LEGISLATIVE ASSEMBLY

Friday 16 November 2001

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

Mr Speaker offered the Prayer.

LANDCOM CORPORATION BILL

Bill introduced and read a first time.

Second Reading

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [10.00 a.m.]: I move:

That this bill be now read a second time.

This bill establishes Landcom as a statutory State-owned corporation within the context of the State Owned Corporations Act 1989. Landcom is currently a division of the Department of Urban Affairs and Planning [DUAP] and, along with the Department of Housing, carries out functions through the statutory entity of the New South Wales Land and Housing Corporation. In accordance with the functions of the New South Wales Land and Housing Corporation set out in the Housing Act, and often in joint venture arrangements with the private sector, Landcom acquires, develops and sells residential land and otherwise carries out urban development.

Landcom staff also act on behalf of the Ministerial Development Corporation under the Growth Centres (Development Corporations) Act developing commercial and industrial property under the trading name of Business Land Group. It is self-evident that the complexity of these various arrangements creates some difficulties and Landcom's corporatisation will result in welcome change. Corporatisation allows for a number of outcomes. Firstly, it maintains Landcom in government ownership, recognising the role that Landcom may play in strategic metropolitan policy, particularly in strategic and/or complex projects. Secondly, it rationalises and clarifies the complex framework under which Landcom operates at present. Thirdly, it allows for clear commercial objectives. Fourthly, it creates appropriate managerial autonomy with an independent board, which it is intended will blend industry and management expertise.

The structure as a statutory State-owned corporation is the most appropriate for Landcom and is in keeping with the Government's approach to such enterprises—that is, maintaining public ownership and control while allowing for an appropriate commercial focus on operations. As with all statutory State-owned corporations, the Treasurer and the Special Minister of State will be the voting shareholders of the new corporation. The Minister for Urban Affairs and Planning will be the portfolio Minister. Clause 6 of the bill restates the four principal objectives of statutory State-owned corporations included in the State Owned Corporations Act. It also provides that Landcom will have the following additional principal objectives: firstly, to undertake, or assist the Government in undertaking, strategic or complex urban development projects; secondly, to assist the Government to achieve urban management objectives; and thirdly, to be a responsible developer of residential, commercial and industrial land.

The first objective relates to Landcom's role in massive urban renewal projects such as Green Square and the redevelopment of Prince Henry Hospital. The second objective is to assist the Government to achieve urban management objectives. Such a role will see Landcom carrying out, or supporting, demonstration projects or studies that will serve as examples for the private sector and local government. The third of the additional principal objectives—to be a responsible developer of residential, commercial and industrial land—is a broad statement of the basic role that Landcom currently plays and will continue to play in the future. Under clause 7 Landcom has the following principal functions: to undertake and participate in residential, commercial, industrial and mixed development projects; and to provide advice and services related to urban development, on a commercial basis, to government agencies and others. Under clause 8 the Corporation will have a board comprising three to seven members. These members will be appointed by the shareholder Ministers in consultation with the portfolio Minister. The chief executive officer will also be a director.

The employment arrangements for the chief executive officer, which are set out in clause 9, are consistent with other statutory State-owned corporations established in recent years, including the Waste Recycling and Processing Corporation, which was established on 1 September 2001. The provisions set out in schedule 2 for transferring staff from the Department of Urban Affairs and Planning to the new statutory State-owned corporation will be consistent with those for establishing other such corporations. The corporatisation of Landcom will see the organisation take a leadership role in implementing the Government's urban policy objectives, which include the creation of sustainable urban communities. Landcom will also make greater use of joint venture arrangements in urban development and urban renewal projects. In other projects Landcom will take on the role of master planner and master developer. These changes will mean less emphasis on greenfields development in the future, which can be appropriately undertaken by the private sector.

Landcom needs to have the flexibility to operate successfully in a commercial environment while being fully accountable to Government and the community in the delivery of urban management objectives. To this end, clause 11 provides for the portfolio Minister to provide to the board from time to time a written statement of priorities for the corporation, setting out urban management priorities, projects to be undertaken or outcomes to be achieved. Landcom is to have regard to any such statement in preparing its statement of corporate intent. If it is decided that any of the priorities, projects, activities or outcomes, specified by the portfolio Minister will not be implemented, the shareholder Ministers must inform the portfolio Minister of this decision and the reasons for it.

Landcom is to report to the portfolio Minister within six months after the end of each financial year on the extent to which the priorities, projects, activities or outcomes set out in the statement of priorities have been undertaken or achieved by the corporation in the financial year. When Landcom carries out these projects on behalf of the Government the new State-owned corporation will need to have regard to the Government's relevant urban management objectives as well as addressing commercial objectives. The new Landcom will provide leadership in quality urban design and it will continue to make a difference in our urban environment. I commend the bill to the House.

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

ROAD TRANSPORT LEGISLATION AMENDMENT (HEAVY VEHICLE REGISTRATION CHARGES AND MOTOR VEHICLE TAX) BILL

Bill introduced and read a first time.

Second Reading

Ms MEAGHER (Cabramatta—Parliamentary Secretary), on behalf of Mr Scully [10.10 a.m.]: I move:

That this bill be now read a second time.

As honourable members would be aware, the heads of government in all Australian jurisdictions agreed in 1991 and 1992 to a process of national reform of road transport law. New South Wales has already introduced the bulk of this reform. The reform process included the development of a common system of registration charges for heavy vehicles as well as a conditional registration scheme to replace long-term unregistered vehicle permits issued to vehicles which are, by reason of their design or purpose, unsuited for normal registration. The purpose of the bill is to introduce measures to support the implementation of these two components next year. It does this by enabling New South Wales to keep pace with nationally uniform movements in heavy vehicle registration charges and ensuring that the charges under a conditional registration scheme are no higher than charges for unregistered vehicle permits.

I will deal first with registration charges for heavy vehicles. In New South Wales, the reform was implemented by the Road Transport (Heavy Vehicles Registration Charges) Act 1995. That Act commenced on 1 July 1996 and applied to all vehicles with a gross vehicle mass of more than 4.5 tonnes. There is no doubt that the introduction of nationally uniform heavy vehicle charges into New South Wales has delivered substantial productivity savings to our trucking industry. The introduction of national charges by this Government in 1996 resulted in productivity savings to industry of $59 million in 1996-97. Further savings from flow-on effects are estimated to be $62 million in 1997-98 and up to $71 million in 1998-99. The States, Territories and Commonwealth are committed to a process of continually reviewing nationally uniform regulations and charges that impact upon the heavy vehicle industry. This commitment is detailed in the 1998 Revised Heads of Government Heavy Vehicles Agreement.

As part of this review Australian transport Ministers agreed in May 2001 that heavy vehicle registration charges should be adjusted annually by a formula developed by the National Road Transport Commission. This decision should minimise the current disparity and prevent further distortion between the charges levied on light and heavy vehicles. This bill seeks to implement this decision by Australian governments. One of the main objectives of the National Road Transport Commission is to develop and recommend national road-user charges for heavy vehicles. The charges are generally based on the most recent data and the relationship between road wear and road use by heavy vehicles. The charges are designed to promote equity in registration charges for heavy vehicles around the nation and, as their initial introduction in 1996 demonstrates, they have delivered substantial productivity and efficiency savings to the trucking industry.

Unlike other costs faced by industry, there were no increases in heavy vehicle charges between their initial introduction in 1996 and the adoption of new charges in July 2000. However, the July 2000 charges represented only a marginal increase for most operators—between 1.4 per cent and 2.1 per cent of total vehicle operating costs. In New South Wales approximately 61 per cent of the heavy vehicle fleet experienced no increase as a result of the adjustments in July 2000. Heavy vehicle charges are not subject to consumer price index [CPI] changes and since their introduction in 1996 have not been adjusted to take into account the impact of inflation. Between 1995 and 1999 it is estimated that the real value of charges, especially their ability to maintain a given level of expenditure on road maintenance, has been eroded by some 3 to 4 per cent.

In contrast, charges for light vehicles in New South Wales—vehicles less than 4.5 tonnes—are subject to annual indexation based on movements in the CPI. The formula that has been developed by the National Road Transport Commission and approved by the Australian Transport Council is based on changes in road expenditure, modified to reflect changes in road use by heavy vehicles. The formula also includes a ceiling of underlying inflation—CPI adjusted to remove the initial impact of Commonwealth changes to the tax system. This has been included to prevent dramatic rises in registration charges that would result where road expenditure significantly increases in one or two given years. The initial application of the formula was agreed to commence from 1 October 2001 or as soon as possible thereafter. The application of the formula will be published and the charges included in regulations. The introduction of an initial adjustment involves a 3.30 per cent increase in heavy vehicle registration charges. This represents 0.04 per cent of total operating costs.

The bill retains a safeguard to ensure that farmers will pay no more in national charges than they would have paid in New South Wales motor vehicle tax. The second purpose of this bill is to provide an exemption from registration charges for vehicles registered under a conditional registration scheme. Under the national scheme which New South Wales proposes to introduce next year the duration of an unregistered vehicle permit is for a period of up to 28 days, with longer terms of up to 12 months being covered by conditional registration. Under the current scheme in New South Wales about 33,000 unregistered vehicle permits are issued each year for periods of one to 12 months. In future, these permits will be replaced by conditional registration. Vehicles covered by the scheme are those built to perform specific operational functions; or which do not comply with Australian design rules or other vehicle standards and make infrequent use of the road. Typically these vehicles are agricultural and roadwork machinery, forestry and mining vehicles, all-terrain vehicles and golf buggies. Annual permits have also been issued to veteran and vintage vehicles because of their restricted road use.

Conditional registration overcomes many of the disadvantages of the unregistered vehicle permit system by providing vehicle identification, facilitation of on-road enforcement and registration renewal notices. The operation of eligible vehicles will continue to be restricted by the application of registration conditions, which will overcome or moderate the vehicles' performance limitations and restrict the vehicles' use of the road network. This bill is to allow New South Wales to introduce the conditional registration scheme in such a way that ensures that operators pay no more in charges for conditional registration than they currently do for unregistered vehicle permits. Unregistered vehicle permits do not attract stamp duty, motor vehicle tax or national charges. This Government is committed to a financially-neutral transition to a conditional registration scheme.

To this end, on 31 January 2000 the Treasurer agreed in principle to provide the necessary exemptions from stamp duty. Honourable members may recall that the State Revenue Legislation Amendment Act 2001 amended the Duties Act 1997 so that vehicles that currently operate under long-term unregistered vehicle permits will not be subject to stamp duty. The amendments to the Motor Vehicles Taxation Act 1988 proposed by this bill are aimed to ensure that the current charges paid by light vehicles are not increased under the new scheme. Similar amendments are made for heavy vehicles covered by the Road Transport (Heavy Vehicles Registration Charges) Act 1995.

It should be noted that farmers currently operate approximately 65 per cent of the vehicles that will be affected by the introduction of a conditional registration scheme. The New South Wales Farmers Association

has been consulted during the development of the scheme and has strongly expressed the desire for minimal financial impact on their members upon the implementation of the scheme. With consideration to this issue, it is proposed to charge the same administrative fee for conditional registration as that which currently applies to the issue of an unregistered vehicle permit. I commend the bill to the House.

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

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No 2)

Bill introduced and read a first time.

Second Reading

Mr STEWART (Bankstown—Parliamentary Secretary), on behalf of Mr Carr [10.23 a.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill (No 2) continues the well-established statute law revision program that is recognised by all members as a cost-effective and efficient method for dealing with amendments of the kind included in the bill. The form of the bill is similar to that of previous bills in the statute law revision program. Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister responsible for the legislation to be amended considers to be too inconsequential to warrant the introduction of a separate amending bill. The schedule contains amendments to 28 Acts. I will mention some of them to give honourable members an indication of the kind of amendments that are included in the schedule.

Schedule 1 amends the Protected Disclosures Act 1994 so as to extend the protection of that Act to complaints made under the Local Government Act 1993 that show, or tend to show, that a council or an officer of a council has seriously and substantially wasted local government money. A related amendment to the Local Government Act 1993 provides for complaints under that Act to be made to the Director-General of the Department of Local Government. A further related amendment to the Defamation Act 1974 provides an immunity from actions for defamation in respect of the publication of a complaint concerning serious and substantial waste of local government money if the publication is for the purposes of investigating the complaint.

Schedule 1 also makes other amendments to the Protected Disclosures Act 1994. Most of those are consequential on the amendment concerning complaints about waste of local government money. However, an unrelated amendment extends from six months to two years the time within which proceedings may be brought for the offence of taking reprisal action against a person who has made a protected disclosure. Schedule 1 also makes a number of amendments to the Home Building Act 1989, three of which clarify the operation of sections relating to building contracts. The amendments ensure that those sections do not have the unintended effect of rendering a building contract wholly unenforceable at the suit of the builder merely because of the builder's very minor contravention of certain provisions of the Act.

Another amendment inserts matter inadvertently omitted from a new section setting out the jurisdiction of the Fair Trading Tribunal in relation to building claims. A final amendment is made in connection with the design of legislation. Most amendments of that kind are made in schedule 3 to the bill. I will say a little more about that schedule later. Schedule 1 also amends the Geographical Names Act 1966. Among other things, the amendments increase the number of members of the Geographical Names Board from eight to nine. The additional member is to be a nominee of the Chairperson of the Community Relations Commission. The Building and Construction Industry Long Service Payments Act 1986 is also amended by schedule 1.

The Act provides for the payment of a levy in respect of the erection of a building. At present the levy is payable by the person who obtains the relevant development consent for the erection of the building or, if development consent is not required, by the person for whom the building is being erected. The amendments made by schedule 1 provide that if a construction certificate is required for the erection of the building the levy is to be paid by the person to whom the construction certificate is issued. Other amendments to the Act make related amendments. They also correct a reference to a council, update references to a particular body and correct a cross-reference.

The last schedule 1 amendments that I will mention are those to the Companion Animals Act 1998. That Act is amended so as to remove the requirement that cats and dogs registered under the Act wear registration tags. There is no longer any need for registration tags, because all the information on the tags is also

contained in the microchip that must be implanted in each cat and dog once it reaches the age of 12 weeks. However, each cat and dog must continue to wear a name tag showing its name and the address or telephone number of its owner. Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill.

Examples of amendments in schedule 2 are those arising out of the enactment of other legislation, those updating references to the names of bodies and offices and those correcting numbering. Schedule 3 makes a number of amendments to facilitate the implementation of standard generalised markup language [SGML] by the Parliamentary Counsel's office, which is responsible for the compilation and maintenance of the New South Wales legislation database. The new system will improve the portability and accessibility of legislative data. Structural features of current legislation that are incompatible with the proposed system are to be removed. Schedule 4 transfers into the relevant principal Act a number of savings, transitional and other provisions of ongoing effect contained in certain amending Acts.

The removal of those provisions permits the repeal, by schedule 5, of the amending Acts, since their other provisions either are spent or have been incorporated into reprints or electronic versions of the principal Act. Schedule 5 repeals a number of Acts. The schedule repeals amending Acts enacted in 2000 or earlier that contain no substantive provisions that need to be retained. The schedule also repeals amending Acts when the reprints of relevant principal Acts incorporate the amendments made by those Acts and where the ongoing savings, transitional or other provisions of the amending Acts are being transferred, by schedule 4, to the principal Acts.

The Acts that were amended by the Acts being repealed are up to date on the legislation database maintained by the Parliamentary Council's Office and are available electronically. Schedule 6 contains provisions dealing with the effect of amendments on amending provisions, savings clauses for the repealed Acts, the revocation of the repeal of an environmental planning instrument in so far as it relates to certain land, and the power to make regulations for savings and transitional matters, if necessary. The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts concerned.

Rather than repeat the information contained in those notes, I invite honourable members to examine the various amendments and accompanying explanatory material and, if any concern or need for clarification arises, to approach the Minister regarding the matter. If necessary, I will arrange for Government officers to provide additional information on the matters raised. If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing it from the bill. I commend the bill to the House.

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

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Debus agreed to:

That standing and sessional orders be suspended to permit the introduction without notice and progress up to and including the Minister's second reading speech of the National Parks and Wildlife Amendment Bill.

NATIONAL PARKS AND WILDLIFE AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [10.33 a.m.]: I move:

That this bill be now read a second time.

In 1999 the Governor announced that the National Parks and Wildlife Act 1974 would be reviewed. True to this commitment, the Government has developed a package of amendments to strengthen the State's legislative framework for the conservation of natural and cultural heritage. The National Parks and Wildlife Amendment Bill represents a vital initiative to provide the contemporary and innovative tools needed to better manage our

national park estate. The proposals contained in this bill address major deficiencies and anomalies in the existing legislation, and provide a statutory framework which will advance the Government's wider agenda for conservation in this State.

The National Parks and Wildlife Act 1974 is the last significant statute in the environment portfolio that has not been modernised. Now more than 25 years old, it has been amended on numerous occasions in an ad hoc fashion. Not surprisingly, therefore, it contains redundant and outdated provisions, together with some significant omissions. Gaps in the legislation and the obsolete nature of many of its provisions are increasingly affecting the capacity of the National Parks and Wildlife Service to manage the national park estate, which under this Government has increased by 1.35 million hectares to now cover some 6.7 per cent of New South Wales.

The bill responds to changing community expectations in this area and provides the means by which progressive and internationally accepted principles can be applied to the conservation of natural and cultural heritage in New South Wales. Without these amendments, the National Parks and Wildlife Service will continue to struggle with an increasing number of often competing and complex conservation priorities and issues that require a clear and precise response. In order to allow sufficient time for the amendments to be properly incorporated into the administrative procedures of the National Parks and Wildlife Service, provisions within the bill allow for the differential commencement of clauses of the bill by proclamation.

Presently, the National Parks and Wildlife Act does not contain an objects clause. This is essential to establish a clear framework for the functions of the Minister for the Environment, the Director-General of National Parks and Wildlife, and the National Parks and Wildlife Service itself. Accordingly, the bill has a proposed set of objects for the Act. These are consistent with the present role of the National Parks and Wildlife Service and will better guide the Act's administration. This amendment will provide an unambiguous statement of the legislation's intent, as well as assist in legislative interpretation. Importantly, the objects will serve to reinforce the fundamental importance of the conservation of nature, including the conservation of ecosystems, biodiversity and significant landforms under the Act. They will also focus the Act on the conservation of our cultural heritage, both Aboriginal and historic.

Public appreciation, understanding and enjoyment of natural and cultural heritage and their conservation will likewise be enshrined in the objects. The Government is committed to working with the community to deliver on environmental, social and economic objectives. By requiring that the objects of the Act be pursued within the framework of ecologically sustainable development, the bill will give statutory backing to this commitment for the operation of the National Parks and Wildlife Service. That will follow the precedent already set by the Government in its other progressive environmental and natural resource legislative reforms.

The establishment and management of reserves are two key functions of the National Parks and Wildlife Service. However, the Act does not contain sufficiently clear principles to adequately guide the agency in these areas. The present reserve establishment principles in the Act are antiquated and do not adequately reflect the Government's reserve establishment policies. This situation has generated a number of practical difficulties for the National Parks and Wildlife Service in performing its statutory functions. In some instances this has caused public confusion regarding the purpose of the reservation of large areas of land.

To overcome these difficulties, the bill identifies principles for investigating additions to the reserve system consistent with the Government's present policies on reserve establishment. The new establishment principles will clarify for the community generally why certain land is designated for reservation, and will increase the level of accountability and the exercise of this key function by the National Parks and Wildlife Service.

The Act also lacks clear principles for the management of the various reserve categories. To the extent that such principles exist, they are scattered throughout the various provisions of the Act. This has caused difficulties for the National Parks and Wildlife Service in determining what activities and management arrangements can lawfully be undertaken within each reserve category, and it has often lead to significant confusion. Therefore, the bill establishes a clear set of management principles for each reserve category. The proposed management principles will provide a more transparent and modern framework for reserve management by clarifying the purpose of reservation within certain categories, as well as the long-term management objectives of those lands.

The management principles—which are modelled on internationally accepted principles for reserve management developed by the International Union for the Conservation of Nature—will also clarify the

accountability of the National Parks and Wildlife Service for reserve management, and over time will lead to more efficient management of the reserve system. Proposed section 72AA contains new provisions for developing plans of management. These will be the same for all reserve categories and are modelled on the existing provisions for plans of management for national parks. Under this proposal there will be a public consultation period of not less than 60 days for plans of management, instead of 30 days. However, it will be possible for the Minister for the Environment to make minor changes only to plans of management without publicly exhibiting the amendments to the plan, provided the relevant advisory committee has been consulted on those amendments.

The bill also provides that the Minister for Fisheries will have a concurrence role for plans of management in so far as they relate to the intertidal zone. The bill proposes to rename existing "State recreation areas" as "State conservation areas". The bill defines the management principles of the renamed reserve category to include conservation objectives and recreation, as opposed to being predominantly focused on recreation alone. It will be possible to have other uses in State conservation areas, including mining and mineral exploration, as is presently the case with State recreation areas. This new reserve category will accommodate those Crown reserves listed in schedule 4 of the Forestry and National Park Estate Act 1998 and schedule 4 of the National Park Estate (Southern Region Reservations) Act 2000, which are presently managed by the National Park and Wildlife Reserve Trust as conservation areas that allow for mining and mineral exploration.

These Crown reserves will be transferred to the new State conservation area category through gazettal on a case-by-case basis, after review by the National Parks and Wildlife Service, the Department of Land and Water Conservation and the Department of Mineral Resources. The bill will also require the Minister for the Environment, in consultation with the Minister for Mineral Resources, to undertake a review of State conservation areas every five years. As a result of the review, the Minister will have the ability to transfer any identified lands to either a national park or a nature reserve, by publication of an order in the gazette, with the concurrence of the Minister for Mineral Resources. Where an existing mine or other mineral interest is operating in a State conservation area, the five-year review will not impact on existing mining interests and renewals of those interests.

As is presently the case with State recreation areas, new mining and mineral exploration within State conservation areas will require the concurrence of the Minister for the Environment. By including a conservation focus in the management principles for this renamed reserve category, State conservation areas will provide for the coexistence of mining and mineral exploration with conservation and appropriate recreational activities. This provides an opportunity for lands which would otherwise have not been available for active conservation management due to mineral interests to be included in the reserve system. This is especially relevant to meeting the Government's commitment in the policy document "Action for the Environment" to focus on appropriate reservations in western New South Wales. Clearly, mining and mineral exploration activities within such land would need to have regard to natural and cultural values and this is provided for in the bill.

The Government intends to reserve lands under the State conservation area category only where conservation values and mineral values do not allow for reservation under any other reserve category, such as national park or nature reserve. In addition to the Crown reserves I have mentioned, this will potentially facilitate the reservation and management for conservation of lands in western New South Wales which are the subject of petroleum, gas and mineral exploration or extraction activities. This may include land already acquired for reservation by the Government but not yet gazetted.

It will also potentially facilitate the further transfer of lands to the national park estate within the Sydney Catchment Authority special areas, which have existing mining activities, but cannot be reserved under the State recreation area category because of the obvious inappropriateness of the focus of those areas on recreation. Protocols to direct when use of the State conservation area category is appropriate, and matters associated with their future management, will be developed by the Government in consultation with conservation groups and mining interests such as the Minerals Council.

The present Act relies on terminology relating to Aboriginal cultural heritage that is antiquated, and in some instances no longer appropriate or consistent with contemporary understanding. The bill replaces the term "Aboriginal relics", which appears throughout the Act, with "Aboriginal objects" to reflect the living nature of Aboriginal heritage. The impacts of development in relation to Aboriginal cultural heritage are controlled primarily through section 90 of the Act, which creates an offence of "knowingly" destroy, deface or damage an Aboriginal place or relic without a consent from the Director General of National Parks and Wildlife".

The necessity to establish intent, that is, that a person knowingly destroyed an Aboriginal relic, has caused major problems in bringing successful prosecution under this section of the Act. Under the provisions of the bill, a person must not destroy, damage, desecrate, or cause or permit the destruction, defacement, damage or desecration of an Aboriginal place or object. These provisions remove the necessity to establish intent presently in the Act, and extend the range of offences to cover a broader range of actions that may destroy or otherwise damage Aboriginal places or objects. The bill also creates a defence to prosecution under the new offence. A person who has undertaken reasonable precautions and has exercised due diligence and reasonably believed that their actions would not destroy, deface or desecrate the Aboriginal place or object has a defence from prosecution under new section 90.

As a further measure to ensure maximum protection of Aboriginal heritage, these proposed amendments will also enable a court, in convicting a person under this section, to direct them to mitigate the damage or restore, or take other specified action to preserve or protect, the object or place concerned. This may be in addition to, or in substitution of, any penalty for the offence. Similar provisions exist elsewhere in the National Parks and Wildlife Act and in legislation administered, for example, by the Environment Protection Authority.

The bill will clarify the Minister for Environment's power to grant leases and licences for exclusive purposes over structures, buildings and modified natural areas within the national park estate. It will enable funds raised by the leasing and licensing arrangements to be used for conservation purposes within the national park estate, including the conservation of historically significant buildings. The new provisions will allow sensible, low impact proposals on reserved lands, focusing on the adaptive reuse of buildings, and will thereby increase economic development opportunities for rural and regional communities. Leases and licences must have regard to the conservation values of the reserve. In addition, the purposes for which the licences and leases can be granted must be expressly permitted in a plan of management.

Under section 151B (2) the Minister for the Environment may grant a lease of land within a reserve to enable the adaptive reuse of an existing building or structure on the land for any purpose, whether or not it is a purpose for which the land is reserved. Any proposal to lease land under this provision that runs for more than five years must be publicly exhibited. The Minister also has the discretion to cause the public exhibition of leases for periods of less than five years where considered appropriate. The adaptive reuse of a building or structure will be defined in the Act as the modification of a building or structure, and its curtilage, to suit an existing or proposed use. It must be carried out in a sustainable manner, and be compatible with the retention of the cultural significance of the building or structures.

Presently, the National Parks and Wildlife Service manages over 5,000 historic items across New South Wales. A large proportion of them are buildings and other structures. Examples include defence sites at Goat Island and Fort Denison and the Bantry Bay explosives magazine; lighthouses at Barranjoey, Smokey Cape, Montague Island, Cape Byron, and Green Cape; old historic homes, including Scheyville, Greycliffe House, Throsby Park and Roto House; numerous homesteads, woolsheds and shearing complexes, including Currango, Willandra, East Kunderang, Yengo, Kinchega and Mungo and Mount Wood station; and historic villages such as Hartley Village—including Farmers Inn, the courthouse and Catholic Church—and 31 buildings in Hill End village, including the Royal Hotel, the post office and a number of residences.

The National Parks and Wildlife Service has undertaken some adaptive reuse of these buildings and already there is provision for holiday accommodation in the lighthouse buildings and homesteads such as East Kunderang. The Historic Houses Trust, by comparison, manages a total of 13 properties—Hyde Park Barracks, Elizabeth Bay House, Rouse Hill, the Police and Justice Museum, Rose Seidler House, Meroogal, Elizabeth Farm, Government House, Vaucluse House, Susannah Place, The Mint, the Museum of Sydney and Lyndhurst Resource Centre, all but one of which is in the Sydney Metropolitan area. All of these properties are run as museums or display properties, and some are used for private functions. The Historic Houses Trust is also proposing an adaptive reuse development of the Mint for Historic Houses Trust offices.

This bill will define a modified area as an area of land where the native vegetation cover has been substantially modified or removed by human activity, other than activities relating to bushfire management or wildfire, and has been identified in a plan of management as not being capable of restoration. The type of areas this definition may encompass include for instance grassed picnic areas and areas adjacent to scenic lookouts. The Minister may also grant a licence under new section 151B (3) to occupy and use land within a reserve and any existing building or structure on the land for any purpose, whether or not it is a purpose for which the land is reserved. The Minister may only do so if the land is a modified natural area and the licence is granted for a term not exceeding seven consecutive days.

I reiterate that potential uses will be limited to those activities that have been identified in a plan of management, and must have regard to the area's natural or cultural values. Where the courts have previously considered exclusive uses such as restaurants, accommodation, and corporate functions to be inconsistent with the purposes for which various reserves have been established—that is to say, the courts have sometimes come to that conclusion—this bill will now enable the service to enter into appropriate and responsible commercial arrangements without any doubt or anxiety.

The provisions in this bill allow the service—in appropriate circumstances and as identified through a process open to public scrutiny: the reserve plan of management process—to identify buildings and cleared areas suitable for a broad range of leasing and licensing. The intention of the amendments is not to impede public use and enjoyment of the reserve system but, rather, to expand the range of services and facilities available in the park system. Under new provisions outlined in proposed section 153AA, the Minister for the Environment will also be able to grant access rights to owners of in-holding properties, subject to strict conservation considerations. This will, for example, allow the Minister to close down existing access rights which damage the environment, and to instead grant access rights which limit the environmental impacts. The Minister's power to properly administer existing legal interests on land taken into the national park estate will also be clarified.

The bill will restructure the National Parks and Wildlife Advisory Council. The membership of the council will largely be based on expertise in areas of relevance to the management of the national park estate and to the Minister and the National Parks and Wildlife Service carrying out other functions under the Act. This will include expertise in local government and rural and regional issues. Major conservation groups will continue to be members of the council. The council will advise the Minister on strategic, statewide issues. The bill also amends existing provisions in the Act relating to the establishment of advisory committees. Under the new proposals, advisory committees will be formed over geographic areas to mirror the current National Parks and Wildlife Service practice of amalgamating a number of specific reserve committees into regional committees. Provisions also allow for committees to be formed for specific issues.

The committees will provide advice to the director-general and the National Parks and Wildlife Service on reserves and their plans of management, and on National Parks and Wildlife Service programs more generally within their area. Existing members of both the council and the advisory committees will be retained for the term of their membership. The bill replaces the existing Aboriginal Cultural Heritage Interim Advisory Committee with the Aboriginal Cultural Heritage Advisory Committee. That is, the word "Interim" will be removed from the name of that committee. Membership will be drawn from Aboriginal elders groups, native title claimants registered on the register established under the Commonwealth Native Title Act, and Aboriginal traditional owners registered on the register established under the New South Wales Aboriginal Land Rights Act. The committee will advise the Minister and the director-general on the identification, assessment and management of Aboriginal cultural heritage and it will include one representative nominated by the New South Wales Aboriginal Land Council.

Under the current legislative regime, there is no mechanism to ensure that commercial activities which may affect protected and threatened flora are undertaken in a manner that does not jeopardise the conservation of the species in question. The bill gives the director-general the ability to prepare management plans for any commercial activity or activities related to protected or threatened flora species where they have the potential to adversely affect the conservation status of the species. The amendments are necessary to enable the ecologically sustainable management of native plants for a variety of purposes, such as the cut flower industry, the nursery industry, the bush tucker industry and bush regeneration or seed collection, and to create a more flexible licensing system in accordance with these management plans, including exemptions in appropriate cases, and to provide for ongoing monitoring to establish the impact of harvesting on the sustainable management of native plants.

For threatened plants, the intention is to focus the industry on harvesting from plantation stock, as opposed to harvesting from plant species in the wild. In addition, these amendments are required in order to support the development and administration of management plans for native flora which are necessary to enable the continued export of native flora for commercial purposes under the Commonwealth's Wildlife Protection (Regulation of Exports and Imports Act) 1982. This is critical to the continued operation of the State's cut flower export industry, which has a worth of more than $6 million. Although the present Commonwealth regime of export controls will be replaced on 11 January 2002 by a new regime under the Environment Protection and Biodiversity Conservation (Wildlife Protection) Act 2001, the requirement for statewide management plans to support the native flora export industry will remain.

The bill repeals existing section 108 of the Act, which enables a person to hold 19 or fewer legally acquired native birds without a licence or registration certificate. This is also famously known as the 19-bird rule. As a result of these amendments, all individuals seeking to buy, sell or hold in captivity a non-exempt native bird will need to acquire a licence. This amendment is necessary to enable the National Parks and Wildlife Service to more effectively meet its conservation responsibilities by improving regulation and increasing monitoring of native bird species, and to end the current practice of laundering illegally trapped or stolen birds from other jurisdictions through New South Wales.

This practice is directly affecting the conservation status of threatened species such as the Major Mitchell, or pink, cockatoo. This is a long overdue amendment, and it is supported by the Native Animal Keepers Consultative Committee, which includes representatives of bird-keeper organisations, the pet trade, and conservation and animal welfare organisations. Amendments will be made to raise the general penalty provided for in section 176 of the Act to 100 penalty units for individuals and 200 units for corporations. One penalty unit equals $110. The maximum penalty for a breach of regulations will be raised to 50 units, plus a further penalty of two penalty units for each day the offence continues.

The bill will make it an offence to breach a stop-work order. Penalties will also be increased for failure to comply with interim protection orders so that they are the same as those for failing to comply with a stop-work order. The maximum penalty for breach of a stop-work order will be 1,000 penalty units for an individual with a further penalty of 100 penalty units for each day the offence continues, and 10,000 penalty units for a corporation with a further penalty of 1,000 penalty units for each day the offence continues. Under section 99A, failure to comply with a direction to stop feeding protected fauna or to stop an activity that is causing, or is likely to cause, distress to protected fauna will attract a maximum penalty of 25 penalty units. Under section 156A the bill will make it an offence to damage reserved lands or lands held under part 11 of the Act. Such action may incur a penalty of 10,000 penalty units in the case of a corporation, or 1,000 penalty units or six months imprisonment, or both, in the case of an individual.

There will be a defence if the action was done in accordance with a consent from the National Parks and Wildlife Service, in accordance with a development consent—in the case of the Kosciuszko National Park ski resort area—according to a determination under part 5 of the Environmental Planning and Assessment Act, or in emergency circumstances. In the case of items of cultural value in the park, there will be an additional defence of reasonable knowledge. These changes reflect community demands for relevant and adequate penalties for those individuals and corporations found to be damaging reserved areas. For instance, recently two individuals were fined only $1,100 for lopping a number of trees within Sydney Harbour National Park. This bill will ensure that individuals and corporations found guilty of damaging reserved lands receive appropriate punishment. Provisions in this bill will be in line with provisions in other Acts for similar environmental offences, including the Protection of the Environment Operations Act, and will ensure that offences can be more easily prosecuted against corporate directors and other senior corporate officers.

The bill contains a number of other miscellaneous amendments including a more streamlined process for reserving land, including the retention of current provisions that allow reserve gazettals to be tabled in Parliament; provisions allowing more flexible administration of existing interests—that is, interests over land that are in place prior to addition to the reserve system, including telecommunications facilities and broadcasting services—and provisions allowing the Director-General of National Parks and Wildlife the discretion not to release sensitive information in the public interest, such as the location of rare fauna and flora such as the Wollemi Pine and significant Aboriginal objects and places. A consequential amendment has been made to the Freedom of Information Act.

A number of transitional provisions have been included in the bill. This includes a provision that aims to retain existing reservations and dedications decisions made prior to the bill's commencement. This bill represents an opportunity to provide for a modern and relevant legislative framework that can deliver enhanced conservation outcomes. The flexible management tools within this bill will deliver a more transparent park management process that can be undertaken within a regional context. This bill also strengthens the service's capacity to identify and promote the regional economic development opportunities that national parks offer regional and rural communities. I commend the bill to the House.

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

FISHERIES MANAGEMENT AMENDMENT BILL

Second Reading

Debate resumed from 6 November.

Mr PICCOLI (Murrumbidgee) [11.04 a.m.]: The Fisheries Management Act is having serious consequences across western New South Wales, in particular, and the Fisheries Management Amendment Bill seeks to address the impact of that Act on recreational fishing in the Murrumbidgee and Murray rivers. The scientific committee established under the Fisheries Management Act has recommended to the Minister that the Murrumbidgee and Murray rivers be listed as endangered ecological communities. The residents of communities along the banks of those rivers are extremely concerned about the repercussions of such a listing. Part 7A of the Fisheries Management Act echoes the Threatened Species Act to a great degree, and many people in my electorate and that of Murray-Darling—particularly landowners in the Conargo area—are suffering significantly from that Act's provisions regarding the plains wanderer.

The Act lists the plains wanderer as a threatened species, and a recovery plan has been put in place, supervised by the National Parks and Wildlife Service and others. The plan has a significant impact on what landowners are able to do with their land. While I appreciate that we must protect threatened species—I am sure that all landowners feel the same way—I am concerned about the recovery plan's impact on farmers and on the townships that depend on them. I have received many representations from people expressing concern about this issue. Therefore, it is no surprise that the proposed listing of the Murrumbidgee and Murray rivers and its tributaries, such as the Wakool and Edward rivers, has created suspicion about its potential impact on the broader community. Recreational fishermen were the first to express their views about the recommendation, which they believe could affect their recreational activity. Sports stores could be similarly affected.

Although the Government has given an undertaking that fishing in the rivers will not be banned, if recreational fishing is restricted further the repercussions will be felt by sports store owners and local businesses, such as hotels, which benefit from the influx of fishermen from other parts of the State and from around Australia who come to the Murrumbidgee and Murray rivers to enjoy their sport. Those businesses have been affected adversely by past decisions of this Government, such as the banning of duck shooting. Each year many people would come to the southern areas of New South Wales—including the electorates of Murrumbidgee, Murray-Darling, Wagga Wagga and Albury—to hunt ducks during duck season.

The banning of such hunting has had a significant effect on many businesses in places such as Deniliquin, Urana, Finley and Hay that relied heavily on visitor through-traffic. That is why people are suspicious of the Threatened Species Act and the Fisheries Management Act. The Minister for Fisheries has given an undertaking that fishing will not be banned as a result of the listing of the Murrumbidgee and Murray rivers as endangered ecological communities, and the people of south-west New South Wales and I appreciate that assurance. However, the true impact of the listing will not be known until the threat abatement plan is put in place, which will not occur for some time. I am also concerned about the extent of community input in that plan.

The community is concerned about the impact of the threat abatement plan on recreational fishing. People are also concerned about its effect on powerboat use on the Murray and Murrumbidgee rivers. The communities of Moama and Echuca depend heavily on recreational use of the rivers, for example, for speedboats. The Southern 80 in Echuca attracts a huge crowd and contributes a great deal to the economies of Echuca and Moama. A similar situation applies in Mildura. A lot of recreational boat use takes place in Deniliquin on the Edward River and on parts of the Murrumbidgee River. If the threat abatement plan were to impact upon recreational boat use there would be great concern.

I believe that the threat abatement plan devised as a result of this listing will affect irrigation perhaps more than any other area. For the benefit of those who are not familiar with the economies of southern and south-western New South Wales, irrigation is the lifeblood of that region. Obviously, the Murrumbidgee Irrigation Area takes in its water from the Murrumbidgee River, the Murray Irrigation Area takes its water from the Murray River, and the Coleambally Irrigation Area takes its water from the Murrumbidgee River. In addition to private schemes there are also river pumpers along the Murray and the Murrumbidgee rivers.

The listing under the Fisheries Management Act addresses issues such as water quality and thermal pollution. For the benefit of those who are not familiar with thermal pollution, when dams such as Burrinjuck, Blowering and Hume release water from the bottom of the dam, as the dams were designed to do, that water is

substantially colder than the water on the surface of those dams and the water in a relatively shallow river. According to the best science, this has an adverse impact on the fishery and fish breeding. Whilst I understand that the issue is being addressed with the assistance of the major irrigation corporations, irrigators and I are concerned that this listing may further impact upon the use of those dams. It is a significant issue.

The Opposition will not oppose the Fisheries Management Amendment Bill. In the context of the threatened species aspect of the Fisheries Management Act, it seeks to address an immediate concern of recreational fishermen that the impact of a listing on the Murray and Murrumbidgee rivers would be that no-one would be able to harm any species in those rivers without first obtaining what I call a politically correct James Bond "licence to harm". That may seem a very strange term to use, but I believe it is appropriate. If the Fisheries Management Act were not amended, each recreational fisherman would need to obtain a licence to harm. I understand it is also called a threatened species licence. I like the term "licence to harm"; it has a certain ring about it. Each fisherman would be required to obtain such a licence. I understand that an environmental impact statement would also have to be prepared. Obviously, that is not practicable.

On my understanding, if that were the case, fishermen would not even be able to remove a carp or any other noxious species from the river without technically breaching the Act. I appreciate what the Minister and his department have done in introducing the bill. The bill seeks to allow the Minister to declare that a class of people are able to obtain that licence to harm. The effect of that is that only one environmental impact statement has to be prepared. The Minister is also permitted to make an interim order, lasting up to six months, to reduce social and economic impacts during the course of the assessment of a proposed order. I appreciate what the Minister is doing in the short term to protect recreational fishing.

Concern has been expressed about the possible future impacts once a threat abatement plan is in place. Recreational fishing is already fairly restricted. Responsible fishermen respect the fact that limits have to be placed on recreational fishing. For example, there are bag limits and limits with respect to the species that are able to be caught in the Murray and Murrumbidgee rivers. However, fishermen are concerned that when the threat abatement plan is put in place further restrictions may apply. About three weeks ago I attended a meeting in Leeton hosted by the Department of Fisheries. At that meeting fishermen expressed a great deal of concern about the listing of the Murray and Murrumbidgee rivers, and about the entire process whereby any person can nominate a community to be listed as an endangered ecological community. The scientific committee is then given the task of assessing that nomination.

The fishermen who attended the meeting were very concerned about the identity of the members of the scientific committee. No-one had seen them, no-one had heard of them, and to the fishermen's knowledge there had been no consultation with any fishing clubs along the Murray and Murrumbidgee rivers, which cover a fairly large area of New South Wales. The fishermen were very concerned that consultation had not taken place before the committee made its recommendation. They also questioned where the committee got its information from. Much of that information came from previous studies and the like.

Before the threat abatement plan is put in place, I hope the Minister will ensure that consultation takes place with fishermen, other recreational users of the rivers, and irrigation and river management interest groups. As I have said, the community of western New South Wales has a great deal of suspicion about this type of legislation. I am sure that all members who represent country electorates, particularly those in western New South Wales, appreciate the climate of suspicion and fear in those areas. Over the past five years the Government has put in place policies that have had significant impacts, particularly on farmers, and farmers have perceived those policies to be extremely negative for their businesses. With the addition of the Fisheries Management Act and the Threatened Species Act, people are increasingly concerned about the further impacts that this legislation might have on their community.

Whilst the Department of Fisheries has been good enough to brief me on this subject and has allayed some of my concerns and fears, the reality is that the community has seen this occur time and again. If this were the first and only measure to potentially affect their farming businesses I do not think they would be as concerned. However, other Government policies and legislation have already impacted upon farming businesses, and I will list a few of them. I refer to the national action plan for salinity, the Water Management Act, the Catchment Management Amendment Bill—which is currently before the Parliament—and the Catchment Management Act. I refer to river management committees, catchment management committees, the Department of Land and Water Conservation, the Environment Protection Authority, the Environmental Planning and Assessment Act, and the National Parks and Wildlife Act.

The vegetation management committees, native vegetation committees, the Native Vegetation Act, and local government regulations already impact on farmers and what they are able to do on their land. The addition

of the Threatened Species Act and the Fisheries Management Act adds another layer, which many people in western New South Wales do not consider to be necessary. Certainly that is the feeling of the community and the reason some people are sceptical and suspicious of the whole threatened species process. Concern has been raised with the Opposition that a court case currently being brought by ProFish against the Minister for Fisheries in the Land and Environment Court may be prejudiced by this legislation. The Minister wrote to the Hon. Jennifer Gardiner, a member of the Legislative Council, on 13 November. He stated:

> Dear Ms Gardiner
>
> I refer to the proposals contained in the *Fisheries Management Amendment Bill 2001* in relation to threatened species.
>
> I understand that concerns have been raised that these provisions may potentially have some impact on the current legal proceedings brought by ProFish against me in the Land and Environment Court.
>
> Firstly, let me assure you that the proposals do not affect my commitment to prepare an environmental impact statement and management strategy for recreational fishing in freshwater and in saltwater. Any such environmental impact statement will include consideration of the impacts of recreational fishing on the full range of targeted species.
>
> Secondly, I can advise that the Government has no plans to make such a proposed threatened species order in relation to recreational or commercial fishing activities in saltwater. The situation that we are currently facing is the imminent listing of an endangered ecological community in the freshwater environment. The Fisheries Scientific Committee has not advised me of any proposed listings in saltwater that would require a threatened species order under the proposed new statutory provisions. Of course, the Committee may make such proposals in the future.
>
> … I trust this addresses any concerns you may have on this matter. Of course, you would be aware of the seriousness of this issue for regional communities based around the Murray and Murrumbidgee Rivers. In the circumstances, I ask that you support the Bill, and ensure there will be no interruption to fishing activities during the Christmas period.

The Opposition appreciates the Minister's letter to the Opposition spokesperson on fisheries. We appreciate his undertaking that this legislation will not impact on that court case—it is an undertaking to ProFish, which initiated the legal proceedings. The Opposition appreciates the other issues that have been raised in the legislation, such as the upgrading of protection available to aquatic reserves, the ban on prospecting or mining for minerals in aquatic reserves, giving the Minister for Fisheries a role in the development approval process where there is likely to be an impact on aquatic reserves, and allowing temporary management measures to be put in place if required to protect the values of aquatic reserves. People are concerned about our environment and aquatic reserves. The measures taken in this legislation to protect those reserves is certainly supported.

The further measures to allow aquatic species with certain declared diseases to be exempted from sale or movement, and prohibition in the case of diseases that are not harmful to humans and/or where the disease is already widespread, are commonsense decisions. Of course, diseases, particularly exotic diseases, represent a significant issue for commercial fisheries and agriculture generally. However, when those diseases are widespread the types of restrictions would seek only to impede the industry. The Opposition welcomes those amendments and will not oppose the other issues that deal with penalties. The Opposition is concerned about how the Threatened Species Act and the threatened species sections of the Fisheries Management Act might impact on communities in western New South Wales. Some of these concerns were alluded to in the Minister's letter to the Hon. Jennifer Gardiner.

People in western New South Wales and along the Murray and Murrumbidgee rivers are concerned about the potential impacts of the two pieces of legislation and the way nominations and recommendations are made—that is, that the Minister does not have any discretion to reject a nomination on any basis, least of all a public interest or public good basis. I would like the Threatened Species Act and its application to the Fisheries Management Act looked at. I read that the threat abatement plan will not have a significant impact on farming communities or communities that rely on farming, but I will believe it when I see it. As I mentioned earlier, people are suspicious of government legislation relating to threatened species, nature conservation and the like. They are very touchy and sensitive when it comes to these issues. I believe, based on past experience, that they have every reason to be. The Opposition will not oppose this legislation. We support anything that this Government does that supports recreational fishing.

Mr MILLS (Wallsend) [11.26 a.m.]: I support the Fisheries Management Amendment Bill and I am pleased to note that the honourable member for Murrumbidgee has indicated that the Opposition will not oppose it. The bill is part of the Government's ongoing program of fisheries management reform. The need for a number of necessary miscellaneous amendments to the Fisheries Management Act has been identified. One of the amendments relates to object (c) of the bill, which specifies the purpose of fishing fees. Schedule 1[6] inserts new section 34AA, Purpose of fishing fees. It states:

> The purpose of fishing fees is to provide revenue to assist activities supported through the recreational fishing trust funds established under Division 3 of Part 8, including the following:
>
> (a) enhancing recreational fishing,
>
> (b) carrying out research into fish and their ecosystems,
>
> (c) managing recreational fishing,
>
> (d) ensuring compliance with recreational fishing and regulatory controls.

Earlier this year the Government introduced the recreational fishing fee to improve recreational fishing in New South Wales. This will give us the opportunity to work with anglers and the community to make New South Wales one of the best recreational fishing destinations in the world. The Government is committed to maintaining and restoring critical fish habitats and protecting threatened species. The bill makes clear the purpose of the recreational fishing fee. The new recreational fishing licence introduced on 23 March is providing significant funds for improving the saltwater recreational fishing experience. The licence is still less than eight months old. In the first three months, to 30 June, more than 177,000 licences were sold, collecting about $4.1 million—a tremendous response to the introduction of the saltwater licence.

It is estimated that the annual revenue from recreational fishing licences will total $8.5 million—$2.5 million from the freshwater licence and $6 million from the saltwater licence. These funds are placed in trusts and managed by expenditure committees comprising experienced anglers and representatives from other key stakeholder groups. The Advisory Council on Recreational Fishing and the Recreational Fishing Saltwater Expenditure Committee are helping to manage the saltwater recreational fishery by supplying the Government with quality advice on how best to spend the money raised through the recreational fishing fee. The dedicated members of those committees should be applauded for their contribution, as should all recreational fishers who support the licence. Meanwhile, the Government has met its commitment to keep administrative costs below 10 per cent, ensuring efficiency and value in management of the licensing scheme.

Licence funds have helped to pave the way for important initiatives that benefit saltwater recreational fishers. Some of the initiatives to receive funding from the saltwater trust to date include: $500,000 to expand the successful Fishcare Volunteer Program from the inland out to the coast, $75,000 to assess the economic benefits of the striped marlin fishery, and $15,000 to upgrade the game fish tagging program. The Fishcare Volunteer Program trains people to become ambassadors for the fisheries resource. I noticed an advertisement in today's newspaper calling for more volunteers, I think in the Hunter region. The volunteers commit to spend one day a month to advise anglers about the values of sustainable recreational fishing and fishing rules, conduct catch surveys, assist in fishing clinics or fishing community events, or train new Fishcare volunteers.

The expansion of this volunteer program from freshwater to saltwater fishing was only possible with funds from the new fishing fee. Thanks to these funds it is anticipated that by the middle of next year the program will expand from 68 volunteers in inland New South Wales to 200 volunteers across the whole of the State, including coastal areas. The whole of the recreational fishing community will benefit from more educated anglers, as will the fisheries resource and the health of key habitats. Money from the recreational fishing trust is also being used for angler and community education, including fishing clinics. Fishing clinics are held to educate children and others about responsible fishing practices, and they are an important part of the saltwater fishing education program.

Fishing clinics are also an enjoyable experience. They are an excellent means for children to learn hands-on fishing techniques such as casting, basic knot tying and rigging. Fishing clinics teach people about ethical fishing practices and the importance of protecting fishing resources for future generations. Promoting the saltwater fishing rules through various forms of publications and aids, such as fish measuring tools, is also an important way to spread the message about responsible fishing. The options of a three-day, monthly, yearly or three-yearly licence, and the fairness of the fee, together with the exemptions that have been provided for, have ensured that the fishing fee has been accepted in the community. These arrangements resulted from extensive consultation with the community.

The great community support and the co-operative approach of the licence expenditure committees will result in the continued improvement of recreational fishing in saltwater areas. That will benefit both current and future recreational anglers. I approached the Minister on the question of consultation following his second reading speech because I wanted to satisfy myself that communities, in particular the indigenous community, had been adequately consulted. The Minister told me that some five bodies from within the industry and interest groups had been consulted. Those bodies included the Advisory Council on Aquaculture, with Mr Ron Mason,

an indigenous industry representative from the Aboriginal Aquaculture Working Group, together with many other people on that committee who are interested in aquaculture; and the Fisheries Scientific Committee, which supported the proposed changes, particularly those concerning threatened species.

The Minister in his second reading speech and the honourable member for Murrumbidgee, who led for the Opposition, referred to those aspects of the bill. The New South Wales Advisory Council on Recreational Fishing was also consulted. That council consists of 13 or 14 people representing spearfishing, game fishing, business, the Nature Conservation Council, charter boat fishers, and marine biology. Mr Graham Moore, an indigenous representative, a member of that council, was also consulted. None of those representatives had any objection to the bill. The Advisory Council on Fisheries Conservation had no objections to the bill. The Advisory Council on Commercial Fishing was also consulted. Mr John Brierley, an indigenous representative, is a member of that council. The council noted the proposed changes and had no objections to them. There was extensive consultation on this bill—including consultation with Aboriginal indigenous representatives.

Item [12] of schedule 1 to the bill inserts new section 197B, which relates to a ban on mining in aquatic reserves. The Marine Parks Act sets out a clear framework for managing development activities that take place within a marine park or that take place outside a marine park but could nevertheless affect it. That Act specifically prohibits exploration and mining for minerals except as authorised by an Act of Parliament. New section 197B contains provisions equivalent to those relating to marine parks, and provide aquatic reserves with the same protection from mining and exploration. That is an important addition for fisheries in New South Wales. It is particularly important in the Hunter Valley, where it has been proposed that we study ways to protect the fish habitat in Lake Macquarie because of the inevitable clash in our area of mining with aquatic activities. With those remarks, I am pleased to support the bill.

Mr WEBB (Monaro) [11.36 a.m.]: I support and echo the words of the honourable member for Murrumbidgee, who led for the Coalition in debate on this bill. Notwithstanding the aims of the bill and the comments made by the honourable member for Wallsend, members of the Coalition are concerned with particular aspects of the bill. Those concerns relate largely to the general direction that this type of threatened species legislation will lead us down the track, and the implications for a broad range of communities. We are talking not only about threatened species but about social and economic factors in small country towns and regional areas across New South Wales. I represent large areas along the upper Murrumbidgee River, which, for many years, has been known as a great recreational fishing resource.

I also represent the Snowy Mountains lakes area, and I am concerned about trout in particular and the impact that the nomination of threatening processes may have on the whole social fabric of the Snowy Mountains, Lake Jindabyne, Lake Eucumbene and others areas that have become internationally famous for recreational fishing. I also represent members of the far South Coast commercial industries, who are concerned about the way in which the recreational and tourism push can bring undone communities and people involved in low-impact commercial fishing over many decades.

Zone seven estuaries hand-gathering trap and line fisheries have been asked to supply a lot of information for environmental impact studies and statements. But they question whether the tourism industry, which is probably the beneficiary of this type of legislation, made the same contribution to EISs and whether there is an acknowledgment that tourism and recreational fishing may be a major threat to native or threatened species. I have received a number of representations and had a number of meetings with representatives from these fisheries. They say their problem is a lack of consultation. Even though the department and the Minister consulted, with good intent, with a broad range of community groups, fishing groups were snowed under with paperwork immediately prior to, or at, the meeting.

They were not given enough time to understand the implications of the legislation and consult with their broader communities. Consequently, they were unable to put forward informed criticism or suggestions that would result in better and less damaging legislation for all aspects of our society, not just native species. Consultation referred to by the Minister in the other place is the approach we would take. In answer to a question from the Hon. Janelle Saffin he said that only by working with regional communities could the best management decisions be made. However, the consultation process for this bill, as with previous bills introduced by the Government relating to wilderness areas, water management and catchment management, was sadly lacking.

I call on the Government to reopen the consultation process to achieve a broader view of this matter. The make-up of the Fisheries Scientific Committee has been criticised. The honourable member for

Murrumbidgee identified one of the important exemption areas as a James Bond-like licence to harm exemptions. The Minister cannot reject a nomination by this faceless, unidentified scientific committee. Such nominations can cost the community, interest groups, and commercial or recreational groups significant time, worry and expense to challenge and wind back nominations that focus solely on their perception of a threat to a native species.

Conservation of the environment and native species in Australia is very important. The Coalition has supported and promoted concepts in many areas that the Government has not supported. We are concerned that the Minister will be unable to reject a simple nomination that may impact on threatened species. I am concerned about the accountability of the scientific committee, which is not comprised of elected people, and how smaller regional communities can use the democratic process to promote their concerns about the social, economic, historical and other environmental concerns with the process.

The honourable member for Murrumbidgee stated that this type of legislation could preclude people who have concerns, particularly about carp, from resolving those concerns. If they have to go to great expense to obtain exemptions or permission, or suffer the penalties for doing the wrong thing, then the rabbit of the sea, or the inland rivers—the European carp—will continue to destroy a range of native species like the Murray cod and the yellow belly. Trout—rainbow, brown and brook—is a naturalised species important to Australia. Trout fishing is significant to recreational activities in New South Wales, particularly the Snowy Mountains areas. We must consider and take into account how such species can be involved in a nomination of a threatening process on native species.

The Seafood Industry Council has concerns about the consultation process and the implications of this type of legislation for its industry up and down the coast, not only for pelagic species but for all kinds of molluscs, prawns, lobsters and so on. If a key threatening process is nominated it must be examined and ways must be found to get around it without taking into account the social, economic, recreational and tourism benefits. We do not oppose the bill, but place on record our concerns that these trends and the scientific committee can influence future outcomes. We must have regard to economic and fairly costly public outcomes, such as those referred to by the honourable member for Murrumbidgee—altering outflows from dams and river constructions like the Jindabyne, the Eucumbene Dam and others—to provide thermal outflows that will be less harmful, of no harm or even beneficial to native species downstream.

These objectives are all very well, but we must remember that with limited funds and resources it is very difficult. Such projects may need to be funded urgently because of this type of legislation. The consultation process on this and other Government legislation has been poor, regardless of the rhetoric. It is all very well to be provided with a raft of paperwork, but it is a problem if there is no time to understand it and consult with people. The implications of the legislation for commercial and recreational fishers elsewhere is another concern. For some time there has been a warning that fishing may become an illegal practice in areas where the bill precludes river or watercourse management. Things such as cleaning our waterways, removing snags, removing flood debris and so on that builds up beside rivers is part of the management of our natural and built environment that must be taken into account, together with all of the social and economic implications in managing and protecting our native environment.

Mr BARTLETT (Port Stephens) [11.50 a.m.]: I strongly support the proposed changes to the Fisheries Management Act 1994. This raft of changes in fisheries management in this State reflects the community's growing concern about conserving the marine environment. If time permits, I will talk about aquatic reserves and the purpose of fishing fees. In particular, I welcome the strengthening of environmental safeguards regarding aquatic reserves, which play an important role in protecting marine biodiversity and safeguarding unique or sensitive areas. They also provide unspoilt natural sites for people to visit, and offer areas for education and research.

Currently, eight aquatic reserves on the New South Wales coastline have been declared to protect habitat, and I understand that additional aquatic reserves are planned for the future. These reserves conserve a variety of important marine and estuarine habitats. In the electorate of Port Stephens, Halifax Park Aquatic Reserve is an area rich in marine life and history. Long before European settlement the local Aboriginal people, the Worimi tribe, inhabited the Port Stephens area, using its natural resources to survive. Shortly after the Second World War Halifax Park was established as Australia's first holiday park.

The honourable member for Murrumbidgee spoke about his electorate, and I would like to talk about Halifax Park , which is a unique park in my region. On Saturday 13 October 1996 I attended a celebration which

honoured Geoffrey Wikner, the founder of Halifax Park in 1946. Mr Wikner was a very interesting gentleman. He designed a twin-engined light aircraft known as The Wicko, which Air Commodore Kingsford Smith had the rare distinction of last flying. It was the first aircraft designed and built in Queensland. Geoffrey Wikner moved his family to England before the war. Too old to be a combat pilot, he became a ferry pilot, delivering more than 1,000 aircraft around England during the war years. He flew 67 different types of aircraft and clocked up 525 hours in the air.

After the war Mr Wikner became homesick, and brought his family back to Australia. He bought a four-engined Halifax bomber that had flown on 51 bombing missions for 466 Australian Bomber Squadron during the war, and he renamed it *Waltzing Matilda*. It was the first civilian aircraft to fly to Australia after World War II, and Halifax Park was named after it. This historic park site adjoins the Halifax Park Aquatic Reserve. Since then the area has become an increasingly popular picnic and recreational spot for holiday-makers and divers. In January 1983 the Wran Government declared the area an aquatic reserve to protect its marine biodiversity. Fly Point Nature Reserve, which is looked after by a local volunteer group, fringes the coastal side of the marine park.

The aquatic reserve is located between Fly Point and Nelson Head, near the southern entrance to the port, and includes two rocky reefs separated by Little Beach. Because of the way that the water runs through that area, the lazy skindiver can jump in at Little Beach on an ingoing tide and get out of the water at Fly Point without having to swim a stroke. Likewise, the lazy person can jump in the water at Fly Point and without swimming a stroke go through the aquatic reserve and get out of the water at Little Beach. The marine environment is diverse and includes an array of steep submarine cliffs, with rocky reefs extending offshore to a sandy channel occupied by stretches of seagrass beds and sponges. Collecting is not permitted in the reserve. This applies to all marine organisms, including empty shells, which are important for growing juvenile crustaceans.

Cook Island Aquatic Reserve, on the far North Coast of New South Wales, has a high ecological significance and complexity of habitats. The area is recognised for its diversity of fish and its invertebrate fauna, including a variety of corals. The aquatic reserve is home to a number of threatened and protected species, including the grey nurse shark, estuary cod, giant Queensland groper and black cod. Importantly, the local community also has benefited from the conservation of this area, as it now supports a thriving tourist industry for people from around the State. As can be seen, aquatic reserves are very special places, providing protection for a wide variety of marine animals and plants.

One of the best ways to protect sensitive fish habitats is to create marine protected areas in areas of special environmental importance. Marine protected areas include aquatic reserves, marine parks and the marine components of national parks or nature reserves. Aquatic reserves are much more than marine parks, but are created to protect specific species or key habitats. The banning of mining and prospecting in aquatic reserves, as proposed in this bill, brings the environmental protection provided for aquatic reserves in line with those for marine parks and national parks. This additional protection reflects the Government's commitment to ensure that aquatic reserves form an integral part of the State's system of marine protected areas. It gives a consistent message of the special conservation values of those areas to the local community as well as to visitors.

I recognise, of course, that mining in the right place is essential for our community and our way of life and that it makes a significant contribution to the State's economy. However, these small areas of marine life are chosen as aquatic reserves because they are special places that need protection. Therefore, mining and associated exploration should not be permitted in those areas. It is for that reason that the banning of mining and prospecting in aquatic reserves has my wholehearted support. Co-operation in the identification of aquatic reserves ensures an appropriate resource allocation and that important habitats are protected. This unique balance achieves the best outcome for the community.

But the proposed changes go further and provide the Minister for Fisheries with a concurrent power over any developments proposed to take place within any aquatic reserve. The changes require a consenting authority to consult New South Wales Fisheries with respect to developments that might occur adjacent to land across the reserve if those developments could impact on the reserve. These are very sensible arrangements for aquatic reserves and provide protection equivalent to that already provided for marine parks. The provisions of the bill give aquatic reserves important environmental safeguards that are essential for meaningful conservation. As the Government has combined recreational fishing fees with inland fishing fees, another important provision is that to be provided by section 34AA, which deals with the purpose of fishing fees. Until now, that has not been provided in writing.

The vast majority of people are in favour of fishing fees, but they were a bit concerned about how the Government would use the money raised from those fees. Section 34AA provides that the purpose of fishing fees is to provide revenue to assist activities supported through the recreational fishing trust funds established under division 3 of part 8, including enhanced recreational fishing, carrying out research into fish and their ecosystems, managing recreational fishing, and ensuring compliance with recreational fishing regulatory controls. The message is that the money from recreational fishing fees is to be used to enhance and protect recreational fishing areas. All in all, the bill contains a raft of measures that I know the Opposition supports. These measures certainly have my support as the member for Port Stephens. I commend the bill to the House.

Mr R. W. TURNER (Orange) [11.59 a.m.]: It is a pleasure to speak to the Fisheries Management Amendment Bill. As indicated by the previous two speakers from this side of the House, the Coalition does not oppose the bill. I note that the Fisheries Scientific Committee proposes to make a recommendation to list the aquatic community of the lower Murray River drainage as an endangered ecological community. Concern has been expressed that there has not been sufficient consultation in regard to such recommendations. As is the case with most bills introduced without adequate consultation, there is considerable disquiet within the community because the relevant stakeholders have not been consulted. Some aspects of the bill are unclear and rumours have circulated.

Because of that disquiet in the community, there is considerable opposition to the bill. However, the Coalition does not oppose the bill because it has received assurances from the Minister relating to certain aspects of it. I am certain we will receive assurances relating to other aspects as the bill progresses through this House and through the Legislative Council. The Coalition is aware that there are some ecological problems in the lower Murray region, but they have been acknowledged. Steps have been taken to protect the lower Murray region without interfering with the tourist potential of the area. Recreational fishermen come from far and wide to fish in inland streams, including the streams and rivers within the Orange electorate.

Many people from Sydney and other areas spend their holidays or perhaps a long weekend in those inland areas and they bring a great deal of money into the district: They stay in local motels, or in caravans or tents by the river; they eat in local restaurants. The Opposition is anxious to ensure that the tourist potential is not only maintained, but enhanced. In his contribution the honourable member for Port Stephens referred to fishing licences. The vast majority of fishermen in inland areas have accepted the need for fishing licences. They did so initially on the proviso that the vast bulk of the licence fees would be channelled into restocking, investigating fish species and enhancing existing fish stocks—and, perhaps, the elimination of carp, which have been introduced into local rivers with catastrophic results in many instances.

As a result of publicity following the introduction of inland fishing licences, most inland fishermen and fishing clubs have found the fees reasonably acceptable. There have been media reports of the release of fingerlings of Murray cod and trout into rivers and dams, which will lead to great fishing somewhere down the track. The licence fees are certainly contributing to the release of fingerlings, but it is not uncommon to find that a fishing club has purchased and released 40,000 or 50,000 fingerlings. That all contributes to the sustainability of fish stocks in inland streams, which will in turn enhance tourism prospects for those areas. People living in inland New South Wales have experienced the impact of the Water Management Bill. They continue to be involved in the salinity debate and are aware of changes to the management of national parks. Some of the changes have been necessary, and others have been made workable as a result of input from the National Party.

The Government has recognised the need to make changes to legislation to make it more acceptable to people living to the west of the ranges. We have seen the impact on the Macquarie River and the Macquarie Marshes of additional water flowing into the marshes. Debate is continuing about the benefits of that additional water. One would hope that the benefits that have been promised will be forthcoming. There has also been ongoing debate in relation to the Lachlan catchment area. The potential to irrigate that catchment, which was provided by the Water Management Act, has had a tremendous impact on both the catchment and the Macquarie River. The Minister for Fisheries, the Hon. Eddie Obeid, has given a written commitment that this bill was not motivated by a desire to subvert the pending Land and Environment Court case against the Minister brought by the ProFish group. Item [6] of schedule 11 to the bill inserts a new section 34AA dealing with fishing fees. It provides:

> The purpose of fishing fees is to provide revenue to assist activities supported through the recreational fishing trust funds established under Division 3 of Part 8 …

As I mentioned earlier, those activities include enhancing recreational fishing by the release of fingerlings into the streams and dams. They also include research into fish ecosystems and the management of recreational

fishing, which, as I pointed out, is important so far as tourist potential is concerned. It is also important as a recreational lifestyle for farmers and those living in the towns west of the mountains. I mentioned earlier that, for a change, many people from Sydney and coastal areas go inland to fish the inland rivers. In turn, many people who live in the western areas of New South Wales go to the coast for their holidays. They are all concerned about their continued ability to dangle a line or take the boat out and catch a fish. If the ability to do that is taken away from them, it will impact on the tourist potential of both those towns and the cities on the coast.

Item [23] of schedule 1 to the bill amends section 218 of the Act, which relates to the provision of fishways during the construction of dams and weirs. I was not aware that some dams and weirs include devices to permit fish to travel upstream and downstream uninhibited, as they did for millions of years before we turned up. I understand that dams and weirs have been constructed with steps and tunnels to enable the fish to migrate for breeding purposes. I recall expressing amazement some years ago at the ability of eels that swim up the Hawkesbury and Nepean rivers to climb up the outside of Warragamba Dam. At certain points they actually cross the road. They climb up that sheer cliff face, into the Warragamba Dam and on to the upper reaches of the river in order to breed. Provided the cost of incorporating such devices in dams and weirs is not prohibitive, I believe it is an excellent idea.

Mistakes were made when we did not understand the habits of fish and other river life. We acknowledge the need to clean up our rivers and to maintain fish stocks. Putting fingerlings in dams and streams assists in that process and allows recreational fishers to enjoy themselves, spend a few dollars in small towns and take home a few fish to eat. Small towns have an enormous potential for tourism. Locals and tourists will be able to fish in the streams and water quality and fish stocks will be improved.

Mr HICKEY (Cessnock) [12.11 p.m.]: I support the Fisheries Management Amendment Bill. It is particularly important that the changes to the threatened species provisions related to endangered ecological communities are passed by Parliament. I am confident that the changes proposed in the bill will not only allow recreational fishing to continue in the Murray and Murrumbidgee rivers if the area is listed as an endangered ecological community but will also allow any environmental issues to be effectively assessed and managed. Recreational angling is an extremely important thread in the fabric of society in regional New South Wales—speakers opposite have mentioned that—and it is particularly the case in the Murray and Murrumbidgee valleys.

Icon species such as Murray cod and Murray crayfish are symbolic of the unique environment in these rivers, and people in inland communities feel strongly about fisheries for these and other native fish species. Recreational anglers also care for the health of the rivers because they know that without healthy rivers and good habitats their angling opportunities will be limited. In a sense, it has been no surprise to anglers that the Fisheries Scientific Committee is concerned about the state of the aquatic communities in these river systems.

Anglers acknowledge the need for a return to more natural conditions that will allow the native fish and other organisms to recover. They are concerned, however, about the short-term impacts of any formal listing of the Murrumbidgee and Murrumbidgee rivers as an endangered ecological community. Recreational angling is already a highly regulated pastime. Most anglers already require a licence. Bag and size limits apply to control harvests or the catching of individual species. There is a closed season to protect spawning Murray cod, and gear limitations apply. Threatened fish species such as trout cod and Macquarie perch are totally protected. Fisheries officers regularly patrol rivers to ensure compliance with these requirements.

Regulations are reviewed regularly, and only a few years ago a review led to better controls on the capture of golden perch and silver perch, two other key inland species. I understand that another of these regular reviews is under way at present and that the ecological sustainability of our fishing practices is a major focus once again. There is also an incredible increase in the number of anglers who adopt catch and release and other conservative fishing practices. The use of illegal equipment such as gill nets and cross lines has also decreased. The inland commercial fishery has recently been closed, and that too has decreased the pressure on stocks. So anglers question how their activities could be considered to be a threat to the ecological community of these rivers. In short, the answer is that their activities are almost certainly not a threat to existing aquatic communities.

The main cause of the decline of fish species has been habitat degradation. Past fishing practices, when individuals could take large numbers of fish because bag and size limits did not exist, may have contributed to the decline. But those days are long since past, and modern freshwater recreational fishing practices are widely regarded as sustainable. However, the recreational fishers' favourite pastime is threatened because of the way the

current legislation is worded. Presently, any activity that has an impact on any species within the aquatic community, no matter how small, needs to be assessed and, if appropriate, licensed. The bill rectifies each of those problems and allows an important issue to be dealt with effectively and efficiently.

The current legislation does not allow the impact of anglers to be assessed in an efficient way. Any assessment carried out would also not be particularly meaningful in that the assessment would relate to the impact of each individual and not their cumulative impact. That arrangement is just not sensible. I understand the need for the impact of the current recreational fishery to be formally assessed. The legislation requires it, and it is the right and proper thing to do. For those reasons the Government proposes a different approach. The bill puts in place a more sensible arrangement, one that will allow the activities of a class of persons to be assessed together and, if appropriate, approved together. The proposed mechanism is similar to one in place in Victoria.

Under the bill the Minister for Fisheries may put in place an order to allow an activity to continue. However, the order may be made only after a species impact statement has been prepared and assessed. A species impact statement would not be likely to be required under the normal licensing arrangements because the impact of an individual fisher would be relatively small. The ministerial order therefore provides enhanced protection. Under the new arrangements a species impact statement would be compulsory and it would assess the cumulative impact of everyone involved in the activity, not only the activities of individuals. That approach will also remove any existing requirements for all fishers to individually apply for a licence, and substitute a far more efficient mechanism.

However, when the assessment is done I am sure that the impact that anglers have on the aquatic community will be found to be small. This far more sensible approach is likely to be particularly important in regional areas. When the great social and economic benefits that angling brings to inland communities by way of tourism, retailing and so on is considered, the outcome will be that recreational angling will be able to continue much as it does now. For too long successive governments have been complacent about addressing the community's expectations, about making sure that we get the true value out of our scarce fishery resources. The community said it wanted commercial fishing practices changed, more fisheries compliance and more research, and we are delivering on those expectations.

Now we have the funds to make some decent improvements that will make sure that we have the best fishing in Australia on our doorstep. The recreational fishing community has been supportive of the new recreational fishing licence. The community's support is not hard to understand: the community stands to gain from the investment of the funds in recreational fishing. In the two months from when the new licences went on sale in March this year to 30 April, 95,189 had been sold. That is a tremendous response. It represents more than $4.1 million in licence sales. As of 6 June this year sales included 52,537 one-year licences, 11,382 three-year licences, 10,926 one-month licences, and 14,024 three-day licences.

Nearly 5,000 anglers bought their licences using the license hotline. Gold licence agents, who sell the licences without charging any commission, sold more than 56,000 licences. Funds from the licences are placed in recreational fishing trusts and used to improve recreational fishing opportunities. The bill sets out the purpose of collecting recreational fishing fees. Funds raised from anglers are placed in the Recreational Fishing Trust and expenditure from the trust is overseen by angler committees.

Some great initiatives in both freshwater and saltwater areas were funded from licence fees in the 2000-01 financial year. Some highlights were the allocation of $275,000 to increase native fish production at the Government hatcheries; $485,000 for additional fisheries officers for field operations on advisory and compliance work; $152,000 for dollar-for-dollar funding for angling clubs, councils and community groups to increase the numbers of Murray cod, golden perch and Australian bass stocked in New South Wales, $202,000 for research to assess the effectiveness of fish stocking, $196,000 for investigation and implementation of improved fish passage, one of the primary threats to native fish populations, $344,000 for identification of areas to improve recreational fishing opportunities and to better protect our marine habitat and $91,000 for marine recreational research. As I said, the bill sets out the purpose for collecting recreational fishing fees. The expenditure has been well targeted at improving recreational fishing, and the Government wants to keep it that way. I commend the bill to the House.

Mr FRASER (Coffs Harbour) [12.20 p.m.]: Far be it from me to be a cynic about this legislation but I have to be. In relation to fishing and marine parks the Government and the Minister always claim they have consulted. A large number of the amendments in the bill clearly indicate that certain sections of the community have not been consulted. For example, those in areas that have been developed or those who want to develop land anywhere near a marine park have not been consulted about the provisions in the bill. Has the mining industry been consulted?

Ms Meagher: There are sections of the community who have not been consulted, this is true.

Mr FRASER: It is true, they have not been consulted.

Ms Meagher: Nurses, taxi drivers.

Mr FRASER: But what about the mining industry? Has the Minister consulted the mining industry, because it is affected by this legislation. For example, has there been full consultation with those involved in the seafood industry? We are told that the seafood industry knew nothing about this legislation. The industry is concerned that commercial fishermen who are taking the Minister to court at the moment may be affected by this bill. The Minister has given assurances but unless they are in the legislation we cannot accept those sorts of guarantees. The honourable member for Cessnock talked about the amount of money being picked up through licence fees. How much of that money is being poured into control and regulation? I would suggest quite a bit.

Coincidentally the front page headline of this week's *Coffs Harbour Advocate* is "Illegal Crabbing Alleged". The story refers to a couple of fellows who slipped out into the Wooli River and put out a crab trap to get themselves a couple of mud crabs, something they have been doing for a long time. The Wooli River is now in the Solitary Islands Marine Park. Those two fellows have probably been holidaying there for a number of years. They have now been charged. The maximum penalty for individuals for illegal fishing activities is $22,000 and/or three months gaol. The Government is supposed to be the battlers' friend. I suggest members of the Australian Labor Party [ALP] look at the election results in Yamba and Maclean. Over the weekend they had their backsides kicked. That was purely because of fishing industry matters in the marine park. The bill mirrors the provisions of the Marine Parks Act in relation to development. Proposed section 197D provides:

> In determining a development application under Part 4 of the *Environmental Planning and Assessment Act 1979* for the carrying out of development on land that is in the locality of an aquatic reserve, the consent authority must take into consideration the objects of this Act, the permissible users of the area concerned under this Act and any advice given to it by the Director about the impact on the aquatic reserve of development in the locality.

In areas like the North Coast that are growing reasonably quickly—and in Yamba and Maclean, where people want to undertake residential development—basically every development application will have to be in accordance with the Act and, I suggest, with other Acts such as the Marine Parks Act. That places unconscionable added costs and conditions on developers and on local people who want to buy houses. That is another hoop that these people have to jump through in addition to what people in Sydney and other areas regard as the norm. If people want to build a house or subdivide land on the North Coast, they still have to jump through hoops, in addition to all the other environmental Acts that prevent them from muddying local rivers or waterways. This is another cost, and it is totally unacceptable.

Fish stocks in New South Wales should be preserved by taking the carrot and stick approach. Other speakers have said that in western New South Wales European carp have ruined the rivers. A number of years ago near Narrabri people were blaming chemicals used by cotton growers for killing the rivers, but it was found that the carp had basically ruined the marine environment. Instead of using the stick, would it not be better for the Government to use the carrot and encourage people to take fish that are in plentiful supply or remove the carp in the western rivers by means of a commercial operation so the habitat could be regenerated and the Murray cod, the yellow belly and those types of fish would be given the opportunity to survive naturally and increase their numbers.

I believe that has never been done. The Government has said that it will put the money generated from licence fees into research, but I do not believe that is so. I believe the money from licensing is generally going into other areas, and Parliament is not being told. It is being used to police legislation and to catch people like those fellows who are putting in a couple of crab traps and who could be fined $22,000. If we knew a little more about fisheries, we would not have lock-outs such as the one at the Solitary Islands Marine Park. That area was progressing well under the previous marine reserve legislation, but now there is only a lack of consultation. User groups have not been consulted and there are lock-outs and increased fines.

The legislation that came before the House earlier this year substantially increased fines. The area I have been speaking about is not well signposted for tourists and they will not know that crab traps are not allowed. They could be fined $22,000 or gaoled for three months. That is lunacy. Let us try to preserve and protect these areas, but let us not get to a stage where we cannot utilise the waterways in the way we have been used to doing. Let us get the research done; let us look at bag limits and fish sizes. To tell people they cannot take a mud crab out of the Wooli River is lunacy. There would be thousands of mud crabs in the Wooli River.

Other species in the Wooli River may need to be protected but it is not necessary to make it a sanctuary and lock everyone out. The village is full of people who retired there for the fishing and 29 per cent of tourism on the North Coast is because of the fishing that is available there.

Because of legislation introduced by the Government the North Coast is at risk of losing $80 million a year in tourism revenue. While I support the legislation, I make this plea to the Minister: go back and consult more fully with the people and with the industries that will be affected. I understand the need to bring in this legislation prior to Christmas, because of Victorian legislation and other matters that need to be addressed, but I ask the Minister to give some assurance that he will talk to people and not adopt an arbitrary attitude, or a lock-up mentality, across the board.

Mr THOMPSON (Rockdale) [12.31 p.m.]: Unfortunately, the honourable member for Coffs Harbour has got it wrong again, particularly with regard to his claim that there has been a lack of consultation. The Government has consulted quite extensively with all the various stakeholders. In August last year substantial detail was provided to both the New South Wales Minerals Council and representatives of the commercial fishing industry. Contrary to the misleading comments of the honourable member for Coffs Harbour, the commercial fishing industry lobby group, ProFish, had an opportunity to comment on this bill through its senior representative, Mr Graham Byrnes. The assertion of the honourable member for Coffs Harbour is totally without foundation.

I am pleased to speak in support of the bill, which will impact positively on my electorate, which encompasses nearly all of Botany Bay and the lower reaches of the Georges and Cooks rivers, including Kogarah Bay. The bill will strengthen provisions for aquatic reserves outlined in the Fisheries Management Act which, in turn, will strengthen protection for marine organisms that live near the shore. Large numbers of fish and animals on the seashore around Sydney are being collected for food and bait. Those fish and animals are most susceptible to the impact of our population, because they live so close to human activity. That is one good reason why I support the proposed changes to the Act.

I welcome stronger protection for aquatic reserves. Before I elaborate on that aspect, I will mention a problem that has arisen in my electorate. Earlier this year the Ramsgate-Sans Souci Branch of the Australian Labor Party raised with me its concerns about the apparent organised and systematic pillage of shellfish from Kogarah Bay and Botany Bay, and I wrote to the Minister for Fisheries drawing the matter to his attention. My letter stated:

> It appears that a certain group (or groups) of people are organised in such a manner as to work virtually non-stop, in teams, throughout the day and night to harvest the molluscs. It is uncertain whether individuals respect bag limits or discriminate between species, however the overall effect on sea life must be catastrophic …
>
> Given the level of concern about this matter in our local community it would be appreciated if it could be investigated as a matter of urgency so that any breaches of the law can be identified and remedial action taken.

Unlike the honourable member for Coffs Harbour, I support to the hilt the implementation of the law relating to fisheries and, indeed, the prosecution of people found to be acting illegally. On 14 June the Minister responded. The relevant part of his letter stated:

> My department, NSW Fisheries, has undertaken considerable compliance activity in the area and issued several cautions and infringement notices to people collecting in excess of the bag limit. My department has also commenced prosecution action against an offender. Despite this the heavy level of cockle harvesting is continuing.
>
> I am advised that present harvesting levels are unlikely to be sustainable within Kogarah Bay. Additionally, the methods sometimes employed to harvest cockles can damage seagrass beds. I am also advised that local residents and Kogarah Council are concerned about the vulnerability of shellfish to over exploitation around the Kogarah Bay area.
>
> I consulted with my Advisory Council on Recreational fishing in relation to implementing a closure, and the members generally supported the proposal. As a result, I am implementing a two year closure to restrict the collection of pipis, cockles and whelks in Kogarah Bay. Several signs have already been installed to advise the public of the ban and more signs will be placed around the Kogarah Bay area.

That letter contained great news not only for myself and the Ramsgate-Sans Souci Branch of the Australian Labor Party but also for the local people who shared our concerns. I am pleased that the bill proposes changes that will make the management of aquatic reserves consistent with the management of marine parks. Aquatic reserves help to safeguard unique or sensitive areas. They complement larger marine parks to help protect all habitats and marine species. Towra Point Aquatic Reserve is located in the southern part of my electorate and is one of the most popular fishing spots in Botany Bay. It is a magnificent haven and is very close to the city. The reserve is the largest in New South Wales. At 333 hectares it is four times the size of the next biggest reserve, Julian Rocks Aquatic Reserve at Byron Bay.

Scientists are particularly interested in the aquatic reserve at Towra Point because over 230 fish species have been recorded there. The area is so biodiverse because of the abundant fish habitats, particularly the nursery habitats that are found there. Its salt marshes, mangroves and seagrasses are the most extensive in the Sydney region. The seagrass habitats provide food and shelter for fish, and the water is also clearer where the seagrasses and marshes grow. The seagrasses provide an important nursery for many juvenile fish and invertebrate species including snapper and prawns. The internationally recognised Towra International Wetlands are formed by the Towra Point Aquatic Reserve together with the Towra Point Nature Reserve.

A wide variety of migratory wading birds have made their homes in these wetlands, some of which travel more than 12,000 kilometres to get to Towra Point. Birds from as far away as Siberia, Japan and China travel to feed on the intertidal flats. Australia has signed international agreements for the protection of those birds, which include the endangered golden plover and the little tern. Some of the species also visit a part of my electorate in the Arncliffe area known as the Eve Street Wetlands. I am indebted to local resident and activist Ron Rayner and also Dr Paul Adam, who have assisted me over the years to gain a better understanding of the critical importance of the wetlands.

Towra Point Aquatic Reserve is divided into two main areas, a sanctuary zone and a refuge zone. Fishing is allowed only in the refuge zone and the anglers fish year round from the shore and from boats. Mainly they catch bream, whiting and flathead, but it is possible to catch a good number of blue swimmer crabs. In February this year, 161 of the world's leading marine scientists released a statement in which they said that sanctuaries result in long-lasting and often rapid increases in the number, diversity and productivity of marine organisms. Currently, we have eight aquatic reserves to protect sensitive fish habitats and more are planned. Those areas provide unspoiled natural places for people to visit and enjoy. They also provide examples of aquatic habitats for education and further research.

Towra Point Aquatic Reserve is next to the Botany Bay National Park, a very popular picnic spot in summer. It makes good sense to operate those reserves under rules similar to those that apply in marine parks and those that have applied consistency between different categories of marine protected areas. The provisions of the bill give aquatic reserves important environmental safeguards that are essential for meaningful conservation. This will ensure that such natural treasures remain for everyone to enjoy. The bill will update other fisheries legislation to allow it deal with the complex management of this dynamic resource. Through the Fisheries Management Act 1997 the Carr Labor Government legislated to give first priority to conservation goals.

The old-style, short-term approach to fisheries management has gone forever, because of this Government's policies and actions. We are about managing our fisheries in a way that provides long-term social, economic and environmental benefits for the wider community of New South Wales. One such decision of this Government, closely allied to this legislation, is the creation of the State's first recreational fishing havens. Up to $10 million will be spent buying out commercial fishers from Botany Bay and Lake Macquarie; about 100 licences will be bought out under that scheme.

Prior to its introduction, the scheme was widely advertised and broad community consultation was held in relation to it. I understand that the first buyouts will start in May 2002. While the scheme will result in a number of commercial licences being bought out, it will bring a new era to recreational fishing, a very popular pastime throughout New South Wales, and especially in my electorate. The fact that Botany Bay is to be exclusively a recreational fishing area will mean even greater opportunity for my constituents in particular and for visitors to our beautiful area in general. I have great pleasure in commending this bill to the House.

Mr CAMPBELL (Keira) [12.39 p.m.]: I support the Fisheries Management Amendment Bill. I note the earlier contribution of my good friend the honourable member for Coffs Harbour in which he seemed to be supporting and encouraging illegal fishing activities. He quoted a newspaper and complained that it was wrong that charges had been laid against people who breached the legislation. I am disappointed to hear that a member of this House might promote illegal activities in that way. I shall confine my comments to aspects of the bill that arise from item [6] of schedule 1. New section 34AA, which states the purpose of fishing fees, provides:

> The purpose of fishing fees is to provide revenue to assist activities supported through the recreational fishing trust funds established under Division 3 of Part 8, including the following:
>
> (a) enhancing recreational fishing,
>
> (b) carrying out research into fish and their ecosystems,
>
> (c) managing recreational fishing,
>
> (d) ensuring compliance with recreational fishing regulatory controls.

In this International Year of Volunteers any opportunity to expand volunteer programs must commend itself to us. The proposed amendments to the Fisheries Management Act make this sort of opportunity possible by defining the reason for collecting funds from the recreational fishing fee. The proposed amendments make it clearer that these funds are to be used to manage and enhance recreational fishing. When the Government expanded the recreational fishing fee into saltwater areas earlier this year it also increased the funds available to run the Fish Care Volunteer program. This program is a classic example of how a community-based program can enhance recreational fishing.

The volunteers commit to spend one day a month advising anglers in a community-based education program. They mingle among fishers, dispensing educational leaflets and stickers, and talk with anglers about fishing laws and fishing rules. They conduct catch surveys, assist in fishing clinics and fishing community events, and also assist in the training of new fish care volunteers. As a result of this work, the whole recreational fishing community will benefit from more educated anglers. But more than that, fish care volunteers work as ambassadors for fish.

The volunteers are trained in issues such as fish biology, species identification and the need to conserve our stocks and protect key habitats. They also learn about the values of sustainable recreational fishing practices. The volunteers receive specialised training in fishing laws and attend communication skills workshops, where they are trained by professionals. The volunteers use this information and these skills to teach people in the community about fish habitats, catch and release methods, and the value of sustainable fishing. Not only do the volunteers carry out this very important role for fish habitats; they are also learning skills that I am sure are of value to them as individual members of our community.

Thanks to funds from the recreational fishing fee, it is anticipated that by mid-2002 the program will expand across the whole of the State, including coastal areas. Currently, about 68 volunteers are working in inland New South Wales. This number is set to expand quickly because more than $500,000 from the recreational fishing fee will be spent to expand the volunteer program into coastal New South Wales. Another $300,000 will go towards expanding the program in inland areas such as Dubbo. By next year the program is expected to have about 200 volunteers. That will be a significant community effort by people who want to be valuable citizens in our community.

The response to the Government's call for fish care volunteers for Botany Bay was overwhelming, and a number of people are on the waiting list for the next stage of the program. Clearly, people are keen to be fish care volunteers. Fish care volunteers come from all walks of life: male and female, young and old, unemployed and retired. They are equipped with clear identification and outfitted with a fish care hat, T-shirt and backpack that contains all the documents they need to do their job. These volunteers do not have any enforcement powers. It is important to note that they are educating and encouraging people, not enforcing any aspects of the legislation. These programs strengthen community networks. They mean that we can rely more on community care to protect fisheries resources and depend less on government regulations to achieve sustainable resource management.

The provisions in this bill safeguard the recreational fishing fee funds, clearly stating that they are being collected to provide revenue for improving recreational fishing opportunities and programs like the fish care volunteer program. These safeguards relating to the introduction of the recreational fishing fee to the saltwater areas of the State were important to fisheries. The Government and the Minister gave commitments about the use of the fee, and those commitments are further safeguarded by this bill. I am happy to support the safeguards and to highlight them in this debate. It is important to emphasise that the Government is responding to community consultation and community concerns, and reinforcing those issues. For those reasons I commend the bill to the House.

Mr ORKOPOULOS (Swansea) [12.45 p.m.]: I support the changes to the Fisheries Management Act. The bill will improve the clarity of the Act and enable it to be implemented more effectively and transparently. For example, the activities on which recreational fishing fees may be expended are prescribed in new section 34AA, which provides:

> The purpose of fishing fees is to provide revenue to assist activities supported through the recreational fishing trust funds established under Division 3 of Part 8, including the following:
>
> (a) enhancing recreational fishing,
>
> (b) carrying out research into fish and their ecosystems,
>
> (c) managing recreational fishing,
>
> (d) ensuring compliance with recreational fishing regulatory controls.

The new recreational fishing fee, introduced earlier this year, provides significant social and economic benefits not only for recreational fishers but also for the whole community in New South Wales. Lake Macquarie is evidence of the State Government's commitment to conservation, recreational fishers and regional communities, and is a terrific example of the purpose and benefits of the fishing fee. I earnestly commend Minister Obeid for his courage to put into place far-sighted reforms into fisheries management in the State, which I believe places this State at the forefront of fisheries management in Australia and in our region.

Lake Macquarie is a special and important waterway, with its 110 square kilometres of area which is fringed with vital fish habitats such as mangroves, wetlands and seagrass beds. This important mix of habitat has been identified as supporting more than 280 species of fish, along with many other imperative organisms that come together to form a complete aquatic ecosystem. The recent discovery of the invasive seaweed caulerpa taxifolia in the lake is a threat to our valued seagrasses—a threat that the State Government is taking seriously. The Minister quite properly declared caulerpa taxifolia noxious marine vegetation from 1 October 2000 under the emergency declaration provisions of section 209 (4) of the Fisheries Management Act 1994. This declaration has now been confirmed in regulation. Accordingly, it is now an offence to possess this algae in coastal waters or to sell it within New South Wales.

The control of caulerpa taxifolia is being addressed to ensure that the habitat of Lake Macquarie is not degraded. Outbreaks of the algae have been sighted around parts of Pulbah Island and isolated patches in the southern portion of Lake Macquarie. I am particularly appreciative of the efforts of the Department of Fisheries which, in conjunction with the Lake Macquarie caulerpa working group chaired by Ken Winning, is working to deal comprehensively with this invasive and destructive weed infestation. Currently, trials are under way to test whether smothering the weed is a viable method of eradication. In addition, there has been an extensive community campaign to educate the community about this pest. Warning signs have been erected near waters where the weed has been found, brochures have been issued on how to stop the spread of the weed, and community meetings have been held in relation to it. That is how seriously this Minister and the Government take the threat to our waterways.

For some time now the Government has also been taking action on environmental issues relating to Lake Macquarie. In 1998 a task force was established to identify and address issues needing particular attention to ensure the wellbeing of the lake and the local community. The Lake Macquarie task force looked at resolving the conflict between commercial and recreational fishing in the lake as well as the impacts of increased urban development. The task force identified the removal of commercial fishing as a benefit to the area but, unfortunately, this was not possible at the time as there was no funding to buy out the commercial fishing effort.

The recreational fishing fee has changed all this. It has paved the way for important initiatives that will benefit our aquatic resources, recreational fishers and regional communities. This is good news for the environment and it will mean jobs for the region. One of the purposes of the bill is to enhance recreational fishing. The announcement of a recreational fishing area in Lake Macquarie is captured within this purpose. Lake Macquarie is appreciated by close to 200,000 recreational anglers a year, and this translates to a significant economic benefit for the area. This volume of angling activity identifies the area as an important location for recreation. Reserving Lake Macquarie for recreational fishing will ensure that future generations have an opportunity to appreciate it for this purpose as well.

Expenditure associated with recreational fishing in Lake Macquarie has been put in the range of $12 million to $24 million. This means recreational fishing plays a significant part in the local economy. In contrast, based on the 1997-98 catch statistics, the commercial fishery for the area takes around 300 tonnes of fish with an approximate value of $1 million per annum. This commercial catch is only around 1.5 per cent of the total commercial catch in New South Wales and 1 per cent of the total value of commercial fishing in New South Wales.

In the community consultation process undertaken earlier this year relating to the creation of a recreational fishing area for Lake Macquarie more than 356 submissions were received, and 60 per cent of those submissions were supportive of declaring the lake a recreational fishing haven. Clearly, there is strong community desire and support for improved recreational fishing in Lake Macquarie. The community also realises the economic benefits of declaring Lake Macquarie a recreational fishing haven. Enhancing conservation through the removal of disturbing and efficient commercial fishing such as hauling and meshing, and increasing job opportunities through recreational fishing, are both extremely important considerations for the Lake Macquarie area and its 190,000 residents.

Commercial fishers whose businesses are subject to the buyback scheme as part of the declaration of Lake Macquarie as the recreational fishing haven will be fairly compensated through the recreational fishing

fee. Everyone is being looked after in this process. It is fantastic for Lake Macquarie that the Government has shown such vision in this region in recognising the value of recreational fishing to our community. At the same time the Government has taken the necessary steps to improve the worth of Lake Macquarie, while accommodating conservation of our aquatic resources and taking care of commercial fishing families. This bill will ensure a win-win situation for everyone and for the aquatic resources of the area. I again congratulate the Minister and commend the bill to the House.

Mr WHELAN (Strathfield—Minister for Police), on behalf of Mr Woods [12.53 p.m.], in reply: On behalf of the Minister I take this opportunity to thank honourable members for their contributions to the debate. Honourable members would be aware that this bill is the province of the Minister for Fisheries, the Hon. Eddie Obeid, who is a member of the Legislative Council. I have received an assurance from the Minister that he will consider the matters raised by members in this debate and that, where necessary, he will provide responses to their concerns.

Motion agreed to.

Bill read a second time and passed through remaining stages.

VARIATIONS OF PAYMENTS ESTIMATES 2001-02

Mr Whelan, by leave, on behalf of the Treasurer, tabled, pursuant to section 24 of the Public Finance and Audit Act 1983, a variation of payments estimates and appropriations for 2001-02 in relation to the Department of Gaming and Racing, and the Treasury.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT AMENDMENT BILL

Second Reading

Debate resumed from 14 November.

Mr WHELAN (Strathfield—Minister for Police), on behalf of Mr Debus [12.55 p.m.], in reply: On behalf of the Attorney General I thank the honourable member for Gosford for his valuable contribution to the debate. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

UNIVERSITIES LEGISLATION AMENDMENT (FINANCIAL AND OTHER POWERS) BILL

HIGHER EDUCATION BILL

Second Reading

Debate resumed from 14 November.

Mr MILLS (Wallsend) [12.56 p.m.]: I support the Universities Legislation Amendment (Financial and Other Powers) Bill and the Higher Education Bill. Our universities are essential to the social and cultural development of the State. With their strong skills base, research capacity and infrastructure they are vital to the wellbeing of regional New South Wales. Universities make significant contributions to State economic development through the provision of advanced learning and professional training for large sections of the community; through their research capacities and role in the advancement of knowledge; and in the generation of high-value adding businesses and employment.

Since the mid-1990s the number of overseas students choosing to study through Australian higher education institutions has more than doubled. As a result, New South Wales universities are major providers of educational exports. These exports are important economically in terms of direct revenue and indirect or multiplier effects. Together, these two bills will promote the quality of higher education in New South Wales. They will serve complementary purposes of systematic quality assurance and sound management practice through flexible and effective regulation. The bills will serve to both protect the integrity and promote the vitality of higher education in New South Wales.

While all New South Wales universities and the higher education sector as a whole broadly support these changes and will benefit from them, their impact on regional universities and the contributions these universities make to the State deserve particular recognition. Regional universities not only play a critical role in local skills enhancement but they also boost regional economic development more generally. Regional universities bring a wide range of benefits to their communities. They are major employers in the towns where they are located; they inject significant levels of expenditure into local and regional economies; they attract expenditure from the rest of the State; and they attract overseas offshore students, thus generating additional export income for regional economies.

Regional universities also act as accelerators in the development of regions by raising educational aspirations and participation in higher learning. They provide the skills, knowledge, infrastructure and creativity to stimulate local industry and new business ventures, which sustain local populations. Regional universities often play important roles in regional economic planning and contribute to local government, as well as assist in social and cultural development initiatives more generally. The general regional economic benefits arising from the enrolment patterns include the retention of young people in regional areas. This leads not only to social dividends for local communities but also to the retention of expenditure that would otherwise leave regional economies. Further, attracting students from outside the region and overseas brings increased demand for accommodation, consumables and services. Regional New South Wales universities also have a long history of using their research capabilities and infrastructure to build upon existing competitive strengths.

One example of this is the University of New England, which has established a number of ventures, such as the Animal Genetics and Breeding Unit, to maximise its research strengths in agricultural sciences and the competitive strengths of northern New South Wales in agriculture. Significantly, the various research facilities now located in and around the university are leading the region's use of information and communications technology. Already the University of New England, now allied with several research and commercial enterprises, is seeking ways to improve connectivity within the region. In particular, these interests are looking to improve broadband access in and around Armidale. The gains to be obtained from such improvements in communications infrastructure will bring significant benefits and opportunities to the region.

Regional universities have often played a significant role in assisting emerging industries to attain rapid growth through improvements in national and international competitiveness. One such example is the National Wine and Grape Industry Centre, which was established in Wagga Wagga in 1997 by the Charles Sturt University in partnership with New South Wales Agriculture and the New South Wales Wine Industry Association. Utilising the combined resources of the three partners, the centre now provides a unique resource for the wine industry. The New South Wales Government considers that this model—consisting of partnership between the university, government and industry—is a good example of co-operation in industry development. Regional universities are also major players in distance education and on-line learning, partly due to necessity because of the geographical spread of the communities they serve.

Many of our regional universities are pre-eminent providers of distance and on-line education. They have seized the opportunity presented by technological developments and the changing needs of students for more flexible learning modes relevant to their careers and personal commitments. In spite of the many benefits that regional universities bring, in recent years Commonwealth Government funding policy has had a severe adverse impact on less established and regional higher educational institutions. The Howard Government's funding policy is, in plain English, a policy of funding cuts. The Universities Legislation Amendment (Financial and Other Powers) Bill will assist regional universities in their endeavours to survive the Commonwealth Government's funding cuts.

The bill also acknowledges that all universities have a role in the commercial exploitation and development of knowledge and in the benefits of engagement by universities with industry. The bill updates and clarifies universities' powers and more effectively addresses issues of commercial risk and consequent threats to the delivery of universities' core missions. It introduces new risk management and accountability arrangements for these activities. The bill will minimise the regulatory burden on universities while addressing concerns related to probity and public liability which have resulted from an increase in the entrepreneurial activities throughout the sector. The bill recognises the need for a more diverse revenue stream, but also serves to ensure that universities have in place a sound framework within which to engage in commercial activities.

The bill complements quality assurance measures in the related Higher Education Bill. I commend the Minister for Education and Training for the consultation that has taken place with the university communities during the past couple of months. The Minister first announced plans for this legislation in August at a

conference at the Macquarie University about university governance. The draft legislation was circulated for comment and certainly raised serious concern at the University of New England, both at the council level and within the administration. By far the most important concern at the University of New England related to investment and borrowing powers. Under the Public Authorities (Financial Arrangements) Act—which is known as the PAFA Act—the universities were placed in categories based on their financial credentials: the higher the ranking, the greater the investment power.

The University of New England had been given a ranking and category under part 2 of schedule 4 to the PAFA Act which imposes restrictions—namely, that investment can be only in bank deposits or similar government deposits, and that borrowings are limited to the Treasury Corporation. However, the University of New South Wales and the University of Newcastle and others are ranked in a provision of part 4 which allows them to undertake investment of any kind. The borrowing limits of those universities are also more expansive. The draft legislation included the very same restrictions as those provided in the Public Authorities (Financial Arrangements) Act. The University of New England approached the Minister because it was thought that those financial constraints were not necessary in view of UNE's recent history of responsible financial management and were unfair because, in the currently competitive universities environment, UNE's main competitors have an unfair advantage in being able to generate additional funds to invest in the future.

The opportunity costs of those financial constraints on the UNE over the past five years were of the order of half a million dollars a year in lost interest that could have been obtained but for those restrictions on investments. I am very pleased to inform the House that although the provisions of the draft bill would have restricted the UNE, the bill before the House does not. Those changes are very much appreciated. I thank the Minister for changing the bill and for listening to the concerns of the newer and regional universities about investment and borrowing powers. With those remarks, I commend the bills to the House.

Mr STEWART (Bankstown—Parliamentary Secretary), on behalf of Mr Aquilina [1.04 p.m.], in reply: I thank all honourable members who have contributed to this most important debate. The support that this House has shown for these bills is consistent with the support that New South Wales universities and the wider higher education community have expressed. This legislation will help to secure public investment and public confidence in higher education. Importantly, the changes proposed will modernise and strengthen the regulatory frameworks in which New South Wales higher education operates.

Together the bills will promote the developments of quality higher education in New South Wales. They will serve complementary purposes of systematic quality assurance and flexible, effective regulation. On behalf of the Minister, I thank officers of the Department of Education and Training who have worked hard in the preparation of this legislation. In particular, I thank Leslie Loble, David Michaels and Pam Christie, who conducted extensive consultation with New South Wales universities and other higher education institutions. Again I thank honourable members for their contribution to the debate. I commend these bills to the House.

Motion agreed to.

Bills read a second time and passed through remaining stages.

INSURANCE PROTECTION TAX AMENDMENT BILL

Second Reading

Debate resumed from 6 November.

Mr O'DOHERTY (Hornsby) [1.06 p.m.]: It is with great pleasure that I lead for the Opposition in debate on the Insurance Protection Act Amendment Bill and I indicate that the Opposition will not be opposing this measure. The background to this, as honourable members will know, is the collapse of HIH Insurance and the necessity for the State to put in place a protective mechanism to help fund those people who were left out of pocket and who had serious strife as a result of the collapse of HIH. In New South Wales, two areas most affected by the collapse were home owner warranty insurance and compulsory third party insurance, or green slips for motorists. The Government has calculated to the best of its ability the liability for both those areas of loss at a total of $600 million.

The Government made a policy decision—about which the Opposition expressed concern but with which, reluctantly, the Opposition has agreed—that liability for the loss sustained by those people should

initially come from the budget to the extent of $50 million but that the bulk of the loss would come from the insurance industry itself through an annual tax of $69 million on insurance companies that operate in New South Wales. The tax is calculated on a market share basis and the $69 million a year is to be collected from the insurance industry, which makes that a tax on capital. The insurance industry has expressed its concerns, which have been echoed by the Opposition, about the impact of that tax on the insurance industry. Honourable members know that the insurance industry is currently under great pressure and every insurance policyholder knows that the pressure is flowing through in the form of increased premiums.

The insurance industry has continued to express its concern about the impact of this tax on its industry and the potential of the tax to impact adversely on the liability of some insurance companies, not just through changes taking place in the marketplace as a result of the collapse of HIH but, more importantly than even that in a global sense, the changes taking place right across the world in insurance and in other areas of life as a result of the events of 11 September. Of course, the 11 September disaster was not envisaged by anybody when the Government introduced the insurance tax, but it materially affects the viability of insurance in New South Wales and around the world. We cannot escape the consequences of it and we must take it into account. For that reason we reiterate our general concerns about taxing ongoing businesses that have not failed in order to benefit a competitor that has failed. We dislike that policy in principle.

I understand that the insurance industry has continued its discussions with the Government about the implications of this tax from several different perspectives. Discussions are also ongoing with the Insurance Council of Australia and others about establishing another vehicle to take on this $600 million liability. That vehicle has become known as the special purpose vehicle or SPV—which sounds a little like a General Motors Holden car driven by Peter Brock—and discussion is continuing about its nature. The idea is that the insurance industry will agree to assume that liability, thus removing it from the State's balance sheet. The insurance industry would then play an additional role in trying to fund that ongoing liability and pay any moneys that accrue.

As a matter of interest, I asked Office of State Revenue and Treasury officials, with whom we met last week, about payments from the schemes. So far there are payments of $82.5 million against the Policyholders Protection Fund, which shows why the Government had to act urgently to establish the fund and get some money flowing. We now have time to pause and to formulate a slightly better way of managing the process. The New South Wales Opposition hopes that current discussions between the insurance industry and the Government will establish an appropriate vehicle. Some complex issues are involved, and the Insurance Council of Australia has told us that it has not yet reached agreement with the Government about them. We have an ongoing interest in seeing the matter put right.

The Opposition has several concerns in this regard about which we could not get answers from the Government when the measure was first legislated—probably because there were no answers to be had at the time. However, several months have passed and I think it is time that the Government began to answer some questions. For instance, what sort of ongoing liability does the Government anticipate that HIH will have? Does the Government intend, through the special purpose vehicle or via any other scheme, to maintain a fund in case other insurers collapse in the future? In other words, will the Policyholders Protection Fund continue in perpetuity in New South Wales? If so, how will it relate to the special purpose vehicle that the Government is discussing with the insurance industry? If the Policyholders Protection Fund is to continue, how will it be funded? Will some form of tax continue or will the Government ask policyholders to pay for the continuation of such a fund? Does the Government anticipate further collapses in the insurance industry? It would help to receive the Government's response to those questions.

When the fund was established and the tax that pays into it introduced, we said that we would not like to see an ongoing liability that simply added to the cost of insurance in New South Wales—or indeed another ongoing tax on insurance companies in this State, regardless of whether they were able to pass on the cost to their policyholders. In the end the policyholders, shareholders or taxpayers will pay. New South Wales is a big-taxing State, which is already less competitive than other States as a result. For example, our insurance rates are less competitive than those of other States, which will impact on the ability of businesses to thrive in New South Wales.

Interestingly, the accounts tabled by the Treasurer very late yesterday afternoon in an example of media management revealed that the effect of these pressures continues to show up on the New South Wales books. Taxation revenues continue to rise substantially. The report on the State's finances mentions specifically the fact that insurance premiums continue to rise in New South Wales as a result of factors occurring prior to 11

September. Therefore, we can expect that trend to continue in the current financial year. The Government will get additional revenue as a consequence, both through stamp duty and the goods and services tax [GST]. The relationship between stamp duty and the GST creates a double taxation effect, and people are starting to hurt. Every member of Parliament has received complaints about double taxation.

Speaking on radio to John Laws in 1999, the New South Wales Treasurer said that if there was a windfall effect from stamp duties creating additional GST revenue, or vice versa, he would have to examine the double taxation issue. He said specifically that he would review that issue in the event of stamp duty windfalls. This year's report on the State's finances shows stamp duty windfalls and reveals that the Treasurer is receiving not only extra stamp duty but extra GST revenue. It is time the Treasurer made good his promise. This bill contains changes that the Government proposes to make to the operation of the insurance protection tax that have resulted from discussions with the insurance industry. The changes clarify who will pay the tax—companies that are headquartered in Australia or Australian companies registered with Australian Prudential Regulatory Authority—and addresses the anomaly of those people who place their insurance offshore.

We raised this issue with the Government in the original debate and it has finally got around to fixing the problem. The tax increased the likelihood that people would go to brokers and place their insurance offshore because of rising insurance costs as a result of this measure. When that happens the tax is not readily collectable. Therefore, the Government proposes to correct the anomaly by introducing an amendment to the effect that the tax will be collected as an ad valorem impost on premiums paid by policyholders who obtain insurance through a broker and an offshore insurance company. It is worth pointing out that that amendment completely undercuts the Government's insistence that the tax will not be passed on to policyholders. The Government has worked out that it will lose revenue if people place their insurance offshore so it has decided to break its high and mighty promise not to pass on the tax to policyholders in those cases.

Such policyholders will pay the tax directly through a 1 per cent ad valorem increase in their premiums. The Government and the insurance industry have advised me that the industry and insurance brokers are not unhappy with this arrangement. However, no-one has asked the policyholders, who I suspect will be not too happy about it. In discussions with us the industry has said that, while it is not unhappy with the amendments that correct anomalies, it maintains its overall opposition to the tax. For those reasons, it is important that the Government and the industry finalise arrangements for the special purpose vehicle. The Government must explain to taxpayers, policyholders and shareholders, who will eventually bear the cost of this rescue measure. The Opposition does not oppose these amendments. They make administrative changes that, like the insurance industry, we believe are necessary in the context of a tax that, from a policy perspective, we regard as having objectionable qualities.

Mr KNOWLES (Macquarie Fields—Minister for Health), on behalf of Mr Aquilina [1.08 p.m.], in reply: On behalf of the Treasurer, I thank the honourable member for Hornsby for his contribution to this debate. I will ask the Treasurer to respond directly to the specific matters that the honourable member raised during his speech.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SUPERANNUATION LEGISLATION AMENDMENT (MISCELLANEOUS) BILL

Bill introduced and read a first time.

Second Reading

Mr KNOWLES (Macquarie Fields—Minister for Health), on behalf of Mr Whelan [1.21 p.m.]: I move:

That this bill be now read a second time.

The Superannuation Legislation Amendment Bill implements three proposals affecting the New South Wales public sector superannuation schemes. It amends the First State Superannuation Act 1992, the State Authorities Non-contributory Superannuation Act 1987 and the Superannuation Administration Act 1996. The bill corrects minor limitations in the current superannuation legislation. It introduces an enabling provision which allows regulations to be made to include items in the definition of "salary or wages" in First State Super. It also broadens the range of employees who could be members of the Local Government Superannuation Scheme and the Electricity Industry Superannuation Scheme.

The schemes were established in 1987 by trust deeds approved under section 127 of the Superannuation Administration Act 1996. The bill also facilitates the administration of the superannuation schemes by transferring certain preserved benefits in the State Authorities Non-contributory Superannuation Scheme to First State Super without alteration to members' benefit entitlements. Members will benefit from this transfer as they will have investment choice in First State Super. The proposed amendments will not affect New South Wales public sector superannuation liabilities.

I now propose to outline each of the amendments in more detail. In the First State Superannuation Scheme, public sector employers are currently required to make superannuation contributions of 8 per cent of an employee's "salary or wages". This increases to 9 per cent in July 2002, in line with superannuation guarantee requirements. "Salary or wages" are defined in the First State Superannuation Act 1992 as earnings in respect of ordinary hours of work and earnings consisting of overaward payments, shift loading or commission.

The bill amends the definition of "salary or wages" to include any additional items specified in regulations made with the concurrence of the Treasurer. This would mean that public sector employers would be required to pay superannuation contributions on any items specified in the regulations for First State Super members. An example of where this regulation-making power might be useful is in relation to paid parental or adoption leave. Currently, this is not included in the definition of "salary and wages". This means that the Act does not require that public sector employers make superannuation contributions while a person is on paid parental or adoption leave. This is not the case with other forms of paid leave, nor with the other public sector superannuation schemes such as the State Super Scheme and the State Authorities Superannuation Scheme. We are considering amending this for First State Super and the bill allows this to be done by regulation.

The bill also amends the State Authorities Non-contributory Superannuation Act 1987 and the First State Superannuation Act 1992 to provide for the transfer of preserved superannuation benefits in the State Authorities Non-contributory Superannuation Scheme to the First State Superannuation Scheme. This will only occur where the member does not have any benefits in any other closed public sector superannuation scheme. The State Authorities Non-contributory Superannuation Scheme [SANCS] was established in 1988 to provide the 3 per cent "productivity" superannuation arrangement which the unions won at that time. SANCS is a defined benefit scheme and initially covered all public sector employees. Once a SANCS benefit is preserved, it becomes an accumulation style benefit, with a dollar value, which accrues interest.

There are currently approximately 97,000 preserved SANCS benefit accounts where the members do not have any benefits in any of the other closed public sector superannuation schemes. The value of these accounts is approximately $480 million. The bill transfers these accounts to the First State Superannuation Scheme. The effect will be that the amount standing to the member's credit in SANCS will be transferred to a new or existing First State Super account for the member. The administrative cost of the transfer will be met from the Crown Employer Reserve in SANCS, and will not be borne by members. The transfer achieves the administrative simplicity of maintaining accumulation style accounts, like preserved SANCS benefits, and First State Super accounts, to be maintained in the same fund.

Many of the SANCS members to be transferred currently have First State Super accounts. The amalgamation of accounts for these employees will remove duplication of administration fees charged to those members. The transfer will also benefit members as First State Super offers them a choice between five investment strategies, ranging from "cash plus" and "capital guarded" to "high growth". SANCS, being primarily a defined benefit scheme and part of the $27 billion pooled fund, does not offer investment choice. The compulsory transfer of members from one fund to another is a common event in the private sector and is permitted by Commonwealth legislation provided the trustees of the new fund agree to confer equivalent rights on the members. The Commonwealth Treasury has no objection to the transfer.

The final amendment is to the Superannuation Administration Act 1996. It will remove the limitations on the classes of employees that may be members of, for example, the Local Government and Electricity Industries superannuation schemes. These schemes were established by trust deeds approved by the Treasurer under section 127 of the Act. They are directly regulated by Commonwealth Superannuation law and are not "public sector schemes".

The Local Government and Electricity Industries superannuation schemes mirror the statutory public sector superannuation schemes and have divisions which mirror the First State Superannuation Scheme, the State Authorities Superannuation Scheme, the State Superannuation Scheme and SANCS. The amendment will enable State public sector employees and certain other employees, as approved by the Treasurer, to be members

of these trust deed schemes. The amendment removes the current legislative barrier to such trust deed schemes being able to include private sector employees or employees who are not involved in local government or the electricity industry.

For example, the proposed amendment will mean that these superannuation schemes could include public sector employees who become employed by a private sector employer as a consequence of a Government initiative. This will enable employees to transfer from a statutory public sector superannuation scheme to become members of one of the superannuation schemes that are similar to the schemes by which they were covered as public sector employees. The Treasurer and the trustees of the trust deed scheme will still need to consent to these other types of employees being members and this would be negotiated on a case-by-case basis.

Examples of situations where it is proposed to allow members to transfer to mirror superannuation schemes are the Red Cross Blood Service and the Murrumbidgee Irrigation Corporation. It had been intended that these agencies be covered by the trust deed schemes, until the legislative barrier became evident. With the removal of this barrier, employees of the agencies will be able to be legally transferred to the schemes as intended. Until now they have been temporarily covered by the public sector schemes. There will be a test on this second reading speech at the conclusion of private members' statements, and the honourable member for Coffs Harbour will be the first entry into the testing regime. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

PRIVATE MEMBERS' STATEMENTS

UGANDAN CONSULATE

Mrs PERRY (Auburn) [1.29 p.m.]: In my inaugural speech I advised the House of the immense pride I take in being able to represent the multicultural electorate of Auburn. Today I ask the House to recognise a diplomatic initiative and contribution of a community whose links with Australian culture may not be as longstanding as some European, Middle Eastern or Asian cultures but have similar potential to invigorate Australian society and make us stronger in our diversity. Recently the Government of the Republic of Uganda and the Australian Government, as well as the State of New South Wales, took the joint decision to establish a Ugandan consulate in Australia. I was honoured to represent the Premier at the opening of the Ugandan consulate in Auburn. Indeed, I felt doubly honoured: to represent the Hon. Robert Carr at this function, and because Auburn had been selected as the location for the Ugandan consulate.

The establishment of a consulate in western Sydney has been a rare occurrence to date. How appropriate that western Sydney, so diverse culturally and linguistically, should be a centre for global and local outreach. Dr James Lukabyo has been appointed honorary Consul-General of the Republic of Uganda. Dr Lukabyo will be able to forge strong links with the Ugandan community in Auburn and use the consulate to establish diplomatic trade, education and economic links between Australia and Uganda. The Auburn community is pleased to welcome Dr Lukabyo, his wife, Sheila, and his family.

Auburn has a longstanding history as a suburb of first contact and welcome for new arrivals to Australia. It is one of the most culturally diverse communities in Australia, with some 55 different cultural and ethnic groups residing within it. Currently, 25 families of Ugandan origin reside in the Auburn area—that is almost 200 people. This emerging and vital community is already making a significant contribution to Auburn socially and economically. Since meeting Dr Lukabyo and his wife I have been tremendously impressed by their family's community spirit. This has been demonstrated by their efforts to establish a multipurpose community health centre in Ibulanko, which is Dr Lukabyo's native village.

Dr Lukabyo is a man of courage, sincerity and learning, having achieved an outstanding level of academia and held a number of academic positions with Australian universities. Dr and Mrs Lukabyo are energetically committed to facilitating trade links and social and economic development between Australia and Uganda for the benefit of both nations. They have been enthusiastic also about the role of the consulate in the Auburn community by opening its doors so that everyone in the neighbourhood may visit and enjoy some of the cultural, social and educational aspects of Uganda.

I express my thanks for the welcome I received at the consulate's opening. I look forward to continuing to work with the honorary consul-general and the Ugandan community to ensure that the members of that

community are settled and can build on the lifestyle they have already started in Auburn. I believe that the spirit, resources and endeavours of the newly established Ugandan Consul House and of the consul-general and his family will be enriching and enlightening to both the local Auburn community and the Australian society of which it is now a part.

CRONULLA ELECTORATE DEVELOPMENT

Mr KERR (Cronulla) [1.34 p.m.]: At present on display in my electorate is a planning instrument for a number of proposed shopping centres. I urge all Sutherland shire residents to obtain information from the council about that planning instrument and to view the exhibition. It is important that only the most useful and least intrusive regeneration takes place in commercial centres. It would be disastrous if the council were to proceed with this instrument without taking into account an assessment of local and metropolitan housing needs, noting that any changes to council's housing strategy would need to be renegotiated with the Department of Urban Affairs and Planning and nonetheless would reach invalid conclusions unless the broader general context is assessed; an assessment of the economic viability of the centres, utilising appropriate retail planning models; a review of environmental issues, including overshadowing, overlooking, public transport, parking, pedestrian access and landscaping; a review of urban design issues to determine existing and desired outcomes for the centres; and an assessment of the feasibility of potential development outcomes, understanding that the policies would be meaningless unless it is likely that they would be implemented. That is all sound commonsense.

In an article in yesterday's *St George and Sutherland Leader* the mayor said she would like me to urge the Minister for Urban Affairs and Planning not to proceed with an application by Rocla Ltd to carry out underground sandmining at Kurnell. I would be happy to make those representations, the credibility of which would be very much dependent on the information and material given to me by Sutherland Shire Council. I have supported strongly the addition of more land at Kurnell both to the Botany Bay National Park and the Towra Point Nature Reserve. The previous Coalition Government dedicated additional lands to the Botany Bay National Park and Towra Point Nature Reserve. Despite election promises by the Labor Government, no additional land has been added. The House would be aware that the National Parks and Wildlife Service has released a draft plan for the management of Towra Point Nature Reserve and a draft strategic plan for Towra international wetlands.

Land should be made available particularly to the Towra Point Nature Reserve, which has been sought by the Friends of Towra Point Nature Reserve. I have exchanged considerable correspondence with the Minister in relation to the acquisition of six parcels of freehold land for addition to the Towra Point Nature Reserve. This Government has rejected that proposal. Certainly I welcome the support of the mayor and Sutherland Shire Council. A reading of the Healthy Rivers Commission Report reveals a reference to the protection of Kurnell and the need for a commission of inquiry, which the former mayor, Kevin Schreiber, often sought. This issue needs to be considered in conjunction with the totality of the land. In its report the commission said:

> There is an urgent and immediate need for the State to take a lead role and assist local council to address the land use planning issue immediately.

That report has been available for quite some time and it is time action was taken.

M5 EAST MOTORWAY

Miss BURTON (Kogarah) [1.39 p.m.]: I bring to the attention of the House the imminent opening of the M5 East motorway. I am pleased to say that it will deliver substantial benefits to my electorate of Kogarah. The 10 kilometre M5 East extension is yet another of the great road projects this Government has delivered to the people of Sydney, and it is one of the most important. The motorway will provide a vital link in Sydney's road network, linking the M5 East at Beverly Hills with the airport, Southern Cross Drive and the Port Botany container terminal. It will be a tremendous boost to the economy of Sydney and the State. Motorists using the new M5 East will bypass more than 26 sets of traffic lights. From my point of view, as a local member, the benefits of this $794 million fully State Government funded project are more immediate. The M5 East will take approximately 70,000 cars a day off the local streets in my electorate—and that is very good news for the people of Kogarah, Bexley and Kingsgrove.

With the opening of the M5 East next month our local roads will be just that once again: roads for local people, residents and their families, and businesses. It will not be a choke point for the thousands of cars and heavy vehicles that need to pass through the area each day. The removal of all the stop-start traffic will mean an immediate improvement in air quality for many thousands of residents who for years have suffered from the

fumes from vehicles caught in the almost continual stop-start traffic that has plagued the area. While the M5 East will return local streets to local people, residents will also benefit directly from the motorway because six interchanges allow entry and/or exit at King Georges Road, Bexley Road, Kingsgrove Road, West Botany Street, Marsh Street and the Princes Highway before it joins General Holmes Drive at the airport.

I congratulate the workers on the M5 East—the men and women who have made this major project a reality. Honourable members may not know that the twin road tunnels, being four kilometres each, on the M5 East are the longest in Australia. More than 500,000 cubic metres of rock had to be excavated, creating between four and eight metres of tunnel per day. The tunnels were stabilised with more than 35,000 rock bolts and finished off with 12,000 cubic metres of concrete. Construction of the M5 East tunnel has also allowed the retention of the Wolli Creek Valley and its designation as a regional park, instead of a road corridor. It is a beautiful valley and its wetlands, open spaces and sports fields can continue to be enjoyed for generations to come.

I look forward to joining my constituents on Sunday 9 December for the walk through the tunnel. This event, which will raise money for the charity Youth Off the Streets, is expected to draw up to 100,000 people. I hope that all honourable members will join us. By anyone's standard the M5 East is an impressive project. It has been completed six months ahead of schedule, which is an outstanding result. It is a tribute to the dedication and skill of the working men and women who built it. The M5 East is now, and will be for a long time to come, an outstanding asset to New South Wales and to the people of Kogarah. I wholeheartedly congratulate the Government and the Minister on this great achievement.

As I said, in the electorate of Kogarah each day trucks bank up on the roads for kilometres, trying to get from Port Botany to the western suburbs. Those trucks carve up the roads, spew pollution and cause unnecessary havoc in my local area. They will no longer be on the local streets. The local streets will be for the enjoyment of my constituents. I congratulate the Government on this great initiative. The M5 East will be a freeway, not a tollway. It will benefit my local residents and community, children, and anyone who wants to access the city from the western suburbs and return. It will allow people to bypass 26 sets of traffic lights and it will stop congestion on local roads in Kingsgrove, Bexley, Kogarah, Rockdale, all the way to the airport.

Mr KNOWLES (Macquarie Fields—Minister for Health) [1.44 p.m.]: I join the honourable member for Kogarah in celebrating the completion of the M5 East. I do so as a former Minister for Urban Affairs and Planning who undertook the environmental studies and the approval process. In addition, I am a member who represents western Sydney and I currently spend between one to two hours every morning travelling from my home at Liverpool into the city. This road will make an enormous difference to the motorists who commute daily from the suburbs and the city, right through the south-west spine into the Southern Highlands. The importance of this road cannot be overstated. It was built as a freeway and not as a tollway, ahead of schedule and on budget. It is a great and magnificent engineering achievement by Australian workers, who displayed an enormous commitment and extraordinary skill.

All areas from the Southern Highlands to the General Post Office will benefit from the M5 East. Trucks will no longer rumble through the local streets. Vehicles, such as mine, will no longer look for local rat-runs to try to deal with the interminable traffic snarls. Thousands of motorists will enjoy a clear, safe and environmentally advantaged journey to and from work. They were in need of such a transport system. This is an enormous win for Sydney, delivered by good people doing great things. I will be attending a celebratory function tonight in the tunnel under the Cooks River. It is a great engineering feat that shows what Australian know-how and workers can deliver. They have done it once again for the benefit of millions of people. I congratulate every single one of them.

QUEANBEYAN PRESCHOOL SERVICES

Mr WEBB (Monaro) [1.46 p.m.]: I draw to the attention of the House an issue that is very important to the people of Queanbeyan, and I ask the Government to deal with it urgently. There are 259 children who have been placed on an offer list for preschool education next year. That means that 211 children will miss out on local preschool places next year, and their families will have to look for other alternatives. This issue has continued to be promoted by Andrew Naef, President of the Queanbeyan and District Pre-School Association, who said that 470 students are on the waiting list for placement into Queanbeyan next year. I have raised this important matter on a number of occasions.

I presented a petition to the House with respect to this issue more than 12 months ago, and I have continued to present it. I have made representations to the Minister for Education and Training. I moved a notice

of motion in this regard on 6 June—it is one of the 560-odd motions to be debated. I spoke in the House on this issue on 5 June. I asked questions on notice in this regard on 7 March, 5 June and 23 October. The Queanbeyan community, the parents, the children and I are still waiting for a satisfactory response from the Government. There are no short-term solutions because there are no immediate funds available for preschools.

The Minister for Health is in the Chamber. He, like most people, recognises that health is the most important issue for our communities. However, as I have said on another occasion, educating our young people is the most important task that faces us at the moment, and it starts with preschool education. It has been acknowledged that socialisation, introduction to the education system and all the attributes of sound preschool education form the basis of our youth being able to present themselves later in their lives as good, educated, upstanding members of our community. The Queanbeyan City Council has agreed to provide some funding for the capital construction of a new preschool, and there are options for that.

I have met with officials from the Department of Community Services. The Queanbeyan area should not miss out at this stage. The expansion and provision of early childhood places should be a priority of this Government. Additional money must be provided. Letters and representations continue to flow into my office. The Government has acknowledged Queanbeyan as a regional growth centre. The New South Wales Government must commit decisively to providing additional preschool places for in excess of 200 children. The growth factor in Queanbeyan means that more and more people will seek these services. There is no point in the Government passing the buck to the Federal Government, saying that it changed the rules and the playing field some years ago. We are talking about 2001 and 2002.

The Queanbeyan community and I are tired of the constant excuses the Government uses for the Federal Government to commit funds. Recently the Federal Government committed $2 million to the construction of the ring road, a vital infrastructure for Queanbeyan. But the State Government and the Minister for Transport shied away from that commitment. The Minister said he would not rejig his budget in view of previous promises by the Government. The New South Wales Government is more than happy to inject $50 million annually into the Australian Capital Territory to provide health services for people in New South Wales covered by the Southern Area Health Service. I call on the New South Wales Government, the Minister for Community Services and the Minister for Education and Training to commit to the Queanbeyan community and provide a long-term solution for these preschool children.

PORT STEPHENS ELECTORATE SCHOOLS

Mr BARTLETT (Port Stephens) [1.51 p.m.]: I wish to give honourable members an overview of what is happening with respect to education in the electorate of Port Stephens. In New South Wales there are approximately 2,500 schools, 2,200 of which are primary schools and 300 of which are high schools. The education budget is something like $7.6 billion a year, of which approximately $7.1 billion a year goes to pay wages. I have 26 schools in my electorate—three high schools and 23 primary schools. In 1980 the population in the Port Stephens electorate was about 30,000; today it is about 60,000. Our population has doubled in just over 20 years. By 2027 we predict that it will double again to something like 104,000. The increased population is causing enormous strains on our schools. Recently we expended $920,000 on new classrooms for Salt Ash school. Early this year we opened new classrooms at Soldiers Point and we plan to construct further classrooms in the near future.

New classrooms were also opened at Anna Bay. Both Soldiers Point and Anna Bay are growth areas in the Tomaree region. I am working on plans with the Principal of Anna Bay, Mr John Derry, to extend the staffroom and administration office, and construct a multipurpose centre. Recently Raymond Terrace Public School opened a modern canteen for its pupils. We are now working on a project worth $2 million that will result in the construction of a multipurpose centre and a new toilet block, and relocation of the canteen. Mayfield East Public School was one of the first schools to be opened in New South Wales. It has a 1880 hall, as does Raymond Terrace Public School. These schools have been in these communities for many years.

Approximately half the schools in New South Wales were built before 1950, and many of them now experience problems with increased traffic because of the increased population in the areas in which that were built. Recently Raymond Terrace High School spent $250,000 on its agricultural department. Thousands of cubic metres of fill had been poured to get rid of mosquitoes and to improve drainage problems. The school also has new fencing, new sheds and new irrigation. Raymond Terrace High School could probably be the only agricultural school for the Hunter Valley. Recently Bobs Farm primary school received 50:50 funding to complete extensions to its library. I am currently working with the school principal to change the priority listing for airconditioning in an attempt to overcome the problem the school has with heat. Wirreanda, at Medowie, is another growth area. Wirreanda has 10 brick classrooms and 11 demountables—it is growing like Topsy. Medowie has a population of 7,200.

Approximately 25 homes per month come onto the market. For $165,000 people can buy a three-bedroom home with carpet and lawns, and in a street that is curbed and guttered. People do not get a choice of colour, but the house is ready for them to move into. Every time I go to Wirreanda it seems as though another street has been added to the area. It is experiencing tremendous growth. The library and the hall are totally inadequate, given the growth of the area. One thing I will work on with the parents, citizens and staff of Wirreanda is expanding those facilities. The dedication of teachers, principals and ancillary staff in the electorate of Port Stephens is amazing. But they must realise that with so many schools in the State, everything must be prioritised. I can assure them that I am doing my little bit for the electorate of Port Stephens.

MID NORTH COAST AREA HEALTH SERVICE

Mr FRASER (Coffs Harbour) [1.56 p.m.]: I draw to the attention of the House and the Minister for Health—unfortunately, he has left the Chamber—maladministration, to say the least, in the Mid North Coast Area Health Service. In early October the Premier came to Coffs Harbour and announced $970,000 additional funding for the Mid North Coast Area Health Service. In his announcement he said that the funding had been found; it was sitting somewhere. When I raised this matter the Minister for Health and the administration said that was not true. Mr Clout said it was incorrect to view the $970,000 as simply "sitting idle in bank accounts". He said that the money was drawn down on the advice of health staff, who looked at the service's priorities "in terms of spending the additional budget". I have a letter from Dr Jon Waites from the Cardiovascular Clinic at Coffs Harbour which states:

> On 1st July 2001, without formal notification, the Clinical Trial Fund account (containing $253,000) for Coffs Harbour Base Hospital was emptied and the money transferred to the Area Health General Revenue.
>
> On the advice of local administrators, clinical trial revenue was deposited in a clinical trial fund SP&T account. The management of this fund was supervised by a committee composed of the clinical superintendent (Dr Helena Johnston), a hospital administrator (Mr Geoffrey Hampton), the Principal Investigator (myself) and clinical research co-ordinator (Ms Pauline Cahill), as well as a representative from the pharmacy, the nursing administration and the Intensive Care Unit director (Dr Ken Havill). Full documentation of expenditure and a financial plan have been maintained for the management of this fund. The Clinical Trials fund was used to pay the wages of the research co-ordinator and pay costs incurred during the running of the trials. The total income of approximately $781,000 was deposited over a 6 year period. Residual money was used to purchase essential medical equipment (ECG machines, stress ECG equipment, resuscitation manikin, cardiac rehabilitation equipment, ICU monitors—total value approximately $150,000) finance nursing, medical and allied health education (including staff attending cardiology, emergency, medicine and intensive care unit conferences) and to support an acute chest pain unit (stress ECG and nursing staff). Intended future projects currently being assessed include an Aboriginal cardiac primary prevention clinic, a heart failure rehabilitation program and financial support for an academic chair in the (soon to be opened) Clinical School of Rural Medicine. At no time have I as Principal Investigator, received any financial remuneration. There is currently no financial support for my Research Co-ordinator, the chest pain Cardiac Nurse or the intended projects outlined above.
>
> No further clinical trial recruitment will occur until this issue is resolved.

This issue is still not resolved. In fact, I have a letter from Pauline Cahill, the Research Co-ordinator of the Mid North Coast Area Health Service, Coffs Harbour Base Hospital, which in part refers to this money stolen from the account and put into general funds. She writes:

> The impact of this action is that the Clinical Trial Service has been placed in an embarrassing and compromising situation. The service has gone from being completely self funding to a service that is now being told it has no money and cannot pay outstanding bills.

On the one hand, the Premier has told us that there is an extra $970,000 for health care in Coffs Harbour. On the other hand, the Mid North Coast Area Health Service—under Mr Clout, who said the money was not sitting idle in a bank account, but was to be spent—is taking $253,000 from a privately funded research clinic fund for the hospital and transferring those funds to area health general revenue. On 15 October, because the $970,000 was supposed to be sitting idle somewhere, I called for an investigation into the administration of the Mid North Coast Area Health Service. Again I call on the Minister for Health to have the area health service audited. Where is the $253,000? Where did the service get the supposed $970,000—which I do not believe is there? If it did have $970,000 sitting idle, why did the area health service need to take $253,000 that had been contributed by private companies to undertake research at the Coffs Harbour Base Hospital? This is an absolute disgrace. It is maladministration. The Minister should refer this matter to the Independent Commission Against Corruption.

Mr R. W. Turner: Where is the Minister?

Mr FRASER: I do not know. He was here. I told the Minister that I was going to raise this matter. He has now left the Chamber. I demand that he have an independent audit of the Mid North Coast Area Health Service. [*Time expired.*]

DUBBO TIDY TOWNS AWARDS

Ms ALLAN (Wentworthville) [2.01 p.m.]: I take this opportunity to comment on an event that took place last weekend—not the Federal election, but another very important event in Dubbo, in western New South Wales. It was the annual Tidy Towns awards weekend. Perhaps it could be thought that this was poor timing on the part on the organiser of the event. Nevertheless, the organiser had 10 November in the diary for some months before the Prime Minister decided to call a Federal election. It was a very successful weekend. I particularly thank Tony McGrane, my parliamentary colleague and member for Dubbo, for his support over the weekend. Originally the Premier was scheduled to go to Dubbo last weekend to announce the Tidy Towns Hall of Fame awards, which I would like to talk about in a moment. Unfortunately, because of the election, he could not go.

But in two weeks time, on 29 November, in this Parliament, the Premier will host a reception at which he will announce the major Tidy Towns award winners over the past 20 years. We look forward to that event. The main speaker on the evening last weekend was Sandy Hollway, who, significantly, was the architect of Sydney's successful Olympics bid and the implementation of the Olympic Games. He attended in his capacity as head of the New South Wales International Year of Volunteers Unit, to talk to those who attended the function about volunteerism. Sandy was most impressed by the contribution that the people from Tidy Towns committees throughout the State make. He certainly went away with his faith in the spirit of volunteerism reaffirmed.

The overall winner of the current year's Tidy Towns award is in the electorate of my colleague the honourable member for Port Stephens, who has been a strong supporter of Tidy Towns in his community for many years, but particularly in his former capacity as the mayor of Port Stephens. The winner was Soldiers Point-Salamander Bay, which will next year host the Tidy Towns awards. But there were many awards. Tidy Towns on weekends are sponsored by various government agencies as well as the non-government sector. They include the Department of Land and Water Conservation, the National Parks and Wildlife Service, the Department of Public Works and Services, the Department of State and Regional Development, and the Beverage Industry Environment Council. They sponsor numerous awards across many categories.

The awards are both issues based and population based. Apart from the overall award won by Soldiers Point-Salamander Bay, there were four or five categories of awards. Communities like Killabakh, Lockhart, Soldiers Point-Salamander Bay, Gunnedah and Tamworth were winners in the population categories for Tidy Towns. There were, of course, many winners of various other awards. I want to mention just a few of those. I congratulate in particular the Bellbird Public School, near Cessnock, which was an outstanding winner of the Schools Environment Award. The award attracted strong competition from schools all over New South Wales. I had the pleasure last weekend of meeting the principal of the Bellbird Public School. She was very excited about receiving the award. It certainly establishes the Bellbird Public School as the most successful school on environmental issues across New South Wales.

Other schools, like Deepwater Public School, won awards. Peak Hill Central School, Whitton Public School, Temora Public School, Tomaree Hill School and Dubbo West Public School, as well as the La Salle Academy at Lithgow, all won major awards. One of the most outstanding features of Tidy Towns has been the enthusiasm of local Tidy Towns committees, which have now had more than 21 years of activity. On 29 November, when the Premier announces the overall winner for the past 20 years, he will have four finalists from which to pick. They are Gloucester, which was the first Tidy Town winner in this State, in 1981; Byrock, which, with a community population of about 26 people, was one of the smallest communities to become a Tidy Town winner; Leeton, in the Riverina; and one of the larger award winners, Tamworth.

Tamworth, Leeton, Byrock and Gloucester will be the four finalists for the major award to be announced by the Premier on 29 November. I know there is tremendous excitement in those communities about the award. We certainly are looking forward to the reception. I want to particularly thank the board of Keep Australia Beautiful, as well as the staff, led by Matthew Taylor, for the good work they did last weekend. A number of staff, including David Fox, who works for Tidy Towns, have done excellent work. We look forward to another good year of Tidy Towns.

BURNSIDE SCHOOL CLASSROOM VENTILATION

Mr MERTON (Baulkham Hills) [2.06 p.m.]: On 13 November the Burnside School at North Parramatta wrote to me raising a serious health issue arising from a lack of ventilation in classrooms at the

school. In May 1996, when the school was soundproofed under the Department of Education and Training's Noise Attenuation program, a major oversight occurred. The program usually consists of two stages—the soundproofing process, when the windows are sealed, and the installation of airconditioning throughout the school to replace the loss of ventilation and airflow caused by the soundproofing.

In this case the airconditioning was never installed. Now, more than five years later, students are forced to endure their lessons in an unhealthy and uncomfortable environment. In fact, on many occasions throughout the summer teachers must give priority to the prevention of heat distress rather than normal classroom activities. A lack of ventilation in classrooms, combined with the heat, has made conditions so bad that we have the totally absurd situation where class members spend entire lessons lying on the floor, trying to avoid heat distress. These draconian conditions are disruptive to teachers and students, not to mention a danger to their health.

There are a few ceiling fans in the classrooms, but as the rooms have four-metre ceilings and the fans are suspended close to the ceilings, those fans are ineffective and offer very little air movement. In winter the lack of ventilation is potentially even more dangerous, as the classrooms are heated with gas. Although the heaters are flued, the parents and citizens association has been advised that the heaters should not be used in unventilated classrooms containing upwards of 30 students. If reverse cycle airconditioning were installed, those heaters would no longer be required.

Earlier this year a group of parents from the Burnside Parents and Citizens Association and the school council met with staff from the Department of Education and Training in an attempt to have the matter resolved. Despite agreement from the department that the conditions at the school were unacceptable, and caused by a failure to complete the soundproofing process in 1996, to date the parents and citizens association has been unsuccessful in its attempts to have this situation remedied. The department advised that up to $200,000 would have to be allocated for the airconditioning of the school, even though the parents and citizens association has received quotes for less than half that amount. Based on the parents and citizens association's preferred quotation, the anticipated cost to aircondition every classroom, the staff room, the headmaster's office and the library, including an upgrade of the electrical system and an allowance for contingencies, would be less than $80,000.

Last month the parents and citizens association—despite the fact that it considered that parents should not have to be responsible for providing students at the school with decent air to breathe—arranged to install airconditioning in four classrooms. The association decided to relieve the stifling conditions for the four-year-old, five-year-old and six-year-old students because they suffer the most from the stifling heat, and also for the year 6 class, who lose valuable study time each year coping with the heat. However, the parents and citizens association believes that it is fair to expect that it will be reimbursed the amount of almost $20,000 that it cost to install the units—and rightly so.

Burnside is a great community school. The staff and parents work together to provide as many extras as possible to help in the education of the children. But the parents are frustrated that the Carr Government and the Department of Education and Training have not deemed their problems serious enough to resolve them. The Carr Government has clearly got its priorities wrong when it is prepared to spend up to $100 million on facelifts for selected schools at the expense of real problems. The students of Burnside public school have a right to expect comfortable conditions in their classrooms so they can concentrate on their lessons. Instead they are losing valuable lesson time trying to avoid the health risks posed by intolerable heat and a lack of ventilation in classrooms.

I call on the Carr Government to take immediate action to address the sweltering conditions at the school before the health and wellbeing of students is seriously affected. This is one of many cases in western Sydney where schools are combating very difficult conditions in summer. In the past week I referred to problems experienced at a school in Bass Hill. At that school the classrooms are 10 degrees hotter than the outside temperature. The parents of children at that western Sydney school have launched a public campaign to try to get donations to provide airconditioning. It is a question of priorities. We have the farce of the Government talking about providing stone fences, special gates and gravel driveways. Its priorities are clearly wrong. [*Time expired.*]

WYONG COMMUNITY HEALTH CENTRE

Mr CRITTENDEN (Wyong—Parliamentary Secretary) [2.11 p.m.]: It is my very pleasant duty today to draw to the attention of the House the fact that a new community health centre will be operational in May

next year in the Wyong township. The Central Coast Area Health Service, in conjunction with the New South Wales Department of Health, has purchased a building in the Wyong central business district [CBD]. The $1.5 million contract to convert and fit out the former CES-Centrelink building in Wyong has been let to Richard Crookes Constructions Ltd. The building is located on the Pacific Highway and was selected because of its close proximity to public transport services and ease of access for clients.

Richard Crookes Constructions Ltd built both Wadalba primary school and Wadalba High School, and local subcontractors got the bulk of the work in each case. Although Richard Crookes Constructions Ltd is not the local firm as such, it is certainly well regarded locally because it provided work for local subcontractors. I have asked the Minister for Public Works and Services to encourage that company to consider the same approach in respect of the Wyong Community Health Centre. When completed, the centre will provide a range of community-based health services with a focus on young people and families.

Some of the specific services to be provided at the health centre include nutritional advice, palliative care, women's health care, sexual assault counselling, incontinence treatment, asthma education, a wound clinic, child and family health care and community nursing. When it begins operating in May next year, the centre will employ 60 staff. That will obviously generate a considerable benefit to the Wyong town centre, which has suffered considerably since construction of the Westfield Shoppingtown at Tuggerah. I regard this as a positive move that will benefit not only the health needs of the people of Wyong, but also provide a commercial focus that will reinvigorate Wyong CBD.

The total cost of the project is $3.5 million. I am sure honourable members would agree that, in terms of bricks and mortar, that is a great deal of money. But, as with health issues generally, the bricks and mortar component is minuscule compared to the ongoing recurrent costs. When one considers that once the facility has been completed the annual operational costs will be of the order of $4 million, one can see the massive injection of funds that will benefit the Wyong township. The people working in the facility will have to buy goods and services in Wyong. The centre will promote the Wyong township. As well as satisfying the health needs of people who live in the Wyong township, it will benefit the township as a whole.

I have spoken to some business people in Wyong, including Gwen Conti from Legends Bakery and Coffee Shop, who is looking forward to the arrival of workers for the construction phase, and to those who will be employed in the facility once it has been completed. The centre is not the only project that the State Government is working on in Wyong. The bus-rail interchange at Wyong will be opened next month, and the Minister for Transport has assured me that he will visit Wyong to open the facility. I hope that Wyong Council will undertake long-term work to ensure the viability of the Wyong swimming pool on the eastern side of Wyong township. [*Time expired.*]

Mr CRAIG FYFE AND THE ROADS AND TRAFFIC AUTHORITY

Mr RICHARDSON (The Hills) [2.16 p.m.]: Today I advise the House of yet another tale of bureaucratic ineptitude which has led to a law-abiding citizen being fined a substantial amount of money by the Carr Labor Government. The matter concerns my constituent Mr Craig Fyfe of Kellyville. Mr Fyfe runs a lawnmowing business. He is a hard-working, go-getting young man attempting to do the best for his wife and two young children. On 11 October Mr Fyfe bought an unregistered box trailer which was advertised in the *Trading Post* for $450. The same day he went to the Mount Druitt RTA—the registry office closest to where he had bought the trailer—to ask what the requirements were for registering an unregistered trailer. He was told he would need a blue slip and receipt of purchase.

The following day, Friday 12 October, Mr Fyfe booked the trailer into Terry Shields Toyota at Parramatta for a blue slip inspection on Tuesday 16 October. However, when the trailer was taken to Terry Shields Toyota, the mechanic advised the Fyfes that, as he could not find a chassis plate or number, he had requested new identification numbers from the RTA. The trailer, he told Mr Fyfe, would require RTA inspection. Mr Fyfe rang the RTA customer service line and requested the earliest possible appointment for an inspection. He was told that South Penrith inspection unit had a vacancy at 2.20 p.m. Mr Fyfe mentioned his concerns about the missing chassis number and was assured that with a blue slip and receipt of purchase, a new number would be allocated.

The trailer was duly inspected at South Penrith, and Mr Fyfe was then informed that a new number would not be allocated unless he provided the prior history of the trailer. If that information were not forthcoming, Mr Fyfe would need a police number. Mr Fyfe went back to the vendor of the trailer, but could

obtain no additional information from him other than the receipt which he already had. At 4.00 p.m. the same day he visited Mount Druitt police station, where two officers described the request from the RTA as "ridiculous". They said they had neither the time nor the resources to issue a police number. They also advised Mr Fyfe that towing an unregistered trailer was against the law, but added that if he kept all relevant documentation with him as proof he should not be fined.

Mr Fyfe went next door to the Mount Druitt motor registry, where an officer said she could not understand why the police should have to be involved. She tried to contact Penrith RTA on behalf of Mr Fyfes but by then the office had closed. The following morning, Wednesday, Mr Fyfe rang the RTA again and spoke to a lady named Marie, who not only confirmed that there was no need for the police to be involved, but also pointed out that if the trailer were pre 1989 it would never have had a chassis number stamped on it. Mr Fyfe rebooked an appointment for inspection at South Penrith on the Friday morning, the first appointment they had available. The officer rang the inspection unit and confirmed that with the receipt and a blue slip a new chassis number should be issued.

By this time Mr Fyfe had lost about three days working time and he was starting to get a bit frazzled—and more than a little annoyed about the ridiculous runaround he had been given by the RTA and the police over something as simple as registering a $450 box trailer. Being self-employed, if he did not work he did not get paid. So the following morning he went off to work using the unregistered box trailer to carry his mowing equipment—and, you guessed it, he was pulled over by a zealous police officer at Auburn and booked. The fine was $428, almost as much as the value of the trailer.

On the Friday morning at 8 o'clock Mr Fyfe returned to Penrith inspection unit, where he was issued with a chassis number for the trailer. Interestingly, the officer denied referring Mr Fyfe to the police. He said Mr Fyfe could now go to a motor registry and have the trailer registered. So he went to the Penrith Motor Registry, which was close by. And could he get the trailer registered? Right again, he could not. This time he needed a weighbridge report—a requirement that had not been mentioned by anyone else in the Roads and Traffic Authority. He got his weighbridge report and finally got the trailer registered at Castle Hill RTA office, where manager Judy Tindale and her staff are both courteous and efficient, in stark contrast to the staff at Penrith.

I do not say that Mr Fyfe was right to tow an unregistered trailer. He could have hired a trailer for the day. But he is not a wealthy man; he could not afford to rent a trailer. And one can understand his frustration and annoyance at the way in which he had been given the runaround by bureaucracy. I ask the Minister for Roads to investigate this matter and, in particular, the procedures used for registering unregistered trailers and the information provided to members of the public wanting to carry out what should be a routine matter.

I also ask the Minister for Police to consider, in relation to the fine that was issued to Mr Fyfe, whether some leniency cannot be exercised in this matter, given that the offence was largely caused by the incompetence of the RTA. I might add that I am annoyed to think that, while Mr Fyfe had been given certain information by the police at Mount Druitt police station and he had carried his papers with him, he had explained the situation to the police officer who pulled him over, that police officer was not prepared to exercise any discretion or leniency in the matter. He thought it was more appropriate to fine a 30-year-old man with a wife and two kids trying to do the best by his family. [*Time expired.*]

[*Private members' statements interrupted.*]

BUSINESS OF THE HOUSE

Private Members' Statements: Suspension of Standing and Sessional Orders

Motion by Mr Face agreed to:

That standing and sessional orders be suspended to permit up to 13 additional members to make private members' statements.

PRIVATE MEMBERS' STATEMENTS

[*Private members' statements resumed.*]

ILLAWARRA WATER POLICE SERVICES

Mr CAMPBELL (Keira) [2.22 p.m.]: I refer this afternoon to a blue going on in the Illawarra in relation to Water Police based at Port Kembla, which is in the electorate of my colleague the honourable member for Wollongong but serves the region as a whole and many of the people I represent. Perhaps even

some of the people that the honourable member for Camden represents use the waterways that the Police Service patrol in the Illawarra area. I raise the issue because it is a matter of regional concern. My parliamentary colleagues from Wollongong, Illawarra and Kiama and I have been working with the Minister for Police for several months to resolve the problems that exist surrounding the belief that the Water Police service is inadequate. I am particularly pleased that the Minister has established the marine safety task force to look at this matter, and I will talk a little more about that in a minute.

I acknowledge three people in particular—Bob Edwards, Harry Nielsen and Malcolm Loy—who have spearheaded a vigorous and robust community campaign arising from people's anger and their belief that the Water Police service is inadequate. Recreational fishers are particularly concerned that there should be an adequate police search and rescue presence in the region. Their argument is that the police traditionally have carried out a search and rescue role and that that role should continue. I have some sympathy for that argument. The New South Wales Police Service though, at the administrative and operational levels, has the view that it does not have a search and rescue responsibility; rather, it has a policing responsibility.

At the moment a 7.6 metre Sharkcat is based at Port Kembla. There is a great deal of confusion about how far out to sea this vessel can go. Some people claim that it can go only five nautical miles. The Police Service consistently claims that it can go up to 15 nautical miles out to sea and has a range of 30 nautical miles up and down the coast. There is a deal of confusion and anger concerning the current information about the service. I am consistently reassured by the Police Service that the Sharkcat can put to sea and undertake the tasks require of it up to 15 nautical miles out to sea. The confusion, misunderstanding and anger have built to boiling point.

I am pleased that the Minister has established a task force comprising representatives of the New South Wales Police Service, the New South Wales police ministry, the New South Wales Police Association—it is important to have the trade union movement involved in this issue—the State Rescue Board and a number of local search and rescue organisations. The role of the task force is to report to the Minister by 1 December on the sea search and rescue capability and requirements in the region. That is a positive step towards resolving this matter. The anger, confusion and misunderstanding continue but the task force will enable the facts to be put on the table so that people may understand what is needed and how those needs will be met. The bottom line of the whole argument has to be the provision of a proper and adequate search and research function and, equally, a proper and adequate policing function. Whether they are performed by one organisation or by several is something that will come out of the work of the task force.

To come to grips with this issue the Minister for Police has announced that the police launch *James T. Lees* will be fully refurbished and given to the Royal Volunteer Coastal Patrol as part of a package. It is important that all search and rescue organisations fully utilise the Westpac lifesaver rescue helicopter service provided by Lifesaver 3, which is based at Coniston. I understand that it can be four kilometres out to sea within 60 seconds of becoming airborne. That is an important component of the search and rescue capability, not only for people at sea but for people involved in other incidents in our region. The Westpac service, as well as receiving funding from the Government, receives a great deal of financial support from the community generally. I am looking forward to the outcome of the task force and to continuing to work with the community on this issue. [*Time expired.*]

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [2.27 p.m.]: I will refer to the Minister for Police what the honourable member for Keira has put to the Parliament this afternoon about the Water Police operating from Port Kembla and servicing the Illawarra. As the honourable member said, the Minister set up a task force to review the situation. At one time I had responsibility for rescue services as a shadow Minister and I had extensive experience with the Police Service in the early days of the introduction of the police rescue squad.

Search and rescue has become an emotional issue over the years. It is emotionally charged and there is a great deal of rivalry among many organisations. Several organisations are vying to provide this essential service. At the same time there is a cost. As the honourable member pointed out, often a rescue helicopter can reach the site of a catastrophe much more quickly than other means of transport. There is also the volunteer element involving the Royal Volunteer Coastal Patrol and the like. I will pass the honourable member's comments on to the Minister for Police.

CAMDEN AIR SHOW 4 KIDS

Dr KERNOHAN (Camden) [2.29 p.m.]: The Camden Air Show 4 Kids was held on 4 November at Camden Airport. It was estimated that approximately 10,000 people attended and well over $50,000 was raised

for charity. The first of the two recipients, Can Teen, is a support group run by and for its members aged 12 to 24 years to empower Australian teenagers and young adults suffering from cancer. The second recipient was Telstra Child Flight, an intensive care-equipped helicopter service catering for emergency transport of children from premature babies through to 15-year-old children. Camden Air Show 4 Kids was the brainchild of aviation engineer Glenn Sheehan, who, having thought about an air show last year, set to work and brought it to fruition with the aid of his colleagues in the aviation industry. Glenn's only reward, and that of his team, was the joy of seeing a dream come to fruition to raise money for kids.

The gates opened at 8.00 a.m. and visitors were able to view many and varied aircraft lined up on the tarmac in static display, most of which later flew. At approximately 10.30 a.m. Camden mayor Geoff Corrigan welcomed everyone to Camden and the air show was officially opened by Australia's beloved pioneer aviatrix Nancy Bird Walton. The first flight of the day was a flyover and landing of the magnificent two-seater Dragonfly jet owned by David Lowy of Westfield fame. Then followed a ballet of helicopters and fly pasts of "home mades", some of which looked very odd. Amongst the aircraft flying was a restored Lockheed Super Constellation, a World War II P51 Mustang fighter flown by former RAAF squadron leader Jeff Trappett, a vintage Beech-18 and a De Haviland Drover, while classic Australian airliners such as a DC 3 in TAA livery featured in the static display.

Aerobatics were performed by Tom Moon, Mr Magic, the 1999-2000 Australian aerobatics champion, in his Breitling Extra 300s. The Russian Roulettes, four YAK 52 aircraft of the Red Air Force era, complete with red stars, performed a mock attack on the airport. These are the pride of Lindsay Sinclair, whose Red Star Aviation hangar at Camden became the headquarters for the air show. Gliders and parachutists also featured during the day. The commentary for the air show was given by Dave Dent of Dent Aviation. I was honoured to spend the day with Nancy Bird Walton. We were joined by Gaby Kennard, the Australian round-the-world solo aviatrix, for a walk amongst the crowd. Gaby's green and yellow flying suit perfectly matched the colours of her plane, a Maule named Matilda.

After lunch, Nancy Bird set up a stall distributing booklets to teenagers and children. These booklets, produced by the Australian Women Pilots Association, are designed to encourage young people to look at aviation as a career choice. Nancy Bird invited all women pilots on the grounds to join her for afternoon tea at the hangar belonging to Airborne Aviation. That company's business manager, Christine Murray, organised the many technical volunteers on the day, including those from Qantas, Telstra and the various flying schools based at Camden. The major sponsors on that day were Shell Aviation and Telstra Countrywide.

As usual, local volunteers from Camden State Emergency Service, various Rural Fire Brigades and Camden police were there in strength. The Australian Air League from Camden and Campbelltown had stalls, as did many other organisations, including Lions and Rotary. There were rides for the littlies and an enormous food alley. During the day the Ingleburn RSL Club pipes and drums played for the crowd. The show closed at 4.00 p.m. with an amazing display of spectacular climbs and low passes from two Nowra-based A4 Sky Hawks belonging to the Royal New Zealand Air Force. These planes climbed from 300 feet to 1,300 feet in 10 seconds. They will soon be retiring from service and this was their farewell display.

The VIPs and many others were grateful to Phoebe Atkinson of Balloon Aloft, who provided them with a delicious lunch at her home in the airport grounds. Phoebe's father, Edward Macarthur-Onslow, pioneered flying in the 1930s on his Camden property, now the site of Camden airport. He and brother Denzil, assisted by famous designer Broadsmith, built their own plane, the B4, and in it won the coveted *Sun* Cup. In 1938 Edward established the Macquarie Grove Flying School and in 1939 trained 42 new pilots to RAAF standard prior to the outbreak of World War II. Camden has been a centre for aviation for more than 60 years and it is hoped that an air show like the Camden Air Show 4 Kids can be held regularly—perhaps every two or three years. I certainly hope so. [*Time expired.*]

WOY WOY RUGBY LEAGUE FOOTBALL CLUB

Ms ANDREWS (Peats) [2.34 p.m.]: The 2001 rugby league football season will go down in local history as a successful and proud one for the Woy Woy Roosters. Woy Woy's first-grade team, captained by popular second rower Jason Carpenter, defeated the defending premiers, The Entrance, 22 to 16 to take out this year's grand final. It was the third time within a four-year period that the Roosters had won the Carlton Cup. This strong rugby league football club has now chalked up a record 17 first-grade premierships. Earlier in the season the Roosters won country rugby league's coveted Challenge Cup, as well as being this year's minor premiers.

In addition, the red and whites—or the Roosters—took out the under-19s grand final with a close 22 to 20 win over the Wyong Kangaroos. The Roosters have a large and loyal following on the Woy Woy Peninsula. There is great rivalry between the Woy Woy Roosters and the Umina Bunnies. The Umina Bunnies won the under-17 division. For the first time in the club's history the Umina Bunnies under-17 team won the minor premiership-premiership double. I congratulate the players, the coach and all those associated with the under-17 team on a fine effort.

The Woy Woy Rugby League Football Club's annual presentation night was held in the main auditorium of the Woy Woy Leagues Club on Saturday 3 November. Needless to say, after such an outstanding season, on presentation night the air was electric. The management of the Woy Woy Leagues Club and the staff, under the guidance of Secretary/Manager Michael Creighton, had gone to great lengths to ensure that the evening would be an enjoyable one. The Woy Woy Leagues Club was established more than a decade ago to provide finance and moral support to the rugby league football club. Much praise was conferred on all the players, irrespective of the division in which they played, for the way in which they had conducted themselves throughout the year. Several speakers, including the football club's patron, Mr Don Leggett, referred to the players as being wonderful ambassadors for their club, which they are.

Warm congratulations were conferred on the first-grade players for their magnificent wins this season. Coming in for special tributes were first-grade captain Jason Carpenter, halfback Hayden Berry, Nathan Grey and Dave Maryska, all of whom have now hung up their boots so far as the Woy Woy Roosters are concerned. Their contributions towards the Roosters' success over the years will be long and fondly remembered. Other members of the first-grade team who deserve to be mentioned are Evan Cochrane, Brent Byrne, Shannon Keats, Craig Holden, Duncan Smith, Shane Ward, Andrew Jackson, Jade Mason, Grant Stuart, Adam Moore, Elton Connors, Jonathan Vatubua, Layne Martin, Mitchell Berry, Sean Dickson, Justin Louis, Scott Wilesmith and Adam King.

The team's coach, Tony Clarke, has been appointed coach of the Central Coast division team for the 2002 country championship. Tony, who is in his first year of coaching the Roosters first-grade team, was also named the division coach of the year. Manager of the team and now past-president of the football club, David Carr, was another worthy recipient of praise. David and his wife, Robyn, worked tirelessly to ensure that the club had a good season and were very much involved in the smooth running on presentation night. Trainers for the first-grade and the under-19 teams were Amanda O'Neill, Peter Quick, Tim Sleeman, Carly Browning and Michael Markham. The ball boys were Matthew Napier, Nathan Clarke, Daniel Markham and Sean Frazer. The major award for first division, the Merv and Muriel Condren Memorial Trophy, was awarded to Andrew Jackson.

The successful under-19s team comprised coach Mick Jenkins and manager Ray Bourke. The players were Troy McLellan, Craig Rodgers, Mitchell Finnigan, Scott Wilesmith, Chris Breese, captain Jason Stuart, Michael Griffin, Stephen Defries, Chad Trudgett, Adrian Overton, Dane Budd, Clint L'estrange, Robert Quitadamo, Tim Wicks, Lee Browne, Shannon Stuart, Shane Wilson, Bronson Eyles and Ashley Hansen. The players player award in reserve grade went to Daniel King, in the under-19s to Troy McLellan and in the under-17s to Stephen Defries. Richard Smithers is the hard-working and long-serving secretary of the Woy Woy Rugby League Football Club, and much of the credit for the success of the club must go to Richard. I thank the organisers of the presentation night for including Trish Moran and me in the official proceedings. It gave both of us a great deal of pleasure to be part of the night's celebrations.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [2.39 p.m.]: I thank the honourable member for Peats for bringing this matter to the notice of the House. I know of the honourable member's personal commitment to sporting organisations generally, and especially to the Woy Woy Roosters rugby league team. It is true to say that there is intense competition in league and union, and there certainly has been in junior soccer in the past couple of decades.

My driver has told me something about that competition. His rugby union team was done over in the last few minutes of a game and his brother plays in a league competition. Gosford has been the headquarters of country rugby league. The late Ken Cosgrove, who was well-known to me, was involved in country rugby league. It is great that the standards in rugby league and soccer played on the Central Coast have improved. I know that, because I am a life member of the Northern Soccer Federation, which takes in the Central Coast. I congratulate the honourable member for Peats on bringing this important matter to the notice of the House.

MACLEAY HASTINGS SPORTS INJURY SAFETY AUDIT

Mr OAKESHOTT (Port Macquarie) [2.40 p.m.]: I congratulate the Woy Woy Roosters and thank the honourable member for Peats for bringing that matter to the attention of the House. I wish to advise members of the recipient of this year's Claytons Cup winners, which is awarded to the best country rugby league team in New South Wales. This year the Port Macquarie Sharks won that award for their success in the group two rugby league competition. To all the members of the Port Macquarie Sharks—Doug, Hilly, the K-man, Spraguey, Trent, Ricky Russell and the others—I say congratulations. I hope they will have more success next year. This year has been fantastic for the club; it is rare for any local team to win the Claytons Cup. The Sharks can be proud of their efforts.

Sportspeople from Port Macquarie are at an elite level. The town has a lot to be proud of. Rugby league's latest rising star is young Brett Firman, who is with the Cronulla Sharks. Phil Gould has predicted that Brett will be the next great rugby league player for New South Wales and Australia. We all wish Brett the best of luck and continued success in his career. The Port Macquarie Sharks are desperately looking for upgraded facilities at their ground, the regional stadium. I hope that the Government can support them in their endeavours. Country rugby league is supportive of that upgrade, and any financial support would be well received.

The Macleay Hastings Safe Communities Sports Injury Task Force has been formed by Brett Johnson, who is involved in population health with the Department of Health. The task force is taking some positive steps forward, including meetings with the New South Wales Sporting Injuries Committee. Together they will do great things for the treatment of sports injuries in New South Wales, especially in the Macleay-Hastings area. Recently the task force conducted a sports injury safety audit. Some results from that audit were quite alarming. They highlighted many problems experienced at local level in sporting activities that need to be addressed on a statewide basis.

The New South Wales Youth Sports Injury Report of 1997 showed that in a population sample of just over 14,000 students participating in sport an amazing 54 per cent received some kind of sporting injury in the previous 12 months. A significant amount of work needs to be done to educate sporting bodies and clubs in injury management and prevention. That is why the Macleay Hastings Safe Communities Sports Injury Task Force was established. The task force audit found similar results and concerns, including the need for training in sports injury prevention and first aid at schools and sporting clubs. A low proportion of sporting clubs regularly conduct health and safety inspections of their facilities.

A low proportion of sporting clubs have in place risk management strategies, such as sports safety plans, emergency action plans and implementation, and injury documentation. Insurance, public liability, duty of care and risk management have become more and more of concern to the Government following the events of 11 September and the collapse of HIH Insurance. A more litigious society contributes to major problems for government. The problems ripple down to local sporting organisations to the extent that organisations are throwing up their hands, folding up, and saying that is not worth their while to continue.

A very good example of that ripple-down effect are the consequences of the accident at Eastern Creek last year: four volunteers were charged with the criminal offence of manslaughter. That finding has huge implications even for the Port Macquarie go-karting association, whose premiums have gone through the roof. Many sporting organisations now say that it is all too difficult. Another example is the winding up of the bridge-to-bridge classic. Any sporting activity involving a motor is under threat. [*Time expired*.]

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [2.45 p.m.]: I too congratulate the Port Macquarie Sharks. The Central Coast has quality sporting teams also, and their success is facilitated by the settling of non-transient communities—as is the case in the Port Macquarie and Hastings areas. The honourable member for Port Macquarie touched on a matter of major concern for all sporting associations. He is aware of the goings on in the club and hotel industries, which are under my portfolio. It seems everyone wants to sue someone. Litigation is the order of the day.

My big fear, as someone who has been involved in sporting organisations for longer than I have been involved in Parliament, is that ultimately volunteers will stop coming forward. The days of a parent taking up a voluntary position on his or her son's local soccer team are fast disappearing. People are asking about their duty of care, about the insurance implications, whether any action can be taken against them. I believe that safety audits are needed. They were necessary recently in the racing industry when facilities had to be audited. Some country people have reacted by saying that they are all too difficult, but after all there is a duty of care.

Education in this regard is essential. If that is not provided, many people, well-intended though they may be, will find themselves in difficulty. That will be the case throughout the length and breadth of society. Similar concerns have been expressed in my electorate. Task forces should be established throughout the State to monitor sporting associations.

COLOMBIA THREE DETENTION

Mr LYNCH (Liverpool) [2.47 p.m.]: I draw to the attention of the House a matter raised with me by six constituents of mine who are members of the New South Wales Branch of Australian Aid for Ireland, an organisation known as AAI. The specific matter raised was the AAI campaign to free three men now known as the Colombia Three. The Colombia Three are Irish republicans currently being held in appalling conditions on dubious grounds in Colombia. The three are Niall Connolly, Martin McCauley and James Monaghan. Niall Connolly comes from Dublin and is 36 years of age. He has now lived in Central America for 15 years, the last five years in Cuba. During his time in Central America he has worked on Irish Government-funded projects to rehouse people suffering from the horror of conflicts in Nicaragua and El Salvador. He used his skills as a qualified carpenter. He is described as being deeply committed to social justice and has developed relations in Central America with a wide range of voluntary, community, political and church organisations.

Martin McCauley comes from a farming community outside Lurgan, where he was born in 1962. Martin, in 1982 in County Armagh, was the victim of a shoot-to-kill incident by British forces. He was then 19 years of age, and the person with him was killed. The shooting was the subject of inquiry by John Stalker. The inquiry was blocked by elements of the security services. His bullet wound injuries left him disabled and prevented him from pursuing his work as a mechanic. He and his family moved to live in the south of Ireland because of threats from loyalist and security forces.

The third of the Colombia Three is James Monaghan, who was born in Rathmullen, County Donegal. He is a longstanding republican and radical activist and spent time in prison because of his political activities, being released in the 1980s. I point out that all three men are enthusiastic and unqualified supporters of the peace process in Ireland and the Good Friday Agreement. The Colombia Three have been held in Bogota, Colombia, since 11 August this year. Their detention follows allegations by the Colombian military that they were engaged in training members of the Revolutionary Armed Forces of Colombia, known as FARC, which is a guerilla movement opposed to the Colombian military. They were also accused of travelling on false passports.

Much misinformation has been spread about these three by the Colombian military. At times the allegations have included claims that are clearly, even on the face of it, wrong. These claims have been made public by the Colombian military. That of itself is a very disturbing development. The human rights lawyer who is acting for them in Colombia recently visited Australia as part of a Colombian labour leaders delegation. Indeed, they visited this Parliament and spoke to a number of interested members of this place. The lawyer expressed to me his grave reservations about the safety of his three clients. According to the lawyer, the current actions of the Colombian military, involving a public demonisation of the prisoners, are usually a preparatory step to having them killed, that is, having them subject to an extra judicial execution. There is a real fear for the lives of these three.

Colombia is a place where enemies of the military often die; thousands of labour activists have been killed by the military and the paramilitary. In that context it is not surprising that the families of the Colombia Three are so distressed and concerned. It is they who have commenced the campaign to have the three of them released. The three have been held in the notorious Modelo gaol, in which riots and killings are commonplace. They are being held in very restrictive conditions, which not only breach their human rights entitlements but also make it difficult for them to properly instruct their lawyers and to defend themselves. Australian Aid for Ireland has decided to support the campaign of the families to release the Colombian Three. In a recent letter by President Paddy Gorman and secretary Bernadette Whelan, Australian Aid for Ireland said:

> We are seeking your support as part of an international campaign for the immediate release of three Irish Republicans who are presently languishing in shocking prison conditions in Bogota, Colombia. Niall Connolly, Martin McCauley and James Monaghan are being held in tiny cells measuring one metre by less than two metres in solitary confinement 23-hours-a-day.
>
> The men are rarely allowed contact with each other. Contact with their lawyers is sparse. They are not allowed to be together to discuss the case and prepare their defence. The hysterical and inaccurate publicity that has surrounded their case from the time of their original arrests on 11 August put their lives in constant danger from ultra-right death squads and ensures that there is no way they can get a fair trial in Colombia.

> In a trial by media so far they are accused of being IRA operatives training FARC guerillas in Colombia. Media reports published throughout the world, including the *Sydney Morning Herald*, claimed they were also "testing a super-bomb" in Colombia. The so-called "evidence" cited in the media reports in support of this, has since been totally discredited. Yet the distortions go on. In the past couple of weeks, the Columbia media has ridiculously reported the three Irish men "were engaged in mixing up anthrax spores with cocaine, whilst they were visiting the FARC zone in Colombia". Like the Birmingham Six and the Guildford Four before them, the Columbia Three are being set up and used for political purposes.

I am happy to bring to the attention of the Parliament the concerns of my constituents and to support the campaign of Australian Aid for Ireland for the release of the Colombia Three.

PAMBULA RIVER BRIDGE

Mr R. H. L. SMITH (Bega) [2.52 p.m.]: For many months now I have been calling on the New South Wales Government to replace the Princes Highway bridge over Pambula River to provide flood-free access for Pambula. In the State budget handed down earlier this year the Minister for Roads announced that funds were available to begin environmental studies for a new bridge, with construction to start next year. However, this new structure, a concrete bridge immediately alongside the existing wooden structure, will effectively be at the same spot and at the same height, resolving none of the problems that currently exist. By proceeding with the proposed bridge, the Government is condemning the far South Coast to another 50 to 100 years of repeated interruptions to road transport.

Previously I have advised the House that all road access to Bega from the south can be cut off by flood water at Pambula River Bridge. Once again I feel compelled to bring to the attention of the House the need for permanent flood-free access across Pambula River by the construction of a new bridge on the Princes Highway. For years the Pambula River Bridge has been a notorious trouble spot whenever we have had heavy rain. The Princes Highway becomes cut off at this point, with children being unable to get to school, people having to miss a day or so of work, access to Bega and Pambula hospitals made either difficult or impossible, and tourists left stranded and missing connections.

Because of the construction and alignment of the bridge, there is the added problem of the build-up of debris around the piles. This obstructs the river's flow, and flood waters spread out over a wide area. Traditionally there have been two main alternative routes available for those willing or able to add several hours to their normal journey. However, on occasions both these roads, Main Road 91 and Imlay Road, can also be damaged by flood waters, isolating the towns of South Pambula and Eden. There is a real cost to the local economy because of these continued disruptions to traffic. Access to and from the port of Eden becomes impossible for trucks, causing problems in the fishing, timber and dairy industries, and the transport of fuel. Tourists, residents and businesspeople are inconvenienced through being denied access to Merimbula Airport.

Major tourist promotions are frequently held in Melbourne, encouraging our southern neighbours to visit our beautiful area. They expect to be able to explore further than Eden, not be stymied by heavy rain storms. The Princes Highway is one of the nation's main arterial highways. There is no rail network south of Nowra, and we rely heavily on this road for the import and export of goods right along the eastern seaboard. Replacing this old wooden bridge in exactly the same alignment and with the same elevation is a cruel joke and a waste of Government funds. One does not need an engineering degree to work out that this will not provide permanent flood-free access over Pambula River. Virtually no money has been spent on major roadworks south of Illawarra. Where is all the money going? Sydney might be in desperate need of more carparks and bus terminals, but lack of adequate maintenance or improvement works in country areas, such as at Pambula River Bridge on the Princes Highway, can have serious consequences.

Surely, with the new wharf facility to be built at Eden, the State Government can do better than this. The new wharf will provide export opportunities for local businesses, but lack of access to the wharf from the north could have serious consequences for these operations. Last year I presented a large petition to the Parliament and attended protest meetings at the site. Yet this Government still remains hell bent on providing a quick-fix solution, which in fact fixes absolutely nothing. I call on the Minister for Transport to make funds available immediately to build a new bridge at this location, but with improved alignment on the southern side and high enough to withstand the problems of flooding in heavy rain.

BANKSTOWN SQUARE CHRISTMAS DISPLAY

Mr STEWART (Bankstown—Parliamentary Secretary) [2.57 p.m.]: I inform the House that Christmas is alive and well again at Bankstown Square. This week, after negotiations with Lend Lease Retail management, the Chief Executive Officer, Mr Murray Bell, invited me to Bankstown Square to discuss the concerns raised not

only by me in this House but also by the core of my local community, as well as the wider community. I am pleased to tell honourable members that as a result of that meeting substantial changes have been made to the Christmas display at Bankstown Square, particularly the centre court display, which was the focus of the concerns I raised in the House. The centre court display has been a historical feature of the Christmas display in Bankstown Square for more than 20 years; children and families of all backgrounds, religions and race have enjoyed that feature.

Murray Bell has listened carefully to the feedback and reacted accordingly. As a result, Bankstown Square management has now included the centre court display in its Christmas display. The display is not as good or as big as previous displays, but it is a genuine attempt by Lend Lease management to deal with the concerns expressed by the public and by members of this House about the scaling down of the Christmas display at Bankstown Square. The display is in the middle of the centre court, and includes the nativity scene, with a Christmas tree behind it. There is a huge Christmas sleigh and a walk-through display of animated characters that children can enjoy, Christmas elves, toys being made and so on. Importantly, Lend Lease has committed to returning to the original Christmas display in the centre court next year. It is terrific that it will once again be enjoyed by children and families.

This is a win for the people of Bankstown, for the wider community and for the Christmas spirit of peace, harmony and unity that prevails in every community regardless of religion or race. Christmas provides an important focus in an area like Bankstown. Following 11 September the people of Bankstown have been aware of the sensitivities faced by its large, strong and diverse multicultural community. In fact, 122 different ethnic communities coexist in Bankstown in total harmony, despite the media rhetoric and stereotyping we sometimes hear. What has happened at Bankstown Square in support of the Bankstown community ethos is symbolic and I am pleased that Lend Lease has listened to community concerns. This week I joined with Lend Lease in a press release—something rare for me—as a display of unity. In that joint press release the Manager of Bankstown Square, Mr Caruana, said:

> Customer, community and retail feedback is extremely important to us.
>
> Our customers have expressed concerns about not having a large walk through Christmas display in our Centre Court this year as we have often had in the past. In light of this feedback, we've spent the last couple of days increasing the decorations in our Centre Court and malls, and relocating our Nativity Scene to a more prominent area …
>
> One hundred and twenty (120) decorated cardboard Christmas trees will be erected in the ceiling area over Centre Court. These trees, which are being decorated by local schools as part of a centre competition, will be installed by the end of November once schools submit their entries …
>
> Next year's Christmas at Bankstown Square will see the return of a walk through display in Centre Court, as this is obviously a very important component of Bankstown Square's Christmas celebrations.
>
> The Centre's Christmas campaign kicks off in earnest this Saturday with Santa's arrival and a parade through the malls commencing at 12 noon.

I will be there at 12 noon to shake hands with Santa Claus and I will certainly tell him that we are glad to see him in Bankstown. The community has won the right to have a full Christmas at Bankstown Square and I thank Lend Lease for listening.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [3.02 p.m.]: I congratulate the honourable member for Bankstown on the good sense he has shown in this matter. Many countries do not celebrate Christmas as we know it, yet they observe it in other forms as a period of celebration. Many countries of non-Christian background regard the period as a time of reflection and peace, even though the religious events are not observed as they are by mainstream Australia. During these troubled times there could be no better witness to the importance of coexistence between people from diverse backgrounds in this country and the world than the events at Government House yesterday.

I have had a lot to do with Lend Lease in my electorate over a long period of time and I have always found it to be a solid company. I think this has been an isolated instance. I know that the company has listened long and hard because its actions were not in the best interests of the Bankstown community, which comprises people from 122 diverse backgrounds and of many religious beliefs. Bankstown, with its clubs and associations, has more ethnic diversity than any other area in Sydney. I believe what has happened was a little harsh. People believe in different things for different reasons. I congratulate the honourable member for Bankstown. This has been a victory that highlights the need to coexist even though we live in troubled times.

Mr SPEAKER: As the Minister for Gaming and Racing has indicated, the private member's statement presented by the honourable member for Bankstown demonstrates how a private member's statement can be used effectively. It demonstrates that so long as honourable members show ingenuity and energy in pursuing a matter, results can be achieved.

SCHOOLS INTERNET FACILITIES

Ms SEATON (Southern Highlands) [3.04 p.m.]: A few months ago I had the opportunity to spend the entire day at Hilltop Public School and see the activities at the school. One of the most impressive activities I saw was conducted by a teacher who has a great interest in computer studies. He has expertise that he developed privately as a result of his great interest and he is using that expertise to encourage children to actively use the Internet. He conducts lessons on the Internet in the library as part of the normal classroom curriculum but also outside the normal curriculum. That is a great boon to schools such as at Hilltop, and particularly schools in rural areas, whose students do not have access to large libraries, as city children might do. Small schools in my electorate have libraries that do not have a great deal of resource material and so the Internet is very important to them.

I am concerned about an issue raised with me by a teacher from another school in my electorate about teachers who, through no fault of their own, lack the skills to grapple with new technology because they have not received sufficient training. However, their lessons and the administration of the school very much depend on their ability to use the technology. Unfortunately, not all schools have staff who are technically well trained, who have experience or who have developed computer skills on their own initiative.

The teacher wrote to me about problems they are grappling with at that school. They have enormous trouble keeping abreast of rapid technology change. She believes that the department has been poorly advised about the type of cabling installed in many schools. The cabling is not coping with the traffic it is required to carry, especially in country areas where telecommunication facilities are not always of the same standard as in built-up areas. The Internet is very slow in some schools. She told me that occasionally she plans a lunchtime lesson, when many students should be able to use the Internet, but it is so slow that she cannot conduct the lesson. A whole lesson planned by her collapses because she cannot move around the Internet at a reasonable speed.

The teacher said that many administrative staff at schools have to use the Internet for purchasing, buying and banking—a good use of technology—but staff cannot do that between the hours of 8.30 a.m. and 4.00 p.m. because Internet traffic is heavy and therefore they must arrive early and stay late in order to do their jobs. She is also concerned about Oasis updates. She says each update takes an enormous time to download because the Internet cannot cope. Often computer experts are imported just to do day-to-day things and that costs a lot of money. Recently I raised in the House the fact that on average in the Southern Highlands only $4.21 per student is left over after schools have spent their operating budgets on all the normal housekeeping requirements.

That is not much money to spend on computer technology to fix a particular problem or even to do something like download software and make sure it is working. Very few staff members at this particular school have the expertise to run or maintain the system. It is a matter of great concern that schools in the Southern Highlands electorate have only one technical support person whose job it is to cover 60 schools. When a computer problem arises, it has to be fixed immediately, otherwise all sorts of things simply fall apart and teachers cannot give the lessons they are supposed to give. With only one person covering 60 schools, that really is an inadequate service. The letter's final comment says it all:

> We are in desperate need of a reliable, fast, efficient and well maintained computer/Internet service. Our job is to teach.

I think that is really the key message. Computer technology is no longer an option, it is no longer a recreational activity and it is no longer something that people can choose to have or not to have. It is an essential part of education and it is very important for small schools. Unless teachers are given the additional resources they need to make sure that the system works, we are really underselling our schoolchildren and we are doing them a disservice because they simply will not be able to get access to the lessons they need.

Mr STEWART (Bankstown—Parliamentary Secretary) [3.09 p.m.]: I thank the honourable member for her comments in regard to schools within the Southern Highlands electorate. While I do not always agree with the perspective of the honourable member, I believe strongly that the honourable member has always been a diligent worker in providing the best opportunities for the schools in her electorate. That is what is important in the context of this debate. In regard to service providers and computers in schools, I must point out that the Government has provided a Computers In Schools program which is unparalleled throughout the world. It is as simple as that.

An important policy of the Government is provision of computers in schools and provision of Internet access. That has not occurred in the past. The Government has set the standard. It is now up to other States and

other countries to achieve that standard and follow suit. Other States and countries are trying to do so and are having difficulty matching the service provided by this State in supplying computers to schools. The Government recognises that there are concerns about service providers and about schools keeping up with ever-increasing and ever-changing computer technology. I know that the Department of Education is constantly reviewing its approach to the provision and servicing of computers.

I am sure that in the near future there will be positive opportunities for schools in response to the concerns raised by the honourable member. However, school operating budgets are restricted and finite. Unfortunately, funds provided by the Federal Howard-Costello Government for public education in this State have dramatically decreased. That has had the effect that this State has had to look at alternative ways of providing financial resources to schools. The New South Wales State Government has done its best and will continue to do so. I am sure the honourable member for Southern Highlands will take that message back to the Federal Government with a view to achieving more equitable funding in the future.

Dr JUAN SABAG DEREGISTRATION

Mr TRIPODI (Fairfield) [3.11 p.m.]: I wish to report to the House on the decision in *Sabag v Health Care Complaints Commission* (2001) New South Wales Court of Appeal 411, which came down this morning. *Hansard* records that I raised this matter very recently because I believed that as a matter of public interest the justices involved in consideration of the matter should have been as expeditious as possible in arriving at their decision. I take this opportunity to thank those justices for coming down with a decision so quickly and for allowing the public interest to be served by their so doing. The decision was that the Medical Tribunal's decision against Dr Sabag be set aside and that the matter be remitted to a differently constituted Medical Tribunal, to be heard and decided again, and that the respondent pay the appellant's costs of the appeal.

It was held by all three justices, Justice Davies, Justice Beazley and Justice Sperling, that the tribunal misunderstood Dr Ditton's evidence and brought the incorrect view of that evidence to account in finding that the appellant was incompetent to perform injections into nerve blocks, which was the procedure Dr Sabag had carried out. It was also held by Justice Sperling and Justice Beazley, with Justice Davies dissenting, that the appellant was denied procedural fairness in that the allegations that he was incompetent and that he misled community agencies were not notified to the appellant, nor were they litigated, so that the appellant did not have the opportunity of meeting those allegations.

At this stage, Dr Sabag has had a victory and the decision evokes considerable concerns about the way the Medical Tribunal is making decisions. The joint parliamentary inquiry by the Committee on the Health Care Complaints Commission that is currently under way should examine the structure of the tribunal, the types of decisions it is making about public complaints about doctors, and the need for reform of the tribunal's processes. Justice Davies stated in his decision:

> …it appears to me that the Tribunal proceeded upon a fundamental mistake as to the thrust of Dr Ditton's evidence. Dr Ditton did not criticise Dr Sabag's competence in relation to the services which he actually performed.

Justice Davies then went on to state:

> … in the present case, because the tribunal took one of Dr Ditton's answers and applied it out of context, the tribunal failed to have regard to the thrust of Dr Ditton's evidence which was that the procedures which Dr Sabag carried out were not unsafe. Dr Ditton's evidence strongly, supported Dr Sabag's case. There was no evidence of any complaint from a patient and Dr Sabag's evidence was that the procedures had not given rise to any problem and had appeared to alleviate the symptoms complained of. This evidence was unchallenged.

Justice Davies went on to state:

> The tribunal relied heavily upon Dr Ditton's evidence, although it mistook the thrust of it.
>
> In my view, the error made by the tribunal was so significant that it invalidated the decision, for failure to take account of a material consideration and for lack of reasons …
>
> I am of the view that the decision of the tribunal failed for error of law.

Justice Sperling covered the issue of procedural justice and stated in his decision:

> I am of the view that the appeal should also be allowed on the ground of denial of procedural fairness, in that an allegation of such incompetence and an allegation of having misled community agencies—

that was a finding by the tribunal in those terms

> —were not notified or litigated, so that the appellant did not have the opportunity meeting those allegations.

This matter has been remitted to the tribunal for decision. It is necessary to state that members of the Medical Tribunal considering the matter should not be members of the Medical Board. I have emphasised the importance of this matter on previous occasions in this House. This is required for reasons of fairness because members of the Medical Board may have access to the past history or information relating to the doctors who are the subject of complaints and this may affect the tribunal's judgment. Furthermore, the public attention this matter has received will make it very difficult for Dr Sabag to receive a fair consideration of his matter before the tribunal. Once again, this is an issue of natural justice. In the light of the fact that so much attention has been given to Dr Sabag's deregistration, I believe that when the tribunal reconsiders the matter there will be issues about whether Dr Sabag will be given a fair hearing.

The Court of Appeal has referred the matter back to the tribunal for consideration. It is necessary for the Health Care Complaints Commission [HCCC] and the Medical Board which initiated these complaints to be very careful. If these bodies choose to initiate new complaints and raise more matters, there is a chance the public will view that as vilification and victimisation. These bodies have had four years to initiate new matters against Dr Sabag and have not done so to date. I bring this matter to the attention of the House today because the doctor continues to have strong community support. Today's Supreme Court decision confirms Dr Sabag's assertions that he has done nothing wrong and that there is quite a lot of funny business involved in this matter.

VAUCLUSE ELECTORATE SCHOOL MERGERS

Mr DEBNAM (Vaucluse) [3.16 p.m.]: I join in this debate today to speak about school enrolments, just as I did yesterday. This is a continuing saga of the Minister for Education and Training misleading this Parliament about school enrolments, and I refer specifically to schools in my electorate of Vaucluse. There is a proposal for two schools in my electorate, at Vaucluse and Dover Heights, to be merged. As I said yesterday in this House, Minister Aquilina is the Cecil Hills Minister all over again, the Minister who a few months ago knowingly sacrificed a 15-year-old boy because the Premier wanted a question time story about a gun and a massacre. Yesterday in question time Minister Aquilina tried to show that enrolment figures for next year would show the success of his school mergers. I cite his rhetoric which appears in *Hansard*:

> As a result of Building the Future, the signs are that this catastrophic trend has now been turned around.

The Minister was speaking to the Leader of the Opposition and went on to state:

> I will tell you what the figures are, and I hope you will then apologise and say that the Government got it right. I can reveal to the House today some very encouraging figures. I take the applications to enrol for next year for year 7 students. These are schools covered by Building the Future.

Later the Minister said:

> … these are real enrolments. These are students flocking back to public education in the inner city … The enrolment figures say that parents of students feel that we are getting it right.

The Minister then went on to talk about Vaucluse High School. He actually said in question time yesterday that Vaucluse High School enrolments went from 52 this year to 128 next year. Under pressure from Opposition members, the Minister also admitted that Dover Heights High School enrolments had gone down by 60 and that there was a need to combine the two figures. I have viewed the video from question time and can confirm that the Minister said enrolments had gone from 52 to 128. Members of the press gallery have also viewed the video and can confirm the Minister's words. I acknowledge that yesterday's *Hansard*, published this morning, does not say that. It gives the enrolment figures as 76 and 128. There is a simple explanation for that: The Minister got it wrong and he took the opportunity to correct his mistake last night. I have no difficulties with that. The Minister is incompetent—

Mr SPEAKER: Order! Whatever appears in *Hansard* is the official record.

Mr DEBNAM: The Minister got it wrong yesterday. He was reading—

Mr SPEAKER: Order! Whatever appears in *Hansard* is the official record of the Parliament.

Mr DEBNAM: I acknowledge that, Mr Speaker. The Minister got it wrong yesterday. He was reading from a piece of paper that had the variations column on the left, and he read that as the current enrolments

column. The first column said 52, the second column said 76 and the third column said 128. The Minister got it wrong: he wanted to say that the figures had increased from 76 to 128. There are 76 students in year 7 at Vaucluse High School this year. At Dover Heights High School this year there are 70 students in year 7—not 60, as the Minister still believes. That makes a total of 146 and the Minister told us that there are 128 enrolments for next year. That means enrolments are down by 18. They are the actual figures.

The Minister for Education and Training came into this place yesterday and attempted to mislead the House by using all the rhetoric in the world about enrolments having increased. He produced false figures and then had to return to the Chamber later in the day to try to debate the point with me. But he still got it wrong; he still could not get the figure right. At Dover Heights High School there are 70 enrolments, not 60, which proves that enrolments are down. Enrolments are down because the community has no faith in the Minister for Education and Training. He has got it wrong time and again in this portfolio. When he launched his plan to merge schools I said that it was about surrendering public education.

It is not about building the future; it is about planning for failure—and we have the perfect Minister to implement a plan for failure. The Minister is clearly out of his depth, as he demonstrated yesterday when he could not even read correctly the pieces of paper that his staff had given to him about school enrolments. I again urge the Minister to come into the Chamber and admit his mistakes. He should not come to the House and try to debate the issue, as he did yesterday, and get it wrong again. He should admit his mistakes and apologise to the people of New South Wales and to members of this House, whom he has misled. Yesterday the Minister twice misled Parliament about school enrolments in my area. The Minister should apologise to Parliament and then apologise publicly to the local community and schools involved. I urge the Minister to get behind these schools instead of attacking them.

Mr STEWART (Bankstown—Parliamentary Secretary) [3.21 p.m.]: It seems to me that the honourable member for Vaucluse is questioning the integrity of *Hansard*, which is behaviour of a calibre not usually associated with the honourable member, who has researched matters thoroughly in the past. I suggest that he looks at *Hansard*, which is very clear in what it says. *Hansard* is the official record of this Parliament, and always has been, and to question *Hansard* is certainly unusual, to say the least. I also suggest that the honourable member for Vaucluse focus on public education as an important facet of education in this State. If I were him, my first port of call would be the Federal Minister for Education, Training and Youth Affairs. The honourable member should try to convince the Howard-Costello Government to inject more money into public education and to fund it equitably. That is the real issue that we must address.

SHOALHAVEN HEADS PUBLIC SCHOOL

Mr BROWN (Kiama) [3.24 p.m.]: Shoalhaven Heads Public School needs adequate funding in next year's budget so that it can be rebuilt properly. Shoalhaven Heads Public School is a community school. Soon after my election to Parliament I was invited to attend a meeting with members of the Shoalhaven Heads Community and Progress Association and its President, Mr Alan Voysey, and Secretary, Robyn Flack. Also at the meeting was the then principal of Shoalhaven Heads Public School, Mr Bill Hodgson. I was informed at the meeting that the school seriously needed to be upgraded and rebuilt. Four out of nine classrooms at the school are demountable buildings and two of the buildings are original buildings that were moved from Coolangatta to the present site nearly 80 years ago.

The toilets are in demountables, as is the canteen, the library and the staff room. I visited the school library, which is in a small demountable building. There is no room for students and teachers to conduct private research, and a new library is certainly needed. The school has a healthy population of 235 students, with 13 teachers and six support staff. Those students, teachers and support staff have joined the Shoalhaven Heads Public School Parents and Citizens Association and the progress association in attempting to ensure that the school remains a community school. At the progress association meeting 2½ years ago, the parents and citizens association and the progress association suggested that the school be moved and rebuilt on a different site. It was believed that such a plan would not disadvantage the students and that the most appropriate use of the old site—on which the community planned at the time to construct a retirement village—could be determined.

The school community was pleased that a member of the Government had taken the time to listen to its concerns. The need for a new school was first discussed in 1994 and by 1999 the community was ready for action. After the meeting we arranged to meet the Minister for Education and Training, who ordered officers from his department and from the Department of Public Works and Services to examine the proposed new site. They raised several concerns, including traffic and environmental problems. There was also some community opposition to the new site as the current school site was believed to be safer and was located more centrally.

Members of the parents and citizens association, which is now represented by president Jane Fielding and secretary Lynne Henning, have met community members and have informed me that they would prefer the school to be rebuilt on the current site. They believe they will be more likely to obtain funds from the New South Wales Government if that site is used, particularly in light of the report released by the Department of Public Works and Services. The parents and citizens association and the rest of the school community have prepared a petition, which I presented to Parliament this week. I thank them for their work. The new school principal, David Hogg, has been in regular contact with my office and is keen to see the construction of an excellent public education facility that will provide many opportunities to students. This year the parents and citizens association installed airconditioning in one of the demountable buildings. This is a community school, and I am happy to request funding for its upgrading.

Mr STEWART (Bankstown—Parliamentary Secretary) [3.27 p.m.]: I thank the honourable member for Kiama for his comments about Shoalhaven Heads Public School, and for his diligence in the representations he has made with regard to the school's needs. As the honourable member indicated, he has already asked the Minister to address the matter. However, I will ensure that the matters he has raised today are drawn to the Minister's attention for his further consideration. The honourable member for Kiama is a focused member who is keenly interested in public education issues in his electorate. Indeed, he is a member of the Parliamentary Caucus Education Committee.

Recently I visited a number of areas in regional New South Wales, along with the Minister and the honourable member for Kiama. As part of our visit we inspected the senior college in Dubbo, which is an amazing public education infrastructure, and we were extremely impressed with the facilities at that wonderful college. The honourable member for Kiama has contributed a great deal towards education in this State. He cares a great deal about education and young people, and also about the future of this State, which starts with education.

FORMER MEMBER FOR TAMWORTH FEDERAL ELECTION VICTORY

Mr TORBAY (Northern Tablelands) [3.28 p.m.]: I wish to place on record my congratulations to the former member for Tamworth, Tony Windsor, who is in the building today and is watching proceedings on a monitor. Tony Windsor has been congratulated by many people in this House today, and I felt it appropriate that I not only offer him my congratulations but place on the record my view that the former member for Tamworth will be an outstanding member in the Federal electorate of New England. The seat of New England has been held by the National Party for more than 80 years, and the effort that the National Party put into trying to retain that seat was considerable.

Those who know Tony Windsor as I do would be aware that he campaigned on local issues, as he has always done, particularly health, education, employment, and ensuring that inland regional areas were sustainable, and the message obviously resonated throughout the electorate. Despite what I consider to be a very extensive campaign by the National Party—it has been suggested that it cost more than $500,000—the Deputy Prime Minister made a hurried visit late in the campaign, and we had more Commonwealth Cabinet Ministers in the Tamworth area than I believe have ever visited the area. It was a substantial effort, and the National Party is doing everything in its power to retain that seat.

It has been disappointing to see some of the comments since the Federal election. Instead of the Australian tradition, that is, congratulating the victor, the Deputy Prime Minister made the outrageous remark that he is not prepared to work with the new and jubilant member for New England. According to the Deputy Prime Minister, New England will miss out. In fact, the Deputy Prime Minister has turned his back on the people of New England, particularly the people of Tamworth. This is an important point to remember, given that we are coming up to a by-election in that area. To say that the National Party is not there to govern for all of the people is a disgraceful comment from a Cabinet Minister, let alone the Deputy Prime Minister.

A whole range of people worked very hard in New England in the lead-up to the Federal election campaign. I am pleased to say that I certainly did everything in my power to assist what was a tremendous campaign fought on local issues. I note the presence in the gallery of Tony and Ann Hoskin from Armidale, who contributed enormously to that campaign, as they did during the State election campaign when I was elected. I thank them, and I congratulate all of the people who worked within the New England area and the Northern Tablelands throughout the Federal election campaign.

I recall that some years ago when I was the mayor of Armidale I received a phone call from the former member for Tamworth. At that time a whole range of services were being withdrawn, and there were great

concerns, as there is still are, from the smaller communities about service withdrawals. Tony Windsor rang me and said, "Richard, I have heard you on some of these issues, and I think it is appropriate that we do something about putting some policy forward. Let's help this Government govern better. Let us not take the role of a traditional Opposition, that is, seeking to get rid of the Government; let's put some policies down, as Independents should, and do, and help the Government govern better for our communities."

That is the commitment I saw then, that is the commitment I see now, and I know that Tony Windsor will take on the role of taking the community's views to the Parliament, to the Government of the day. I am certain that Tony Windsor will deliver for New England, and I am also certain that he will make friends in the Federal Parliament. I can understand the disappointment of the National Party in losing such a heartland seat. However, if they continue to use language like "my seat" and "this is ours", almost challenging the principle of standing for a seat, this sort of born-to-rule attitude will continue to ensure their decline and their final demise. I thank all those from my electorate who were involved in the Federal election campaign. I congratulate Tony and Lyn Windsor and their family, campaign manager Steven Hall, Peter Pardy from Armidale and many others who worked very hard during the Federal election campaign, and I look forward to working with Tony Windsor as my Federal member.

Mr STEWART (Bankstown—Parliamentary Secretary) [3.33 p.m.]: I join with the honourable member for Northern Tablelands in congratulating the newly elected Federal member for New England on a well-deserved and well-contested result in the recent Federal election. Tony Windsor is well respected by people of all backgrounds; anyone who has met Tony knows he is a person of high calibre. He has achieved his success simply because he cares, he listens and he does. That is a very simple recipe that is, unfortunately, not followed by some politicians, particularly those on the other side of this House.

Tony Windsor has listened and delivered, and that has paid off. He can now get on with the job of representing the Federal electorate of New England, continuing the outstanding job he did in representing the State electorate of Tamworth. I know he had a fantastic election campaign manager, and I am sure he received some very astute advice that also contributed towards his victory. That victory is also a victory for the people of New England, and they deserve Tony Windsor.

CHIPPING NORTON PUBLIC SCHOOL

Ms MEGARRITY (Menai) [3.35 p.m.]: I wish to draw to the attention of honourable members this Government's commitment to the provision of quality school facilities in my electorate. In particular I wish to place on record a commitment made by the Minister for Education and Training to the Chipping Norton school community earlier this year. Since I was elected as the member for Menai I have made a number of representations to the Minister about the need to upgrade Chipping Norton Public School. The school has an excellent reputation in my local community. Over the years parents and staff have actively supported the school through impressive fundraising efforts. They have also rolled up their sleeves and undertaken maintenance and other work on the school premises. Enrolments have continued to grow, but the condition of the existing buildings has deteriorated with age. In a letter addressed to me dated 2 May 2000 the Minister stated:

> The need to upgrade accommodation facilities at Chipping Norton Public School, including the provision of a hall, has been recognised by the Department. It is noted that prior to any future capital works at the school, the entire site must be master planned as the configuration of the existing buildings is not optimal.

The Minister concluded:

> The project to upgrade facilities at Chipping Norton Public School will continue to be taken into consideration for inclusion in a forward Capital Works Program as part of the annual assessment of accommodation needs in schools across the State.

In the meantime, I assisted the school to regain access to the local council's community hall, which is next door to the school, for school assemblies and other activities. I continued to correspond with the Minister about the need to upgrade the school. Earlier this year he gave me the good news that his Properties Section staff would visit the school to commence the master planning process. This is the first stage in the project to provide a full school upgrade. Indeed, the Minister subsequently informed me that Properties Section staff met with the principal and the school council president on 25 July 2001.

The principal was asked to provide information as to the preferred location of the special programs room and the style of canteen required, to enable planning to continue. The school was given some time to consider the issues, but the comments were received and acted upon. Plans for the new school are now in the process of being drawn up. As soon as the plans are completed they will be given to the school for public exhibition and there will be consultation with the wider school community. The scope of the works will then be costed, and the required budget will be determined.

The State budget will be delivered by the New South Wales Treasurer in May 2002. However, despite all these efforts, last week the residents of Chipping Norton received an interesting letter from the Federal member for Hughes, Danna Vale. Ms Vale was justifiably complimentary about the quality of the teaching staff and the achievements of the school. However, she alleged that the State Government was not committed to the school upgrade. Her letter was dated 1 November 2001, and on the reverse side she had printed a copy of her letter to the New South Wales Minister for Education and Training dated 30 October, just one day earlier.

The only so-called evidence she could cite for this alleged lack of commitment was the claim that there had not been a request for a specific allocation of funds for this project from the Federal Government under the Capital Grants Funding Program. Earlier I outlined the process under way for planning the upgrade and determining the required budget. I find it hard to believe that the Federal member could be so ignorant of this commonsense process and suggest that funds could be drawn down from the Federal Government before the project is even costed. If Ms Vale were genuinely concerned about this matter, a simple telephone inquiry would have avoided the uncertainty and worry that she generated in the Chipping Norton school community.

Indeed, just a few days before the Federal election she made an opportunistic gesture to write to the State Minister and demand an upgrade that was, in fact, already under way. Ms Vale's letter correctly stated that the State Government decides which school projects have priority for this funding. However, this fact did not stop her producing election literature claiming credit for stage one of the Alfords Point school upgrade and a new school at Wattle Grove. She had no advocacy role in either case. Clearly, the upgrade of Alfords Point school was a 1999 election commitment by the Carr Government, which we have delivered and which the school is enjoying.

The new school at Wattle Grove is another commitment fulfilled by the State Government. It was built to accommodate students from the families who purchased land in the first place from the Commonwealth Government. It has had to accommodate students also from Moorebank Public School because the Feds sold that land too. I congratulate the Federal member on her re-election. I now challenge her to start lobbying for more funds to be allocated through the Capital Grants Funding Program so that more schools within our mutual electorate boundaries can be upgraded. I challenge her also to publish the reply from the Minister for Education and Training about Chipping Norton Public School in the same way she distributed her correspondence to him on this issue.

Mr STEWART (Bankstown—Parliamentary Secretary) [3.40 p.m.]: I agree totally with the honourable member's comments about representations made on behalf of schools in her electorate. It is clear that those representations have been made through the honourable member for Menai and it is disappointing that the Federal member, Danna Vale, has made representations at the eleventh hour without any thought to their calibre. I am the Parliamentary Secretary Assisting the Minister for Education and Training and I sign off on 95 per cent of letters regarding these types of situations. I can assure the House that up until the Federal election campaign, finding a letter from Danna Vale on any school issue was about as easy as finding rocking horse droppings! However, strangely enough, two or three weeks before the Federal election a couple of letters did arrive making representations on behalf of schools.

I point out strongly that representations that have resulted in priorities being achieved in the Menai electorate have been made by the honourable member for Menai. The new Wattle Grove school was a strong achievement for the Carr Government, but was underlined by the commitment, tenacity and diligence of the honourable member for Menai, who has not left any stone unturned to ensure and insist that her electorate receives the best public education outcomes. Alfords Point school upgrade is another example of her representations. It simply would not have come to fruition without the tenacity of the local member, who has always been there for her schools and has ensured that public education provides the best opportunity to the Menai electorate. The Carr Government is delivering on education, and I congratulate the Minister on his focus on that electorate.

It is clear that the priority for Chipping Norton Public School was established by the Carr Government under the auspices of the Minister for Education and Training, underlined again by the representations and lobbying of the honourable member for Menai; it had nothing at all to do with any representations made at the eleventh hour by the Federal member. I congratulate Danna Vale on her re-election, but I hope that next time she achieves it in a more honest way and recognises the input and focus on public education by her State member. The Federal member should tell Costello that she needs a more equitable injection of funds into public education so that public schools get quality Federal funding.

Private members' statements noted.

MINISTER FOR GAMING AND RACING TWENTY-NINTH ANNIVERSARY OF ELECTION

Mr SPEAKER: I would like to congratulate the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development. Next Sunday will be the twenty-ninth anniversary of his election to Parliament. He is the father of the Parliament and I would like to take this opportunity, on behalf of the Parliament, the staff of the Parliament, his staff and family, to wish him the very best on Sunday. It will be a great day, Richard.

House adjourned at 3.45 p.m. until Tuesday 27 November 2001 at 2.15 p.m.