

# LEGISLATIVE ASSEMBLY

Friday 9 November 2001

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

**Mr Speaker** offered the Prayer.

## PRIVATE MEMBERS' STATEMENTS

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**Ms NORI:** I seek the leave of the House to permit up to 21 members to make private members' statements forthwith.

**Leave granted.**

### CRONULLA ELECTORATE HEALTH SERVICES

**Mr KERR** (Cronulla) [10.00 a.m.]: I wish to raise several health issues affecting my electorate. On 31 October a constituent wrote to me as follows:

I am seeking your help in regard to being admitted to Sutherland Hospital to have a hip replacement.

My constituent's doctor booked her into the hospital on 26 March 2001. However, when my constituent rang the hospital admissions officer last week she was told that she might have to wait until next year between March and September for accommodation. That would mean that my constituent will have waited 2½ years for her operation. She is already finding it difficult to walk and she wrote to me asking whether I could do anything to help her before Christmas. My constituent worked as a volunteer at the hospital for 35 years and was president of the auxiliary for 30 years. I wrote to the Parliamentary Secretary Assisting the Minister for Health on 1 November and I am still awaiting a reply. I do not criticise the Parliamentary Secretary for that as I am sure that I will receive a reply and that he will do everything he can to assist my constituent.

The other health issue of concern in my electorate is the upgrading of a 20-seat bus for Sutherland Hospital Caringbah and Community Health Service. The bus is provided for a centre-based respite service for the frail aged, disabled and socially isolated residents of the Sutherland shire. The service was originally a pilot project that, like all good things, commenced under the previous Coalition Government, with Home and Community Care [HACC] funding in 1992. Included in the initial allocation was capital funding of \$35,000 for the purchase of a 12-seat modified bus. It was discovered after a short time that this bus was not large enough to cater for the 12 extremely disabled clients who attended the centre each day with their equipment. Approximately six clients are wheelchair bound.

A new 20-seat bus was acquired and modified by installing a wheelchair hoist and equipment cage. However, this bus now needs to be replaced. It costs \$5,000 per annum to repair the bus. There is a significant amount of rust in the body of the vehicle and the airconditioning is not working properly and cannot be rectified. As honourable members will appreciate, this makes transport in summer very uncomfortable for elderly clients. It is becoming more difficult for the bus to pass the six-monthly Roads and Traffic Authority inspections. The bus does two trips per day across all suburbs of the Sutherland shire, transporting clients attending the centre. These clients do not have access to mainstream services and have special transport needs that require a modified vehicle. The bus operates four days per week and takes clients to social functions four days per month.

The bus is also used by the mobility clinic one day per week. These groups of frail aged people with mobility problems are part of the HACC target group and they would have considerable difficulty attending the clinic without the use of this modified bus. If one-off capital funding is not secured to replace the bus, only clients who can arrange their own transport will be able to attend the centre. This will create access and equity problems. Those most in need—that is, clients in wheelchairs and the socially isolated—will be disadvantaged. Carers will also have reduced respite if they have to drop off and pick up clients, or no respite at all if they are unable to secure other modes of transport to the centre. If a new bus cannot be funded the current service will be withdrawn, resulting in the loss of a minimum of 200 transport outputs/occasions per month. In addition, the frail aged mobility clinic clients will have to find alternative transport.

One-off capital of \$80,000 is being sought for a replacement 20-seat bus without modifications—that is, without a wheelchair hoist and equipment cage. The centre is trying to find the money and it has raised \$25,000 so far. However, the Government should provide financial assistance for worthwhile projects such as this. The whole of the Sutherland shire is concerned about this issue, and I expect all honourable members representing electorates in the shire to unite in seeking government funding for it.

### BRANXTON TO SEAHAMPTON LINK ROAD

**Mr HICKEY** (Cessnock) [10.05 a.m.]: I bring to the attention of the House a matter that I have raised many times relating to road infrastructure in my electorate. I refer to the outer Maitland bypass, the Kurri Kurri corridor, now known as the Branxton to Seahampton link road. The link road is of major importance not only to my electorate but also to the upper Hunter, the north-west of the State, Newcastle port and the eastern coastline—but, sadly, it is missing. The Minister for Roads has worked tirelessly to finish the planning of the infrastructure.

I am pleased to announce today that the infrastructure has been signed off at the Department of Urban Affairs and Planning and is waiting for the Federal Government to fund it. The Cessnock community will benefit from not having 2,000 trucks pass through the central business district each day, something that should never have occurred in the first place. The Singleton community supports the infrastructure and sees the benefits. It will make Singleton closer to Sydney and bring industry-based businesses to that community and generate more work.

A large volume of vehicles travel the New England Highway, through the heart of the Maitland township, and when this infrastructure is put in place trucks and other heavy traffic will be able to travel to the port of Newcastle and the north-west of the State more quickly. It is pleasing that the Minister for Transport has signed off on this important piece of infrastructure. I commend the Minister for Urban Affairs and Planning for his endeavours. He clearly sees the benefits of the infrastructure to the Hunter and he should be congratulated on his swift action and on looking at the environmental impact statement positively.

I also congratulate the community groups that have banded together in the media to push this infrastructure forward. Members of the Sink the Link group, headed by Fred Brown and Toby Thomas, have worked tirelessly 24-hours a day to highlight the issue and to get people on board. Singleton, Cessnock, Maitland, Muswellbrook and Gulgong councils and all councils in the north-west have also supported the proposal. I attended a meeting when the Federal shadow Minister for Regional Development, Infrastructure, Transport, Regional Services and Population, Mr Ferguson, met with 13 local councils that put this proposal as their number one priority. I also thank Tony Windsor for his hard work; Joel Fitzgibbon, the Federal shadow Minister for Small Business and Tourism, who has promoted this matter at a Federal level; and Mr Bob Horne, the member for Paterson, who also has worked hard.

Mr Anderson, the Federal Minister for Transport and Regional Services, has been negative and uncommitted and has been drip-feeding funds into this project. He says he is funding it but he has not made much of a commitment to it. He needs to fund the infrastructure for the benefit of the whole north-west. I wonder why he is doing so little, because his own electorate would benefit from the provision of funds for this major infrastructure, which is needed by a vast number of communities across the north-west of the State. It will link the port of Newcastle and allow grain to be brought to that port more quickly and economically. The National Party needs to get behind this infrastructure and make sure that the funding is put into place. Mr Ferguson has committed funding to the project but to date Mr Anderson, the Deputy Prime Minister, has been uncommitted and clearly shows that he is not keen to advance this project.

**Mr STEWART** (Bankstown—Parliamentary Secretary) [10.10 a.m.]: I am pleased to note that the Carr Government is once again working towards delivering for the Cessnock electorate, as it has time and time again. The honourable member for Cessnock has been a tireless and tenacious worker for his electorate, and he has demonstrated again today the result of his tenacity and hard work and the result of a partnership between government agencies—in this case the Department of Urban Affairs and Planning, through the Minister for Urban Affairs and Planning, and the Minister for Roads.

They, together with the honourable member for Cessnock, have worked on government initiatives aimed at ensuring that people have their amenities protected from disturbances—in this case by moving road freight haulage away from residences, schools and other amenities. The honourable member for Cessnock has demonstrated how a member of Parliament can deliver to his electorate, and the people of Cessnock owe him a

great deal. He pointed out that he has worked in partnership with his local Federal member, other Federal members and our great Minister for Roads, who has continually delivered on initiatives and met people's needs in this great State.

### BONDI POLICING

**Mr DEBNAM** (Vaucluse) [10.12 a.m.]: Again, I talk about Bondi policing. Two weeks ago a 14-year-old boy was savagely bashed in Bondi. On 31 October his father wrote to me and said:

Last Friday evening my 14-year-old son and a friend were brutally assaulted and robbed while crossing the (open) grounds of the Bondi Public School. (details and photos enclosed). My 18-year-old son was held up at midnight in Hall Street a few months ago and robbed, so our whole family ... is now developing something of a siege mentality!

Part of the problem is the inadequate street lighting in many areas near the beach ... This is an open invitation for muggers to try their luck. Bondi Beach deserves more ...

I will not mention the name of the family as investigations are ongoing and I understand that currently they are at a sensitive point. However, this letter makes a number of points not only about lighting in Bondi Beach but also about policing in Bondi Beach. I stress that this incident is an additional incident to the brutal bashing of young Max Connley in Tamarama a week ago and the bashing of a young man in his Bondi unit a few days before that. Thankfully, people have been apprehended in relation to the bashing and robbery of Max Connley. I am pleased to read in today's paper that he is making good progress in hospital.

I remind the House again that in 1996 a British tourist by the name of Brian Hagland was bashed to death in Bondi Beach. That is an important date because, essentially, five years ago I invited the Minister for Police and the Commissioner of Police to come to Bondi Beach to discuss local policing and what their responsibilities were in that area. Five years later that invitation to the commissioner and the Minister stands. They have not come to Bondi Beach and they have not delivered. It is about time they took this issue seriously.

I will go back a year and refer to a couple of incidents that occurred in Bondi. In November 2000 a young man was attacked and stabbed. In January 2000 a young man was shot twice at his home in Bondi. In April 2001 a car was stolen at gun point in Bondi. In October 2001 a 14-year-old boy was bashed and robbed, which incident was described in the letter I just read out from his father. I also mentioned earlier a serious incident that occurred in October—the firebombing in Clarke Street, Vaucluse. On 1 November a young man was attacked in his Bondi flat and on 2 November Max Connley was attacked in his bedroom at Tamarama.

The point I want to make is that Bondi Beach is not just a famous area around the world, it is famous also across Sydney. Bondi Beach attracts a large number of visitors every day and every week of the year, but it also attracts criminals and many thugs. Bondi Beach is not just another suburb. The Minister for Police must now take this issue seriously and, in addition to current resources, he must allocate additional resources to the Bondi area in my electorate and to other suburbs as well.

The Minister for Police has pulled resources out of my area in the time that he has been police Minister. We need more police, we need police on the beat, and we need stronger strategies. This issue is not just about chasing criminals, it is about public order. It seems to me that public order is something the Carr Government has simply buried over the last 6½ years. It could be argued—and I have done so several times in this House—that under the Carr Government public order has been privatised. It has now reached the point where, if we want public order outside our homes or in the street outside our businesses, we employ a security guard. That is all very well for the rich, but what about everybody else? They cannot afford security guards.

In relation to Bondi Beach, we need information about police resources that are there now and we need more police actually walking the beat. It has been a while since we have seen that. The police who are in that area do a great job, but they are totally underresourced. They are under stress in the front line and they know that they do not have the political back-up from the Government. In relation to the local council, we need better lighting at Bondi Beach—there is no doubt about that at all—and we also need video surveillance, which will help police. Over the years council has been fighting that tooth and nail. I again ask the Minister for Police to come to Bondi Beach and to have a look at what we need in relation to beat policing, video surveillance and better lighting.

**BANKSTOWN DISTRICT CRICKET CLUB FIFTIETH ANNIVERSARY**

**Mr ASHTON** (East Hills) [10.17 a.m.]: On Saturday 20 October 2001 I was pleased to attend Bankstown District Sports Club to celebrate the fiftieth anniversary of Bankstown District Cricket Club. All the usual suspects attended the celebration. Bankstown District Cricket Club is well known in the Sydney district for its great competition. I am sure the honourable member for Bankstown would attest to the fact that, if this club were to play in England, it would be the equivalent of one of England's better county sides. Bankstown District Cricket Club is 50 years old, which is really something when we take into account that Bankstown grew from nothing after the Second World War.

It was appropriate at that reunion dinner that all living first-class Bankstown representatives were in attendance. Graham Thomas, a great player in the 1960s, was in attendance. Stephen and Mark Waugh, more modern day players, and first grade players who went on to play shield games including Dave Freedman, Steve Small, Steve Smith, Corey Richards were also in attendance. These sorts of nights are great occasions and they do a lot to build up confidence in the Bankstown area and give us, once again, something to be proud of in Bankstown. The Bankstown District Cricket Club plays at Bankstown Memorial Oval, which was a rugby league ground for many years.

For seven of the last eight years that ground won the best first grade cricket ground award in the Sydney grade cricket competition. As a matter of fact, the award for the second grade cricket ground went to the Jenson oval at Sefton. Bankstown is very proud of its achievements, which were made possible because of the hard work by the cricket club, through its president, Brian Freedman, its secretary, Martin Klumpp, as well as Eris Dignam and the whole committee. I acknowledge the contribution of the honourable member for Bankstown, who is actively involved in the club, as are Federal members Michael Hatton and Daryl Melham, who is a keen cricket fan like me.

Two ING games were held at the ground and that showcased Bankstown to those around Australia who watched the one-day games that New South Wales played against Victoria and Tasmania. The games focused attention on that ground and took cricket out of the eastern suburbs. Not everything is located to the right of George Street and in the eastern suburbs. That ground is now a tremendous facility, with the Stephen and Mark Waugh pavilion and the Kevin McCormick grandstand. I thank the Government and Bankstown District Sports Club, which is a major sponsor of Bankstown District Cricket Club, for the money it has donated to that club to improve the facilities of the ground. I hope that more money will be forthcoming for additional capital works at that ground.

Honourable members might be aware that North Sydney Oval was a good cricket ground, but it is now out of action after the demise of the Bears, and Northern Spirit is now playing soccer there. Bankstown oval will now become more important for spreading the word about cricket beyond the traditional cricket areas. I refer to a book that was written by Michael Stephenson, entitled *Bankstown Cricket Club 50 not out*, which was launched that night. Michael, a legend in his own lunch box and a great figure around the Bankstown area, has written quite a thick book, and it is a great read. Some of the political biographies I have read are not as thick as Michael's book.

Michael tells many anecdotes and stories in his book. One is about a fellow called Arthur Taylor, who holds the record for taking more wickets for Bankstown than any other player. Honourable members might not have heard of Arthur because, unlike Thomson and Pascoe, he did not go on to play for Australia. Arthur never got to play even one game of first grade, but he played for over 20 years, and maybe longer. When he was finally selected to play in one first grade game it was washed out and he never bowled a ball. So his whole career was spent in second grade games. At one stage, when Thommo did not turn up for a game—he went straight to the beach—he was dropped from second grade to third grade and Arthur played with him in that game. Thommo was so upset and annoyed about being demoted that he played with real fire and passion, took 10 wickets, and never played a lower game again. I thank the Premier for making available \$5,500 to Bankstown District Cricket Club to promote junior cricket in the area.

**Mr STEWART** (Bankstown—Parliamentary Secretary) [10.22 a.m.]: I join the honourable member for East Hills in telling the House how wonderful it was to be able to participate in the fiftieth anniversary celebrations of Bankstown District Cricket Club. That club has contributed a great deal to the ethos of Bankstown being one of Australia's premier sporting districts—particularly in cricket—over the past 50 years or so. Some great cricket stars had their origins in the Bankstown district. As the honourable member for East Hills pointed out, some great cricket personalities, including both Mark and Steve Waugh, attended the fiftieth anniversary celebration and mingled with everyone at the function. It was wonderful to hear the history of Bankstown's cricketing heyday, right up to the present day.

As the honourable member for East Hills also pointed out, Bankstown Memorial Oval, which is the oval used for cricket, is without doubt Australia's best cricket oval. It has been refurbished to provide tremendous crowd facilities and a ground surface that is unsurpassed throughout New South Wales. Mick Stephenson's *Bankstown Cricket Club 50 not out* is a great book. I have read it, and I commend it to honourable members. It is not only a fantastic book about the sporting history of the Bankstown Cricket Club and associated personalities, but also a great book about the history of Bankstown, which has a tremendous sporting ethos that binds the community. I commend Mick Stephenson, the publicity officer for the club, for his input, and Brian Freedman, the president of the club, and Marty Klumpp, the secretary, for their tireless efforts to promote cricket in the Bankstown district and throughout Australia.

### KANGAROO MEAT INDUSTRY

**Mr SLACK-SMITH** (Barwon) [10.24 a.m.]: The kangaroo industry is a sustainable and vital one for many country towns in western New South Wales. Its exports to Europe create enormous income. For example, Walgett Game Meats employs more than 60 people to process kangaroos and feral pigs, which creates a lot of community wealth in the town. I draw the attention of the House to the irresponsible actions of the Hon. Richard Jones, a member of the other place. He took it upon himself to write, on parliamentary letterhead, to all the Ministers for Agriculture in Europe condemning the kangaroo industry and warning them that kangaroo meat might be detrimental to human health. I have a copy of the letter he sent to the Minister for Agriculture in the Czech Republic.

The Hon. Richard Jones referred to pathogens, and stated that toxoplasmosis infections and the disease possum harbor trichonella could result from eating kangaroo meat. The letters produced panic in some European countries and resulted in Italy banning kangaroo imports until the Australian Quarantine and Inspection Service [AQIS] was able to dispel all the inaccurate and false accusations made by the Hon. Richard Jones. I congratulate AQIS on its very quick reaction. The Hon. Richard Jones has sabotaged our exports to Europe and the Australian economy, but more particularly our rural communities where kangaroo processors are one of our biggest employers. The actions of the Hon. Richard Jones were totally irresponsible. There is no doubt that he has another agenda. He has promoted falsehoods to our overseas customers about a vital, important and sustainable industry.

If it were not for the kangaroo meat industry many producers would be overwhelmed by kangaroos in plague proportions. We know that sometimes the Hon. Richard Jones can be quite creative with the truth. Each claim he made to the various Ministers for Agriculture has been disputed by Australian experts. I am pleased to note that AQIS was able to get that message through to the relevant countries, and that Italy is again importing kangaroo meat. The feral pig industry is very large in France and Germany. They take a lot of feral pigs, which can threaten not only crops but also domestic and native animals. The kangaroo industry cannot accept this act of economic sabotage by idiots such as the Hon. Richard Jones. I place on record my protest: the Hon. Richard Jones would be far better suited sitting on some beach somewhere, when one considers the attire for which he is renowned.

**Mr STEWART** (Bankstown—Parliamentary Secretary) [10.29 a.m.]: The honourable member for Barwon raised some very valid points. Although I have not seen what was said by the Hon. Richard Jones, I know that kangaroos are culled in an extremely humane way. Kangaroos are tagged. They are not shot simply for the sake of shooting them. As a result of damming that has created watercourses, Australia now has probably 10 times more grey kangaroos than we did prior to European settlement. Some areas of New South Wales have grey kangaroos in plague proportions. If nothing were done they would be in massive plague proportions, which would affect not only domestic stock but also indigenous fauna and flora. Kangaroo culling is conducted humanely, and kangaroo meat is disease free and given A-grade treatment through the abattoir process. It also tastes great! This important industry should be sustained.

### RIPPLES HYDROTHERAPY CENTRE

**Ms BEAMER** (Mulgoa) [10.31 a.m.]: I wish to pay tribute to members of the community who have worked hard for the opening of the hydrotherapy pool at St Marys. On Sunday the Premier opened the \$2.5 million complex in my electorate. We were pleased to see a lot of hard work by members of the St Marys and Penrith communities come to fruition. The hydrotherapy pool is 20 metres by 10 metres. The centre also houses three treatment rooms and a rehabilitation room. The hydrotherapy pool is attached to the Ripples indoor swimming complex, which I opened, as mayor, in 1994. Ripples Leisure Centre has been a great success. I congratulate Penrith City Council on its forethought in building the centre.

Penrith City Council was dedicated to building a facility for the people of St Marys and the Penrith region, which, at that stage, had no indoor swimming facility. It was decided that the Ripples Leisure Centre needed a hydrotherapy pool to treat people in need of rehabilitation. The Premier pointed out that numerous people in our area—such as those who suffer from arthritis, cerebral palsy, asthma, stroke or poor muscle tone—would benefit from hydrotherapy. One special local swimming pool, which is very close to the hydrotherapy centre, had money to build a hydrotherapy centre, but its operators realised the need for a large centre and combined with the State Government, Ripples and Penrith City Council to build that large complex.

People who are totally immobile can enter the hydrotherapy pool by the use of a hydraulic lift. This facility will be a great boon to many people who attend Kurrambee Special School. I pay tribute to David Trist, who had considerable involvement in the development of the centre. In the past few years David would not be seen in the St Marys area without plans of the hydrotherapy centre under his arm, and he would tell people how the centre could be financed. I also pay tribute to the Ripples centre board. As I said, the pool cost \$2.5 million. The State Government contributed \$700,000 towards the project and the council contributed \$400,000. However, \$1.4 million was underwritten by the Ripples centre board, our local heated swimming pool complex. The board—in particular, Chairman Ross Fowler—deserves to be congratulated on this centre.

I had great pleasure in attending the opening of the pool. However, the accolades should go to the honourable member for Londonderry, who, when he previously represented the electorate of St Marys, was tireless in his lobbying and worked hard for the development of the centre. He worked with the local community, Kurrambee Special School, the Ripples board and the State Government to ensure that the facility was built. The project was also a collaborative effort of members who were interested in obtaining this facility for the area. The first sod was turned some time ago by the Minister for Public Works and Services. At the opening I was pleased to see the whole complex so alive and light. I am told that many areas of the centre are fully booked, and it is expected that 100,000 visitors per year will use the many facilities available in the Ripples centre, which has become a focal point for the St Marys community. I congratulate everyone who was involved in this project.

### TEMORA WEST PUBLIC SCHOOL

**Mr ARMSTRONG** (Lachlan) [10.36 a.m.]: I speak this morning about Temora West Public School, which for 12 or 13 years has made applications seeking government assistance to upgrade and bring to reasonable condition much of the capital infrastructure within the school area. Those applications have been largely unsuccessful. With the exception of a new facility for handicapped children two years ago, virtually no capital expenditure has been expended in the school for many years. The school, which was built in the 1960s, is of a long bungalow construction with a playground to the western side and a limited amount of cement. The building does not have a hallway between classrooms, and the only way to get from one classroom to another is to walk outside. The building was constructed without a covering veranda. The parents and citizens association, which has been fantastic, has, over the years and entirely at its own cost, built a veranda on the western side and pathways to the front gate, it has installed several demountables, and it has modernised and refurbished an old storeroom to be used as a lunchroom by students. Any significant improvements to the school have been undertaken by the parents and citizens.

Temora West Public School has a current application for capital funding with the Minister for Education and Training. I am hopeful that he will respond favourably. In the meantime, three weeks ago I received an offer from the parents and citizens. Its membership consists of local citizens and parents, including a considerable number of tradespeople, such as plumbers, carpenters and electricians. The parents and citizens offered to undertake the labour for the school improvements at no cost to the Government if the Department of Education and Training provided the materials. That offer has been rejected by the Wollongong regional office, because it does not fit the spots. It has to be a tendered and contracted project. This is an absurd situation. This school can demonstrate that it has been neglected over the years and has not been recognised for priority work.

The community has ably supported the school and is now prepared to make a significant offer to save the taxpayers of this State considerable funds. In addition, the community is prepared to contribute to the welfare and education of its children. Yet the Government says, "No, you cannot have it because it does not fit the spots. We will not accept your free offer. We do not like gifts from the public or from parents. We will not have your children in an education facility that has been built through the generosity of the local community." The Parliamentary Secretary Assisting the Minister for Education and Training is present in the Chamber and is attentive to the details of this matter. I hope that he refers this matter to the Minister and that the Minister will support Temora West Public School in its endeavours to obtain funding from the Department of Education and

Training to bring its facilities up to a reasonable standard. The parent and citizens and local community are prepared to save the Government a considerable amount of money by using their own labour, and that labour will be undertaken by professional tradespeople, not non-qualified people. Every person who participates in this project will be a qualified tradesperson.

**Mr STEWART** (Bankstown—Parliamentary Secretary) [10.41 a.m.]: As Parliamentary Secretary Assisting the Minister for Education and Training, I would be pleased to take up the concerns raised by the honourable member for Lachlan with the Minister. As the honourable member would know, the Government recently announced a strong capital works program for schools in New South Wales, which works on a priority needs basis. Clearly, the opportunity to further improve capital works throughout the New South Wales school system is now in place. The honourable member has worked hard for Temora West Public School. His efforts include lobbying the Minister and alerting the department about the school's needs. The most important ingredient is that the school has a very active parents and citizens association, which works in partnership with the school body to ensure that the school's facilities are the best possible. I will take this matter to the Minister. Although I do not know the background, the Government has a capital works program in place that can help in delivering to schools such as Temora West. I am sure that the Minister will look at the needs of this school in relation to the priority it deserves.

### **RIPPLES HYDROTHERAPY CENTRE**

**Mr ANDERSON** (Londonderry) [10.43 a.m.]: In her private member's statement the honourable member for Mulgoa referred to the opening of Ripples hydrotherapy centre. Both the honourable member and I attended the opening last Saturday. It was a red-letter day for St Marys. I thank the honourable member for her generous comments. However, the development of this project was a community effort. The honourable member for Mulgoa and I were supportive of the project, but the community provided it. The construction of the hydrotherapy pool came about after representation by a lady who attended a public forum that I conducted. I shall not use the terminology she used on the day, but she was very disappointed in politicians and in the services for children with disabilities. In a conversation with me, she explained that her handicapped child was not able to access adequate physiotherapy services. I asked for suggestions as to how we could overcome this problem. She suggested that a hydrotherapy pool was essential for the many children with disabilities in the region.

We were then able to talk together with Kurrambee Special School about the services that it provides and the levels of therapy that the children receive. Kurrambee had planned to build a hydrotherapy pool, but the level of expenditure required placed a hydrotherapy pool out of its reach. The Minister for Education and Training, John Aquilina, had committed \$300,000 to Kurrambee Special School to assist it to provide a hydrotherapy pool, and that is when the game started. Because Kurrambee could not provide the necessary level of funding, we asked that school, through the Minister, to transfer the funds to Ripples Leisure Centre in St Marys. The Minister for Education and Training was tireless in his efforts to overcome the difficulties we had in doing such a thing but, with a lot of dedicated effort, it was achieved; the funding was transferred.

The then Minister for Health, Dr Andrew Refshauge, thought it was an outstanding proposal and he committed \$300,000 to the project. The then Minister for Public Works and Services, Carl Scully, also was very supportive of the project and committed \$73,000 from Department of Public Works and Services funds to manage the project. The then Minister for Sport and Recreation, Gabrielle Harrison, committed funds from her budget to assist the project. The State Government in effect contributed more than \$703,000 to the project, but it was not nearly enough. We initially talked about \$850,000 for the project but, in effect, when we examined the details of the proposal, it worked out to be pretty close to \$2.3 million. The extra funds had to be gained from somewhere, so Penrith council guaranteed funding to Ripples board of management.

I support the comments of the honourable member for Mulgoa that the board of management of Ripples should be congratulated on having taken up the challenge to find the additional funds. Last Saturday saw the opening of the project. The facility will assist many children—not only in my electorate but throughout the region—including children with disabilities, who need access to hydrotherapy and physiotherapy. The mother who started the whole campaign rolling, Mrs Patricia Bugden, must be congratulated because her determination and persistence has made it possible for us to pursue the matter. I remember well taking her to meet the Hon. Ron Dyer and his director-general at the time to talk about this very service and the need for it in our local region. We got a sympathetic hearing from the Ministers to whom I referred to the extent that they committed funds to assist the children until such time as this project was up and running.

As I said, last Saturday was a red-letter day. The Premier came, as he had promised to do. He opened the facility and he was suitably impressed with the quality of the facility that has been provided for the children

in our area. It was only with the support of the State Government that this project was realised. I thank all of the Ministers I have mentioned for their assistance and for their contributions. I wholeheartedly support the comments made by the honourable member for Mulgoa. David Trist has been an outstanding member of the community. He is a retired member of the banking fraternity who took upon himself the challenge of drawing up a business plan to make this facility pay for itself in future years so that there will be no call upon public money. David Trist and the board of management have to be congratulated on their outstanding contribution to our community.

### WILLOUGHBY PADDOCKS REZONING

**Mr COLLINS** (Willoughby) [10.48 a.m.]: I draw to the attention of the House a matter that will be reasonably familiar to honourable members. Every time petitions are read out in this House we hear about Willoughby Paddocks. I assure honourable members this is not some kind of backdoor bid by me to somehow qualify for a country member's allowance! It is an opportunity for the Government to make a firm decision now about the use of public open space that used to be part of the Warringah Freeway corridor in my electorate and to allow future generations to enjoy that space. We have reached an impasse. That is the matter I draw to the attention of the House, and in particular to the attention of the Minister for Roads.

The Government initially proposed the establishment of 120 townhouses. That proposal caused considerable local outrage and was withdrawn. Understandably, the local community was unanimous in its fundamental opposition to any new development in this unique public open space. However, to their credit, members of the local community in Willoughby—through the Willoughby Paddocks Residents Action Group—have taken a pragmatic approach. They have put aside their principal opposition to development and they have worked with the Government to achieve a win-win position for all parties. We are on the cusp of victory. We are on the cusp of a resolution of this issue. Landcom has developed a master plan for the site on behalf of the three land-holders—that is, the Roads and Traffic Authority [RTA], the Department of Urban Affairs and Planning [DUAP] and Willoughby City Council.

That plan produces 70 to 78 residential units, which will realise something in the order of \$39 million to Treasury—a real windfall for Treasury. The Government is in a position to take almost \$40 million out of this decision if the decision can be reached now. The community action group and various local people have been involved in the process through working groups and open days—I have attended those—and have conceded a great deal in relation to reduction of open space and loss of amenity. I ask honourable members to remember that the starting point was that the local people, naturally, wanted the entire area to be reserved as public open space. As a result of co-operation, all parties are very close to agreeing to the master plan. However, there is one point of contention, and that is the impasse I want to bring to the attention of the Minister.

The matter in contention involves traffic and access to the new development. Eastern Valley Way bounds the site and is the obvious point of entry for the new traffic that will be generated. Independent traffic engineers have declared that such an access point is safe and feasible. DUAP, Willoughby City Council, Landcom and the local community all support the Eastern Valley Way entry point. Only the RTA stands between a stand-off and a solution. The RTA has refused to even consider this potential circuit-breaker, citing an RTA policy document from 1993 entitled "Guide to Traffic Generating Developments". That document states in part:

... direct access across the boundary with a major road is to be avoided wherever possible ...

The policy does not say that it cannot be done, merely that it is to be avoided where possible. Without even looking at the site, the RTA has rejected the proposal. It may be geographically possible to avoid direct access to a major road but, socially, morally and politically, the traffic must access across Eastern Valley Way and not pass through local roads, which are all culs-de-sac. Direct access can cross this main road, and it can cross safely—it is just not the RTA engineers' preferred method. Officers of the RTA Land Use Section are starting to talk of formally withdrawing from the in-principle agreement relating to Willoughby Paddocks if the master plan is still unresolved by February 2002.

The irony is that it can be resolved immediately. The Minister's intervention is sought now. This is a situation in respect of which the Minister has to intervene, knock a few heads together and get a result which will give Treasury its target. As I said, Treasury will get \$39 million for consolidated revenue. Everybody will win if this is achieved. The local community has accepted a compromise and the Government has cut back on the proposed development of this public open space. A solution is at hand. I plead with the Minister to intervene and to get a result now.

## TURKISH COMMUNITY

**Mrs PERRY** (Auburn) [10.53 a.m.]: I wish to draw the attention of the House to the significant contribution of the Turkish community to the State of New South Wales. It is appropriate at this time, when the Turkish community in Australia has been celebrating the Seventy-eighth Anniversary of the Proclamation of the Turkish Republic, that we recognise the vitality and service with which the Turkish culture has enriched our multicultural society. Having lived in Auburn all my life, I have developed a warm, personal affinity with the Turkish community, which comprises a substantial percentage of the population of the electorate. As an Auburn councillor and now as a member of Parliament I have had the privilege of working closely with leaders of various Turkish community groups. I have been honoured recently to represent the Premier at several functions organised by the Turkish community.

With each new degree of involvement with the Turkish community my admiration for the energy and initiative of these various groups has increased. Each Anzac Day we are reminded of the past we shared with the Turkish nation on the battlefields of Gallipoli. To the credit of both our nations we have emerged from that conflict with a deep, mutual respect. However, today I do not wish to dwell on sombre aspects of history but on the brightness and dynamism of the Turkish culture in Australia today, recognising particularly some individuals who work tirelessly to serve their cultural community and in doing so add immeasurably to the broader community of New South Wales.

Mr Muzaffer Orel is the President of the New South Wales Council of Turkish Associations. In this position he is supported by his wife, Anne. These Turkish cultural, educational, social and business organisations have immeasurably enriched Australian culture. As well as promoting the welfare of the Turkish community, the council is active in promoting the development of a multicultural Australian society. Members of the association are active in the broader community, including serving on the Auburn health services subcommittee, and the Auburn community drug action team and being included with Auburn Girls High School and Granville Boys High School. Thus, the organisation serves as a conduit between the Turkish community and the broader community. It is truly an Australian-Turkish association, fully cognisant of its responsibilities to the Australian community and to its cultural history.

Mr Besir Karuscu is the President of the Turkish Welfare Association. Mr Karuscu and members of his association have realised a truly incisive community initiative in Auburn—the Turkish House. The Turkish House provides casework and group work to meet the specific needs of the Turkish community, as well as assisting with access to mainstream community services. The Turkish House workers Riza Yaman and Fatma Gul provide dedicated, professional services supporting the Turkish community, particularly in aged care and women's services. The Turkish House is a physical meeting place for the Turkish-Australian community. However, it is the wisdom, care and guidance given from within this house that has made it a true landmark of the Auburn community. Much of the spirit comes from volunteers, such as Ezel Jupiter, whose contributions have recently been recognised by her appointment to the Community Relations Commission. Ezel is the second commissioner of Turkish background to be appointed to the commission.

Mr Ali Ulatas is the President of the Australian Alevi Association, to which a number of my constituents belong. The Alevi culture, stemming from the Shiia branch of Islam, has known persecution and intolerance throughout history. Yet, it is a culture that itself promotes tolerance and respect for many parts, a culture which champions the cause of peace, understanding, tolerance and compassion. Mr Ulatas, supported by his wife, Saniye, has led the Australian Alevi Association in initiatives that have enriched the cultural, sporting, recreational and educational opportunities of its members. Shane Arslan of Auburn and his father, Mehmet Arslan, have been staunch and active supporters of the Alevi association. The Auburn community is indebted to them. The association reaches out to all age groups. The Alevi association welcomes opportunities to work with other community groups. In Auburn, the Alevi contribution to the community spirit as well as specific services is highly valued by Auburn Council, as well as by other local community groups.

The Australian-Turkish people have brought many skills and customs which are now weaving through the fabric of Australian society. They are meeting the challenges of this new millennium with courage and initiative. We would be poorer without them. I admire their community spirit and sense of communal responsibility which extends to the wider communities of Auburn and Australia. I congratulate them on all their achievements, especially that of fostering within their communities both a Turkish heart and a truly Australian identity.

### TINGHA HOSPITAL

**Mr TORBAY** (Northern Tablelands) [10.58 a.m.]: I speak today about Tingha Hospital. Tingha is a community in the electorate of Northern Tablelands. Tingha Hospital was built by the local community in the late 1800s. As is the case in so many country communities, the never-say-die community of Tingha has contributed enormously to the provision of health services in that town. Currently, Tingha Hospital has 10 beds, with an additional one respite-care bed. The Sinclair inquiry members visited the community of Tingha. The recommendation put forward in its report was that the facility be downgraded to a primary health care centre. It is important that the House be aware that the community of Tingha would like a multipurpose service [MPS]. The reasons for that are clear.

The Tingha community must have a residential care provision within its health service, as it has had for so long. The community has said to me that the Sinclair report, if implemented, would be the final blow to the community of Tingha, as the facility enjoys so much community support. I pay tribute to the health service advisory committee of Tingha, because it has carried on in the same vein as the community did in the late 1800s, contributing enormously to the wellbeing not only of the hospital but of the community generally. The committee chair is Mr Don Roberts. Interestingly, Mr Roberts also had a local government career and was a fellow councillor of the current Minister for Health. I acknowledge the Minister for Health who, on his last visit to the Northern Tablelands, called in and had a first-hand look at Tingha Hospital. I am not sure when it was last reported that a Minister visited Tingha Hospital, but the community and I were very pleased to see the Minister there.

Don Roberts has contributed to this committee and Councillor Audrey McArdle has been a very strong advocate not only for the Guyra Shire Council but also for the Tingha community. Ann Cooper-Southam has been a very strong advocate also for the community in so many ways, particularly in health and telecommunications services for that region. I want to mention also Sister Joyce Adams, the community nurse Ann Cox, and the New England Area Health Service. This is not an exercise against the New England Area Health Service. In fact, Wendy Mulligan from the health service has worked together with the community, and that has been appreciated.

The purpose of my comments today is to say that Tingha Hospital should be upgraded. An MPS should be considered for this community. The community wants me to express to Parliament, to the Minister, to the Premier and to all present that it wishes to be constructive in working with the Government, with the New England Area Health Service, with me and with the various stakeholders in the community to achieve an appropriate outcome. The community would also like to express the view that, when the election is decided tomorrow, it would like to work constructively with the Federal Government. It wants to see co-operation between the State and the Commonwealth.

That is what MPS structures are all about. They can be tailored to suit the community's needs. They can be used constructively for the aged care component, and the State and Commonwealth working together can meet the community's needs. I would like to see that sort of structure in a whole range of services rather than hearing about the politics of blame from one level to the other. Communities are not interested in that. I would like to see these services implemented for their communities. I am very pleased to be the member for Northern Tablelands and to represent the Tingha community. I am delighted that the community of Tingha, including the Aboriginal community, has worked closely together to put forward this recommendation for an MPS for Tingha. I will support it every step of the way.

### TRIBUTE TO PEARL GIBBS

**Mr THOMPSON** (Rockdale) [11.03 a.m.]: Last Saturday, with my wife, Lucy, I joined members of the People's Movement for Reconciliation in a special event commemorating the life and work of the distinguished Aboriginal leader Pearl Gibbs. The event was arranged by Sutherland Shire Citizens for Native Title and Reconciliation. It involved a Voyage of Remembrance on Botany Bay and the Georges River. It is 100 years since Pearl Gibbs was born, somewhere on the shores of Botany Bay, and the Voyage of Remembrance afforded a unique opportunity to reflect on the history of the struggle for justice by the indigenous peoples of Australia and Auntie Pearl's part of that struggle. The co-chair of the State Reconciliation Council, Rick Farley, hosted the occasion and talks were also given by other people associated with the Sutherland Shire Citizens for Native Title and Reconciliation. Some members of Pearl Gibbs' family were also there, as was Merv Ryan, the chairperson of Kurranulla Aboriginal Corporation.

Pearl Gibbs was born somewhere on the shores of Botany Bay in 1901, the daughter of Maggie Brown of Brewarrina. Her birth was apparently not registered, perhaps because her mother wanted to avoid the welfare

authorities. She grew up in Yass and Byrock, near Bourke. At Yass she attended the local convent school, Aboriginal children having been excluded from public schools since 1887. This was her first conscious experience of racial discrimination. When she was nine years old her mother married a horse groomer named Dick Murray and the family took employment as domestic servants at a large sheep station at Byrock. Her stepfather was the stable groom and her mother was the cook, while Pearl served at the table and her sister Olga helped in the kitchen. Pearl recalled the situation as a happy one. There was no obvious discrimination and they were treated well.

In 1917 Pearl and Olga moved to Sydney, where they were employed as domestic servants in wealthy households in Potts Point and Kings Cross. Pearl became politically active in the 1920s, assisting Aboriginal apprentices to get their rights. The apprentices were domestics indentured by the Aboriginal Protection Board. The Depression of the 1930s hit people very hard. Aboriginal people in particular found it very difficult to get work. Moving from town to town trying to get work as a fruit picker, Pearl saw how badly Aboriginal people were being treated, with racial segregation being almost total. This experience reinforced her distrust of officials from the Aboriginal Protection Board. It was during this time in the 1930s that her political commitment intensified and she organised strikes by pea pickers in the Nowra area. She became a prominent organiser, speaker and leader of the Aboriginal protest movement.

In the mid-1930s at Wallaga Lake, Pearl experienced the control of the board and organised protests. She was a member of the first Aboriginal deputations to the Prime Minister and a frequent speaker for the Committee for Aboriginal Citizens' Rights, which was a predominantly white organisation formed in 1938 to mobilise public opinion. In 1941 she became the first Aboriginal woman to speak on public radio, delivering her own scripted radio talks in Sydney and Wollongong. In 1942 she wrote for the press supporting Northern Territory Aboriginal people in their conflicts with the frontier justice system and called for Aboriginal representation on the New South Wales Aborigines Welfare Board.

In 1946 Pearl and Bill Ferguson set up the Dubbo branch of the Australian Aboriginal League and in 1953 she became the organising secretary for a new Melbourne-based Council for Aboriginal Rights. She intensified her campaign against discrimination in rural areas and attacked the Aboriginal Welfare Board. In 1954 she became the Aboriginal representative on the board, the first and only female member, and she held the position until 1957. While she was a member of the board she found she was excluded from any real decision making and was denied access to board-controlled reserves. In 1956 Pearl was active in Dubbo, establishing the first hostel in New South Wales for rural Aboriginal people requiring hospital treatment. With Faith Bandler she founded the Australian Aboriginal Fellowship in 1956.

At a meeting of the fellowship in 1957 Aboriginal and white speakers discussed how a fairer society could be achieved. This led to the formation of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders. The council gained the support of well-known politicians, writers and church leaders and called for changes to the Australian Constitution. Eventually, in May 1967, a referendum returned a result of more than 90 per cent of Australians voting to change the racist sections of the Constitution. Pearl Gibbs nurtured many Aboriginal organisations through difficult times. She was a prime mover in achieving the 1967 referendum. Pearl Gibbs could fairly be described as the mother of reconciliation. Lucy and I were honoured to be invited to join in the commemoration last Saturday. I congratulate the Sutherland Shire Citizens for Native Title and Reconciliation on the initiative. It was a truly moving and memorable day in the company of good and decent local people from the Aboriginal and non-Aboriginal communities.

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [11.08 a.m.]: The honourable member for Rockdale has detailed the life of Aunty Pearl Gibbs and the work Pearl did for the Aboriginal community over many years. The trip on the Georges River on Saturday commemorated her birth one hundred years ago. Pearl was just one of many great Aboriginal activists who worked unselfishly and tirelessly over the last one hundred years to ensure that the Aboriginal people were rightly recognised as the first people of this country.

We do not often hear about people such as Pearl Gibbs. She might not have had the same profile as Faith Bandler, Charlie Perkins and numerous other activists who attracted the attention of the media whenever an Aboriginal issue was discussed. But Aunty Pearl was the sort of person who was there with many other people making sure that Aboriginal people's rights were recognised. Only in the last 10 years or so have politicians been prepared to stand up and talk about and get involved in the Aboriginal issue. For more than a hundred years before then the politicians and civic leaders did not want to have anything to do with Aboriginal people or the activists within the Aboriginal community. Pearl Gibbs worked hard all her life for her people. It was great to see her recognised last Saturday and I was very pleased that the honourable member for Rockdale and his wife, Lucy, attended the cruise to celebrate the birth of Pearl Gibbs 100 years ago.

### AUSTRALIAN MILITARY FORCES DEPLOYMENT

**Mr WEBB** (Monaro) [11.10 a.m.]: I wish to refer this morning to the commitment that members of the defence forces—Army, Navy and Air Force—are currently making in heading off to the Afghanistan conflict. A number of them live in my electorate, supporting various aspects of defence force operations in Canberra and Cooma, particularly the defence force call centre in Cooma. The people there will be under additional stress now that Australia is actively involved. The naval base at HMAS *Harman* is just inside the Australian Capital Territory but it is often regarded as part of Queanbeyan. A number of the people who work there live in Queanbeyan, Jerrabomberra and surrounding areas of the Yarrowlumla Shire.

We thank defence force personnel for their commitment and our thoughts go with them at this time. Their families at home are often left in the dark without information. Their loved ones on the HMAS *Kanimbla* or the HMAS *Adelaide* have sailed and will be away for eight months or longer. Personnel on other naval vessels, members of the Special Air Service, and other Air Force personnel are also involved. I would like to think that members of this House would join me in wishing those members of the defence force all the very best and a safe return. Our thoughts are with their families in Australia and with the defence force personnel involved in logistics support and control representing us across the world.

The defence force will have a greater role within the electorate of Monaro once the defence operations centre earmarked for a location on the Kings Highway goes ahead and once the naval munitions facility at Twofold Bay is up and running. Both will be significant defence force infrastructure sites within the electorate of Monaro. There will also be a great commitment from residents of Monaro in the design, construction and staffing of those two fundamental defence force facilities. I particularly acknowledge the commitment of my local RSL branches and sub-branches throughout the Monaro electorate. I acknowledge the very important role they play. I also acknowledge the role that legacy plays within local communities throughout the area in not only looking after people who have made this kind of sacrifice before but also continuing its work to help us all remember the commitment that defence force people have made across the world. It is timely that this coming Sunday is Remembrance Day.

In conclusion, I take this opportunity to say that we must remember the sacrifice that defence force people make, and have made, on behalf of Australians. The contribution they have made over past decades and, indeed, over the past century has allowed us to enjoy living in this great democracy. I acknowledge our ongoing debt and gratitude to those people. It is important that we remember them. It is important also that at 11.00 a.m. on Remembrance Day we all take a minute to remember the sacrifice of those who died or suffered in Australia's cause in wars and conflicts. I refer to Timor only a short while ago and other conflicts throughout the last century, particularly Gallipoli and France, where members of my family lost their lives. Recently I attended the eighty-fourth anniversary of Beersheba and the last charge of the Light Horse Brigade. Lest we forget!

### BANKSTOWN SQUARE CHRISTMAS DISPLAY

**Mr STEWART** (Bankstown—Parliamentary Secretary) [11.15 a.m.]: This week I have raised strong concerns with Bankstown Square Centre Management, Lend Lease, after learning that it has made a commercial decision to scale down Christmas in Bankstown. For the first time in more than 20 years, Bankstown Square management will not be putting on a Christmas display in its Centre Court—something it has always had. I remember going to the display when I was a boy. Last year Santa Claus arrived with live reindeer. The display had a walk-through theme, and there were Christmas elves, an array of Christmas characters and other live animals. The Christmas celebration culminated in a nativity scene that children from all backgrounds came to see, whether they were Christians, Buddhists, Hindus or Muslims. There are 122 nationalities in the Bankstown area and they all celebrate the spirit of Christmas.

At what is one of the largest shopping complexes in Australia, Lend Lease has made a commercial decision to scale down Christmas. During the past week my office has been inundated with complaints from irate mothers and fathers who have learnt that there will be no walk-through Christmas display in the biggest shopping complex in the Bankstown region. The decision to scale down Christmas at Bankstown Square is insensitive to the majority of the local community and totally contrary to written advice I received from Lend Lease's centre manager, Mr Robert Caruana, less than two weeks ago. He wrote to me after I had heard rumours about the decision. He said in no uncertain terms that the Christmas display will follow past trends. He outlined what would happen, and referred to the nativity scene. Mr Caruana gave no impression that there would be any scaling down of the Christmas celebrations. On Monday of this week Bankstown Square management, through the promotions manager, Rachael Turner, circulated a leaflet, the first dot point of which states:

The decision to scale down our Christmas decorations was made in December 2000.

Yet two weeks ago I was told that Bankstown Square would have a normal Christmas display. The leaflet further stated:

This was a commercial decision, allowing us to redirect additional marketing funds towards other marketing activities throughout the year.

Fair Dinkum! What is this really about? Talk about Scrooge at Christmas! Lend Lease has made this commercial decision at a time when we really need Christmas. It appears that Bankstown Square's management has made this decision to scale down Christmas post the events of 11 September, with all the sensitivities attached to that in an area like Bankstown at the moment. More so than ever, this is the time when the spirit of Christmas is of paramount importance, particularly in the Bankstown region. Our local Muslim community is not offended by the Christian celebration of Christmas. Indeed, that community often joins in the spirit of Christmas and the local celebrations, most centrally at Bankstown Square.

It seems that Bankstown Square management, through this decision to scale down Christmas, is trying to make the celebration of Christmas in the Bankstown local area offensive, something we want to hide from and something we should be embarrassed about. However, we should not hide from, or be embarrassed about, Christmas. We should wholeheartedly celebrate Christmas. We should celebrate the spirit of Christmas, the freedom that Christmas offers and the fraternity and unity. Christmas celebrations affect all communities, not just the Christian community. Bankstown is Australia's most multiculturally diverse region and all local communities, regardless of background, have always enjoyed Bankstown Square's Centre Court celebrations for Christmas.

In contrast, we have rung all the Westfield shopping centres around Sydney. Westfield Parramatta will put on its biggest Christmas display ever. Santa Claus will arrive at Westfield Parramatta on 17 November, parading through the centre in a sleigh pulled by 12 Samoyed dogs. Frosty the snowman will arrive, and snow will fall from the centre court. Kostya Tsyzy will also take part in the parade. It will be bigger than *Ben Hur*. But people will need a packed lunch and compass to find Santa Claus at Bankstown Square. That is not on. We want to see Santa Claus in Bankstown. We want to see the Christmas display, including the nativity scene. We do not want to hide from what Christmas stands for.

It is a community celebration. Bankstown Square's management, Lend Lease, should be ashamed of its decision—a commercial decision, according to Lend Lease—to scale down Christmas. Lend Lease should be labelled the Scrooge of this Christmas. The people of Bankstown will not tolerate this. Petitions are circulating, asking for Christmas to be brought back to Bankstown Square. I will wholeheartedly support my community, not only Christians but also Muslims, Hindus and Buddhists, who are asking for Christmas to be brought back to Bankstown to celebrate the unity that Christmas brings to a community like Bankstown.

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [11.20 a.m.]: The honourable member for Bankstown has brought a disturbing event to the notice of the Parliament today. Lend Lease wants to smarten itself up. The Parliament should condemn Lend Lease management for taking Christmas away from Bankstown. How mean spirited could an organisation be? An organisation that will make a small fortune out of Christmas is denying the kids of Bankstown the right to celebrate Christmas and to see Santa Claus.

What the honourable member for Bankstown said should be echoed by all members of Parliament whenever possible, and we should condemn Lend Lease for downgrading Christmas in an area where we need some goodwill and the spirit of Christmas. Kids are being denied the right to celebrate the most important day of the year. Kids look forward to seeing Santa Claus and they look forward to Christmas. However, Lend Lease will deny the kids of the western suburbs of Sydney that right, and it should be condemned.

**Private members' statements noted.**

## **BUSINESS OF THE HOUSE**

### **Routine of Business: Suspension of Standing and Sessional Orders**

#### **Special Adjournment**

**Mr WHELAN** (Strathfield—Minister for Police) [11.23 a.m.]: I move:

- (1) That standing and sessional orders be suspended to provide for the following business to be conducted for the remainder of this sitting:
  - (a) postponement of the remaining private members' statements until a later hour;
  - (b) Government Business Order of the Day No. 11 [Justice Legislation Amendment (Non-association and Place Restriction) Bill];

- (c) resumption of the consideration of private members' statements; and
  - (d) consideration of committee reports
- after which the House will adjourn without motion.
- (2) That the House at its rising this day do adjourn until Tuesday 13 November 2001 at 2.15 p.m.

In essence, the House will adjourn today and resume again next Tuesday. For those members waiting to make private member's statements, I am bringing on the Government's legislation on non-association orders. Debate on that bill will take five minutes. I suggest that members remain in the Chamber and listen to the eloquent speech by the honourable member for Gosford on this important bill, which the Government wants to proceed through the House today.

**Motion agreed to.**

## **JUSTICE LEGISLATION AMENDMENT (NON-ASSOCIATION AND PLACE RESTRICTION) BILL**

### **Second Reading**

**Debate resumed from 26 October.**

**Mr HARTCHER** (Gosford) [11.28 a.m.]: Christmas has come early to the New South Wales Parliament. I wish everyone a merry Christmas, and I wish John Howard a successful day tomorrow. Having caused turbulence in the House, I now devote my attention to the Justice Legislation Amendment (Non-Association and Place Restriction) Bill. This bill is significant and important, and I indicate that it is not opposed by the New South Wales Coalition parties. It seeks to ensure that in bail applications, upon appeal or upon conviction, people can have imposed on them orders that they are not to associate with other specified individuals and they are not to go to certain places.

The restrictions relate to adults through amendments to the Bail Act, the Crimes (Administration of Sentences) Act and the Crimes (Sentencing Procedure) Act and to children through amendments to the Children (Criminal Proceedings) Act and the Children (Detention Centres) Act. This legislation is long overdue. It is clear that much crime is related to gang activity and much juvenile crime is caused by gang activity and peer pressure. Young people on their own will not commit offences that they frequently commit in company. Society needs to prevent the coming together of people with criminal intent or people who are idle, because it may lead to criminal conduct.

This significant and important legislation is part of the armoury of fighting crime in this State, especially gang-related crime. At the Australian Labor Party State conference in 1994 the Premier, who at that time was the Leader of the Opposition, made a great deal about fighting gangs in New South Wales. Members of the left wing of the ALP demonstrated opposition to the then Leader of the Opposition by wearing baseball caps backwards, because they thought he was being too hard on youth. It has taken until 2001 for the Premier to carry out his promise and introduce this legislation to the Parliament. That is the snail's pace at which legislative reform, especially crime-fighting reform, moves in this State.

The Opposition is concerned that the Premier's heart is not in the job with this legislation being so long overdue. It is important that police and the court system work together to ensure that criminals or people of ill intent do not come together for idle or criminal purposes. As has been proven so often in fighting crime, it is not enough that the police do their part; the courts must back up their efforts. I sincerely hope that when this legislation is passed it is used and enforced by the court and does not become simply a dead letter. The legislation should not be subject to restrictions or technical interpretation, it should be used reasonably widely to ensure there are controls on people coming together or accessing certain places.

I clearly understand how the legislation can be used. In particular, place restriction orders should be imposed against young people hanging around in gangs at railway stations and shopping centres. Considerable alarm is caused to law-abiding citizens by the presence of young people in those places, even if they are not doing anything. I hope that the orders will be sought by the police and enforced by the courts. The Coalition will not oppose the legislation in either House.

**Mr WHELAN** (Strathfield—Minister for Police) [11.33 a.m.], in reply: I thank the honourable member for Gosford for his contribution and I thank the Opposition for its support of the bill.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

**Pursuant to resolution private members' statements taken forthwith.**

## PRIVATE MEMBERS' STATEMENTS

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### MITTAGONG PUBLIC SCHOOL

**Ms SEATON** (Southern Highlands) [11.35 a.m.]: Honourable members will recall that in 1996 I informed the House of the very hard work of the Mittagong Public School Parents and Citizens Association and the school council in lobbying for a much needed permanent library building at the school. I am pleased to say that as a result of that work the department gave that commitment and the building is now enjoyed by the 500 students of the school. But the story does not end there. That was just the beginning of meeting the future needs of the students. Last year in that library building I met with members of the parents and citizens association and the school council to talk about their long-term master plan for the school.

I congratulate the association and the school council on their hard work in outlining that master plan for the school to meet the needs of Mittagong, which is a growing town with an increasing number of young families. At the meeting we talked about presenting our case to the State Government and agreed that the case should be presented on merit. As a result of the hard work of the school council under the leadership of its President, Mrs Carol Frith, a document entitled "A Submission for Major Capital Works and Building Upgrades for Mittagong Public School" was prepared. That document sets out the council's concerns under the headings "Status of Current Buildings", "Health and Welfare Issues", "Teaching and Learning Issues", "Recommendations", and "Conclusion".

To assist honourable members, particularly the Minister for Education and Training, the document contains a clear map of the layout of the school and photographs that illustrate some of the problems. The parents have pointed out that the standard of education is at serious risk because a lot of the classroom accommodation is below standard. Some buildings are very old and there is a shortage of break-out spaces for small work groups to get together. Some classrooms are too small and some are partitioned by flimsy sliding doors. Therefore, with classrooms side by side, the noise makes it hard for students to concentrate.

Block B is the original building, having been built in 1937. It has only six small classrooms and is riddled with white ants. It has no storage or wet areas. Parents want minor work carried out on that building under the overall master plan. Blocks E and F are wooden portables about 60 years old, and lack proper modern facilities. Block G, which houses the two most recent permanent classrooms, is about 38 years old and does have wet areas and storage. Blocks H, L, M, N and O are demountables which contain nine shabby classrooms that need to be upgraded. Downpipes from many of the roofs are not connected to stormwater drainage. Many classrooms do not have wet areas and the maintenance level is poor. There is rust in the ceilings, and cracks in the walls and floors, and the buildings are like ovens in summer and freezers in winter. Additionally, there is a shortage of covered walkways at the school.

The administration area is relatively modern. The library, of course, is the centrepiece of the school. Its many modern features have been donated by the school community and include a digital projector screen and airconditioner. The parents point out that the school's current population of 528 requires at least 16 core rooms, but the school has only 11. The master plan should include a plan to upgrade those buildings and to increase the number of classroom spaces with all of the essential features, including wet areas, storage areas and suitable breakout areas. I congratulate the parents and citizens association on preparing this document. I hope that the Minister for Education and Training will read it very carefully and makes a positive response.

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [11.39 a.m.]: I have heard what the honourable member for Southern Highlands has had to say. I suggest that he should raise the matter with Jan Merriman on Monday when Jan becomes the new Federal member for Hume.

### WALLSEND ELECTORATE TRAFFIC LIGHTS

**Mr MILLS** (Wallsend) [11.40 a.m.]: I inform the House about concerns of some members of the community in the Wallsend electorate about the safety of right-turn phases in traffic lights. In May this year my constituent Mr Baldwin of Glendale contacted me seeking changes to the traffic signals for vehicles turning right from Main Road, Glendale, into Glendale Drive. Mr Baldwin advised me that there have been many crashes at that intersection. Drivers can clearly see vehicles in the inside lane coming from the opposite direction, but cannot always see what is coming up in the outside lane. Drivers are turning right in front of

oncoming traffic. Mr Baldwin suggested that the only way drivers should be able to turn into Glendale Drive is with a green arrow. He felt that drivers should not have the option of turning in front of traffic which is travelling in the opposite direction unless the opposing traffic has a red light.

I asked the Lake Macquarie Traffic Facilities and Road Safety Committee to investigate this matter, because there was a phase in the lights during which neither a red nor green arrow was displayed while the green light was showing, and drivers were free to turn right if no traffic was coming towards them. The Lake Macquarie traffic committee referred the matter to the Roads and Traffic Authority [RTA], which has control of the intersection. The regional manager for the RTA arranged for representations to be forwarded to the Minister for Roads for consideration. Last week I received the Minister's reply regarding the safety conditions for the traffic signals at the intersection of Main Road, Glendale Drive and Cedar Street, Cardiff. The determination of the Minister stated:

I am pleased to advise that, with a view to improving safety, an additional right turn green arrow has been provided in the traffic signals at this intersection.

The determination was signed by the Parliamentary Secretary for Roads, the honourable member for Cabramatta. On 28 August there was a triple fatality when a car and a semitrailer collided on Newcastle Road, Wallsend, at traffic lights on the corner of Drury Street and Victory Parade. On 29 August the *Newcastle Herald* reported:

Police said yesterday's fatal accident at Wallsend happened when the semi-trailer and the car collided as the car was turning right into Drury Street ...

Police said two cars waiting at traffic lights were damaged after being hit by the sedan.

The occupants were helping police with inquiries...

East-bound traffic on Newcastle Road was diverted until about 5pm ...

Acting Wallsend duty officer Stephen Bragato said the truck driver was taken to Wallsend police station yesterday to be interviewed.

The car's driver, from Armidale, was expected to be interviewed in the next few days.

Two days later I was contacted by Mr and Mrs Houston of Wallsend, who signed their letter "Concerned Citizens & Motorists". They expressed concern about the fatality on 28 August and raised the issue of right-turn lights. Their letter stated:

Since these lights have been installed [at that intersection a few years ago] it's been a serious accident waiting to happen... Every day traffic coming from Drury [sic] Street turning right onto Newcastle Road **do not give way to traffic coming straight ahead** from Victory Parade...

They want arrows to indicate a right turn out of Drury Street, arrows marked clearly on the road, and any other signage necessary to alleviate the problem. Their requests were referred to the Newcastle traffic committee. Another constituent, Ms Abery, approached Councillor Piddington about two similar matters relating to the same intersection. Those matters also reached the September meeting of the Newcastle City Traffic Committee. One matter referred to the Drury Street problem and the other referred to traffic turning right out of Newcastle Road into Drury Street.

Ms Abery requested that the filtered right turn arrow be removed from the phased traffic signal and that right turns be allowed on a green arrow only, with a red arrow displayed at other times. In early September the inspection committee met with councillors and a number of local residents at the site. They observed that eastbound traffic in Newcastle Road was obscured to motorists waiting to turn right into Drury Street from Newcastle Road westbound if a large vehicle was in the right-turn storage lane, waiting to turn right into Victory Parade. Newcastle City Council's accident records show one other tow-away injury or accident involving a vehicle turning right into Drury Street.

Police records indicated six accidents involving vehicles turning right from Newcastle Road into Drury Street being struck by opposing straight-through traffic. The site was to be investigated as part of a coronial inquest. The committee recommended that the RTA mark the left-turn and straight-through pavement arrows in the kerbside lanes of both Drury Street and Victory Parade, and requested the RTA to remove the filtered right-turn phasing in the signals at Newcastle Road, Drury Street and Victory Parade for traffic turning right into both Drury Street and Victory Parade due to the accident history and because traffic in the opposing right-turn

storage lanes creates a blind spot for approaching straight-through traffic. The matter is listed as urgent. The committee's recommendation was adopted. The RTA has been asked not to wait for a report from the Coroner's Office because the accident may not be referred to the Coroner.

### EMPIRE BAY SEAWALL

**Mr HARTCHER** (Gosford) [11.45 a.m.]: I draw the attention of the House to the unsatisfactory review procedures adopted by the Department of Land and Water Conservation in advising councils of the merits of development application proposals. In particular I refer to an ongoing problem at Empire Bay in my electorate concerning the proposed removal of an existing seawall. This seawall has existed in Empire Bay for almost 60 years. It also acts as a pathway that leads to a walkway and a public reserve at its western end. The pathway has been used and enjoyed by locals without complaint over that time. Recently, however, proposals have been submitted to the Department of Land and Water Conservation to have this seawall removed. Those proposals have come from a few residents whose properties adjoin the wall. Following the determination of the department, the proposal will then proceed as a development application to be lodged with Gosford City Council.

The proposals have been put forward by a few residents who are seemingly trying to develop what has, up until now, been considered to be public space. If the proposal is allowed to go ahead, residents of Empire Bay and surrounding areas will lose their access to the water and the public reserve. It is clear that the only people who will benefit from this development will be those who have proposed it because it will allow them uninterrupted access to the water. However, it is most disappointing that both the Department of Land and Water Conservation and Gosford City Council have allowed this proposal to progress to the stage where it can be accepted. If the proposal is allowed to proceed, it will do so in the face of significant opposition from local residents. Indeed, the support of more than 600 Empire Bay residents was obtained by way of a petition demanding that the wall and the walkway should remain as is. However, these concerns of the majority of the community have so far been ignored.

Initially the Department of Land and Water Conservation advised those who opposed the proposal that it was seeking legal advice on the question of the right of public residents to use the pathway against the perceived rights of those initiating its removal. The Department of Land and Water Conservation also advised those who opposed the proposal that it was holding discussions with Gosford City Council on the future control and maintenance of this wall. Residents believed that they would continue to be consulted as the matter progressed through the various stages of the application process. Indeed, six or seven months later this application is still to be resolved. Subsequently, however, a new application was lodged by the same applicants, again seeking to remove the seawall. That application also sought to remove the existing seawall and replace it with a new path along the sandbed, with new steps and a new ramp to allow access to the walkway and public reserve.

To the large majority of residents and to anyone familiar with the area of Empire Bay, this proposal is totally unworkable. Indeed, a pathway along the sandbed would often be covered by water. Furthermore, I have been advised that the new proposal would go against the policies of the Department of Land and Water Conservation. Despite the active petitioning of the relevant authorities by residents of Empire Bay who are opposed to these proposals, the department consented to this new proposal on 30th October 2001. In light of the aforementioned active opposition by such a large majority in Empire Bay, the department's move can only be interpreted as mere rubber stamping. The department's role is not simply to fast-track applications and proposals but to carefully consider the options and consult all interested parties before reaching its conclusions. Quite obviously, the department did not do so in this case.

Many residents wrote not only to the department but also to the office of the Minister, the Hon. Richard Amery, seeking an opportunity to relay their concerns about this matter. However, their requests were denied. They were advised that a tremendous amount of time had already been spent on the matter and that as such it would not be possible to have officers on site to continue to deal with issues as they arose. That response is totally unacceptable to the majority of residents of Empire Bay as they feel strongly about this issue. Now that this second proposal has been approved by the department, seemingly without due process, residents fear that council will also fast-track its approval.

The House would no doubt recognise the importance to a community of places such as this seawall. The fact that it has been used by so many for so long should ensure that any proposals to change its access should be open to full consultation with all interested parties. It is simply unacceptable for a Government to

ignore the concerns of so many members of the community. I call upon both the Department of Land and Water Conservation and the Minister to review this matter for the sake of the public interest. It is incumbent on them to allow the residents of Empire Bay to have their views heard and considered. This is a proposal that cannot and must not be fast-tracked or rubber-stamped for the sake of expediency. This seawall has stood for 60 years and it has been of great benefit to the people of Empire Bay.

Only two weeks ago Empire Bay was described in the Saturday edition of the *Sydney Morning Herald* as a beautiful village, remote, a hideaway, and one of those treasures that are unknown to the people of Sydney. Empire Bay is indeed a beautiful area that has not yet been discovered by the tourist movement. It is an area greatly enjoyed by its residents. Its beauty relates to its connection to Brisbane Water. The seawall is part of the open space and usage by residents of their wonderful bay. It is important that they continue to be allowed to enjoy it and that their views are taken into account by the Minister.

### WESTLAKES SCHOOLS FUNDING

**Mr HUNTER** (Lake Macquarie) [11.50 a.m.]: Today I wish to raise the issue of Westlakes school funding requests. During this week and over the past few weeks I have raised a number of issues concerning schooling in my electorate. Today I would like to raise a matter concerning Fassifern Public School. Over the past few months I have made a number of visits to the school. The first was on 27 July, when I attended a tree planting event, undertaken with the assistance of the local Landcare group. On 13 September I attended the Education Week festivities and the official opening of a shaded outdoor eating area—Powercoal having assisted with funding for the construction of this facility—and on 27 October I was pleased to officially open the school fete. I congratulate the principal, Annette Bradley and all those associated with the organisation of the fete. It was a successful day, and a lot of hard work went into its organisation.

Since then I have received from the president of the parents and citizens association, Stacey Weaver-Sweeney, a request for my assistance to gain funding for the school. The school has had a number of problems, particularly in relation to noise from the main Newcastle to Sydney railway line. Fassifern railway station is close to the school and a number of classrooms suffer from noise problems. In fact, teachers have to stop teaching when trains go past, particularly heavy and long freight trains. The school would also like 50-50 funding for a covered outdoor learning area [COLA] to be placed over of the existing concrete basketball court. The school has also requested covered walkways from the toilets to the classrooms, an upgrade of the administration area, assistance with road safety measures and re-marking of the 40 kilometres-an-hour road signs outside the school, and increased security lighting.

The school would also like increased seating facilities in the lower playground, a canteen facility, a noticeboard to be erected at the front of the school to raise community awareness of the school, and some turf for the top playground. These are all worthy projects. This is a small school that can raise only limited funds. I have made representations to the Minister on behalf of the school. Today I raise this matter in the House and seek the Minister's support for funding for Fassifern Public School. Earlier this year I received a request from the President of Blackalls Park Public School Parents and Citizens Association, Beth Stavely, seeking my assistance to gain joint funding for a covered outdoor learning area.

Following representations I made to the Minister, he has advised me that he notes the commitment and contribution of the school's parents and citizens association. Its participation in the joint funding of the capital works program is further evidence of the goodwill, independence and sense of ownership promoted by the program. Unfortunately, the school's application was submitted in June, and funding has been made available for those schools that applied before 28 February. The school has been placed on a reserve list and given high priority in the event that further funds become available during this financial year. If no funds become available the application will be given high priority next financial year. I advise the Minister today that I support the school's application. Again, it is a small, hardworking school that is raising funds. His assistance in granting funds for this very worthy project would be appreciated.

I have also received a funding request from Mr Greg Smith, of the Toronto High School environmental committee and Chris McLean, the student Landcare representative. The school has been working on a number of environmental initiatives, and recently the efforts of the environmental group were recognised when it received a Highly Commended award in the Lake Macquarie Environmental Awards, placing it second amongst Lake Macquarie high schools. The aim of the environmental group is for Toronto High School to become a showcase for best environmental practices. However, in order for it to undertake future projects, further funding is required.

Students recently held a competition to improve a degraded section of the school, with entries to be judged by John Hughson, the Lake Macquarie Landcare co-ordinator. Although some funds have been provided for plants for this area, there are insufficient funds to complete the project and the school has asked me to ascertain whether any assistance can be provided. Today I spoke to the Principal of Toronto High School, Jim Barnes, who said that there is great support within the school for this environmental initiative. Work has been carried out to remove introduced plants along the banks of Stony Creek. The school is certainly doing a lot to work with the local Landcare group to improve the local environment and the environment at the school. Again, I seek assistance from the Minister for funding to help the students of Toronto High School improve their local environment.

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [11.56 a.m.]: The honourable member for Lake Macquarie has raised issues relating to three schools in his electorate. I know how hard he works for his electorate and I have no doubt that with his constant badgering of the Minister he will be able to get the funds that are required to allow these three working-class schools in his electorate provide basic services for the kids.

### DUBBO TIDY TOWNS AWARDS

**Mr McGRANE** (Dubbo) [11.56 a.m.]: I bring to the attention of the House the Tidy Towns Awards for 2001, which will be held in the city of Dubbo this weekend. It will bring together all the tidy towns committees of New South Wales. Over the next 2½ days at least 400 delegates will attend the awards presentation in Dubbo. Dubbo was the winner of the Tidy Towns Award for the year 2000 and therefore will host this year's awards to enable delegates from all around the State to learn from its experiences. Various categories of awards will be presented. Indeed, for the past nine years the tidy towns committee for the city of Dubbo has been like a lady-in-waiting. It has won many awards in different areas but had never won the major award until the year 2000. I place on record my appreciation to the committee.

Although there has been a small change in personnel, the core members of the committee have remained the same for the entire nine years. The committee comprises a large cross-section of the community, who have come together and worked as one. The theme for this year's conference is "Together we will do better for our future, for our community and for our environment". That sums up the goal of all tidy towns committees in New South Wales and Australia. It will make our cities and communities better places in which to live and encourage communities to become more conscious of the environment.

During my time as Mayor of Dubbo prior to my becoming a member of this place, members of the Dubbo community and I were able to bring together the church communities of the electorate for a tree-planting day. I might add, it took a little bit of work on my part. I had to have two lunches with the Ministers fraternal to float the idea. I probably should not say this because it could be misunderstood, but the Ministers fraternal were a little slow on the uptake: it took more than one luncheon to convince them it was a good idea to bring the various church communities together, in an ecumenical way, for the planting of trees.

In the first year 10,000 trees were planted on a prearranged day, and in subsequent years 12,000 trees were planted. The morning commenced with an ecumenical church service, the planting of the trees followed, and a community barbecue was then held. Although churches have a deal of resources, it seems that they are not given enough guidance as to how to best invest those resources in the community. Tree planting on one day a year involving all church communities in the city of Dubbo has brought those communities together and further motivated the ecumenical movement, and they can see the results. I believe that this could be done in many other areas.

It will be a great weekend in the city of Dubbo. The Premier intended to attend the awards night to present awards, but, unfortunately, due to a prior commitment he will not be able to attend. The Hon. Pam Allan, the State President of the New South Wales Tidy Towns group, will present the awards on behalf of the Premier. A number of other politicians will also be in attendance. The event will be an opportunity for the hard-working members of communities throughout New South Wales to come together, have a good time and, most importantly, learn from each other.

**Mr GAUDRY** (Newcastle—Parliamentary Secretary) [12.01 p.m.]: I congratulate the honourable for Dubbo on his persistence in seeking to bring together the churches fraternal and convincing them of the positive aspects of tree planting. I also congratulate him on bringing to the attention of the House the efforts of the wonderful Tidy Towns organisation and the awards presentation that is to be held in Dubbo this weekend. During the last Parliament, as chair of the Government's environment committee, I had the great honour to participate in the Tidy Towns annual awards presentation.

There is no greater example of the coming together of regional communities to improve the environment than the Tidy Towns movement. I particularly refer to the small town of Greta. The Tidy Towns committee there has absolutely transformed the main street of the town. I am sure that Tidy Town committees throughout New South Wales, particularly in the electorate of the honourable member for Dubbo, have also been responsible for excellent improvements. I congratulate all members on their involvement in the Tidy Towns movement, but particularly the honourable member for Dubbo.

#### **PORT STEPHENS RAAF WILLIAMTOWN SUPPORT GROUP**

**Mr BARTLETT** (Port Stephens) [12.03 p.m.]: I wish to acknowledge the work of the Port Stephens RAAF Williamtown Support Group and its contribution to the Port Stephens community. The group has a number of roles. First, it has a social role in the sense that it assists base personnel with their social needs. It is currently raising money to fund the construction of a cycleway between Medowie and Raymond Terrace. I also acknowledge the wonderful contribution of the 2,500 RAAF Williamtown base personnel and the work they do in the community.

One of the ways in which we acknowledge such contributions to the community is to hold a Port Stephens RAAF Williamtown Citizen of the Year awards presentation dinner. The award recognises the valuable contribution of RAAF personnel, reservists and their families to the local community. It also provides positive publicity for the RAAF base to assist in promoting its long-term viability in the region. This year's awards presentation was sponsored by some 28 organisations. The major sponsors were Kloster Ford, BAE Systems, Fighter Force Publishing, Port Stephens Council and Snowflakes Cakes and Pies of Salamander Bay. Twenty-three other organisations also sponsored the event. The awards presentation is organised by a support group committee that meets three or four times a year. That committee comprises John Donahoo, John Longrigg, Phil Darvall, Barry Sandwell and Lue Fagan.

This year's nominees were of outstanding quality, and I should like to acknowledge their contributions to the Port Stephens community. David Coysh is the President of the RAAF Williamtown Multisports Endurance Club and serves as a committee member of the Tomaree Triathlon Club. Susan Hume provides voluntary service to the community in the Birubi Point Surf Life Saving Club, Nelson Bay Soccer Club, Anna Bay Public School and the St Philip's Christian College. For six years Bevan and Joy Box have been instrumental in the running of Medowie Little Athletics and remain enthusiastic about the task. Mick Dunbar is the junior development officer with the Port Stephens Cycling Club. Rod Lavelle is the cub leader for the 1<sup>st</sup> Tilligerry Scout Group. Wayne Newby spends his spare time working as a volunteer fireman in the Tanilba Bay-Mallabula Rural Fire Brigade.

Natalie Greenwood has been a tireless worker in promoting touch football in Defence and the local community. She has proven to be a committed and dedicated fundraiser for the local area, raising more than \$5,000 last year for Camp Quality and more than \$5,000 this year for Ronald McDonald House. Kylie Murchie is an active and long-serving member of the Community Visitors Scheme. Since 1994 Kylie has been assigned a developmentally delayed 93-year-old local resident, whom she visits for countless hours. Finally, Deanne Le Cerf has led a small group of volunteers to carry out much-needed maintenance and upgrading to the base family emergency accommodation. These are just of some 2,500 members of the base who belong to the Port Stephens community.

This year the committee seriously addressed the problem of the long-term viability of the Anzac Day legend. Members would be aware that of the 330,000 who served in World War I only 18 Australians still survive. A debate has commenced in the RSL movement about how one should ensure that the Anzac legend is kept alive in the future. BAE Systems, one of the major sponsors of this year's awards, along with the support group committee, has for some time played with the idea of sending the award winner to Gallipoli on Anzac Day. This year's award winner was Flight Lieutenant Susan Hume. As a mark of the committee's respect and an acknowledgement of the work that RAAF Williamtown does, Sue will go to Gallipoli on Anzac Day next year, sponsored by both BAE Systems and the Hunter RAAF support group. [*Time expired.*]

**Mr GAUDRY** (Newcastle—Parliamentary Secretary) [12.08 p.m.]: The honourable member for Port Stephens has drawn a very clear picture of the economic and strategic importance of RAAF Williamtown to the Newcastle-Port Stephens area and, indeed, to Australia. The honourable member referred in particular to the contributions to the community of members of the RAAF family and the recognition of their efforts at an awards dinner. He outlined the important range of functions performed by these people in a voluntary capacity, whether in sport, the Cubs movement, community visitor schemes or the provision of better emergency

accommodation facilities for RAAF personnel. I thank the honourable member for Port Stephens for bringing these matters to the attention of the House and for highlighting the important role played by defence families in the Port Stephens electorate.

### MISS WAGGA WAGGA QUEST

**Mr MAGUIRE** (Wagga Wagga) [12.09 p.m.]: On the evening of Saturday 3 November I had the great pleasure of attending the fifty-fourth crowning of Miss Wagga Wagga. Honourable members might draw the conclusion that Miss Wagga Wagga is a beauty pageant, but it is not. It is a quest that encourages young women to become involved in their community. It asks young women to choose a charity for which they will work for six months to raise funds and to champion the charity's cause. The Miss Wagga Wagga quest also assists in the personal development of entrants, who aim ultimately to be crowned Miss Wagga Wagga or Community Princess—which is the title awarded to the highest fundraiser in that year of the quest—and to be ambassadors for the youth of our city.

Over the 54 years that the quest has been held in Wagga Wagga it has raised many millions of dollars for charities. This year's quest entrants were Elana Post for Noah's Ark Toy Library, Jennifer Ditekun for the Wagga Police and Community Youth Club, Melanie Fitzsimmons for the Wagga Rescue Squad, and Natasha O'Keefe for The Haven. On Saturday evening I had the pleasure of announcing and crowning this year's Miss Wagga Wagga and Community Princess. The successful entrants were Melanie Fitzsimmons, Miss Wagga Wagga, and Natasha O'Keefe, Community Princess. I acknowledge the great contribution of all this year's entrants and thank them personally for their work on behalf of their chosen charities and for the way in which they participated in the quest. As was said on the evening, everyone who participates in the quest is a winner.

Unfortunately, in this modern age quests such as the Miss Wagga Wagga quest are facing declining participation rates. The challenge for our community is to embrace this quest and to find new ways of invigorating it—perhaps by adding different goals that are more in keeping with this new century. I am sure that people will rise to that challenge. I must acknowledge the sponsors, without whom quests such as Miss Wagga Wagga would not happen. I pay particular tribute to Qantas, which this year chalked up 30 years of sponsorship of the Miss Wagga Wagga quest. Qantas pays for Miss Wagga Wagga and the Community Princess to visit sister cities Nördlingen and Leavenworth biannually. I appreciate the great support that Qantas has given to our community.

I acknowledge also the committee that runs the Miss Wagga Wagga quest. The committee comprises Lee Smith as Madam Chair, Jim Doig, Tony Price, Geoff Smith, Leane Palmer, Pamela Bourke, Mary Tingle, Sidony Menz and Deidry Tome, all of whom have worked tirelessly to bring the Miss Wagga Wagga quest to our community and to ensure that it runs smoothly. Saturday evening was a great success and the new venue at the Murrumbidgee Turf Club was warmly received by the community. The Miss Wagga Wagga quest has been managed over the years by the Wagga Wagga Chamber of Commerce, which is 63 years old. Every year it establishes a committee to run the quest, manages the Community Advancement Fund and ensures that money from that fund goes to those charities that do not have Miss Wagga Wagga or Community Princess entrants to raise funds on their behalf and to champion their cause. In fact, some 20 per cent of all funds raised by the quest are given to the chamber of commerce for distribution to such charities. Many community groups will benefit from this year's quest. The two title recipients this year are most worth while and they will do our city proud—as have all 53 previous winners of the quest. I congratulate both young ladies, who I know will be great ambassadors for our city.

**Mr GAUDRY** (Newcastle—Parliamentary Secretary) [12.14 p.m.]: I thank the honourable member for Wagga Wagga for informing the House of the success of this year's Miss Wagga Wagga quest and his crowning of Miss Wagga Wagga and the Community Princess. He pointed out that quests such as this are an important part of community life that give young people the opportunity to serve the community by fundraising for charities. Like the honourable member for Port Stephens, he also highlighted the importance of sponsorship to these events and he thanked the quest's sponsors. The honourable member for Wagga Wagga made the interesting comment that we must view such quests in a twenty-first century context and think of ways in which communities can make them more relevant. Importantly, he emphasised the personal development opportunities offered by quests, which encourage young people to undertake fundraising and public speaking activities and to represent their communities. I congratulate the honourable member for Wagga Wagga on raising this matter in the House today.

## COFFS HARBOUR BYPASS

**Mr FRASER** (Coffs Harbour) [12.16 p.m.]: I bring to the notice of the House and the Minister for Transport, and Minister for Roads the ongoing investigations in the Coffs Harbour electorate regarding a western bypass for the city. I have spoken to the Minister and to Brent Thomas from the Minister's office about this issue and the fact that submissions from people who would or could be affected by the bypass close today. I believe the period for receiving submissions should be extended as the issue has been in the public arena for only approximately five weeks. The area under investigation covers vast tracts of land, and hundreds, perhaps thousands, of people could be affected by the bypass. Unfortunately, I do not think the Roads and Traffic Authority [RTA] has done itself proud in advising those people whose properties might be affected.

I must declare an interest in this matter as one proposed corridor goes directly past, and possibly through, the front of my property. However, I received no notification of this from the RTA. A local valuer drew my attention to the fact that my property might be affected, as I discovered when I overlayed the map circulated by the RTA—which does not identify any points of interest such as Coramba or even street names, apart from Central Bucca Road. I do not necessarily claim it of my property, but farms around mine are on prime agricultural land. I believe this is deceptive: the RTA has not done the job that we expect of it. So far this week I have received telephone calls from 14 people—there will probably be more today—who have only just discovered that their properties could be affected by the proposed route.

On 26 September I attended a meeting of Coffs Harbour City Council that was addressed by Mr Ken Oldfield from the RTA, who said that this proposal would place "two years of uncertainty and blight"—those were his words—on property owners along the route. I believe it is inept, to say the least, to end the submission period after only five weeks as some people in my electorate have no idea that their properties will be affected by the road. Even though there is just terms compensation under the legislation introduced by the then Deputy Premier Wal Murray, that compensation does not take account of the fact that properties will be blighted over the next two years. Those who have a property within the shaded area on the map will find it impossible to sell the property, the value of which will drop in the meantime. I call on the Minister and the RTA to extend the period and to give a clear indication to the people of the Coffs Harbour area whether the proposed bypass will go ahead.

In this year's budget \$278 million was allocated to upgrade the Pacific Highway to dual carriageway status from Sapphire to Woolgoolga. It is difficult to believe that the Government intends to spend \$278 million on that section of road and intends to spend another \$200, \$300 or \$400 million on a bypass. The most obvious route for the bypass is an extension of the Summerland Way from the back of Grafton through Glenreagh, Coramba—or in that general direction—but that was not even considered by the RTA. The RTA has tried to appease the likes of me—I have been pushing for a bypass since 1991—and perhaps Councillor Bill Woods, but it has done a poor job. Coffs Harbour is the largest provincial centre in regional New South Wales and it is bizarre that it is the only major city on the North Coast that is not bypassed by the Pacific Highway. If there is to be a bypass it should be planned and constructed properly. We should plan for the future and ensure that people's property rights are not contravened and that the best is done for the residents of the Coffs Harbour area.

**Private members' statements noted.**

## PUBLIC ACCOUNTS COMMITTEE

### Report: Industry Assistance

**Mr TORBAY** (Northern Tablelands) [12.22 p.m.]: I speak on the report by the Public Accounts Committee on Industry Assistance, especially in relation to the institutional arrangements for regional development. It became immediately apparent to the committee during the inquiry that there are a large number of regional development organisations. For example, the Department of State and Regional Development has 18 regional offices. The department funds 13 regional development boards, which aim to provide strategic direction and local leadership. The department partially funds approximately 40 business enterprise centres in regional New South Wales. Local councils are active in providing incentives to attract investment. Councils occasionally divest their development roles to independent development bodies, such as the Armidale Development Corporation, now known as AI, and Investment Albury Wodonga. Finally, the Premier's Department has eight regional co-ordinators who help co-ordinate departments on important social or economic projects.

For several reasons there are a large number of groups: Australia has three layers of government, all of which like to assist; displeasure with current bodies leads to the creation of new bodies; regional development is

a high profile issue; a lack of co-ordination and information transfer between groups allows duplication; many of these groups can access local resources, often on voluntary basis; and different groups are created to support varying views on local development. In the face of these many organisations all trying to fix the same thing the committee was obviously concerned that there were too many groups. The Department of State and Regional Development supports communities in establishing their own economic development groups. As they have indicated, local groups are closer to local issues. Local groups also argued they had more skills. For instance, independent development organisations stated they had more experience than their councils in business attraction. They also argued they were more cost effective because they were better at getting voluntary support from the business community,

However, the Committee is not convinced independent development bodies are warranted. There was no compelling evidence that these functions could not be provided by councils, nor that councils cannot form links with the business community. The only condition is to ensure that transparency is maintained. In addition, independent development bodies tend to develop as separate entities and develop contrary views to their originating council. The committee therefore recommended that the Department of State and Regional Development should generally advise councils against setting up independent development organisations. Councils should, instead, develop transparent ways of forming links with the business community to promote and encourage local development.

The committee also examined Regional Development Boards and expressed the following reservations about them. As noted in the Mortimer report in 1997, government programs should fund activities, rather than providers. Creating a board does not, of itself, generate benefits for regional New South Wales; it only creates another layer of bureaucracy. Councils already have the role of local leadership. Regional development boards duplicate this role. Many of the boards' outputs are strategies, instead of delivering tangible benefits to local businesses. Finally, the Department of State and Regional Development already has a network of regional offices to advise it on regional development issues. In evidence, a representative from a regional development board argued the boards contribute by planning and co-ordinating local development. However, the committee found that planning and co-ordinating can, and should, be done by local councils in collaboration with State Government agencies. The committee recommended the boards should be wound up. In the spirit of the boards, the money should fund training to improve the leadership and development capabilities of councils and regional organisations of councils.

Overall, the committee found the money spent on most of these groups created additional bureaucracy, rather than delivering additional services. These bodies tend to develop as separate entities and are often more interested in perpetuating themselves. The committee found there is already a long-established network of councils in New South Wales, which the department has underutilised. I appreciate that economic growth in regional New South Wales has been very patchy in recent years, particularly in inland and remote parts of New South Wales. I also appreciate that many people want to help or do their bit—it is natural. However, when people's time and money are involved, it is important to make sure that the effort is being directed to the best possible advantage.

**Report noted.**

#### **PUBLIC BODIES REVIEW COMMITTEE**

##### **Report: Personal Effects: A Review of the Offices of the Public Guardian and the Protective Commissioner**

**Mr ORKOPOULOS** (Swansea) [12.26 p.m.]: As Chairman of the Public Bodies Review Committee I am pleased to have this opportunity to discuss the report of the Public Bodies Review Committee entitled "Personal Effects: A Review of the Offices of the Public Guardian and the Protective Commissioner". This was an important inquiry, attracting a great deal of public interest. As decision makers of last resort, the Offices of the Public Guardian [OPG] and the Protective Commissioner [OPC] manage the affairs of people incapable of doing it for themselves. These agencies have, for a long time, been the subject of public disquiet and controversy—accused of being secretive and controlling about the decisions they make concerning the affairs of their clients. The whole issue of financial and lifestyle management is often a time of stress, anxiety and conflict for families. For some clients, family members, carers or significant persons, their concerns may not diminish. Therefore, the substitute decision maker—the OPG or the OPC—while charged with acting in the best interests of the client, may be seen by family members as acting against their wishes for the client.

The committee also understands that in a climate quite correctly constructed to protect the privacy of clients, the respective offices can and do occasionally stand accused of operating under a cloak of secrecy.

Family members who believe they may know what is best for their relative feel frozen out of the process by a substitute decision maker, particularly when that substitute decision maker is a bureaucratic government agency. There is also the issue of long-term planning and rights of inheritance, the essential conflict of providing for the impaired persons here and now, while also ensuring that the money lasts the distance. As a result of the inquiry, the committee felt that it was all the more compelling that both the Public Guardian and the Protective Commissioner need to stand up to accepted standards of public accountability and responsibility which operates within the rest of the New South Wales public sector. In this report, the committee recommends organisational changes to bring about better management, greater transparency and a stronger client focus.

One of the major issues that the committee dealt with related to the role of the OPC in its financial planning and management of the Common Fund. Rates of return on investments and uncertainty surrounding the sustainability of client finances were ongoing issues throughout the course of the inquiry. Legislative changes last year enabled the OPC to greater diversify the range of areas in which client funds can be invested. These changes should promise much larger rates of return and better long-term financial planning for individual clients. Changes have already begun within the OPC to allow restructuring of the Common Fund to achieve a better investment asset mix to meet clients' needs in both the short term and the long term. However, these changes also mean that the Office of the Protective Commissioner will be moving into a complicated area of expertise in which it has never previously dealt.

Accordingly, the committee identified additional changes that it considered necessary for better financial management and investment. The committee recommended that management of such a large amount of money into so many diverse investments is a job best outsourced to New South Wales Treasury Corporation, or TCorp, which has the required expertise in this area and a greater general pool of money to invest. This has been the route taken by the New South Wales Public Trustee. The committee was persuaded that, like the Public Trustee, the Protective Commissioner did not presently have the in-house expertise to perform the task. Further, the cost of such expertise is prohibitive and such staff are fairly footloose in relation to their employment. However, in relation to financial planning, the committee has recognised that the OPC knows its clients' circumstances and ongoing needs best and, therefore, is the most appropriate body to prepare clients' financial plans, subject to a three-yearly external review.

To ensure that it gets it right in all instances, the committee recommended that the existing financial planning capacity of the OPC be supplemented with expert external financial planners who can be called upon when they are needed. Further, the committee would also like to have a panel of external financial planners established to provide advice on more complex planning issues. The committee recommended that the OPC should concentrate on finishing all its clients' financial plans as soon as possible so that new investment options can be taken up to best advantage. My committee colleagues will address issues in the report relating to improved transparency and accountability, a recommended process for the review of decisions by the OPC and OPG, and improved client relations. The committee received 147 submissions during the course of the inquiry and spoke to 54 individuals and organisations during the course of hearings and briefings.

The inquiry attracted a great deal of interest throughout the community. As these agencies make decisions that affect people's lives and, ultimately, the lives of their families, a great deal of emotion is involved in many of the decisions that they make. I thank all those people and organisations that provided written submissions and spoke to the committee during the course of its inquiry. Their input was essential. I nominate two organisations for special thanks. I refer first to the Carers and Protected Persons Association Inc. Paddy Costa made submissions on behalf of that organisation. I thank Paddy and the members of that organisation for following closely the course of the inquiry and for making submissions to it. I thank the Association of Independent Retirees, which also contributed to the inquiry.

The committee wishes to acknowledge that, in part, this report is a follow-up of the performance audit into the OPC and OPG complaints and review processes conducted by the New South Wales Audit Office in 1999. I thank Bob Sendt, Tom Jambrich and Stephen Horne for their assistance to the committee during the course of its inquiry and I congratulate them on their excellent performance audit. A special thanks must go to Ken Gabb, the Protective Commissioner and Public Guardian. Ken had just taken on this rather challenging job when the committee began its inquiry. It was not always easy for him to have us around. Despite that, he was at all times extremely co-operative and professional.

I also acknowledge the staff of the OPC and the OPG. Their job, which has an inherent conflict, is difficult one. Sometimes they must feel like they are being attacked from all sides. It was never the intention of the committee to add to that attack. I hope that the changes recommended in the report will ultimately make

both organisations better places in which to work. Last, on behalf of the committee, I thank the secretariat for its preparation of the report. I thank in particular John Chan Sew, who worked as our financial consultant and helped committee members get their heads around some of the more complicated financial management issues. I commend the report to the House and, in particular, to the Attorney General.

**Mr MAGUIRE** (Wagga Wagga) [12.35 p.m.]: I am pleased to join the Chairman and other committee members in speaking to the report of the Public Bodies Review Committee entitled "Personal Effects: A Review of the Offices of the Public Guardian and the Protective Commissioner". In addition to issues relating to the improvement of financial performance, in the course of the inquiry the committee also heard about the need for the Office of the Protective Commissioner [OPC] to improve transparency and accountability in relation to fees in the provision of clients' financial statements and to guard against the potential for fraud. The committee noted that many of these matters were addressed through the Audit Office review and in reforms introduced by the Protective Commissioner.

The committee analysed the fee structure of the OPC and considered it to be comparable with similar government bodies in other States and favourable alongside its major private sector competitor. The committee acknowledges the efforts of both the New South Wales Protective Commissioner and the Victorian State Trustee to benchmark their fees. In the interests of better transparency and wider consultation concerning rates charged, the committee recommended that the Independent Pricing and Regulatory Tribunal should set the OPC's standard fees and monitor those fees on an ongoing basis. There have been a number of well-publicised instances of fraud at the OPC in the past. In response to this, the OPC has worked with the Independent Commission Against Corruption [ICAC] and consultant Arthur Andersen to review the OPC's fraud control strategies and introduce a number of initiatives.

These include developing a new internal audit plan; conducting courses developed by ICAC for all staff of the OPC; segregating the approval of expenditure from the actual payment of expenditure; separating those who are responsible for the initial securing of assets; identifying assets and undertaking client planning and budgetary processes with clients and their family members from those who have ongoing management; and establishing a quality control and audit unit to undertake regular spot audits. The committee considers that the recent improvements undertaken by the OPC have significantly limited the potential for fraud. The issuing of regular account statements should provide OPC clients with an increased ability to monitor the financial management of their funds, a means by which fraud may be detected.

Given past fraud activity at the OPC and the concerns raised about it, the committee also recommended that a fraud prevention procedures audit be undertaken by the New South Wales Audit Office and that the results be publicly reported to ensure greater public confidence in the process. In regard to complaint handling, the committee found that there is a perception that the complaints handling system of the OPC is more responsive than that of the OPG, although they essentially offer the same service. The committee reinforces the recommendations of the New South Wales Audit Office to improve complaints handling in both jurisdictions by following the New South Wales Ombudsman's guidelines and standards for complaints handling and introducing specific monitoring and reporting on these.

The committee also recommended that staff training in complaints resolution and in the communication of difficult and complex decisions to clients and related persons be supported. To make the external review of decisions easier and less expensive for clients and other interested persons, the committee also recommended that the Administrative Decisions Tribunal be the first avenue of appeal rather than the Supreme Court. Lastly, as a regional member, I am delighted with committee recommendation No. 20, which aims to provide locally based client contact services to regional areas in New South Wales.

Both the OPC and the OPG have operated as Sydneycentric agencies in the past. It is critical that they have more face-to-face contact with their clients. That cannot always be done successfully over the telephone. It is also critical that both the OPC and the OPG understand the circumstances and wishes of each client who resides in rural areas. I thank my parliamentary colleagues on the committee for their contribution to this report. I also thank committee staff. I enjoyed working on this report. It helped me grow and it helped me understand the complexities affecting people who use the services of the OPC and OPG. I commend the report to the House.

**Mr BARTLETT** (Port Stephens) [12.40 p.m.]: I take this opportunity to speak to the report of the Public Bodies Review Committee entitled "Personal Effects: A Review of the Offices of the Public Guardian and the Protective Commissioner". In both the Office of the Public Guardian [OPG] and the Office of the

Protective Commissioner [OPC] there are occasions when decisions made by the substitute decision maker are challenged by clients, family members, carers or other related persons. It is those complaints that were the catalyst for this report. I start where the honourable member for Wagga Wagga finished. I thank the good-natured chairman and other members of the committee for their unanimous report. I acknowledge the staff of the committee for their contributions, especially John Chan Sew.

I have been involved with this committee for the 12 months it has taken to produce this report, and I believe that the system in New South Wales is one of the best, if not the best, in the world to look after people who find it difficult to look after themselves. One of the first things the committee did during the course of its inquiry was to put the existing system into context by examining other jurisdictions both interstate and overseas. Our examination revealed that New South Wales has a system of financial and lifestyle guardianship that is, by world standards, extremely robust. Most other jurisdictions, such as the United States of America, the United Kingdom and Europe, continue to have their guardianship systems within the court system. It is certainly the case that in both the United States and New Zealand those who cannot afford to pay for guardians do not get them.

Although in many European countries the court pays for individual guardianships, suitable guardians are hard to find; they are not paid very much and it is very difficult to maintain a standard of care across the entire organisation. It is difficult, therefore, in European countries for courts to be too choosy about whom they select for their guardianship lists, and it is almost administratively impossible to properly audit what individual guardians are doing. By comparison, Australia, like Canada, has moved away from the court-based approach and introduced a more comprehensive system to attempt to introduce economies of scale, and to help to ensure that needy people are not slipping through the cracks. That is the starting point of the New South Wales system: it does not matter how much money you have or how little money you have, the system is there to help you. That is in stark contrast to what we saw in most overseas jurisdictions.

We investigated a number of complaints about the organisation, but I maintain that we have one of the best systems in the world. If the recommendations are accepted by the Attorney General, we will only improve on that. The committee received 147 submissions, as well as taking evidence from a number of people. The complaints can be grouped into family rights, dismissal of family rights and family members not getting the rights they think they are entitled to. However, we must remember that the OPG and the OPC are set up to look after the interests of the client. We investigated financial complaints, complaints that staff were too young and inexperienced, and complaints that legal costs came from relatives' estates.

Accusations of fraud, denial of legal representation and denial of natural justice were made. We also investigated complaints about the lack of a complaints mechanism and accountability: the only way to appeal a decision was through the Supreme Court. The report contains a large number of recommendations, but one we considered very closely was the recommendation that the Protective Commissioner be removed as an officer of the Supreme Court of New South Wales and that all duties, powers and functions currently contained within the Supreme Court Rules deemed relevant be transferred to the Protected Estates Act with an appeal mechanism to the Administrative Decisions Tribunal, rather than the courts, to obtain judgment.

**Mr ROZZOLI** (Hawkesbury) [12.45 p.m.]: This is an occasion on which the gravity of the subject of the report highlights the inadequacy of the provisions available to discuss these types of matters: a period of five minutes is hopelessly inadequate. I suggest to the chairman of the committee and the Government that they explore the possibility of having a more wide-ranging debate on these matters. Over the years I have had a great deal of experience with the Public Guardian and the Protective Commissioner. Unfortunately, most honourable members hear only about the complaints; very few hear about the good things the organisation does. Therefore, most of my experiences have involved serious matters that have caused enormous aggravation to both the family and the client and deprivation of their rights.

The previous speaker said that the Public Guardian and Protective Commissioner worked in the interests of the client, but from my observations the interests of the client have sometimes been far removed from the outcomes. The Public Guardian, the Protective Commissioner and the Guardianship Tribunal do not intentionally do the wrong thing, but the processes available to them to assess the true nature of the problem are inadequate. The method of taking evidence at a Guardianship Tribunal—and I have had recent experience of this—is difficult and inadequate. In one case the Guardianship Tribunal made a number of recommendations that caused great concern to both the client and the client's family.

Given the process available to seek evidence from the family and the client, who was not capable of presenting her case well, the tribunal produced an inadequate result. It was only after I intervened and after a

long and, I must say, fair and reasonable hearing that the Guardianship Tribunal changed its attitude and adopted an entirely different approach to the problem. We need to take this issue further. I support the recommendations in the report and I commend the committee for its excellent work. But it is just the starting point for what is a serious issue that seldom manifests itself among people who are able to adequately and responsibly represent themselves. That is the very reason the matter goes to that jurisdiction.

Nonetheless, it is an extraordinarily sensitive jurisdiction, one in which any of us or our families could find ourselves involved at some time. The current mechanisms are inadequate. It is also possible that the Public Guardian and the Protective Commissioner are inadequately resourced, as is the case in many of these instrumentalities. I do not know why, but governments always want to do it on the cheap; they hire mostly young people, or people who do not have vast experience. Yet the matters dealt with by the organisation call for great experience of life, apart from any technical experience, if one is to properly understand the people's needs. It is not merely a matter of fiscal management in a mathematical sense. Many compassionate issues must be taken into account if a good result is to be achieved.

I commend the committee for its work and for opening up many of these issues. However, much more work needs to be done. The issues raised in the report deserve much more detailed consideration than one could possibly give in a mere five-minute contribution. I will watch with great interest what comes out of the committee's report, and the positive initiatives of the Government to implement the recommendations in it and their results. I place on record my thanks to the Protective Commissioner and the Public Guardian, Ken Gabb, who I found to be very helpful in my dealings with him. I commend him for the work he is doing. *[Time expired.]*

**Mr ASHTON** (East Hills) [12.50 p.m.]: I endorse the comments of the chairman and members of the committee, and most of the comments of the honourable member for Hawkesbury, who have spoken to the report entitled "Personal Effects: A Review of the Office of the Public Guardian and the Office of the Protective Commissioner". The committee was well attended and met on many occasions, taking oral and written submissions from a great number of people who told sad stories about their relationship with the Office of the Protective Commissioner [OPC] and Office of the Public Guardian [OPG]. One of the areas of ongoing challenge and opportunity for the OPG and the OPC is client relations. The committee understood the difficulty for staff who are required to describe complex legal and financial matters, often in the face of emotion, conflict, disability and language factors. But the committee also recognised that the reality is that the OPG and OPC must deal with these factors on a day-to-day basis.

While the committee heard evidence from the OPG and the OPC about their sincerity and application in seeking to take account of the wishes of clients and relations when making decisions for the clients, it also heard repeated accounts from clients and family members about perceived failures of the OPG and OPC to address and honour the client relationship. The committee noted that processes have been put in place in both organisations to improve communications. These include client newsletters, surveys of clients, client and family consultations and surveys of private managers. I do not doubt that in part these improvements were made because the organisations knew the committee was investigating their operations.

However, the committee identified the need for both vigilance and diligence in relation to improving client and extra client communications. This was felt to be particularly critical in terms of the express need for greater and more qualitative face-to-face contact between clients and estate managers in the OPC, an area in which clients and related persons felt constantly and demonstrably let down. The problems we identified were the constantly changing personnel and the fact that the personnel—particularly in the OPC, as the honourable member for Hawkesbury said—were often young and were not highly paid. Experienced officers were promoted or left the organisation.

The committee also recommended that the OPC staff duties specifically address the quality of client contact, particularly face-to-face contact. Further, the committee recommended additional training for current staff in effective client contact, communications, disability awareness, cultural awareness and case load management. It was clear to me and to other members that far too many clients had to be looked after by far too few staff. As the honourable member for Hawkesbury said, governments of all persuasions tend to do these things on the cheap.

In general terms, the committee supported the suggestion of the Community Services Commissioner to benchmark the amount and type of contact required between the OPG and the OPC. The committee also believed that other methods for improving transparency in communications could include an ongoing program

of a random audit of cases and ongoing surveys of stakeholders about issues relating to service satisfaction. Throughout the inquiry the committee noted that there was a great deal of confusion among clients and related persons about the role of the court visitor. Court visitors are used by the Protective Commissioner from time to time to visit clients and provide an assessment of their living environment, social interaction and unmet needs. Their confidential report is provided to the Protective Commissioner. Private managers may receive a summary of the recommendations from their OPC representative.

The committee was concerned to ensure that the role of court visitors in making an independent assessment of an individual's life circumstances remains truly independent and of the highest standard. Therefore, the committee proposed that the Protective Commissioner may wish to review communications with clients and related persons about the court visitors' role. In view of the need expressed by clients and related persons for greater face-to-face contact, the committee was concerned that the OPC is currently exploring the concept of a call centre to better manage simple inquiries and requests.

The committee believed that it was important for the OPC, in particular, to do more to better understand the local circumstances and needs of a client, and to develop a better knowledge of support services in the client's own community. It noted that this cannot be achieved by remote contact. The committee, therefore, recommended that funding be sought to pilot the development of locally based client contact services, including in regional New South Wales, of the OPC. Throughout the inquiry the committee heard expressions of support for the importance of the social function provided by the OPG and the OPC. The committee heard from literally hundreds of people in written and oral submissions. I hope that the detailed report we present to Parliament will be acted upon by the Attorney General.

**Mr HUNTER** (Lake Macquarie) [12.55 p.m.], by leave: I am pleased that the Chairman of the Public Bodies Review Committee, the honourable member for Swansea, has agreed to allow me to contribute to the debate. I paid particular interest to the work of the committee in relation to the Office of the Protective Commissioner [OPC] and the Office of the Public Guardian [OPG]. It could be said that the OPC and the OPG operate as the decision maker of last resort on behalf of people incapable of managing their own affairs. In New South Wales, unlike in most other jurisdictions, both offices perform separate functions but are headed by the same person. By law the Protective Commissioner is the Public Guardian and the Director of the Office of Public Guardian is a member of the joint executive that meets monthly. The committee received 147 submissions. I listened with interest to the chairman's speech and heard him say that 54 individuals or organisations spoke with the committee in the course of the hearings and/or briefings. I congratulate the committee on the work it has done.

The issues raised with the committee by clients and related persons are listed on page 19 of the report. Some of those issues are inadequate information provided to families about guardianship; delays in allocating a permanent guardian; concern that the Public Guardian could not adequately advocate for clients; concern that Guardianship Tribunal decisions are not being enacted; alleged mismanagement of clients' funds by the Office of the Protective Commissioner; concern about time taken in processing accounts in the Office of the Protective Commissioner; unfairness of fees charged by the Office of the Protective Commissioner; difficulties in obtaining financial statements from the Office of the Protective Commissioner; concern at erosion of invested funds for protected persons in the Common Fund; non-responsiveness or rudeness from staff of the Office of the Protective Commissioner; and insufficient client contact or knowledge by staff of the Office of the Protective Commissioner.

Many of those issues of concern that were raised with the committee are similar to concerns that have been raised with me and, I am sure, with other members of Parliament about the operations of the office. As the chairman said, the work of the OPC and the OPG causes some angst in the community, particularly to family members. I note that the honourable member for Hawkesbury agreed with that observation. I was pleased to read the recommendations in the report, and I will refer to the summary of recommendations. Recommendation 5 states:

That a panel of external financial planners be established to provide expert advice on the more complex financial planning issues.

Recommendation 8 states:

That a due diligence inquiry be conducted to clarify the investment management requirements, contractual arrangements and ongoing relationship with the NSW Treasury Corporation as well as other legal and taxation issues.

Recommendation 9 states:

That actions be taken to expedite the establishment of the Investment Advisory Committee and that all the external members of the committee be selected on the basis of their expertise in the financial markets.

**Recommendation 11 states:**

That the Independent Pricing and Regulatory Tribunal examine and establish standard fees for service offered by the Office of the Protective Commissioner, and review these fees on a regular basis.

**Recommendation 12 states:**

That the New South Wales Audit Office be requested to undertake a fraud prevention procedures audit of the Office of the Protective Commissioner, paid for by the Office of the Protective Commissioner and that the report be made available publicly.

**Recommendation 13 relates to the ongoing monitoring of internal complaints. Recommendation 14 states:**

That staff training in complaints resolution and in the communication of difficult and complex decisions to clients and related persons be supported.

**Recommendation 15 states:**

That the Protective Commissioner's Annual Report reports on how client compliments and complaints are monitored and used to inform service changes.

Time has run out for me today, but those recommendations, if accepted and implemented, will go a long way towards addressing the concerns expressed by members of the community to the committee during its inquiry, and concerns expressed to members of this House by their constituents over many years. I congratulate the Public Bodies Review Committee and the committee staff on the work done on this inquiry.

**Mr GAUDRY** (Newcastle—Parliamentary Secretary) [1.00 p.m.], by leave: I congratulate the Public Bodies Review Committee on the work it has done on this inquiry dealing with the most disadvantaged people in our community: people who do not have the capacity to manage their own affairs and require an organisation that not only is competent to manage their affairs but has their interests absolutely in full focus. I commend the committee for the way it has handled the inquiry and for its focus on financial responsibility and staff training, as mentioned by the honourable member for Lake Macquarie.

There is no doubt that there must be an improvement in the training of staff who deal with issues relating to personal contact. I place particular emphasis on recommendation 20, as did the honourable member for Wagga Wagga, which relates to the allocation of funds to pilot the development of locally based contact services for clients of the Protective Commissioner. I have found in my dealings with clients of the Protective Commissioner and the Public Guardian who reside in my electorate that there is often a lack of understanding by families of clients and by clients themselves of their rights and of the role of the Protective Commissioner. One problem is the lack of timely delivery of services to those most in need.

Those clients, through their advocates, have recourse to members of Parliament. That can often be a most frustrating experience for those members of Parliament as they seek action on behalf of their constituents. In my view, the more we can focus the attention of the Protective Commissioner and the Detective Guardian on face-to-face work, the better it will be for their clients. As I said, the report deals with client awareness training. Taking into account turnover rates and the employment of young staff, it is important to have an ongoing training program that will give staff the capacity to deal with what must be a most frustrating and difficult aspect of their work—attempting to assist a person who does not have the capacity to make what I would call cogent decisions; working through issues with them to ensure they have the best quality of life possible, and dealing with the management of their finances on a day-to-day basis. I certainly appreciate the difficulties involved in doing that.

The Public Bodies Review Committee has done a sterling job dealing with all of the submissions, and working with the Public Guardian and the Protective Commissioner to produce this report to Parliament. Honourable members will agree that the recommendations in the report are strong and sound. It is important that they be followed up, not just by words but in deeds, in delivering the best service possible to clients of the Protective Commissioner and the Protective Guardian.

**Report noted.****PUBLIC ACCOUNTS COMMITTEE****Report: Industry Assistance**

**Mr COLLIER** (Miranda) [1.05 p.m.], by leave: As a member of the Public Accounts Committee I speak to the report on industry assistance. This report follows a previous performance audit report by the Audit Office. I focus on the disclosure of grants to businesses and whether they should be considered commercial in confidence. A common recommendation in most of the recent reviews of industry assistance in Australia has

been that industry agencies should disclose the amount of assistance they provide to individual firms. This approach is consistent with the generally accepted principle about public money. Governments should be accountable for how that money is spent. However, the disclosure by the Department of State and Regional Development [DSRD] is limited.

In its annual reports, the DSRD lists only grants to non-profit community groups. The great bulk of its funds goes to businesses, either to attract investment or for advisory services. None of the individual grants is listed in the annual report; only the program totals appear. The committee noted a large number of reasons why those funds should be individually accounted for. Firstly, non-disclosure reduces the need for the department to show it has bargained well. Secondly, firms adversely affected by assistance to their competitors are unaware of government actions affecting their profitability. Thirdly, it appears that some recipients of assistance already published details on assistance received in New South Wales. Tourism New South Wales publishes in its annual report grants made to attract special events. For example, in 1999-2000 Tourism New South Wales paid \$200,000 to attract the Bledisloe Cup.

Finally, other Australian governments publish various industry assistance details. For example, the Northern Territory publishes details of all assistance. Victoria provides details of all industry and enterprise improvement grants. Firms that receive investment grants are listed, including the program total. In its performance audit, the Audit Office examined the DSRD's programs and recommended that the details of assistance be made public. The department declined to accept that recommendation for two reasons. First, disclosure would reveal too much about a client's business plans and financial position to the advantage of that client's competitors.

A client's project would be physically apparent anyway by the time it was operating. Any firm in that industry would be able to make a reasonable assessment of the client's operations. It is to be noted, however, that the committee is not advocating the release of confidential strategies. Rather, the committee would like to see the publication of the name of the firm being assisted, the type and duration of assistance, and the total amount of assistance. The firm's key financial and business strategies are clearly confidential, and the committee sees no reason why they should be published to support an assistance package.

The DSRD's second reason for non-disclosure of grants was that publishing assistance information would set a benchmark that could be used by other firms as a base for their own negotiations for funding. The department was concerned that disclosure would hinder its ability to obtain the best outcomes at minimum cost. The committee did not accept that argument, either. There is already some disclosure of assistance by agencies. For example, Tourism New South Wales publishes the amounts paid to attract special events, such as the Bledisloe Cup, the Greg Norman Holden International and the NFL American Bowl. Tourism New South Wales does not appear to consider benchmarking to be a significant problem. The committee is also of the view that it is not a very significant problem for the Department of State and Regional Development.

Another reason is that every potential investor will have a minimum figure that it is prepared to accept, based on the profitability of the project. In many cases it will be zero. Releasing information on the assistance that other companies received will not increase the minimum. Given that the department regularly negotiates with these firms, it should be able to accurately assess what that minimum is. Accordingly, the price of public disclosure will not be high. The committee agreed with the Audit Office's recommendation that the department should disclose the recipients and amounts of attraction assistance. The department also runs advisory programs where firms receive financial assistance in hiring business consultants and promotional expenses for exports. The arguments in favour of publicly disclosing these amounts also apply.

The committee could not find any counter arguments. For instance, the department's views, which I discussed previously, were limited to attraction programs and do not apply to advisory programs. Accordingly, the committee recommended that the department disclose in its annual report all individual grants to firms. The committee recognised that there may be some reluctance by the department to make this change and, therefore, proposed an alternative, compromise recommendation. The compromise is based on the practice in Victoria. While the committee's preference is for full disclosure, the alternative is that disclosure should at least be improved. Industry assistance by government has some very real consequences. The arguments put forward by the DSRD for the retention of commercial in confidence as a reason for nondisclosure do not withstand public scrutiny. [*Time expired.*]

**House adjourned at 1.10 p.m. until Tuesday 13 November 2001 at 2.15 p.m.**

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