Games and, to my knowledge, all the operators worked effectively and complied with the requirements. However, if vessel operators abuse this privilege, the amendment will be reviewed. This legislation will not allow licensed vessels to operate as floating bars at any wharf, as liquor will be permitted to be sold only to passengers who must be boarding the vessel for a voyage or who are about to disembark the vessel after it has completed its voyage.

Amendments made to the Liquor Act in 1999 require the operator of a business with a caterer's liquor licence to have as its principal business the provision of catering services for fee, gain or reward. Those amendments, which have generally worked well, were made to protect the integrity of the caterer's licence in response to concerns about applications made by businesses that were unconnected with the provision of food and/or beverages. For caterers who obtained their licence prior to the 1999 amendments, transitional provisions provided a two-year exemption from the new principal business requirement. That exemption, which expires on 25 November 2001, recognised that some licensees would need to make significant changes to business arrangements. I have taken note of the representations that have been made to me.

Concerns have been raised by some caterers that the principal business requirement, which will apply from November this year, will result in significant costs and disruption to their business. They will be required to establish a separate entity to operate their caterer's licence. Restaurants, vignerons, and university unions that have operated a catering business for some years are particularly concerned. The university unions have made strong representations to me. Given the substantial costs that these small businesses may incur in complying with the principal business" requirement, the bill extends the current exemption from the requirement for a further three years, that is, until 25 November 2004. In the meantime, it is expected that the future structure of caterer's licences will be an issue in the National Competition Policy review of the Liquor Act. That review is currently in its final stages.

An exemption is currently provided in the Liquor Act for the sale of liquor by a medical practitioner, a registered nurse or a pharmacist where the sale is for medicinal purposes only. Concerns have been raised about the legal situation where liquor is provided in hospitals and nursing homes to patients or residents as an accompaniment to food or social interaction. This practice is becoming more popular as these facilities provide higher levels of service. However, it is possible that individual directors and employees of a hospital or nursing home could be in breach of the Liquor Act. It is necessary to clear up this uncertainty. As I said earlier, there have been many ambiguities in the Liquor Act and other Acts under my administration. This exemption will ensure that hospital and nursing home operators and employees are not concerned about possible breaches of the Liquor Act where liquor is provided to patients and residents.

Therefore, the bill amends the current exemption so that it also clearly applies to the provision of liquor to persons who are receiving medical and/or nursing care in a hospital, nursing home or similar facility. The exemption applies only to the person in charge of the facility, or to a person acting with the authority of that person. It recognises that people in a hospital or nursing home, who are generally incapable of looking after themselves properly, should be able to obtain an alcoholic drink without the law intruding, in the same way that adults serve themselves in their own homes. I point out that the exemption does not allow liquor to be provided to minors in any circumstances.

The exemption applies only to patients and residents; I emphasise that it does not apply to their guests or to staff. If an institution wants to operate a licensed cafe or bar, it will need to go through the normal process of obtaining a liquor licence. It is important to note that it will be up to the institution concerned to set its own policies relating to the provision of liquor. Many of these institutions are run by church groups, who may be ethically opposed to the serving of liquor. The new law does not compel any institution to provide liquor in any circumstances.

The bill also includes some machinery amendments. One of those will ensure that it is an offence to make materially false or misleading statements in or to omit material from documents submitted or otherwise given to the Minister administering the liquor laws. Another amendment will remove doubt that certain liquor licences and certificates of registration are in force following changes made to the liquor laws arising from the abolition of liquor licence fees in 1997 at a Federal level. Finally, the bill will validate certain dine-or-drink authorities for which payment of fees was accepted by the Department of Gaming and Racing after the due date. We do not want to exclude those businesses. I commend the bill to the House.

Debate adjourned on motion by Mr Oakeshott.

[*Mr Speaker left the chair at 10.55 a.m. The House resumed at 11.00 a.m.*]

ASSENT TO BILLS

Assent to the following bills reported:

Police Powers (Vehicles) Amendment Bill
Summary Offences Amendment (Minors in Sex Clubs) and Theatres and Public Halls Repeal Bill
Gaming Machine Tax Bill
Liquor and Registered Clubs Legislation Amendment Bill
Sydney Water Catchment Management Amendment Bill
Conveyancing Amendment (Rule in Pigot's Case) Bill
Co-operatives Legislation Amendment Bill
Land Titles Legislation Amendment Bill
Marine Safety Legislation (Lakes Hume and Mulwala) Bill
Police Service Amendment (Complaints) Bill
Apprenticeship and Traineeship Bill
Harness Racing New South Wales Amendment (Rules) Bill

CHILD DEATH REVIEW TEAM

Report

Mr Speaker announced, pursuant to Section 105 (4) of the Children (Care and Protection) Act 1987, the receipt of the report for the year ended 30 June 2001.

Ordered to be printed.

OFFICE OF THE CHILDREN'S GUARDIAN

Report

Mr Speaker announced, pursuant to section 187 of the Children and Young Persons (Care and Protection) Act 1998, the receipt of the report for the year ended 30 June 2001.

Ordered to be printed.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Report

Mr Speaker announced, pursuant to section 23 of the Commission for Children and Young People Act 1998, the receipt of the report for the year ended 30 June 1001.

Ordered to be printed.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

Mr Speaker announced, pursuant to section 76 of the Independent Commission Against Corruption Act 1988, the receipt of the report for year ended 30 June 2001.

Ordered to be printed.

POLICE INTEGRITY COMMISSION

Report

Mr Speaker announced, pursuant to section 99 of the Police Integrity Commission Act 1996, the receipt of the report for the year ended 30 June 2001.

Ordered to be printed.

PETITIONS

Centennial Park Dogs Off-leash Area

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

North Head Quarantine Station

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

McDonald's Moore Park Restaurant

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

State Environmental Planning Policy No. 5

Petition praying that a moratorium be placed on State Environmental Planning Policy No. 5, received from **Mr O'Farrell**.

Surry Hills Policing

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

Inner East Sydney Policing

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

Eastern Suburbs Police and Community Youth Club Closure

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

Inner East Sydney Police Resources

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

Gordon Policing

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

Malabar Policing

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

Randwick Police Station Downgrading

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

Mona Vale Hospital

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

Genetically Engineered Food

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

Scottish Hospital

Petition supporting an upgrade of the Scottish Hospital, Paddington, that does not diminish the heritage value of the site, received from **Ms Moore**.

Chatswood High School

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

Moore Park Passive Recreation

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

St Ives Showground

Petition requesting the installation of traffic lights at the Mona Vale Road entrance to the St Ives showground, received from **Mr O'Farrell**.

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**.

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**.

White City Site Rezoning Proposal

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

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** and **Mr J. H. Turner**.

QUESTIONS WITHOUT NOTICE

WEAPONS IN SCHOOLS

Mrs CHIKAROVSKI: My question is directed to the Minister for Education and Training. Will the Minister explain why the number of students in New South Wales Government schools who were suspended for carrying an illegal weapon jumped from 345 in the first two terms of last year to 398 in the first two terms of this year? Was this related to copycat incidents that followed the Minister's intervention in April when he falsely accused a teenager of planning a massacre of his schoolmates?

Mr AQUILINA: The department is committed to providing a safe and disciplined learning environment. That is what we undertake to do, and that is exactly what we are doing. I am informed that public schools in New South Wales will reinforce the program to inform students about the law on prohibited weapons. The education department's assistant director-general for student services and equity will undertake that program.

Mrs Chikarovski: The big jump occurred after you made the announcement about the massacre.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting and causing disruption in the House.

Mr AQUILINA: Students will be advised again that the department has zero tolerance for weapons at our schools. It will be done through crime prevention workshops to be held in schools across the State. These workshops, run jointly by teachers and local police officers, will explain to students that carrying a weapon is a serious offence, self-defence is not an excuse for carrying a weapon and, importantly, weapons are not toys. With weapons so dominant in news reports on television and in other media, the real danger of weapons can often be hidden from our young people. Students should understand the law in relation to possessing and using weapons or implements in a way that they could be regarded as prohibited.

The education department's restoration of the zero tolerance approach to weapons comes after figures it collated showed that there were 699 suspensions for possession of a prohibited weapon in the year 2000. This was a reduction from 736 suspensions in 1999. In the first half of the current year there were 398 suspensions, 301 of which were short-term suspensions. The Leader of the Opposition wants to make a big play about the fact that students are suspended for carrying weapons. I remind her what the term "prohibited weapon" actually stands for. Weapons referred to in the suspension reports included use of a ruler to hit someone, use of a cricket bat, a pair of scissors, woodwork equipment used in a threatening way, and bringing a knife to school, as students sometimes do, in order to show it to other students. All these resulted in suspension.

Mrs Chikarovski: Point of order: There is a weapons prohibited in schools list issued by the department. I lay the document upon the table of the House for the Minister's edification. They are the weapons we are talking about.

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

Mr AQUILINA: The Leader of the Opposition is not serious in her claims—for example, suggesting that the document to which she refers and the increase in suspensions relate to firearms of any kind or relate to the bringing of knives to school to be used in a threatening way. I point out again that these suspensions are by and large for people bringing these weapons to school in order to show off to other students. Indeed, sometimes during a schoolyard brawl, or on the sporting field, when a student loses their temper an item of woodwork equipment or an item from a classroom could be used in a threatening way.

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

Mr AQUILINA: That results in an automatic suspension. It is not, as the Leader of the Opposition said, in any way the result of a so-called copycat situation. The Leader of the Opposition needs to remember that the period she has referred to relates to terms one and two of this year, which ended on 30 June. In fact, the figures that she quoted—released under the freedom of information report that was requested—show that in term one of this year, long before the incident she referred to, there were 151 suspensions, and in term two there

were 150 short-term suspensions. So far as long-term suspensions are concerned, the figures were 47 and 50. There was no jump from term one to term two.

Mrs Chikarovski: No, the jump between this year and last year.

Mr AQUILINA: No. The theory put forward by the Leader of the Opposition is total nonsense. In respect of the claim she made in relation to copycat offences, instead of releasing all the information she had she has selectively released information to try to present a distorted story. That is precisely what she is doing.

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

Mr AQUILINA: If she wants to be fair dinkum she should talk about term one versus term two. In term one the number of suspensions was higher than the number of suspensions in term two. It is a nonsense argument! The selective release of information that she obtained is not going to uphold her argument. It clearly does not uphold her argument. It shows that in 1999 the level of suspensions was pretty close to the level of suspensions this year.

ANIMAL CRUELTY

Mr ANDERSON: My question without notice is directed to the Minister for Agriculture. What is the Government's response to community concerns about recent cases of animal cruelty?

Mr SPEAKER: Order! There is far too much conversation between members on both sides of the House. I include the honourable member for Myall Lakes and the Leader of the National Party in that warning.

Mr AMERY: No doubt the honourable member for Londonderry, like many members of this House, has been surprised and shocked at how people can treat animals and by the number of reports of incidents of animal cruelty. He, like all members of this House including the Premier, has been affected by the number of emails, letters and faxes from members of the community who are completely outraged at the incidents of animal cruelty that have received publicity as a result of recent court cases. I want to tell honourable members just what the Government hopes to be able to do in response to this level of cruelty, and also to remind them that the Government has, since its term of office commenced in 1995, placed animal cruelty very high on the list of its policy priorities.

For the record, in 1995 the Government initiated a review of animal welfare laws in this State, which I believe clearly demonstrated that the new Government of 1995—this Government—regarded animal welfare extremely seriously. The Government embarked on a review of the Prevention of Cruelty to Animals Act in New South Wales and subsequently rewrote that legislation, making a number of changes to the law. The Government's record on animal welfare reforms included the banning of fire face branding, steel-jawed traps, the tethering of pigs, and red-hot steel being applied direct to the skin of horses in an attempt to fix damaged tendons—a process known as firing. It also imposed strict controls on the use of electro-immobilisation of farm animals and required the tethering of dogs on the backs of trucks, utilities and other open-top vehicles.

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

Mr AMERY: Of particular relevance to what has been happening lately, it also included a doubling of the maximum penalty that can be handed down to those convicted of animal cruelty.

Mr SPEAKER: Order! I remind members that 50 per cent of households in the average electorate have registered dogs. For that reason members should take an interest in the answer, which does not call for foolish interjections such as that of the honourable member for Pittwater.

Mr AMERY: I would point out that many of those who wrote to the Government in fact live in the electorate of Pittwater. They will receive a copy of *Hansard*. It is ironic that in those early years a magistrate in Wagga Wagga, when sentencing a person who had bashed a small fox terrier dog to death with an iron bar, lamented that the maximum penalties contained in the legislation were not high enough. The Government responded by doubling the maximum penalties. When this Government came to office, the maximum penalty for someone convicted of an offence of aggravated cruelty was increased from 12 months to two years gaol, and fines were increased from approximately $5,000 to $11,000. For corporations the fine can be as much as $55,000.

The Government initiated these increases as a specific response to the actions of people who committed horrific acts of cruelty on innocent animals. The courts, of course, had been critical of the former low penalties. In recent weeks we have heard of another court case in which a 29-year-old Oatlands man was convicted of cruelty to a family member's kitten. He admitted torturing the kitten after it had scratched him. I think the man's reaction shocked everyone. It has been reported in the media that the torture involved burning the animal's whiskers, spraying it with an aerosol can, shutting the kitten in the freezer for up to 40 minutes, placing it in a washing machine, and throwing steak knives and bricks at the kitten before it eventually died.

For that particular offence the man received a six-month suspended sentence. In other words, neither a custodial sentence nor a fine was imposed. A six-month suspended sentence means that if the offender were to commit another offence during that period he could be brought back before the court to receive a custodial sentence. As long as he behaved himself in the future, he walked free. That sentence was imposed despite the availability of a two-year maximum sentence or an $11,000 fine. The public has understandably reacted angrily to that sentence. I indicated earlier that my office and the office of the Premier received dozens of letters. I understand that the police have prepared a report of the case for the Director of Public Prosecutions [DPP] and that the DPP has agreed to appeal against the sentence.

Recently I spoke to Raelene Redford and Paul O'Donnell, respectively Chief Executive Officer and Chairman of the RSPCA, who raised with the Government the need for continued reform of animal welfare laws. The RSPCA, which successfully prosecutes about 25 cases of animal cruelty each year, should be congratulated. In September 2000 two Cessnock men were fined a total of $7,500 for cruelty to a Hereford cow. Witnesses gave evidence in Cessnock Local Court that the pair put a rope around the cow's neck and tried to drag it onto the back of a truck. They also encouraged five dogs to attack the animal. Witnesses also claimed that one of the men ran into the cow with his utility. In 2000-01 the RSPCA prosecuted 103 defendants for 239 offences under the Prevention of Cruelty to Animals Act, and in 1999-2000 it prosecuted 77 defendants for 153 offences under that Act. The offences ranged from aggravated cruelty cases to failure to provide veterinary treatment, or failure to provide water, food and shelter.

[*Interruption*]

Is the honourable member for Coffs Harbour trying to get a point across on this matter?

Mr Fraser: What about the brumby cull?

Mr AMERY: That has been investigated, I understand.

Mr Fraser: Why has the department deferred the court case into the RSPCA's—

Mr AMERY: Are you an apologist for these acts of cruelty?

Mr SPEAKER: Order! The Minister should address his comments through the Chair rather than to the honourable member for Coffs Harbour.

Mr AMERY: The RSPCA also responds to and investigates each year approximately 18,000 complaints relating to animal cruelty or animal welfare in New South Wales. The community and the State Government continue to expect tough penalties to apply to animal cruelty and I hope that honourable members will be pleased to hear that the Government has already embarked on another review of the Prevention of Cruelty to Animals Act.

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

Mr AMERY: In response to the recent court case involving the Oatlands man who tortured the kitten, the Government is aiming particularly to build into the Act a clause which will make it easy for magistrates to ban a person who has been convicted of animal cruelty from ever again owning or being responsible for an animal. Magistrates can already do this in some circumstances but we want to expand that power. By broadening the actions available to the judiciary, that option will be more readily available to magistrates and judges. A further proposal to be included in the Act will be to broaden the range of enforcement options that are available for RSPCA inspectors. This could involve the introduction of on-the-spot fines for breaches of the Act—for example, for failing to tether a dog on the back of an open-top vehicle. It could also involve the issuing of orders or warning notices—for example, to improve within a specified time frame the condition of animals that are kept in pet shops.

Further consultation will need to be carried out with the RSPCA and other organisations before amending legislation on these important issues is put to the Cabinet and is drafted for this Parliament. A further amendment being considered involves the introduction of new standards for council-run animal pounds. Thousands of stray, lost or unwanted cats and dogs are sent to New South Wales pounds each year and, sadly, many are subsequently put down. While some pounds have very high welfare standards, others do not. My department, New South Wales Agriculture, is currently working with the Animal Welfare Advisory Council and the Companion Animals Advisory Council to develop new standards for pounds. These bodies include representatives of the RSPCA, the Animal Welfare League and the Local Government and Shires Associations.

I advise the House that further consultation will also take place with individual councils which run pounds and with other stakeholders, including the wider community. In conclusion I once again assure this House of the New South Wales Government's continued action against animal cruelty in this State, the promotion of animal welfare issues and the review of legislation whenever that is considered by the Government to be appropriate.

GULGONG HIGH SCHOOL FACILITIES

Mr SOURIS: My question without notice is directed to the Minister for Education and Training. How can he justify spending millions of dollars on sandstone gate pillars and gravel driveways at selected schools when nearly half of the 350 long-term students at Gulgong High School are forced to study in demountables?

Mr AQUILINA: There is no money being spent in the way in which the honourable Leader of the National Party suggests.

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

Mr AQUILINA: Members of the Opposition misrepresent our policy in a number of ways. First, they misrepresent precisely what the Premier has stated. Second, I need to remind the honourable Leader of the National Party that the schools to which he refers are schools in the inner city where we are investing $100 million in the provision of outstanding educational facilities for students as part of the restructuring of public education within the inner city.

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

Mr AQUILINA: The schools in the inner city are where we are turning empty schools into schools that will once again receive record numbers of students, where we will once again provide facilities which are a source of great pride for people involved in public education. If Opposition members want to knock public education and want to say that public schools deserve second-rate and third-rate facilities, be it on their heads.

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

Mr AQUILINA: I notice that the Federal counterparts of the Opposition are doing nothing to help public education, and the New South Wales Opposition is going exactly the same way.

ABANDONED LANEWAYS

Mr ASHTON: My question without notice is to the Minister for Information Technology. What is the Government's response to community concerns about antisocial behaviour in abandoned lanes?

Mr YEADON: People say that the past comes back to haunt us and this is certainly the case in relation to private laneways, which were a common feature of many early housing developments in our cities. Of course, they served a purpose: they provided access for the nightsoil collectors, or people who were more commonly referred to as dunny men, and these lanes are commonly referred to as dunny lanes. These laneways have frequently been a source of problems and frustration because they have been linked to crimes. Robberies, assaults, rubbish dumping and drug taking are common occurrences in these laneways. I am pleased to be able to inform the House that the Government recently passed legislation to fix this problem.

Mr D. L. Page: Point of order: I am sure that honourable members are into recycling but the reality is that the House dealt with dunny lanes last week and the Minister is engaging in boring repetition. We have already dealt with this in debate.

Mr SPEAKER: Order! The question is about antisocial behaviour in abandoned lanes.

Mr YEADON: This is a completely different issue. As honourable members know, the inner-city housing of yesterday has undergone a renaissance in the property market. People have bought these properties and in many cases have restored them to their former glory. Indeed, in some cases people have gone well beyond the standard of the original dwellings. Events that occurred a century ago meant that many people who lived in inner-city suburbs could never claim legal title to these laneways. One of the ways in which subdividers provided access to the rear of the properties was to create a separate land parcel. This land ran along the back wall between the two rows of blocks in a subdivision.

Mr Souris: You are boring.

Mr YEADON: There is a lot of dribbling at the mouth from the Opposition's front bench. The developer or subdivider subsequently sold off the blocks but the access way stayed in the subdivider's name and many remained that way. However, after sewerage was introduced, the original purpose of the access ways ceased to exist. Many of the dunny lanes fell into disrepair and created problems for adjoining landowners.

[*Interruption*]

The Leader of the National Party really does have a childish disposition.

Mr Souris: No, it is Mr Speaker.

Mr YEADON: The Leader of the National Party is laughing at you, Mr Speaker. One only has to walk down some of these laneways to see the negative social and environmental impacts manifested in behaviour that occurs there. To deal with those problems, adjoining owners often fenced in part of the lane next to their land. The common law permitted those who fenced in the land to claim formal ownership after a long period of occupation, namely, 12 years. However, the common law rule applied only where the access way was under old system title. Occupiers could not claim part of an access way by occupation where the land was under Torrens title. As you would be aware, Mr Speaker, Torrens title makes up the bulk of land title in this State to the extent of approximately 98 per cent. The Real Property Act has been amended to remove the provision against claiming part of a Torrens title land parcel in the case of access ways.

The legislation is due to commence on 1 January next year. Adjoining landowners will be able to claim the land that they have occupied for 12 years. This will result in a gradual disappearance of the access ways, thus also the problems that I have described. In considering this legislation, the Government took account of the possible consequences of encroachments over Torrens title. As a result the legislation is limited to residue lots in Torrens title subdivisions and also revenge or spite strips. Revenge strips are narrow pieces of land that are usually 30 centimetres or 60 centimetres wide which a developer includes in a regional subdivision.

Under the new law, the person claiming the land will have to provide evidence by way of statutory declaration to prove 12 years exclusive possession of the land and lodge a plan of consolidation showing the person's land and the part of the access way that they are claiming. A further requirement will be a letter from local council. The letter will have to state that the council does not object to the claim. This will ensure that land belonging to the council or land that the council has maintained cannot be claimed.

I make two further points. Firstly, it is intended that the new laws will not affect the legal rights of third parties to go across the land by means of a newly created easement. Their rights will continue to exist even after the occupier's ownership is recognised. Secondly, it is not intended that the heritage value of private access ways will be affected. The Government has consulted with the councils of Woollahra, Waverley, south Sydney, Leichhardt, Marrickville, Newcastle and Randwick and a host of government agencies. The law will not present a threat to these lanes because the right to claim land will arise only after the occupier has occupied the land for 12 years. Where a private lane has heritage value the local authorities will have a substantial period to deal with the issue before any claim can be made. A further safeguard is provided by the requirement for the letter from the council stating that it does not object to the claim. I urge property owners to inform their neighbours if they decide to claim legal ownership of a private laneway or part of one.

Mr Souris: He has to cut his teeth.

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

Mr YEADON: In response to the interjection from the Leader of the National Party, at least I have cut my teeth. After 20 or 30 years of being an accountant he is still trying to cut his teeth—with a whole series of failures in his wake.

Mr Souris: Point of order: Even on Melbourne Cup day the rank outsider gets a chance.

Mr YEADON: The Leader of the National Party was scratched years ago. I urge property owners to inform their neighbours if they intend to make legal claim to a private laneway or part of one. This is the best way to avoid future disputes. I also advise people to contact Land and Property Information New South Wales [LPI] for information about how to make the claims. An information kit covering these matters is available on the LPI web site at *www.lpi.nsw.gov.au.* The information is also available over the counter at the LPI office near Queens Square, a short distance from Parliament House, between the Barracks and Hyde Park. A title search may be required. This can be performed at or by the LPI by a solicitor or indeed by a conveyancer. This law brings us up to date with modern living requirements of the State and the city of Sydney. I am sure that it will be welcomed by property owners, who have contributed so much to the rejuvenation of inner-city suburbs.

Mrs Skinner: Point of order: This matter was debated in this House two weeks ago. The Minister has frivolously wasted the time of the House. I suggest that you use your powers as presiding officer and direct that this question time should be devoted to real matters of interest to the community.

Mr SPEAKER: Order! On the advice of the honourable member for North Shore I ask the Minister to conclude his answer.

OVERSEAS DOCTORS CHILD EDUCATION FEES

Mr SLACK-SMITH: My question is directed to the Minister for Education and Training. At a time when there is a serious shortage of doctors in rural areas, will the Minister agree to waive fees charged by his department to overseas doctors willing to practise in country districts who have to pay thousands of dollars so that their children can attend local public schools?

Mr AQUILINA: This matter is under investigation. I would have thought that a question in relation to rural doctors would have been better directed to the Minister for Health.

SHOALHAVEN TOURISM

Mr W. D. SMITH: My question is to the Minister for Small Business, and Minister for Tourism. What is the latest information on tourism in the Shoalhaven region, and related matters?

Ms NORI: I will deal with related matters later in my answer. As it is Melbourne Cup day I thought I would give honourable members a tip. Recent focus groups conducted by Tourism New South Wales have identified the Shoalhaven as a preferred location for rekindling relationships and regaining a sense of freedom and luxury. Many members of the House would remember Max Dupain's famous photograph of the young man on the beach. Most people think that it was taken at Bondi but in fact it was taken in 1937 at Culburra, which is in the centre of the Shoalhaven. Towns in the region include Berry, Nowra, Bomaderry, Culburra, Huskisson, Vincentia, Milton, Ulladulla, St Georges Basin and Sussex Inlet. Apart from containing the picturesque Jervis Bay, the Shoalhaven is two-thirds State forests, national parks and Crown land. The focus group found that Sydneysiders like going to the Shoalhaven because they can just throw an overnight bag in the car and get there within two hours. There are dozens of charming villages and the area is easy to get to.

I remind the House that the South Coast in total hosts 2.4 million domestic visitors each year and generates more than $880 million in annual tourism revenue. That is why the South Coast is such a key component of our Touring by Car strategy, which has been enhanced greatly by the $15 million package announced a couple of weeks ago. I applaud the leadership of the South Coast region—the tourism industry operators, local councils and their hard-working Country Labor members, the honourable member for South Coast and the honourable member for Kiama—for the astute way in which they work with the State Government agency Tourism New South Wales.

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

Ms NORI: The South Coast tourism sector is a fantastic model of the government and private sectors working together to achieve great results for the region and to create much-needed regional jobs. Consultation

and co-operation are the key to this success. We can see it in the outstanding results that the Touring by Car campaign has had on the South Coast. We can also see it in the success of local events such as the blessing of the fleet at Ulladulla. The South Coast has proved itself a winner as a short break destination. When the government and private sectors work together we get results. Coming to other matters, I contrast the working together of the State Government, the agency Tourism New South Wales and the industry with the announcement of the Howard Government's supposed tourism support package. The Prime Minister's idea of consultation was to gatecrash an international tourism convention last week to announce his election tourism policy.

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

Ms NORI: The organisers did not appreciate for one moment what he and Jackie Kelly did. They had been given assurances from the Prime Minister's office that he would not politicise the most significant international tourism event since 11 September. He has shown a few times that his assurances do not mean a lot. What he did announce showed that once again the Federal Government, when it comes to tourism, has an ad hoc policy on the run—no planning, no meaningful consultation and a desperate attempt to atone for Jackie Kelly's blips and backflips.

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

Ms NORI: Part of that announcement, which obviously the Opposition does not like, was a plan to reimburse, to the tune of $150, each Australian taking a holiday at home.

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

Ms NORI: I hope for the sake of the tourism industry that that will work, but I doubt it. I doubt very much that a $150 rebate will get people who otherwise would have stayed at home to travel throughout Australia.

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

Ms NORI: When I compare the way in which this Government promotes travel in this State with the way in which we get deals for people and real results for the tourism industry in New South Wales, I am even more skeptical.

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

Ms NORI: I will take a moment to explain how the Government promotes and packages visitation to this country. A very modest campaign grew out of the Olympics for travel from the United States of America. For an investment of $50,000 by taxpayers, combined with a $150,000 investment by a wholesaler, we drove 1,500 passengers at an average spend of $5,899.

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

Ms NORI: I will explain that for members who cannot do mathematical division. For a mere $66 that New South Wales taxpayers spent, we drove a return of 88 times the initial investment, and 90 per cent of those visits were in New South Wales. That is the type of marketing that works. The Prime Minister's $50 holiday rebate will have nowhere near the same result as our program.

Mr SPEAKER: Order! I remind honourable members that a number of them are on two calls to order.

Ms NORI: If any members of the Opposition actually believe last Friday's announcement that an additional $24 million has been given to the Australian Tourist Commission [ATC], I remind them that the ATC, not Tourism New South Wales, has the responsibility to market this country. The ATC, not the Government, has to run advertisements on overseas television stations. That $24 million over five years amounts to about $4.8 million each year. But the fine print did not state that budget of the ATC was to be cut by $10 million—and it was! The generous addition of $24 million to the ATC budget still leaves it $5.2 million

short of its expectation over the next five years. I do not believe that the Federal Government has carefully thought through its package. The real problem is that jobs in regional New South Wales and Australia, and important jobs in the tourism industry, will suffer.

TRANSPORT TICKETING SYSTEM

Mr O'FARRELL: My question is directed to the Minister for Transport. What account did the Minister take of the Victorian audit, which included a finding that 27 per cent of ticketing machines did not work, when the preferred tenderer status for the New South Wales transport smart card system was awarded to ERG, the company responsible for the Victorian ticketing system?

Mr SCULLY: I have already dealt with that question. The Deputy Leader of the Opposition should read *Hansard*. He does not understand that the ticketing system in Victoria was signed up by Kennett, his mate—it was not signed up by the Victorian Labor Government—and that ticketing system is completely different from the system we are contemplating.

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

Mr SCULLY: As I said at length—and I am sure the House does not want me to belabour the point again—if members want to look at the performance of ERG they should go to Hong Kong, as I did. As I told the House previously, the integrated ticketing scheme is a significant issue and I wanted to be satisfied that the Government had made the right decision. Both Cubic and ERG suggested that the Government look at places in Asia where ticketing systems had been installed.

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

Mr SCULLY: The performance of ERG in Hong Kong is nothing short of awe inspiring. When the Deputy Leader of the Opposition goes to Victoria he should get the Kennettisation of public transport out of his head. He is obsessed with the privatisation of public transport, but when he went to Victoria he did not look at its ticketing system. Kennett insisted that privatisation be rushed through, but this Government has been deliberately cautious and careful about the rollout program and the selection of the tenderer. I am very disappointed that the Deputy Leader of the Opposition is completely unaware of what ERG has done in Hong Kong and of the problems that the Kennett Government faced in rushing through the implementation of that system. The Government has learnt from that experience. The Deputy Leader of the Opposition should embrace the smart card technology and congratulate the Government on getting on with this important project.

SYDNEY DRINKING WATER CATCHMENT AREA

Mr WEST: My question without notice is to the Minister for the Environment. How is the Government assisting local councils in Sydney's drinking water catchment area?

Mr DEBUS: The honourable member for Campbelltown is well aware that the protection of Sydney's drinking water supply is a priority for the Government. Some of the towns in Sydney's drinking water catchment still suffer from antiquated and leaking sewerage and stormwater systems.

Mr Hartcher: Point of order: I draw attention to order of the day No. 8, resumption of debate on the Catchment Management Amendment Bill. The question and the answer given so far anticipate debate on a matter before the House, and accordingly are out of order.

Mr SPEAKER: Order! The question relates to Government assistance to local councils in Sydney's drinking water catchment area.

Mr Hartcher: It carries the assumption—

Mr SPEAKER: Order! The honourable member for Gosford has taken a point of order, which I am ruling on. The question is in order.

Mr DEBUS: The antiquated sewerage and stormwater systems in some towns within Sydney's water catchment area have posed health problems for our rivers and, of course, for people who rely on those rivers eventually for their drinking water. That is why, as part of a policy announcement—Action for the Environment—the Government allocated an additional $27 million to councils within the catchment to help

them accelerate work to improve poorly performing sewerage and stormwater systems. Previously I announced a grant of $700,000 specifically to Goulburn City Council to help it upgrade its ageing sewerage infrastructure. Today I announce that funding will be provided for another important water quality project for Goulburn. A further $500,000 will be invested to repair five kilometres of Goulburn's ageing and leaking sewer lines.

Mr O'Doherty: Well done, member for Goulburn!

Mr Stoner: A great local member!

Mr Scully: What does the local member say about that?

Mr DEBUS: I cannot recall ever hearing from the local member about this matter, but I have certainly heard much from members of Country Labor. The repair work will protect the drinking water supply of Sydney and represents a significant investment in Goulburn's infrastructure. The project is a joint initiative of the Sydney Catchment Authority and Goulburn City Council, and I understand that last night Goulburn City Council voted to contribute $250,000 towards the scheme. In addition to that, at a cost of $400,000 the Sydney Catchment Authority recently acquired specialist equipment that will allow councils to more easily identify and replace poorly performing sewer mains. I am advised by the authority that a successful pilot project resulted in the replacement of approximately 1.3 kilometres of a failing sewer main in just six weeks.

As part of the project I am announcing today, a computer model of Goulburn's sewerage scheme will be built so that the authority and council can pinpoint where and how sewer pipes are failing. The model will also show how the system performs before and after rehabilitation, allowing experts in the field to better target and replace those failing pipes. Refurbishing and rebuilding sewer systems in the catchment area will reduce the incidence of sewage overflows. Only three weeks ago my colleague the Minister for Energy announced that $26.5 million will be spent to provide better sewerage facilities for the unsewered villages of The Oaks, Oakdale and Belimbla Park, which are located close to Warragamba Dam.

Over the next five years the Sydney Catchment Authority will spend $27 million targeting sewage and stormwater in the catchments. The people of Goulburn will have access to a cleaner Wollondilly River and better infrastructure, and the people of Sydney will be better protected by having cleaner drinking water. All of these projects are clear examples of how the Government is working with local catchment communities to reinvest money from the sale of water to Sydney consumers into local rural infrastructure projects that better protect the environment.

CALLAN PARK PSYCHIATRIC HOSPITAL SITE SALE

Mr BROGDEN: My question without notice is directed to the Deputy Premier, and Minister for Urban Affairs and Planning. Does the Minister agree with the views of the Labor candidate for Grayndler, Anthony Albanese, whose campaign material is authorised by the Minister, that under no circumstances should any part of Callan Park at Rozelle be sold, and especially not for housing development?

Dr REFSHAUGE: A master plan is going out at the moment. It is not for me to prejudge what the master plan will do.

Mr BROGDEN: I ask a supplementary question. In view of the Minister's answer, will he withdraw his authorisation of Anthony Albanese's material?

Dr REFSHAUGE: I am absolutely delighted to support Anthony Albanese because he will, in government, be able to fight for a housing agreement. You have never been prepared to fight for a housing agreement, but Anthony Albanese will fight not only for the people of Grayndler but for the people of New South Wales.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Prison Chaplains

Mr WATKINS (Ryde—Minister for Fair Trading, Minister for Corrective Services, and Minister for Sport and Recreation) [12.14 p.m.]: It is clearly urgent that the 70 chaplains who work day in and day out in our correctional system, and have done so for 213 years, be acknowledged by a vote in this House.

Child Death Review Team Report

Mr HAZZARD (Wakehurst) [12.14 p.m.]: Whilst the Opposition would be pleased to hear the Minister for Corrective Services speak about chaplaincy and the welfare of inmates for the benefit of the

community, we believe that the most urgent matter for this House to consider today is the report of the Child Death Review Team, which was tabled last week. During a press conference the Minister for Community Services—the Minister directly responsible for the matter—denied any knowledge of that report. The Minister should have made a statement indicating her concern about the number of children who have died in circumstances that were clearly known to government departments and human resource agencies, including the Department of Community Services [DOCS], the Health Department and the Police Service.

The matter is urgent because one week after the release of the report the Minister has not even issued a press release, offered an apology, or offered any future direction on the matter. She has done nothing. In fact, the Minister should be known as the Minister for obfuscation rather than the Minister for Community Services. Last week Gillian Calvert, the Commissioner for Children and Young People, was asked by a journalist, "Has the Minister seen the report?" Gillian Calvert answered, "The Minister has a copy of the report. She comments on the report, and the team then considers her comments and then finalises the report." The journalist then asked, "When does she get the report?" Gillian Calvert replied, "She's required to have it two weeks prior." The journalist then said, "Well, she said she hadn't seen it." The reply was, "She didn't see a finalised report, she would have seen a draft report that we sent to her for comment. She then commented to the team."

Mr Campbell: Point of order—

Mr HAZZARD: "The team had made some changes in the light of her comments, as they are able to do under the legislation, and then we have now tabled the report. So strictly speaking, she is correct, she has not seen this particular final report."

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

Mr HAZZARD: If members are going to intervene when children are dead—

Mr SPEAKER: Order!

Mr HAZZARD: The honourable member for Keira needs to have this report tabled in his electorate. I will make sure his constituents know that he is trying to slow down debate while children in DOCS care are dying.

Mr SPEAKER: Order! I again ask the honourable member for Wakehurst to resume his seat.

Mr Campbell: My point of order is that the honourable member for Wakehurst should argue urgency rather than quote verbatim from a media interview that was conducted last week. The debate is about urgency, not reading into *Hansard* material that has been published elsewhere. I urge you to ask the honourable member to argue urgency.

Mr SPEAKER: Order! I uphold the point of order. The honourable member for Wakehurst has the call.

Mr HAZZARD: The matter is urgent—and this House should know it is urgent—because 21 children, whose circumstances were known to the Department of Community Services, have died. It is absolutely appalling that you would try this juvenile, petty, time-delaying stunt that is practised by the Labor Party. You can save that for other insignificant issues. You should hang your head in shame. In Corrimal, in your electorate—

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

Mr HAZZARD: In Corrimal there was a report about a child who later died, and the honourable member for Keira did nothing about the matter.

Mr SPEAKER: Order! The honourable member for Wakehurst is straying from the subject matter of the debate.

Mr HAZZARD: Returning to the Child Death Review Team report and why the matter is urgent, the Minister for Community Services denied that she had seen that report. Yet Gillian Calvert, the Commissioner

for Children and Young People, said, "She didn't see a finalised report, she would have seen the draft report that we sent to her for a comment. She then commented to the team. The team had made some changes in the light of her comments, as they are able to do under the legislation, and then we have now tabled the report. So strictly speaking, she is correct, she has not seen this particular final report." The Minister should know that approximately one in 10 children who are referred to in this report—

Mr SPEAKER: Order! The honourable member for Wakehurst is now debating the substance of his motion, rather than giving the House reasons why it should proceed.

Mr HAZZARD: With great respect, Mr Speaker, for you to say that when I am trying to express urgency about children who are dying indicates that this House, from the Chair down, has a profound lack of understanding about the urgency of these matters. Systemic failures have occurred in DOCS. Labor members opposite are grinning because they have managed to stop the debate. I hope that kids who die in the next 12 months send them letters from heaven saying, "Thank you, Labor members. You stopped this debate yet again." Members opposite are pathetic!

Question—That the motion of the honourable member for Ryde be proceeded with—put.

The House divided.

[*In division*]

Mr R. H. L. Smith: Point of order**:** Because of a problem with pairing arrangements I ask that the bells be rung again.

Mr SPEAKER: Order! I direct that the bells be rung again.

The House divided.

Ayes, 50

Ms Allan	Mr Greene	Mr Orkopoulos
Mr Amery	Mrs Grusovin	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	Ms Saliba
Ms Beamer	Mrs Lo Po'	Mr W. D. Smith
Mr Black	Mr Lynch	Mr Stewart
Mr Brown	Mr Markham	Mr Tripodi
Miss Burton	Mr Martin	Mr Watkins
Mr Campbell	Mr McBride	Mr West
Mr Collier	Ms Meagher	Mr Whelan
Mr Crittenden	Ms Megarrity	Mr Woods
Mr Debus	Mr Mills	Mr Yeadon
Mr Face	Mr Moss	*Tellers,*
Mr Gaudry	Mr Newell	Mr Anderson
Mr Gibson	Ms Nori	Mr Thompson

Noes, 35

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

Pairs

Ms Harrison	Mrs Chikarovski
Mr McManus	Mr Rozzoli

Question resolved in the affirmative.

PRISON CHAPLAINS

Urgent Motion

Mr WATKINS (Ryde—Minister for Fair Trading, Minister for Corrective Services, and Minister for Sport and Recreation) [12.30 p.m.]: I move:

> That this House acknowledges the important work undertaken by the 70 chaplains in our prison system who minister to the almost 8,000 inmates.

Today I want to acknowledge the unique and important work that chaplains and other religious workers do throughout corrective centres in New South Wales. The chaplaincy service in New South Wales is unique in Australia. A Corrective Services chaplain is an ordained person, priest, member of a religious order, deaconess or other person approved by the proper religious authorities. Their role is to minister to the various needs of the people with whom they come in contact in the setting in which they serve. Those needs can be religious, family or emotional.

Chaplains play a crucial role in supporting prisoners at a time in their lives when they are very often in crisis due to being in custody and also when they are feeling vulnerable, scared and lonely. The involvement of chaplains can occur when people are reflecting on their lives and on how to change them. Many people at these times may turn to religion to give them strength and motivation to make that change. Chaplains contribute to the individual's recovery and the wellbeing of the prison community by promoting the positive spiritual elements of hope, reconciliation and peace. They also deal with areas of conflict and disruption traditionally handled by ministers and priests.

Chaplains complement other developmental programs in prison by helping inmates apply spiritual resources that encourage healing and behaviour modification. Another role that chaplains take on is that of an advocate for prisoners and their relatives. They are informed, independent persons who are able to recognise injustice and press for action where institutional attitudes and practices impose on the rights of the individual. In fact, relatives may regard the chaplain as a mediator with the Corrective Services system.

Chaplains provide an opportunity to talk about underlying issues, values, questions of purpose and meaning regarding life adaptation to loss and change through incarceration. They can bring a comforting presence to those who are feeling angry, frustrated, bewildered, guilty or grief-stricken. Chaplains can be that familiar figure in often new, frightening and at times dehumanising situations. As honourable members would be well aware, a diversity of religions is practised by prisoners in New South Wales. They identify themselves across the range of religions from Catholicism, Islam, Judaism, Seventh-Day Adventist and others. Accordingly, religious tolerance is extremely important to maintain harmony within corrective centres institutions, especially considering the events that are currently occurring in different countries. Chaplains play an important role in promoting this atmosphere.

Prisoners do not have to be of a particular religious persuasion to have access to a particular chaplain. In fact, they do not even have to be believers. Any chaplain will be willing to listen to the emotional, financial or family troubles that they may wish to discuss. There is no judgment by chaplains on the crimes that prisoners perpetrated to receive custodial sentences—chaplains will work as a team in co-operation with other members of the Department of Corrective Services to ensure that the welfare of prisoners is being met. They are an integral part of the prison community.

We should not forget other religious workers who administer spiritual guidance in the prison system. They are chaplaincy assistants who are trained and supervised lay people authorised to assist a chaplain in a correctional centre, and religious visitors such as ministers, priests, deaconesses and other religious persons who have a pastoral relationship to a particular inmate. These visits can provide continuity and an important link with the community from which the prisoner comes. The department acknowledges their important work by providing $1.6 million to the Civil Chaplaincy Advisory Committee, which then allocates subsidies to provide a range of religious services to the inmate population.

Currently the churches of more than 70 chaplains receive subsidies from the department. Inmates of the Catholic, Protestant, Buddhist, Muslim, Jewish and Orthodox faiths are able to access chaplains. The department's program is to provide designated worship areas in all correctional centres. During this year an outdoor contemplation garden was opened at Mulawa Correctional Centre. A new gathering place was opened at St Heliers Correctional Centre. In fact, on 13 September I had the pleasure of officially opening that new gathering place at St Heliers Correctional Centre. The building, which replaced the old chapel, is specially designed for its unique purpose. Central to the building is an area, known to Chaplaincy Co-ordinator Father Harry Moore and Sister Rosemary Jackson, the local chaplain, as an oasis of tranquillity. That space looks out onto a garden courtyard area. The gathering place has space for three chaplains and an interview room to ensure privacy.

The provision of places of prayer and reflection at correctional centres to cater for the spiritual needs of inmates is very much part of the Department of Corrective Services duty of care to those placed in its custody. I have nothing but praise for the wonderful chaplains in our system. I was very pleased to address their annual dinner last Friday night, and I was again struck by their warmth and basic dignity and humanity. They do a fantastic job for inmates in our prison system and deserve to be recognised in this House.

Mr HUMPHERSON (Davidson) [12.34 p.m.]: The Opposition is pleased to acknowledge and support the role of chaplains in the corrective services system in New South Wales. Chaplains perform a valuable task in addressing some of the internal problems within the system and in assisting inmates to address some of their shortcomings. I also acknowledge that chaplains represent many denominations and religions to meet the diverse prison population. The Opposition supports the ongoing role of chaplains, who perform difficult tasks, and acknowledges the importance of providing resources for them to undertake their tasks. In various ways they assist to rehabilitate inmates, and get offenders to change their attitude and develop a greater respect for others and take responsibility for their actions.

On the death of an inmate, chaplains support family members or other inmates as the case may be. Infrequently they perform marriages in prison. As the prisoners' rights handbook identifies, they do not necessarily have a strong role in providing advice in relation to contraception. When inmates are within the prison system or in the probation and parole system, chaplains assist a great deal to get prisoners to acknowledge that they have to take a greater responsibility for their actions and to seek faith or greater support from their religion. Chaplains assist in many ways to address offender management within the system and provide support which otherwise would require public funding programs.

Calls have been made from chaplains within the prison system for extra resources in a range of areas. I foreshadow that I will move an amendment to that effect. It is appropriate to acknowledge the calls of chaplains for greater resources for violence prevention, education, psychiatric treatment and drug programs. Those roles are important and critical to the rehabilitation of offenders to ensure that they reoffend less frequently. Chaplains are critical of overcrowding, particularly at Mulawa women's prison. Honourable members are aware of the recently announced proposal to transfer a number of women to Berrima gaol.

The reduction of programs at Mulawa and the difficulty of some inmates to obtain access to education will not facilitate better rehabilitation outcomes. Chaplains have identified that the program cutbacks at Long Bay prison have been counterproductive, particularly in regard to violence prevention, which should be a greater priority and an area of concern because of its impact on assaults on officers and other staff within the prison system. Chaplains provide drug and alcohol counselling, welfare and psychological treatment—areas that are difficult and demanding. They have had to take a greater responsibility because of inadequate resources in those areas. We must acknowledge that conditions within the prison system would be much worse but for prison chaplains. With an increasing population, chaplains' resources are being stretched very thinly. I move:

> That the motion be amended by the addition of the following words after the word "inmates":
>
> "and supports their calls for greater rehabilitation resources for violence prevention, education, psychiatric treatment and drug programs".

I place firmly on the record the Opposition's support for the important role that chaplains play within the prison system.

Mrs PERRY (Auburn) [12.40 p.m.]: I am pleased to acknowledge the good, and sometimes difficult, work in which chaplains in New South Wales are involved. Prison chaplains often meet their clients at the most difficult and lowest points in their lives, when they are separated from family and friends and are in strange and

alien environments. Inmates want a listening, caring figure who will give comfort and encouragement. They also want someone who is accepting, objective and trusting. Chaplains can play an important part in a prisoner's grieving process and support him or her emotionally. They can also motivate inmates to rehabilitate and to think seriously about their life situation. From my work with the Legal Aid Commission I know how important prison chaplains are to inmates. Many inmates have told me they would not be able to get through the day if they were unable to talk to the prison chaplain.

Chaplains also give spiritual comfort and discuss faith issues when people are at their lowest ebb and often in despair. A chaplain sees an average of at least 10 prisoners a week and holds church services and *Bible* study and prayer groups. Chaplains not only offer religious services; they counsel, educate and provide welfare assistance. Only they can fill the integral role that chaplains play in the prison system. Their presence in prisons offers a positive means of encouraging and enabling people to exercise their religion of choice within the prison walls. Chaplains also assist inmates in developing their moral values. In the religious tradition, chaplains are concerned with the development of both community and individual moral and spiritual values, and it is their expertise in these areas that distinguishes them from other professionals.

Chaplains have always been concerned for the suffering of the imprisoned, and this is an integral part of the Christian message. For example, in the *New Testament* the writer to the Hebrews exhorts his fellow Christians to care for prisoners and to become involved in their lives. Chaplains play a complex role. They cannot do everything, but they try to provide a balance in light of the resources and personnel available. Chaplains work alongside other professionals in correctional centres as members of developmental teams in an effort to ensure that all a person's needs are met. Through educational activities, training, supervision and consultation, chaplains endeavour to build a network of pastorally aware and therapeutically appropriate people who can encourage physical, emotional, interpersonal and spiritual growth in the wider community.

We should also acknowledge other religious work that is done within the New South Wales prison system. Kairos is an interdenominational lay Christian ministry that works in 10 male and female correctional centres in close conjunction with the Prison Chaplaincy Service. Kairos aims to build strong Christian communities within those centres through a systematic and structured three-day program that encourages inmates to take control of their lives. This program has a team leader who talks about how religion has changed his or her life and gives real-life examples to which inmates can relate. The program also examines reoffending behaviour and outlines the basic foundations of the Christian faith.

The Prison Fellowship is a church-based organisation that supports inmates by visiting prisons and by letter writing. It also supports inmates' families. It is non-denominational, and members visit correctional centres and help chaplains to free their time. Other organisations such as the Salvation Army and St Vincent de Paul Society offer support by providing clothing, food and accommodation to recently released inmates and their families. Organisations such as these also assist families while inmates are in prison. Inmates are sometimes the main financial providers for their families, who are given advice on what help is available to them.

One might ask why the Government subsidises religious organisations and enables chaplains to operate in the corrective centres of New South Wales. I think inmates have a right to access religious practice and care that could be compared to their right to have food and shelter. This entitlement imposes a responsibility on the government of the day to provide some religious facilities within the prison system. Most people would be surprised to learn that there are chaplains in the prison system who are doing essential work. I am pleased that this motion acknowledges their past and present contribution to New South Wales prisoners.

Mr MERTON (Baulkham Hills) [12.45 p.m.]: I support this motion, which states:

> That this House acknowledges the important work undertaken by the 70 chaplains in our prison system who minister to the almost 8,000 inmates.

As a former Minister for Corrective Services, I am very much aware of the significant and important work of full-time, professional chaplains within our prison system, who are assisted by a great army of lay volunteers. Many years ago I was a member of a Salvation Army band and it was my pleasure and privilege to visit prisons on Sunday mornings and play to the inmates. It was certainly an interesting experience, which the prisoners enjoyed on most occasions—when they did not enjoy it I guess the band was not very good. My wife also visited prisons in her capacity as a member of the Salvation Army.

As the honourable member for Auburn said, prison chaplains deal with people who are under enormous emotional pressure and stress. Their morale and spirits are probably at rock bottom—indeed, many are in a state

of despair. I commend prison chaplains from many denominations who strive to uplift inmates and give them hope for the future. Chaplains minister not only to inmates but, importantly, to their families. As the Minister for Corrective Services I commissioned a survey to investigate the then high suicide rate in the correctional system. Major Errol Woodbury of the Salvation Army, former Coroner Kevin Waller, and a Macquarie Street psychiatrist visited correctional centres and devised the philosophy that if we could identify those inmates at risk we would have a chance of saving them.

Many prison chaplains can break through the system and the veneer that prisoners have developed over many years as a result of a combination of circumstances and minister to the person within. There are some amazing stories of inmates who have benefited from the ministrations of chaplains. Many people have had their lives transformed completely and, upon their release, have become full-time preachers. They have then returned to prisons to tell younger inmates that there is an easier and a better way. For many years the great Salvation Army officer Brigadier John Irwin, after whom a correctional ward is named, was a beacon of hope to those who were under siege in our correctional centres.

The Opposition supports this important motion. Our prison chaplains must receive the resources, facilities and support they so obviously deserve. The role of prison chaplains often extends beyond correctional centres: before people are incarcerated in correctional centres and upon their release. Chaplains play an ongoing rehabilitation role, continuing to associate with and to counsel those recently released from prison. I am reminded of these words from a song:

I would bring peace when men rise in anger
Whose aching hearts with words I soothe and heal
Peacemaker, Lord
My calling, seal

That is certainly the commitment of prison chaplains.

Mr GREENE (Georges River) [12.50 p.m.]: I am pleased to recognise the important work that chaplains are doing in the New South Wales prison system. When we think of correctional centres we often forget about the chaplains. We forget that they are doing the essential task of ministering to the spiritual and emotional needs of inmates and families who are in contact with the corrective services system. Throughout history there has always been some type of religious ministry in prisons. It might not always have been a formal service, and sometimes fellow inmates performed those duties.

I understand that the origins of prison chaplaincy in New South Wales lie in eighteenth century England when the First Fleet was assembled. Reverend Richard Johnson, an Anglican clergyman, was sent as the first chaplain. Chaplain Johnson preached beneath a large tree where Castlereagh, Hunter and Bligh streets now intersect. That marked the beginning of pastoral service by chaplains for prisoners and prison officers in this State. The first Catholic chaplain, James Harold, was a convict. Harold was a convict priest on Norfolk Island, and in 1805 his first application to the Governor, Gidley King, to become an official chaplain was refused.

After he was moved to Van Diemen''s Land when the settlement on Norfolk Island closed, Acting Governor Forveaux arranged to have Harold emancipated and appointed as Catholic chaplain to the convicts in Sydney. Father Harold worked for about 17 months around the Parramatta area, and a street near the football stadium is named after him. There was a period in the early settlement days when officially subsidised chaplains worked in the prisons of New South Wales, Norfolk Island and Van Diemen's Land. However, that came to an end and there were years when churches and religious orders provided unsubsidised pastoral care to the prison system.

One of the roles of the chaplain then, which thankfully is not required now, was accompanying the condemned to the gallows at Darlinghurst. In 1962 three full-time chaplains were appointed to the prison at Long Bay. They represented the Roman Catholic, Church of England and other Protestant denominations. That reflected the religious make-up of inmates in New South Wales at the time. Obviously, there is now a greater diversity in the religions practised in the prison system. Back then the three chaplains were the only full-time chaplains in the State. The commissioner at the time envisaged that, within a decade, each correctional centre would be serviced by at least one full-time chaplain.

An additional chaplain was appointed in 1970, followed by the appointment of a full-time administrator for the Prison Chaplaincy Service in 1988. The Unsworth Government, during the time of Minister John Akister, oversaw a rapid expansion of chaplaincy positions. I acknowledge that the Coalition Government that followed continued that trend. Chaplaincy positions continued to grow, and by June 1990 funding was provided

for 15 full-time appointments. Since then there has been substantial further growth. In 1995 the Department of Corrective Services provided funds for the appointment of a co-ordinator of the Civil Chaplaincy Advisory Committee.

Across the State inmates are also cared for on a sessional basis by local churches. All chaplains approach inmate ministry in an ecumenical way, with a strong emphasis on teamwork. The importance of the chaplains' role was emphasised when the 1978 Nagle Royal Commission into New South Wales Prisons stressed the need for the chaplaincy to remain independent of any government department. Chaplains now work independently within correctional centres and are not employees of the Department of Corrective Services. It is intrinsic to their effectiveness that they are never perceived to be part of the department.

A good chaplain is one who is intellectually, emotionally and theologically rigorous. Chaplains have shown us that they are resourceful and capable of adapting to new and often stressful situations. They are self-motivated, compassionate and ready to empathise with the inmates and their families, who have usually had a difficult life. They do not judge people with drug or alcohol problems. They do not judge those who have stolen or who have been violent to their family or friends. I am sure they have heard some heart-wrenching stories and have seen the pain of both inmates and their families.

A chaplain's role can be to improve on family relationships—with wives and husbands and also with children and parents. When a child is in prison, parents often feel bewildered and guilty. They might believe they have done something that set their child on the path to prison. Chaplains can play an important counselling role to those people. We must acknowledge that not everyone has the capability to be a chaplain. Special people with a lot of compassion, inner strength and a commitment to God are the people who take on this role. I admire chaplains deeply and I congratulate them on the role they play in the correctional system.

Mr WATKINS (Ryde—Minister for Fair Trading, Minister for Corrective Services, and Minister for Sport and Recreation) [12.55 p.m.], in reply: I thank honourable members for their contribution to this debate. In particular, I note the contribution of the honourable member for Baulkham Hills and acknowledge his special knowledge of prison chaplaincy and what prison chaplains achieve. However, I remind the honourable member for Davidson, who moved an amendment to my motion, and all other honourable members that under this Government the Department of Corrective Services received a record budget.

It is recognised now, like never before, that we have a duty of care to our inmates. Rehabilitation is very much a part of the work of the department. A wide range of violence prevention, education, psychiatric treatment and drug and alcohol programs are available to every prisoner—male or female—in the New South Wales correctional system, which is exactly how it should be. I am unaware of the concerns raised by the honourable member for Davidson, in his amendment, on behalf of the Prison Chaplaincy Service. Members of the Prison Chaplaincy Service have not raised those concerns with me at the meetings I have had with them.

This motion, which is clear and simple, acknowledges the fine work of chaplains now and in the past. I do not believe they would appreciate that clear statement of approval being amended in the way suggested. On Friday evening I spoke with Father Harry Moore and Reverend Harry Herbert about the Prison Chaplaincy Service. They acknowledged that the recent signing of a memorandum of understanding between the department and the Prison Chaplaincy Service was a great step forward. They made it clear to me that they believed that the chaplaincy service in New South Wales is unique in Australia and far better than the services in other States. I will continue to work with the Prison Chaplaincy Service to improve the conditions of prisoners and prison chaplains in our prison system.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 34

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

Noes, 49

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

Pairs

Mr Kerr	Ms Harrison
Mr Rozzoli	Mr McManus

Question resolved in the negative.

Amendment negatived.

Motion agreed to.

[*Mr Speaker left the chair at 1.04 p.m. The House resumed at 4.05 p.m.*]

CONSTRUCTION INDUSTRY SUBCONTRACTORS

Matter of Public Importance

Mr MERTON (Baulkham Hills) [4.05 p.m.]: The construction industry in New South Wales is under attack from the policies of the Carr Labor Government, the ineptitude and indifference of which are forcing many small businesses to the wall. Homeowners warranty insurance, workers compensation premiums, payroll tax and the Government's failure to secure the payment of building subcontractors are major causes of the failure of many small family businesses or are the reasons that people are taking their businesses interstate. The Building and Construction Industry Security of Payment Act, which applies to contracts let on or after 26 March 2000, has failed to protect subcontractors in many situations in which head contractors have either gone into liquidation or simply not paid subcontractors even though the head contractor may have received payment for the project from the owner.

This is a matter of great concern given that many subcontractors have been involved in government contracts, such as Parklea Correctional Centre, the Department of Public Works and Services [DPWS], Central Railway Station, Junee Railway Station, State Rail and Department of Housing properties in the Wagga Wagga area. The Premier advised this Chamber on 15 February 1999 that it was the Government's intention to stamp out the unAustralian practice of not paying contractors for their work. On 8 September 1999 the Minister for Public Works and Services said that it is all too frequently the case that smaller subcontractors such as builders, carpenters, electricians and plumbers do not get paid for their work. When that occurs many of them cannot survive financially, with severe consequences to their families. The Premier and the Minister are both right, but what is the Government doing about it?

I find it surprising that today I am quoting an AAP report referring to comments made by the State Secretary of the Construction, Forestry, Mining and Energy Union, Andrew Ferguson, who was recently reported as claiming that hundreds of contractors on State government jobs are ripping off the system and that

30 per cent of contractors in the building industry operate illegally. He was also reported as telling the Australian Broadcasting Corporation on 10 October this year that despite his raising the issue of non-compliance with the State Government and providing evidence, nothing had been done. He said:

> I put all the blame on the State Government. There is no system in place to ensure compliance in giving out a contract knowing it can't comply with the law, not checking. It's just scandalous what is going on.

The Opposition has been contacted by many subcontractors who have worked on numerous State government contracts for which they have not been paid. One electrical and airconditioning company engaged on the Parklea Periodic Detention Centre project was owed nearly $60,000. An independent check of the contractor conducted by the Department of Public Works and Services showed that the financial status of the contractor was rated as good. However, just 15 months later the contractor's company went into administration, with creditors claiming over a million dollars. The company had cash at bank of $6,830, and the administrator advised that the company was insolvent. Because of the uncertainty relating to the collection of debts owed, the administrator was not able to advise whether there was any likelihood of a dividend to creditors. Further, a painting contractor creditor had written to the Department of Public Works and Services warning that he was not being paid for work done at Parklea Correctional Centre. This painting contractor wrote:

> We told Public Works they were responsible. They pay the builder and it is their responsibility to see that the builders pay the subby.
>
> We feel very strongly that it is time something was done to protect the subby, the security of payment does not seem to do it.

The airconditioning and electrical contractor I referred to earlier wrote:

> The contract was awarded to us by the head contractor for DPWS. As payment is guaranteed by the department we had no hesitation in entering into this contract. Due to past experience it is our policy to enter into contracts valued at over $50,000 with builders only if the project is for the DPWS.

He added:

> We have been led to believe that DPWS had paid approximately 75 per cent of the contract money to the builder, yet we had only been paid about 25 per cent of our claim.

This is a tragic case. A husband-and-wife plumbing company has lost more than $110,000 in the Parklea project, has been forced to retrench five staff members and has had to sell off business equipment. They had to borrow money from family members to stay in business, and use visa cards to buy groceries. Subcontractors who were involved in the upgrade of Central Railway Station for State Rail contacted their excellent local member, Malcolm Kerr, and stated that they were approached by the head contractor to carry out urgent work. They were directed to subcontract to another firm that held the demolition contract but this last contractor has not been paid by the head contractor. Whatever the legal situation between the parties, there appears to be one irrefutable fact: the State Government has received an unpaid benefit from the work of these two small businesses, which are owed collectively a total in excess of $63,000.

In a question on notice the honourable member for Cronulla asked the Minister for Transport: "Can you assure Parliament that all subcontractors who performed work on the upgrade of Central Railway Station have been paid?" The member for Cronulla was advised by the Minister that assurances cannot be given that all subcontractors who performed work on the upgrade of Central Railway Station have been paid, as the payment of these workers or organisations is the responsibility of the head subcontractor. That is simply not good enough. The Government must accept some responsibility and initiate an inquiry into the payment of subcontractors. The problem is obvious: the Government requires and receives the statutory declaration from the head contractor stating that all money has been paid to the contractors, but that does not cover payments to people who are subcontractors of these contractors. In other words, there does not appear to be any mechanism in existence to protect unpaid subcontractors who deal with contractors on government projects.

The honourable member for Wagga Wagga will advise the House of other instances of work carried out by contractors on Junee Railway Station in relation to which, again, the Government simply sought to wash its hands of the matter. The Minister, through the Parliamentary Secretary for Transport, stated that State Rail had no contractual relationship with the painting subcontractor on the job, who is still owed nearly $20,000 after having to take court proceedings to recover part of the debt. State Rail also admitted that at the end of the job it was not holding sufficient funds to cover the claim. The honourable member for Wagga Wagga will refer to the appalling inadequacy of the financial scrutiny of the government agency Resitsech before awarding contracts. The company, which, the administrators said, had experienced significant financial difficulties from June 1999

onwards and commenced to incur trading losses during the six-month period ended 31 December 1999, was given a contract to upgrade 20 Department of Housing residences in the Wagga Wagga electorate. These losses continued after the appointment of the voluntary administrator on 29 May 2000.

It would appear that it was during this time that the Department of Housing agency, Resitech, had awarded a contract to upgrade cottages. Again, local small businesses were the losers. The administrator stated that unsecured creditors could expect payment of between 5¢ and 11¢ in the dollar. The New South Wales construction industry under the Carr Government is under further attack as workers compensation rates in this State are 300 per cent higher than in some other States. New South Wales builders pay a rate calculated on 9.86 per cent of wages, compared to 3.1 per cent in South Australia, 4.78 per cent in Victoria and 3.416 per cent in Queensland. Why would anyone want to stay in New South Wales if one had a building company, particularly a regional-based one? This, together with the fact that payroll tax in New South Wales is higher than in other States, provides no incentive for business to stay in this State. The Carr Government has failed the New South Wales building industry by not providing adequate security of payment for subcontractors, not only in respect of general building contracts but in the administration of its government agencies.

The Department of Public Works and Services, State Rail and the Department of Housing have failed to protect the rights of contractors in both the recruiting process of selecting contractors and failing to take steps to ensure that payments made to contractors are actually passed on to subcontractors. We have seen the distress caused to small business where head contractors have been paid, but the subcontractors have not been paid—a practice described by the Premier as unAustralian. The Government's actions have not equalled its rhetoric. Home-owner warranty insurance is a major problem. Only two insurers remain in the business after the collapse of HIH. A person telephoned my office today stating that his application had been with one of the two insurers for more than two months. Now, after two months delay, he has been informed that further information is required, and it will be another nine weeks before he will get a response.

All this means that many smaller companies are waiting excessive periods to get home-owners warranty insurance and that some individuals simply cannot meet the requirements of the insurers remaining in the business. This will prevent young people from entering into the building business. Everyone knows that young people are the future of the building business. Industry simply will not have a chance to get going so far as young people are concerned. The Minister may well be doing his best in a very difficult situation, but there is a structural problem in the operation insofar as home-owners warranty insurance is concerned. It is desperately crying out for fundamental surgery. I commend this matter of public importance to the House. The Carr Government has failed the building and construction industry in New South Wales.

Mr IEMMA (Lakemba—Minister for Public Works and Services, and Minister Assisting the Premier on Citizenship) [4.15 p.m.]: I take great pleasure in responding to the drivel that just emanated from the mouth of the honourable member for Baulkham Hills. At the beginning of his speech he advanced the proposition that the building and construction industry is under attack by the Carr Government. If the honourable member had been listening when the Budget was presented earlier this year he would know that the Government has embarked on the greatest expansion of capital works expenditure New South Wales has ever seen to stimulate the building and construction industry. There are two reasons for that. First, in the post-Olympics period—and I remind members that in the lead-up to the Olympics there was a record level of investment; $24 billion—the industry is in need of added investment and new opportunities. The Government has filled the gap and increased its expenditure on capital works to provide opportunities for those in the building and construction industry to continue working.

The second reason for the additional capital works expenditure is the goods and services tax [GST]. Interestingly, the honourable member for Baulkham Hills said that about 12 months ago a new tax called the GST was introduced. Nobody needs to be reminded of the effect of the GST on the residential building sector: it virtually collapsed. The Federal Government had to introduce a special assistance scheme for first-home buyers to stimulate the building and construction industry to try to rebuild the residential sector of the construction industry, which had all but ceased to exist as a result of the introduction of the GST. The Commonwealth had not planned for what was obvious to anyone with any knowledge of the industry—a bring-forward element from those wanting to build their own homes or invest in the industry.

There was always going to be a bring-forward element to beat the introduction of the GST, and this added to the building boom of mid-2000. The introduction of the GST had a dramatic effect on the building and construction industry, once that bring-forward effect on people's purchases and investments had passed. The Commonwealth had to act, and, indeed, had to extend the special assistance scheme to try to continue to support

the building and construction industry, especially in the residential sector. Notwithstanding all that, the State Government stepped in to fill the gap. That is the level of support that the industry is receiving from the Government.

Just yesterday the Premier announced guidelines for companies to further participate in the building and construction industry by participating in and forming partnerships with the Government to provide infrastructure. We have all seen the booklet with the post-Olympics 2000 list of projects. At last count, those projects had 10 times the Olympics budget and will start late this year, early next year and right through to 2007. Industrial, commercial and public infrastructure projects will be kicking off for the industry. So, far from the industry being under attack, the Government regards the industry, which employs just under 10 per cent of the State's work force, as very important.

The Government regards the construction industry as vital to the State's economic future and to its objective of creating 200,000 jobs by 2003. That is why the Government is supporting the industry by stimulating it with capital works expenditure and by seeking new infrastructure opportunities to bring those investments forward to keep the industry going in the atmosphere of a Commonwealth Government that all but killed the industry with the introduction of the GST. I turn now to security of payment. It is extraordinary that the shadow Minister attacked the Government for introducing the security of payment legislation. That is landmark legislation. At the time I introduced the legislation only one other jurisdiction in the country had any form of legislation to protect payments to subcontractors in the industry.

Although the legislation has been in operation for only a little over 12 months, it is extraordinary that the shadow Minister attacked the Government for introducing that legislation during debate on a matter of public importance. The fact is that no previous government acted to try to fix what the shadow Minister correctly identified as a culture of non-performance, non-payment and poor payment practices. This Government has introduced legislation to try to help what are overwhelmingly small businesses. About 65,000 businesses operating in the industry are one-person or two-person operations, although there are some large subcontractors in the industry. Often, the small businesses are run by a husband and wife. This Government introduced legislation to give those people hope of redressing a problem in an industry that is notorious for poor payment practices.

The honourable member for Baulkham Hills referred to my second reading speech on the security of payment legislation. If he had read all of my speech he would have seen that I clearly said that in no way were we pretending that the legislation would automatically overnight fix all the ills in the industry. The legislation is part of a package. The Government made a commitment to investigate issues such as registration, which goes to the heart of who can operate in the industry, and insolvency insurance. Contrary to the honourable member's assertion, overwhelmingly the feedback is that the legislation is working, people are getting paid and those who are availing themselves of adjudication are winning and getting their money. We have just held a forum with industry representatives, which was attended by all the major subcontractors, including electricians and plumbers.

There are some hiccups at the Local Court, and I am looking at bringing before the House a package of measures to streamline court processes for those who win in adjudication and then go to the Local Court to get their money. Overwhelmingly, the feedback is that the legislation is good and is working. Subcontractors can rely on the legislation and can get paid. Those who go to adjudication are getting satisfaction. We are trying to fix administrative problems in the Local Court. However, subcontractors are grateful to the Government for acting finally, unlike previous governments, and introducing legislation that protects them from the poor payment practices of the past.

The shadow Minister made the assumption that everybody involved in a project—whether it is a government project or a private project—who gets into a dispute with the head contractor, the client, is entitled to be paid. That is not the case. Subcontractors are entitled to be paid when there is verification that their claim and their dispute are legitimate. When people are in dispute over payment, the shadow Minister advanced the proposition that, when it is a government project, the Government will simply hand over taxpayers' money and say, "You have a dispute with us. Here's the money." That is not the case. Contracts for government projects contain procedures that must be followed; when there is a dispute over payment the person in dispute must verify his claim, and when the claim is verified he will be paid.

Most disputes relate to variations. There is no way that I as Minister for Public Works and Services or any other Minister—the honourable member for Baulkham Hills referred to the Minister for Transport—will

simply hand over taxpayers' money to anyone who comes along and says, "We were contracted to do X. In the end we had to do X plus Y. Now you pay us for Y." That is not the case. A person's claim must be examined. Contracts must provide for a process whereby disputes can be heard and settled quickly without going through the courts. People who do not get satisfaction through the dispute resolution process end up going to court.

The shadow Minister specifically referred to Parklea. If he gives me more details of that matter I am more than happy to have my department investigate it, as I am sure the Minister for Transport will investigate the Railway Square matter. I am advised that the department manages more than 800 contracts out of a capital works budget of $6 billion, and of course there will be disputes. There must be in place a process that enables disputes to be dealt with quickly and cheaply without people going to court. We have that provision in our contracts and people can avail themselves of that. I can think of one government project in which there is a dispute. The people involved were not satisfied with the dispute resolution process and want to go to the Supreme Court, which they are perfectly entitled to do. [*Time expired.*]

Mr MAGUIRE (Wagga Wagga) [4.25 p.m.]: I shall build on the case put forward by the honourable member for Baulkham Hills and point to the three cases he mentioned: Shields Painting and Decorating, the Albury Border Trade Centre and Alliance. Shields Painting and Decorating was contracted by a company called OFM to paint the Junee railway station. I must point out that Mr Shields lives in my electorate. After completion of the work, which was signed off with absolutely no disputes, demand was made for payment. I point out also that during the work a part payment was made. When the claim was put to OFM and Mr Len Joyce, payment was denied. Consequently, correspondence has been backwards and forwards between State Rail and the subcontractor, Shields Painting and Decorating. The Minister wrote to the subcontractor, basically wiping his hands of the matter. In a letter addressed to me the Parliamentary Secretary for Transport said:

> I have been advised by State Rail that it has no contractual relationship with Shields Painting and Decorating. OFM is the principal under the contract for the services provided by Shields Painting and Decorating. Consequently, any rights Shields Painting and Decorating have in relation to that contract should be exercised against OFM.

That has happened. Through the solicitors Creaghe Lisle, Shields Painting and Decorating has initiated a claim for payment, and to this day it has not been paid. We have written and protested to the Minister.

Mr Face: Point of order: I respect the honourable member for Wagga Wagga in relation to what he is putting to the House. However, he admitted that a claim for payment is currently before the courts.

Mr MAGUIRE: There was a judgment.

Mr Face: The matter may not be sub judice. However, when a matter is undetermined—

Mr MAGUIRE: It's been dealt with.

Mr Face: The honourable member may declare that the matter has been concluded. It is for him to indicate to the House whether the matter has been completed. If the matter before the courts has not been completed, the honourable member is on testy ground. Speaker Rozzoli made one of the best rulings in this House in relation to tribunals and matters that come before them. If the matter has been dealt with, it is fair enough for the honourable member to refer to it. However, I indicate to the honourable member that if the matter has not been concluded the onus is on him.

Mr ACTING-SPEAKER (Mr Lynch): Order! From what the honourable member for Wagga Wagga says, I take it that the matter has been concluded. On the basis of that assurance, I will allow him to continue.

Mr MAGUIRE: My understanding is that the matter has been dealt with. The problem relates to how the contract was let in the first place. I point out that the company was formed only one month before being awarded that large contract. I question the manner in which the contracts were let and what checks were made on the contracts. In my opinion the company did not come up to scratch in respect of the financial parameters that most people would apply when attempting to get a contractor to do some work.

The same situation applies in regard to the Border Trade Centre. The head contractor was appointed by the Department of Housing to renovate houses. That contractor employed subcontractors to do the work and some of those subcontractors were people from Wagga Wagga. I raised this matter in a private member's statement in this House and also in questions addressed to the Minister for Housing, which were placed on the questions and answers paper. I questioned why $68,000 remains unpaid to subcontractors when it is clear that the receiver appointed to the Border Trade Centre stated that the company was experiencing financial problems well before the contract with the Department of Housing was let.

I suggest that the company was trading insolvently but the Department of Housing permitted the contract to be let and a number of builders had their fingers burned to the tune of $68,000. I have been told that Alliance is now head contractor for the Department of Housing. It started off by paying subcontractors at the rate of 30 days. I have been reliably informed that those payments have now blown out to 60 and 90 days. If that company does not get the head contracting arrangements next year, who will guarantee those builders their payments? Some contractors have said that they are not being paid. Obviously, millions and millions of dollars are not accounted for. The Government needs to assure those subcontractors that they will be paid if Allied does not receive the head contract for next year. [*Time expired.*]

Mr MERTON (Baulkham Hills) [4.30 p.m.], in reply: The Opposition has presented to the House the reasons why it maintains that the New South Wales construction industry is in a state of turmoil under the Carr Labor Government. We have detailed specific instances of people who have dealt with government agencies and have not been paid, in circumstances where we believe the head contractors were paid but the money was not passed on. It is interesting to note that the Minister is not in the Chamber to listen to my response—

Mr Martin: He's gone to a meeting. He'll read *Hansard* tomorrow.

Mr MERTON: If he has gone to a meeting, fair enough. I accept that. I make that observation. I am also concerned about the fact that there has been no response about the issue of home owners warranty insurance. I appreciate that a different Minister is involved in that case, but each deals with the construction industry in New South Wales. There has been no attempt to deal with issues such as why workers compensation premiums in New South Wales are 300 per cent more expensive than in other States.

Mr Martin: That's not right.

Mr MERTON: It is right.

Mr Martin: Why did you oppose the legislative reforms?

Mr MERTON: We have provided evidence—

Mr Martin: Because you were looking after your lawyer mates—that's why.

Mr MERTON: No. The honourable member for Bathurst will note that I have told him previously that in some States a workers compensation premium is 300 per cent cheaper than in New South Wales. In South Australia the premium is 3 per cent of wages, whereas in New South Wales it is 9.86 per cent. That is an answer for the honourable member. Let me deal with the other issues, for example, payroll tax. The Government promised to reduce it, but payroll tax has not decreased. Let me deal with the real issue. The fundamental problem as the Opposition sees it so far as payroll tax is concerned—

Mr ACTING-SPEAKER (Mr Lynch): Order! The honourable member for Bathurst will come to order

Mr MERTON: Let me deal with the fundamental problem here, that is, the Government's so-called security payments legislation. It is a sham, it is a farce, it is misleading. It does not secure payments in any way. At best it is a mechanism for resolving disputes. When the legislation was introduced in this House I said that it was a mechanism for resolving disputes and I do not resile from that position. I accept that it does that and does it reasonably well. I conceded that at the time and I will continue to concede it. So far as security for payments is concerned, it does not exist. I have provided evidence of people who have paid the head contractors but the head contract has not paid the subcontractors. There were instances relating to statutory declarations that are way out of time—two or three months behind. By the time the subcontractors' payments come up for consideration, the company has gone into liquidation. That means that the money is paid to the liquidator and the guys in the building industry who are waiting for that money simply do not get paid.

Mr Face: Point of order: I notice that this matter of public importance is very wide ranging in the sense of the New South Wales construction industry. It will probably lead to a consideration of whether some of these matters of public importance should be more precise. I understand that a Federal inquiry into the construction and building industry is currently under way.

Mr ACTING-SPEAKER: Order! I ask the Minister to state his point of order.

Mr Face: I believe that the honourable member for Baulkham Hills should put this wide ranging evidence before the Federal inquiry at some stage.

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

Mr MERTON: Each of the Ministers has been advised. The Minister for Housing, the Minister for Public Works and Services and the Minister for Transport have been advised of the situation. The reply is that the subcontractors are dealing with another contractor, that there is no contract between the government agency and the guy that has done the work. They do a Pontius Pilate and wipe their hands of it. That is simply not good enough. I am disgusted that that response should come from the Labor Government whose charter is to look after the workers. Subcontractors are workers. The Government misled those subcontractors when it talked of security for payments legislation. It is not security for payments legislation. It has failed abysmally and the Government's other policies have only compounded the problem.

FISHERIES MANAGEMENT AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr MARKHAM (Wollongong—Parliamentary Secretary), on behalf of Mr Woods [4.39 p.m.], by concurrence: I move:

That this bill be now read a second time.

This bill makes various changes to the Fisheries Management Act 1994 to ensure the effective operation of fisheries management in New South Wales. These amendments are part of the ongoing reform of fisheries legislation. The bill aims to keep the legislation up to date and enable it to deal with the complex management of this dynamic resource. In 1997 the Carr Government amended the objectives of the Fisheries Management Act to give first priority to the conservation goals. Under this Government, the old style approach of fisheries management has gone forever. We no longer tolerate fisheries management based on short-term thinking. Today's fishing should never take place at the expense of tomorrow's. The Government is now taking this a step further. The objectives of the legislation already recognise the need to promote viable commercial fishing and aquaculture industries as well as the need to promote quality recreational fishing opportunities.

However, the current objectives do not explicitly acknowledge the amenity value of our estuaries, coastline and inland rivers to the non-fishing public. Nor do they formally recognise the value of a well-managed fisheries resource to those who indirectly depend on sustainable fishing activity such as bait and tackle shop owners, seafood merchants, tourism interests and the hospitality industry. This bill expands the current objectives of the legislation to formally recognise the importance of fisheries management in providing social and economic benefits for the wider community of New South Wales. Importantly, this amendment does not override the clear objective to conserve the resource in accordance with the principles of ecologically sustainable development. The conservation objectives of the Act continue to have first priority.

The threatened species provisions in the Fisheries Management Act set out a comprehensive framework for the identification, protection and recovery of threatened aquatic species. These provisions complement and to a certain extent mirror provisions in the Threatened Species Act 1995 applying to terrestrial life. Under the current framework, a listing may be made for a local population of a species, an entire species in New South Wales, or for an ecological community. The term "ecological community" refers to a number of species of fish and/or marine vegetation occupying a particular area. An ecological community may be listed as endangered if it is a type of ecological community that is likely to become extinct in New South Wales if the factors threatening its survival are not addressed.

There are currently no ecological communities listed as endangered under the Fisheries Management Act. However, the independent Fisheries Scientific Committee is currently considering the listing of the Murray and Murrumbidgee rivers downstream of the major impoundments as an endangered ecological community. The committee has already decided that the listing should proceed, but it is presently reviewing that decision at the request of the Minister for Fisheries. I am informed that it is likely that the committee will re-affirm its earlier decision and proceed to list the lower Murray aquatic community as endangered.

The imminent listing of the first endangered ecological community under the Fisheries Management Act has given the Government an opportunity to review how the provisions of the Act will apply in this

situation. Once an ecological community is listed as endangered, it becomes an offence to harm any fish or marine vegetation that is part of that ecological community. The Act sets out a sensible range of defences to any prosecution under this provision, to ensure that the provision is workable and can be meaningfully enforced. For instance, routine agricultural and aquacultural activities can still be carried out without attracting a penalty under this provision of the Act.

As the provisions currently stand, the harming of any member of any species that forms part of the endangered ecological community is an offence, whether or not the actual species concerned is itself threatened in any way. The Government believes that an activity that would harm an individual fish may not need to be banned if the species of the fish is not endangered and the activity is unlikely to stop the recovery of the endangered ecological community. In such circumstances, the Director of New South Wales Fisheries is currently able to issue licences to individuals who wish to carry out such activities free from the risk of prosecution.

Unfortunately, this is not a practicable way of allowing an activity that is carried out by a large number of people to continue. For instance, if the listing of the lower Murray as an endangered ecological community were to go ahead, it would become an offence to catch a single fish of any species that forms part of that community. This would effectively stop recreational fishing in much of the Murray and Murrumbidgee rivers, even for species such as golden perch, which are abundant throughout the system. It would also abruptly halt the new inland commercial yabby fishery. When conditions are suitable yabbies are in plentiful supply.

A ban on harvesting species such as these is quite unnecessary because the decline in this ecological community has generally been attributed to habitat changes rather than to overfishing, and only a limited number of species in that community are regarded as individually threatened. Such a ban would do nothing, moreover, to assist the recovery of the lower Murray aquatic community. Certainly the Government does not support a ban on recreational fishing in the Murray and Murrumbidgee rivers. Recreational fishing in these waterways is already heavily regulated, and anglers themselves have embraced opportunities to improve the sustainability of their sport.

Fishing for seven key threatened species is already banned with the support of anglers. Strict bag and size limits are in place to help sustain natural populations of the species that anglers target. For example, anglers must return any Murray cod smaller than 50 centimetres and anglers are restricted to a bag limit of two over this size, with only one allowed over 100 centimetres. Anglers are also prohibited from using nets and are restricted in their use of fishing rods and hand lines. The 22 commercial fishers licensed to catch yabbies in the lower Murray and Murrumbidgee rivers are also strictly regulated, and by-catch of other native species is not tolerated.

With bans on fishing for species potentially at risk from overfishing and with strict controls on the species legally targeted by anglers there is simply no need to ban fishing in these rivers. However, the current legislation does not deal adequately with this situation. It is not practicable for all fishers to apply for an individual threatened species licence and to be individually assessed for their potential harm on an endangered ecological community. For that reason the Government is proposing a more workable arrangement, one that would allow the activities of a class of persons to be assessed together and, if appropriate, approved together. For example, the arrangement would allow the activities of recreational fishers in the Murray and Murrumbidgee rivers to be assessed as a group and their activities approved as a group. The proposed mechanism is similar to one already in place in Victoria.

This solution was originally suggested to the Government by the Fisheries Scientific Committee, the group of independent scientists charged with determining the status of the lower Murray ecological community. The Minister for Fisheries would be able to make an order allowing an activity to continue. However a species impact statement would need to be prepared and assessed. The species impact statement would assess the cumulative impact of everyone involved in the activity, not just the impact of individuals. This approach would remove any existing requirements for all fishers to individually apply for a licence, and substitute a far more efficient mechanism. This more sensible approach is likely to be particularly important in regional areas that rely on recreational fishing for their tourism industry. This proposal has been discussed with the Fisheries Minister's advisory councils on conservation, recreational fishing and commercial fishing. I am informed that none has objected to the proposal. The Fisheries Scientific Committee has formally advised the Fisheries Minister of its support for this approach.

Aquatic reserves are one of the three types of marine protected areas found in New South Wales. The others are marine parks, and the marine components of national parks or nature reserves. Aquatic reserves are

similar to marine parks in concept, but are much smaller and often have secondary objectives relating to the protection of species or key habitats. It has been a commitment of this Government to reform the aquatic reserves program so that these reserves form an integral part of the State's system of marine protected areas. This bill will upgrade the protection available to aquatic reserves to bring them fully in line with our growing network of marine parks.

The first such change relates to mining. This Government recognises the need to protect highly prized locations in our natural environment from mining activity. In fact, in 1987, it was the current Premier—the then environment and planning Minister—who first introduced legislation to ban mining within national parks. A decade later, in 1997, it was the Carr Government that introduced historic legislation to create the State's first system of marine parks, with a similar prohibition on mining activity.

The bill includes a ban on prospecting or mining for minerals in aquatic reserves, except as expressly authorised by an Act of Parliament. Other changes give the Minister for Fisheries a role in the development approval process, where there is likely to be an impact on aquatic reserves. The bill ensures that appropriate regard is given to the objectives of the Fisheries Management Act, and the management plan of an aquatic reserve, when such decisions are made. The bill also enables the Minister for Fisheries to put temporary management measures in place, if required, to protect the values of an aquatic reserve. These proposals mirror equivalent provisions already present in marine parks legislation, and ensure consistency between different categories of marine protected areas.

Controlling fish diseases is an essential part of managing our resources. The State has an obligation to maintain disease lists that are consistent with national and international requirements. Some of these provisions, however, are causing problems for industry and need to be addressed. For example, existing provisions prohibit the sale or movement of oysters affected by diseases. For most diseases these restrictions are sensible. In the case of QX disease and winter mortality, however, these prohibitions are causing unnecessary difficulties for farmers. This is because moving the oysters is a practical way of managing these diseases, and a safe practice when carried out under strict movement controls. While QX disease has a limited distribution, winter mortality is common, particularly in southern New South Wales. As these diseases are not known to cause any harm to humans, affected oysters should also be allowed to be sold where suitable. The proposed amendments will allow certain diseases to be exempted from these sale and movement prohibitions, and will ensure that oyster farmers can adopt sensible stock management practices without unnecessary legal impediments.

There are currently six commercial fisheries classified as "category two share management fisheries". In each of these fisheries the Government is working with the participants to prepare a management strategy and an environmental impact statement. Both documents will be publicly exhibited before the management rules for the fishery are finalised. Once a management plan is put in place for each fishery, the participants will receive secure 15-year commercial fishing shares—similar to a lease—giving them much greater certainty to plan ahead and make investment decisions. These shares will be issued to fishers on a provisional basis over the next year or two. A share appeals panel will hear any appeals from fishers who have concerns about their provisional share allocation.

The Government is eager to give commercial fishers in each of these fisheries the security of a management plan—and their 15-year renewable lease—as soon as practicable after the environmental impact statement has been exhibited and determined. However, the possibility exists that, even after the great majority of share allocations have been made, a small number of unresolved appeals may unnecessarily delay the commencement of the share management plan and the security that it brings. This bill allows share management plans to be introduced before all appeals are finalised. It also provides commercial fishers with certainty that appeals lodged prior to the making of any share management plan will not be affected when the management plan commences. This will give greater security to fishers overall by allowing each management plan to commence in a relatively short period after the finalisation of the environmental assessment process.

Following a recent review of penalties applying throughout the legislation, a number of changes are proposed to provide for greater internal consistency within the Act, and to provide greater consistency with penalties imposed in other Acts. The bill increases the penalties for offences relating to harming marine vegetation, unlawful dredging and reclamation, violating fish passage, and unlawful commercial fishing in prescribed waters, and for breaches of compliance audit requirements. These changes signify to the courts and the community the seriousness with which the Government regards the protection of our fisheries resources. Bringing about consistency of penalties between Acts will also enhance the integrity of the penalty provisions.

The bill also contains a number of other minor amendments designed to generally improve the operation and clarity of the Act. Taken together, the amendments contained in this bill will provide for enhanced protection for fish habitats, greater security for industry, and improved management of the fisheries resource. This will benefit everyone who cares about our fisheries resource and help ensure that our fragile aquatic environment is conserved for future generations to enjoy.

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

PRIVATE MEMBERS' STATEMENTS

Mr BRENTON McGRATH WATERSKIING WORLD RECORD

Mr NEWELL (Tweed) [4.58 p.m.]: I draw to the attention of the House and pay tribute to an event that started on the Tweed River at 2.45 last Friday morning: the attempt by Mr Brenton McGrath to capture the endurance and distance waterskiing world records. By skiing continuously for 36 hours he broke the previous world endurance record by 12 hours, a considerable feat. He did not break the distance record because the conditions were not conducive to high-speed skiing: Friday and Saturday were hot and windy and the water was not smooth enough to permit skiing at speeds that would have allowed the distance record to be captured. Nevertheless, he skied continuously for more than 1,600 kilometres.

The event was not just for publicity for Brenton McGrath: it was about raising money for charity. Brenton has been in remission from leukaemia since about 1991 and he lost a good friend to cancer. After participating in an endurance feat on the Mississippi River last year he had been keen to undertake a record attempt in Australia. He put a proposal to the Waterways Authority for the marathon waterskiing attempt. The authority had safety concerns because the Tweed River is not very wide. Despite the concerns, I was able to keep the dialogue going between Mr McGrath's team and Waterways. It was great that the safety issues were overcome and I compliment the Waterways Authority on its good work.

During the event the authority placed 10 boats on the river and there was an authority safety official at the base at Chindera to oversee the event and to ensure that other boats did not encroach onto the river during the attempt. I also compliment Telstra and Country Energy for coming to the party at the last minute when it was discovered that a phone line was needed on the riverbank at the base at Chindera. At short notice Country Energy installed a power pole for lights to enable the event to proceed during the night.

I spoke to Brenton after he had been waterskiing for 12 hours, at three o'clock on Friday afternoon. I doubted whether he would be able to ski for 36 hours, because his feet were sore from skiing on the rough water. It was obvious that he was finding the going very tough. At the 24-hour mark he said that he had hit the wall; he was suffering from pain and lack of sleep. He was being treated for hypothermia for 10 minutes in every two hours and his medical condition was being assessed by Dr David Engel, a casualty doctor from Tweed Heads District Hospital. After treatment his temperature returned to normal. I congratulate the people who looked after him. Brenton had set a target of $250,000, but at this stage I do not know how much he raised. I congratulate Alan Down, team event organiser, Brenton and his family and friends who supported him in his attempt. I compliment Brenton on his attempt. [*Time expired.*]

BIG BROTHER MOVEMENT LTD AWARDS

Mrs SKINNER (North Shore) [5.03 p.m.]: Last night it was my very great privilege to host a function in Parliament House for Big Brother Movement Ltd. A number of my constituents were among the more than 200 people who attended the reception, at which the Big Brother Movement presented some wonderful awards to very worthy recipients. Most members of this House go to many award ceremonies, but last night's ceremony harked back to my time as a director of the Office of Youth Affairs in that it honoured and rewarded young people who are not normally the recipients of awards. By way of background, the Big Brother Movement grew out of an activity which was established in 1925 and acted as a mentoring program for young, single men who migrated to Australia from England. They had no families hence the term "Big Brother", which was adopted long before George Orwell wrote *1984*.

During the migration and mentoring programs of the Big Brother Movement more than 12,000 young men came to Australia. From the 1940s the Big Brother Movement received bequests and donations from the

people that it had helped. The movement has used that money very wisely by regularly awarding worthy recipients, including organisations. Last night awards went to an organisation that provides activities in youth theatre for disadvantaged young people and an organisation that provides assistance and support to homeless young people. A number of individual awards by way of tickets and money went to young people in a variety of fields to assist them to travel to the United Kingdom to further their interests or their careers.

Awards were given in the fields of music, jazz, ballet, Scottish piping, cricket, ballroom dancing, drama and soccer to young people who are not normally recognised as high-flyers. The recipients are young people who the nominators felt could benefit from visiting countries and extending their contacts. Included in the awards were eight young Australians who were the winners of the World Skills Olympics. They are graduates of TAFE and work in mechanics, engineering, information technology specialties, plumbing, et cetera.

Last night four TAFE graduates were presented with scholarships that will enable them to go to England early next year to spend two weeks with the Royal Navy. They will work at different bases and will have to get up in the wee hours of the morning in the depths of winter—an experience that they will not forget. They will spend another two weeks on work experience in their chosen fields. Parliament House was a wonderful location for the awards ceremony and those amongst the audience who were my constituents told me that they would like that experience to be repeated. On their behalf I congratulate the staff of Parliament House on their tremendous generosity and professionalism in helping to make the ceremony a success.

The function commenced in the Theatrette with the presentation of awards and progressed to the reception area of the Strangers Dining Room, where a small supper was served. One recipient, a very talented young violinist, played for those gathered. The audience, including people from many places, attended because they wanted to support the excellent work of the Big Brother Movement in supporting young people who are not necessarily the top scorers or medal winners in elite sports or academic fields. I extend my congratulations to all involved.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.05 p.m.]: The Big Brother Movement Ltd looks for people who do the best that they can, not necessarily the best performers. It is important that we recognise people who give their best although they may not be the world beaters that we read about or see on television, but people who put an effort into doing what they want to do. I have no doubt that last night's awards will be greatly appreciated by the recipients and their families. Their experiences over the next few weeks or months will live with them for the rest of their lives.

FATHER BILL PETERS MEMORIAL

Mr PRICE (Maitland) [5.08 p.m.]: I bring to the attention of honourable members the most unusual but satisfying unveiling of a memorial to Father Bill Peters, a Catholic priest, at the parish church of St Helens, East Gresford, in my electorate, on 21 October. Father Peters served the parish for 26 years, a tremendous service in any occupation. Given the relatively remote area of Dungog shire, the size of Gresford and the demands of the parish, it was certainly wonderful to see the parish church filled for a special mass. The ceremony was conducted by the parish priest, Reverend Father Dr Guy Hartcher, assisted by Reverend Father Dennis Corrigan from Dungog parish.

The service was fully inclusive and two of Father Bill Peters' nieces were present, which allowed his family to acknowledge his service to the parish. After the service there was an unusual but significant happening. The parish church raised the Federation flag of Australia as a token to the celebration of Federation and the flag was blessed. I was invited to give a short speech on various aspects of Federation and how it may have affected the then Federal electorate of Hunter. The first member for Hunter was our first Prime Minister, Edmund Barton. It is significant to note that the church, which was built well before that time, was part of the heritage of the Federation of this country.

Reverend Father Jim Saunders, the Vicar General of the Diocese of Maitland, gave some details on the life and times of Father Bill Peters. Obviously Father Bill Peters was an interesting man. He had served in the Australian Imperial Force during the Second World War as a chaplain in the Pacific theatre. I understand he was also instrumental in introducing to the district the Sisters of St Joseph, who worked in the schools and remote areas of the Gresford-Paterson region. The work of the Sisters of St Joseph was largely ecumenical. They not only looked after the Catholic faithful but they would preach to anyone, particularly at the schools with their involvement in education, and they filled a void that other religions had not been able to fill at that time.

The Sisters of St Joseph have now gone and the parish has changed its character. Nevertheless, Father Bill's work at that time was significant. Father Bill is also remembered for his involvement with the Gresford

Bowling Club, his love of cards and his attempts at poetry. I understand that at times he was given to reciting a verse or two during a service. Most of all, Father Bill was remembered for his dedication as a parish priest. His faith was absolute, a quality that is reflected in the parish and the parishioners of the district he has left behind.

At the conclusion of the ceremony, a memorial in the churchyard, made from a sandstone portion of the church that was removed many years ago, was unveiled by Mrs Brennan, a senior member of the congregation, assisted by her son Joe. Once all those events were out of the way, we settled down to one of the best barbecues I have had in the bush for a long time. It was thoroughly enjoyed by all. At that stage we were joined by the Reverend Father John Brooker and his wife, Beth, from St Ann's Anglican Church, which is just down the road. That says something about the co-operation, service and assistance of others that is offered in country areas. It was a great day. I congratulate the parishioners of St Helen's on their initiative and the quality of their remembrance of Father Bill and his activities.

ORANGE ELECTORATE CROP DAMAGE

Mr R. W. TURNER (Orange) [5.13 p.m.]: I raise once again the problems caused by mother nature that some of this State's farmers have to face. I refer to the problems that farmers in Orange electorate have had to endure as a result of hail that occurred in the area some five or six weeks ago and late frosts over the last couple of weeks that have decimated some of the wheat crops and caused considerable damage to the grape industry, and particularly the wine industry. Natural disasters occur every year somewhere or other throughout the State, but farmers always find it very difficult to obtain insurance. Farmers can sometimes obtain insurance for loss caused by natural disasters, but quite often that insurance is far too expensive. Many farmers are forced to take a chance and battle the elements.

Some five or six weeks ago, as I travelled through Nashdale on my return to Orange from Cowra, my heart went out to the orchardists and vineyard operators in that area when I observed the aftermath of the hail that had just lashed the area. There was no fruit on the vines and trees at that time, but clearly the hail had damaged the buds. Such damage can be absolutely devastating. The slightest mark may be made on small fruit, but that mark enlarges as the fruit grows and subsequently the fruit is downgraded to second-quality fruit and, effectively, the farmer loses another crop. The farmer may try to remove the hail-damaged fruit, but it is impossible to remove all of it, as I well know having been an orchardist myself.

The late frosts that have occurred over the past couple of weeks caused considerable damage from Orange and Canowindra right down to Cowra. What looked like being a bumper wheat crop, with magnificent heads coming into maturity, has been ruined. When the heads are opened up one finds nothing inside, because the frost has killed off the young grain. The entire region is having a tremendous rainfall season and the crops look magnificent from the road, but farms in some areas will yield very little wheat, barley or oats.

Frost in the lower areas of the region has burned off vine leaves and young grapes, yet another 20 metres higher up the vines are virtually undamaged. However, in another year that might occur the other way around. It seems that mother nature is selective: in certain areas only narrow strips of vineyards have suffered damage. In many vineyards farmers have lost 20 per cent, 30 per cent or 40 per cent of their crop, and quite often that is their profit. Farms may still yield grapes, but in many cases the damage contributes to a downgrading of the fruit and a lowering of the quality of the wine ultimately produced.

Farmers are always facing problems of some sort or another. They are never sure of getting a crop. As we all say, until the wheat is in the silo or the cheque arrives at the gate, there is always the chance that something will happen to reduce the yield of whatever farmers grow and therefore the profit they make. Whether it be hail, frost or lack of rainfall that diminishes crops, we should always be mindful of that risk, because it is easy to forget. Last week some National Party members visited the markets at Flemington and observed the whole market overflowing with quality fruit and vegetables. However, always, somewhere in the State, farmers are missing out. Farmers in my electorate do not need and cannot afford the recent hail and frost damage, because they find it very difficult to obtain insurance cover for such disasters.

Mr AND Mrs COTTERILL AND THE DEPARTMENT OF HOUSING

Mr LYNCH (Liverpool) [5.18 p.m.]: I advise the House of a long-running saga involving Mr and Mrs Cotterill, constituents of my electorate, who live at Miller. The saga commenced in 1996. In that year the Department of Housing chose to redevelop one of its parcels of land. The block was located at 69 Miller Road, bounded by Polwarth Street and Southdown Street. The redevelopment involved the building of 16 one-

bedroom and two-bedroom pensioner units by a building contractor for the department. Mr and Mrs Cotterill owned one of the houses adjoining the relevant block of land. Mr and Mrs Cotterill believed that the construction adversely impacted on their property. From this origin complaints were made to and correspondence entered into with the local office of the Department of Housing, the department's appeal mechanism, two Ministers for Housing and the Ombudsman.

The purpose of my raising the matter in this forum is to perhaps bring the matter to a head and try to finally resolve it. The construction of the units seems to have been completed in December 1996. In that month I first spoke to Mr and Mrs Cotterill. The core and origin of the problems seem to lie in the fact that a very substantial excavation of earth was necessary to lower the ground levels for the development to proceed. The greatest amount of excavation occurred immediately next to the Cotterills' property. Mr and Mrs Cotterill believe that a number of problems flow from this. They have consistently maintained that all they want is to have their property restored to its previous condition.

During the course of excavation and construction it appears that initially no retaining wall was constructed next to my constituents' property. Not surprisingly, the dividing fence between the Cotterills' property and the department's property fell down. It took 14 weeks for the fence to be replaced by the department's contractor, which seems far too long in the circumstances. Although my constituents had asked for a paling fence, a Colorbond fence was installed. The fence was installed in a manner that owed much to speed, in contrast to the leisurely approach taken to replacing it. Parts of it were cut off, leaving rough and potentially dangerous surfaces, some of which I felt when I inspected the site.

Mr and Mrs Cotterill also complained that land on their property started to fall away because of the excavation and consequent lack of support. After some temporary work that was intended to stabilise the land, a retaining wall was constructed. The department provided to the Cotterills some soil, together with mulch. The department has claimed that it gave the Cotterills three tonnes of soil; however, Mr Cotterill says it gave them only six barrowloads. After the fence was installed, and no doubt because of excavation, the fence partly subsided and had to be rectified. At the very least, this constituted a significant disruption to Mr and Mrs Cotterill. Of course, the redevelopment was not done at their request, nor was it intended for their benefit. Six years later Mr and Mrs Cotterill are still perturbed about the impact of the development. For this reason they have not been prepared to desist in their efforts to rectify the situation.

As I understand it, there are now two major issues. The first is that their land still falls away in the direction of the development. The second is that their home has now been directly affected. They have pursued the complaints, including making a complaint to the Ombudsman in May 2000. In October that year they were advised to request a review of the department's decision, which they did. Six months later they were still waiting. Two of the department's senior technical officers carried out an inspection of the property on 23 April 2001. Those technical officers recommended that a detailed investigation be carried out to ascertain the cause of cracking and drainage problems. The Minister stated in a letter:

> Following the investigation, discussions will be held with Mr Cotterill regarding the work the department will undertake to resolve the problems.

This seemed to provide a glimmer of hope that the department would take some steps to deal with the problem. Eventually in July the Cotterills were told that their issues would be pursued as a complaint and not as an appeal. The Department of Housing regional office then requested an inspection and professional advice from Resitech. Events did not unfold smoothly. My constituents received a letter from Helen Yuen, Asset Manager, south-western Sydney region. Part of that letter reads as follows:

> An inspection was carried out on the 20th August 2001. Observations were made and together with the information and photos that you provided, the engineer has determined that the damage as described by you to your property is not related to the construction works associated with the adjoining DOH development including the retaining wall and boundary fence. On consideration of the engineer's report it is our belief that any damage that is now evident is not the responsibility of the Department of Housing and that no further action is required.

It is interesting that the response now concedes that there is some damage, although it denies that the department is responsible. Certainly, the land does seem to fall away and there is undoubtedly an issue with the house. The outside wall of the house closest to the development has buckled or ballooned and is clearly noticeable. Mr Cotterill also points to nearby apparent subsidence which is noticeable in part of the nearby road and gutter, the footpath and adjoining wall. Mr and Mrs Cotterill's frustration is understandable. They are now faced with the necessity to obtain an expert engineer's report, which they cannot afford. At the earliest they will only be able to afford that next year. To avoid this I would ask the Minister whether he will make the engineer's report obtained by the department available to my constituents, and whether he will review this entire situation with a view to resolving it.

NRMA DEMUTUALISATION

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.23 p.m.]: I express concern on behalf of local residents who are also NRMA members at continued attempts by the Motorists Action Group dissidents to destabilise and create chaos in that respected organisation. Members should be justifiably angry at the continued antics of this group and, in particular, the role of the Fairfax press and abuse of parliamentary privilege by a member of this place in this systematic campaign against the NRMA. All NRMA members, including me, have the opportunity to vote before next Wednesday for directors and to lodge proxy votes for special resolutions to be considered at the annual general meeting [AGM] on 28 November, and they need to be aware of what is at stake.

Richard Talbot and the Motorists Action Group sought to thwart the democratic wishes of members at every opportunity in holding up the demutualisation of NRMA Insurance, wasting $1 million of members' funds in court challenges. Having secured a $71,000 payout as a director, Mr Talbot is now seeking a $348,000 ex gratia payment and asking members to put him and other Motorists Action Group members back on the board as directors. If a politician, either State or Federal, engaged in that sort of action we would be widely pilloried by the media across this country. It is pork-barrelling, snout in the trough stuff at its worst.

NRMA members should be particularly concerned about special resolution number No. 4 to remove democratically elected directors. This resolution is a recipe for chaos. Essentially, it is an attack upon the voting decisions taken by members in 1997 and 1999. When we elect governments and a referendum is held and passed, we agree with the final outcome; we do not seek to unseat those who put the issue to the public. Demutualisation was supported by 82 per cent of members and could not have proceeded without that support. It is undemocratic and unfair for the Motorists Action Group to try to undermine those directors who, in 1997 and 1999, actively pursued the path of demutualisation for the sake of members. All honourable members would have received a copy of the letter sent to NRMA members by the Chief Executive Officer of the NRMA, Rob Carter, in response to attacks by a member of this House and the extraordinary partisan campaign being run by the Fairfax group. Inter alia the letter stated:

> Over the past 18 months, the Sydney Morning Herald (SMH) has published numerous inaccurate, derisive, spiteful and partisan articles concerning the NRMA. Those articles have had the effect of damaging the NRMA, and its community reputation (our market research confirms this).
>
> As part of this process, the SMH has published illicitly obtained confidential company information, which is property belonging to the NRMA and has sought to assert its right to do so in the court. From this confidential information obtained by the SMH it has chosen to publish selectively only those items which the SMH believes can reflect adversely on the NRMA or which it can spin into a story which reflects adversely on the NRMA.
>
> No company can function under such circumstances. The NRMA is a mutual but is still fully subject to Corporations Law. It is quite contrary to the principles of sound corporate governance for confidential Board discussions to be leaked to the media and quite disturbing that the SMH seems to condone these practices.
>
> On more than 30 occasions the company has sent letters correcting errors and deploring the attitude towards our business. There is a repeated pattern of imbalanced reporting and failure to publish NRMA's responses. Symptomatic of this, on Friday 19 October 2001 the SMH republished allegations made about the NRMA and its management under Parliamentary Privilege. A direct rebuttal of the incorrect statements was given to the SMH prior to their copy deadline. Despite this the material was still published without any qualification from our submitted material. This is a common pattern.
>
> Senior Management of the SMH have taken no action to acknowledge and correct the errors in these articles or to respond to the NRMA's legitimate enquiries as to why this situation continues. The Directors and Senior Management of Fairfax have a responsibility to the readers and shareholders to maintain credible and trustworthy newspapers that report accurately, objectively, fairly and honestly. The journalists' code of ethics requires no less.

Far be it for me to defend Nick Whitlam, but bashing Nick Whitlam seems to be a popular sport. The reality is that the NRMA chairman and executive deserve a fair go and credit for taking the organisation forward in the interests of members following last year's demutualisation of NRMA Insurance. I believe that almost all members of this House want to see the NRMA continue its respected and proud track record of service to motorists in the city and the country and its advocacy of their interests. The continued destabilisation of the association by the Motorists Action Group and its accomplices can only be to the detriment of members. I urge all NRMA members to vote in the election for directors by next Wednesday and to use their proxy votes at the AGM to end once and for all the indulgent and destructive antics of the Motorists Action Group. The future of the association and its capacity to serve members requires nothing less.

This is an important issue. These people, who describe themselves openly as dissidents, do not respect the wishes of members in repeated board elections. They seek to use the court processes in this State to

undermine the decisions of properly elected directors and they are creating chaos. I am concerned at the actions of certain media organisations in this State, particularly the Fairfax organisation, in not giving a balanced report of those events. I raise this matter on behalf of a constituent who has written to me simply because it is becoming increasingly impossible to get the facts on the record and to ensure that members understand what is at stake at next week's AGM and the current election of directors.

LITHGOW CRIME PREVENTION STRATEGY

Mr MARTIN (Bathurst) [5.28 p.m.]: I draw to the attention of the House action taken by the Lithgow community in an effort to curb antisocial conduct and harassment by certain people in the central business district [CBD] of Lithgow. There is nothing unique about this problem. It is an unfortunate by-product of modern society that some young people have a lack of respect for others. A few weeks ago I introduced to the Attorney General a delegation comprising Mr David Bracey and Tim Le Fevre, who are Main Street businessmen; Jennifer and Andrew Bourne, representing the Lithgow Chamber of Commerce; Neville Kerrison the Chairman of the Lithgow Business Enterprise Centre; and Ray Christison, the Manager of the Lithgow Business Enterprise Centre. The delegation spent more than an hour with the Attorney General and his senior staff during which a lively and informed discussion took place.

The delegation emphasised the need for stronger action to be taken against illegal skateboarders and bicycle riders, a source of constant complaint by the public in the Lithgow CBD. Members of the delegation questioned the powers available to police when dealing with young people who act in an antisocial way. The Attorney General outlined the adequate powers available to police to move people on, search, and confiscate property. The delegation stated that under section 633A of the Local Government Act police have power to confiscate skateboards and other property but stated that the property must be returned within 24 hours once any relevant fine, charges and penalties are paid.

The view of the delegation was that permanent confiscation would be a better deterrent to those who act irresponsibly. The Attorney General said that a review is currently being undertaken of the Young Offenders Act 1997 and he invited the delegation to make a submission, which, I understand, will be co-ordinated from the Lithgow Business Enterprise Centre. I have also spoken to the Mayor of Lithgow, Councillor Neville Castle, who has informed me that council will also prepare a submission. I hope that community members with concerns will respond to the advertisement that will be issued shortly by the Attorney General's Department calling for submissions. In that way, instead of merely complaining about the inadequacies of the Act, some positive action can be taken. Following the delegation, the Attorney General gave an undertaking to outline appropriate strategies to help the community. I am pleased that the Attorney General has done that in a timely fashion and I have forwarded his information to Lithgow City Council and to other members of the delegation. Principally, the Attorney General recommended:

> The Crime Prevention Division within my Department can assist and provide funds to councils that are developing crime prevention policy and programs in New South Wales. The overall purpose of the Division is to facilitate and co-ordinate efforts to achieve a reduction in the incidence of crime through the development, promotion and implementation of effective strategies designed to prevent crime.

It is important that the programs be driven by the local council and have whole-of-community support. I am sure that members of the delegation who attended with me on 23 October will provide input into the decision that I am sure Lithgow City Council will make in developing a strategy and working with the department. The Attorney General continued:

> Councils that successfully refer crime prevention plans for my endorsement as a Safe Community Compact are eligible to apply for a Safer Community Compact Grant. These grants are available to fund the implementation of initiatives included in the plan.

That sort of practical help from the Government will encourage councils to take control of problems in their communities, if they have not already done so. Lithgow police have conducted more regular patrols of particular areas and already there is a big improvement. The delegation had an almost accidental meeting with the Minister for Gaming and Racing, who pointed out the benefits of the liquor accord, and that was also going to be taken into account. With the crime prevention strategy, the liquor accord and the co-operation of the whole of the Lithgow community, I am sure that we can make inroads into solving this problem of antisocial behaviour in the community of Lithgow.

BINGE DRINKING

Mr ARMSTRONG (Lachlan) [5.33 p.m.]: On the second day of the Drug Summit last year I visited Harden, Junee and Temora high schools, and arrived virtually unannounced. I had a simple question to ask the principals of those schools: Have you got a drug problem in your school, and, if so, what is it? The answer from

each principal was that they did not have problem with hard drugs, but they did have a problem with under-age drinking, and particularly binge drinking. They said that on Monday mornings the hero of the playground is the student who had his or her stomach pumped out on the weekend. That is a major problem. I reported that to the Drug Summit when I returned on the third day. I was therefore not surprised to read in the *Temora Independent* newspaper on 3 October the headline "Teenage girl hospitalised following drinking binge". The article stated:

> Following a weekend where a 14-year-old girl was hospitalised for excessive consumption of alcohol, and Temora Police confiscated a large amount of alcohol from young teenagers, Sergeant Sue Goodyer has called on the local community to support efforts to reduce the level of underage drinking in the township.
>
> With the problem so evident over the course of the weekend, Sgt Goodyer said it was important that steps were taken by the community to curb underage drinking.
>
> Police confiscated over 50 bottles and cans of beer from juveniles found near sporting events in town on Friday night.
>
> Most of the juveniles were aged between 13 and 15 years of age.
>
> Investigations are currently underway into the multiple supply of alcohol to minors in Temora on the weekend.
>
> In particular, police are focusing on an incident where a 14-year-old was taken to Temora and District Hospital in an unconscious state after consuming a large portion of a bottle of rum, which had been supplied to her and a number of other young people by an adult in Temora.

On 6 March I asked the Minister for Police a question on notice:

> How many arrests have been made in NSW in the year 2000 for the serving or supply of alcohol to persons under the age of 18?

The Minister for Police answered:

> 216 incidents were recorded in the year 2000. I am advised normal policing procedures would see the issue of infringement notices or breach reports under the relevant legislation.

I then asked:

> Have any arrests been made of parents of persons under the age of 18 for the supply of alcohol to their children?

The Minister for Police answered:

> I am advised by the Deputy Commissioner Field Operations that this information is not available.

My next question was:

> Have charges been laid against persons for the supply of alcohol to youths under the age of 18 at sporting and/or social occasions?

The Minister's answer was:

> I am advised by the Deputy Commissioner Field Operations that this information is not available.

I asked the Minister for Health the following question:

> Does your Department conduct surveys on the consumption of alcohol by minors?

The Minister for Health answered:

> Yes.

My next question to the Minister for Health was:

> Does your Department have evidence of an increase in alcohol consumption by minors, if so, has this been reported to the Minister for Police?

The Minister answered:

> Figures from the 1996 Australian School Students' Alcohol and Drug (ASSAD) Survey of students aged 12 to 17 years, when compared with the survey conducted by NSW Health in 1992 found an increase in recent drinkers. NSW Health has provided the Drug Programs Co-Ordination Unit at the NSW Police Department with a copy of the 1996 ASSAD Survey.

That is not good enough. The Government and Parliament have a responsibility to set an example and to address this scourge amongst our young people. I have enormous confidence in young people: they are intelligent,

wonderful people. As parents and legislators we are letting them down in many ways by not taking far more direct and assertive action to try to arrest the problem of under-age binge drinking. Alcoholism is still one of the biggest killers in this State, and has the biggest effect on the brain. Sergeant Goodyer pointed out in the *Temora Independent* that drinking alcohol as the young lady in Temora did may well cause permanent brain damage. I call on the Government and the Parliament in general to recognise that the problem of under-age drinking across New South Wales is not being addressed. Much of the alcohol that is supplied to those young people comes from their relatives and/or parents. I would like to see more surveys, more publicity and more programs devoted to addressing this scourge on young people in New South Wales.

MENTAL HEALTH SERVICES

Mr CAMPBELL (Keira) [5.38 p.m.]: Tonight I want to refer to mental health. During Mental Health Week, which commenced on Monday 8 October, I took part in a number of activities in the Illawarra area. Yesterday I had the opportunity to spend time with a number of members of staff of the mental health unit of the Illawarra Area Health Services, to which I will refer later. I understand that at any one time in Australia at least 20 per cent of adults and between 10 and 15 per cent of young people are affected by mental health problems or disorders. Mental health problems and disorders can adversely affect individuals throughout their life and cause a deal of suffering and disability. All too often people speak about what I term sexy, or popular, issues—for instance, the need to raise money for the local cardiac unit, cancer care, breast cancer awareness or stroke units.

Those are all very important and valid aspects of our health service, but all too often people turn their back on mental health issues and hope they might go away because sufferers do not exhibit the same physical symptoms as those who suffer from some of the other illnesses to which I referred. It is for those reasons and the fact that mental health has such an impact on the community that I take the opportunity to raise this matter. I acknowledge the work that is being done in many non-government organisations to encourage and support people who have mental illness. Also, to be a little parochial, I also acknowledge those who work in many aspects of mental health in the Illawarra Area Health Service, and in particular that part of the area health service that covers the local government area of Wollongong, in which the Keira electorate is located.

Yesterday I spent some time with staff at the Fernhill community centre, which aims to integrate into the community people who are recovering from significant mental illness but who still require support and encouragement if they are to regain their independence and confidence. A deal of occupational therapy and support, as well as one-on-one work, is undertaken at the Fernhill centre. The unit runs a catering service that meets most of the area health service's catering needs. It also packs syringes for the sexual health service and runs car washing and gardening services in an attempt to rebuild people's lives.

I also visited adolescent mental health services in the region and talked to staff who expressed a real concern about the growing number of clients. They reinforced the need for school counsellors—I have mentioned the matter before in this place—and expressed concern about the consistent availability of those counsellors. School principals in my electorate have raised that issue with me many times. The adolescent unit is attempting to integrate services in an innovative manner and to encourage young people, particularly schoolchildren, to acknowledge that they have a problem and to seek help as early as possible.

Anyone who has talked to staff from the mobile treatment team would understand the difficulties they face in meeting community expectations. The team is viewed as an alternative to the police. One would expect the police to deal with people in desperate and difficult situations—for example, a person standing in the middle of the road brandishing a knife—but others are often too scared to dob in those who suffer from mental illness, so they turn instead to the mobile treatment team. The team also talked about the growing demand for its services and the fact that, like many public sector organisations, it spends a great deal of time addressing people's unrealistic complaints.

The in-patient unit based at Shellharbour Hospital has two wards, Eleoura and Mirrabook. People on the ward are confident that they are doing the best they can with limited resources, but they are looking forward to the new unit that will come on line at Wollongong Hospital. Staff are confident about the service they deliver but understand that more must be done—as the Illawarra Area Health Service health plan also acknowledges.

KARALTA COTTAGE RESPITE CARE SERVICES

Mr HUMPHERSON (Davidson) [5.43 p.m.]: Many honourable members will be aware of the special needs of people with intellectual disabilities. They must be able to access respite care to give their carers,

usually their parents, a break and some relief from the demands involved with support. Over the past seven years Karalta Cottage at Belrose has been beset with a range of problems, many of which continue today. I particularly draw to the attention of the House the problems faced by a mother—I will not name her—who for some time has been unable to secure access for her daughter primarily because a bed has been blocked by a difficult client who poses a physical threat to others. The matter was drawn to the attention of the Minister for Community Services in a letter from the mother dated 25 May. The Minister did not reply to that correspondence so the mother wrote to her again on 10 October and forwarded a copy of the letter to me. She expressed disappointment that she had received no response to her first letter, and stated:

> I remain the victim of your department's inadequate provision of out-of-home respite for adults with high support needs. The "blocked bed" scenario remains a major issue after years of inaction. This means families are short-changed in terms of safe respite availability to the point that the most recent advice from your department indicates further diminution of service is what I can expect.

I note the comment about the "further diminution of service". I am particularly concerned about that as many clients of Karalta have suffered reduced access to respite care in recent years. After lodging several complaints the mother was able to secure minimal time, which was augmented with advice that:

> … only one additional night's respite would be available in the next respite period!

That is hardly worth the trouble for many parents. The letter continued:

> When will this service receive the resources and action required to support families in need? When will beds blocked by aggressive and difficult clients be freed up for the purpose for which they are funded? When will staff receive the training and support they need to take the best care of my daughter?

I could not agree more. Karalta has an appalling history of respite care provision dating back six or seven years. Documented abuse occurred in 1996, the records of which were temporarily lost in October 1997. Following 12 months of agitation by me and others, an independent report in December 1996 eventually found that clients had been assaulted physically and sexually during 1995-96. Not only did the then Minister for Community Services, Ron Dyer, not apologise, he was extraordinarily slow in addressing those problems. In fact, he ignored them. The record states that 15 out of 16 families complained of abuse by at least one or two permanent clients who occupied two of the four respite beds. At another respite centre in the region, at one stage three out of four beds were blocked by permanent clients.

Some 200 violent incidents at Karalta cottage were logged over a six-month period. Parents are extremely reluctant to place their vulnerable children with intellectual disabilities at the facility as they return to the family even more stressed and concerned. The resources being devoted to respite care are inadequate, as are the resources intended to remove permanent clients from respite beds. This situation is not acceptable. The Minister and the Government are obliged to ensure that respite beds are reserved for respite care.

For at least seven years respite beds at Karalta have been blocked and clients remain at risk even after concerns have been drawn to the attention of the Minister and the Government. I do not think the Minister is taking this issue seriously. She must address the problems at Karalta and act to provide security and protection for clients who access the respite care service.

MEDOWIE VILLAGE FAIR TWENTY-FIRST ANNIVERSARY

Mr BARTLETT (Port Stephens) [5.48 p.m.]: I wish to congratulate the committee that organised the twenty-first Medowie fair. Medowie is a small community of 7,200 people that is located about 20 kilometres from Newcastle. According to Port Stephens Council's strategic plan, the population will increase to about 13,000 by 2027. It is a fast-growing community with a large number of young people—in fact, I believe it has more children aged under 14 years than any other town its size in New South Wales. The Medowie community fair is held every year and this year it celebrated its twenty-first anniversary. I congratulate Julie Briggs and her committee comprising the Medowie Bush Fire Brigade and the Kiwanis and Medowie Lions clubs on a job well done.

Medowie functions as a satellite town for the major employment areas of Raymond Terrace, the Williamtown Royal Australian Air Force base, Nelson Bay and Newcastle, and has a strong community that gathers together at the Medowie village fair. The first village was held at Medowie's community centre some 20 years ago and was run by the local volunteer bush fire brigade as a means of raising funds for much-needed equipment. The brigade organised the stalls, provided the tents, ran the raffles and manned the stalls. It was a great way for the community to raise money for various local groups.

Before long there were more than 100 stalls. Due to the roaring success of the fair it was moved to a safe place among the gum trees at Medowie Public School, and the fair has been held there for the past 10 years. Ten years ago the fire brigade invited Medowie Lions Club to assist in organising the fair, and that has become part of the service to the community provided by Medowie Lions Club. Five years ago the Kiwanis Club was approached to organise the fair with Medowie Lions Club. However, the brigade remains an integral part of the fair, offering much-needed manpower on the day. The fair is a showcase in which many sectors of Medowie community come together to celebrate talented children and adults, to support and appreciate community groups and services, to see children enjoying themselves with their mates and to catch up with many old friends.

Over the last few years it has been my privilege, both as Mayor of Port Stephens and as the member for Port Stephens, to be invited to open the fair. The fair gives many people an opportunity to meet friends that they have not seen for quite some time. Medowie Village Fair, which is enjoyed by all the community, is a tradition that binds the community together and keeps the community spirit alive. I thank members of Medowie fire brigade, members of the Lions Club and Kiwanis Club and all those who exhibited at that fair. This year there were over 100 exhibitors, including the police with their new state-of-the-art police mobile station, ambulance officers and the coastguard, to name just a few.

Over the years entertainment has been provided all day by a large number of local organisations—Port Stephens community band, Port Stephens community choir, the combined schools band, different dance and tae kwon do groups, and others. This year $3,000 was raised by the different community organisations that participated on the day—money which is then used to fund a number of other community projects. Girl guide associations, parents and citizens associations and sporting bodies raise funds on that day, which makes the day a great success. Julie Briggs said:

> It keeps our community spirit alive and makes Medowie a valuable place in which to live.

I offer my congratulations to the many people who organised Medowie Village Fair—a tradition that binds the community together and keeps the community spirit alive. I wish the fair well for the next 21 years.

ANOREXIA NERVOSA

Mr MERTON (Baulkham Hills) [5.53 p.m.]: Tonight I bring to the attention of honourable members concerns relating to the provision of adequate health services for people in New South Wales who suffer from eating disorders. Mrs Glenda Baldwin, a constituent of mine in Baulkham Hills, brought this issue to my attention in March this year. For the past three years Mrs Baldwin's 17-year-old daughter Emily has suffered from the eating disorder anorexia nervosa, which is complicated by her having diabetes. During that time Emily has had 14 separate admissions to hospital. Last November Mrs Baldwin's daughter, who weighed only 31 kilograms, was told that many patients who were sicker than she was were waiting for a bed in Westmead Hospital.

In my representations to the Minister I queried why Westmead Hospital had not received the 24 beds that were to be allocated for eating disorder patients—beds which Mrs Baldwin had been informed were promised some five years ago. The Minister's Parliamentary Secretary advised me that the mental health implementation group had been established to steer the planning of health services across the State. That response did not address my specific inquiry. Mrs Baldwin informed me that she and other families with anorexia nervosa patients are tired of waiting for something to happen. Mrs Baldwin's daughter has been under the care of Professor Peter Beumont. Recently Professor Beumont underwent urgent heart surgery, but his desire to ensure that I raised this issue was so great that he provided information for me as he prepared to undergo surgery.

Professor Beumont believes that the situation in New South Wales for anorexia nervosa sufferers is grave. He informed me that between 400 to 450 new cases of anorexia nervosa occur each year and that there are between 2,500 and 4,000 chronic sufferers in New South Wales alone. This illness occurs across all social classes and ethnic and cultural groups. The mortality and morbidity rates from anorexia nervosa are by far the highest for any psychiatric illness. However, I believe that there is still no tertiary admission centre in New South Wales. Four beds at Royal Prince Alfred Hospital and five at Concord are available, mainly for adults, as well as two beds at Westmead Hospital for adults. Six beds in the adolescent unit at Westmead and two to four in the Children's Hospital are available for younger patients. In addition, Westmead caters for all sufferers who require hospitalisation—all sufferers living in country areas of New South Wales.

Professor Beumont advises that there are often long waiting lists for admission and that there are records of patients who have died whilst awaiting admission. That is completely unacceptable. Surely the time

for so-called studies and reports is now over. Action is what is required. I ask the Minister to consider this matter urgently and to advise honourable members whether the centre for mental health accepts patients suffering from eating disorders as a priority. How quickly will the report of the eating disorders working party be implemented?

My constituent is concerned about her daughter, Emily Baldwin, and this matter has caused the family great distress. It is a matter of concern that Mrs Baldwin's 17-year-old daughter has suffered from this illness for three years and has been admitted to hospital on 14 separate occasions. It is time the Minister addressed this problem. We do not want any more reports; we want action on this important and serious matter which concerns not only my constituent Glenda Baldwin but all the people of New South Wales.

CAMPBELLTOWN FESTIVAL OF FISHER'S GHOST

Mr WEST (Campbelltown) [5.58 p.m.]: Today this Parliament is sitting during the staging of two important events. The first is the Melbourne Cup and the other is the Campbelltown Festival of Fisher's Ghost. Since 1956 the Festival of Fisher's Ghost, a fine tradition, has celebrated the spirit of Campbelltown and the legend of Fisher's Ghost. While the ghost of Frederick Fisher has not been seen since that fateful day in 1826 when he pointed to his battered body, despite residents regularly gathering for an apparition, his influence lives on. For those not familiar with Australia's most famous ghost, let me share with them the beginnings of this legend. On the evening of 17 June 1826 a man by the name of Frederick Fisher left his home in Campbelltown and was not seen alive again.

Almost four months later, a wealthy and respectable Campbelltown farmer, John Farley of Denfield, stumbled into a local hotel in a state of shock and claimed he had seen the ghost of Frederick Fisher. The ghost, according to John Farley, had been sitting on the rail of a bridge, had pointed to a paddock down the creek and had then faded away. The body of Fred Fisher was later discovered by Aboriginal trackers assisting the police in the very paddock where the ghost had pointed. The Campbelltown Festival of Fisher's Ghost is a unique festival. We were lucky this year in that the Premier, Bob Carr, opened the festival. Mr Carr recognised the uniqueness of this Festival of Fisher's Ghost when he said:

> Australia, I fear, has too few ghosts. It is partly climatic. Ghosts love the damp and the mists that rise out of cold marshes. They groan and snuffle in the dripping cellars of stone castles, in the musty corridors of great houses in the far off shires of England. They are not fond of wide, brown outback vistas or fibro houses with big verandahs. The blue cattledogs may daunt them or the blowflies in the summer heat. No Ned Kelly in gleaming armour by moonlight by the pub in Glenrowan; no Henry Parkes with his mistress in the tunnels under Parliament House; no melancholy John Kerr sobbing amongst the cobwebs in the wine cellar at Yarralumla; and no Phar Lap winning in the shadows of Flemington, pawing on the ground and snorting, waiting for one last race.

The Campbelltown Festival of Fisher's Ghost is unique in celebrating Australia's most famous ghost. George Worrall, who was convicted for the murder of Frederick Fisher, was found guilty on the basis of sound evidence. No supernatural testimony was allowed in court.

The Premier opened the official parade with an excellent speech. Sporting groups, community organisations, businesses and other agencies all got into the spirit to celebrate Campbelltown. I congratulate those who put a great deal of effort into their floats and on their participation. The festival does not merely include a parade. It includes displays of pottery and craft, chess tournaments, a pro-am athletics meet, a fun run, opera, the Fisher's Gig—which gives new bands a chance to break into the industry—steam machinery displays, a swimming event, bears in the Koshigaya Park, a street party and many other events. I congratulate Maria Rutledge and her committee, Mayor Russell Matherson and Campbelltown City Council and the many volunteers who took part in and assisted on the day, ensuring a successful start to the 2001 Festival of Fisher's Ghost.

An important part of the festival is the Fisher's Ghost Art Exhibition. This year the exhibition was opened by Her Excellency the Governor of New South Wales, Professor Marie Bashir. Her Excellency, in opening the exhibition, commented on the welcoming nature of Campbelltown. She said that throughout her professional career, especially as Governor, she has always been made to feel part of our community. It was a pleasure to have the Governor take part in this year's festival, particularly as she had opened the new Adolescent Mental Health Unit at Campbelltown Hospital on the previous Wednesday. Once again, this year's exhibition not only displayed the artwork of many people from outside the area, but also highlighted the wealth of talent that our region has to offer. The Festival of Fisher's Ghost celebrates many aspects of Campbelltown, but, most importantly, it celebrates the spirit of community that makes Campbelltown.

RURAL ROADS DAMAGE

Ms HODGKINSON (Burrinjuck) [6.03 p.m.]: My electorate of Burrinjuck is cut lengthwise by the main arterial route between Sydney and Melbourne, the Hume Highway. This highway carries a great deal of traffic, much of it in the form of semitrailers and B-double vehicles. Road transport is the lifeblood of rural Australia, and many small rural communities depend on the state and quality of their roads for tourism and other purposes. Unfortunately, heavy traffic often results in an unacceptable cost, which is measured in the tragedy of lost and shattered lives. Whilst I am working in my electorate hardly a day passes when I do not travel on the Hume Highway. At almost every couple of kilometres, a break in the vegetation or a major scar along an embankment shows where an accident has occurred. Recently two lives were lost on the Hume Highway. On 25 October, as a result of a four vehicle accident near Breadalbane, a driver lost his life, and only two days later another life was lost and several Tumut locals severely injured in a three-vehicle accident near Gundagai.

I pay tribute to the magnificent work done by the emergency services, both professional and volunteer, who day after day have to attend these horrific accidents. The Breadalbane accident, which occurred during the early evening, was attended by two units from the Gunning Shire Rural Fire Service and the Gunning State Emergency Service units, as well as by the New South Wales Fire Brigade units and ambulance and police officers. Those people, who worked long into the early hours of the next morning at this horrific accident site to remove the shattered remains, deserve our highest praise. The accident was not an isolated incident. In the past six months units from the Gunning Shire Rural Fire Service have attended 17 motor vehicle accidents on the Hume and Federal highways, while the Gunning State Emergency Service has also been called to about half a dozen motor vehicle rescue and recovery operations. Apart from the tragic loss of human life, these accidents have a broader cost to the local community.

Following the Breadalbane accident, the southbound lanes of the Hume Highway were closed from 6.30 p.m. until early the following morning. I have been informed that the Roads and Traffic Authority [RTA] officer, who had to travel from Wollongong, took at least two hours to establish a traffic diversion. Traffic was routed from Yarra down the Federal Highway into Canberra and back along the Barton Highway into Yass, adding an additional 71 kilometres to the usual Yarra to Yass journey. While this diversion was being organised, southbound traffic was routed through Breadalbane along the Cullerin Road into Gunning. Residents of Gunning have informed me that they watched long convoys of up to one dozen semitrailers at a time trundle down their once tranquil streets. It is here that the broader cost to the local community occurred. In all, during the two hours it took to establish the diversion at Yarra, approximately 285 heavy vehicles travelled the Cullerin Road. The Gunning Shire Council has assessed that about $40,000 worth of severe damage was caused to 1,541 square metres of pavement during these two hours.

The additional costs do not end there. Some heavy vehicle drivers, who obviously did not welcome the extra 71 kilometres diversion through Canberra, decided to take shortcuts. The RTA apparently failed to consider this possibility. I am informed that an additional 80 heavy vehicles utilised the Collector to Gunning road to cut across country. This gravel road has a load limit of 20 tonnes and is well known within the shire as having a dangerous, unstable surface. It has also been the location of fatal road accidents. This heavy vehicle traffic caused $20,000 damage to the road. The damage was so severe that in the interests of public safety Gunning Shire Council had to immediately grade and roll a 21 kilometre stretch to make it safe for local traffic.

Other truck drivers diverted along the Bungendore to Murrumbateman Road, which has only a five tonne load limit. About 100 heavy vehicles severely deformed the bitumen pavement at 15 locations, causing an additional $39,000 damage. This road also passes through Yass Shire, and Yass Shire Council has estimated the damage on its part of the road at $33,750. The total additional cost to the local community in Gunning and Yass shires from this one accident is $132,750. To put this figure into perspective, this year Gunning Shire Council received only $547,000 in State Government funding and approximately $500,000 from the Federal Government, including the additional Roads to Recovery funding.

In effect, Gunning Shire Council will have to spend almost one-tenth of its entire road budget for this year to repair this one night's damage. This situation can hardly be said to be fair or equitable. As I informed the House, this accident is not an isolated incident. I am aware of at least two other incidents, one earlier this year and another in February 2000, when severe damage was caused to local roads in the Gunning Shire by diversions of traffic around accidents on the Hume Highway. I am informed that the RTA still does not have a policy to deal with this type of damage. This Government must, as a matter of urgency, give a commitment that it will fully recompense the Gunning and Yass Shire Councils for the damage suffered by their local roads. It must also commit itself to addressing the serious policy deficiency in this area so that similar situations may be dealt with quickly and efficiently. Our rural communities deserve our support, not additional costs.

WYONG SHIRE FIREFIGHTERS

Mr CRITTENDEN (Wyong—Parliamentary Secretary) [6.08 p.m.]: I wish to sincerely thank all those firefighters who worked diligently last week on 31 October to contain bushfires in my electorate. The fires, which began at approximately 3.00 p.m. on 31 October, were not contained until one o'clock the following morning. Honourable members may be aware that the F3 freeway was closed for nearly five hours as a result of the fires. Most importantly, no lives were lost, nor was any property damaged, due no doubt to the excellent operation undertaken by the Rural Fire Service, headed by Superintendent Peter Hollier of the Wyong Shire Rural Fire Service. The fire started west of Hue Hue Road, Buttonderry, and travelled east towards the F3 Freeway. As I said, the freeway was closed for some time. Spot fires broke out on the east side of the freeway. The real threat to lives and property was at the Blue Haven housing estate, where a substantial number of houses have been built during the past few years.

At the briefing given to the Premier, to Michael Lee, the Federal member for Dobell, and to me last Friday, 2 October, both Peter Hollier and Phil Koperberg said that the aviation service, which used helicopters to gather water in cradles from dams and the lake to extinguish spot fires, was a fillip in the overall operation. It is important to note that every rural fire service brigade in the Wyong shire was involved in this operation. There were eight units from the Lake Macquarie rural fire brigade, five units from the Gosford Rural Fire Service and six bulk water tankers.

As well, the New South Wales Fire Brigade was involved. Numerous personnel from the Police Service, the Roads and Traffic Authority, the Wyong Shire Council, the State Emergency Service, the Ambulance Service and the Local Emergency Management Committee worked together with the National Parks and Wildlife Service to ensure a smooth operation. Members of Wildlife and Information Rescue Service [WIRES] were in attendance to search for threatened or injured animals. On 1 November the Department of Agriculture attended to look at animal welfare issues on a number of hobby farms and horse studs that were affected by the loss of grazing land.

On occasions such as this we talk about how well people involved have worked. At the height of the conflagration some 350 people were involved in fighting this fire, which, at best, was mischievously lit or, at worst, was straight-out arson. Credit should be paid to those led the operation, because we are unable to thank personally all 350 personnel involved. Peter Hollier, the district superintendent, who was also the incident controller in this case, did a fantastic job. The deputy incident controller was John Wood from the Sutherland shire. The chief inspector of the Rural Fire Service in Wyong, Steve Marsh, was the head operations officer. Inspectors Shane Gearin and Bob Brunik were divisional commanders in the field.

Others involved were Kathy Byrne, who was responsible for resourcing; Melissa Baker, the situation officer; Jenny Farrell, the planning officer, who works for the National Parks and Wildlife Service; Bob Butt, the director of health and building at Wyong Council, and his personal assistant, Jenny Mead, who made sure that the operations centre functioned well; and Pat Clarke, who headed the communications group. As happens at all incidents of longer duration, the catering group played an important part in the operation. On this occasion Cheryl Lee was in charge of catering. The Wyong community has had to rely heavily on the Rural Fire Service in the past, and again we are greatly indebted to it for the excellent work that was carried out under its leadership.

TEACHERS MERIT SELECTION

Mr DEBNAM (Vaucluse) [6.13 p.m.]: Tonight I wish to talk about teacher selection on merit. At a federation meeting on 29 October the Dover Heights High School passed the following resolution:

> That this meeting of Teachers Federation members at Dover Heights High School condemns the decision of the Department of Education and Training to use transfer points as a blunt instrument to determine the position of principal of the new proposed incorporated Dover Heights/Vaucluse high school.
>
> In the joint Dover Heights/Vaucluse staff response to the Building The Future Proposal it was stated "The process for this appointment should be determined after close consultation with the school community". This has been blatantly ignored.
>
> The appointment process for the principal has ignored all needs beyond transfer points and will leave the new school changing both deputy principal and principal's positions through retirement within the first two years of the new school.
>
> At best this is shortsighted, at worst it becomes sabotage. This meeting insists that a forward-looking solution be found immediately to this ludicrous situation.

> Accordingly, we withdraw our support for the amalgamation from today and will not take part in any activities, apart from our normal duties, involved in the process.
>
> Furthermore, should no immediate solution be found, this staff may withdraw financial support from Federation and consider strike action.

These concerns were raised previously on 13 March where teachers at a federation meeting passed a similar resolution. As stated in the resolution, the same points were made in the staff response to the Building the Future proposal, and at a meeting on 18 September this year teachers at a Dover Heights meeting passed a similar motion. It is not as though last week people suddenly stood up and said there was a problem. People said to the Carr Government throughout last year that there was going to be a problem on this issue but, lo and behold, the Minister ignored their concerns.

I put on the record that the federation representative at Dover Heights, who signed this particular resolution—and I am well aware she is under some pressure—is a very responsible teacher and a member of the school community at Dover Heights, and is acting in the clear interests of the school community. But that is something the Minister and the Teachers Federation are not doing. The resolution talks about a strike. I have spoken to the teachers about that and it is generally agreed that strike action is not on, that it is not viable. As one teacher stated last week in an email:

> The promises given to us and the assurance that this would be a school of which we could feel proud were accepted. The parents, students and staff commenced working together, determined to show the community that we would have a strong and effective state school. We were told that we would be involved in the decision making processes.
>
> We would develop, in consultation, a school that would reverse the trend to private schools and offer an education to rival the private schools.
>
> The announcement that the new principal, of the yet to be named school, was appointed on seniority and not on merit has destroyed our belief in the commitment of the government to the best school possible.
>
> In order to regain the support of the community, parents, students and staff [it] is imperative that the decision to appoint a principal on seniority and not on merit is reversed.

The issue here is very simple. It is about merit selection of the principal and deputy principal of this new school and it is about merit selection of teachers. It is just not that complicated. I really do not understand how the Minister for Education and Training and the extraordinary hierarchy of the Teachers Federation have ended up putting themselves in this position. This issue goes to the heart and future of public education in the State of New South Wales. If the Carr Government cannot deliver on merit selection for merging of schools—and I am on the record as opposing what it is trying to do; I see it as surrendering public education in New South Wales—it cannot deliver on anything.

The point I have made during my discussions with teachers is that although this week we are talking about choosing a principal and deputy principal for the new merged school, the next issue will be selecting teachers for the new merged school. And that clearly has to be done on merit. I do not know who the Teachers Federation is working for. In recent weeks I said in a speech in this House that the Teachers Federation is a captive of the loony left. This issue proves me right. These people are working for someone else; they are not working for the school community. The Minister is in a position to make a decision on this issue and to reverse the situation in the next week. We want a decision. We want the Minister to get involved to resolve this issue quickly before the entire school community loses confidence in the process of amalgamation. So far all we have seen is lack of consultation, ambush by press release and betrayal of the school community.

Ms NORI: I seek the leave of the House for up to five further private members' statements to be noted.

Leave granted.

LAKE MACQUARIE ELECTORATE SCHOOL FACILITIES

Mr HUNTER (Lake Macquarie) [6.18 p.m.]: Today I wish to bring to the attention of the House school building and security upgrades that are required in my electorate. In a speech on 4 September I raised the needs of government schools in the Lake Macquarie electorate. On that occasion I outlined to the House the concerns of Biddabah Public School, I advised members of a request that the school put to me during my visits to inspect its problems, and I made the Minister aware of the school's needs. I also pointed out a number of improvements that the Government has made to the school, including new classrooms. I referred to funding for some minor capital works improvements, $40,000 for a new security alarm system, and joint funding of $14,390 for a special program area at the school.

This evening I am pleased to say that following representations to the Minister and visits to the school by me and Department of Education and Training officials last Monday, 29 October, the Minister advised me that Biddabah Public School was being given priority consideration for upgrade under the $1.1 billion capital works program—a package that will be rolled out over the next four years. The Minister said that the school community had made a very good case for the school to be upgraded and that the upgrade would be carried out in stages. Stage one will be a new library to replace the demountable library the school has at the moment. Funding of $20,000 has been made available to undertake the planning stage of the new library. A new permanent school library will boost the community's morale. Biddabah Public School deserves upgraded facilities. I was very pleased that the Minister went on to say that there will be a comprehensive consultation process with the school community. That will take place during the planning phase to make sure the school has maximum input to the design and siting of the new library.

It is also planned that within the next four years more permanent classrooms, a permanent hall, canteen, covered outdoor learning area and covered walkways will be constructed. Plans for these construction works will be further developed in consultation with the school community. The facilities will be of the most modern design and will accommodate the latest technology and equipment. I thank the Biddabah school community for working with me and the Government to achieve these planned improvements. I look forward to working with the school in the planning process over the coming months.

On 4 September I said that approximately $70,000 had been spent on security fencing at Morissett High School. Since the installation of that fencing a number of other incidents have occurred at the school. In one case 210 panes of glass were smashed and offensive graffiti was spread throughout the school. The acting principal advised me that students were appalled and angered that the school's resources were being spent on cleaning up the mess left by vandals. I know that the Department of Public Works and Services and the Department of Education and Training security section have been working with the school and local police to determine what can be done to further improve the situation. I know that quotes have been obtained for improved fencing—a diplomat design—on Bridge Street, which is the front of the school.

I have raised this matter with the Minister for Education and Training, but tonight I would like to bring to this House the request by the school that additional funds be made available to complete security fencing at Morissett High School. The new fence must be aesthetically pleasing as the school fronts onto Bridge Street. If we can improve the security along Bridge Street, we will go a long way to deterring vandals who continually come onto the school and, as pointed out to me by the school community, we will save valuable resources that are wasted in making repairs to the school as a result of damage caused by vandals. I ask the Minister to consider this request from Morisset High School and also I thank him for his announcement in relation to Biddabah Public School.

LISMORE ELECTORATE COMMUNITY ACTIVITIES

Mr GEORGE (Lismore) [6.23 p.m.]: I am sure that I have the indulgence of the House to recognise Scott Seamer's ride in the Melbourne Cup this afternoon. He started his apprenticeship with Ron Gosling, a trainer in Lismore, who saw the talent in that boy a long time ago. I had the pleasure of Scott riding a horse in which I had an interest. I recognise the confidence the trainer had in him, which he returned today. Last week I had the pleasure of attending St John's College Woodlawn, when year 12 students were presented with the Duke of Edinburgh Awards. I had the honour of presenting Peter Wood and Ryan Collins with their awards. I thank Glenn Roff, the Principal of St John's College Woodlawn, and Ted Davey, who runs the Duke of Edinburgh Awards, for inviting me back this year.

On the same day, 40 current and former staff were made honorary members of the Ex-students Association in recognition of their contribution to the school. The next day I attended the Kyogle High School. Mr Russell Grove, who is in the House and who is a former student of Kyogle High School, would be pleased to know that the Quota Club sponsored the Life Education Program, which will help young people handle any problems they may encounter. The Northern Rivers Life Education Program is a magnificent program run in all the Northern Rivers schools. I thank the Kyogle Quota Club for its continuing support of the community, particularly the Kyogle High School.

Recently some 750 people in Casino took part in the 24-hour Relay for Life and raised $50,000 for cancer research. I grew up in the community, and it gives me great pleasure to again see the community getting behind organisations such as the New South Wales Cancer Council, which was represented by its events manager, Trudi Mitchell. She was overwhelmed by the support she received. Casino had one of the largest number of teams entered in the whole of New South Wales. Cancer patient Shana Austen read the oath. I was

very honoured to say a few words of welcome. Special guests, baby Olivia Transton and Kerry Saxby-Junna, cut the ribbon to declare the Relay for Life open. Cancer survivors wore a red ribbon and started the relay with a survivors' lap. Charlie Cox and his team in the community of Casino worked tirelessly for the event. Queen Elizabeth Park resembled a tent city.

The 24-hour walk was an example of community spirit at its best. At least 70 people were on the walking track at any one time. One participant, Kevin Butwell, walked for 23 of the 24 hours. The highlight of the relay was the Candlelight Ceremony of Hope held on Saturday night. Candles were placed all around the track to commemorate the people who had not survived cancer. It is ironic that today I bring this subject to the attention of the House because it was nine years ago today that my mother passed away as a result of cancer. It was an unbelievable experience to be in Casino for the 24-hour Relay for Life and to participate in the Candlelight Ceremony of Hope. I congratulate the community of Casino and the surrounding districts on supporting this very worthwhile cause and raising $50,000.

CURRAWONG PROJECT

Mr MILLS (Wallsend) [6.28 p.m.]: I draw to the attention of the House the Currawong Project, which has taken shape in the grounds of John Hunter Hospital in Newcastle, in the Wallsend electorate. It is a reconciliation project to promote the coming together of indigenous and non-indigenous Australians in the Hunter region. The project was conceived in January, and it was launched on Australia Day at King Edward Park in Newcastle by two characters, Ray Kelly and Paul Walsh. The connection these two fellows have is the power of words. Ray Kelly is the Chief Executive Officer of the Awabakal Aboriginal Co-operative of Newcastle and the Hunter Valley and a playwright. Paul Walsh is an author and publisher. In 1997 he edited the *Novacastrian Tales*, which raised $150,000 for Yallarwah Place.

The book told stories of the Hunter region. In particular, it was a celebration of the Bicentenary of Newcastle in 1997. The project had the strong support of the former Minister for Health, the Hon. Dr Andrew Refshauge, and the Hunter Area Health Service. Some $300,000 was put into the project by Minister Refshauge. Yallarwah Place is culturally appropriate residential accommodation for Aboriginal families whose family members, particularly children, are patients at John Hunter Hospital. Much of the drawing area for the specialties of John Hunter Hospital is in the north-west and north of New South Wales. The project is a tricky concept, but it involves individuals, families, businesses and community groups sponsoring a tree or a shrub to be planted in the grounds of Yallarwah Place. The project had the support of many organisations, including the *Newcastle Herald*, Tusk, the Newcastle Trades Hall Council, Awabakal, the Newcastle and Hunter Business Chamber, ABC 1233 Newcastle, the University of Newcastle and Hunter Health.

The project is dedicated to the first 200 years of shared black and white history in the Hunter. The project will climax on 24 November when members of the community can take part in a tree planting day to acknowledge reconciliation and to have their say in this joint black and white process of healing. In addition to individual community members—I made a donation in support of the project and I look forward to planting my tree, along with my wife, on 24 November—a number of distinguished Australians have been invited to plant a special tree. The first of these distinguished people was Governor-General Sir William Deane. He planted a gum tree for national reconciliation as one of his last acts as Governor-General. On 12 May Bill Deane was in the Hunter, and he and Ray Kelly jointly planted a tree.

The trees have been planted around a serpent's head at the circle of reflection in bushland to the north of Yallarwah Place. The Governor-General and Lady Deane spread soil from Government House in Canberra around the area before they planted their tree. It was a symbol of bringing together not only the people of the Hunter region but people from throughout Australia. It is a powerful sign that the soil from Government House was mingled with soil from the tribal lands of northern New South Wales at the united place of healing. Bill Deane was followed by others. The Premier has planted a tree, as has the Minister for Health. One or two others have done so as well. I pay tribute to the two people who conceived this project, Paul Walsh and Ray Kelly, and I commend them for the work they are doing to develop a community level of reconciliation. As Bill Deane and others planted their trees they said:

> We plant this tree in the spirit of the currawong, black feather white feather lifting me. We plant this tree to call upon all Australians to replant a shared future together.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.33 p.m.]: The honourable member for Wallsend has brought to the Parliament tonight an important issue highlighting reconciliation. Ray Kelly has done substantial work in the Newcastle area over many years and he continues to do so. This is simply another

example of Ray's dedication to the reconciliation process. The currawong program is very important because it is based on an important native black and white bird. That bird flies because it is black and white. The project is all about highlighting reconciliation as the path forward for all of us, both black and white people, in this country. We can and should all support what the honourable member for Wallsend has said.

On 26 October I attended the inaugural annual general meeting of the New South Wales Aboriginal Reconciliation Council which was held in Sydney. At that meeting I was elected to the council executive, and the eight-person executive then elected me as the deputy chair of the New South Wales Aboriginal Reconciliation Council. I am proud and honoured to have that position bestowed on me. Once again I congratulate the honourable member for Wallsend on raising this important reconciliation issue.

HOME WARRANTY INSURANCE

Mr MAGUIRE (Wagga Wagga) [6.35 p.m.]: Several months ago I raised in this place my concerns relating to home warranty insurance. Builders in my electorate were sitting around twiddling their thumbs because of their inability to obtain home warranty insurance. The subject was raised in the media and it was talked about in the industry. With the help of the commercial response unit and the city council, we convened a public meeting in Wagga Wagga, which some 65 builders and people involved in the industry attended. At that time 33 applications for buildings were held up in Wagga Wagga City Council because of the inability of builders to obtain home warranty insurance. We were so concerned at that time that we formed a task force to work on the issues and to resolve the concerns expressed by builders. I then raised again in this House the concerns of builders and people associated with the industry.

The Minister came down to the House and responded, and finally some action was taken. Since then, most of the builders' problems that I spoke about have been resolved. In fact, the builders who have made contact with my office have had their applications fast-tracked through the department. Most of the builders have obtained home warranty insurance bar four. Recently I faxed the details of two builders to the Minister's office for action, and I faxed the details of the other two builders about a fortnight ago. I thank the staff of the Minister for Fair Trading for keeping my office informed. In trying circumstances, they have done their best to assist our builders. While I recognise that at times builders were still experiencing delays of up to two weeks, builders have contacted my office and thanked me, and asked that I pass that thanks along because they are back at work building houses.

Subsequently I wrote to the Minister and requested that a forum be held in Wagga Wagga. That forum should consist of HIA, Dexter, Fair Trading and builders to work through the issues in the home warranty insurance scheme. Ideally, if a third insurer is approved by the time a public meeting is held in Wagga Wagga that would go a long way to help smooth out the bumps in the building industry. I understand that the Minister has agreed to hold a forum in Wagga Wagga and I thank him for that. Who said that there is no co-operation in politics? It appears that our representations have been effective, and the Minister's response has been appropriate. This is the first step to resolving some of the problems in the home warranty insurance scheme.

Obviously, the second step is to rectify the fundamental problems identified by the builders in the industry. The task force is working on that as we speak. Indeed, it is constructing a paper which it will submit to the Minister. More importantly, the task force will make a submission to the national inquiry into home warranty insurance, which covers all the State. The national inquiry was necessary because I understand the problem exists in other States as well. The task force consists of builders who have a long history in the building industry, as well as some younger builders. The problems with home warranty insurance and the current constraints are such that they are affecting the ability of younger builders to get into the home building industry because they do not have the necessary capital to fund the buildings.

Young builders can construct about six homes a year, but the amount of capital or collateral necessary for warranty insurance is unattainable for many young builders. Even some older builders do not have the dollars and cents to back up building applications. So there is a fundamental problem. The message I bring today is that our builders are willing to work to resolve the issues. I can tell the Minister categorically that the public meeting, which I understand will be announced very soon, will be well attended. I will be promoting the fact that the meeting is to be held, and I will be encouraging builders, tradespeople and suppliers to attend the meeting and to bring their concerns to HIA, Dexter and the Minister's department. Once again I thank the Minister for responding to my calls, for acting and for keeping me informed of his efforts on behalf of the builders.

ASHFORD COMMUNITY

Mr TORBAY (Northern Tablelands) [6.40 p.m.]: These days it has become common to hear stories about small rural towns that have refused to die; they have shown uncommon resilience and persistence in finding new ways to survive and revive. Today I want to talk about one of those towns on the Northern Tablelands which has done just that, after what can only be described as a run of bad luck that caught its community in a downward spiral of declining rural production, withdrawal of services, corporatisation of public utilities, and public and private sector restructuring. Ashford is a village with a current population of 570 people in the town and a further 2,000 in the district. Its cycle of tough times began in 1979 when it lost its local council, which was amalgamated with the larger Inverell Shire Council.

In 1984 the local coal mine closed, with the loss of 30 local jobs. In 1994 the local tobacco industry—one of the mainstays of the community—was shut down, with the Government buying out all quotas and causing a loss of 150 local jobs. The Ashford Hospital closed in the early 1980s, with the Westpac Bank and Commonwealth Bank services in the town closing down around same time. During this period the village also lost a butcher, a baker and a clothes shop. The numbers at Ashford Central School have been reduced to 173 students and a staff of 18, including cleaners and administration staff, compared with 300 students and 35 staff in 1973. To cap it all off, in 1997 the Ashford power station closed, with the loss of 27 jobs and the school lost 30 students within 12 months.

Ashford was virtually on its knees after the closure of the power station. A public meeting was called to brainstorm ideas. Those present came up with the idea of an aquaculture venture and market garden and orchard using the resources of the now-abandoned power station and its water licence. The Ashford Business Council was formed with Councillor Mick Lewis as its chairman. The group drew up a draft business plan with an ambitious proposal to produce annually 100 tonnes of silver perch, 100 tonnes of barramundi and 100 tonnes of Murray cod. The water from the aquaculture venture would be recycled to the market garden, which it was estimated would produce 3,000 tonnes of tomatoes and 600,000 heads of cauliflower annually, as well as many hundreds of tonnes of cherries within nine years.

The success of the project, which attracted interest and backing from five operators, depended on the handing over to the community of the former power station water licence, which was valued between $750,000 and $l million. The Ashford people regarded the power station as a community resource and believed they had some justification for asking to have the rights returned to them. It is pleasing to report to the House that the good luck for Ashford officially started last month when the Minister for Energy, Kim Yeadon, announced during a visit to the town that Country Energy—and I pay tribute to Craig Murray and the team—would hand over the high-security industrial use water licence, which initially related to the decommissioned Ashford power station, thus allowing access to 600 megalitres of water per annum over the next 10 years.

Country Energy has also agreed to allow the business council to use a number of storage sheds and training rooms at the power station site in the day-to-day operation of the business venture. This announcement gave the green light to the aquaculture-market garden project, which can now go ahead. It is expected that the project will employ 90 people, with the multiplier effect expected to convert that into 400 jobs in the town and district. The project is expected to transform the town, create a demand for houses and services, and boost school enrolments. Many of the older people in the town who have been unable to sell their houses because of the lack of demand will now be able to plan their retirement.

When I was elected to Parliament and became involved with the Ashford community I was impressed with its determination to find a way out of its depressed circumstances. The community needed the political support it had not received for many years and some assistance to drive its proposal forward. I have enjoyed working with Mick Lewis and his committee, which never gave up hope. I also enjoyed the support of the local community, including the *Inverell Times* and radio 2NZ. They were prepared to put in long hours, join delegations, write letters and organise meetings to achieve this outstanding result for their town. I must emphasise that it was the community that put the proposal together, but assistance was needed to implement it. The community needed decision makers to listen. It needed doors to be opened and time given to analyse the plan. I thank those, both inside and outside Parliament, who were prepared to meet the needs of this small community that have resulted in this wonderful story of success. I commend the process and believe strongly that no-one should ever write off small rural communities as unviable, because they are very capable of helping themselves.

Private members' statements noted.

House adjourned at 6.45 p.m. until Wednesday 7 November 2001 at 10.00 a.m.