

LEGISLATIVE ASSEMBLY

Wednesday 5 December 2001

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

Mr Speaker offered the Prayer.

BILLS RETURNED

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

Classification (Publications, Films and Computer Games) Enforcement Amendment Bill
State Revenue Legislation Further Amendment (No 2) Bill
Statutory and Other Offices Remuneration Amendment Bill
Superannuation Legislation Amendment (Miscellaneous) Bill

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No 2)

Second Reading

Debate resumed from 16 November.

Mr HARTCHER (Gosford) [10.02 a.m.]: I speak on behalf of the Coalition to the Statute Law (Miscellaneous Provisions) Bill (No 2) and indicate that the Coalition does not raise in this Chamber any objections to the passage of the bill. Statute law is a device which, by way of an Act of Parliament, comes before the Parliament each year to clarify incidental and unimportant matters that do not justify the presentation to Parliament of a separate amending bill. The Coalition adheres to the tradition of the smooth passage of statute law legislation on the understanding that the matters are of a trivial or insignificant nature, or they are simply to correct drafting errors or clarify technical matters. On that understanding, the Coalition is not objecting to the passage of the legislation. If, however, it comes to attention in the Legislative Council that the bill does not deal with only inconsequential or minor matters, or matters of a technical or drafting nature but in fact deals with matters of substance, the Coalition reserves its rights in that respect.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts), on behalf of Mr Carr [10.03 a.m.], in reply: I acknowledge the position taken by the honourable member for Gosford. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES AMENDMENT (SELF-DEFENCE) BILL

Second Reading

Debate resumed from 28 November.

Mr HARTCHER (Gosford) [10.04 a.m.]: The Coalition does not oppose this bill but does intend to move an amendment at the Committee stage. I give notice of the amendment to add a further clause to read, "A person who carries out conduct in self-defence is immune from civil liability resulting from his or her conduct." I place that amendment on the table of the House and point out that the proposed amendment will add a clause; it does not take out any existing clause. The amendment is proposed as an addition to the existing provisions of the bill as section 424, subject to the advice of the Clerks. Self-defence has long been a matter of concern for many people—in fact, the overwhelming majority of people—and has been well publicised in the media. Over time many people have felt that the law of self-defence has been too vague, too dependent on lawyers' reasoning, not commonsensical enough and not easily understood by members of the community.

The law of self-defence has always been laid down by the common law. There has been no statutory basis for it. The common law has been essentially pragmatic and sensible in relation to self-defence. It has allowed people who reasonably believed that they or others were in danger to take measures that were appropriate at the time and that were reasonable. It has allowed them to take measures in their defence or in the defence of others, in which case those people were immune from criminal sanction. Nonetheless, how their actions are regarded after the event has always created a problem. A person's perception in the agony of a moment is not always the same as people who examine the event in the cold light of day and without any sense of urgency. After the event, people are able to reconstruct each step in slow motion, whereas for the victims of violence or threatened violence the event does not happen in slow motion. It can happen very quickly and often they have to make decisions based on limited information, which sometimes turns out to be incorrect. In those cases people find themselves are faced with criminal sanction.

In 1996 on behalf of the Coalition I introduced a private member's bill, the Home-owners Defence Bill. The scope of the bill was wider than its title suggests because it tried to set out the rights of a person to self-defence in all situations, not just circumstances applying in a home. The bill was not proceeded with although it was debated and there were a number of speeches made in this House during the second reading stage. The Government did not allow the bill to be put to a vote and when the Parliament was dissolved in 1998 in preparation for the 1999 election, the bill lapsed. Earlier this year I brought legislation into this Parliament, the Right to Self-defence Bill 2000. Although I introduced the bill and it proceeded to the second reading stage, it has never been debated and it has languished on the business paper for a considerable time.

Over the past few years the Government has twice adopted legislation that has been proposed in the Legislative Council by the Hon. John Tingle, the Home Invasion (Occupants Protection) Act 1998 and the Workplace (Occupants Protection) Act 2000. The effect of the Government's adoption of those two private members bills introduced by the Hon. John Tingle was to create one law for the home and another law for the workplace. However, the common law continues to apply outside the home and workplace. In New South Wales we have three different laws relating to the right of self-defence, an extraordinary situation. The Government, to its eternal discredit, ignored legislation before the Parliament, which would have set out a simple, comprehensive right of self-defence. The Government declined to take that legislation up for the sole reason that the Coalition proposed it.

The Government was not prepared to accede to it, though it was clearly in the interests of the people. Effectively now the Government is adopting, almost totally, the Coalition's right of self-defence legislation. To the credit of the Coalition, it has maintained over many years the stance that the right of self-defence needed to be codified and expressed in statutory form. It is to the great discredit of the Government, which has been in office since 1995, that it has only been dragged in the year 2001 to the position that we identified many years ago.

Even so, the Government's legislation is inadequate. It fails to address the issue that the Coalition will seek to address by way of amendment, namely, civil liability. When I introduced my legislation, I cited a case of a husband and wife who were in their home in Western Sydney when an assailant broke in, attacked and assaulted them, and caused injury to them. The assailant was convicted of invasion and assault and sentenced to gaol. Upon his release from gaol, he sued the husband and wife whose home he had invaded and whom he had attacked, because their dog bit him during that invasion. The Attorney General knows about that absurd situation. The Local Court dealt with it. It was an insult to the victims and it should never have happened.

The Coalition's amendment seeks to exempt people from civil liability when they are acting in self-defence, as they are exempted from criminal liability. I do not propose to reiterate what I said when I introduced my legislation in April; clearly, it has all been said before. The Government claims that it draws its legislation substantially from a model developed by the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General. The Coalition has no objection to the approach of having, as far as possible, a general codification of common law matters across Australia rather than each State having its own common law. In that sense, the Coalition is happy that this legislation has been introduced. Notwithstanding that, legislation introduced by the Coalition has been before the House for some time and the Government has done nothing about it.

The Government's bill repeals legislation introduced by the Hon. John Tingle. It will set out in one Act of Parliament a comprehensive statement of the right of self-defence. We welcome it. We hope that people in the community are conscious of it and educated about it and that their concerns about how far they can act in the exercise of self-defence is spelt out more clearly. Another aspect of the legislation the Coalition introduced,

which the Government has not taken up, is the clause relating to the level of force that may be used. The clause stated that in exercising your right of self-defence, you are entitled to use a higher level of force if that is necessary for you to protect yourself. That has always been the position at common law. A person is not required to simply respond to the level of force that is offered to that person at common law, but is required to use the level of force that is necessary in the circumstances for self-defence.

The Coalition's bill spelt that out by using the words "higher level of force than that which is offered to you, if that is necessary in the exercise of your self-defence". The Government has not seen fit to provide that aspect in its bill. That causes a great deal of confusion in the community. People are concerned about what level of force they can use. The example is often used: if someone armed with a knife breaks into a person's home, is the person entitled to use a gun in the exercise of self-defence? My understanding is that if the person regarded the use of a gun as necessary for self-defence or for the family's defence, then the person is protected by the law. However, the Government's bill does not make that clear and leaves a grey area of doubt, which concerns many people. That is not idle speculation. At public meetings, especially at Neighbourhood Watch committee meetings, that question is raised. If the Government's legislation is adopted, there will be no provision that actually spells out clearly what a person is entitled to do.

The Government's legislation simply reiterates the fundamental common law concepts that everything needs to be reasonable in the circumstances, proportionate to the circumstance, and seen to be necessary for the exercise of self-defence. All that is well and good, but it is legal phraseology, which does not make it clear that people have the right to use a higher level of force than that which is offered against them. It does not make it clear that they have that right if it is necessary at the time for self-defence and if it is reasonable in all the circumstances. That is the common law and it should have been spelt out more clearly in the words of the legislation.

Debate adjourned on motion by Mr Brown.

ANTI-DISCRIMINATION AMENDMENT (DRUG ADDICTION) BILL

Second Reading

Debate resumed from 28 November.

Mr HARTCHER (Gosford) [10.16 a.m.]: This legislation arises from the consequences of a Federal Court decision in *Marsden v Human Rights and Equal Opportunity Commission and Coffs Harbour and District Ex-Servicemen and Women Memorial Club Ltd*. The Federal Court decision opened the possibility that drug addiction could be treated as a disability under the Commonwealth Disability Discrimination Act. This could also apply in New South Wales law. The bill provides an exemption to the disability discrimination provisions relating to employment—it will not be unlawful to discriminate against a person on the grounds of disability in employment when the disability relates to dependence on a prohibited drug. That was set out in the Minister's second reading speech.

It is important that drug dependence be seen for what it is, a social and health issue, and not of itself criminal behaviour. Sadly, people addicted to prohibited drugs may engage in criminal behaviour, but the addiction itself is not a criminal behaviour. Rather, it is a health and social problem. The Coalition does not believe that drug dependency of this nature should be regarded as a disability when it comes to employment. People must take some responsibility for the consequences of their actions that lead them to drug addiction. It is not the responsibility of employers that an employee has an addiction to a prohibited drug; sadly, it is the responsibility of the employee. Employers should not be forced to employ persons who, due to their addiction, may not be suited to either the work or the working environment. However, as I have said, it is also important that drug addiction is seen as a social issue, and that assistance is given to these employees but not at the expense of employers.

The Coalition is concerned about proposed section 49PA (3) (b), which allows the Government to exclude from the Act drugs other than methadone and buprenorphine simply by proclamation. Such a measure does not provide for accountability, public debate or parliamentary examination. The Opposition in the Legislative Council will therefore consider moving an amendment to remove that provision from the bill. If drugs other than methadone and buprenorphine are to be added to the list of drugs to which the Act does not apply, it should be spelt out in the legislation. It should not simply be allowed as a discretionary matter on the advice of the Attorney General. With those comments the Coalition does not oppose the bill.

Mr FRASER (Coffs Harbour) [10.21 a.m.]: I support this legislation and wish to speak to it briefly. I commend the Government for introducing the legislation, but I raise concerns about the definition of "addiction" and the effect of addiction in the workplace. My young brother owns a business in Newcastle, and one of his employees was stealing from the till. My brother caught the employee stealing. It was later found that his stealing related to a drug addiction and as a result, he had to dismiss that employee. My brother has now been taken before an unfair dismissal claims tribunal in relation to that employee. So far my brother has had to pay more than \$3,000 in legal fees to defend the case. The simple fact is that the employee was not efficient in his work because of his drug addiction. I understand he had multiple drug addictions, including addictions to cocaine and other drugs, and marijuana.

Many people on methadone or buprenorphine treatment programs are still addicted to other drugs. It should be clearly spelt out that if people on such treatment programs are still using other drugs, and their work is suffering, and they steal from their employer, the employer would be protected when the employee is dismissed. I have first-hand experience via my brother. It is ludicrous that in such circumstances an employer can be taken before a tribunal and not be protected, whether or not he wins his case. I hope that with the passage of this legislation the tribunal would consider such a case on the basis that the Government's intention is not to allow that to occur within the workplace and to protect the employer. My brother still must pay more than \$3,000 in solicitors' costs to defend his position because he sacked an incompetent employee whom he caught stealing from his premises to support his drug habit.

I support the legislation, but I ask the Government and those who will implement it to consider carefully the use of other drugs, the so-called soft drugs, such as marijuana. I do not believe that marijuana is a soft drug; indeed, I believe it has the potential to cause harm in the workplace, in the long term and the short term. I ask the Minister to make it clear to all concerned that the bill will ensure that employers are not disadvantaged by illegal drug use in the workplace, or the consequences of it, as they have been in the past.

Mr BROWN (Kiama) [10.24 a.m.]: I support the Government's introduction of the Anti-Discrimination Amendment (Drug Addiction) Bill. I am pleased that the Opposition also supports the bill's amendments to the Anti-Discrimination Act 1977. The reason behind the introduction of the bill is that a recent court decision found that a person could bring an antidiscrimination action against his or her employer if the employer had sacked a worker for taking illegal drugs. The introduction of the bill is a clear example of the Government and the Parliament ensuring that the laws of this State are not twisted and turned by the courts or by solicitors, so that employers are able to dismiss employees who take prohibited drugs.

The bill inserts new section 49PA and provides that nothing in division 2 of the Anti-Discrimination Act would apply to a person having any form of disability due to taking a prohibited drug. "Prohibited drug" is defined in the Drug Misuse and Trafficking Act 1985, but it does not include methadone or buprenorphine, or any other drug that is declared by the regulations not to be a prohibited drug for the purposes of new section 49PA. As secretary of the Government's caucus committee on small business and tourism, I am pleased to support the bill. We need to provide certainty to the many businesspeople in the community so they can continue to invest confidently in regions throughout New South Wales. Of course, my interest is development and investment in the Illawarra region.

Mr COLLIER (Miranda) [10.27 a.m.]: I am pleased to support the Anti-Discrimination Amendment (Drug Addiction) Bill. It is important legislation in light of the recent court decision, which raised the prospect that a person suffering from a drug addiction could pursue a claim for unfair dismissal on the grounds of discrimination. It is important that this bill ensure that that will not be the case. Persons suffering from a drug addiction in the workplace pose a danger not only to themselves but also to others who work around them. In those circumstances, it may be appropriate for employers to dismiss such persons, and they should be able to do so, without fear.

The bill does not apply to certain drugs taken by persons, such as methadone, buprenorphine or any drug that is declared by the regulations not to be a prohibited drug for the purposes of new section 49PA. We should encourage persons who are taking steps to overcome their drug addiction, through a methadone or rehabilitation program. We should ensure that such persons are not discriminated against because they are seeking to overcome their drug addiction. As a result of the recent Drug Summit, the Government is investing more than \$100 million in seeking to get people off drugs. This legislation, as far as it relates to excluding prohibited drugs from the Act, is supportive of the Carr Government's initiatives in this regard. I support the bill and commend it to the House.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [10.29 a.m.], in reply: I thank honourable

members for their contributions. It is clear that there is unanimous support in the House for this bill, which has the effect of clarifying the circumstances applying in the event of the application of anti-discrimination laws to the workplace insofar as they particularly affect people who are addicted to drugs. I make the point only that new section 49PA (3) states that "prohibited drug" does not include methadone, buprenorphine or any other drug that is declared by the regulations not to be a prohibited drug for the purposes of this section because they are treatment drugs. This measure anticipates treatment drugs in the future whose name and chemical make-up we do not yet know. Obviously, that section has been drafted to ensure that we can continue to exempt from the provisions of the Act drugs used for treatment purposes. I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMINAL LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 30 November.

Mr HARTCHER (Gosford) [10.31 a.m.]: This bill, which makes a number of changes to criminal legislation, is not opposed by the Coalition. However, the Coalition will move an amendment to one part of it. I do not intend to deal with all the matters covered in the bill as they were dealt with in the second reading speech of the Attorney General, but I am sure my colleagues would like to address some aspects. Some points require attention. One relates to extending the duration of telephone interim apprehended violence orders from 14 days to 28 days. Statistics show that the number of apprehended violence orders have gone through the roof. Applications for apprehended violence orders relating to personal violence increased from 9,563 in 1994-95 to 14,043 in 2000-01. Applications for apprehended violence orders relating to domestic violence increased from 21,634 in 1994-95 to 33,295 in 2000-01. Therefore the total number of apprehended violence orders has increased from 31,197 in 1994-95 to 47,338 in 2000-01, an enormous rise.

The level of violence in our society is becoming increasingly a matter of serious concern to us all. It is not necessarily a problem for government but more a social problem. Also, I believe that many people have been advised to take out apprehended violence orders for insubstantial reasons. I admit that it is not easy to find a better system of vetting application so that the system is not abused and so that apprehended violence orders achieve the purpose for which they were devised, that is, to provide personal protection that is enforceable through the courts and by the police rather than being used as a bargaining tactic and as a device to settle personal grievances, as they are.

Telephone interim orders are necessary to provide short-term protection. However, it is unfortunate that the period needs to be extended from 14 days to 28 days, because interim orders are not final, and applications for these orders have also dramatically increased. In 1994-95 the figure was 1,305 but it increased to 12,722 in 2000-01—an enormous explosion in seven years of 1,200 per cent. These statistics have been taken from the 2000-01 annual report of the Attorney General's Department. I do not pretend there is an easy solution to this problem. These matters cannot be heard and a final determination made in a short time, because of the large volume of cases to be dealt with by the courts.

I urge the Government to address this problem. Telephone interim orders and apprehended violence orders are necessary to provide protection for the community, but the increase in applications is a matter of concern, and simply extending the period from 14 days to 28 days does nothing but allow them to continue for longer periods. Another aspect relates to the confirmation of the power of the Court of Criminal Appeal to set sentencing guidelines. This aspect is retrospective. It relates to the recent decisions of the High Court in *Wong v The Queen* and *Leung v The Queen*. The Premier, the Hon. Robert Carr, was interviewed last Friday on the Sally Loane program, and he was asked about these cases as follows:

Sally Loane: The full bench of the High Court found that the sentencing guidelines threaten judicial independence and opens the way for any person found guilty of a range of crimes to appeal the sentences. Is this worrying?

Bob Carr: ...I'm told by my Attorney General, Bob Debus, that it is not the deathblow to sentencing guidelines in NSW.

Mr Debus: That was true.

Mr HARTCHER: The Attorney interjects to say that was true, and that is not doubted. It was not the deathblow, because, as the Premier was speaking, the Attorney was introducing legislation into this Parliament to make sure they were not the deathblow. The interview continued:

Sally Loane: But if you had a raft of appeals, then you'd what, you'd you'd ...

Bob Carr: I didn't give them ...overnight, overnight I'd introduced minimum sentences. We are not going to have High Court decisions get in the way of us giving this community what it is asking for and what it is beginning to get and that is sentences for serious crimes that reflect the seriousness of those crimes ...

Sally Loane: Would you be looking, I mean their getting minimum sentences, would that be close to mandatory sentences?

Bob Carr: Yes it is, it's the same thing, and ah ...

Sally Loane: You wouldn't shrink from that at all?

Bob Carr: No, no, where the crime justifies it, I would do it if the High Court's telling me and my government that we can't go after sentencing guidelines. Now this is a challenge for the judges, they don't like minimum or mandatory sentences, neither do I in that strict sense, that's why we're going for guidelines sentencing. Now they're telling us that guideline sentencing which still gives the judges a range of flexibility but within certain boundaries, um, they're saying that's not valid, putting us, the government, in a position where there's no alternative but to go for the mandatory or the minimum option.

That is the Premier's stated position as of last Friday. The Government's response is the legislation introduced by the Attorney to validate sentencing guidelines—especially those done by the court of its own motion in respect of, for example, culpable driving causing serious bodily harm or culpable driving causing death—and to clarify the position in relation to sentencing guidelines. The Coalition never objected to the sentencing guidelines legislation being passed in the first place by this Government. The Coalition is conscious of the overwhelming demand by the community that criminals be brought to justice and receive the appropriate penalty for their crime. There is a great sense of disquiet in the community that in many cases the sentences imposed by magistrates and judges do not reflect the community's view about the seriousness of the crime committed.

I do not need to give examples as every honourable member receives correspondence and is conscious of the problem because it is raised at many of the meetings they attend. The Coalition puts the Government on notice that we expect it to ensure that judges and magistrates get the message that serious criminal offences deserve a serious punishment. The Government is not delivering on that. All the honeyed words from the Premier, who talks about mandatory or minimum sentences, and all the sentencing guidelines that are passed by this Parliament and supported by the Court of Criminal Appeal, are still not delivering to the people what they rightfully expect: punishment visited upon those who perpetrate crime. I am sure we will hear a lot more about that in the next 15 months.

The Premier has shown remarkable flair in the past three months in trying to appropriate to himself various policy initiatives introduced by the Coalition in this Chamber and outside this House to improve law and order. I instance the life sentence confirmation legislation that was proposed by the Leader of the Opposition, the knives legislation that was proposed by the honourable member for Epping, the self-defence legislation and the proposition that adult criminals not be held in juvenile detention centres, both of which I proposed, and the sniffer dog legislation that was proposed by the Leader of the Opposition.

All of these measures were appropriated by the Premier as soon as they were proposed by the Coalition; he introduced them, claiming a mantle of government action. There is insufficient Government action on the important issue of making sure that criminals serve the rightful punishment for their crimes. I use the word "punishment" because the community is entitled to expect punishment. We have a responsibility to seek rehabilitation and as a society we are entitled to expect punishment for serious criminals. That aspect of the criminal law is not being satisfactorily addressed by the Government.

While the Opposition does not oppose that aspect of the legislation, we warn the Government that the community's expectations are not being satisfied at the present time. The legislation makes a number of amendments to the criminal law relating to the giving of evidence by young persons 16 to 17 years old. It gives correctional officers the same power of arrest that police officers have in relation to the possession of offensive weapons. It also makes a further interesting amendment to the Young Offenders Act 1997 to allow the possession of small amounts of cannabis to be dealt with under the Act in certain cases.

That aspect of the legislation has a long history. In 2000, as part of its response to the Drug Summit, the Government passed the Drug Summit Legislative Response Act 1999, which took effect from 3 April 2000. That Act provided for young offenders under the age of 18 years to be cautioned for possession of not more than

a small quantity of illicit drugs as defined under the Drug, Misuse and Trafficking Act 1985. Under this definition, minors may carry up to 30 grams of cannabis or five cannabis plants, an amount with a street value of more than \$500.

The Coalition was concerned about those matters and made a number of points. The introduction of the adult cannabis cautioning system as a 12-month trial from 3 April 2000 was outlined in the Government's response to the Drug Summit in July 1999, but the response did not specify the details of the trial. Details were issued via a media release dated 27 July 1999 from the Premier's office. However, they contradicted the New South Wales Police Service guidelines and the cannabis cautioning scheme guidelines in 1999, under which the discretion allowed the police commissioner to set the cautionable amount at 15 grams. That created a discrepancy, as the current legislated definition for young offenders was 30 grams of cannabis. Accordingly, the Coalition made some valid points and the Government's response—quite some time later—is these further amendments to the criminal legislation. The Attorney General's response is:

Drug Quantities for Young Offenders. It has come to attention that the vast majority of police cautions given for the possession of cannabis are in the range of 1-15 grams. Due to ongoing concern that the Adult Cannabis cautioning scheme sets a limit at 15 grams (half the statutory quantity) it is proposed that the Young offenders scheme be amended for cannabis possession to reflect that same quantity with a residual discretion to caution up to the full small amount (30g) in exceptional circumstances.

The Coalition raised that point in April 2000 and it has now taken until December 2001 for the Attorney General to respond. I am pleased to acknowledge the presence in the Chamber of the honourable member for Oxley, who was quite vocal on this issue at the time. This legislation is so reflective of the slow pace at which this Government works, and its determination not to acknowledge any defects in its legislative program that are pointed out by the Opposition when these sorts of problems arise. It is a sad commentary on the efficiency of the Government and its response to concerns. The Attorney General continued:

This will also have the benefit of negating community concern that the amounts are too high and possibly encourage young persons to engage in drug supply.

Who did not say that 18 months ago? Everybody said the amounts were too high.

Mr Debus: You said it and that is what caused concern. You caused the concern.

Mr HARTCHER: That is right, we said the amounts were too high and now, 18 months later, the Attorney General is responding. The Attorney General gives the Coalition enormous credit when he says that we caused community concern. The Opposition did not cause the community concern, the Opposition articulated the community's concern and brought it to the floor of the Parliament. I am glad the Attorney General has now accepted that very important change. The Government has also succumbed to community concern in relation to the release of criminals on the anniversary date of their crime. There are few things as offensive to the victims of crime as to be advised that the perpetrator is to be released from gaol on the anniversary of the day upon which they committed their crime.

I remind honourable members of the very sad case of the doctor and his fiancée from Newcastle who were killed in a most tragic motor accident by a young offender with a long record of offences. He stole a BMW car and, while driving dangerously at high speed, caused an accident that killed that young doctor and his fiancée. That offender was to be released from juvenile detention two years later on the anniversary of the day upon which he committed his appalling crime. The fact that he served barely two years for that offence is a disgrace, but that is by the by—we raised that concern vocally in Newcastle and in this place. At least the Government is now responding to community concern and, in the words of the Attorney General, is amending the Crimes (Administration of Sentences) Act 1999 to give the Parole Board the capacity to direct that prisoners convicted of violent crimes are not to be released on the anniversary of their offence.

However, we object to the Attorney General's comment that this amendment will retain a discretion. We do not believe there should be any such discretion. This legislation is being rushed through Parliament and we have not yet received from Parliamentary Counsel an amendment we wish to move, so I will not move it in this House. However, I foreshadow that an amendment will be moved in the Legislative Council to remove that discretion. There is no basis for allowing the Parole Board the discretion to release a violent offender on the anniversary of the commission of his or her crime. Those anniversaries cause enormous pain to victims and/or their relatives and the Opposition believes that they, not the criminal, must have priority in these situations. Under no circumstances should prisoners convicted of violent offences be released by the Parole Board on the anniversary of the commission of those offences.

In support of our amendment I remind the House that the Attorney General said that the amendment is a response to victims' distress indicated recently over this issue, which has forced the Government to finally take

action. The Government remained hard-hearted in the tragic Newcastle case until the enormous community response forced it to release the little miscreant not after the anniversary of his crime but two days before it! There was public uproar at the prospect of his release on the anniversary of his crime so the Government released him two days early! So much for punishment! What excuse did the Government give for his early release? It said he had not taken all his overnight leave. This young miscreant with a long record wiped out two young lives. He served barely two years in detention and was released early because he had not taken all his overnight leave! I am sure that I have the support of my Coalition colleagues when I say that will not happen under a Coalition government. No offenders will be released on the anniversary of their crimes—and they certainly will not be released two days earlier. I give the House that assurance.

I do not intend to go over this any further. I am pleased that the Government has accepted the wisdom of our comments 18 months ago about appropriate drug quantities for young offenders and I am pleased that anniversary dates will be taken into account, even if the bill provides a discretion. I have expressed the concern of many people about the enormous explosion in the number of apprehended violence orders, domestic or personal, and the problems associated with that. However, I do not hold the Government strictly accountable for that development: it is a community problem that we must all address. The Coalition does not oppose the bill.

Mr LYNCH (Liverpool) [10.53 a.m.]: In speaking to the Criminal Legislation Amendment Bill I shall direct some brief comments particularly to those provisions that deal with guideline judgments. This legislation deals with the consequences of the High Court decisions delivered last month in the cases of Wong and Leung. The legislation amends the Criminal Appeal Act to retrospectively authorise the promulgation of guideline judgments already issued by the Court of Criminal Appeal, and to allow for the future issuing of such guideline judgments. In his second reading speech the Attorney General argued, I believe correctly, that retrospectivity is not a major issue in this instance because it merely brings the law into line with the previously declared Government position. The bill also amends the Crimes (Sentencing Procedure) Act to ensure that the factors to be taken into account in sentencing do not derogate from sentencing guidelines issued by the Court of Criminal Appeal.

It is worth pointing out at this juncture that some of the media hysteria about the Wong and Leung cases overstated the position quite dramatically. The High Court decision dealt with a specific instance and an appeal from the Court of Criminal Appeal regarding two prisoners who were sentenced at the same time as a guideline judgment was promulgated. It is important to remember that they were quite exceptional circumstances to do with Federal offences. This meant that the Court of Criminal Appeal was exercising Federal judicial power, which caused a series of considerations to come into effect that normally would not come into effect when guideline judgments are being considered. They included specific Federal legislation about how prisoners are to be sentenced, and obviously constitutional issues regarding judicial power and separation from legislative power. In addition, there was no application by the Attorney General in this case. Furthermore, without being critical of the Court of Criminal Appeal, it strikes me as very curious that the guideline judgment that was promulgated deals with a series of offences for which the prisoners were not convicted or sentenced. Therefore, there are strong arguments to suggest that exceptional circumstances surrounded that case in the Court of Criminal Appeal.

Sentencing guidelines have of course attracted some controversy over time, and some of those critics traditionally espouse positions for which I have a degree of sympathy. However, I think sentencing guidelines should be supported for two primary reasons. First, by their nature they allow for consistency of sentences. I think everyone would agree that consistency of sentencing is desirable for all parties involved in the criminal justice system: the prisoners and victims and, for that matter, the judges and the legal profession. Indeed, if one considers the High Court decisions in Wong and Leung, one will see that the judgments are scattered with references to the desirability of maintaining consistency of sentencing.

The second reason I support guideline sentencing is that I am yet to be persuaded that it represents a particularly dramatic alteration to the current practical operation of sentencing. Every judicial officer engaged in sentencing would say that he or she aims to provide consistency in sentencing. Any lawyer practising in this field will have heard at any sentencing hearing discussion of sentences handed down in similar or like cases and how they apply to the case currently before the court. That is generally what guideline judgments seek to do. Therefore, in this sense, guideline judgments are a significant codification of existing practice. I note that some High Court judges have a slightly different view of this issue, but that seems to me to be a fairly accurate description of what happens at present.

An important aspect of guideline judgments is that they are precisely that: guidelines. They retain the discretion of individual judges to turn their minds to the facts and circumstances of particular cases. That makes

guideline judgments very different from mandatory minimum sentences of imprisonment. I believe that mandatory sentencing to minimum periods of imprisonment is wrong, obnoxious and inevitably disastrous. It makes an obscenity of the criminal justice system. First and foremost, it breaches the fundamental principle of punishment that is aimed at a particular offender, crime and victim. Mandatory sentencing removes discretion from a particular sentencing tribunal, which means that the particular circumstances of a case are not considered when deciding a penalty. That must necessarily mean that a penalty will not fit the crime and the criminal. It assumes that arbitrary rules will always cover every conceivable situation—a manifestly absurd proposition.

It also assumes—heaven help us—that, in passing legislation such as this, politicians are all-knowing and can anticipate every conceivable instance. That is obviously wrong. I am too acutely aware of the frailties of those in this place to think for one moment that members of Parliament are all-seeing and all-knowing. That can be expressed in another way in terms of principle. Mandatory sentencing goes dangerously close to offending against the doctrine of separation of powers. It looks very much like a judicial power is being taken over by a legislative body. The House of Commons lost that power in the seventeenth century following the English civil war. I am reluctant to go backwards by four centuries.

Mr Hartcher: What is wrong with that?

Mr LYNCH: I have always said that the honourable member for Gosford is well behind the times! He has now conceded, by way of interjection, that he is four centuries out of date!

Mr Debus: The honourable member for Oxley wishes to go back even further.

Mr LYNCH: I note the interjection of the Attorney General. For the benefit of the honourable member for Gosford, who wants to go back to the period of the English civil war, I note that there was a time when to be a minority in the House meant offending privilege and being taken off to the tower. That is the only good thing about four centuries ago! There is also what I term the commonsense objection to mandatory sentencing—it leaves no loophole, no escape hatch. It means that even in the absolutely glaringly obvious case in which someone should not go to gaol, that person nonetheless will be sentenced to imprisonment. That might be the one in a thousand case, but inevitably it will happen with mandatory sentencing. Some cases of that sort have been highlighted recently in the Northern Territory under its late, unlamented regime. Such a situation is obviously wrong. At a political level, of course, it is an unmitigated disaster. Even in the strongest law and order environment, government and Parliament will be held up to ridicule by the community if people who clearly should be at liberty are sent to gaol, especially if evil befalls them there. An example is Jamie Partlic.

Mr Brogden: Jamie Partlic? That happened in the term of a Labor Government.

Mr LYNCH: The honourable member for Pittwater interjected to note who was in government when the Jamie Partlic case came to the fore. The case that I am about to instance is even more notorious and of even less credit to this side of the House. I remind those with a sense of history of the instance of Mr Allan, who was imprisoned during the trading hours dispute, which occurred when a Labor Government was in power. Mr Allan died in a cell at Manly. He was taken to gaol because he kept his shop open longer than the Government then wanted. That, inevitably, is the sort of consequence one will get with a mandatory sentencing regime. The particular point that I make by raising those instances is not an appeal to principle or altruism. It is simply a pragmatic appeal to Parliaments not to be silly.

Following on from that is a related argument. If we have mandatory sentencing some juries will be reluctant to convict—not because of lack of evidence but because of a disagreement with the consequences of a conviction. In my view, that can bring no benefit to the legal system or to people's regard for it. Police, prosecutors and other officials may, in some cases, be reluctant to apprehend, arrest or prosecute offenders for fear that the possible consequences may well outweigh, in their view, the harm done by the offender. Once again, that brings little benefit to either the legal system or the community. It can also, in my view, sail worryingly close to process corruption. There is an old saying that hard cases make bad law. The system needs to have within it enough flexibility and discretion to enable the law to dispense justice, not a statistical and arbitrary accountant's law.

I refer to the utility of gaol. Especially for offences that result in a short period of imprisonment, there is still a very real issue about whether short-term imprisonment has any positive results at all. Some of those issues were recently underlined by a bipartisan upper House committee report. Those of us with any sense of realism know that the best you can hope for from a gaol system is that prisoners will not emerge as more

antisocial—as worse citizens—than when they went in. I do not know that that objective is very often achieved. I refer to the hideously large amount of public money required to imprison someone. In this context, for short periods of imprisonment, instituting mandatory sentencing makes even less sense. I note that yesterday the State Parliamentary Labor Party caucus opposed the principle of mandatory sentencing. Mandatory minimum sentences of imprisonment have no legitimate place in a civilised society and should be rejected.

Mr STONER (Oxley) [11.04 a.m.]: The Criminal Legislation Amendment Bill contains a package of reforms intended to enhance the criminal laws of New South Wales and to remedy minor anomalies that currently exist. The bill will amend 12 related Acts. The Opposition does not oppose the bill. The amendments proposed by this measure are regarded as necessary—indeed, many of them are overdue. I will now outline some of the provisions of the bill. The bill creates an offence concerning bomb and other hoaxes. The bill also establishes the offence of conveying false information that a person or property is in danger, including through the use of modern communications such as email, bringing the legislation into the twenty-first century—I do not want to wind back the clock, as was suggested by the Attorney General earlier. The bill also sets the period for bringing proceedings for certain child pornography offences and clarifies a defence relating to possession of such material. That is an important issue in the community. Access to pornography on the Internet makes this a necessary change. The bill also reforms offences relating to abduction and kidnapping.

The bill extends the duration of telephone interim apprehended violence orders from 14 to 28 days. This change may assist in dealing with the large number of apprehended violence orders that currently clog our courts. A more fundamental reform of the law relating to apprehended violence orders is needed. The experience in the electorate of Oxley is that apprehended violence orders are an all too frequent occurrence. I regard some applications for such orders as frivolous or vexatious. These proceedings are tying up our courts, and to some extent our law enforcement officers, in a great deal of red tape. The bill also requires the Parole Board to consider the potential trauma to victims if a violent offender is released on the anniversary of the offence. As the honourable member for Gosford, the shadow Attorney General, mentioned in his contribution to the second reading debate this is a necessary and overdue change to the law. It is about time the Carr Government considered victims in the equation. Victims groups such as Enough is Enough and others are trying to get that message through. This amendment no doubt would be welcomed by those victim groups and all victims.

The bill confirms that the Court of Criminal Appeal has the power to set sentencing guidelines. It makes this legislation retrospective. It is about time the Government moved to validate sentencing guidelines. There has been a raft of fairly curious judicial decisions in recent years, and those have been commented upon fairly widely in the media and in the wider constituency. Some of those decisions have been out of touch with community standards and expectations. They have been seen to be inconsistent with the nature of the crime committed. My view is that sentencing guidelines will promote the consistency required in judicial decisions and, hopefully, will provide input regarding community standards and expectations. It is interesting that the Premier has said that if this legislation does not succeed in validating sentencing guidelines he will introduce minimum mandatory sentencing overnight. That statement seems to be somewhat at odds with the statement made in this debate by the honourable member for Liverpool—that the Labor caucus has ruled out mandatory sentencing of any kind.

Mr Hartcher: I would like to have been a fly on the wall at yesterday's Labor caucus meeting.

Mr STONER: I too would like to have been a fly on the wall. There must have been fairly heated discussion. The Premier put out his rhetoric of being tough and spoke about mandatory minimum sentencing, but he seems to have been rolled by his parliamentary colleagues, particularly those from the left. The bill also brings certain aspects of children's community service orders into line with adult orders. The bill clarifies the law in relation to publishing the name of a child involved in criminal proceedings—another necessary and overdue change. The bill ensures that the full range of sentencing options is available to a local court when dealing with an escapee. It also makes amendments relating to the giving of evidence by a child aged between 16 and 17 years. The bill gives the same powers of arrest as a police officer to a correctional officer in relation to possession of an offensive weapon in a detention centre.

In my view, some of these changes will enable police and correctional officers to do their jobs better. We need legislative support for our front-line police officers and correctional officers in various detention centres. This bill will amend the Young Offenders Act 1997, which has been beset by a number of problems. One of the problems that arose following the Drug Summit was the scope for young people to be able to possess up to double the amount of cannabis and other drugs, as were adults—an anomaly that has been brought to my

attention by many of my constituents. My constituents are outraged about the fact that young people can get off with a warning or a slap on the wrist for possessing up to 30 grams of cannabis, or five cannabis plants, up to the value of \$500. As I said earlier, my constituents have raised this issue with me on a number of occasions. The Government must realise that this cannabis issue is no longer a low priority.

In April 2000 the Coalition raised this anomaly and sought to have it corrected. It is now December 2001 and the changes that are being implemented are way overdue. In the meantime we are experiencing serious problems in relation to cannabis abuse, in particular in rural areas, which have a high incidence of mental health problems. There is a strong medical link between cannabis abuse and problems such as anxiety, depression, schizophrenia and even psychosis. Dr John Anderson, an expert in this field who has done much research in this area, has established that this is a major problem in New South Wales. Whilst this amendment bill is welcome, it is well and truly overdue. This issue should have been given much greater priority by this Government. In summary, this legislation appears to contain some necessary amendments, some of which are overdue. The Coalition does not oppose the bill.

Mr BROWN (Kiama) [11.12 a.m.]: I support the Criminal Legislation Amendment Bill, which contains amendments to a number of Acts, including the Crimes Act, the Drug Misuse and Trafficking Act and the Summary Offences Act, to name just a few. This bill will create a new offence—a new part 3D—relating to bomb threats and other hoaxes. The matters contained in new section 93IH, which refers to conveying false information that a person or property is in danger, were previously to be found in section 203 of the Crimes Act. This bill goes further than the current Act and introduces a new section 93II—a new offence relating to a person who leaves or sends an article with intent to cause alarm. The Government paid regard to recent threats and hoaxes—anthrax letters, amongst others—and quickly brought this issue to the attention of honourable members to save the resources of our emergency services and to send a strong message to the community that we will not tolerate those who are perpetrating such hoaxes and distressing other members of the community.

This bill also contains new sentencing guidelines. In a recent decision in *Wong v The Queen* in the High Court of Australia, doubt was thrown on the power of the Court of Criminal Appeal to provide guideline judgments under sections 5D and 12 of the Criminal Appeal Act. Division 3 of part 4 of the Crimes (Sentencing Procedure) Act currently contains provisions that enable the Attorney General to apply to the court at any time to ask that court to exercise its power and jurisdiction to give a guideline judgment in respect of a specific offence. The proposed amendments to that division will ensure that the court has the power and jurisdiction to give Jurisic guideline judgments. These amendments, which are to be found in new section 37A, will validate any previously given guideline judgments that could have been given when there was any doubt relating to a High Court case.

It was interesting to hear Opposition members harping and to see them beating their chests when they referred earlier to sentencing guidelines. This issue has been around for many years and they did absolutely nothing about it when they were in government. The Carr Labor Government introduced sentencing guidelines to ensure that the concerns of victims are addressed and to ensure that justice is meted out by the courts. I commend both the current Attorney General and the former Attorney General, the Hon. Jeff Shaw, QC, for working with the Government on this legislation. The Carr Labor Government, which is interested in the victims charter and the victims bureau, encouraged closer relationships between victim support groups such as Enough is Enough and the Victims of Crime Assistance League.

Many more aspects of this bill deserve a brief mention. I refer to the power given to correctional officers to exercise the powers of arrest of police officers in offences involving the possession of an offensive weapon or an instrument in a place of detention. This simple but effective amendment will free up more police officers. I support that commonsense provision, just as I support issues relating to extending the time in which people found in possession of child pornography can be prosecuted. In my opinion, those people are one section of a disgusting trade. If they are in possession of such material they are supporting an industry that I and the Government abhor. I support the amendment that will extend the time within which those people can be prosecuted. I am pleased to speak in favour of the bill, which I support.

Mr FRASER (Coffs Harbour) [11.18 a.m.]: I support the Criminal Legislation Amendment Bill but, at the same time, I express some concern about certain aspects of it. Does this legislation go far enough in relation to public attitudes and expectations? I commend the provisions in the bill that deal with community service orders and that treat children as adults. In the past we have utilised the services of a number of offenders serving community service orders to improve the amenity of the showground, which is run by the Coffs Harbour Showground Trust. For a while it worked extremely well for the trust, the community and the majority of young

offenders. In those days a number of young offenders decided that they would turn up on the first day, but that they would not do any work. Even after adverse reports were submitted to their departmental officer, nothing was done. Those kids walked away and treated the whole thing as a bit of a joke.

Tightening the legislation in that regard will send a message to young offenders that the community expects them to complete community service orders. In most cases community service orders are imposed by the court on the basis that they alleviate the need for gaol sentences. The community service orders applied to the young people I saw put them on the straight and narrow. That is a far better way to deal with offenders than to just lock them behind bars. At the same time, they must understand the seriousness of the orders placed on them and they must ensure that they fulfil those orders.

I commend the Attorney General for the provision in schedule 3 that deals with kidnapping and child kidnapping. The provision tightens the law in that regard and increases the penalty of imprisonment to 10 years. Kidnapping occurs far too often these days. In the past legislation presented to the House with regard to rape has included a section with regard to kidnapping. These provisions send a strong message to anyone thinking of abducting or kidnapping people that the courts will deal solidly with them and that a 10-year sentence is staring them in the face. The new measure contained in schedule 3 relating to public order offences with respect to bomb threats and other hoaxes is relevant because of the anthrax scares. New section 93II states:

Leaving or sending an article with intent to cause alarm

(1) A person:

- (a) who leaves in any place, or sends by any means, a substance or article, and
- (b) who intends to induce a false belief that the substance or article is likely to be a danger to the safety of a person or of property, or both,

is guilty of an offence.

Maximum penalty: Imprisonment for 5 years.

It would be nice to see that as a minimum sentence. I remind the House that during the recent Federal election campaign the wife of the Deputy Prime Minister, who has young children, received an envelope through the mail containing a white powdery substance. I know the great distress that caused her, her family and the Deputy Prime Minister. As the honourable member for Wagga Wagga says, anyone who does that is a gutless wonder and deserves to suffer the full force of the law. A minimum penalty of five years—rather than a maximum penalty of five years—should be imposed. We should send a strong message to any clowns who want to do that sort of thing that the courts will deal with them in a severe manner, and we should be sending that instruction to the courts.

I remember when the apprehended violence order [AVO] legislation was introduced by the Coalition. The then member for Manly, Dr Peter Macdonald, took advice over the bar of the House and amended the legislation on the run. The Labor Party supported those amendments and made a farce of the legislation. As the honourable member for Oxley said, often AVOs are introduced a week or two before a property settlement or before the custody of children is to be decided in a family law matter. This happens a lot on the North Coast. AVOs are used as a social weapon. They are withdrawn as soon as the settlements are completed. However, the person against whom such an order is made is tarnished for life.

For example, in my electorate a weapons instructor contracted to the Police Service to instruct police officers and others in the safe use of firearms was in the process of getting a divorce. During the property settlement his wife took out an AVO on him. That man's livelihood was taken away from him. It took us months to get it back. His livelihood was weapons training. However, a person subject to an AVO cannot hold a firearms licence and his guns were confiscated under the firearms licensing provision. His firearms licence was suspended and withdrawn. He suffered great hardship—purely out of a vindictive act by his then wife. That is disgusting. A number of AVOs are taken out purely out of malice, or to induce a Family Law Court to act one way or the other, or to provide more evidence for a custody case or a property settlement. That is a disgrace. Sometimes family arguments and neighbourhood disputes result in AVOs being taken out, and the court system becomes clogged by them. Extending the duration of AVOs hides the fact that the courts are clogged with frivolous AVOs that should not have been issued in the first place. We need to revisit apprehended violence orders.

The bill also deals with the release of prisoners on anniversary dates. It is high time that this issue was dealt with. Mr Kenneth Marslew from Enough is Enough has been on this bandwagon for a long while. All

honourable members are aware of the great angst caused to victims by prisoners being released on the anniversary dates of crimes. It is high time that Parliament sent a strong message that we are not going to give criminals the opportunity to be released on or close to the anniversary of their crimes. There have been many such cases, but this is a positive step that will give some opportunity to victims to feel that it is not been thrown in their face when prisoners are released on the anniversary of their crimes.

Sentencing guidelines have been needed for a long time. One can say this has been media driven, but I do not believe it is. The media is only picking up on public angst with respect to criminals not being given sentences that reflect the abhorrent nature of their crimes. Recently in a gang-rape case a judge gave a sentence of three or four years on the basis of previous judgments, et cetera. We must have strong guidelines that send a message to the community and to intending criminals that they will no longer be able to plead that they were badly toilet trained, or whatever their excuse is, and therefore they should be let off with a lenient sentence. I commend new section 39A, which will allow the Attorney General to intervene in the making of these guidelines to ensure that they reflect the law as passed by Parliament. I fully respect the separation of powers between Parliament, the judiciary and the police, but it is high time the judiciary listened to the community and understood that it believes that the judiciary has an obligation to the community to ensure that sentences reflect the nature of the crimes.

Finally, I refer to the provisions relating to the Young Offenders Act and the amendments to the Drug Misuse and Trafficking Act with respect to the amount of marijuana that can be in the possession of a juvenile. It was ludicrous that they could have double the amount allowed for an adult. I still cannot agree with the level provided for under this bill. It is the equivalent of 30 cigarettes. A residual discretion is available to police officers to caution young persons for having between 15 and 30 grams of cannabis in exceptional circumstances—as the Minister said in his second reading speech, where it would be in the interest of rehabilitation and appropriate in all the circumstances to do so.

No matter what some people say, I believe marijuana is a gateway drug. Evidence points that way. Previously in this House and at the Drug Summit I said that I knew at least three young children who, because of drug-induced psychosis, had taken their own lives. They started on marijuana. While I support this proactive provision, at the same time I believe we should look at how to deal with these kids. The Drug Court is great, but more funding resources need to be put into rehabilitation for children, a proactive advertising campaign and an education program that will tell young children that drugs are not what they are cracked up to be. Marijuana is a gateway drug and we should deal with marijuana offences more severely than we are now. I commend the legislation.

Mr COLLIER (Miranda) [11.30 a.m.]: I support the Criminal Legislation Amendment Bill, and I am pleased to speak on it. The bill amends a number of Acts but I shall direct my attention to only two. The bill inserts in the Crimes Act a new part 3D that deals with public order offences relating to bomb and other hoaxes. Item [5] in schedule 3 amends the Crimes Act to create a new offence concerning bomb and other hoaxes and provides that such offences will be punishable by five years imprisonment. It will be an offence to leave or send by any means an article or substance that is likely to make a person fear for the safety of a person or a property, or both. Those are appropriate changes to the Crimes Act to deal with the contemporary situation in which we often find ourselves, particularly after the events of 11 September and the subsequent anthrax scares.

Hoaxes and bomb threats create fear and alarm in the community. They waste the time of police and emergency services, and they reduce productivity as workers must leave their jobs and often stand out in the streets for hours. They often disrupt the court system. Court proceedings have been disrupted when I have been acting for both the defence and the prosecution. Indeed, one trial at Campbelltown was disrupted for three hours as a result of a bomb threat. One person I was prosecuting at Queanbeyan was the last person on the list of a two-week circuit court sitting. Lo and behold! As he was being sentenced by the judge there was a bomb threat; there was no prize for guessing who it was. That person deserved a penalty. The changes to the Crimes Act which insert offences of conveying false information that personal property is in danger, or leaving or sending an article with intent to cause harm carry maximum penalties of five years imprisonment. Those changes to the Act are welcome.

The second part of the bill to which I direct my attention contains the amendments to the Crimes (Sentencing Procedure) Act 1999. These amendments confirm that the Court of Criminal Appeal has the power to give guideline judgments. Indeed, some uncertainty was raised in the case of *Wong v The Queen* [2001] HCA 64 at paragraph 84. In that case Justices Gaudron, Gummow and Hayne expressed the view that the provisions in sections 5D and 12 of the Criminal Appeal Act 1912 did not authorise the giving of guideline judgments. Guidelines judgments provide consistency, and they provide guidance to the profession and to offenders. Indeed, they reflect community expectations.

Jurisc's case, which is reported at [1998] NSWSC 423, introduced the first guideline judgment in New South Wales. That case concerned a person convicted of aggravated dangerous driving causing death. Basically, that judgment, which simply reflected community expectations, stated that persons who are convicted of driving in such a manner as to cause the death of others should go to gaol. That sends a clear message to the community and to perspective offenders. Shortly, I understand that the Court of Criminal Appeal may bring down a guideline judgment in the matter of the aggravated sexual assault in company or the so-called gang rape cases.

It is appropriate that the changes to the Crimes (Sentencing Procedure Act) be introduced at this time, and that they be retrospective. I note that the change to guideline proceedings in section 36 of the Act have the effect of enabling senior public defenders and the Director of Public Prosecutions to intervene in a guideline judgment when the court proposes to give one on its own motion. It is significant to note that the Attorney General may also intervene in such proceedings. Unlike the honourable member for Coffs Harbour, I believe that the guideline judgment system is effective. It does work and it clearly sends a message to the community and to potential offenders about what they can expect in particular circumstances. I commend the bill to the House.

Mr MILLS (Wallsend) [11.35 a.m.]: I am pleased to support the Criminal Legislation Amendment Bill. In particular, schedule 5 amends the Crimes (Sentencing Procedure) Act relating to guideline judgments. In the Hunter region, which I am privileged to represent in this place, I cannot think of one thing that makes members of my community more angry than hearing of people being convicted of serious crimes and receiving inconsistent sentences or a slap on the wrist, or basically being let off. That upsets people. A medium-size public meeting about the matter was held only in October. The meeting was attended by the Parliamentary Secretary for Police, the honourable member for Newcastle, the honourable member for Gosford as the shadow Attorney General and the honourable member for Davidson as the shadow Minister for Corrective Services.

The meeting was organised by victims of crime who wanted to send a strong message about their concerns relating to inconsistent sentencing and policing problems. The Carr Labor Government has done an important thing for our community to satisfy the desire of the people in the Hunter region for consistency in sentencing. The Government has introduced measures to ensure that the sentence reflects the seriousness of the crime. The community in the Hunter wants the sentence to reflect the seriousness of the crime and wants it to do so on each and every occasion. The good policy introduced by the Carr Labor Government ensures that sentencing guidelines enable consistency in sentencing without interfering with the independence of the judiciary so that we maintain the strong element of independence in the law that is the bulwark of our legal system.

Sentencing guidelines result in consistency in judgments. Some sections of the media took it upon themselves to say that the whole concept of sentencing guidelines was threatened when the High Court recently made an adverse decision about a technical aspect of one guideline judgment case. This legislation fixes that. I want to send to the people I represent in this Parliament the loud and clear message that sentencing guidelines are on the rails, they are working and they are doing a good job of ensuring that our community gets what it wants, that is, serious sentences for serious crimes. I commend the bill to the House.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [11.38 a.m.], in reply: I thank honourable members for their contributions to the debate. I propose to respond to a number of matters raised. The remarks made by the honourable member for Wallsend concerning sentencing guidelines reflect the Government's views about that particular mechanism for ensuring that courts better provide consistency in judgments for like crimes. It is perhaps worth mentioning in this context a few realities about sentencing.

There will always be individual cases in relation to which the public and, indeed, members of this House will disagree about the length of a sentence or the nature of a sentence that a court has imposed. That ought not blind us to the fact that every week there are thousands of cases heard in New South Wales which are not reported in the media. In 2001, 257,000 new criminal matters were brought before the Local Court. I emphasise that figure—257,000 new cases—and it is worth thinking for a moment about the number of cases that are reported in the media with the allegation that in some way or other the judgment was inadequate. That number, of course, would be far less than one per cent.

Research by both the Judicial Commission and the Bureau of Crime Statistics and Research shows that there has been a steady upward trend in the number and severity of sentences in our courts, including the Local Court. The Bureau of Crime Statistics and Research provides statistics which show that the proportion of people

convicted in New South Wales courts who were given a prison sentence has increased in six out of 15 categories of crime over the past 10 years. The bureau reports that the proportion of convicted offenders given a prison sentence has not declined in any category of offence. It reports that the average length of sentence for drug dealing has increased and that the only category of offence for which the average length of sentence has decreased is robbery.

In relation to that offence, the decrease was due to the fact that less serious cases of robbery are now attracting prison sentences whereas previously they had not done so. The Government intends that an increasing number of guideline judgments of the Court of Criminal Appeal will reduce the number of cases about which it can possibly be said that an aberrant sentence has been given. Whatever may be said about individual cases, the overwhelming bulk of decisions reached by New South Wales courts are accepted by all involved—including the police, prosecutors and victims—as a fair and reasonable result in all circumstances.

I turn briefly to the topic of apprehended violence orders [AVOs], which was mentioned by several members opposite. I point out that the mere fact that the number of AVOs is increasing does not of itself show that there is something wrong with the system. The point is that the system has been set up to better curtail the incidence of domestic violence. The fact that people are prepared to report incidents more often is a sign of a system that is working, not of a system that is failing. Certainly the whole issue of domestic violence is one that involves the community at large, and it is certainly an issue that goes beyond any government policy towards apprehended violence orders. Nevertheless, I believe it is legitimate to express concern about and to debate the use of AVOs: Indeed, the Government's amendments to the Crimes Act in 1998, which made a distinction between domestic and personal AVOs, was a significant improvement to the system of AVOs.

The Government knows that there is a range of concerns about AVOs. The State does not have a family law jurisdiction, but claims that AVOs are exploited in the context of family disputes are properly a matter for consideration by the courts that grant and apply the provisions of apprehended violence orders. I take this opportunity to inform the House that another review of the present system of apprehended violence orders will commence in April next year. At that time, any valid criticisms will be considered. The Government will continue to balance out the considerations that may apply to this system, on the one hand wanting to ensure that genuine issues of domestic violence are addressed by this State's AVO system and, on the other hand, wanting to find any remedy possible to curtail the number of vexatious or misconceived AVOs that may be allowed into the State's court system. Any honourable member of the House who has any observations to make about the system of apprehended violence orders should provide some commentary to the Criminal Law Division of the Attorney General's Department.

I mention briefly cannabis cautioning. Over a long period the Opposition has done its best to muddy the waters about cannabis cautioning for young offenders. The Opposition has claimed, entirely fallaciously, that the cautioning scheme has permitted young offenders to deal in drugs. That has never been the case. It is plain, and it is has always been, that the scheme applies to offences involving possession only. It is also plain that the scheme has always been discretionary. On the one hand, if a police officer believes that a young offender who is in possession of an amount of cannabis that is towards the upper end of the scale is dealing or is a runner for a dealer and is not merely in possession of cannabis for personal use, obviously that police officer will exercise a discretion and proceed to charge that young person rather than issue a caution. That is clear and simple, and that has been the case for as long as the scheme has existed.

Before finetuning the scheme the Government has been awaiting feedback from police officers who implement the scheme on the ground. The clear results are that the vast majority of cases in which police exercise a discretion or issue a caution for cannabis possession involve amounts of cannabis at the lower end of the scale. So much for the quite silly claims made by the Opposition that dealers have somehow been getting away with merely being cautioned. They have not. However, the Government has considered cannabis cautioning on the basis of evidence. Taking into account the practical reality that police use the cautioning power for relatively small amounts of cannabis only, it does not make much sense to have on the statute books a power to caution for the larger amount. The public needs to have faith in the scheme, and the scheme does not benefit from silly and illogical scare campaigns of the type that have been waged by members opposite.

There may be extreme circumstances, nevertheless, in which a police officer believes that a young offender deserves to be cautioned for a somewhat larger amount of cannabis that the officer believes the offender has solely for personal use. It is for that reason that, although the amount that may attract a police caution has been reduced, some residual discretion has been left to police in the circumstances of a particular case. The Government, apparently unlike the Opposition, retains faith in the commonsense of front-line police

in this respect. I believe that with those remarks I have responded to the principal concerns raised by members during the debate about a bill that contains a number of significant, albeit small, amendments to the criminal law. However, I am sure that those amendments will assist in ensuring that the New South Wales criminal justice system operates efficiently, and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

DISORDERLY HOUSES AMENDMENT (BROTHELS) BILL

Second Reading

Debate resumed from 30 November.

Mr HARTCHER (Gosford) [11.51 a.m.]: The Coalition does not oppose the Disorderly Houses Amendment (Brothels) Bill. It accepts the fact that it has been increasingly difficult for councils to establish in the Land and Environment Court that brothels are operating illegally. We are all aware of media reports about councils hiring private investigators to enter suspect premises and have sex with women working on the premises, and that evidence being tendered before the Land and Environment Court as proof that the premises are being used as a brothel without council consent. It is inappropriate for councils to engage in that practice to establish breaches of local government requirements in court.

The legislation allows the court to take into account other matters of a more circumstantial nature, such as advertisements that may be lodged about premises relating to the number, gender and frequency of business in the premises, and the furniture and other accoutrements associated with brothels. When all these matters are in evidence, the court is entitled to draw the inference that the premises are being used in a way that is inconsistent with the requirements of the local council. Since 1995 councils have had the power to approve brothels. There was considerable community debate about the issue at that time. A number of councils do not wish to have any brothels whatsoever. They believe that the Carr Government has forced them to have brothels, and the only power they have is to determine where those brothels will be located.

Last September the Coalition, through the honourable member for Pittwater, placed on the notice paper of this House the Community Protection (Illegal Brothels) Bill. That private member's bill, like so many other private members' bills, now languishes before this House. It is a good private member's bill because it is a policy initiative of the Coalition to help overcome the problem of illegal brothels. I congratulate the honourable member for Pittwater, who has done what the Labor Party is reluctant to do: He has taken the initiative and developed a policy. But what has happened? The Premier and the Labor Party have proceeded to steal that policy.

During the past week I have almost lost count of the number of Coalition policy initiatives that have been taken over by the Carr Labor Government. Another such policy, in relation to planning, has now been taken over. The Coalition has before the Parliament the Community Protection (Illegal Brothels) Bill, which is designed to overcome the problem of illegal brothels operating without council consent. The bill has been before the Parliament for three months, and the Government now responds by introducing its own legislation, the Disorderly Houses Amendment (Brothels) Bill.

The Coalition's bill is better than the Government's because it allows councils to close down illegally operating brothels within 48 hours. That is what the community wants. The community is not happy about illegal brothels. It wants councils to have the power to close them down; it does not want them to be involved in long process of calling evidence before the Land and Environment Court. The community wants councils to be able to serve notice and to have that notice determined by the Land and Environment Court, not the other way round. The Government intends to allow illegal brothels to continue to operate for a long period until the Land and Environment Court has time to hear the council's application. That is typical of the Government. All the Government is doing is giving the council a more expeditious means of proving its case when it finally comes before the Land and Environment Court.

The Coalition proposes to allow the council to serve notice requiring the brothel to be closed down within 48 hours. If that order is made and the order is disputed, an appeal against the order can be lodged with the Land and Environment Court. The Coalition is looking after the community; the Labor Party is looking after

brothel owners. That is the vital distinction between the two parties. If you want communities to be looked after, vote Liberal; if you want brothel owners looked after, vote Labor. That is the stark choice that the Government provides to the community.

The Government says that the legislation follows the recommendations of the task force established to assess the success or otherwise of the 1995 changes to the law. That is true, but this problem did not need a task force. It was clear from the complaints that were coming in from the Local Government Association and individual councils that the law was not operating satisfactorily. Even allowing for the fact that brothels are now legalised, many people are anxious to make a quick dollar and are prepared to set up brothels regardless of whether they comply with the law. Associated with that breach of local government requirements has been the exploitation of women, which was addressed recently by the Parliament through the Crimes Amendment (Sexual Servitude) Bill.

Many of these illegal brothels are not illegal simply in the local government sense; they are highly questionable in the sense that they exploit women, especially Asian women, for their own purposes and hold them to a form of what the bill describes as sexual servitude. Therefore, we do not simply have a local government problem but a serious moral and slavery problem as well. Once again, had the Government been prepared to act earlier to implement the proposals put forward by the Coalition, much of this problem could have been overcome. The Government did not need a task force; it was already receiving the information from the Local Government Association and individual councils throughout New South Wales, especially throughout metropolitan Sydney.

Accordingly, while I indicate that the Coalition does not oppose the legislation, it certainly does not congratulate the Government on it. The Attorney General made the point that local councils can take action under the Environmental Planning and Assessment Act 1979 to restrain the use of premises as a brothel if the necessary planning consents have not been obtained. Councils can also take action under the Disorderly Houses Act 1943 to close a brothel if they receive complaints from nearby residents and occupiers to show that the brothel is having a significant detrimental impact on neighbourhood amenity. However, when bringing enforcement action in the Land and Environment Court, councils have repeatedly experienced difficulties in establishing that the premises are being used as a brothel.

Complaints in that regard were received from the Local Government Association and were illustrated in statistics on unsuccessful applications that the Attorney General receives from the Land and Environment Court. Yet no action was taken when the brothels task force completed its inquiry into the implementation of the 1995 reports. There is nothing wrong with the brothels task force. It is appropriate that legislation be monitored, especially when it makes such a significant change to the State legal system as this one does. However, there is no justification for the Government ignoring the many complaints it received long before the report from the task force.

The costs have been very high. My colleague the honourable member for Pittwater pointed out that cases before the Land and Environment Court can cost up to \$30,000 and take up to 18 months—and the council could lose because of lack of satisfactory evidence. The Government gave scant information on statistical background when it introduced this bill, with only a basic explanation of the technical framework of the bill and how it follows the task force recommendations. The Opposition's research shows that Sutherland Shire Council had 10 known illegal brothels and its expenditure to close them down during the past 3½ years amounted to approximately \$60,000. Rockdale City Council had one known illegal brothel and its expenditure to close down five other illegal brothels amounted to \$88,000.

Burwood council had one legal brothel and expenditure to close down 12 illegal brothels totalled \$66,750. Parramatta City Council had nine known illegal brothels, with one other under investigation, and its minimum expenditure to close down illegal brothels is estimated at \$25,000, but one case cost more than \$50,000. Liverpool City Council had four known illegal brothels and council expenditure starts at \$500 for every inspection in relation to contravention of local planning laws. It is enormously expensive for councils, and the Government's response is tardy and it can take little credit for this legislation. However, the Local Government Association supports the legislation as it will, to some extent, help councils overcome the problem of illegal brothels. Accordingly, it is not opposed by the Coalition.

Mr ASHTON (East Hills) [12.02 p.m.]: I support the Disorderly Houses Amendment (Brothels) Bill. I noted that the honourable member for Gosford said that the Government is bringing in this legislation now simply as a "me-too-ism" response to a statement he once made on television, on the radio or in a motion moved

in this Chamber some years ago. He said that the Government is copying some great idea of the Opposition, but we all know that the Opposition has not had any great announced policies since the Coalition resumed its position as the Opposition in 1999.

It is interesting that currently in Bankstown there is not one legally approved brothel, yet clearly we know there are several brothels there. In one suburb of my electorate an illegal brothel operates above a very well established milk bar and take-away fish and chips shop that has been run by a family for the past 20 or 30 years. They do not own the premises, and the owner operates an illegal brothel above their shop. That family is doing the right thing running a business and it is very upset and has been abused by people who assume it runs the brothel upstairs. It has caused this family anxiety, as honourable members would imagine. I hope that when there is more evidence of brothels we can close them down.

An aspect about which I am concerned is that it often happens that the person who owns the premises also runs the brothel but is distanced from it by leasing it to someone else. The owner pretends to be at arm's length and not know about it, but earns all the money from it. This legislation will amend the Disorderly Houses Act and make it easier for councils to get evidence that a brothel exists. As a former Bankstown councillor, and now as a member of Parliament, I have known of the existence of brothels. The councils often argue that it is too costly to close them down because evidence has to be obtained, and the matter has to be taken to court with no guarantee of the court's decision.

The honourable member for Gosford said, "If you vote Liberal you are voting to stop brothels. If you vote for the Labor Party you are voting for brothel owners." The Coalition has worked out this skinny policy for the next State election. The provisions of this bill will make it much clearer, and a private investigator will not have to be engaged to get evidence. Councils can rely more on circumstantial evidence than has previously been the case, as with the Government's drug enforcement laws in relation to drug houses at Cabramatta and now across the State. The expression "If it quacks like a duck and it walks like a duck, it probably is a duck" is true, and if a house in Cabramatta has massive iron bars, gates, guards at the door and people sitting inside pretending they are knitting socks, it is probably a drug house.

In a suburb of my electorate, a woman entered premises and went up some steps to get acupuncture treatment, on the basis of an advertisement at the bottom of steps, but was horrified to find that it was a brothel upstairs and she was mistaken for a new worker. She came to my office and told me how embarrassed and upset she was. The advertisement at the bottom of the stairs, together with her testimony, would be good evidence under this legislation. She may not want to go to court but if she were it would be considered reasonable evidence.

The personal columns in the *Daily Telegraph* and most local newspapers advertise addresses and phone numbers and state virtually exactly what can be obtained at illegal brothel premises, and that evidence can also be used in helping to close down brothels when the matter is taken before a court or the Land and Environment Court. Other evidence that can be produced as being consistent with the premises being used for prostitution are account books, the arrangement of furniture, and equipment and articles found at the premises. This bill is not a reaction by the Government to the Liberal Party or the Opposition screaming that something must be done.

Mr Hartcher: Yes, it is, three months ago.

Mr ASHTON: How many months?

Mr Hartcher: Three months ago.

Mr ASHTON: Three months ago? The law was introduced in 1995. One of the real difficulties is that people who run brothels are, in many ways, entrepreneurs. They are businessmen, not Australian Labor Party battling workers—though the prostitutes might be. They drive away in their BMWs back to the North Shore. Let me give honourable members another example. During the last council election ward a Liberal Party sign was displayed at an illegal brothel in the south ward, at Padstow.

Mr Fraser: Is that right?

Mr Ashton: That is right. For obvious reasons I will not name the fellow who placed the advertisement there—a struck-off solicitor and member of the Liberal Party.

[Interruption]

I can prove that that sign was located at that brothel. My staff and I walked past the brothel and saw this beautiful picture with a caption encouraging members of the community to re-elect a certain councillor. Just above that beautiful picture were Asian girls in the brothel looking out the window and waving to people below.

Mr Brogden: Did he win?

Mr ASHTON: He did not win. He not only was badly beaten; he took off with a lot of council property that was not his. This man, who is quite famous within the Liberal Party, has been a candidate for the Australian Democrats and the Liberal Party and he stood as an Independent candidate. However, in the main he has been a member of the Liberal Party. So the honourable member for Gosford should think twice before he says that the Labor Party is in favour of brothels and that the Liberal Party will not have a bar of them. I have photographic evidence of the advertisement to which I referred earlier, which is quite horrifying. I let a few people know that this man had some interest in brothels.

What is the honourable member for Pittwater's main claim to fame? Over the past few weeks he screamed out 30 or 40 times in this Chamber during question time that the Premier was a liar. He then appeared on *Stateline*. If Opposition members want to appear on *Stateline*, all that they have to do is bag the Labor Government. If the honourable member for Pittwater thinks he will make his run for the premiership based simply on the fact that he intends to close down a few brothels, he will have to do a little better. In Parliament last week he screamed abuse at the Premier, called him a liar about 30 or 40 times and then took advice from the honourable member for Gosford about how to remain in the Chamber because any forced removal from the Chamber would have put him out of the running for leadership.

A couple of days later the honourable member for Gosford pushed the Deputy Leader of the Opposition onto the floor and all honourable members were under the impression that the Deputy Leader of the Opposition had had a heart attack. The stunts that were pulled by members of the Opposition during the last few weeks have blown up in their faces. Opposition members are now claiming it was their intention, when they were in government, to set up a brothels task force, but they did not do so. This Government is establishing a brothels task force.

Mr Brogden: Two years ago.

Mr ASHTON: It took time to gather together all the necessary information. The former Coalition Government did nothing between 1988 and 1995. Opposition members have an interest in brothels now only because they present a problem that has to be resolved.

Mr Brogden: Sit down.

Mr ASHTON: I do not have to sit down. If the honourable member for Pittwater keeps interjecting he might again be removed from the Chamber. The honourable member is aware that his reputation has been severely damaged. Fancy having the hide to call the Premier a liar on 30 or 40 occasions!

Mr Brogden: It is all true.

Mr ASHTON: The honourable member is interjecting again. If he wants to make a worthwhile contribution to this debate about brothels, the first thing he should do is tell the truth. This Government is regulating brothels. This Government is doing something about street prostitution. This Government is saying that, if brothel owners seek proper planning approval, they can operate. In that way sex workers will be protected and the people who run the brothels will not evade paying taxes. Brothel owners will no longer be able to get into their black BMWs and disappear into the eastern suburbs, the area from which many Opposition members come. Obviously this Government is on the right track in everything it is doing.

Recently Quentin Dempster referred on *Stateline* to a brothel owner in Leichhardt who has an approved brothel. He did all the right things, but before receiving approval he was totally ripped off by all the shonks and crooks in the Leichhardt area. This Government will now make it difficult for the shonks and the crooks. When this Government does something, Opposition members stand up in this Chamber and say, "We came up with that idea first. If you go back far enough you will see that we were going to stop that." No-one—not even members of the community—believe the Opposition. This Government, which is on the ball, is stopping all these illegal activities through the introduction of this legislation. I congratulate the Attorney General and the Carr Labor Government on introducing this legislation.

Ms MOORE (Bligh) [12.15 p.m.]: I support the Disorderly Houses Amendment (Brothels) Bill. I note, as have other honourable members, that this legislation, which is supported by local government, will be another tool for councils to help residents distressed by the activities of illegal brothels, particularly activities relating to criminals and drug abuse. In the past, many of my constituents have been subjected to those sorts of activities. I support the bill, but I am disappointed because it does not contain certain provisions. Before honourable members say that I cannot follow this path because it is not within the leave of the bill, I refer to a question that I asked the Attorney General yesterday.

I asked the Attorney General if he considered that law reform was necessary to address the crisis situation that developed in east Sydney between residents, sex workers and their minders, particularly in light of Sunday night's violent confrontation in Palmer Street. The Attorney General advised me that the matters I raised were under consideration. He also said that, as a result of the consideration given by the committee inquiring into disorderly houses, which was chaired by the Cabinet Office, he would introduce legislation later this week. The Attorney General implied that the issue I raised relating to violent activities in east Sydney between street workers and residents would be part of the legislation to be introduced this week. Today I say to the Attorney General that I am concerned that that issue is not addressed in this legislation.

In November I had a long meeting with the Attorney General, which I appreciated. I led a deputation of officers from South Sydney Council—councillors, officers, members of the sex workers outreach program and residents. We described at length the serious problems that have developed in the Darlinghurst-east Sydney area. I hoped that this legislation would deal with the issues I outlined at length to the Attorney General. I refer briefly—as I know that is all I will be able to do today—to the fact that a crisis is developing in east Sydney. I do not really want to wait until we have the stone throwing that occurred in Waterloo before we got an urgent government response. Buses were rerouted before we received an adequate response.

I would not like to wait until we have another punch-up or a stand-off between sex workers, their minders and residents, which could be even more serious than the incident that occurred on Sunday, which involved about 20 residents and at least that number of sex workers and their minders. This morning I received an email from a concerned constituent who said that a standover person drove past his home in Palmer Street, east Sydney, this morning and told him that he and his male partner would soon be in coffins. That is the sort of incident with which I am dealing in east Sydney. On Sunday night residents defended themselves from assault. There was a punch-up, there was violence, and residents had to wait for police to attend that disturbance.

Things are getting violent for street workers because of changes in the use of drugs. I am sure that, in the past, honourable members have seen street workers who have been propped up because of their use of heroin. Whilst that caused residents great concern, we did not have the active violence that we are now experiencing because of changes in the use of drugs—to cocaine and speed. The situation in the streets has become much more violent. Residents are really alarmed. When I referred in detail to what students from the Sydney Church of England Girls Grammar School [SCEGGS] and residents were experiencing in Sydney, the Attorney General said that situation was unacceptable and that action would be needed. He seemed to indicate that he would take a hands-off, wait-and-see approach.

I am raising these issues today because street work is an extension of the sex industry and it is a most unacceptable extension if it is occurring illegally in a residential area, which is what is happening in east Sydney and Darlinghurst. I remind honourable members and the Attorney General that those activities are occurring within view of people's homes. Every day east Sydney residents are enduring indecent behaviour, drug dealing, break-ins, threats, assaults, night-time disturbance, and noise; and their lanes are being used as toilets and for sexual activity.

Violence and conflict have increased in the past five years because of changes in drug use. Residents are concerned and feel they will have to take matters into their own hands. They are not being protected by the law or by the Government, and the situation has become really serious and unacceptable. I put to the Attorney a creative solution. I know we are dealing with a difficult issue, but because it is difficult we do not deal with it. I say to the Attorney again that we have reached a crisis and he must deal with it. Again I ask him to look at the creative proposal I put to him, which would provide communities with a last resort in a desperate situation, which is what we are now experiencing in East Sydney. My solution would enable police to enforce street prostitution laws more effectively. Police are finding it difficult to provide the resources needed to enforce the current law. My proposal would help police to deal with a very serious problem in East Sydney.

My proposal would require residents to work with councils to establish protected residential zones, where police can move on clients, workers and minders involved in illegal street prostitution. An arrest would

only occur if a move-on order were not obeyed. The proposal for a protected residential zone would be initiated by affected residents and would involve extensive consultation. It would require complementary action to identify alternative commercial areas for legal street sex work, and only seriously chronically affected areas could be considered for protection so that police could target them with their limited resources.

At SCEGGS school last night I attended another meeting organised under the auspices of South Sydney council to deal with this issue. It involved residents, sex workers, council officers, police, and me as the local member. Again, council officers were sent away to examine not only the South Sydney council map but the city council map and to look for areas where there could be legal street sex work, to overcome the problem in the East Sydney, Darlinghurst area. I appreciate the opportunity to raise these issues. Even though they are outside the leave of the bill, they relate very closely to it. I raise them because there is a crisis, and I urge the Attorney to address his mind to this issue in East Sydney and to respond to the desperate calls of my constituents, who do not believe they can handle the problem any longer.

Mr COLLIER (Miranda) [12.22 p.m.]: I am pleased to speak on the Disorderly Houses Amendment (Brothels) Bill. Many councils have expressed concern about illegal brothels and the detrimental impact they can have on the community. Under 1995 laws, a council has the power to close a brothel if it does not comply with planning regulations or if the council can demonstrate to the Land and Environment Court that the operation is having a significant detrimental effect on the local community and is generating public complaints. Councils have raised concerns with the Government about difficulties in establishing that premises have been operating as brothels. Often they rely on direct evidence and that can be difficult to obtain.

This bill will amend the brothels legislation to make it abundantly clear that councils should not avoid taking action against illegal brothels because of what they see as difficulties in obtaining sufficient evidence. This legislation makes it quite clear that a court can rely on circumstantial evidence that leads one to a rational inference that premises are being used for the purposes of prostitution. It is sometimes unfortunate that the quality of legal advice that councils obtain is not up to scratch. The honourable member for Northern Tablelands, a former mayor of Armidale, agrees with me on that point.

Circumstantial evidence is one of the strongest forms of evidence that any legal practitioner, barrister or solicitor, can present to a court of law. Lindy Chamberlain, for example, was convicted on circumstantial evidence; indeed, hers is one of the leading cases on it. This legislation assists councils by setting out the types of circumstantial evidence they can use in proceedings before the Land and Environment Court. They include, for example, evidence relating to the number of persons entering and leaving premises, consistent with the use of the premises for prostitution; evidence of the premises being advertised expressly or impliedly for the purposes of prostitution, including advertisements on or in the premises, in newspapers, in directories or even on the Internet; evidence of appointments with persons at the premises for the purpose of prostitution that are made through the use of telephone numbers or other contact details publicly advertised; evidence of information, books and accounts consistent with the use of the premises for prostitution; and evidence of the arrangement of the premises—the furniture, equipment, and articles on the premises—consistent with the use of the premises for the purposes of prostitution.

These initiatives implement a number of recommendations of the report of the brothels task force tabled in Parliament on 29 November. I understand that the Government is in the process of establishing a brothels planning advisory panel to advise councils on developing and enforcing effective planning controls and policies for brothels. This process has the support of the Local Government and Shires Associations and metropolitan and country councils. This Government is about consultation. The new advisory panel will consult with its member councils right across the State. It will make some recommendations or perhaps it will formulate policies to put to the Government. I support the bill because it makes it clear to councils that they can rely on circumstantial evidence. I commend the bill to the House.

Mr BROGDEN (Pittwater) [12.27 p.m.]: In the past month or so the Government has introduced two main pieces of legislation in respect of the sex industry in New South Wales. The first, introduced some weeks ago and supported by the Coalition, was the Crimes Amendment (Sexual Servitude) Bill, and today we are debating the Disorderly Houses Amendment (Brothels) Bill. It is important to refer to both bills. Sexual servitude legislation has been adopted by every State Parliament and by the Standing Committee of Attorneys-General to reflect that the New South Wales Government, indeed every government in Australia, is not willing to allow the employment of sex slaves. That is why that bill enjoyed the full support of the Opposition.

This bill seeks to amend the evidentiary standards required by councils when taking illegal brothels to court. But the bill simply does not go far enough to deal with the real problem. The honourable member for Miranda should note that in his council area 10 known illegal brothels were operating at last count. Council expenditure to close down illegal brothels over the past four years has been \$60,000.

Mr Collier: How many are there in Pittwater?

Mr BROGDEN: Your council spent \$60,000 to try to close down not all 10, but one or two, of those illegal brothels. Sadly, today's legislation, which enjoys the support of the Opposition, does not go far enough. It will make it easier for councils to gather the necessary evidence to declare a property a brothel but it will still require a council to serve notice on the premises and go to court. As history indicates, those court proceedings may take 12 to 18 months and will cost the council thousands, if not tens of thousands, of dollars in legal fees. As a barrister, the honourable member for Miranda may think that is a good thing for the legal profession, but the Coalition believes that it is necessary—

Mr Collier: Point of order: The honourable member for Pittwater is imputing my thoughts, saying that I may be thinking certain things. That is beyond the leave of the bill.

Mr Fraser: That is a personal explanation, not a point of order.

Mr ACTING-SPEAKER (Mr Mills): Order! I do not uphold the point of order. A member is entitled to criticise the contributions of other members.

Mr Collier: It does not follow from what I have said.

Mr ACTING-SPEAKER (Mr Mills): Order! I have ruled that the point of order is not upheld. The honourable member for Pittwater may resume his speech.

Mr BROGDEN: The reality is that under this legislation it will still cost councils court time and money to close illegal brothels. The reality of this proposal is that when a council representative turns up to serve notice on the illegal brothel owner, that person may have disappeared; the owner may have closed up shop literally the day before or the week before and disappeared down the road. In that case council will be required to start this time-consuming and costly process once again. The Attorney General and the Government will not recognise that the real issue is not simply the gathering of evidence; it is providing councils with the power to act swiftly to close an illegal brothel.

No-one in New South Wales should have to put up with having an illegal brothel in their street or in their apartment block. However, with this legislation, the Government has done little, if anything, to increase the power of councils to close illegal brothels. The Coalition has introduced—and it is on the table of this House today—the Community Protection (Illegal Brothels) Bill, which would give councils tough and clear new powers to close illegal brothels quickly. We seek to reverse the onus of proof so that the burden of proving that a property is not an illegal brothel is on the owner and/or operator of the premises, rather than on council. Under the Coalition's bill, councils would have the power to serve a notice and require the closure of an illegal brothel within 48 hours. That 48-hour period will give the brothel operator or the owner of the premises sufficient time to prove to the satisfaction of council that the brothel is not illegal. If the owner or operator fails to do so, then council can close the illegal brothel and arrange, with the support of the police—that is clearly specified in the Coalition's bill—to secure the premises by locking them up.

That is the only way to stop the explosion of illegal brothels in Sydney and in country New South Wales. Under the Government's 1995 legislation as it stands today, it is much easier to establish an illegal brothel than to establish a legal brothel. Whilst ever that is the case, and whilst ever the procedures for closing an illegal brothel and the penalties for operating an illegal brothel are such that it is time-consuming, expensive and difficult for council to do so, the explosion in illegal brothels in New South Wales will continue. The report delivered by the Attorney General last week, which followed two years of so-called consultation and consideration by government bureaucrats, contains three recommendations, one of which is met in this bill. The Opposition does not oppose the recommendations, in particular the proposal to extend occupational health and safety requirements to sex workers. That is important.

From the Coalition's perspective, the best way for the sex industry to operate in New South Wales is for it to be regulated. However, this bill will do nothing to stop illegal brothels from operating in New South Wales, because of the Government's negligence. It is possible for a person to establish an illegal brothel and to hire to work in that illegal brothel, for example, an illegal female immigrant. Perhaps her visa has expired; whatever the case, she is an illegal immigrant at this point in time. If she is raped, attacked or assaulted by a client she cannot go to the police to make a complaint and to the hospital for treatment because she is an illegal immigrant working in an illegal brothel. She will be too scared to go to the hospital or to the police. That situation exists in New South Wales today because of the Government's failure to give local councils tough and clear powers to quickly close illegal brothels.

Under the Government's legislation, it will still take councils more than one year and cost tens of thousands of dollars to close a brothel through the Land and Environment Court, and councils will be reluctant to do that because they have better things on which to spend money. It should not be so difficult to close an illegal business—in this case an illegal sex operation—in New South Wales. However, the Government's legislation, to which the amendments in this bill are added, allows the operation of illegal brothels to flourish. While ever there are delays and costs imposed on councils, there will be a reluctance to close illegal brothels. All the Attorney General needs to do is look at the back pages of any local paper, be it a country paper or a city paper, to find advertisements for sex services. He can be sure that most of those sex services are operating illegally, especially in illegal brothels. And those brothels are located in the middle of residential areas.

Indeed, there is a famous case involving 10 illegal brothels operating in one street in Harris Park in the Parramatta area. Local residents got out and flashed torches in the eyes of clients as they went in and out of the premises. The residents, through their own civil action, made it so difficult for the illegal brothels to operate that the operators of the brothels left town. In effect, Parramatta council was powerless to act to close the brothels. This bill is an utter disappointment. We should be debating the Opposition's bill today. The Opposition is happy for the Government to amend its bill to improve it. We want the Government to place the burden of proof on the shoulders of the illegal brothel operator or the owner of the premises to prove, within 48 hours, that the brothel is not illegal. That would allow communities to reclaim their streets.

The bottom line is that no-one in New South Wales should have to live next door or down the road from an illegal brothel, where customers are coming and going in the early hours of the morning, disrupting the lifestyle and amenity of residents. However, that is the reality in New South Wales today because of the effective deregulation of the sex industry and the soft approach adopted in this bill. Although the Opposition supports this bill, it simply does not go far enough. The Government could adopt the bill that is on the table of the House to give councils clear powers to close illegal brothels. Frankly, the Attorney General should realise that the Opposition's bill is in some ways modelled on the Government's drug house legislation, which reverses the onus of proof and provides clear powers. The Opposition does not want regulation of the sex industry to be returned to the police. We do not seek to have regulation of the sex industry returned to the police. We understand the good and sensible reasons that the Police Service should be kept away from regulating brothels, and any investigation of police corruption in New South Wales over the past 10 years or so supports that.

It is right that regulating brothels should be the province of councils. However, if councils must regulate brothels they should have the power to enforce that regulation. Councils do not have that power today. This bill is simple legislation that does not do the job. There is a better bill on offer. It has been second read in the Parliament and it is supported privately by, among others, the Government member for Bankstown. That bill will give councils strong and clear powers to reverse the burden of proof and reduce time delays and costs. Let me signal clearly to the Government: We will continue to push our policy and our bill will stay in this House. If the Government prorogues Parliament between now and next year's sittings the Opposition will introduce its legislation again. We want to have our legislation debated. We want to have on the record the Government's response to giving these powers to councils and to letting communities reclaim their streets.

Ms Moore: And rightly!

Mr BROGDEN: The problem cannot be ignored. The honourable member for Bligh says, "And rightly." Just because it is a difficult problem does not mean that we should not try to deal with it. This bill touches only on the edges of the problem. It will do something, and we support it because it will make it easier for councils to gather evidence. However, it goes nowhere near giving councils the real powers they need to deal with the problem. No-one in this House, particularly urban members in Sydney and in large cities, should think that illegal brothels are not a problem in their community.

Our investigations, with the support of local councils, indicate that during this year there were 10 illegal brothels operating in Sutherland shire, at least one in Rockdale, at least one in Burwood, of which the council was aware, and potentially 12 others, nine in Parramatta and four in Liverpool. Approximately six months ago I was contacted by the operator of a legal brothel in Fairfield, who told me that there are 21 brothels operating in Fairfield: four of them are legal and 17 of them are not. The majority of the illegal brothels are run by members of the Asian community, who employ illegal Asian immigrants. They are sex slaves in Australia in 2001, and that situation will be allowed to continue because of the weakness of this Government and its inability to protect those workers.

The honourable member for East Hills, in a pathetic contribution to this debate—all I can say is, "Bring back Pat Rogan: All is forgiven"—said that this bill is all about class warfare, that is, entrepreneurial capital

versus the workers who are being exploited. What is this Government doing for the illegal immigrant workers who are being exploited in brothels right now? The Government is doing nothing and the Minister's bill does nothing because this Government will not give councils the powers they need to act quickly. People want to be able to pick up the phone, ring their council and say that an illegal brothel is operating down the street—operating opposite a school, a church, or somewhere their kids walk past on their way to and from school—and they want the council to have the powers to close down such brothels. However, this bill barely gives councils any new powers.

The bill perpetuates a ridiculous situation that this Government has allowed to exist for approximately six years, whereby ratepayers funds are used by councils—I am sure that the honourable member for Northern Tablelands will attest to this—to employ private investigators to go into brothels and pay for sex. What a ridiculous situation! Approximately 6½ years after the Carr Government took office it has finally dealt with that problem. However, we still have the ridiculous situation in this State whereby a sex slave industry is uncontrolled and unregulated by this Government. Councils are reluctant to act because of the delays and costs, and ratepayers' funds are being wasted in trying to close down illegal premises. The Opposition supports this bill because it goes some small way toward fixing the problem. However, if the Government wants a real solution it should adopt the Coalition's bill, and work with the Coalition and the Independent members of this Parliament to provide a solution to the growing dilemma of illegal brothels in New South Wales.

Mr TORBAY (Northern Tablelands) [12.42 p.m.]: I support the Disorderly Houses Amendment (Brothels) Bill and I commend the Government for taking this step. As the honourable member for Bligh stated, there are very serious concerns regarding brothels. The Government is certainly taking steps in the right direction in bringing forward this legislation, given the community's views on these matters. This bill allows a court to rely on circumstantial evidence. All members of Parliament would have seen advertisements offering sex in local papers, which have raised a number of eyebrows. I share the concerns mentioned by the honourable member for Miranda, who canvassed the quality of legal advice. He made some valid points. The honourable member for Pittwater is absolutely correct in saying that this bill should be supported—I certainly indicate my support here and now—but does not go far enough.

I wish to briefly relate to the House my experience, as a former mayor, of trying to close an illegal brothel in Armidale. At that time concerns were expressed by local residents who came to see me. In fact, they were contacting me in the early hours of the morning to make the point that their quality of life had been horribly interfered with and that there did not appear to be anything being done about it. The next day I contacted council officers in my capacity as the then Mayor of the Armidale City Council and I also contacted the police. I quickly found that the whole set of rules and opportunities to do something about closing down an illegal brothel were simply inconsistent. They were not really available and the advice that was given was inconsistent at almost every level. No-one appeared willing to take corrective action in that regard. To cut a very long story short, on behalf of the community I commissioned a private detective to visit the establishment and undertake some undercover work. The report was never tabled at meetings of the council—I was not game to table it.

The report was provided at a cost of \$1,500 to the Armidale community and it canvassed a range of concerns that were subsequently taken to court. The community was able to seek and receive a judgment that closed down the facility, but the community spent in the order of \$7,000 to obtain that particular judgment. Moreover, the procedure was lengthy and local representatives who were dealing with the issue were not having a good time, so to speak. In fact, it was a terrible time for all of them. I too have introduced a bill into the House in this regard: the Local Communities (Brothels—Flexible Zoning) Bill. I will be supporting the bill to be presented by the honourable member for Pittwater. I hope that honourable members will respond to the rhetoric of honourable members who participated in this debate, including what has been said by the honourable member for Pittwater, which suggests that local councillors deserve to have more say in this matter. The bill I have introduced seeks to allow local government to introduce a brothel-free zone—a zone which will be free from future litigation.

I believe that the bill introduced by the honourable member for Pittwater is a good bill. I will support it, as I will support the bill before the House. However, I urge both sides of the House to consider the issues and to authorise councils that are already so empowered to deal with all matters associated with zoning and the imposition of approval conditions. Councils ought to be entitled to impose conditions on behalf of the community, if the community expresses that view and wish. I urge honourable members, if they are sincere about the comments they have made, to seriously consider the bill. Having said that, I reiterate for the benefit of the Attorney General that although the bill is a step in the right direction it does not go far enough.

Mr KERR (Cronulla) [12.46 p.m.]: The bill reflects how deeply flawed the Government's original legislation was and how it imposed enormous tragedy on the people of this State, especially the people of the Sutherland shire. People do not have to take my word for it—even the pro-Labor mayor of Sutherland shire endorsed the Opposition's bill, despite opposition from Labor councillors who were supported by Genevieve Rankin, a former Labor councillor. Why did someone who is as pro-Labor as the present mayor of Sutherland shire find the Government's legislation unacceptable, but the Opposition's legislation acceptable? It was simply because of what the Opposition's legislation has done to the quality of life in the Sutherland shire. The Sutherland Shire Council has been forced to spend tens of thousands of dollars on litigation, investigation and manpower as a result of this Government's legislation. I call upon the Sutherland Shire Council to state the amount of ratepayers' money it has spent in attempts to close brothels that are operating in the Sutherland shire so that ratepayers may reclaim their streets.

We are not talking about victimless crime in the context of this legislation. We are talking about a large number of victims in the Sutherland shire who have had their quality of life ruined as a result of the activities associated with brothels. I was interested to hear the comments of the Independent honourable member for Northern Tablelands, who is a former mayor. I would certainly appreciate receiving a copy of the private investigator's report he referred to so that I could examine the matters mentioned in it. As a matter of public interest, I shall write to the honourable member and request a copy of that report. As at 17 June this year there were 10 known illegal brothels in the Sutherland shire. In Rockdale there was one known illegal brothel. It would be interesting to know from the Kogarah Municipal Council and the Rockdale City Council how many illegal brothels operate in their areas and how much ratepayers' money has been expended in an attempt to close them down. The people of the St George area and the Sutherland shire are entitled to know what their rates are being spent on.

As I have said, people's quality of life deteriorates when they live near brothels. Often people who work in brothels do so because they have a drug habit and they need to satisfy that habit by making ready cash. This often leads to the drug trade going through areas in which brothels operate, which in turn leads to a great deal of antisocial behaviour and street offences taking place. If the Attorney General wishes to have co-operation in that respect, he should speak to the honourable member for Canterbury about what happened on Canterbury Road and how that situation affected the amenity of the area and the quality of life of the residents. The people of the Sutherland shire are no longer able to enjoy the full amenities they enjoyed before illegal brothels were allowed to open, and the drug trade is now part and parcel of their environment. Their families are now exposed to an extremely unsavoury scene, and there has been a steady deterioration in the amenity of the area.

As I have said, even the Mayor of Sutherland has been vocal in her opposition to the legislation. Councillor Kevin Schreiber has been at the forefront in trying to remove the plight of the Sutherland shire and has worked hard through council meetings to obtain a range of support to ensure that effective measures are taken to close illegal brothels. We know that the Community Protection (Illegal Brothels) Bill, which was introduced by the honourable member for Pittwater, now has the support of the honourable member for Northern Tablelands. It would be interesting to know why that bill is not also supported by members who represent electorates in the Sutherland shire, and what arguments they have about its provisions.

Mr Debus: Because they support the bill before the House, that's why.

Mr KERR: The Attorney General says it is because they support the Disorderly Houses Amendment (Brothels) Bill. Is the Attorney General suggesting that this bill is a solution to the problem faced by the Sutherland shire?

Mr Debus: Yes.

Mr KERR: You are saying that?

Mr Debus: What do you think?

Mr KERR: Let us see whether the bill meets the requirements in 12 months time. Let us see whether the Mayor of Sutherland agrees with the Attorney General that the bill is a solution to the problems faced by the shire.

Mr Collier: The Shires Association does.

Mr KERR: As I said earlier, the majority of local councils do not regard the bill as a solution to the problem. They agree with the honourable member for Northern Tablelands that the bill does not go far enough. Councils want to see the onus of proof reversed, as outlined by the honourable member for Pittwater in his contribution. If that were done, it would remove an enormous burden from the shoulders of local councils—

Mr Debus: How would it do that?

Mr KERR: I will explain it to the Attorney General. Reversing the onus of proof would mean that cases would be considerably easier to prepare.

[*Interruption*]

I will provide a full explanation to the Attorney General, and he will then have the opportunity to respond. As I have said, reversing the onus of proof would reduce the evidentiary basis on which a case could be brought to court, and it would therefore place the claimant in a far more advantageous position. If the Attorney General does not understand that, I am happy to take questions.

Mr Debus: There are too many.

Mr Collier: What do you say about an ordinary householder?

Mr KERR: The honourable member for Miranda wants to ask a question. What was that?

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Cronulla will direct his remarks through the Chair and not engage in conversation across the table. The Attorney General and the honourable member for Miranda should note that warning. The honourable member for Cronulla has the call.

Mr KERR: I am demonstrating that I want to work with the Government and meet its concerns.

Mr Collier: Can we have that in writing?

Mr KERR: Absolutely, because what we have transcends politics. We are talking about families having their lives ruined when help is at hand, in the form of the Community Protection (Illegal Brothels) Bill.

[*Interruption*]

I note an interjection from the other side of the House about salvation. That is interesting, given the hype that has arisen in relation to this bill. We have been told that it is a solution; we are now told that it is salvation. However, what it does not provide is exactly what the Community Protection (Illegal Brothels) Bill provides. That bill reverses the onus of proof. If a council suspects that a premises is operating as an illegal brothel, council can serve notice on the operator and/or property owner, giving them 48 hours to prove otherwise. What is wrong with that? A person who has a legitimate use for his or her property or business will have no trouble establishing that fact within 48 hours. The Community Protection (Illegal Brothels) Bill would prevent brothel operators attempting to use State environmental planning policy [SEPP] 1 to circumvent council's local environment plans. Council's planning instruments nominate areas where brothels can and cannot be located. SEPP 1 should not be used to approve brothels. The Carr Government has failed to protect the community from illegal brothels, which often employ illegal immigrant sex workers who are forced into prostitution against their will.

I would have thought that a Labor government would want to protect workers. Despite two separate promises—in 1997 and 2000—of a review into the operation of brothel laws, the Carr Government has done nothing to stop their operation. As members opposite would be aware, many of these brothels operate illegally in residential areas, next to family homes, schools and churches. When that happens, ratepayers are forced to foot expensive legal bills and spend a lot of time in gathering the necessary evidence to ensure the matter goes before the Land and Environment Court. Sometimes that evidence is not sufficient to satisfy the onus of proof, which results in the court ruling against the council. Despite that, every day the reality of the situation is brought home to the people of this State and their families because they are the ones whose quality of life has deteriorated.

The Carr Government decriminalised brothels in 1995 and brought about the present situation. The bill is an admission by the Government that it did not give councils adequate power to police illegal brothels operating without consent. Councils have now been forced into a situation that is not of their own making, and ratepayers are the real victims. A reading of *Hansard* shows what has occurred at Canterbury Road. Even the Government had to take action in relation to the problems occasioned by its own legislation.

Mr Debus: What are you talking about? I apologise, Mr Acting-Speaker.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Cronulla has the call.

Mr KERR: I remind the Attorney General that he has a right of reply. As I said, this situation has been brought about wholly and solely by virtue of the Government's legislation. Will the Attorney General tell the House why the provisions of this bill were not part of the original legislation? Why has that legislation remained so inadequate for so long? Why was that legislation not addressed by the Government? To assist honourable members the Attorney General might also set out the Government's objections to the provisions of the bill that has been introduced by the honourable member for Pittwater, because he has promised the people of this State, including those in the Sutherland shire, that the bill does not merely mitigate the problem but that it is a solution to it. It will be interesting to be here in a year's time to hear if the solution has been effective.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [1.00 p.m.]: I welcome the Disorderly Houses Amendment (Brothels) Bill, which is part of a range of legislation that will be introduced to deal with unauthorised brothels, street prostitution and their negative impacts on the community. I refer particularly to the communities of Islington, Tighes Hill and Broadmeadow in my electorate, where, over the years, a range of unauthorised brothels have popped up, if I can use that word. The council has brought some matters before the Land and Environment Court and has often succeeded in closing down a brothel only to see it moved to another location. One cannot underestimate the impact on the community of the operation of an illegal brothel. Patrons often turn up late at night in noisy vehicles, residents of adjoining houses are propositioned because of mistakes about the location of the brothel and residents lose the amenity of their residential area.

Newcastle City Council has had a great deal of experience dealing with those issues. Newcastle is a port city and a great deal of traffic passes through its centre. Newcastle has 13 registered sex industry establishments. The owners operate them legitimately and follow proper occupational health and safety guidelines. They pay their workers properly and have them medically checked regularly in their drug-free establishments. Patrons who visit brothels have confidence in regulated establishments. However, that has not stopped the increase in the number of unauthorised brothels. Newcastle City Council has advised me that it has resolved 70 cases involving brothels since the enactment of the Disorderly Houses Amendment Act 1995.

The honourable member for Northern Tablelands said that when he was the mayor of Armidale he had to engage a private investigator. Newcastle City Council advised me that it has used private investigators several times to obtain evidence and it has been necessary to proceed to court only once to get an illegal brothel closed down. This bill will make it much easier for councils to close down illegal brothels because they will not have to go to those lengths. The council will be able to rely on circumstantial evidence to establish that premises are being used as a brothel. Item [2] of schedule 1 to the bill contains a note relating to examples of circumstantial evidence which may be used. The note includes the following:

- (b) evidence of the premises being advertised expressly or implicitly for the purposes of prostitution (including advertisements on or in the premises, newspapers, directories or the Internet),

Legal brothels that advertise in newspapers should have a registered number and, if they do not have such a number, they should not be able to advertise. At the moment such advertisements fill the pages of daily newspapers. For example, the *Newcastle Herald* has a range of advertisements, including, "Absolutely Fabulous Selection of Ladies" or "Can U handle the Heat! It's hot in Heaven". Details are then given of why heaven is particularly hot. The only contact is a phone number. That masks the location of the brothel, but when one calls the telephone number the location is given. People living around these establishments encounter the problems I have outlined. The provisions of this bill will make it easier for councils to obtain evidence and to defend their decisions to refuse development applications. Hopefully, illegal brothels in the residential areas of our cities will be more effectively controlled.

I will briefly refer to street prostitution, which is a blight on Islington and parts of Tighes Hill. People in those suburbs want to enjoy the amenities of life. They are disturbed by kerb crawling, syringes and condoms being left in front yards, sexual activities occurring on the front verandahs of houses and the use of laneways for sex, as mentioned by the honourable member for Bligh. Wives and daughters are propositioned in the street, and hoons or the minders of street prostitutes continue to threaten and harass members of the public. That all involves enormous amounts of council and police time. A Newcastle City Council committee took action in relation to street prostitution after conducting a community safety audit. In Islington lighting and street closures have been used to try to curb street prostitution, and police have invoked the kerb-crawling legislation. However, street prostitution is often driven by economic necessity and the use of illegal drugs. That exposes the prostitutes and their clients to HIV-AIDS and other health-related issues. Those matters should be taken into account.

I am involved in an ongoing range of policing and community-based initiatives involving not only the Newcastle Local Area Command but the mayor, city councillors, the Hunter Area Health Service, the Sex Workers Outreach Program, the Premier's Department and community groups. We are trying to achieve an outcome that will return to the people of those suburbs the amenity they deserve. As I have said, in many cases prostitution is driven by economic necessity and the need for drugs. They are major issues that we must deal with. However, the bill deals with a specific issue. It provides an easier path for councils to determine whether a house is being used for the purposes of prostitution without council permission. Circumstantial evidence can be adduced, which will greatly assist councils to regulate the activity of brothels in certain areas of this State. I commend the bill to the House.

Mr PRICE (Maitland) [1.11 p.m.]: I support the Disorderly Houses Amendment (Brothels) Bill and speak in debate on the bill on behalf of residents of a large provincial town. I congratulate the brothels task force, which assisted in formulating this amendment. Country and provincial councils are faced with a different set of problems relating to the establishment, identification and closure of illegal brothels or brothels that have not been established in accordance with the legislation. The proposed amendment will go a long way towards resolving those problems. In many cases, circumstantial evidence can be obtained without too much difficulty. Earlier, the honourable member for Newcastle and the honourable member for Northern Tablelands said that circumstantial evidence is readily available through newspapers and personal contact. Circumstantial evidence is more easily obtained in metropolitan newspapers, which frequently advertise the existence of brothels.

Anyone who has spent any time in London would know that the glass panels of public telephone booths are covered with brochures advertising brothel operations. I am not suggesting that our country towns are anywhere near that bad, but illegal brothels create significant social problems. Councils are hard pressed, because of their size and because of the volume of income that is generated through their commercial activities, to fight these issues in the Land and Environment Court. On behalf of my community I fully support this legislation. I support the amendment in its entirety and I congratulate the Attorney General on bringing this matter forward for resolution before the conclusion of this parliamentary session. I am sure that this important amendment will be greeted with great relief by many councils throughout New South Wales. Non-metropolitan, provincial and rural councils will now find it significantly easier to deal with these problems, given the variation to the evidence that is required to abolish these illegal establishments. I commend the bill to the House.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [1.13 p.m.], in reply: I thank honourable members for their contributions to debate on the bill. As has been frequently pointed out, this bill was introduced following the deliberations of the Government task force on brothels, which was convened in early 2000. Notwithstanding the increasing levels of myth-making from those opposite about their alleged capacity to create policy and the alleged tendency of the Government to steal the Opposition's clothes, the Opposition's bill was introduced in September this year and the Government's brothels task force was convened in early 2000. That task force was convened because of frequent representations made by a number of Government members.

I will not be able to recall all the local members who were vociferous in their concerns about the spread of brothels that were not meeting planning law requirements, but those members certainly included the honourable member for Bankstown, the honourable member for Rockdale, the honourable member for Canterbury, the honourable member for East Hills and the honourable member for Parramatta. It included also the honourable member for Newcastle and the honourable member for Maitland and I think other honourable members from the Hunter. That is where the impetus for the task force, and now this bill, came from—not from some imagined campaign by anyone opposite.

The Government believes that the bill proposed by the honourable member for Pittwater would have the paradoxical effect of pushing illegal brothels underground and creating further problems. The bill of the honourable member for Pittwater would have the perverse consequence of causing more people to operate brothels in a clandestine manner to avoid the law, with the reversed onus of proof that he proposes. The consequence, of course, of the clandestine operation of brothels is that we would have, in turn, public health problems and potential possibilities for corruption, which are the very reasons why the brothels legislation, or the arrangements concerning the establishment of brothels, was changed by the Government back in 1995.

I should mention also several other specific matters raised by honourable members in debate. The honourable member for Northern Tablelands was particularly interested in the possibility of councils being able to establish brothel-free zones. I gather that the honourable member has a provision to that effect in his private member's bill. The honourable member for Northern Tablelands is nothing if not assiduous in the pursuit of

policies that will benefit his constituents. I acknowledge the seriousness of his conviction in that respect. However, I point out to him that it is not necessary to specifically establish a provision for the creation of brothel-free zones because councils can already decide on the location of brothels through their existing planning instruments and the Environmental Planning and Assessment Act.

In other words, the basic goal in which the honourable member has a particular interest can be achieved by the proper implementation of policy within the existing legal arrangements under the Environmental Planning and Assessment Act. I mention briefly the observations made by the honourable member for Bligh, who, almost by her own admission, was talking much more about aspects of policing and street prostitution than she was about anything directly connected with this bill. It must be said that one of the essential purposes of this bill is to ensure that the system which encourages prostitution to occur off the street and in private is the very legislation that will continue to be necessary to help to reduce the street prostitution problems that she has described in east Sydney.

For the record, I indicated at a substantial meeting that I had with the honourable member for Bligh and several of her constituents from South Sydney Council that I would keep various proposals that she put forward under consideration. I am not sure, by the way, that those proposals would in the end achieve very much but I pay respect to the honourable member and to those with whom she is working as they attempt to find some extra solutions for dealing with street prostitution. However, I indicated that I would of necessity have to wait until South Sydney council brought down a report relatively early in the new year before proceeding at a policy level in any event. I thought at the time that my position had been accepted as a young man, Andrew Miles, is doing a terrific job at South Sydney Council on research and consultation about a new policy with respect to constraining street prostitution. When that report is brought down we will further consider various proposals that have been made by the honourable member for Bligh.

The essence of the bill is that it will make the closure of illegal brothels—that is to say, brothels that are operating outside planning instruments—more easy. Insofar as there is consensus in this debate, everybody acknowledges that the problem is that councils have found it too expensive and too difficult to provide technical evidence sufficient to bring about the relatively rapid closure of a brothel that is operating outside the planning regulations. There is no doubt that a council can close a brothel if the brothel does not comply with council's planning regulations.

Also, a council can close a brothel if the council can demonstrate to the Land and Environment Court that the brothel is having a significant detrimental effect on the local community or that sufficient complaints have been received from nearby residents or occupiers. The principle is clear and sensible, and if it can be effectively implemented the essential difficulties being experienced by councils will be eliminated. It is not necessary to have the somewhat draconian and ultimately counter-productive provisions sought by the honourable member for Pittwater. It is necessary simply to achieve circumstances in which councils can quickly, and with relatively little cost, move to close down brothels that are in breach of the planning laws. It is significant, therefore, that the President of the Local Government and Shires Association, Councillor Peter Woods, said this about the bill:

I would like to provide my strong support to the draft Disorderly Houses Amendment (Brothels) Bill 2001. I believe that this legislation will go a long way to assist councils in carrying out the very important, and currently difficult and expensive, actions associated with the regulation and enforcement of brothels and the associated evidentiary requirements.

There we have it from the President of the Local Government and Shires Association—someone who has intimate knowledge of research and outcomes of the consultation that the brothels task force has achieved. It is pertinent that someone with that degree of knowledge, both of local government and of the investigation conducted by the Government's task force, would support the bill that the House is now debating. It is clear that if one wants to reduce the costs of court cases, one must make court cases faster and easier to conduct. In fact, everything turns on being able to get a case into court quickly.

That is why the bill, which has been sufficiently debated, has provisions concerning the admissibility of circumstantial evidence. I should say, by the way, that circumstantial evidence has always been admissible in court, but it has become clear that there needs to be a more precise explanation and more general education of councils about that fact. Nevertheless, we are overcoming the problem—somewhat generally perceived, but sometimes real—concerning the use of circumstantial evidence. The Government is setting up an advisory panel which will be in constant touch with councils. The assistance that it is able to offer will lower the cost of the work that councils must do to close down brothels that are not meeting planning provisions.

The question then is: How quickly can we get a matter to court? The fact is that a council that is properly prepared could get an interlocutory order from the Land and Environment Court on the same day that it

applied for one. Once that has occurred, the Land and Environment Court will carefully manage the case to ensure that it is conducted, and concluded, as quickly as possible. If a case is ready to proceed in the Land and Environment Court these days, a council could get a hearing date straight away. In other words the council that has its evidence properly prepared—and it certainly will have that evidence properly prepared because it will have been advised by the advisory group about how to ensure a case is well prepared—can go to court and obtain an interlocutory order on the day of going to court. On that same day it can obtain a hearing day. In the normal course of events, the court hearing will be in four or five weeks.

The honourable member for Pittwater made great play of an allegation that it could take 18 months to conclude a court case. That is not so. Properly prepared and properly advised, with evidence sensibly collected, a council could go to court and make an initial application for an order which, in some circumstances, will be made on the spot. But, in any event, a council will be able to secure a court hearing in a month or a bit more. Given all of the circumstances that we are dealing with, and given that the regime being set up is a planning regime—we are not talking about the criminal law but, for reasons already repeated often in this debate, about planning law, and effectively closing brothels that are inappropriately situated—it seems to me that the Government has introduced arrangements that will, by any reasonable measure, be said to be efficacious. This is not a circumstance of sending people away to wait for months and months before their case is heard. If you get your case properly prepared, you will be able to get your case on very quickly. That is why the Government is ensuring that it makes available the facilities necessary to guarantee that councils that are committed to actually closing establishments in places in which they do not want those places to be will be able to do so quickly and effectively. I therefore have great pleasure in commending the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[Mr Deputy-Speaker left the chair at 1.27 p.m. The House resumed at 2.15 p.m.]

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield) [2.15 p.m.]: I move:

That standing and sessional orders be suspended to provide for the following routine of business on Thursday 6 December 2001:

1. At 10.00 a.m. (Speaker takes Chair)
2. Government Business
3. At 2.15 p.m. (Speaker resumes Chair)
4. Ministerial Statements
5. Notices of Motions
6. Petitions
7. Placing or Disposal of Business
8. Formal Business
9. Committee Reports—tabling
10. Call for Notices of Urgent Motions
11. Announcement of Matters of Public Importance
12. Questions
13. Ministerial Statements
14. Motions for Urgent Consideration
15. Matters of Public Importance
16. Business with Precedence
17. Government Business

Private members' statements will be taken at 5.15 p.m.

All honourable members would be aware that the Government has an extensive legislative program. Therefore, it is not possible to have private members' day tomorrow. I remind the House that 10 private members' days have been allocated this year, which is a record. We never had such a precedent from the former Liberal Government. Although it had the same standing orders, it abused the privileges by not providing for private members' days.

Mr SPEAKER: Order! The Leader of the House is providing information that members will need to be aware of. Those who are not interested may leave the Chamber because others want to hear the Leader of the House.

Mr WHELAN: It is important that the Government completes its legislative program so that the 20-odd bills which currently remain for consideration will go to the Legislative Council for its earnest consideration.

Mr HARTCHER (Gosford) [2.20 p.m.]: The Coalition is not surprised that the Government wishes to adjourn Parliament early. This has been a great year for the Coalition, and it is getting better. Remember the Auburn by-election! The Labor Party vote was 15 per cent down in the vital booths. Remember 10 November! Remembrance Day came a day early this year, because on 10 November all outer regional Sydney went to the Coalition in a big way. Dobell, Wyong, The Entrance—gone! Riverstone—gone!

Mr SPEAKER: Order! The Premier will resume his seat. The honourable member for Gosford will address his remarks through the Chair. That will deter Government members from interjecting.

Mr HARTCHER: I will address my remarks through the Chair. I hope the Premier, when he answers questions, will do the same. There is a TV camera at the back of the Chamber, and I have never seen the Premier not look at it. Let's talk about Greenway and Riverstone—gone! Let's talk about southern Sydney—gone! Let's talk about all the seats that have gone to the Coalition. It has been a great year for the Coalition, and members opposite are conscious that their days are numbered. The sands of time are running out. What is the reaction from the Premier? The member for Riverstone is gone from the education portfolio, to the cheers of 60,000 teachers and 300,000 students.

I did not see anything from the Teachers Federation saying what a great Minister he was. I did not see anything from the parents and citizens associations saying that it was terrible news and asking the Premier not to move him. I did not see the public out in Macquarie Street protesting, "Keep that man, he is a friend of education." I did not see anything at all. That is testimony to the fact that the former Minister and all his mates have failed. Responsibility for the key issue of law and order was given to a man who had been a member of Parliament for 17 days! Every Government member of this House was regarded as useless! Every one of you was regarded as superfluous because you have been here too long. The Premier says each one of you has been here too long. Seventeen days is the only criterion.

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

Mr HARTCHER: If you want to get a ministry in this Government, you work your way up through the right wing and serve your 17 days and you will be in.

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

Mr HARTCHER: Probably the only person who takes an interest in this, apart from me, is the honourable member for Bligh. Look at the size of these three bills that were introduced last night to be debated today: the Criminal Procedure Amendment (Justices and Local Courts) Bill and its cognate bills.

Mr Debus: It has been on the table for a month.

Mr HARTCHER: The Criminal Procedure Amendment (Justices and Local Courts) Bill—hundreds of pages.

Mr Debus: They were on the table last night. Why didn't you read them?

Mr HARTCHER: Yes, hundreds of pages. The Attorney General says they were on the table all last night. We could have come down at two o'clock in the morning and read the bills.

Mr SPEAKER: Order! If members of the Opposition interject they will be wasting the speaking time of one of their own members.

Mr Debus: Point of order: The bills that the honourable member is waving about were on the table of this House for a month, until last week.

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

Mr HARTCHER: You brought them on yesterday and you are trying to ram them through tonight. But we are not talking about that. Not only are all of you superfluous, but Canberra Labor, the Australian Labor Party headquarters, decided on 10 November that the Premier was superfluous. The bills that the Attorney General is talking about were read for the first time yesterday.

Mrs Chikarovski: According to *Hansard*.

Mr HARTCHER: *Hansard* shows that he delivered his second reading speech on these bills yesterday. So much for what he is saying now, but let me talk about the Premier. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 52

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

Noes, 35

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

Pairs

Ms Allan	Mr Maguire
Mr McManus	Mr Rozzoli

Question resolved in the affirmative.

Motion agreed to.

AUSTRALIAN NATIONAL PROTON FACILITY

Ministerial Statement

Mr KNOWLES (Macquarie Fields—Minister for Health) [2.32 p.m.]: I advise the House that earlier today the New South Wales Government, in collaboration with the Sydney Cancer Centre at Royal Prince Alfred Hospital [RPA], the Hitachi Corporation and the University of Wollongong, took the first step to establish Australasia's first proton beam facility. A proton synchrotron will provide Australians access to the world's latest and most effective type of cancer radiation treatment. It will also provide research and applied science opportunities. I understand that the National Aeronautics and Space Administration [NASA] has already expressed an interest in using the facility for space research.

This morning at the Royal Prince Alfred Hospital I announced funding for a feasibility study into the Australian national proton facility. The facility will cost an estimated \$160 million to build. The Hitachi Corporation is a key supporter and has already indicated its willingness to invest in this national project. I take this opportunity on behalf of all honourable members to welcome to the House representatives of the Hitachi Corporation who are in the gallery today. In particular, I welcome Mr Hajime Yasufuku, the Chief Executive Officer of Hitachi, Mr Bernhard Kotarski, the General Manager of Hitachi, Mr Kenji Watanabe, the Australian Manager, Power and Industrial Systems, Hitachi, Ms Yuko Taguchi, Project Co-ordinator, International Operations Division of Hitachi, Sue Bleasel, Manager, Medical Business Development of Hitachi, and from our own team Dr Michael Jackson from the Cancer Centre, and that great Australian, Professor Jim Bishop, the Director of the Sydney Cancer Centre.

An Australian national centre will give cancer patients from across Australia, the Pacific and South-East Asia access to this new and staggeringly effective type of cancer therapy. Currently, only 23 proton facilities exist worldwide. The New South Wales Government will fund a feasibility study and, if that is successful, will help to put together a consortium to develop the facility. This truly state-of-the-art technology has the potential to give New South Wales a multimillion-dollar export boost. Initially it will create 400 construction jobs, and will employ up to 100 highly trained scientific, medical and research staff. I thank the key players who have helped to put this proposal together, including Hitachi Australia, the team from RPA and, of course, the staff and academics at the University of Wollongong.

Mrs SKINNER (North Shore) [2.35 p.m.]: On behalf of the Coalition It gives me great pleasure to welcome members of Hitachi Australia, particularly Mr Yasufuku and others, as well as those involved from the Sydney Cancer Centre, the university and the Royal Prince Alfred Hospital to Parliament today. The Coalition strongly believes that much more needs to be done in this State to encourage investment in medical and clinical research. The establishment of this facility is a great step forward and it will have my support when I am a Minister. The Coalition has a firm policy of putting high priorities on developing research and value adding that wonderful work done in our universities and research facilities to develop export markets.

Two years ago I had the great privilege of being with Mr Speaker and other members of Parliament on a delegation to Japan, where we were guests of the Tokyo Metropolitan Assembly. The honourable member for Bankstown nods; he was one of the members on the tour. While I was there I took a little side trip to speak to people in the medical fraternity about the use of Australian technology in hospitals. I talked to them about the cochlear implant, a wonderful piece of technology developed in Australia and now being used in Japan. The collaborative arrangements between the two countries are wonderful and it is wonderful to know that such learned people are involved in projects such as this. This is the way ahead, and there will be much more of this type of development under a Coalition government.

BUSINESS OF THE HOUSE

Routine of Business

[During notices of motions]

Mr O'FARRELL: Mr Speaker, can I have some quiet while I finish reading my notice of motion? I put it to you that if the Premier had been giving this notice of motion you would have directed the House to remain silent.

Mr SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat.

Mr O'FARRELL: I am happy to withdraw this notice of motion, but I put it to you that if the Premier had been speaking, that performance would not have continued. We are sick and tired of bias in this Chamber.

Mr SPEAKER: Order! I ask the Serjeant-at-Arms to remove the Deputy Leader of the Opposition.

Mr O'FARRELL: You are a disgrace.

[The honourable member for Ku-ring-gai left the Chamber accompanied by the Serjeant-at-Arms.]

Mr SPEAKER: Order! I ask the Deputy Leader of the Opposition to return to the Chamber so I can name him. No occupant of the chair will accept that sort of behaviour, and I am no exception. Although the Deputy Leader of the Opposition is outside the Chamber, I intend to name him.

[Routine of business interrupted.]

MEMBER NAMED

Mr SPEAKER: Order! I name the Deputy Leader of the Opposition for being guilty of disorderly conduct.

Mr Fraser: Point of order: You asked the Serjeant-at-Arms to remove the Deputy Leader of the Opposition and he was so removed. You then called him back to the Chamber. I suggest that he cannot be called back after he has left the Chamber. Indeed, it is not in order for you to name him after he has left the Chamber.

Mr WHELAN (Strathfield) [2.47 p.m.]: I move:

That the honourable member for Ku-ring-gai be suspended from the service of the House.

The House divided.

[In division]

Mr SPEAKER: Order! My attention has been drawn to an irregularity in the pairing arrangements. I proposed to call off the division and restate the question.

Division called off.

Mr SPEAKER: Order! The question is: That the honourable member for Ku-ring-gai be suspended from the service of the House.

The House divided.

Ayes, 56

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

Noes, 31

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

Pairs

Ms Allan
Mr McManus

Mr O'Farrell
Mr Hartcher

Question resolved in the affirmative.

Motion agreed to.

Mr SPEAKER: Order! This being the first occasion during the session upon which the Deputy Leader of the Opposition has been suspended, his suspension will be for two sitting days.

DEPARTMENT OF THE LEGISLATIVE ASSEMBLY**Annual Report**

Mr Speaker tabled the report entitled "Department of the Legislative Assembly Annual Report 2000-2001".

Ordered to be printed.

PETITIONS**Centennial Park Dogs Off-leash Area**

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

North Head Quarantine Station

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

State Environmental Planning Policy No. 5

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

Scottish Hospital

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

Genetically Engineered Food

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

Wilderness Access

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

Moore Park Passive Recreation

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

Kempsey and Macksville Pacific Highway Upgrade

Petition praying that the House improve safety on the Pacific Highway and fast-track the proposed bypassing of Kempsey and Macksville, received from **Mr Stoner**.

John Fisher Park

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

Hawkesbury-Nepean Catchment Management Trust

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

Queenscliff Geographical Names Board Classification

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

Old-growth Forests Protection

Petition praying that consideration be given to the permanent protection of old-growth forests and all other areas of high conservation value, and to the implementation of tree planting strategies, received from **Ms Moore**.

Vaucluse Electorate School Closures

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

White City Site Rezoning Proposal

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

Beat Policing

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

Cronulla Police Station Upgrading

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

Wallsend Policing

Petition praying that Wallsend Police Station be staffed 24 hours a day and that extensive community consultation take place prior to any changes being made to policing, received from **Mr Mills**.

Surry Hills Policing

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

Gordon Policing

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

Dapto Policing

Petition praying that Dapto police station be manned for 24 hours each day, received from **Ms Saliba**.

Malabar Policing

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

QUESTIONS WITHOUT NOTICE

POLICE NUMBERS

Mrs CHIKAROVSKI: My question is directed to the Premier. At a time of rising crime, how does the Premier explain that since his promise of March 1999 to recruit an additional 1,000 police officers he has managed to increase police numbers by just 24, according to his own confidential figures? Does that mean that at the current rate the Premier will not meet his promised target until after 2099?

Mr CARR: There are more police on the beat than ever before.

Mrs CHIKAROVSKI: I ask the Premier a supplementary question. Given the Government's oft-repeated claim that this year more police will graduate from the Police Academy, to ensure that more police will be on the beat, can the Premier explain why 150 Police Academy students in the present class have failed their physical or firearms test, which means that the Government will not be able to match the attrition rate, let alone put a single additional officer on the streets?

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

ARABIC COMMUNITIES YOUTH VIOLENCE

Mrs PERRY: My question without notice is to the Minister Assisting the Premier on Citizenship. How is the Government working in partnership with Sydney's Arabic-speaking community to prevent youth violence?

Mr IEMMA: In March this year, senior members of the Australian Arabic-speaking communities met with the Premier to express their concern about antisocial behaviour among some young people of Arabic-speaking background. They suggested a Government-community partnership to tackle the problem of antisocial behaviour. On 10 July the Premier announced a two-stage plan to address the immediate problem of antisocial behaviour, to work with parents and the community to take responsibility for the actions of young people, and to provide additional learning opportunities and recreation alternatives for Australian Arabic-speaking youth in selected areas of Sydney.

An implementation group was set up involving Government and community representatives and headed by the Hon. Eddie Obeid, the Minister for Minerals and Fisheries. Reference groups made up of community members, including young people, have also been set up in areas of high Arabic population to assist the Government with the plan. The Government and Arabic-speaking communities have spent the past few months working steadily and quietly on implementing this plan. There were difficult moments for the project, especially after the 11 September terrorist attacks on the United States of America. The Australian Arabic-speaking communities, particularly the Islamic communities, felt the brunt of racial hatred stirred up by those tragic events. Nevertheless, they persevered, along with a number of government agencies, and today I can report on the implementation of stage one.

From 20 December the first two Arabic-speaking youth liaison teams deployed by the Community Relations Commission will commence operations. They will start working in shopping malls, railway stations, sporting venues and other public places where young people of Arabic-speaking background congregate. Their job will be to prevent young people engaging in antisocial behaviour. The three-member teams will focus on the Canterbury, Bankstown and Parramatta local government areas. Team members will include Christian and Islamic clerics with experience in working with young people. They will help bridge the gap between young people of Arabic-speaking backgrounds, their parents and the community.

The youth liaison teams will work with police and local Arabic-speaking communities to identify potential trouble spots and help public places remain safe for the community. I make it clear that the youth liaison teams will not perform police work; they will not deal with criminal activity. The teams will initially operate twice weekly. Members will wear photo identification and the youth liaison team logo. The teams will be able to refer a young person to an appropriate community service for help. The first two teams will be trialled for three months. An additional four teams will operate in the St George, Liverpool and eastern suburbs areas from March 2002.

One of the challenges is to ensure that parents of Arabic-speaking backgrounds are aware of their rights and responsibilities. Parents and their children are faced with having to bridge both a generational and a cultural gap. Today I also announce a \$30,000 parent education campaign to raise the awareness of Arabic-speaking parents about positive parenting. The campaign will run from early next year and will focus on helping children improve their learning, dealing with challenging behaviour, discipline and child protection law, and helping children deal with conflict such as racism. A *Parenting* magazine will be produced in Arabic and distributed to Arabic-speaking families.

Boosting retention rates and performance in education will be the focus of stage two of the partnership. A pilot project—which seeks to improve student attendance, and prevent suspensions and expulsions from school—will be trialled at five Bankstown schools. They are East Hills Boys Technology High School, Sir Joseph Banks High School, Condell Park High School, Bankstown Girls High School and Punchbowl Boys High School. Nineteen members of the Arabic-speaking community have been trained as mentors for students of Arabic background experiencing difficulties at school. The mentors will develop strong relationships with students to help build their self-esteem, and they will help families increase their knowledge of the New South Wales school system and strengthen their links with the school. The mentors will start work in the first term of 2002.

A key part of this initiative is to increase the participation of young people of Arabic background in sport. Time and again it has been shown that keeping young people active in sport helps keep them out of trouble. Today I announce that from January five police and community youth clubs [PCYCs] will deliver sport and recreation programs targeting young people of Arabic-speaking backgrounds. An amount of \$25,000 is being allocated to PCYCs in Parramatta, Bankstown, Burwood, Belmore and Rockdale to deliver activities including basketball and volleyball, and coaching and training facilities for young people of Arabic-speaking backgrounds. The Australian Arabic-speaking community is the driving force behind this plan. This partnership can serve as a model to help other communities develop their young people into good citizens. Planning for stage two is well under way, and I hope to report to the House on its implementation in the new year.

PILLIGA FOREST NATIONAL PARK DECLARATION

Mr SOURIS: My question without notice is directed to the Minister for Forestry. Will the Minister confirm that the National Parks and Wildlife Service has recommended that the Pilliga Forest, which has been sustainably logged for generations, should be declared a national park, a decision that would deprive Gunnedah sawmillers of their major resource and cause up to 73 job losses?

Mr YEADON: Some figures quoted by the Leader of the National Party are grossly inflated. The honourable member is prone to exaggerate.

Mr Souris: Seventy-three jobs is grossly inflated, is it?

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

Mr YEADON: The important point that the honourable member needs to understand is that, like all the Government's forestry reforms, we are undertaking these reforms in a considered and comprehensive way and negotiating with all interested parties within the community. That is in stark contrast with the way in which the former Coalition Government ran the Forestry portfolio.

Mr SPEAKER: Order! I call the Leader of the National Party to order for the second time. I call the honourable member for Barwon to order.

Mr YEADON: All the former Coalition Government did was ruin the economy of that industry in the bush. That is why the New South Wales timber industry, particularly the hardwood timber industry, loves this Government. It loved the day when the former Coalition Government went out of office, and it dreads the day it will ever return to office. The Government is undertaking a comprehensive approach to the Western Division, which is the last remaining area of forestry assessment. Those deliberations and discussions are taking place within the Government, in conjunction with stakeholders, and no decision about the land tenure of the Pilliga, Goonoo Goonoo or any other area within the Western Division has yet been made.

DOCTORS INSURANCE COSTS

Mr BROWN: My question without notice is to the Minister for Health. What is the Government's response to community concerns about doctors' insurance costs?

Mr KNOWLES: Yesterday I signed the regulation and order that underpins part 3 of the Health Care Liability Act which passed through the Parliament earlier this year. I take this opportunity to thank Karen Crawshaw and her team on their enormous efforts in that work. The regulation completes the reform process which limits payouts and establishes entry thresholds for negligence claims in the courts, regulates the medical insurance industry, requires all doctors to carry insurance and establishes risk management programs aimed at reducing medical error. In addition to the legislative changes and regulations, the Government has also continued arrangements to pay the premiums for sessionally paid obstetricians in public hospitals and, as a consequence of the collapse of HIH Insurance and the events of 11 September, and the consequent devastating global impact on reinsurance markets, we have further extended coverage for negligence claims in excess of \$1 million for the contracted work of every visiting medical officer in the State.

That means that from now on all doctors will have their payouts for negligence, in excess of \$1 million, covered by New South Wales taxpayers for their work in the public system. If they are sessionally paid obstetricians, the State covers the lot. In simple terms, that means that if Calandre Simpson, whose case has been reported in the media recently, was delivered in a public hospital under this new model, the State and its taxpayers—not the doctors' insurance company—would bear the costs. We have made that conscious choice, and brought forward legislation to the Parliament, supported by the Opposition, in an effort to constrain the growth in medical indemnity premiums. The package of measures have been assessed by actuaries and medical defence organisations as reducing the future costs of claims by 30 per cent for medical defence organisations.

This does not mean that premiums will drop by 30 per cent. Indeed, in the context of the events of 11 September, the collapse of the reinsurance market and the repercussions of the HIH collapse, premiums will continue to rise. However, our measures mean that they will rise at a much more sustainable rate than would otherwise have been the case. That is why the Federal branch of the Australian Medical Association [AMA] has described the New South Wales Health Care Liability Act as a model that should be adopted nationally. That is why Kerry Phelps and the national AMA say a national model needs to be adopted by other jurisdictions.

Mrs Skinner: What did the New South Wales branch think of your regulations?

Mr KNOWLES: That is why Michael Wooldridge, the former health Minister, in the heat of the Federal election campaign in an interview with Sally Loane on 2BL, made it very clear when he said that New South Wales is leading Australia on this issue. He is hardly a fan of the New South Wales Government but he has acknowledged that it is leading Australia on the issue.

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

Mr KNOWLES: That is why the national group of chief executive officers of all medical defence organisations are lobbying other States to pursue the tort law reform that we have implemented. Depending on which campaign I listen to I have heard that obstetricians and neuro-surgeons will be paying between \$200,000 and \$300,000 and that is simply wrong. Our legislation stops that from happening, but without it that would have been a certainty.

Mrs Skinner: What do general practitioners in Gunnedah pay?

Mr KNOWLES: I will pick up on the interjection about what general practitioners will pay. Inherent in the bill, explicit in my second reading speech and voted on unanimously by the Opposition is the concept of cross-subsidisation. I made it clear from day one that the Government would maintain the concept of cross-subsidisation. That means that low-risk specialists and doctors, such as non-procedural general practitioners to whom people off the street go when they need to see a doctor, should continue as they have for decades with high-risk specialists. That is because insurance, by its very nature, is a mutual entity whereby a large pool of individuals put in their money to support each other when the need arises for payouts. That has been the case with medical defence organisations, including United Medical Protection [UMP], which is almost a monopoly provider in this State and Queensland and has had 70 per cent of the Australian market since Adam was a boy. But there are other reasons which are important.

General practitioners have a very formal link with a specialist. Has anyone ever tried to see a specialist without a referral from a general practitioner? That does not happen because they are tied together. Equally, general practitioners need the service. What will happen if, as has been suggested by some people, obstetricians simply disappeared off the face of the planet because they could not afford the premiums that were spinning out of control because some medical officers were unraveling the cross-subsidy? Of course that puts general practitioners at a much higher risk. General practitioners frequently need the services of specialists and that is why they have historically maintained the cross-subsidies.

Whether it is UMP or any of the other organisations that traditionally provided insurance for doctors there has always been a cross-subsidy. In practical terms, in relation to the Calandre Simpson case, it was put to me in a recent meeting of specialists covering this area in the AMA that if the relatively small number of obstetricians alone were left to pay the Calandre Simpson payout, compared to the massive pool of doctors who, in a mutual sense, contributed to the insurance bill, they would simply not be able to meet the payout. There are about 39 practising neurosurgeons in this State. Without cross-subsidisation and mutuality those 39 neurosurgeons would not work in Australia. We made a tough, hard policy choice, brought it to the Parliament and—surprise, surprise—everyone supported it.

Mrs Skinner: What are their head offices going to bear?

Mr KNOWLES: The honourable member for North Shore is trying to jump on a campaign by a small group within parts of the general practice community who say that they should not have cross-subsidising. My message to them is that they have been cross-subsidising for a very long time and they will continue to do it to bear those costs. Without that relativity between low risk and high risk there is simply no way that an obstetrician or a neurosurgeon could afford to practise anywhere in Australia. That is a matter of fact that is acknowledged by the profession—it is also acknowledged that some do not like it—but the Government introduced the legislation to this Parliament and everyone supported it. The honourable member for North Shore knows that she cannot squeeze out now and have it both ways. My two-hour second reading speech was explicit on cross-subsidisation and she supported it.

Mrs Skinner: Point of order: The Minister addressed a question to me across the Chamber. I would ask you to give me an opportunity to reply and to point out that the regulations were not debated in this Parliament. During the debate I drew attention to the fact that people, including insurers, were concerned about the regulations. The New South Wales AMA is very worried about them.

Mr SPEAKER: Order! I place the honourable member for North Shore on three calls to order. If she continues to interrupt she will join the Deputy Leader of the Opposition.

Mr KNOWLES: This is solid policy work, brought into place by legislation and regulation, supported by both sides of the Parliament and commended by the Federal AMA and a group of chief executive officers who oversee the work at the medical defence organisation. None other than Michael Wooldridge says that New South Wales is leading Australia. I am the first to concede that much more needs to be done. Simply put, there is much more to be done by the Commonwealth Government, otherwise premiums will continue to grow. In simple terms, the State Government has established more reforms, which cover all aspects of doctors' work and the State Government has picked up the costs for catastrophic cover, that is, claims in excess of \$1 million in the public system. That leaves only doctors' private patient loads to be dealt with. Reform in that area can be undertaken only by the Commonwealth Government. That is because the Commonwealth is responsible for the setting of fees under the medical benefits schedule and rebates which apply in the private sector of the health care industry.

The Commonwealth is the owner and architect of private health insurance and is the architect of the national pricing system for doctors' fees. Commonwealth decisions fundamentally affect medical practice and incomes across Australia. Premium affordability is necessarily linked to practice income levels. This is an area in which no State or Territory has any control. Equally, of course, even if it was within our control, it would simply be inappropriate for a public health system to pick up the tab for a doctor's work on a private patient, usually in a private hospital with private health insurance—a clear matter of Commonwealth Government policy and control. In simple terms, that would be like New South Wales taxpayers picking up the public liability costs for Mayne Health or Ramsay Health Care, or taxpayers picking up insurance premiums for patients who choose to take out private health insurance.

Organisations such as the Federal AMA and the UMP endorse the view that growing medical indemnity costs in the private health system can only be resolved nationally. That is why doctors groups and medical defence organisations are now calling on John Howard to match the initiatives that we have taken in this State to address premium affordability. The contemporary example is, again, Calandre Simpson. From now on, if a similar case occurred in relation to a public patient in New South Wales, the public system will pick up the tab of over \$1 million for the doctor. If exactly the same case were to occur in relation to a private patient in a private setting the doctor will continue to pay, through his or her insurance company. Whilst all this is allowed to continue, medical indemnity premiums will continue to grow. The only solution to this part of the problem is for the Commonwealth Government to develop a national solution to address the issues of private practice indemnity.

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

Mr KNOWLES: Opposition members went on about obstetricians in Armidale not being able to afford premium costs. They went on about obstetricians not being able to practice and so on. I am setting out what this Government has done and what now needs to happen at a national level. I would have thought that Opposition members would have taken an interest in those issues. No names, no pack drill. An obstetrician paying a premium of about \$70,000, working in a rural or regional centre where about 500 kids are born each year, earns typically in the order of \$200,000 from the public system alone. That does not take into consideration his or her private work.

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

Mr KNOWLES: We have set out a comprehensive policy platform. I know that Opposition members get very bored when Government members mention policies, but this is the stuff in which governments are involved. A while ago the honourable member for North Shore wished upon a star and said, "When I am Minister for Health I will do certain things." When she is Minister for Health her daily bread will be implementing good policy and sorting out these sorts of problems. Those are the issues that face the Commonwealth. Only the Commonwealth Government can increase the medical benefit schedule to help doctors meet their private indemnity costs. Only the Commonwealth can sponsor the solution advocated by some groups that involves adjusting Medicare to form a funding pool, which will cover payments for claimants with long-term care needs. Either way, those matters are solely in the Commonwealth's hands.

I can confirm that my views are shared by the Federal branch of the AMA. As medical negligence insurance premiums continue to grow, commentators will come to understand that New South Wales has limited, capped or paid for the great bulk of doctors' expenditure. The present dramatic escalation of international insurance and the issues surrounding doctors' exposure to negligent claims for their private work can only be addressed at a national level. I have written to the new Minister for Health in Canberra seeking her co-operation in this regard. I understand that other doctors groups are doing the same thing. I only hope that the new Minister, in a spirit of co-operation, demonstrates her willingness to work with all of us to deal with this problem and to ensure the maintenance of medical services right around Australia.

NEW ENGLAND MEDICAL PRACTITIONER NUMBERS

Mr WEBB: My question without notice is directed to the Minister for Health. Given that recent research shows that the New England Area Health Service has a cardiovascular mortality rate 10 per cent higher than the State average, that deaths as a result of prostate cancer are 30 per cent higher than the State average and that the rate of asthma is higher than average, what is the Minister doing to stem the exodus of general practitioners and specialists from the area?

Mr SPEAKER: Order! I call the Minister for Public Works and Services to order.

Mr KNOWLES: I thought that I addressed some of those issues yesterday. I will obtain some specific details about the rates of those incidents. Of course, many of those things are due to socioeconomic features; they have very little to do with funding levels. Statistically, those who live in a poor community are more likely to experience the range of morbidity rates that were mentioned earlier by the honourable member. That is a matter of fact. However, it is something that must be addressed by all areas of government.

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

Mr KNOWLES: The New England Area Health Service, which has received more money for services, is far more efficient than it was before this Government was in office.

SCHOOL STUDENTS LITERACY LEVELS

Mr McBRIDE: My question without notice is addressed to the Premier. How do New South Wales literacy levels compare with levels in other Australian States and Territories and other nations?

Mr CARR: Last night the Organisation for Economic Co-operation and Development released the results of an international study of student ability in maths, science and reading. Approximately 260,000 15-year-olds in 32 countries were tested. In literacy, New South Wales students ranked with Finland, Canada and

New Zealand—at the top. They beat the United States of America, the United Kingdom, Japan and Sweden. New South Wales was at the top in literacy. Those studies show that the literacy levels of New South Wales students are up there with the best, namely, only three or four other nations in that category. The honourable member for The Entrance asked me about the position within Australia. The short answer to the honourable member's question is that we beat every other Australian State. Only the Australian Capital Territory was ahead. That fantastic result reflects great credit on the literacy program of this Government and great credit on the State's teachers.

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

Mr CARR: Some months ago I visited Punchbowl Public School and met teachers working on that reading recovery program. Punchbowl Public School has achieved terrific outcomes. The reading recovery teachers are shaping how literacy is taught throughout that school. Today the honourable member for Coogee and I met with 28 students at Randwick Public School who were devouring books on the Premier's reading challenge list. I asked those students, "Who has read Harry Potter?" All students replied that they had read all four books in the Harry Potter series. I then asked, "Who has read Roald Dahl", and the hands of all students went up. We went through the Premier's reading challenge list. Students are devouring books. They love reading. When I visited Lidcombe Public School in August I saw a whole school geared to raising the literacy levels of all its students. Up to 80 per cent of students at Lidcombe Public School start kindergarten with no English. By year 5 they are equal to the State's average.

[Interruption]

There are some interjections. Did the honourable member for Cronulla interject? He should have; then he may not be under a preselection challenge from those unworthy people.

Mr Hazzard: Point of order: Today the Minister for Education and Training gave notice of an urgent motion.

Mr Whelan: Nothing to do with the question.

Mr Hazzard: Are you the Speaker now? You lose one job and you get another one. The motion was in regard to literacy, and the Premier is now discussing exactly the same topic and anticipating debate. I point out your excellent decision in 1995 that you would allow such a question only if the subject matter was different. In this case the subject matter is identical. I ask you to rule the question and the Premier's hypocritical answer out of order.

Mr SPEAKER: Order! The Minister only gave notice of the motion.

Mr CARR: The honourable member asks how the Government can claim credit for this. One, we have 925 reading recovery teachers in 825 schools that did not exist under the Coalition. We brought them in. Two, we have a clear policy direction for schools and a series of statements on different aspects of literacy, including spelling and writing. Three, we have literacy teams in all 40 districts, supporting schools and skilling-up teachers in the latest techniques. Four, we have new literacy tests at the start of high school, and external exams at the end of junior high school, at the end of year 10. That does not exhaust the list but that is not a bad start. To look at the policy of the Opposition, we went to the web site. We thought the computer would explode with enthusiasm and spill out a whole new cornucopia of policy work. But, nothing. Not a thing. Just a blank screen, an echoing silence, nothing on curriculum development.

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

Mr CARR: There is nothing on literacy, nothing on numeracy, nothing on equity and nothing on information technology.

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

Mr CARR: After a while the computer growled, mumbled, groaned and yielded forth a very hot little document that I had not asked for and did not know existed. "I wonder what document it is," honourable members are thinking. The cover sheet gives the best clue. This is a reflection on the policy development of the

Opposition, and who is responsible for policy development—none other than our old friend the Deputy Leader of the Liberal Party, Barry O'Farrell. What does he say? He delivered this paper on 28 November and commented on his leader's lack of interest in policy. That is what the paper is all about. He says:

One of the big challenges is that of political leadership. The ability to devise clear policy that moves a party forward is the responsibility of the leader.

He goes on to say, under the heading "Political Leadership":

I also accept that principal responsibility for driving through policy change rests with the political leader.

That is in the paper of the Deputy Leader of the Liberal Party. He goes on to write:

There is no substitute for hard policy yakka.

Here is the first indication, even by the lax standards of modern psychiatry, that he is going a little mad. He begins to speak of himself in the third person.

Mr Stoner: Point of order: Standing Order 138 provides that answers given to questions must be relevant to the questions. The Premier's longwinded dissertation on the Deputy Leader of the Liberal Party has absolutely nothing to do with literacy levels in this State.

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

Mr CARR: On the issue of literacy levels, what could be a more important part of policy development than education policy? Having established in the paper that there is no policy and that that is clearly the fault of his leader, he says, talking of himself in the third person:

For Barry O'Farrell the challenge is to articulate the case for pressing the pace of change. I need to undertake the hard policy yards in the party room.

Then he says it. No policy was coming from the established leader and, of necessity, the burden must fall on Barry. He concludes with these words, and it is just as well he is not here to be embarrassed:

I recognise—

Mrs Chikarovski: Point of order: The House needs to know—

Mr SPEAKER: Order! The Leader of the Opposition has not been given the call. On a number of occasions the Leader of the Opposition has disregarded the Chair and has not followed the proper procedure in taking a point of order. If she behaves in that way again I will deal with her in the same way that I dealt with the Deputy Leader of the Opposition. This is the last occasion on which I will allow the Leader of the Opposition the latitude that I have extended to her over a long period of time.

Mr Hazzard: Point of order: It is totally within your domain to give that direction to the Leader of the Opposition, but on numerous occasions you have directed the Premier that when a point of order is taken he should sit. During the entirety of the point of order the Premier stood and incited the Leader of the Opposition with a silly look on his face. I ask you to direct that in future the Premier, like the rest of us, sit down when a point of order is taken. That is only fair.

Mr SPEAKER: Order! The Chair generally does not respond to allegations of that sort. On this occasion I had not given the Leader of the Opposition the call to take a point of order.

Mr CARR: It is not bad policy work that gives you the best literacy level among 15-year-olds in the world. We beat the rest of Australia and kept going forward to beat the world. The honourable member for Hornsby says that non-government schools did that. That is a disgraceful statement. He says it happens only in non-government schools. That is a disgrace.

Mr SPEAKER: Order! There is far too much disorderly conduct in the House. I place all members, whether they have been called to order or not, on three calls to order.

Mr CARR: It is not a bad policy outcome.

Mr O'Doherty: Point of order: My point of order, taken under Standing Order 138, is that it is relevant that the Premier knows that I said it was non-government schools as well as government schools.

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

Mr CARR: Hundreds of thousands of parents and teachers will note the attempt by the honourable member for Hornsby to disparage their achievement. We will not have any part of that.

Mr Fraser: Point of order: I draw your attention to Standing Order 185, which states:

When a member rises on a point of order the member who was speaking shall be seated.

Mr SPEAKER: Order! I uphold the point of order.

Mr CARR: I will take measures to ensure that all teachers in this State know that we think highly of their achievements. It is not a bad policy outcome. We talk in this House, as we did for five years—I am a former Minister for education—about putting the building blocks of literacy in place. Then the OECD surveys 32 countries and says that New South Wales is up there with a handful of others as the world's best performers and we beat the other Australian States. That is a terrific achievement.

Mr SPEAKER: Order! I remind the honourable member for Hornsby that he is on three calls to order.

Mr CARR: All of the building blocks of literacy policy in the school system have been fashioned, grafted and funded under this Labor Government. Pressed for a policy response, the shadow Treasurer says, "It's the private schools that did it." What a disgrace! No wonder the Deputy Leader of the Liberal Party, in this paper given at the Carlton Crest Hotel on 28 November, said, "Leadership must produce policy"—they have got none at present—and "look to Barry O'Farrell," talking about himself in the third person, which is not altogether the most robust sign of mental health. "Barry O'Farrell is driving the process."

Mrs Skinner: Point of order: The comment the Premier just made about people with mental health does terrible damage to those suffering from a psychiatric disability in this State. I ask him to show some leadership.

Mr SPEAKER: Order! There is no point of order. The honourable member for North Shore will resume her seat.

Mr CARR: In conclusion, the Deputy Leader of the Liberal Party, in wrapping up this process about no policy and it being the fault of the leader, said:

I recognise that few people will want to run ahead of many in arguing the reform agenda.

In other words, he reckons he is setting the pace. He said:

Therefore, as shadow Minister I am aware I am setting the upper limits on policy.

What a presumption from the deputy leader, the number two over there, carefully undermining the claims and the credibility of his own leader. We do not have to play those games because our policy is working—we have achieved the best outcomes in the world.

OVERSEAS DOCTORS CHILD EDUCATION FEES

Mr R. W. TURNER: My question is directed to the Minister for Education and Training. Does the Minister recall that on 6 November his predecessor announced an immediate review of the \$5,000 a year fee charged by his department to educate the children of overseas doctors? Given the acute shortage of radiographers and general practitioners in country areas such as Tamworth, Gunnedah and Walcha, will the Minister tell the House why a month later nothing has happened?

Mr WATKINS: No, I do not recall that. However, I will look into it and come back to the honourable member.

POWER INDUSTRY DEREGULATION

Mr MARKHAM: My question without notice is addressed to the Minister for Energy. What is the latest information on protecting electricity and gas consumers?

Mr YEADON: I thank the honourable member for Wollongong, who is a former electrician, for his timely question. From January next year 2.5 million New South Wales electricity and gas customers will be given real choice: the right to decide who they buy their electricity and gas from. That choice has been delivered by this Government because we embraced, and are delivering, comprehensive reforms of the electricity and gas industries. To put it simply, more choice, more services, competitive prices and, importantly, comprehensive protection for consumers at the same time. A competitive market must go hand in hand with protection for small customers—in other words, families.

Already, small business and large industry enjoy the right to choose whom they buy their electricity from and to negotiate the terms under which it is supplied to them. So far, competition has delivered more than \$1.5 billion to all customers when one compares present prices to pre-1995 prices. The benefits from reform have contributed to the competitiveness of New South Wales businesses, the growth in investment and employment in New South Wales, and the strength of the New South Wales economy. Despite the ridiculous interjections from members opposite, I point out that New South Wales continues to enjoy one of the cheapest supplies of electricity not only in Australia but in the world.

Mr SPEAKER: Order! The honourable member for Port Macquarie is skating on thin ice.

Mr YEADON: The honourable member for Port Macquarie may think he is an expert. The only prices in the world that are cheaper than prices in New South Wales are those in South Africa, and they are not even competitive prices; they are subsidised. Therefore, the honourable member clearly does not have a clue what he is talking about. New South Wales has the cheapest electricity prices in the world. With the introduction of full competition, companies will look seriously at what they currently offer all customers on prices, service and customer satisfaction. Competition means that retailers will need to show that they offer as good as or better than the next company to attract new customers but also, most importantly, to retain their existing customers.

The beginning of the contestable market will be extraordinary. Most markets begin and grow over time. What we will see with this market is that overnight we will have 2.5 million customers, leading to a contestable market. The message that the Government wants to relay to the industry and to customers is that the transition to a fully deregulated energy market should not be like a rush of blood to the head. Instead, we are encouraging householders to stop and think about what they want, to take a look at what is being offered, and to see what best suits their circumstances. To assist in this regard, the Government is rolling out a comprehensive information campaign to residential customers over the coming months to let them know that these reforms put them firmly in the driving seat.

[Interruption]

The honourable member for Port Macquarie is starting to become annoying. He has already demonstrated that he does not know anything, so he should sit there and shut up and he might learn something. He has shown his ignorance.

Mr SPEAKER: Order! The honourable member for Port Macquarie is on three calls to order. I have warned him twice. I ask the Serjeant-at-Arms to remove him from the Chamber.

[The honourable member for Port Macquarie left the Chamber, accompanied by the Serjeant-at-Arms.]

Mr YEADON: With fewer than 30 days to go, we have started advertising to let people know that more choice is on the way and that, when it arrives in January, nothing will change unless they want it to. The "Change or Stay—You'll be OK!" campaign outlines the options that will replace the present monopolistic supply of gas and electricity.

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

Mr YEADON: We will be sending out an information booklet to every household in New South Wales to ensure that any decision that is made is an informed decision. People will be able to stay exactly as they are now with the same company that they have always had, with regulated prices and with regulated terms and conditions; or they may negotiate with their current energy company, or indeed with any other approved retail company in New South Wales, for the best available deal.

The Government has not taken its eyes off one of its key responsibilities and that is making sure that while allowing customers to seek a better deal for energy, that will not be at the cost of losing customer

protection in the provision of these essential services. We have put in place a range of mandatory requirements and minimum standards for all companies. Honourable member should also note that vital concessions, such as rebates for pensioners and other assistance, will continue, regardless of the choice that customers make. The commitment to continue to provide a safe and reliable supplier of gas or electricity also, of course, remains a priority for the Government.

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber. That warning includes the Leader of the National Party.

Mr Souris: What about the Premier?

Mr SPEAKER: Order! I ask the Premier to remain silent.

Mr YEADON: Key protections for customers include a seven-day, 24-hour difficulties and faults telephone service, minimum customer service standards, disclosure of all charges and fees and the rate at which they are calculated, a marketing code of conduct that sets out the way companies may approach new or potential customers, and the protection of privacy for personal and credit details. Customers will also have recourse to the energy industry and water Ombudsman if they have a complaint or dispute with an energy retailer. This will remain a fundamental right for all customers. We have identified a number of additional measures. All contracts will comprise a core set of minimum standards that customers and retailers cannot negotiate away. In other words we have set up a framework that will not result in customers being induced to abrogate or give away their rights and protections. These standards will protect the basic rights of customers and protect them against unscrupulous retailers.

Customers who are accepting a new deal or package will need to sign a new contract that is called a negotiated contract. Protections contained in these types of contracts include a cooling-off period of 10 days, disclosure of all prices and charges, an outline of any charges if contracts are terminated, continuity of supply if a company goes bust, and a clear indication of the duration of the contract and details of any deposits or security required. The Government remains proud of the customers benefits that we are achieving through the reform of this industry—a fact that is acknowledged even by the Opposition. Testing is continuing this month on the sophisticated technical systems needed for the transfer and tracking of customers within the market. Various energy businesses have reported to me that they are on track to have these systems ready by the market's starting date.

In conclusion, I assure all honourable members and indeed the public that we have in place a safety net to deal with any situation similar to that facing Enron Australia, which is receiving considerable attention in the media at the present time. I guarantee customers that they will always have a supplier to provide them with energy to meet their needs, regardless of what happens to any particular company in the market. The Government looks forward to a fully contestable energy market in New South Wales and, indeed most importantly, a smooth and sensible transmission to that market in January next year.

POLICE NUMBERS

Mr TINK: My question is directed to the Minister for Public Works and Services, representing the Minister for Police. As more than 150 of the 400 police officers whom the Minister for Police promised will come out of the Police Academy this month have just failed their fitness and pistol exams, how will he meet his promise to increase police numbers without compromising police and public safety?

Mr IEMMA: I will refer the question to the Minister for Police, obtain the information and report back.

LIVING CENTRES PROGRAM

Mr NEWELL: My question without notice is to the Minister for Planning. What is the latest information on the Government's Living Centres program?

Dr REFSHAUGE: Under the Government's Living Centres program I have allocated \$6 million over three years to renew communities and improve towns and villages in regional New South Wales. We are working to ensure that, through planning, we are helping to create investment and job opportunities. Living Centres is about putting people back into planning, getting the big picture right, and harnessing government resources and know-how. It is a strong partnership with councils, businesses and local communities that is getting results on the ground for a better environment, sustainable development, and strong communities.

As part of the Government's program, \$1.9 million will be distributed in community partnership grants. Today I am announcing the first round of funding, which provides \$344,654 for 19 community projects in regional and rural towns and villages. The Community Partnership Grants program is filling in the important details that make communities special. It is helping local communities get together to build and renew facilities that will enrich their lives and bring them closer together. Such projects include attractive and lively town centres and main streets, community halls, and cultural and recreational opportunities. It is helping people help themselves. The grants will be matched, dollar for dollar, by the councils and community groups who will receive them. I am very impressed by the commitment of the communities and the quality of the submissions for this first-round funding.

To qualify for funding, projects need to meet specific criteria and must demonstrate that they will improve the physical environment of a neighbourhood and promote quality design principles. We are looking for projects that add to the community's wellbeing by creating resourceful communities, improving the access and safety of public spaces and community facilities, boosting community participation in project planning and delivery, and promoting effective partnerships. The New South Wales Government is committed to working with local government, business, industry and the community to help shape a better future. By all sectors working well together, we can create jobs, healthy environments and quality neighbourhoods.

The grants for the northern part of the State include \$13,083 to The Channon Craft Market Inc and Lismore City Council to go towards a new Coronation Park Market Building at The Channon. The market is an important social gathering for residents as well as a tourist attraction, and it has kick-started many local businesses. In addition, \$7,100 has been allocated to Clunes Old School Association to repaint the heritage-listed school buildings and create an outdoor undercover area in the Clunes Village Common. A grant of \$6,000 has been made to the Blue Knob Community Hall Committee to build a toilet for disabled people as part of creating a revitalised space for meetings, theatre and community groups, plus employment and tourism opportunities through a cafe and gallery. Funding of \$4,000 has been given to the Rosebank Public Hall Committee for new main entrance doors. The locally designed and built doors will be federation-style and will have stained glass panels and local timbers. The sum of \$7,600 has been provided for the Bonalbo Heritage Gardens in Bonalbo.

The Community Partnership Grants will help the Upper Clarence Community and Economic Development Organisation to establish a public recreation area and landscaped native garden at the entrance to the village of Bonalbo. There is also \$4,600 that has been granted to the Maclean Shire Council for the Iluka streetscape concept plan. In the Riverina, several projects will benefit from grants, such as \$15,000 to the Griffith City Council to guide development of the Yenda Conservation Precinct, which is an important community heritage and cultural asset and a good example of the establishment of a town square around a green space; \$11,000 to Leeton Shire Council to construct two dressing-rooms next to the Mountford Park stage, which will be used for performing arts, festivals, carols by candlelight and other special events; and \$32,500 also to Leeton Shire Council to restore a cottage occupied by writer Henry Lawson—a significant part of Leeton's cultural heritage. I am told that Lawson occupied the cottage during 1916 and 1917.

In addition, \$30,000 has been granted to improve lighting in Narrandera's town centre; \$38,445 has been granted to the Griffith Child Care Centre Inc; \$4,967 has been provided to the Murrumbidgee Shire Council for the construction of a walking track through native bushland at Coleambally; \$11,559 has been allocated to the Murrumbidgee Shire Council for the stage 1 redevelopment of Brolga Place, Coleambally; and \$5,300 has been provided to the Merriwagga Seventy-Fifth Community Celebrations Committee for the construction of the Barbara Blaine Memorial to Pioneer Women.

In the far south-east we have granted a total of \$153,500, comprising \$12,500 to develop an Eden main street concept plan; \$50,000 to help improve the amenity of the Eden town centre; \$52,000 for the construction of a boardwalk and viewing platform at Lake Curalo in Eden; \$5,000 for a concept plan for the future development of a boat ramp at Quarantine Bay; \$25,000 to build a sculpture-play area at Ford Park, Merimbula; and \$9,000 for the Sapphire Coast Cultural and Recreation Committee to prepare a master plan for the site of its proposed Cultural and Recreation Centre. All these projects have a value far beyond the monetary worth of the funds we have granted under the Community Partnership Grants Program, and also dollar-for-dollar from community groups and local councils. This is just the first round of grants for these areas, and more are to come.

Questions without notice concluded.

BUSINESS OF THE HOUSE

Days and Hours of Sitting

Mr WHELAN (Strathfield) [4.00 p.m.], by leave: I move:

That unless otherwise ordered, the House shall meet for the dispatch of business during the budget and spring sittings 2002 as follows:

BUDGET SITTINGS:

Tuesday 26 February 2002	2.15 p.m. - 10.30 p.m.
Wednesday 27 February 2002	10.00 a.m. - 10.30 p.m.
Thursday 28 February 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

1 Week Recess (Monday 4 March 2002 to Friday 8 March 2002)

Tuesday 12 March 2002	2.15 p.m. - 10.30 p.m.
Wednesday 13 March 2002	10.00 a.m. - 10.30 p.m.
Thursday 14 March 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 15 March	10.00 a.m. - Until the conclusion of Private Members' Statements
Tuesday 19 March 2002	2.15 p.m. - 10.30 p.m.
Wednesday 20 March 2002	10.00 a.m. - 10.30 p.m.
Thursday 21 March 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 22 March	10.00 a.m. - Until the conclusion of Private Members' Statements

2 Week Recess (Monday 25 March 2002 to Friday 5 April 2002)

Tuesday 9 April 2002	2.15 p.m. - 10.30 p.m.
Wednesday 10 April 2002	10.00 a.m. - 10.30 p.m.
Thursday 11 April 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 12 April 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

3 Week Recess (Monday 15 April 2002 to Friday 3 May 2002)

Tuesday 7 May 2002	2.15 p.m. - 10.30 p.m.
Wednesday 8 May 2002	10.00 a.m. - 10.30 p.m.
Thursday 9 May 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 10 May 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

2 Week Recess (Monday 13 May 2002 to Friday 24 May 2002)

Tuesday 28 May 2002	2.15 p.m. - 10.30 p.m.
Wednesday 29 May 2002	10.00 a.m. - 10.30 p.m.
Thursday 30 May 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 31 May 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Tuesday 4 June 2002	2.15 p.m. - 10.30 p.m.
Wednesday 5 June 2002	10.00 a.m. - 10.30 p.m.
Thursday 6 June 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 7 June 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

1 Week Recess (Monday 10 June 2002 to Friday 14 June 2002)

Tuesday 18 June 2002	2.15 p.m. - 10.30 p.m.
Wednesday 19 June 2002	10.00 a.m. - 10.30 p.m.
Thursday 20 June 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 21 June 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

Tuesday 25 June 2002	2.15 p.m. - 10.30 p.m.
Wednesday 26 June 2002	10.00 a.m. - 10.30 p.m.
Thursday 27 June 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 28 June 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

SPRING SITTINGS:

Tuesday 3 September 2002	2.15 p.m. - 10.30 p.m.
Wednesday 4 September 2002	10.00 a.m. - 10.30 p.m.
Thursday 5 September 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

1 Week Recess (Monday 9 September 2002 to Friday 13 September 2002)

Tuesday 17 September 2002	2.15 p.m. - 10.30 p.m.
Wednesday 18 September 2002	10.00 a.m. - 10.30 p.m.
Thursday 19 September 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 20 September 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

Tuesday 24 September 2002	2.15 p.m. - 10.30 p.m.
Wednesday 25 September 2002	10.00 a.m. - 10.30 p.m.
Thursday 26 September 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 27 September 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

3 Week Recess (Monday 30 September 2002 to Friday 18 October 2002)

Tuesday 22 October 2002	2.15 p.m. - 10.30 p.m.
Wednesday 23 October 2002	10.00 a.m. - 10.30 p.m.
Thursday 24 October 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 25 October 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

Tuesday 29 October 2002	2.15 p.m. - 10.30 p.m.
Wednesday 30 October 2002	10.00 a.m. - 10.30 p.m.
Thursday 31 October 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 1 November 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

1 Week Recess (Monday 4 November 2002 to Friday 8 November 2002)

Tuesday 12 November 2002	2.15 p.m. - 10.30 p.m.
Wednesday 13 November 2002	10.00 a.m. - 10.30 p.m.
Thursday 14 November 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 15 November 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

Tuesday 19 November 2002	2.15 p.m. - 10.30 p.m.
Wednesday 20 November 2002	10.00 a.m. - 10.30 p.m.
Thursday 21 November 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 22 November 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

1 Week Recess (Monday 25 November 2002 to Friday 29 November 2002)

Tuesday 3 December 2002	2.15 p.m. - 10.30 p.m.
Wednesday 4 December 2002	10.00 a.m. - 10.30 p.m.
Thursday 5 December 2002	10.00 a.m. - Until the conclusion of Private Members' Statements
Friday 6 December 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

Reserve Week

Tuesday 10 December 2002	2.15 p.m. - 10.30 p.m.
Wednesday 11 December 2002	10.00 a.m. - 10.30 p.m.
Thursday 12 December 2002	10.00 a.m. - Until the conclusion of Private Members' Statements

Today the Government has released the 2002 sitting schedule for the Legislative Assembly. Members will note that on 26 February 2002 the Parliament will be officially opened by Her Excellency the Governor, Marie Bashir. The Legislative Assembly is scheduled to sit for 66 days next year, the most sitting days since 1966. The Legislative Assembly will rise tomorrow, Thursday 6 December, and will return for one day later in December to consider Legislative Council amendments. At the conclusion of that single-day session the Legislative Assembly will rise for the year.

As this stage the Leader of the Government in the upper House, the Hon. Michael Egan, has indicated to me that that day will be Friday 14 December. The Whips will contact honourable members to notify them as to whether all members should be in attendance on that day. This year the Legislative Assembly sat on 61 days—the most sitting days since 1974. Frankly, it is more days than any other State Parliament or, indeed, the Federal Parliament sits in one year. Honourable members will be aware that this year the Parliament dealt with a number of important pieces of legislation, particularly in relation to law enforcement, industrial relations, consumer rights and other matters.

Mr HARTCHER (Gosford) [4.03 p.m.]: The Opposition is very happy to have a full parliamentary program for 2002 rather than the program we have had this year, which has required a special adjournment every evening. Every evening a Minister has had to rush into the Chamber to move a special adjournment. That will no longer be required; the House will simply be able to follow an orderly program. But let us get one thing straight: All the Fridays on which members have had to come into this Chamber have not been sitting days at all. The standing orders provide for what is to occur on the last sitting day of the week: question time, notices of motions and all the other normal procedures of the House. Yet, those procedures have been denied every single Friday. The Premier is never here to take questions on a Friday, and Ministers are rarely here on Fridays. In fact, the figures put forward by the Leader of the House are a bit cooked up.

The figures include all those Fridays as ordinary sitting days when, in fact, they are not genuine sitting days. At most, they are half sitting days, without any question time or the normal procedures of the House. They are simply an extension of the debating forum. The press gallery and the public will not be fooled by the Government's claim that the Parliament sat more days this year than in any other year since 1974. It is simply a joke that members of this House are being denied their right to put notices of motions before the House, and to put questions to Ministers and have them answered. Accordingly, while the Opposition accepts and is pleased to see a full program for 2002 tabled by the Minister, we totally reject any idea that we have been given 61 genuine sitting days this year. At most, we have been given the usual number of about 45 or 50 sitting days. Something like one-quarter of the sitting days have not been true sitting days—and no-one will be deceived by the Government's claim.

Motion agreed to.

SCHOOL STUDENTS LITERACY LEVELS

Personal Explanation

Mr O'DOHERTY, by leave: During question time today the Premier purported that I had interjected that only non-government schools were responsible for the excellent results in the international literacy tests. That is completely untrue. It is the regular habit of the Premier to deliberately misstate what members say during interjections. I said that government and non-government school students contributed to those excellent results. Indeed, I referred to an article in today's *Sydney Morning Herald* that says that 231 government, Catholic and independent school students sat for those tests. The Premier likes to pretend that members on this side of the House say things that are clearly not correct. The Premier regularly verbals members. In this case I place my record of support for public education, as well as for non-government education, against the record of any honourable member of this place, especially the Premier. My record of support for government schools students is well known and goes well beyond my service in this House.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to provide for the resumption of the adjourned debate on the following bills at this sitting:

Courts Legislation Further Amendment Bill
Criminal Procedure Amendment (Justices and Local Courts) Bill
Crimes (Local Courts Appeal and Review) Bill
Justices Legislation Repeal and Amendment Bill

PARLIAMENTARY JOINT SERVICES**Report****Motion by Mr Whelan agreed to:**

That, if the House is not sitting, the report of the Parliamentary Joint Services for the year ended 30 June 2001 will be received by the Speaker and printed with the authority of the House.

CONSIDERATION OF URGENT MOTIONS**School Students Literacy Levels**

Mr WATKINS (Ryde—Minister for Education and Training) [4.10 p.m.]: My motion of urgent consideration states:

That this House congratulates the State's teachers on their efforts in enabling New South Wales students to lead the world in literacy.

This is a red letter day for literacy. We should use the time of the House to congratulate this State's teachers.

Ardglen Railway Tunnel

Mr SOURIS (Upper Hunter—Leader of the National Party) [4.11 p.m.]: The House should consider urgently the need for a new railway tunnel at Ardglen to revitalise the economy of the State's north-west and to ensure a long-term future for the coal, cotton and wheat industries. This is an urgent project for the north and north-west of the State. As there will be a by-election in Tamworth this weekend, the people of the north and north-west want to know what level of priority the Government attaches to this vital and urgent program. This matter is urgent because the Ardglen tunnel—which was constructed more than 100 years ago—is too high up in the range. Due to the gradients that must be negotiated, a 42-unit coal train is unable to cross the range without two locomotives pulling it and three locomotives pushing it—that is 15,000 horsepower to get a 42-unit train through the range. The coupling of three locomotives is required at the rear of the train at Willow Creek to push the train up through the range and through this high-level tunnel; they are disconnected afterwards. That process is cumbersome and has limited the development of the north and the north-west coalfields, wheat trade and the cotton trade for many years.

This urgent program is supported by various organisations, including Business Gunnedah, the Gunnedah and Tamworth chambers of commerce, and the Gunnedah and Narrabri shire councils—in fact, all local governments in that area strongly support the construction of a new railway tunnel. I point out that the Australian Labor Party is running a by-election campaign in the Tamworth electorate under Labor not Country Labor. It is vital that the Labor Party declare this tunnel a high-priority project to which it will commit funding for feasibility studies, environmental impact statements and engineering studies; to undertake whatever processes are necessary through an expressions of interests process; and to examine all possible options. Perhaps the project will involve the private sector or a private sector partnership to ensure that it becomes a reality. This matter must be drawn to the attention of the Carr Labor Government, otherwise the project will never be on its agenda.

If a by-election in the electorate of Tamworth will not put this project on the agenda of the Carr Labor Government nothing will. The Labor Party opposes this urgency motion and, by policy observation, has no interest in this project. It has not prioritised the tunnel during the by-election campaign. The wishes of the people of the north and north-west—the people of Gunnedah, Narrabri, Boggabri, Tamworth and the Hunter Valley, including the full coal chain of the Hunter—will be ignored. This tunnel is important to the port of Newcastle which, after all, is supposed to be in Labor Party heartland. The Carr Government should indicate a level of support and make some small progress—it should at least commission the required studies.

The Government should give a commitment that it will examine all possible options, including in the private sector. If the Government will not make such a commitment the people of Newcastle, the Hunter Valley coal chain, and the north and north-west will know for certain that under any future Labor government—and under the Carr Government, in particular—their hopes and aspirations for a long-term economic future will be dashed; that they will never be number one so far as Labor is concerned. A billion tonnes of coal is awaiting exploitation in the north and the north-west of the State. The Government's inaction and attitude—particularly during the by-election campaign—firmly establishes a disinterest in this project, and the future of the north and the north-west. The people of the Tamworth electorate will condemn the Government this weekend.

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

SCHOOL STUDENTS LITERACY LEVELS

Urgent Motion

Mr WATKINS (Ryde—Minister for Education and Training) [4.15 p.m.]: I move:

That this House congratulates the State's teachers for their efforts in enabling New South Wales students to lead the world in literacy.

The release of the Organisation for Economic Co-operation and Development [OECD] Program for International Student Assessment [PISA] results last night are a great acknowledgement of the outstanding work of New South Wales teachers and their dedication to enhancing the skills of students in this State. The results are also a cause for celebration of the literacy, mathematics and science initiatives that this Government has implemented since 1995. The 15-year-olds who undertook this assessment have benefited enormously from these initiatives. The results provide hard evidence that the educational programs of this Government are meeting their targets. The OECD report tells us that only one country—Finland—has higher reading literacy levels than Australia. In fact, New South Wales students outperformed students from 28 other countries that took part in the study, including those from the United States of America, Britain, Germany, France and Norway.

According to the PISA definition of "reading literacy", our students have demonstrated their outstanding ability to understand, to use and reflect on written texts to achieve their goals, to develop their knowledge and potential, and to participate effectively in society. The results also indicate that student performances in mathematics and science rate highly compared to the rest of the world. In mathematics New South Wales students scored above the OECD average, with results of our students ahead of 27 other countries and similar to those of Finland, New Zealand and Korea. This result again reflects the success of the Government's numeracy plan.

Using the PISA definition of "mathematical literacy", our students have proven their capacity to identify, understand and engage in mathematics, and to make well-founded judgments about the role that mathematics plays in an individual's current and future private life, occupational life, social life with peers and relatives, and life as a constructive, concerned and reflective citizen. In science the results of our students were again above the OECD average and ahead of 25 other countries. As our results indicate, we certainly meet the PISA definition for "scientific literacy" which is:

The capacity to use scientific knowledge, to identify questions and to draw evidence-based conclusions in order to understand and help make decisions about the natural world and the changes made to it through human activity.

These results were not achieved overnight. In particular, they are the result of the professionalism, hard work and sheer dedication of our marvellous teaching profession. Day in, day out our wonderful teachers across the curriculum have worked tirelessly for improvements in literacy, numeracy and scientific literacy. Wherever they teach—whatever town, suburb or school throughout New South Wales—they are to be thanked. These tests looked at 15-year-olds, but the results are surely a measure of teachers during the lifetime of students' experience from kindergarten upward.

By way of example, today the Premier and I visited Randwick Public School, where we saw wonderful teachers and teacher librarians creating in their students a love of learning. I have seen such dedication in the past 10 days during my visits to North Rocks Public School, Merrylands High School, Moorebank High School and Denistone East Public School, which is in my electorate. We cannot discount the importance of parents. It is common for parents to assist with homework and reading tasks. They are an integral part of the learning experience, especially in literacy. Right across the State parents support our teaching staff. These results were not achieved overnight.

By way of background, I want to outline some of the key strategies this Government—represented by my predecessor, the Hon John Aquilina—has put in place since 1995 to support and improve literacy, mathematics and science standards in this State. The Government has spent in excess of \$200 million on literacy programs since the State literacy strategy was launched in 1997. A major focus of that strategy has been, and will continue to be, on monitoring the literacy achievements of students.

The literacy needs of all students are identified through the basic skills test in years 3 and 5, and the English language and literacy assessment in years 7 and 8. These are complemented by a school-based

assessment of syllabus outcomes. Explicit and systematic teaching programs provide targeted support for students based on early identification and intervention. All primary schools have been provided with a comprehensive package of materials to support the early identification of students' needs in both literacy and numeracy. "Starting with assessment" materials have been provided for kindergarten, year 1 and year 3 teachers. The Reading Recovery program continues to provide support for students to improve their reading skills.

In 1999 76 per cent of year 3 students who had received reading recovery support in year 1 achieved band 2, or higher, in the basic skills test. Forty district literacy officers continue to provide professional development for teachers to assist them in meeting the specific literacy needs of students in their classrooms. Each year training is provided to teachers in high schools for students identified as needing additional support in literacy. In demonstrating our commitment to improving literacy and numeracy achievements, the Government has committed an additional \$14 million over four years to the program Literacy and Numeracy Follow Up. That funding will enable teachers to identify and work with students experiencing difficulties in achieving basic literacy and numeracy standards.

As part of the Literacy Linkages program, a team of 25 officers has been located in districts since the beginning of 2001. They will provide targeted support for schools to assist teachers to meet the literacy needs of students moving from primary school to high school. Literacy initiatives under the Quality Teacher program are continually being developed, and targeted initiatives will provide support for on-line delivery, stage six English implementation, indigenous students, middle years and consistent teacher assessment of staged outcomes. By 2003 the Government will provide a total of \$41.8 million for mathematics programs. The numeracy component of the New South Wales literacy and numeracy plan is building upon existing successful projects and emphasising the use of quality assessment information to support teaching and learning.

The focus is on providing intensive local training and development of teachers in recognising and addressing the numeracy needs of students. Forty district mathematics experts emphasise how to link information from assessment to specific teaching strategies. That has been an important component in the training of people involved in the program. In the early years of schooling the Count Me In Too early numeracy program is expanding progressively to all primary and central schools. During 1999 more than 300 students participated Count Me In Too. In 2000, 500 primary schools took part in the program, supported by 40 district mathematics experts. A new science syllabus was introduced in New South Wales in 2000 with year 7 and year 9 students, and with year 8 and year 10 students in 2001.

New assessment processes and procedures have followed the implementation of the new syllabus. The new syllabus and its associated assessment processes have strong consistency with the scientific literacy domain of PISA. The New South Wales syllabus requires teaching and learning to be based on real-life contexts. The syllabus is prescriptive in knowledge and contemporary issues are one of the primary focus areas. Essential skills are clearly identified and support students to become more scientifically literate. The new syllabus provides more support for students to answer open-ended free response items, such as those which are used in the PISA test. Testing for PISA occurred in Australia during mid-2000. New South Wales students who undertook the PISA test had experienced just five months of classroom teaching based on the new science syllabus.

This new syllabus is significantly different from the previous science syllabus and will require some time to have an impact on student performance. I will end where I began. We should congratulate the thousands of teachers across New South Wales who have played a most important role in obtaining these results. It is fantastic that we have students from the electorate of Kogarah present in the gallery today. They can be confident that they are taking part in an education system in which the highest results are being achieved. I thank teachers for their wonderful input in that area.

Mr O'DOHERTY (Hornsby) [4.25 p.m.]: The Opposition supports the urgency motion, which calls on everyone in this House to recognise the wonderful work of teachers in New South Wales schools. That is beyond question. Opposition members are as proud as any Government member of the schools in our electorates, the teachers in those schools and the students being taught by those teachers. We hail the achievements of New South Wales in this significant international competition. It was not just an achievement for New South Wales; it was indeed an achievement for Australia. Listening to the Premier in question time today one would have thought that it was due entirely to the policies of the current Government, that it was a New South Wales achievement alone, and that New South Wales had come number one in the world. None of those things is true.

All honourable members would know that the Premier always embellishes the truth and regularly departs from it. That is what he did during question time today. In fact, Australia came second in the

competition—a significant achievement, but it came second and not first. New South Wales came second in Australia—not first, but second to the Australian Capital Territory. That was a good achievement, but it was not the achievement that was alluded to earlier by the Premier. As was said during question time, those results reflected the achievement of students across all sectors of education in Australia and in New South Wales—in Catholic schools, independent schools as well as government schools. A total of 231 schools, which were drawn at random, participated in this international test conducted by the Organisation for Economic Co-operation and Development.

They were good results for Australia. However, there are lots of issues relating to those results about which we should be concerned. We did not hear about those issues from either the Premier or the new Minister for Education and Training. I notice that the Minister has left the Chamber—perhaps he has been distracted by students from a school in Kogarah who were present in the gallery. It would have been courteous for the Minister to be present in the Chamber for the duration of debate on his urgency motion. I note also that the former Minister for Education and Training, the Hon. John Aquilina, is in the Chamber. We have swapped and enjoyed exchanges across the Chamber over many years. I thank the former Minister for being part of today's debate.

The issues that the Minister for Education and Training did not talk about worry us the most. If we look at the results of this international test we find that, in Australia, as in other countries, disadvantaged students performed very poorly. The results that the Premier and the Minister spoke about—results that Opposition members have hailed—were results for the top bands of students. The results of this test show that the top band of Australian students came second in the world—but only the top band of Australian students. The more disadvantaged students did not do that favourably compared with children from other countries. For example, 50 per cent of Australian students achieved levels three and four within this test, but 3 per cent failed to achieve a score that would even qualify them for a level one—a matter of great concern from an equity perspective.

Clearly, the Government has not addressed that issue. Boys performed much less favourably than girls, especially boys from poorer backgrounds. They were found to be twice as likely as girls to be in the lowest quarter of literacy results—something that I have been talking to the current Government about since I conducted an inquiry for the previous Government in 1994. That is a problem that the Government deliberately buried when it came into office in 1995—a problem that has never seen a satisfactory resurrection, despite the real concerns of parents about equity issues involving boys and girls, and about poverty verses affluence. In other words, the results that this Government has been hailing as its own achievement show that, when we move away from the top bands of students in New South Wales, students from disadvantaged backgrounds—in particular, boys from disadvantaged backgrounds—are still performing badly in literacy in this State.

That is something the Government is bound to improve upon, yet it has failed to do that. The House cannot debate this matter unless it recommit itself to the principle that we should do for the disadvantaged what we do for others in our community. Any government worthy of the name must do that. Clearly, this Government is not worthy. This Government also has the benefit of a strong Federal program. It has been a deliberate strategy of the Commonwealth Government to promote literacy across Australia. The results we are hailing today ought to hail the achievements of teachers across Australia in all sectors as a result of the deliberate policies of the Commonwealth Government to target literacy as its number one priority, with numeracy following very closely behind. The Commonwealth has done more than put funding into that initiative. It has created national benchmarks and it has made various tests available throughout the States to make sure that we can compare literacy results across Australia.

I remind the House that it was the former Coalition Government that introduced basic skills testing in New South Wales and was responsible for reading recovery taking off in New South Wales schools. This is despite the efforts of the Premier to rewrite history every time he attempts to entertain the House at question time. These were an initiative of the Coalition Government. Yes, the present Government brought in the year 7 English literature and language [ELLA] tests, which is an extension of what the former Government was doing in years 3 and 5. The fact that we can even point to comparable results in New South Wales is a result of the Coalition's policies as far back as the 1980s. Members on the Government side should not get too precious about this being their achievement.

The Minister spoke about literacy for only a small part of his contribution. He spoke mainly about government policy in other areas. I note he still has not returned to the Chamber. He needs to be reminded that his job is not over until the motion is carried. The Minister spoke about a range of issues, but he did not speak about the things the current Government is not doing. When I was shadow Minister for Education and Training I spoke in this place and elsewhere about things I would dearly love to see in New South Wales. The Government might take note of them.

I would like to see a kindergarten-to-year-12 framework for government schools in New South Wales. The Government has set up senior colleges that cater for the senior years of schooling, years 11 and 12. When I was shadow Minister the Coalition was talking about a college that encompassed all of the schools within a geographic area, primary schools and high schools, on a kindergarten to year 12 basis. It understood the joint responsibility to seek curriculum development across all of the years of schooling. Teachers in those colleges would have a sense of teaching all of their students. Specialist teachers in high school would have had their skills made available to support general primary classroom teachers and to take enrichment and enhancement programs for students across the board who might have a special interest or aptitude in science, literacy or whatever the subject may have been.

We wanted to see within that schools framework a particular focus on the middle years of school. The results of the ELLA tests show that in year 7, students who had done relatively well in years 3 and 5 still go backwards in literacy. The reason for that is the black hole or the break that occurs between years 6 and 7 when they change from one style of teaching to another. Our policy envisages the middle years of schooling becoming a much more important part of educational policy, with changes in teaching style to provide the developmental needs of those students in those transitional years when they are approaching or going through puberty. A different teaching style is required. We need to bring together the best knowledge of our teaching in the middle years and provide that as part of a new education framework across government schools in New South Wales and, through policies, to encourage it across non-government schools as well.

We need to do more in early childhood years. We need to develop benchmarks for students coming out of preschool education experiences so that they are ready to start school. The Government needs to adopt or develop those benchmarks and then work with every person who provides early childhood education, including childcare, to ensure we achieve educational outcomes from whatever opportunities we have to interact with students before they get to formal school—big school as the kids call it—before they get to kindergarten. The Government needs to work towards the universal experience of preschool education in New South Wales. Even now, only 50 per cent of students have access to any sort of preschool educational experience, which, as we all know, is so important. Time has beaten me. There are so many other issues I would like to impress on the Government, but once again I congratulate all students and teachers in Australia. [*Time expired.*]

Mr AQUILINA (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading) [4.35 p.m.]: I am delighted to have the opportunity to join my colleague the Minister for Education and Training in extending congratulations to the teachers, students and parents of the students in New South Wales on the outstanding results that have been gained in this international test. International recognition has now fallen on Australia, and particularly on New South Wales, because of the prominent role New South Wales has been able to achieve because of these results.

I do not think anyone can overemphasise the great commitment of our teachers to the students in our schools. I take this opportunity to well and truly emphasise that it is the teachers who have provided leadership, it is the teachers who have provided the commitment, and it is the teachers who, with their expertise and professionalism, have been able to produce these outstanding results. I speak on behalf of grateful States and grateful communities, which quite often do not adequately recognise the outstanding contributions of teachers and do not happily recognise the outstanding commitment that the teachers have to our students.

I emphasise the fact that these results would not have been achieved without the unique partnership between our schools and their parents. Increasingly, parents are becoming part of the school community. The boundaries between schools and teachers getting on with their jobs and parents dropping off their children at the front gate no longer exists. Today, parents, rightfully so, are insisting on becoming more and more involved in the education of their children. One of my great pleasures as the former Minister was when I visited the hundreds of schools around the State. I saw an increasing number of parents sitting in classrooms, working with the teachers and helping the students.

Very often these parents started to help out because their children needed some special attention, so a program was worked out to assist them. After their own children graduated and left the school, the parents kept coming back to help other children. It is fantastic to acknowledge the wonderful partnership with parents as well as the great commitment by the teachers that have provided these outcomes for the students. These results could not happen without the specific policies of the Government—policies that have been reinforced and contributed to by hundreds of millions of dollars of taxpayers money. It is money well spent.

The basic skills tests, the ELLA tests, the reading recovery programs, the compulsory year 10 examinations in English literacy, mathematics and science that have been introduced are worthwhile policies

that are producing outstanding outcomes for 15-year-olds. They will not benefit from the reading recovery, because they were already at that stage. They were not the subject of reading recovery. If we look at what reading recovery is doing for literacy, particularly in the primary grades, we see that, in the first year 3 national benchmark introduced in this country, New South Wales topped the scales. Clearly, it the literacy policies of the Carr Government were responsible for that. In year 5, who topped the country again, equal with the Australian Capital Territory? New South Wales.

On top of the outstanding results already achieved, we have a major generational change coming through. These are the students who will be the subject of these sorts of tests in the future, those who topped the national benchmark for year 3, and those who topped the national benchmark for year 5. They will be the very first beneficiaries of the total cohort of having reading recovery teachers that we introduced into the schools. The honourable member for Hornsby said it is all right to concentrate at the top end, but what about those coming from disadvantaged groups. The report says:

At the upper end of the scale, in Australia 3 per cent goodnight to the simplest reading tasks, while the OECD average was 6 per cent.

Again, New South Wales students have come up better. In conclusion, I congratulate the teachers on an outstanding job well done. I congratulate the students and particularly the parents on having faith in the teachers of this State. [*Time expired.*]

Mr RICHARDSON (The Hills) [4.40 p.m.]: It gives me great pleasure, on behalf of the young people of this State, to congratulate our fine body of teachers on their efforts. However, I agree with the honourable member for Hornsby, who said that during question time the Minister for Education and Training and the Premier tended to embellish, to an extent, the results of the report.

Mr O'Doherty: Burnished.

Mr RICHARDSON: "Burnished" is a word that one could use. The Premier certainly accentuated the positive. But the report does contain some negatives for New South Wales; the report card is not uniformly good. There are some areas in New South Wales in respect of which the Minister and the Carr Government could do better. For example, New South Wales was ranked second, by State, in reading behind the Australian Capital Territory. What the Minister did not say was that New South Wales ranked third in maths and fourth in science. I would like to hear what the Minister would have to say about that, because if he does not address the relatively poor performance of New South Wales in maths and science, he is suggesting that maths and science are not important and that the emphasis should be entirely on literacy and other subjects do not count.

Clearly, everything hinges on literacy. Students who cannot read and write properly will not be able to perform other tasks and fully develop their other skills. We understand that. But numeracy is also extraordinarily important in the twenty-first century. The emphasis by the Government on literacy and the way in which the Government has embellished these tests does the Government no credit. I want to take issue with the Minister for Education and Training and the former Minister on the question of improvements in education being entirely due to the Carr Government. One could be excused for thinking there had never been another government in New South Wales. Nothing could be further from the truth.

As the honourable member for Hornsby reminded honourable members, the basic skills tests were introduced by the Greiner Government. The Reading Recovery program started under the Greiner-Fahey governments, and we are now seeing a continuation of those excellent programs. Also, a Coalition Government has been voted to office in Canberra. Under the initiative of Dr David Kemp—now to be carried on by Dr Brendan Nelson—there has been a very strong emphasis on setting standards and goals across the country, on benchmarking, and on students and educational systems achieving national standards.

It is interesting that the Howard Government claimed it had ended Labor's suppression of literacy and numeracy survey results and put in place a national literacy and numeracy plan that is raising literacy and numeracy standards for all young people. In other words, Labor did not want anybody to know how things were going. That has always been a hallmark of Labor governments. When the Howard Government came to power, it was very quick to pick up on the good work that had been started by the Coalition Government of New South Wales in literacy and numeracy testing. The report is also not good news for teenagers from poorer backgrounds. We know they are not performing as well as disadvantaged students do overseas. Indeed, in my electorate one of the major issues in education is lack of funding for support teacher learning difficulties [STLD].

Mr O'Doherty: Labor cut funding.

Mr RICHARDSON: Yes, they cut funding. The interjection by the honourable member for Hornsby prompts me to mention that at the John Purchase School in Cherrybrook the parents and citizens association is paying for an STLD position to look after children that the school agreed to take on—that is, slow learners—because the Government will not fund that position. This tends to bear out the problems that the report pointed to, including the fact that children who come from poorer backgrounds, disadvantaged children and slow learners are not being well looked after in New South Wales. [*Time expired.*]

Miss BURTON (Kogarah) [4.45 p.m.]: I strongly support what was said by the Minister for Education and Training and Minister for Land and Water Conservation, and Minister for Fair Trading. I can see why our students and teachers have done so very well, when I look back at the strong commitment that our Government has had to literacy and numeracy teaching. This year's basic skills test results in literacy and numeracy were the best ever. Now the program for international student assessment [PISA] results are providing additional evidence that the programs operating in our schools are working. The results also highlight the tremendous work done by teachers across the State. While those results are for 15-year-olds, they represent the outcomes of the work of teachers from kindergarten to year 10. The Government congratulates all of those teachers.

In New South Wales we have evidence not only of improved standards overall but also that the gap between boys and girls is narrowing, the gap between indigenous students and all students is narrowing, and the gap between students of non-English-speaking backgrounds and all students is narrowing. The intervention programs are clearly helping all students to achieve key skills. Since 1997, when the Carr Government launched the State literacy strategy, there has been an increased concentration of resources, including personnel, exemplary teaching materials, on comprehensive testing of literacy and numeracy skills and training and development programs. The strategy adopts a co-ordinated and targeted approach to the use of those resources and programs to support schools as they work to improve the literacy achievement of all students.

In every year since 1997 the literacy strategy has focused on improving the teaching of literacy in both primary and secondary schools, providing additional support to students with special literacy needs, providing intensive local training and development for teachers in literacy, and establishing school literacy teams to co-ordinated a whole-school approach to the teaching of literacy. As we have heard, similar measures are in place to support numeracy development. The students who sat the PISA have been involved in the explicit teaching of literacy and numeracy that has resulted from our successful strategy. Our Government has spent an unprecedented amount of money in supporting the literacy and numeracy strategies.

This commitment has ensured that all teachers from kindergarten to year 12 have the knowledge, skills and understanding to teach literacy and numeracy in an explicit and systematic way; it has ensured continuity of literacy and numeracy development by monitoring students' progress, targeting students needing additional support and encouraging high-performance students to excel; it has provided support for the development of effective partnerships with parents, care givers and the community; and it has explored the relationship between literacy and numeracy and the new technologies to enhance literacy teaching and learning.

Building on the success of the literacy and numeracy strategies, the Government has turned its attention to science achievement. We have new syllabuses in place. We have district-based science consultants in place to work with teachers as they develop students' scientific literacy. We have professional development programs linking computer-based technologies to the teaching of science, and we have in place programs to support teachers as they continue to implement the recently revised syllabuses. I look forward to the Federal Government returning some of the New South Wales funds taken away through the enrolment benchmark adjustment so that the Government's science programs can continue to grow.

The PISA program was established to provide data on whether our students are prepared to meet the challenges of the future. To answer the question of whether our students are able to analyse, reason and communicate their ideas effectively and whether they have the capacity to continue to learn throughout their life, the OECD report provides us with data that shows that for New South Wales students the answer to these questions is yes. The work of teachers is ensuring that students possess the literacy, numeracy and scientific skills that will enable them to meet the challenges of the future. I join with previous speakers in congratulating the teachers of New South Wales on helping to achieve these outstanding results.

Mr WATKINS (Ryde—Minister for Education and Training) [4.50 p.m.], in reply: I thank honourable members who took part in this debate. I cannot let the unfortunate comments of the honourable member for

Hornsby about my earlier absence from the Chamber go unchallenged. I willingly left the Chamber to meet a number of students from Blakehurst Public School, St Mary's Star of the Sea school, Carlton Public School, Connells Point Public School and Bald Face Public School in the Kogarah electorate who were in the Parliament today. These most excited and beautiful students had taken part in a Christmas card competition, which was won by Joanne Klados from Class 3C at Blakehurst Public School. I was very pleased to meet Joanne and the other students. I could not have done that without leaving the Chamber. I accept the honourable member for Hornsby's apology. Turning to the motion, I cannot believe the Opposition's performance today.

Mr O'Doherty: Point of order: The Minister said he was not in the Chamber. How can he now respond to what we did not say, because if we did not say what he said we said—

Mr ACTING-SPEAKER (Mr Mills): Order! There is no point of order. The honourable member for Hornsby will resume his seat. The Minister has the call.

Mr WATKINS: On a day when New South Wales students and teachers should be allowed to take a bow for the work they have done and the results they have achieved, what do we get from the Opposition? We get more carping criticism; we get no encouragement or real praise; we simply get negative criticism. Today is a day to celebrate the magnificent results that appear in the OECD report. The bottom line is that New South Wales literacy levels are at the top of the world and although, no doubt, there are many reasons for this, the central reason is clear: we have the best students because we have the best teachers.

Every teacher in the State should be allowed to celebrate these results free from negative, carping criticism from the Opposition. As to the areas where we need to improve, I can assure honourable members that the Government is well aware that these fantastic results do not mean that our job is done. We must try harder to assist students who face special challenges or disadvantage, whether the apparent disadvantage is based on gender, poverty, race, cultural background or geographic isolation. We will do that, but today is a day for celebration. Today is a day to celebrate the successes of our children and our teachers. The daily work of teachers on behalf of their students must be acknowledged. They know how important literacy, numeracy and scientific literacy is to their students, to their future careers, and to our benefit as a community. They are devoted, hardworking and professional. On behalf of the people of New South Wales I thank our teachers for their efforts.

Motion agreed to.

NEW ENGLAND AIR SERVICES

Matter of Public Importance

Mr TORBAY (Northern Tablelands) [4.53 p.m.]: I am pleased to have the opportunity to discuss New England air services. There has been a great deal of discussion about air services in rural and regional New South Wales, particularly given the devastating impacts that have occurred recently with the collapse of Ansett and the various negotiations, restructuring and repositioning that have taken place since the Ansett collapse was announced. Prior to the collapse of Ansett the communities of Inverell and Glen Innes in my electorate of Northern Tablelands were already facing a review of their air services. Those communities continue to be serviced by QantasLink.

When the services of the then regional airline carriers Impulse and Hazelton were merged into larger conglomerates, basically returning to a two-airline provider, the communities of Inverell and Glen Innes, which were enjoying those services, were then serviced by QantasLink under new arrangements. In that situation I believe that QantasLink was concerned about slots, which was a considerable point in the discussions taking place, and access to Kingsford-Smith airport from country communities dominated the debate.

Since then, QantasLink has indicated to the Inverell and Glen Innes communities that its services will be for a trial period, during which the services will be monitored to see whether they are viable. However, QantasLink did not tell those communities that for the privilege of having one service instead of three services they will have to pay an extra \$100 for the full fare. QantasLink then changed the times of the services so travellers had to get up at about 4.30 in the morning to get the flight, which stopped at a number of ports. Clearly, QantasLink set up this trial to fail and to encourage people to drive to the nearest larger airport, which is at Armidale, to catch a QantasLink flight.

I have been told that during the period of the review, which has been extended and is ongoing, air services and the number of people travelling on the Inverell and Glen Innes services to Tamworth and then to Sydney have plummeted. That lends some credibility to the argument that this service was set up to fail. While all that was going on, Hazelton announced that it was withdrawing services from Tamworth and Armidale.

It is interesting to note that a couple of rescue packages were quickly put in place; I think both the State and Commonwealth governments contributed \$3 million to ensure that Hazelton would continue to fly. An enormous announcement was made that Hazelton would continue on the Tamworth and Armidale route. That announcement was made by the former member for New England with much fanfare, but there was not much substance in it. People were coming into my office and asking, "What does this mean? How long will the service continue? Will prices be confirmed so that discounted tickets will continue to be available?"

During my discussions with Hazelton officials they could not provide me with answers. I sympathise with some of the Hazelton people involved who were also trying to get answers from the administrators and others as to what the announcement of an extended service meant. On Monday of this week the front page of the *Armidale Express* stated clearly that the Hazelton service was to continue. I thought that was good news, if it was accurate and was to be believed. So my office staff rang the Hazelton administrators and several people within the Hazelton organisation to get some answers. The advice I received was that the Hazelton chief executive had indicated that the article was far too optimistic and that, indeed, a decision had not been made. All the information had been collected and referred to the administrator for a decision.

Members of my community who were contacting my office after reading this headline were asking, "What does this mean? How long will this service continue?" They are legitimate questions from a loyal community that is trying to do the right thing but is obviously concerned, because many of them have been bitten previously, losing their money in trying to do the right thing in supporting Hazelton, as it turned out. I still cannot answer the question despite the discussions I have had with various Hazelton officials. My office received a response from Hazelton's chief executive officer, who indicated that he would refer the matter to the administrators. However, he could not give any undertakings about how long the service will continue to operate.

Mr George: None of us has that guarantee. We use Hazelton, too.

Mr TORBAY: I believe that no-one has been given a guarantee, as the honourable member for Lismore has pointed out. That is why I moved to have this matter of public importance debated. Honourable members should support the action I have taken because the community needs certainty. If the community is expected to support a service, the community needs to know what sort of service will be provided and whether the provision of the service will be guaranteed. In my view, enormous damage will be done if the service that is currently operated is a trial. If Hazelton were genuine about providing service it would say, "We are absolutely certain that we will provide the service. It is an ongoing situation for a specified period."

However, Hazelton said that a trial period is under way. Immediately prior to the recent Federal election the then Federal member for New England announced, with much fanfare, that the service would be extended for a month. People have now read in the newspaper that the service will be extended, but they do not know for how long. I am sure that the community will not derive much assurance from that announcement. I provide this information to the House to be of assistance, not to be ultra-critical. I simply say to the administrators that if they expect the community to be loyal and utilise Hazelton's services in the future, it should not make political announcements that provide no certainty.

In my view, announcements of that type encourage people not to use the service because of the uncertainty surrounding such decision making. The State Government and Federal Government have not done all they could have and should have done on this matter. This Parliament was involved because the Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs, Harry Woods, and the shadow Minister for regional infrastructure and development, shadow Minister for regional planning and decentralisation and former Leader of the National Party, the honourable member for Lachlan, were involved in producing a report that made a number of good recommendations. The group adopted a bipartisan approach and the report from that group spelled out many of the answers that I believe people who live in country areas of New South Wales and Australia are looking for. However, the recommendations have not been taken up.

To be fair to the Minister for Transport, who implemented some savings for regional air services, I acknowledge that the State Government has taken some action. A recent announcement by the Federal Government indicated that it has adopted some of the recommendations, which has been welcomed. Local government certainly needs to do more to reduce landing fees so that an environment can be created in which country areas remain viable and so that people perceive that genuine services are being provided in rural communities. The way that circumstances are unfolding suggests to me that regional communities will lose their air services in a manner that is consistent with the strategic plans of major airline operators, whichever companies they turn out to be in the future.

A close eye is not being kept on regional air services. If someone comes up with a detailed plan it could be based on the recommendations and advice of the group to which I have referred, because those recommendations and that advice exist already. Moreover, those recommendations have been accepted by all—the National Party, the Liberal Party and the Australian Labor Party. The New South Wales Labor Government has endorsed the recommendations. The only group that did not endorse the recommendations was the Commonwealth Government, which was represented on the task force by the former member for New England. I believe that if a bipartisan approach is adopted to the resolution of this problem at both State and Federal levels of government, a proposition that country communities know as a matter of reality will emerge—namely, that air services are not a luxury in regional New South Wales. Any mentality that leads to the suggestion that they are a luxury must be banished from consideration.

Airlines in rural and regional areas are a basic service and that should be the basis of the approach adopted by all levels of government, all political parties and all crossbench members. At the moment that proposition is travelling in the opposite direction at a rapid rate. If communities of the size of Inverell, Glen Innes and Armidale—which had three regional air service providers, which have been reduced to one—cannot retain their air services heaven help the vast majority of rural and regional areas of New South Wales.

Mr SLACK-SMITH (Barwon) [5.03 p.m.]: The matter of public importance moved by the honourable member for Northern Tablelands draws the attention of the House to the critical situation in regional and rural New South Wales as far as air services are concerned. On behalf of the seven million people who live outside the major metropolitan centres in Australia I endorse what has been said by the honourable member for Northern Tablelands—namely, that air services in regional and rural areas of New South Wales are not a luxury but essential services, and not only in the context of transporting people from A to B. Why do rural people use airline services? People need to access health services in Sydney because rural health facilities are not good enough, and people use air services for reasons of commerce, tourism and communication.

I was pleased when I read in the newspaper the announcement that the air services would continue. In relation to lingering uncertainty about Hazelton's operations, I point out that on 18 September the Leader of the National Party, George Souris, asked a question in the House about the assistance that the New South Wales Government could provide to regional airline services in line with what has been done in Victoria, Queensland and South Australia. The Premier flippantly responded that aviation is a national matter, and he then sat down. To my way of thinking, it is obvious that the Premier and the Government do not care about regional and rural New South Wales and that they are not prepared to contribute any assistance. This Government has contributed a paltry \$3 million, which was matched by the Federal Government. The Federal Government, under the guidance of Deputy Prime Minister John Anderson, also dropped the en route air traffic control charges for all regional aircraft under 15 tonnes. That measure would apply to the majority of aircraft operated by Hazelton Airlines and would save Hazelton \$600 per week on the Tamworth route alone. The package amounts to \$21 million Australiawide.

If the New South Wales Government decided to come on board and to be fair dinkum about its support for regional airlines a lot of regional airlines would survive. Does this Government direct or encourage staff or members of Parliament to travel on Hazelton Airlines? No. Which airline do most members of the Government travel with? Qantas. In a sense, this Government is hypocritical when it says that it is sympathetic to the plight of regional airlines, because it completely ignores them in its choice of airlines. Deputy Prime Minister Anderson introduced the Sydney Airport Demand Management Act, which guarantees slots for regional airlines that travel to Sydney. The State Government is responsible for regulation, deregulation and applications for subsidies concerning slot management for regional airlines in New South Wales. The suggestion made by the Premier that aviation is a Federal Government matter is completely unacceptable. The situation is correctly stated by the honourable member for Northern Tablelands: airline services in rural and regional districts are not a luxury but a necessity.

The way in which this Government has totally thrown aside that matter and said that it is a Federal Government problem is a disgrace. This is not a Federal Government problem. We are talking about tourism, which has taken a fair bashing lately, and commerce. One would think that any measure designed to assist commerce and tourism would be a great step in the right direction so far as the State's economy is concerned. The New South Wales Opposition believes that the Government should examine what is happening in Victoria, Queensland and other States to see what their governments are doing to support regional airlines. Deputy Prime Minister John Anderson's \$21 million package is specifically designed to assist regional airlines throughout Australia and it will go a long way towards helping them survive. The removal of the en route air traffic control charges for all regional aircraft under 15 tonnes—which will save Hazelton a lot of money, including \$600 a

week in Tamworth—does not apply only to regional airlines travelling to Sydney. If the State Government were fair dinkum it would do something along the same lines. However, it is obvious that the Premier regards aviation as a national matter and therefore thinks he can walk away from it.

The Government's cuts to regional air services are a problem not only for the New England area but for most areas of New South Wales. My electorate of Barwon has the services of QantasLink, which is a very expensive but essential service. As the honourable member for Lismore stated, Hazelton is once again operating services in his electorate. We only hope that Hazelton can make a good go of it. It is the Government's responsibility to ensure that regional airlines are given a fair go. Some of the matters the State Government could address are payroll tax exemptions and, as the honourable member for Northern Tablelands said, councils imposing joint landing charges at local airports. Councils gain a great deal of benefit from an airline operating its services in their patch. The money they receive from airlines would be further increased if the Government decided not to impose those charges and allowed the airlines to continue to operate.

These days the costs involved in running airlines are very high indeed. This relates not only to fuel prices but also to the value of the Australian dollar. Although the value of the Australian dollar is now fantastic—at about US51.2¢—there is a huge impost on the airline industry, having regard to the increasing cost of spare parts and aeroplanes, and the fact that the components are not manufactured in Australia but have to be imported from either Europe or the United States of America. As the honourable member for Northern Tablelands suggested, flights may be scheduled at inconvenient times so that the trial will fail. That is the old State Rail Authority trick. It would run a train at 2 o'clock in the morning, no-one would use it, and then it would cancel the service because it was no good. I sincerely hope that that is not the case in this situation. I hope that Hazelton continues to operate, at a profit. The State Government's claim that aviation is a national responsibility does not hold water. If the Government were fair dinkum about assisting regional and rural New South Wales—it continues to crow that it is fair dinkum—it would show some proof.

The Government is very good on the talk but very bad on the walk. With limited funding, the choice must be made between decentralisation and centralisation. Sydney is chock-a-block at the moment. More houses are going up all the time, and jobs in regional and rural New South Wales are going begging because no-one is out there. The state of regional and rural New South Wales at the moment is quite good. There are a lot of jobs out there, and people are not leaving. One of the questions professional people ask when they apply for jobs in country towns is whether the town has a reliable air service. People who want to work in Glen Innes or Inverell are simply told, "I am not quite sure if the airline is going to work next week." The decision is quite simple for a doctor, a dentist, a lawyer, or a pharmacist. Such professionals will say, "In that case, I will go to a town where there is an airline service." It is a concern for regional and rural New South Wales. We would like certainty. We would like Hazelton to become profitable, because then it would be able to service our communities in the way we expect, and business, commerce, tourism and normal communications would be encouraged.

Mr MOSS (Canterbury—Parliamentary Secretary) [5.13 p.m.]: I support this matter of public importance. It is timely because it attempts to address the current crisis in rural and regional New South Wales. The Federal Government would maintain that it is trying to assist with that crisis. The problem is that it has done too little, too late. John Anderson launched a transport policy virtually on the eve of the Federal election. It took a Federal election before he promised to do anything. That policy reduces Federal fees, taxes and charges from 11 per cent of operating costs to 6.7 per cent of operating costs. That is too little, too late, and I will shortly endeavour to explain why. By contrast, the New South Wales Government has done its bit to assist regional airlines by getting rid of the State fees levied on regional airlines, and also by providing some \$3 million to Hazelton so it can re-establish its services in regional New South Wales.

I raise a peculiar matter with regard to the Federal Government's cuts to regional air service charges. The reduction represents only 4.3 per cent of the 11 per cent figure. Hazelton and Kendell airlines will benefit from the cuts because their aircraft are below the 15-tonne limit to which the cuts apply. However, the cut will not apply to Eastern Airlines, for example, because its fleet is above the 15-tonne limit. Eastern Airlines flies all around Australia, as well as into small airports. The Federal Government's cuts to regional air service charges are simply too little, too late. I remind honourable members that since January this year regional airlines in 12 New South Wales towns have gone under due to cost cutting and increasing fuel prices due to the extraordinary excise tax imposed on the industry. If these cost pressures had been reduced by the Federal Government in January this year, it may have made a difference to the viability of some of the airlines in those 12 towns.

I refer to the \$10 levy imposed by the Federal Government on air travel as a result of the collapse of Ansett. That levy has been imposed to secure workers entitlements. The State Government is certainly not

opposed to such a principle, but it does not believe that the levy should be imposed at the expense of country air travellers. John Anderson should exempt regional airlines from the \$10 levy imposed by the Federal Government. Currently, 99 per cent of passengers on regional airlines must pay that levy. I am advised that the Commonwealth legislation currently exempts air services that operate aircraft with fewer than 16 seats from paying the \$10 levy. In New South Wales, only eight of the 35 air services are covered by such aircraft. Those eight services cover only 1 per cent of regional passengers. That would be one way of relieving those in regional New South Wales, but the Federal Government completely ignores their pleas.

The honourable member for Barwon said that the Federal Government had guaranteed slots for regional airlines at Mascot airport. They are guaranteed slots, but the Federal Government certainly will not make available any new slots. We all know that the Federal Government plans to extend Bankstown Airport to a major airport by allowing jets from all over Australia to land there. That is all about freeing up congestion at Mascot airport to allow more jumbo jets to land there. It is all very well to talk about guaranteeing slots for regional airlines at Mascot airport. I suggest that the honourable member try getting a slot, if he does not already have one. He is in big trouble: he does not have a chance.

Mr TORBAY (Northern Tablelands) [5.18 p.m.], in reply: I thank the honourable members representing the electorates of Barwon and Canterbury for their contributions to the debate. I emphasise that the recommendations of the task force of this Parliament were bipartisan and addressed the issues from local, State and Federal levels. Today all members have said something that is partially true. The report that was accepted by all the players needs to be picked up by the three levels of government so that regional airline operators can get back in the air. The number of regional airlines has decreased from 11 to only one-point-something—the point-something is looping. The recommendations will assist us; we should not play the politics of blame.

Mr ACTING-SPEAKER (Mr Mills): Order! It being after 5.15 p.m. business is interrupted for the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

EPPING RAILWAY STATION SLEEPERS

Mr TINK (Epping) [5.20 p.m.]: I raise concerns about the state of the Epping railway station area. I am pleased that the honourable member for Canterbury, the Parliamentary Secretary for Transport, is in the Chamber. In a letter dated 22 June to the Minister for Transport I expressed concern in relation to the state of sleepers in the immediate vicinity of Epping station: a number of badly deteriorated wooden sleepers were supporting the line running closest to Beecroft Road. The Parliamentary Secretary for Transport replied on 23 August. The sleepers had rotted away entirely, had split in two or were in a very poor condition. That line carries interurban trains, XPTs and freight trains. Epping is one of the busiest stations in Sydney. In effect, the trains are travelling on kindling.

The Parliamentary Secretary indicated that those sleepers would be replaced in the current re-sleeping program. One of my constituents, Mrs Merle Passmore, who has drawn this matter to my attention again, told me that instead railway ballast was thrown on the existing sleepers, which had all but splintered away. This is a serious safety concern. They were marked by spray paint, obviously by railway inspectors, but they have all subsequently been covered by railway ballast. Indeed, in anticipation of making this statement, this morning I looked at the sleepers at Epping station from the overpass. I am concerned that the ballast is now hiding the problem. To my mind there is no substitute for the sleepers being in position and being fit for the purpose for which they are designed: to stop the rail from spreading and thereby causing derailments. They are also designed to keep up the rail, to stop it digging in, and to bear the weight of very heavy and at times quite fast travelling trains. I am bothered that the sleepers do not appear to have been replaced but instead have been covered with ballast.

Obviously I do not blame the Parliamentary Secretary or the Government for this. However, I draw their attention to what appears to be a cosmetic solution, which causes concern to my constituents, who are frequent train travellers in the Epping area, and to me. I would be grateful if the Parliamentary Secretary would take up this matter again and ascertain whether something more than placing ballast over the existing sleepers is anticipated. When will new sleepers be provided? I also raised another concern relating to railway ballast adjacent to the intersection of Beecroft and Carlingford roads, Epping, with the Minister's office in a letter dated

26 October. I received a reply on 6 November from Roberta Burgess of the Ministerial Correspondence Unit. That ballast, which ultimately forms part of the platform foundation upon which the main railway line is based, has started to come away and is now pressing very hard on a cyclone steel wire fence.

I am not an estimator but it seems to me that many tonnes of railway ballast, on the top of which are placed a number of very large pre-formed reinforced concrete structures, is now pressing so hard on this cyclone steel wire fence that it has been pushed down to a 45 degree angle from the vertical and is starting to split open. If the railway ballast and possibly some of these big reinforced concrete structures get through the fence they could come down directly on to traffic on Beecroft Road. My constituent Clare Wagemans has raised this concern, and again I ask the Parliamentary Secretary to follow up the correspondence. The cyclone wire fence shows every sign of giving way at any time, which would result in hundreds of tonnes of ballast being on the road. I ask that both those matters be looked at. [*Time expired.*]

Mr MOSS (Canterbury—Parliamentary Secretary) [5.25 p.m.]: I appreciate the remarks of the honourable member for Epping, who said that he does not blame me or the Minister for these matters. I am not an expert on the stability of sleepers, but perhaps the sleepers were marked to be checked. It may be that they have been found to be stable and the ballast that has been laid may be a proper procedure. However, in the interests of safety and ensuring that the sleepers are in good shape, I will personally see that they are checked again. I will also take up with the railway authorities the matter in relation to the ballast that is laying near Beecroft Road.

TWEED VALLEY RESPITE SERVICE VOLUNTEERS

Mr NEWELL (Tweed) [5.26 p.m.]: This morning Tweed Valley Respite Service, which operates at Kingscliff in my electorate, celebrated the International Volunteers Day with a wall of recognition to acknowledge volunteers and supporters—past, present and future—of the respite service. The respite service covers the Tweed shire and is funded through both the Home and Community Care [HACC] program and the disability services program [DSP]. The organisation provides a wide range of programs, including host family and peer support for respite care for young people with disabilities, the cottage centre day care for frail older people and people with dementia, the adult training, learning and support program which replaced the post-school options program, and flexible respite options for people with disabilities.

In the latest HACC round the Tweed Valley Respite Service received an additional \$56,000 recurrent funding to extend its program to frail older people with dementia. In August the Tweed Valley Respite Service was successful in acquiring an Olympic bus through the expressions of interest process. I had great delight in joining the Minister for Community Services in presenting the keys to the bus to representatives of that service and being present when it was officially commissioned in Kingscliff some time ago. The DSP and the cottage rely extremely heavily on volunteer support to assist in the day-to-day running of the programs. The cottage centre day program has a total of 34 volunteers and DSP has a total of 29 volunteers. The volunteers participate in all aspects of client care and activities. Voluntary support is also used to maintain the extensive gardens surrounding the cottage. The garden is supervised by Mr Len Holt, who is also a volunteer. I congratulate Len on his great work, and I pass on my best wishes to him. Having been to the cottage on a number of occasions, I can attest to his great gardening work. When he arrived at the cottage he said that he did not have a green thumb, but people would think he was joking if they could see his work. I was invited to open the wall of recognition. However, in my absence my wife, Mrs Kylie Newell, officially launched the wall and paid tribute to the good work of the volunteers.

The cottage, which operates five days a week, now has a twilight program one evening each week which runs until 8.30 p.m. The cottage, which offers 65 places, currently has 51 clients. Most clients at the cottage have some form of dementia. As I mentioned earlier, the cottage has a total of 34 volunteers who participate in all aspects of client care and activities, including working in the kitchen, providing clients with entertainment, assisting with personal care and daily activities and gardening. That centre would not be able to operate without the assistance of those volunteers. I paid tribute earlier to Len Holt, but special mention should be made also of Shirley Swadeling, who is 89 years old and who has been playing piano at the cottage since it was opened in 1995. I pay tribute to Alva Griffiths, who looks after disability services for the cottage and Romane Neale, who is known as the chief cook and bottle washer around the place.

The disability services program, which operates seven days a week from the home and community care centre at south Tweed, offers host family care, peer support, social outings and holidays as well as day centre activities. With the assistance of 29 volunteers it looks after 100 clients, all of whom have intellectual or

physical disabilities. Volunteers are heavily relied upon. I take my hat off in tribute to the host families that look after these people. These clients rely on volunteer families to take them home for a weekend or at least once a month. For them, it is a home away from home. As with all community based services, funding is limited and they rely heavily upon the fund-raising efforts of volunteers and carers within the organisation. I pay tribute to clubs such as Kingscliff Bowls Club, Seagulls and Twin Towns Services Club, which contribute money to this great Tweed Valley respite service. [*Time expired.*]

LISMORE ELECTORATE VOLUNTEERS

Mr GEORGE (Lismore) [5.31 p.m.]: As we draw to the end of the International Year of Volunteers I, like the honourable member for the Tweed, want to pay tribute to volunteers. On Saturday morning I attended a community visitors scheme appreciation breakfast at which 57 volunteers were recruited through the Lismore Neighbourhood Centre under the guidance of its co-ordinator, Nora Vidler Blanksley. The community visitors scheme is a federally funded program to help establish links between people living in aged care facilities and their local communities. The people involved in that scheme do a tremendous job. I pay tribute to Nora and her team for carrying out this important work in the community. Last week I received in my office a letter from Katrina Luckie, who provided me with information on an unusual and extremely important form of volunteerism in the Northern Rivers region. That letter states:

This example of volunteerism has been associated with the Northern Rivers Regional Strategy... which is a joint project of State and local government in association with many business and community interests in the Northern Rivers. The project was initiated by local people and has been running for approximately six years now. Its progress and success has been critically dependent upon the long-term ongoing commitment of many volunteers, some on regular and others on an as needs basis. Many volunteers have provided consistent input through their involvement in the project's inception, management, leadership research, communication and review processes.

It appears appropriate to highlight this example in the International Year of the Volunteer month of Civic Participation, as the contributions of people in consultation and planning exercises has not received much media attention or profile... In particular, the contributions of businesses and their individual volunteers in the NRRS have taken their contributions way beyond the delivery of donations only to the consistent provision of strategic advice and guidance.

Many of these volunteer are private business people, who actually undertake a loss of income-earning potential to maintain this commitment, some of whom have made this sort of commitment for the six years the NRRS has been in action.

Consequently, this indicates that in the case of the NRRS, volunteerism is also an important part of the project's and the region's economic assets.

It is important that all members of Parliament realise that the members of the committees behind the Northern Rivers Regional Strategy and other government committees must be supported by the community. We must acknowledge those people in this, the International Year of Volunteers. Catchment management committees and school committees combine to make each community successful. Last Saturday night I had an opportunity to attend a school graduation at St Mary's High School at Casino. Sadly, I have not been able to attend many other school graduations this year because of our parliamentary sitting pattern.

It was important for me to attend the St Mary's High School graduation, which was the culmination of the hard work of the school and the parents and citizens association to give graduating students an opportunity to attend a wonderful ceremony. Volunteering makes it possible for students to attend such memorable events and celebrate the completion of their school years. As we come to the end of the International Year of Volunteers, I pay tribute to all those volunteers who have helped to make the Lismore electorate such a wonderful place in which to live. I extend my appreciation to all volunteers in the Lismore electorate.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.36 p.m.]: Tonight two honourable members referred to volunteers, the honourable member for Tweed and the honourable member for Lismore. The International Year of Volunteers has been well supported by honourable members of all political persuasions in this State and, indeed, this country. I congratulate both honourable members on bringing that issue to the attention of the House. A number of events have been held in the electorate of Wollongong to recognise the efforts of volunteers across many facets of the community, from Meals on Wheels through to the State Emergency Service and volunteer bush fire fighters. This House must recognise the good work that is being done by volunteers. I do not think society would be what it is today without the dedication and support of so many volunteers. I again congratulate both honourable members on their contributions.

MOUNT DRUITT COMMUNITY RECONCILIATION WALK

Mr ANDERSON (Londonderry) [5.37 p.m.]: Last Saturday I had the privilege of participating in the fourth annual Mount Druitt community walk, gathering and concert for reconciliation. I state at the outset that

this was a community gathering. The event, which was sponsored by Blacktown City Council, received great support from the Holy Family Community Centre, Sydney Water, the Mount Druitt State Emergency Service, Mount Druitt police, Mount Druitt Hospital, Bunnings hardware, the Roads and Traffic Authority, the Ahmadiyya Muslim Association, the Australian Sikh Association, performing artists, and the New South Wales Reconciliation Council.

The function was co-ordinated and organised by the honourable member for Chifley, Roger Price, who has organised it for the four years it has been held. It is a gathering of many people who come together to acknowledge the Aboriginal people on whose land we live, that is, the Dharug people. The walk was around the Mount Druitt central business district. At the end of the walk we all went through a smokescreen, which gave walkers the feeling that they were coming into a special place for a special reason. After the walk we participated in meals provided by the Aboriginal community. We then heard addresses by some important people from our community. Bishop Kevin Manning of the Catholic community, Bishop of Parramatta, and Mr Ray Allen, chairperson of the Parramatta-Nepean Presbytery of the Uniting Church, were co-patrons for the day. We received messages from the Ahmadiyya Muslim Association. One of the guest speakers was Councillor Warren Mundine.

The scene was set by Auntie Gloria Matthews, a long-time resident of the Mount Druitt community and a great advocate for the Aboriginal community in the area. We also had a performance by Goomblar Wylo, an Aboriginal man who was the face of the Aboriginal people at the Sydney Olympic Games. He put on a tremendous display. He is a great artist and his performances were exceptional. It is no wonder that he is acknowledged around the world as a leading exponent of Aboriginal culture and dancing. My thanks must go to the Federal member for Chifley, Roger Price. Over the four years that this function has been held, Roger Price has pursued it with a great deal of passion. He is supportive of all things Aboriginal in our community, and his support for reconciliation is an important reason for his popularity with people in the Mount Druitt area.

Those who participated in the ceremony did so because they wanted to bring the community together. They want us to be part of one holistic Mount Druitt community. Particular reference was made to the Aboriginal community, which, in effect, is the largest Aboriginal community in Australia. That is why this celebration is so important, that is why we support it and that is why we will continue to support it. By living together, working together and celebrating together we can form a community which will be an example for all.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.42 p.m.]: The honourable member for Londonderry has brought to the House another example of reconciliation in action. I congratulate the honourable member and the Federal member for Chifley, Roger Price. I know Roger has been keen to continue this reconciliation event at Mount Druitt. As the honourable member for Londonderry said, the Mount Druitt area of New South Wales has the biggest concentration of Aboriginal families anywhere in Australia. Members of Parliament and departments do not realise the concentration of Aboriginal people in Mount Druitt. The reconciliation march that took place last weekend is a sign that people like the honourable member for Londonderry and the Federal member for Chifley have a real commitment to reconciliation and bringing the community together. They also recognise that reconciliation is the way forward. The march that took place last weekend showed that the reconciliation movement is a people's movement. I congratulate by the honourable member for Londonderry and the honourable member for Chifley on the great work they are doing in that area.

MACARTHUR TRANSPORT INFRASTRUCTURE

Dr KERNOHAN (Camden) [5.43 p.m.]: I bring to the attention of the House details of the Macarthur Transport Position Paper that was presented to the Minister For Transport on Friday 19 October. This paper represents the culmination of more than two years work that commenced with a scoping transport paper that was researched and prepared by the University of Western Sydney [UWS] Urban Frontiers and followed up with a series of workshops by the Macarthur Regional Organisation of Councils [MACROC]. I congratulate Councillor Michael Banasik from Wollondilly Council, who was the chairman of MACROC when this project was initiated, and the current members who have brought it to fruition.

As honourable members know, Macarthur is one of the fastest growing regions in Australia and is an integral part of south-western Sydney, which supplies 44 per cent of land in Sydney's new urban release program. It is made up of Camden, Campbelltown and Wollondilly local government areas. Unfortunately, the Macarthur region is receiving little in the way of transport infrastructure and planning to adequately cater for its rapidly growing population. An ongoing imbalance exists between the provision of transport infrastructure and the rate of urban land release. With an insufficient arterial road network and basic public transport system, the

Macarthur region cannot reasonably sustain further population growth. A heavy dependence on private vehicles will shortly cause vital road links such as the F5 Freeway, Camden Valley Way, Narellan Road and Campbelltown Road to exceed their peak-hour capacities. Anyone who has travelled on those roads recently will know that that is happening now.

CityRail services terminate at Macarthur railway station. Other than an inadequate local bus service, Camden does not have a public transport system. Wollondilly has an occasional country train service. The results of recent transport studies undertaken in Macarthur by various State government agencies have not been released, further hampering regional planning. To ensure a sustainable future for the Macarthur region, a commitment from the State Government to provide missing transport infrastructure, particularly public transport infrastructure, is urgently required.

The position paper has revealed that the major transport route through Macarthur, the F5, is already at saturation point and other arterial roads are accepting overflow traffic. However, they too are nearing capacity. With the advent of the Western Sydney Orbital feeder roads such as the F5, Camden Valley Way and Campbelltown Road require urgent upgrading to accommodate the increased traffic flows. The Action for Transport 2010 program of the Carr Labor Government does not contain any initiatives for Macarthur. The program does not even acknowledge that Macarthur exists; it stops at Liverpool. Dependence on private motor vehicles will continue to increase if a strategy for public transport is not implemented for Macarthur. That will lead to an ever-increasing problem of more air pollution on top of Sydney's smog.

Transport links and accessibility between major centres in Macarthur are inadequate, and there must be a resolution of major traffic bottlenecks at the F5 Freeway, Camden Valley Way, Narellan Road and Campbelltown Road. An upgrade of the existing east-west link between Campbelltown, Camden and Wollondilly is needed, together with the provision of a second east-west link. Increased commuter parking insecurity is required to encourage greater use of rail transport. I support everything that has been said in the position paper, although it seems to have ignored The Northern Road. Perhaps that is because no decision has been made in relation to Badgerys Creek airport.

Many people living in Macarthur seek employment in the Penrith region and The Northern Road should be duplicated to satisfactorily carry the traffic. The critical issue is the upgrade of the major arterial roads in the region. In addition to that, today the Carr Labor Government produced the Sydney metropolitan development program that proposes 40,000 more housing lots in this area. The transport and road systems are now in chaos and the idea of putting any more people into the area without a complete restructure of road and rail links is absolutely ridiculous. It will destroy the area. I am appalled at the lack of sensitivity of a government that would suggest such a thing without fully consulting with the councils involved, which it has not done.

PORT STEPHENS TIDY TOWNS COMMITTEES

Mr BARTLETT (Port Stephens) [5.48 p.m.]: It gives me a great deal of pride and pleasure to acknowledge and congratulate the various groups that make up the Port Stephens Tidy Towns Committee. To all my friends on those committees whom I have met and worked with over the years: congratulations on becoming part of the group that will host the next Tidy Towns presentation weekend. At the presentation weekend held in Dubbo on 9, 10 and 11 November the overall State winner was the Soldiers Point-Salamander Bay Tidy Town Committee. I acknowledge all those who have worked on Tidy Towns committees in my area over the years. To all my friends on those committees: well done!

On behalf of the residents of, and visitors to, Port Stephens, I thank all the volunteers who work with the Tidy Town committees for the great job they have done. Eight Tidy Town committees in the Port Stephens area entered the Tidy Towns program this year: the Soldiers Point-Salamander Bay Tidy Town Committee; the Taylors Beach Parks, Reserves and Tidy Town Committee; the Nelson Bay Tidy Town Committee; the Fingal Bay Parks and Reserves Committee; the Tilligerry Tidy Town Committee; the Karuah Tidy Towns, Parks, Reserves and Wetland Committee; the Lemon Tree Passage Parks Reserves and Tidy Town Committee; and the Raymond Terrace Parks, Reserves and Tidy Towns Committee. I acknowledge the outstanding results achieved by these committees.

Awards were presented in nine categories. The population category C winner was Soldiers Point-Salamander Bay committee. I shall briefly outline the sorts of activities taking place in the Port Stephens Tidy Town Committee. As I said, the overall State winner was the Soldiers Point-Salamander Bay committee, and I acknowledge John Eckersley, who is a member of that committee. The winner of the population category B

award was Karuah committee for its wildlife corridors and habitat. That committee did a wonderful job. The Lemon Tree Passage committee received the waterways and foreshore conservation award for its Koala Walk Project. The west Tilligerry-Tanilba Bay committee was highly commended in the Waterways and Foreshores Conservation category for its foreshore erosion project.

The population category C award for Wildlife Corridors and Habitat Conservation went to the Soldiers Point-Salamander Bay committee. I acknowledge the following people: Barbara Musgrove of the Lemon Tree Passage committee, Fran Corner of the West Tilligerry committee, John Eckersley of the Soldiers Point committee, and Enid Gentle and all the people of Karuah. Well done! June Davies of the Taylors Beach committee and Joe Palmada of the Fingal Bay committee have done an absolutely wonderful job. The Soldiers Point-Salamander Bay committee also received the Litter Prevention Award, and the Tanilba Bay committee received the Waste Minimisation Award in population category C.

The Nelson Bay committee received the Schools Environment Award for the Tomaree Education Centre. I acknowledge the contribution of Innes Creighton, Bob Henderson, and the staff and students at Tomaree Education Centre. The Nelson Bay committee was highly commended in the Cultural Heritage Conservation category for the Nelson Bay Adult Education Centre restoration. I acknowledge again Innes Creighton and Nelson Bay Rotary. In particular, I acknowledge all the work Ella Clark has done over the years. The Tidy Towns committees in the Port Stephens local government area do an enormous amount of work in local parks and reserves, and the results of the Tidy Towns presentation weekend show how good our volunteers are, compared with volunteers in other areas of the State.

Clubs New South Wales is a major sponsor of the Tidy Towns Awards. I look forward to working closely with the Port Stephens Tidy Towns Committee. Because a committee from Port Stephens was the overall State winner, Port Stephens will host the next Tidy Towns presentation weekend. I remain committed to making that a big success. I point out to the committees in my electorate, most of which have a foreshore in their area, that the Government has launched the Clean Beach Challenge for summer 2001. I am sure the Port Stephens committees will clean up in those awards as well. Entries for the Clean Beach Challenge close on 25 January 2002. As there are a number of categories, I am sure Port Stephens will sweep the pool again. To one and all, I say congratulations.

MONARO ELECTORATE VOLUNTEERS

Mr WEBB (Monaro) [5.53 p.m.]: It is not a coincidence that I too will talk about the International Year of Volunteers. As the 2001 parliamentary session and the International Year of Volunteers draw to a close, it is timely that honourable members take this opportunity to recognise the contributions made by many people in the community this year and in previous years. It is important to recognise the contributions made in 2000 and in the twentieth century. At the outset I thank the Premier and the Government for contributing to awards for groups and organisations throughout the year. I thank also the Federal Government for recognising that contribution in a like manner. I thank and congratulate the International Year of Volunteers Committee, which oversaw many events this year. I will mention as many groups as possible.

I refer to the Rural Fire Service, the State Emergency Service, Meals on Wheels, hospital auxiliaries, service clubs, Rotary, Lions, Apex, the Country Women's Association, VIEW, RSL, Legacy, volunteer drivers, school parents and citizens, tuck shop groups, school readers, debutante ball organisers, scouts and guides, 355 committees, the Red Cross, Clean Up Australia, the Wildlife Information and Rescue Service, cancer support groups, respite providers and carers, Landcare and Rivercare groups, show societies, many town and district community and sporting clubs and organisations, and historical societies. I refer also to Alan Walker in Bombala, community radio people such as Terry Ford in Nimmitabel and Wayne Brennen and others in Queanbeyan. The work that volunteer groups have done, and continue to do, must be acknowledged and rewarded.

The networks, incentives, motivation and personal rewards received by these people and those they help go beyond what words can acknowledge and reward. I refer to the vital role of small isolated communities in supporting local tourism with shows, festivals, concerts, the Bungendore Muster, the Majors Creek Folk Festival, the Thredbo Music Festival and the renowned Eden Killer Whale Museum. Recently I attended an exhibition of 300 photographs at Gundillion hall, which is south of Braidwood. It was a wonderful historic exhibition of that locality. I thank Jeanette Hindmarsh and others, drama and theatrical groups, Cheryl Kenyon from Michelago who received a Premier's award last week, Connee-Colleen and June Rankin of Queanbeyan who also received awards, and Al Armstrong in Eden.

There are many interesting stories about the history of the commitment, support, dedication and ongoing immensely valuable contribution of these people to their fellow beings in the community. I place on the record the names of residents in Queanbeyan who received Monaro community awards this year: Lorna Bailey, John Barilaro, Marjorie Brechin, Lloyd Buckley, Rockey Burnell, Connee-Colleen, Peter Dale, Yvonne Fowler, Elizabeth Ivanoski, Roy Jankuloski, Peter Kingston, Jack McNamara, who rode his bike from Sydney to Queanbeyan some years ago, Ted Plunkett of QBN-FM 96.7 community radio, and June Rankin and Peter Stapleton, who are local identities. Norma Munns received a posthumous award. It is important that the work of these people has been acknowledged.

Norma Munns contributed 47 years of community service to the Queanbeyan Show Society and the Queanbeyan area generally. The posthumous award was presented to her daughter Debbie and her husband, John Munns, who has also contributed through the Light Horse Brigade. All these people have contributed to the fabric and colour of the Queanbeyan community, the Bungendore area and, indeed, the Australian Capital Territory with the kind of selfless community work that volunteers are apt to undertake to remember the past, to provide colour and stories in their community and to be role models for schools students and others. Indeed, a good colleague and friend, Jim McLaughlan, reads to school groups and dresses up as the town crier. The contributions of these people throughout the International Year of Volunteers has been rewarded. I congratulate and thank all those people.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.58 p.m.]: The honourable member for Monaro is the fourth member tonight, including the honourable member for Lismore and the honourable member for Tweed, to speak about volunteers in local communities. Immediately prior to his speech, the honourable member for Port Stephens told the House about the number of volunteers who work for the Tidy Towns organisation in the Port Stephens electorate. It is important for local parliamentary representatives to recognise volunteers in their electorate who carry out immense and immeasurable work for the benefit of the whole community. It is very fitting at this time for the Parliament, through the speeches made by many honourable members, to recognise the efforts of volunteers in this State. I congratulate not only the honourable member for Monaro but also other the honourable members who drew attention to this very important issue.

NIB HEALTH FUNDS AND MAYNE HEALTH INSURANCE CONTRACTS

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [6.00 p.m.]: I wish to discuss a matter that should be referred to the Minister for Health. It concerns the contract between NIB Health Funds Ltd, which is known in Newcastle as Newcastle Industrial Benefits, and Mayne Nickless, or Mayne Health. Negotiations between NIB Health Funds Ltd and Mayne Health over contract renewals in Mayne-operated private hospitals have broken down. Mayne is seeking a global increase of 20.3 per cent from NIB. In some hospitals this will mean fee increases of between 40 per cent and 50 per cent. NIB believes that the Mayne Health proposal is excessive and represents an effort from the largest of Australia's hospital operators to extract further gain from an upturn in the private health sector at the expense of NIB members and, by extension, the Hunter community. NIB will continue to negotiate in the best interests of its members, because an increase of the size proposed by the Mayne Health group will impact on NIB memberships through increased contribution rates.

NIB understands the importance of maintaining affordable health cover. It began operations 49 years ago as a co-operative of the BHP workers in the Newcastle steelworks. NIB continues to provide affordable health cover for the majority of people who have private health insurance in the working-class areas of Newcastle, Wollongong and south-western Sydney. Unlike Mayne Health, NIB is a non-profit organisation. Any surplus is used to benefit members. For that reason, NIB has been able to hold contribution rates at the same level for almost three years, and that has helped to make NIB health cover more affordable to lower-income families.

In contrast, Mayne Health is part of the Mayne Group, which is a listed company that returns a dividend to shareholders. Mayne Health hospitals revenue for the year ended 30 June 2001 rose by 32.2 per cent to \$1,162.9 million. Earnings before interest and tax [EBIT] from Mayne hospitals were \$92.7 million, which represented an increase of 60.6 per cent on the previous year's EBIT of \$57.7 million. This is the result of an expanding market for private hospital services which has been driven by the increase in the number of Australians who have private health cover.

Mayne acknowledges in its annual report that this market has yet to reach its full potential because many new health fund members are still to complete their qualifying periods for some hospital procedures. The

report also forecasts that its integrated hospitals network will have "stronger buying power". NIB has demonstrated good faith in the negotiation process but has been disappointed by Mayne Health's attempts to further improve its balance sheet by exploiting NIB members, who include my constituents as well as those of members representing other Hunter electorates. NIB has been seeking to renegotiate the existing contracts since May this year. Mayne did not respond until October, when it served a letter informing NIB that the agreement had expired. Mayne's offer for renewal incorporated a global increase of 20.3 per cent across all of its hospitals. Mayne rejected NIB's counteroffer, which was in excess of the consumer price index [CPI], and handed NIB a letter of termination at a meeting last Thursday. At the same meeting, Mayne rejected NIB's second offer, which was also in excess of the CPI.

Despite attempts to open negotiations six months ago, NIB has now been given 30 days to renegotiate an agreement. If no agreement is reached in that time, NIB members will be encouraged to seek private hospital treatment at alternative hospitals. The only other options for members is to pay for treatment costs over and above health fund benefit limits for services provided at hospitals that are not covered by a contract agreement.

NIB is deeply disappointed by Mayne Health's tactics and the breakdown of a collaborative effort between all participants in the health industry to take pressure off the public system by continuing to make health insurance an affordable option for more people. It is interesting that David Read, who is a public affairs adviser for Mayne Health, telephoned my office at 3.20 p.m. today. He has not bothered to come near me or any other Hunter-based parliamentarian about this catastrophe. He said that I had "made some public comments about Mayne Health"—and I did on 2HD—"in regard to their being a big brother company". Judging by the conduct of the company, one would have to reach that conclusion. Mr Read went on to say that he feels that if I am interested in making public comments, I had better take a briefing from him.

I make it very plain to this House that Mr Read has not bothered to contact me or any other Hunter member. As far as I am concerned, his treatment of Hunter members and his cavalier conduct will be treated with the contempt it deserves. The resolution of this issue demands that cool heads and reason prevail. In the interests of private health consumers in the Hunter region, this matter should be given the priority it deserves. I want to ensure that private health insurance remains affordable for people in the Hunter who wish to retain it. This cost push by Mayne will force many people out of private insurance. This matter should be brought to the attention of the Minister for Health and I intend to ensure that it is.

Mr AND Mrs GLAZMAK LIVING CONDITIONS

Mrs SKINNER (North Shore) [6.05 p.m.]: On 3 December I wrote to the Chief Executive Officer of the Northern Sydney Area Health Service following the appearance on the front page of the North Shore's local paper, the *Mosman Daily*, of a story about appalling living conditions being experienced by an elderly couple who live in my electorate. The story is headed "Trapped in squalor", and the story was also shown on *Today Tonight* on Channel 7 last night. I do not know whether honourable members saw that program but, if they did, they would have been, like I was, sickened by the conditions in which this couple live.

The couple, Mr and Mrs Glazmak of Neutral Bay, are both in their eighties. The apartment in which they live is privately owned but it is absolutely full of rubbish. The photograph in the newspaper shows just that—plastic bags, plastic bottles with rats, mice, cockroaches and flies on everything. The really interesting point is that the neighbours have tried to help the couple. The neighbours have said things like "the smell is suffocating" and "the flat smells like death" and so on, but at the same time they feel very kindly towards the couple. The neighbours say that the couple both had illustrious careers. The couple is from Poland and they deserve better.

I wrote to the Chief Executive Officer [CEO] of the Northern Area Health Service because I wanted to see what could be done about this matter. Neighbour intervention in the past had led to the unit being cleaned but the problem continually returned. More recently the neighbours tried to help by contacting the North Sydney Council, the Crows Nest Centre, which does a fabulous job in my electorate of providing community services, and the Royal North Shore Hospital's Aged Care Assessment Team [ACAT].

According to a newspaper report, the aged care assessment team made a statement which I found extraordinary and it prompted me to write to Dr Christley. A spokesperson for the unit stated that the couple was "capable of looking after themselves". In my letter to the CEO I said that in light of the obviously unhygienic conditions in which the couple had been living and the terrible effect this was having on their neighbours, I would appreciate it if the CEO would look into the matter and advise me. Yesterday I received Dr Christley's

reply and I am afraid that it did not lighten my heart as far as the future of this couple was concerned. I must say that I hold Dr Christley in high regard, but his response really surprised me. His letter states:

The health services Public Health Unit advises me that it is the responsibility of North Sydney Council to take appropriate steps in cleaning the Glazmak's unit.

The Aged Care Assessment Team (ACAT)... from Royal North Shore Hospital has had contact with Mr and Mr Glazmak on seven occasions since December 1999 including three home visits and four extensive telephone calls.

The letter goes on to state that the aged care assessment team had attempted to get the unit cleaned but there had been difficulty obtaining entry. After that, the North Sydney Council became involved. The letter goes on to state:

North Sydney Council is the responsible government agency in this regard and initial contact was more than 18 months ago.

I emphasise "more than 18 months ago". This couple has been living in the most unbelievable conditions.

Mr Crittenden: Get in touch with the council.

Mrs SKINNER: Quite true. I am not giving a clearance to the North Sydney Council, which I think is disgraceful as well. But what really gets to me is what the letter goes on to state:

Since that time North Sydney Council have attempted... to get the properly cleaned.

The council obtained orders which expire next week and the council will have to go in and clean. The North Sydney Area Health Service CEO went on to state:

Once Council has organised for the appropriate cleaning and sanitation of the unit, ACAT can then re-institute Meals on Wheels, assistance through Home Care for shopping, laundry, and ongoing cleaning and further clinical assessment if required.

It has been 18 months since anyone visited the unit to inspect the conditions there and the health of this couple. Last night's television report clearly showed that at least one of the couple needs clinical assessment. It is extremely disappointing that the health service ends its letter by saying:

... Royal North Shore Hospital remain interested in the welfare of Mr and Mrs Glazmak and await advice from North Sydney Council concerning the sanitation of the property before making further attempts to identify appropriate support mechanisms for the couple.

Those support mechanisms should have been in place long ago; the couple should have been receiving assistance not only to clean up the unit but to clean themselves. One has only to look at the filthy state of the personal hygiene of the couple to realise they desperately need assistance. I am pleased that at least something is now being done. I thank the couple's neighbours for their efforts, and I also thank the *Mosman Daily* for raising the matter so that it became a public issue. I hope the Minister for Health will look into this matter and ensure that the couple receive clinical assessment and the care they need.

WYONG HOSPITAL CANCER CARE UNIT

Mr CRITTENDEN (Wyang—Parliamentary Secretary) [6.10 p.m.]: I am pleased to tell the House about the opening of the cancer care unit at Wyong Hospital last Monday, 3 December, by Craig Knowles, the Minister for Health. It was a very important day for the entire Wyong shire community. My colleague the honourable member for Swansea, Milton Orkopoulos, was present, as was the Federal Member for Shortland and the former member for Swansea, Jill Hall.

I say it was an important day in the life of the entire Wyong shire community because it was attended by people representing just about every social, religious and community organisation in the Wyong shire. I do not intend to try to name everyone who was there, but an extensive list of organisations and individuals brought the community together in raising the \$1.1 million for the project. That sort of public fundraising in an electorate such as mine is testimony to the sense of community there is in the shire, as well as to the commitment of the people of Wyong shire to the health care they deserve.

As I said when I introduced the Minister to the gathering, it was no small measure that we were able to convince the Treasurer that the Government should spend \$90 million on upgrading Wyong Hospital—but that was the result of all those meetings, all the press clippings, all the people who shaved their heads, and the many

and various community groups that raised funds for this very worthwhile project. I hope the Premier will have the opportunity to visit Wyong Hospital in the near future, because I believe it is worthy of one of his design awards for excellence. With its extensive use of glass, it is certainly not the usual sort of hospital building. I am not a great fan of architecture, but I am prepared to concede that a great job has been done on this unit. The building is very open, with its high ceilings. It is not like a hospital or institution. Obviously, the people who attend the hospital are very ill, but it is certainly a very pleasant facility and the Wyong community is very proud of it.

In recognition of the fact that the entire community came together, it was important that two girls from Gorokan High School who recently completed year 12, Jessica Foy and Kylie Streeter, provided musical entertainment with their expert flute-playing prior to the commencement of the official ceremony. Theirs was a very important contribution because it was representative of the many young people and students who raised funds for this important project. Dollars and cents are not insignificant, but ultimately health facilities are about helping people—the human aspect. Although the project cost \$1.1 million to build, it will require recurrent funding of \$580,000 each year. That is a massive commitment by the State Government.

I have a young man working with me at present, Jordan Race, who was born and grew up in the area and attended local schools. Jordan's grandmother has had to travel to Gosford to receive chemotherapy. She will now be able to access this unit at the Wyong campus and all the expertise she requires: the oncologists, nursing staff and other professionals. This will save her around an hour and a half to two hours travel a day. For people who are ill, it is very important to be able to access health care services locally. I certainly hope we can find a cure for the debilitating illness of cancer in the longer term, but in the meantime this unit is very important to the Wyong shire.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.15 p.m.]: I acknowledge the comments of the honourable member for Wyong. It is great to hear that the Wyong community has got together and raised \$1.1 million for such a worthwhile project. That is no mean feat for an area with such a large working-class population. I congratulate everyone who was involved in raising the money for the project. To have such a service in the home town of the honourable member for Wyong will be of immeasurable comfort for people suffering from cancer who need to access chemotherapy, radiology and other services. Travelling any distance whatsoever is very difficult for people with cancer. This facility right in the middle of Wyong will significantly improve the quality of life of the people who need those services, and I congratulate the honourable member for Wyong on bringing the matter to the attention of the House.

MANDALAY PRIVATE HOSPITAL CLOSURE

Mr BARR (Manly) [6.17 p.m.]: I wish to bid farewell to one of Manly's old troopers, the Mandalay Private Hospital. It is only one month since the institution celebrated its 40th anniversary, but the owner has now announced that it will cease operations on 18 December. The Mandalay specialised in patients who need continuing care, for a longer period than patients of other types of hospitals. Most of its patients are elderly, and their average length of stay has been a relatively long 14 to 16 days. It is a staging post for people who might need to move into a nursing home or who need greater care in their home after a hospital stay. During their time at the Mandalay these people would recuperate from their illness, and have their needs assessed and their future care organised.

The Mandalay is a small hospital that has 32 beds and employs 50 people, including 35 nurses. The heritage-listed building it occupies is about 80 years old, and the expense and difficulty of continuing to maintain the building is one of the major factors in the hospital's closure. In many respects the Mandalay faces challenges similar to those confronting other small facilities and our public hospitals, particularly hospitals comprising older buildings, such as Manly Hospital. Ageing infrastructure creates high maintenance costs, and it is a constant battle to keep up with alterations to meet new service standards and administrative requirements. For example, higher standards of privacy and expectations of patient dignity might require alterations such as individual bathrooms. The cost and difficulty associated with these sorts of changes are obvious.

The Mandalay, like Manly Hospital, is also seriously affected by the chronic nursing shortage. It meets its requirements by using nurses from agencies, but this increases the costs significantly. The Mandalay also had significant administrative costs associated with the accreditation and compliance documentation required for modern hospitals. The owner of the Mandalay, Mr Ray Frankel, told me that bureaucracy was crippling him. An additional challenge faced by this hospital and other such institutions is the funding structures of the private health insurance companies. Under their formulas, benefits for hospital stays start with larger allowances, but after the first few days they decrease significantly. The effect of this is that hospitals are discouraged from allowing people long stays.

An obvious down side is that in cases such as those taken by the Mandalay, where longer stays are necessary, the benefit paid may barely cover the hospital's costs. Health insurance companies appear to be increasingly interested in becoming involved in the management of patients. I believe that is a dangerous direction, which may lead to the kind of managed care seen in the United States of America, where insurance companies can dictate to doctors what kind of treatment a patient may have.

I have previously brought to the attention of this House the impact of the attempts by the health insurance provider, the Medical Benefit Fund, to apply selective tendering, in effect, excluding some hospitals from its approved network. In essence, what has happened is a move to episodic funding, which makes it very difficult for hospitals such as the Mandalay that have long-stay patients. While the Mandalay was not excluded from the selective tendering process, the pressure of the system and the power of insurance companies in negotiating conditions, and the tight margins arising, were definitely factors in the decision to close its doors. Altogether, those pressures have finally meant that the owner of the Mandalay is no longer willing to carry on with the business, and the Manly area is now left with 32 fewer hospital beds. This is a distressing development and one that yet again highlights the urgent need to upgrade hospitals and community health services on the peninsula.

The closure of Mandalay Private Hospital is also likely to put direct pressure on Manly hospital. Patients who are not well enough to go home in the minimum period, or who will need assistance after they leave, may be stuck in hospital beds. We have heard a great deal recently about older people who are staying in hospitals for extended periods because of the shortage of nursing home beds. The closure of this hospital is also likely to make that situation worse. With another facility closing, and more pressure put on our strained hospitals, there is an even greater need for the Government to resolve the future of health care on the northern beaches. I call upon the Minister to speed up the planning process and provide us with a long-term solution by approving a new centralised hospital, and an expanded community health role for Manly and Mona Vale hospitals to deal with precisely this kind of issue. We must ensure that our older citizens are accorded the health treatments and nursing care facilities they deserve and are entitled to.

[Mr Deputy-Speaker left the chair at 6.22 p.m. The House resumed at 7.30 p.m.]

BILL RETURNED

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

Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill

Consideration of amendments deferred.

CRIMES AMENDMENT (SEXUAL SERVITUDE) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 27 November

No. 1 Page 2. Insert after line 11:

5 Amendment of Child Protection (Prohibited Employment) Act 1998 No 147

The *Child Protection (Prohibited Employment) Act 1998* is amended as set out in Schedule 3.

No. 2 Page 6. Insert after line 9:

Schedule 3 Amendment of Child Protection (Prohibited Employment) Act 1998

(Section 5)

Section 5 Prohibited persons

Insert after paragraph (b) of the definition of *serious sex offence* in section 5 (3):

- (b1) an offence under section 80D or 80E of the *Crimes Act 1900*, where the person against whom the offence is committed is a child, or

No 3 Page 1, long title. Omit "to extend that Act". Insert instead "and the *Child Protection (Prohibited Employment) Act 1998* to extend those Acts".

Mr WHELAN (Strathfield) [7.32 p.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr HARTCHER (Gosford) [7.32 p.m.]: The Coalition supports these amendments to the Child Protection (Prohibited Employment) Act. They aim to ensure that the definition of serious sex offence, which was inserted in the Crimes Act in relation to sexual servitude, is also inserted in the Child Protection (Prohibited Employment) Act to provide an added measure of assistance to children who might be caught up in the sex industry. That is obviously highly undesirable and has all the connotations of sexual servitude as young people—many of whom are very young—are incapable of making rational decisions, both because of their age and because of their often poor financial and health circumstances. Many of them are deliberately introduced to drugs and then forced to engage in sexual activity to feed their drug habit. Therefore it is appropriate to extend the Act to protect young people, and the Coalition supports the amendments.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

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

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

In Committee

Consideration of the Legislative Council's amendment.

Schedule of the amendment referred to in message of 27 November

Page 2, clause 5. Insert after line 22:

- (4) The Minister to whom such a report is furnished is to lay (or cause to be laid) a copy of the report before both Houses of Parliament as soon as practicable after the Minister receives the report.
- (5) If a House of Parliament is not sitting when the Minister seeks to furnish a report to it, the Minister may present copies of the report to the Clerk of the House.
- (6) The report:
 - (a) on presentation, and for all purposes, is taken to have been laid before the House, and
 - (b) may be printed by authority of the Clerk of the House, and
 - (c) if so printed, is for all purposes taken to be a document published by or under the authority of the House, and
 - (d) is to be recorded:
 - (i) in the case of the Legislative Council, in the Minutes of the Proceedings of the Legislative Council, and
 - (ii) in the case of the Legislative Assembly, in the Votes and Proceedings of the Legislative Assembly,on the first sitting day of the House after receipt of the report by the Clerk.

Mr WHELAN (Strathfield) [7.35 p.m.]: I move:

That the Legislative Council's amendment be agreed to.

Mr HARTCHER (Gosford) [7.35 p.m.]: The Coalition indicated earlier that we support this amendment. We support the reporting-back provision in a great deal of legislation, something that is always forced upon a reluctant Government. I am pleased to acknowledge the presence in the visitor's gallery of the Leader of the Opposition in the Legislative Council, who has come to ensure that the work done in the other place is reflected in debate in this Chamber. This amendment requires the Government to report to Parliament on the implementation of its legislation—a provision that we have argued for in relation to a number of statutes and to which the Government has always agreed reluctantly. Accordingly, the Coalition is only too happy to agree to the amendment.

Motion agreed to.

Legislative Council's amendment agreed to.

Resolution reported from Committee and report adopted.

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

UNIVERSITIES LEGISLATION AMENDMENT (FINANCIAL AND OTHER POWERS) BILL
HIGHER EDUCATION BILL

In Committee

Consideration of the Legislative Council's amendments.

The TEMPORARY CHAIRMAN (Ms Beamer): Order! The Committee will deal first with the Legislative Council's amendments to the Universities Legislation Amendment (Financial and Other Powers) Bill.

Schedule of amendments referred to in message of 4 December

No. 1 Page 3, Schedule 1 [2], proposed section 7, lines 10-26. Omit all words on those lines. Insert instead:

7 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard, having particular regard to the needs and aspirations of the residents of western and south-western New South Wales,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 2 Page 9, Schedule 1 [16], proposed section 24B (3). Insert after line 7:

- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.

No. 3 Page 10, Schedule 1 [16], proposed section 24E, lines 19 and 20. Omit all words on those lines. Insert instead:

- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.

No. 4 Page 13, Schedule 2 [2], proposed section 6, lines 10-24. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,

- (d) the participation in public discourse,
- (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
- (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
- (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 5 Page 18, Schedule 2 [14], proposed section 21B (3). Insert after line 28:

- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.

No. 6 Page 20, Schedule 2 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:

- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.

No. 7 Page 23, Schedule 3 [2], proposed section 6, lines 10-24. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 8 Page 28, Schedule 3 [14], proposed section 21B (3). Insert after line 28:

- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.

No. 9 Page 30, Schedule 3 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:

- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.

No. 10 Page 33, Schedule 4 [2], proposed section 6, lines 10-24. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,

- (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
- (d) the participation in public discourse,
- (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
- (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
- (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 11 Page 38, Schedule 4 [14], proposed section 20B (3). Insert after line 28:

- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.

No. 12 Page 40, Schedule 4 [14], proposed section 20E, lines 9 and 10. Omit all words on those lines. Insert instead:

- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.

No. 13 Page 43, Schedule 5 [2], proposed section 6, lines 10-26. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard, having particular regard to the needs of the Hunter region, the Central Coast and surrounding areas,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 14 Page 48, Schedule 5 [14], proposed section 21B (3). Insert after line 28:

- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.

No. 15 Page 50, Schedule 5 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:

- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.

No. 16 Page 53, Schedule 6 [2], proposed section 6, lines 10-25. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard, having particular regard to the needs of the north coast region of the State,

- (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
- (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
- (d) the participation in public discourse,
- (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
- (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
- (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 17 Page 58, Schedule 6 [14], proposed section 21B (3). Insert after line 28:

- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.

No. 18 Page 60, Schedule 6 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:

- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.

No. 19 Page 63, Schedule 7 [2], proposed section 6, lines 10-24. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 20 Page 68, Schedule 7 [14], proposed section 26B (3). Insert after line 28:

- (f) establishing a protocol regarding the rights and responsibilities of members of the Senate in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.

No. 21 Page 70, Schedule 7 [14], proposed section 26E, lines 9 and 10. Omit all words on those lines. Insert instead:

- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.

No. 22 Page 73, Schedule 8 [2], proposed section 6, lines 10-24. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:

- (a) the provision of facilities for education and research of university standard,
- (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
- (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
- (d) the participation in public discourse,
- (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
- (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
- (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 23 Page 78, Schedule 8 [14], proposed section 21B (3). Insert after line 28:

- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.

No. 24 Page 80, Schedule 8 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:

- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.

No. 25 Page 83, Schedule 9 [2], proposed section 8, lines 10-26. Omit all words on those lines. Insert instead:

8 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard, having particular regard to the needs and aspirations of residents of Greater Western Sydney,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community, beginning in Greater Western Sydney,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 26 Page 88, Schedule 9 [14], proposed section 32B (3). Insert after line 28:

- (f) establishing a protocol regarding the rights and responsibilities of members of the Board in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.

No. 27 Page 90, Schedule 9 [14], proposed section 32E, lines 9 and 10. Omit all words on those lines. Insert instead:

- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.

No. 28 Page 93, Schedule 10 [2], proposed section 6, lines 10-25. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.

- (2) The University has the following principal functions for the promotion of its object:
- (a) the provision of facilities for education and research of university standard, having particular regard to the needs of the Illawarra region,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 29 Page 98, Schedule 10 [14], proposed section 21B (3). Insert after line 28:

- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.

No. 30 Page 100, Schedule 10 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:

- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.

Mr WHELAN (Strathfield) [7.37 p.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr O'DOHERTY (Hornsby) [7.37 p.m.]: This matter was debated extensively in another place, and I refer honourable members to the words of the shadow Minister in the Legislative Council. I am pleased to indicate that the Opposition supports the amendments.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

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

The TEMPORARY CHAIRMAN (Ms Beamer): Order! The Committee will deal next with the Legislative Council's amendments to the Higher Education Bill.

Schedule of amendments referred to in message of 4 December

- No. 1 Page 2, clause 3, line 20. Insert "that meets all relevant criteria set out in the National Protocols, that is established or recognised as a university by or under an Act of the Commonwealth, or by or under an Act of this or any other State or Territory, and that is" after "education institution".
- No. 2 Page 5, clause 5, line 3. Insert "**and overseas universities**" after "**institutions**".
- No. 3 Page 8. Insert after line 19:

12 Delivery of courses overseas

- (1) If an Australian university operates outside Australia, and issues higher education qualifications under its own name while so operating, the governing body of the university must ensure that the courses of study it provides while so operating are of a standard no lower than that of comparable courses provided by Australian universities within Australia.

- (2) If a course of study is being delivered outside Australia on behalf of, or in the name of, an Australian university, and the organisation delivering the course issues higher education qualifications under the name of the university, the governing body of the university must ensure that:
- (a) the quality and standards of the course are comparable with those of the course, as delivered by the university, and
 - (b) the staff delivering the course have qualifications equivalent to those held by persons delivering the course in Australia, and
 - (c) the organisation has appropriate financial and other arrangements in place to ensure successful delivery of the course.

Mr WHELAN (Strathfield) [7.39 p.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr O'DOHERTY (Hornsby) [7.39 p.m.]: The Opposition is pleased to support the amendments.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

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

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

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 5 December

No. 1 Page 2, proposed section 5 (4), line 29. Omit "Issue C". Insert instead "Issue E".

No. 2 Page 3, Schedule 1 [1], line 9. Omit "Issue C". Insert instead "Issue E".

No. 3 Page 5, Schedule 1. Insert after line 23:

[8] Schedule 4 Savings and transitional provisions

Insert after clause 4:

4A Survey of Portion 95

- (1) This clause applies to all that piece or parcel of land situated in the County of Camden Parish of Wollongong at Wollongong being Portion 95, as referred to in paragraph (b) of Part 1 of Schedule 1.
- (2) The Trust must cause the land to which this clause applies to be surveyed as soon as practicable after the commencement of this clause to determine the correct position of the boundaries of the land.

No. 4 Page 5, Schedule 1. Insert before line 24:

[9] Schedule 4, clause 4B

Insert before clause 5:

4B Removal and reburial of remains in Portion 95

- (1) This clause applies to all that piece or parcel of land situated in the County of Camden Parish of Wollongong at Wollongong being Portion 95, as referred to in paragraph (b) of Part 1 of Schedule 1, other than any part of that land on which is situated (as on the day this clause commences) a road, building or other permanent structure.
- (2) The Catholic Cemeteries Board (*the Board*) may locate, exhume, and remove the remains of any person buried in the land to which this clause applies.

- (3) Any such remains located by the Board must be reburied in a suitable position in Andrew Lysaght Park determined by the Board following consultation with the Council of the City of Wollongong (as trustees of the land comprising the Park).
- (4) The Trust must reimburse the Board for such reasonable costs as the Board incurs in the exercise of its functions under subclause (2) as the Trust has approved of in writing.
- (5) The Trust must grant the Board access to trust lands to enable the Board to exercise its functions under subclause (2).
- (6) The Trust must not commence any construction work on the land to which this clause applies unless the Board has first been given a reasonable opportunity to exercise its functions under subclause (2). The Board must not unreasonably delay in exercising those functions.
- (7) This clause has effect despite the provisions of any other Act or law.

No. 5 Page 6, Schedule 2 [1], line 8. Omit "Issue C". Insert instead "Issue E".

No. 6 Page 6, Schedule 2 [2], proposed section 4 (4) (c), lines 20-22. Omit all words on those lines. Insert instead:

- (c) does not involve any commercial activities, and
- (d) subject to the preceding paragraphs, is consistent with any applicable plan of management adopted under the *Crown Lands Act 1989*.

No. 7 Page 6, Schedule 2 [2], proposed section 4 (5), lines 23-30. Omit all words on those lines. Insert instead:

- (5) Nothing in subsection (3) or (4) prevents the granting of, or affects the power to grant, easements through, on, in or above the public park to permit the overhang of any structure or the roof of any building erected on the trust lands of the Wollongong Sportsground Trust.

No. 8 Page 7, Schedule 2. Insert after line 25:

12 Council must prepare draft plan of management

- (1) The Council must prepare a draft plan of management for the land described in the First Schedule as soon as practicable after the commencement of this section.
- (2) Division 6 of Part 5 of the *Crown Lands Act 1989* applies to and in respect of a draft plan of management prepared under this section in the same way as it applies to and in respect of a draft plan of management prepared by a reserve trust under that Act.
- (3) Without limiting section 112 (4) of the *Crown Lands Act 1989*, the draft plan of management must include a provision for the delineation of the boundaries of the land (whether by means of a fence or otherwise).

Mr WHELAN (Strathfield) [7.40 p.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr D. L. PAGE (Ballina) [7.40 p.m.]: When this matter went through the lower House, the Opposition said that unless the Government amended the bill we would not support it. I am pleased to report that the Government has taken the advice of the Opposition and has heeded our concerns, which were in keeping with the concerns of the Bishop of Wollongong and the community of Wollongong. I am happy to be able to report that as a result of negotiations between the Government, the Opposition and the community, the Government has agreed to the amendments we insisted upon. Therefore we support the amendments. The Government should be charitable in recognising the significant contribution of the Opposition in this matter.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

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

TRANSPORT ADMINISTRATION AMENDMENT (RAIL ACCESS) BILL

Second Reading

Debated resumed from 28 November.

Mr MERTON (Baulkham Hills) [7.41 p.m.]: I lead for the Opposition on the Transport Administration Amendment (Rail Access) Bill. I am pleased to note that the Opposition does not oppose the legislation. In fact, we support it. The bill amends access arrangements to the New South Wales rail network by third parties under

the Transport Administration Act 1988. On 29 November the Parliamentary Secretary to the Minister for Transport, the honourable member for Canterbury, delivered the second reading speech. The changes in the bill flow from the reorganisation of the rail entities, which resulted in the merger of the Rail Access Corporation and Rail Services Australia into the Rail Infrastructure Corporation. This followed the recommendations of Justice McInerney. The honourable member for Canterbury said that the purpose of the bill is to amend the Transport Administration Act to allow the Rail Infrastructure Corporation to lodge an access undertaking with the Australian Competition and Consumer Commission [ACCC]. This undertaking will provide broad third party access to the New South Wales rail network.

It is important that third parties, going through the appropriate procedure, have access to the New South Wales rail network, and this bill will facilitate such access. The Parliamentary Secretary noted in his second reading speech that the amendment is designed to adopt one of the approaches to third party access that is available under the Commonwealth Trade Practices Act. Further, it is an important amendment because it allows third party access to the New South Wales on-rail network, which is designed to benefit passengers and freight users. As I said, it is essential that third parties have access to the New South Wales rail network, provided the appropriate decisions and procedures have been followed.

I note that in the second reading speech the Parliamentary Secretary made a number of valid points. He said that there are three mechanisms for addressing third party access under the Trade Practices Act. They are the establishment of an access regime by New South Wales that is then certified by the Commonwealth as an effective access regime, a declaration process involving an application by the Premier to the National Competition Council, and a written undertaking to the ACCC. This bill incorporates the third mechanism. The process involves an infrastructure owner or operator, in this case the Rail Infrastructure Corporation, providing a written undertaking to the ACCC in respect of access to the service. The ACCC assesses the undertaking or compliance with competition policy principles. As part of this assessment it engages in public consultation as to the undertaking. If the ACCC is satisfied that the undertaking complies with its principles and guidelines, it is then accepted.

The undertaking provides certainty for access seekers and the infrastructure owner in relation to the terms on which access to the service will be provided. That simply means that the access seekers and infrastructure owner agree on the terms before it is submitted to the ACCC, so that everyone knows the details of the application. This is very important because it deals with access to a public infrastructure. The terms of such access should be agreed between the access seeker and the owner of the infrastructure. Currently, there is a level of uncertainty for access seekers and the Rail Infrastructure Corporation. The current regime has no status under the Trade Practices Act. This does not affect the regime, but this bill provides a mechanism that, if accepted by the ACCC, will eliminate the present uncertainty. Again I make the point that it is absolutely essential that there be no uncertainty about the terms under which access to the infrastructure and the rail service is obtained.

The bill adopts most of the requirements that currently apply to the regime. This is also an essential ingredient. The bill will not affect existing access arrangements. They will continue as they have been dealt with previously, under the terms they have been dealt with, and with the mechanisms that have been in place. However, I make the point that there does not appear to have been any public consultation, although this will happen if one of the other mechanisms is adopted. This would only happen if an agreement could not be reached with the ACCC. The Opposition agrees with the principles set out in this legislation. However, we have some concerns about the haste to introduce it and the inability to consult with third parties affected by it. We believe that the Government has rushed a little too quickly on this legislation. There should be more consultation with third parties.

Notwithstanding those concerns, which we believe are of a serious nature, the Opposition is prepared to assess the situation and support the bill. At the end of the day we believe that the mechanism will work and will improve the rights of third parties. I am therefore pleased to advise the House that the Opposition supports the Transport Administration Amendment (Rail Access) Bill. We believe the mechanism will work, although we have reservations about the lack of consultation and the haste with which the Government introduced the legislation.

Mr MOSS (Canterbury—Parliamentary Secretary), on behalf of Mr Scully [7.48 p.m.], in reply: This is an important piece of legislation, although it deals only with a procedural matter. I am pleased that the Opposition supports it. As previous speakers said, it is all about the Rail Infrastructure Corporation being given the right to lodge access undertakings with the Australian Competition and Consumer Commission. All of this

came about as a result of the national competition policy. It was pointed out earlier that the mechanism that has been adopted will involve the Rail Infrastructure Corporation giving a written undertaking to the Australian Competition and Consumer Commission [ACCC] in respect of access to the service. I am sure that that undertaking will provide certainty for infrastructure owners who will now be able to access those services.

Earlier, the honourable member for Baulkham Hills expressed concern about the lack of consultation with other parties involved in this issue. I am sure that any undertaking that is given will have to meet with the approval of the ACCC. So third parties will be protected by the ACCC. I thank the honourable member for Baulkham Hills for his contribution to debate on this bill which, although it is fairly technical, will ensure greater certainty for rail access. The bill will ensure that rail access arrangements are brought back within the national access framework under the Commonwealth Trade Practices Act. Greater certainty will also exist for access seekers, which is good news for both passenger and freight users of the rail network. This bill will also ensure greater certainty for the Rail Infrastructure Corporation, as the owner of the network. I am confident that the Rail Infrastructure Corporation will develop a robust set of terms for access to the rail network based on the principles underpinning the current New South Wales rail access regime. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LANDCOM CORPORATION BILL

Second Reading

Debate resumed from 16 November.

Mr BROGDEN (Pittwater) [7.52 p.m.]: The Coalition will not oppose this legislation, but it will move an amendment in Committee that relates to the functions of Landcom. This bill has two major purposes. The first relates to Landcom's business structure and the second relates to Landcom's business functions. Landcom will be established as a statutory State-owned corporation under the State Owned Corporations Act, which was introduced by the Greiner Liberal Government in 1989. This Act provides an excellent platform to increase the efficiency and accountability of government businesses. The inclusion of Landcom as a State-owned corporation under the State Owned Corporations Act will emphasise accountability and efficiency, while maintaining public ownership.

This bill also makes it possible for Landcom to operate according to clear commercial objectives. It will be required to operate as a successful business with a separate board and a chief executive officer. The complex framework under which Landcom currently operates will be rationalised and clarified. Landcom was created under the Housing Act 2001, where it forms part of the New South Wales Land and Housing Corporation, along with the Department of Housing. It also acts on behalf of the Ministerial Development Corporation. The Coalition will oppose those parts of the bill that will change Landcom's business structure to a statutory owned corporation. Earlier, the Minister expressed privately to me the view that most honourable members thought that Landcom already operated as a corporate entity. It was something of a surprise to most honourable members that it was not already a corporate entity operating under the State Owned Corporations Act.

Landcom's business functions are also dealt with in this bill. The traditional role of Landcom, which is to facilitate the orderly release of vacant urban land, will be replaced by a broader and more diverse range of activities. Its principal business functions will be, first, to undertake and participate in residential, commercial, industrial and mixed development projects and, second, to provide advice and services relating to urban development on a commercial basis, including to government agencies. Landcom is currently engaged in several large urban infill projects, such as Green Square and the development of Prince Henry Hospital, in partnership with private sector developers. Those activities are not directly related to Landcom's existing objectives. Accordingly, the bill proposes to broaden these objectives to legitimise and reflect the changing focus of Landcom's activities.

It is not appropriate to encourage Landcom's operation as a speculative developer in existing urban areas. While these activities may be profitable in a rising property market, they expose New South Wales taxpayers to a high degree of risk. To date, Landcom has not exhibited a high degree of confidence in joint venture urban renewal projects. Just last month its bungle over height restrictions at Zetland in the Victoria Park

development imperilled \$900 million of public funds. These risks are emphasised when Landcom undertakes such developments in partnership with private sector developers who may face considerable exposure to financial loss, due to the inherent risks of the development industry. The Minister scoffed at my mention of the St Hilliers project at Victoria Park—the old Navy site at Zetland—but he should not do so. On 15 October this year the *Australian Financial Review* highlighted the bungle that led to the sudden cancellation over the weekend of the contract between St Hilliers and Landcom. The article stated:

Property development company St Hilliers has been dumped as the preferred bidder to buy a \$60 million-plus parcel of land in Sydney after an embarrassing bungle by the NSW Government's land agency, Landcom.

The subject site was to become the showpiece within Landcom's long-touted \$900 million Victoria Park at Zetland, south of the Sydney CBD.

But, in an embarrassment that could threaten long-term density targets within the site, Landcom's masterplan apparently does not conform with height limits published by the Federal Airports Corporation.

When contacted by the *Australian Financial Review* over the weekend, St Hilliers' Managing Director, Mr Tim Casey, confirmed his company had been dropped as preferred bidder after the mistake—which lowers the height limits over the giant estate from 14 to 11 storeys—was discovered.

The 2.66 hectare site in question was to be the focal point of the entire development, with St Hilliers' winning bid to include three residential towers—each 14 storeys in height—and up to 800 units in total.

Attempts to contact Landcom's chief executive officer, Mr Sean O'Toole, were unsuccessful.

Mr Casey immediately called on Landcom to revisit its masterplan proposal and to allow for bidders to re-tender for the parcel.

The Opposition supports those calls. I subsequently placed on *Questions and Answers* a number of questions that were answered by the Minister. I refer in particular to *Questions and Answers* dated 27 November 2001, in which I put to the Minister the following question:

With respect to the Landcom site at Zetland:

(1) What is the height limit?

I received the following answer:

South Sydney Council has endorsed a master plan for the site that provides for a building of a height of 14 storeys.

I then asked:

Do Federal Airport Corporation guidelines restrict the height limit?

I received this answer:

The relevant Federal legislation regarding heights, being the Airports (Protection of Airspace) Regulation 1996, does not impose a height restriction. The Regulations provide for an approval process for buildings higher than the Obstacle Limitation Surfaces (OLS). The OLS for the site enables buildings of between 8–11 storeys without approval.

So, after a simple investigation was carried out, it is clear that Landcom was not able to provide accurate information about the height limit to tenderers on this project. We are not talking about two or three inches; we are talking about three floors.

Dr Refshauge: That is St Hilliers' problem.

Mr BROGDEN: The Minister said that that is St Hilliers' problem, but St Hilliers does not put out the tender—Landcom puts out the tender. It should put out an accurate tender rather than go on as the Minister did in his answer. I asked the Minister:

Did Landcom alter the height limit at any time?

The reply of the Minister was "No." I also asked:

When did Landcom advise bidders of the height?

The Minister replied:

All bidders were advised in the call for tender documents that they were to rely wholly on their own inquiries.

I hope that Landcom, as a professional organisation, with government funds on line, will provide accurate information to bidders for public projects. It should not tell bidders to go and find out for themselves how tall buildings will be. We are talking about a three-storey difference, which is often the difference between the sort of project that is going to be built and the sort of profit or investment that will be made. It is simply not good enough that Landcom failed to accurately indicate the height limit on a major redevelopment. The Opposition has concerns about Landcom's capacity to continue to carry out these sorts of projects. We know that Landcom is involved in many joint ventures but it does not do anything that the private sector cannot do. There is no one thing that Landcom does that cannot be done by the private sector development industry. So why does Landcom exist? This bill seems to enhance Landcom's commercial role, and the Government now has its own development agency, its own developer, in competition with many developers.

Mr Orkopoulos: What is wrong with that?

Mr BROGDEN: The honourable member for Swansea asks what is wrong with that. Take for example the Kings Park site at Five Dock. I acknowledge the site has received awards for planning excellence, but anyone could have developed that site. Previously the old carpet factory was run as a commercial site. Woolworths spent some time looking at the site and was unable to get plans through Drummoyne Council. In the end the Kings Park project was developed by Landcom. Why did Landcom have to put Government funds, taxpayers funds, at risk? What happens if the project goes sour? What happens if our funds are lost in one of Landcom's projects that does not pay off? There is already a highly competitive development industry.

Mr ACTING-SPEAKER (Mr Lynch): Order! I call members on the Government benches to order. The debate will be concluded more quickly if there are fewer interjections.

Mr BROGDEN: There is a highly competitive and well-matured development industry in New South Wales. Why does the Government need to have its own development arm competing directly with the private sector? Why should a private developer have to turn up to an auction for a piece of land or tender for a piece of land to compete against a government-guaranteed organisation? It is simply unfair. It is not as if Landcom does anything that cannot be done by the private sector. I imagine the private sector would do it much more efficiently and not put taxpayers' money at risk. That is what this Government is seeking to do today. In changing its role, Landcom has seen a collapse of land release in greater Sydney.

Indeed, today the Minister announced a 15-year plan for land release in Sydney, which suggests it might be able to release 130,000 blocks of land over the next 15 years, 8,600 blocks a year, at the bottom of market expectations. This is from a government that is presently releasing between 5,000 and 6,000 blocks of land a year, which is well below the market need. I will come to the consequences of that failure for the citizens of New South Wales later. The shifting focus of Landcom's business has resulted in the collapse of land release on the urban fringe. Presently Landcom has just a handful of blocks of vacant residential land for sale. As at 22 November Landcom had three blocks of land available in all of Sydney. The Federal Government in its largesse and in its willingness to provide housing, a basic need for the citizens of this country, provides a \$14,000 first homeowners grant.

Mr ACTING-SPEAKER: Order! I call the Deputy Premier to order. He has a right of reply. I call both sides of the House to order.

Mr BROGDEN: What has been the response of the New South Wales Government? That response has been to strangle the supply of land in Sydney so that even if people get their \$14,000 from the Federal Government for their first home, they will see that eroded by this Government's strangulation of land supply which forces up land prices. In the seven years of this Government land prices in Sydney have increased from \$84,000 to \$179,000 per lot. The Minister calls himself a left winger, yet his Government has caused land prices in Sydney to more than double. When average families put the price of a house on top of that, they will be looking at a cost for land and housing of between \$300,000 and \$350,000. This Government's absolute doctrinaire approach has not provided for affordable housing. There is no doubt that this Government's headlong rush to ensure urban consolidation and the destruction of local character has not provided affordable housing. Under the Carr Government it has become harder and harder for Sydneysiders to get into the housing market.

We are thankful for the policies of the Federal Government—tighter economic management and a consistent reduction in interest rates—that help families get into new homes. Without that we would have seen the full consequences of this Government's failure in housing. What has Landcom done to help families get into houses? Very little. Three blocks of land were for sale at the end of November—three blocks of land in all of

Sydney. What a disgrace! Landcom has hung onto its land, released it in small trickles, forced up the price and profiteered on the back of families in Sydney. That is what this Government has used Landcom for. Members on the Government side have gone quiet because they know that is the truth.

In the 12 months to September 2001 the volume of residential land sales in Sydney fell by 30.7 per cent. There has been a 15.1 per cent decline in sales since September 1993. In 1994, the year before the Carr Government assumed office, a total of 4,883 lots of vacant land were sold in Sydney. In 2000 this figure more than halved to 1,991 lots. In the first three quarters of this year just 1,239 blocks have been sold by Landcom. This compares with Sydney's market demand for between 8,000 and 10,000 lots every year. Landcom does not pull its weight in the provision of that market demand.

Things are getting worse. Throughout Sydney just 253 blocks of land were sold in the three months to September 2001. The Real Estate Institute of New South Wales asserts that the continuing fall in sales of residential land "reflects a decline in the availability of land". Landcom's failure to meet its obligation to provide an adequate supply of affordable and suitably located land for housing at the minimum practical cost to consumers has led to a massive hike in Sydney's land prices. The price of vacant land has skyrocketed by 115 per cent since the Carr Government assumed office in March 1995. This compares with a 40 per cent rise in Sydney unit prices, and the price of land in Sydney rose to \$178,950 in the September quarter of 2001, representing an annual increase of 22.6 per cent.

Price increases for vacant residential land are most dramatic in the outer areas of Sydney. Between September 2000 and September 2001 land prices rose by 134.3 per cent in the Blue Mountains, 101 per cent in Hawkesbury and 62.7 per cent in Penrith. Contrary to the assertion by the Minister for Planning that greenfields development can "be appropriately undertaken by the private sector", the private sector cannot always afford to invest in land over future decades. By abandoning Landcom's primary role as a land release agency, this bill will cause land prices to continue to escalate. The Coalition opposes any attempt to transform Landcom's core business function from a central land release agency to a property developer. The bill should emphasise Landcom's traditional role as the land release arm of the New South Wales Government. This role is currently expressed in section 5 (f) of the Housing Act, which provides that Landcom's role is:

to promote orderly and economic urban development and the adequate supply of affordable and suitably located land for housing at the minimum practicable cost to consumers.

It is appropriate that the functions set out in clause 7 (2) be widened specifically to enable Landcom to continue its traditional role. Accordingly, a function in similar terms as that presently included in section 5 (f) of the Housing Act should be inserted in clause 7 (2) as a clear expression of Landcom's fundamental role in the orderly release of vacant residential building land at affordable prices. The Opposition does not believe that the Government should have its own developer. In 2001 it is a retrograde step to change Landcom's functions so that it is simply a property developer and not a land bank and land release agency.

The Opposition appreciates that the market is variable. The private sector is probably at its most competitive in the housing sector. There are few other areas in the broad market, other than housing, in which there is such strong competition. The provision of housing and the development industry are extremely competitive. Anyone who has been involved in that sector would support that contention. However, the Government wants its own agency to compete with people who simply do it better. I am not in any way suggesting that Landcom's work is of a lesser quality. However, taxpayers' funds should not be put at risk in property development. Government agencies have moved away from that; they do not need to be involved in property development.

It is appropriate for Landcom to revert to its original role. In 1979 the Wran Government, through the then Minister for Planning and Environment in the other place, Paul Landa, provided for Landcom to be a land bank agency. However, Landcom has walked away from that role, and in doing so it has betrayed the people for whom it was established. Landcom has betrayed the battlers of New South Wales; it is profiteering on their backs. It releases only small amounts of land at any given time. Indeed, we have returned to the days when people camped overnight in order to buy blocks of land, which is a retrograde step in the current market. The Government is using its own land agency to trickle out the supply of land and force up prices.

The average price of the land released by Landcom is nearly \$200,000. There is nothing affordable about that. On two occasions the Minister has introduced legislation that allows the Government to provide for affordability levies. The Government will use that hard edge and the big hand of government, rather than Landcom, to release land in an orderly fashion and to maintain better pricing in the market. The Labor

Government should be ashamed of itself for allowing Landcom to abandon its role of releasing land to people who need it. This bill, which was introduced by the leader of the left wing of the Labor Party, of all people, is creating the Government's own full-time developer. The Government is completely abandoning Landcom's role of releasing land and transforming Landcom into a land developer.

Ms Seaton: A linked land developer.

Mr BROGDEN: As the honourable member for Southern Highlands says, Landcom is a linked land developer. Landcom is simply a linked land developer. While the Kings Park project and the like are high quality developments, other developers in the market could undertake those projects just as easily. The Government will rue the day it changed the legislation to enable Landcom to become a big player in the market competing with the private sector to buy large tracts of land, develop that land according to a master plan and then sell off the land. That sort of risk in the current market is unacceptable. For many years we have relied on the fact that the Sydney property market tends to go only one way and that is up. However, we cannot rely on anything in the current market; indeed, without wishing to sound too down, the revelations of 11 September and the current world economy mean that nothing in the current economic climate can be guaranteed. At this exact time the Government sees fit to build its own empire in the housing development industry and to undertake joint ventures.

The joint venture relationship between Landcom and many private developers is a clever approach by the Government to muzzle the development industry and its criticisms of the Government. As the development industry knows that it may need to enter into a joint venture with Landcom at some stage, it is less reluctant to attack the Government's pathetic planning policies. Openness and accountability in the industry have reduced because of the way the Government has used Landcom. The Government sees Landcom as a way to lead the design debate. It is absurd to suggest that one small player in the market, Landcom, which is owned by the Government and run by a Minister, can lead the planning and design debate in New South Wales. It would be much better if the Government stopped sleeping at the wheel and fixed the other problems that exist in the housing sector. One such problem is the Government's abysmal failure to police private certification. In the *Sydney Morning Herald* weekend edition of 1-2 December we saw—

Dr Refshauge: Point of order: I do not want to restrict the debate, but the honourable member's comments are way beyond the leave of the bill.

Mr ACTING-SPEAKER (Mr Lynch): Order! A passing reference to private certification is permissible. However, even bearing in mind the latitude that is normally extended to members who lead for the Opposition in debate, private certification is a little beyond the leave of the bill.

Mr BROGDEN: There are enormous problems in the planning sector. The Government's announcement today of the effective release of 130,000 blocks of land over the next 15 years will do little to fix the problem of affordability. This bill will do further damage to the Government's credibility on affordability. The facts speak for themselves. In the seven years or so the Carr Government has been in office land prices in greater Sydney have more than doubled. It is shameful for any political party to have such a record. In practical terms, struggling families find it more difficult to move out of the rental market and to buy a block of land on which to build a house. It is problematic in the extreme, but the Government has not considered that. The Government, through its ownership of Landcom, has the capacity to deal with that matter, but it will fail to do so.

In Committee I will talk more about the Government's failure to release land and the effect of that on affordability in particular. I reiterate the Coalition's view: in this day and age it is inappropriate for the Government to construct its own development body within a government agency. The risk to taxpayers' funds is too extreme. The Victoria Park example, to which I referred earlier and which has had exposure in the media, is an example of Landcom's inability to deal with enormous projects in a very competitive market. Landcom has a role to play. The Coalition believes that that role is land purchase, land banking and land release but only when appropriate. The private sector market may do a better job than Landcom. Frankly, the Opposition questions Landcom's long-term role. Do we need Landcom in the long term? The Opposition is of the view that a development agency is unnecessary. Landcom should return to its original role, rather than venturing away from that completely and becoming the Government's property developer.

Mr COLLIER (Miranda) [8.20 p.m.]: I support the bill. It establishes Landcom as a statutory State-owned corporation within the context of the State Owned Corporations Act 1989. As a State-owned corporation,

Landcom remains publicly owned and under public control, while allowing an appropriate commercial focus on its operations. Clause 6 sets out the principal objects of the new corporation. It is perhaps appropriate to point those objects out to the honourable member for Pittwater, who seemed to overlook them in his long and rambling dissertation. Among its other objectives, Landcom is required to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates; to protect the environment by conducting its operations in compliance with the principles of ecologically sustainable development; and to be a responsible developer of residential, commercial and industrial land.

Landcom is strongly committed to environmentally sustainable development. It is actively spreading the word and working with local communities to promote the benefits of energy-efficient and environmentally friendly home design. It is also leading the way through practicable examples such as the energy-efficiency house at Metford, near Maitland. This home allows home buyers to look at ways of implementing energy-efficient and environmentally friendly design into their own homes. To illustrate, the northerly orientation of the home maximises natural light, with louvre windows assisting in temperature control through cross-ventilation.

Three collection tanks reduce water consumption. Water from the roof is recycled through a sealed gutter system that filters the water for recycling. The typical home uses some 270,000 litres of water a year. On average, only 10 per cent of that is used for drinking and cooking. Fresh water from the mains is therefore available in the kitchen, while the rest of the home is serviced by tanks, allowing a 90 per cent saving on the consumption of potable water. The house also includes a solar electric heat pump to reduce the amount of energy normally used to heat water in the home. The total energy savings that this Landcom energy-efficient home can achieve are compelling. We are looking at a reduction of more than one-third in the annual cost of energy consumption for the average family, and a reduction in greenhouse gas emissions of more than 2.5 tonnes. Very few people would say that Landcom is not protecting the environment and looking at ecologically sustainable development.

Quality urban renewal projects that are ecologically sustainable are an essential part of the Government's urban management policies. The Kings Bay project is an example of a successful urban renewal project. Not long ago this site was an eyesore. It was disused industrial wasteland, about the size of 10 football fields, but it was in a beautiful location. Over the past three years it has been transformed into what is simply a landmark development. Through a partnership between the public and private sectors, it is now a high-quality residential development that provides an enjoyable lifestyle for around 600 residents in Five Dock. The project was worth \$106 million and generated 200 jobs. In 2000 Landcom won the New South Wales Case Earth Award for the Kings Bay development and its environmental excellence. That fact was acknowledged tonight by even the honourable member for Pittwater. A comprehensive environmental management plan was prepared for the site, and that resulted in 80 per cent of the demolition waste being reused and recycled. That means that 123,000 tonnes of waste never made it to a landfill site. In anyone's language, that is a simply outstanding achievement.

Prior to demolition, old buildings and slabs covered more than half the site. Many of the slabs were reused and became permanent site foundations. This innovative approach to waste management resulted in a saving of 60 per cent on spoil waste disposal costs—down from an estimated \$5 million to around \$1.9 million. Buildings in the development radiate outwards from a central green space called Kings Park to maximise the benefits of the northern aspect so that it is cooler in summer and warmer in winter for residents.

All of stage one of the development includes solar gas-boosted hot water systems, which means a saving of up to 150 tonnes of greenhouse gases per year. Cross-flow ventilation reduces the need for airconditioning, a lighting system with timers in all public areas reduces the waste use of energy, and exhaust fans with timers shut down overnight. Clearly, those examples of Kings Park and the energy efficiency house at Metford, near Maitland, demonstrate that Landcom is undertaking leading edge work to make new housing more energy efficient. Landcom is committed to incorporating environmentally sustainable development principles in all of its projects and in every stage of the planning and development process.

The bill requires Landcom to exhibit a sense of social responsibility by having regard to the community in which it operates. Sadly, that matter was overlooked by the honourable member for Pittwater. I would like to point to an example of this in the Sutherland shire. In Jannali, a suburb of the shire, Landcom is building 36 dwellings in a joint venture with A. V. Jennings. The project involves the redevelopment of an old school site which became available following the amalgamation of two local schools. This project, which is a private and public sector partnership arrangement, is taking place next to the St George Sutherland Community College. That college serves an important need in the Miranda electorate, as it enables adults to seek qualifications and to undertake courses after hours, as well as providing training for those with disabilities.

When the development plan was announced, staff and students of the college became concerned about the impact of the project on access to the college. I am pleased to say that Landcom and AV Jennings listened to community concerns—the concerns of the teachers and staff of the college. Landcom and AV Jennings got together and funded improvements to the access and improvements to parking facilities for pupils and staff. Those improvements cost more than \$100,000. This was a good instance of Landcom demonstrating its sense of social responsibility. I commend Landcom and AV Jennings for the way in which they responded to the needs of my constituents, and in particular the needs of the St George Sutherland Community College, an important educational institution in the local community. That bodes well for the future. The Minister said in his second reading speech that the new Landcom will provide leadership in quality urban design. I applaud that statement. The examples that I have given clearly show that Landcom is heading in the right direction. I commend the bill to the House.

Ms SEATON (Southern Highlands) [8.27 p.m.]: I congratulate the honourable member for Pittwater for standing up for families and their need for affordable land during his speech on the Landcom Corporation Bill. I congratulate him particularly for standing up for taxpayers and resisting attempts by the Carr Labor Government to put taxpayers' money at risk. All honourable members, but particularly those on the Opposition side of the House, would remember the disastrous record of State Labor governments with respect to the ownership of State banks. Many will remember that record for a long time; many will be paying for that record for a long time. But the Labor Party never learns. I was glad that the honourable member for Pittwater stood up for a responsible approach to managing taxpayers' money.

The Landcom Corporation Bill sets out as part of the principal objects of the corporation two very important objects. I would like to raise some issues in respect of those objectives and seek assurances from the Minister about them. Clause 6 (b) provides that it is an object of Landcom to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates. Clause 6 (c) obliges Landcom to protect the environment by conducting its operations in compliance with the principles of ecologically sustainable development. Those are very important features of the bill. I draw the attention of the Minister to an issue in respect of which Landcom, in its current incarnation, is not fulfilling that object. I seek assurances from the Minister that when Landcom becomes a corporatised entity we will literally see it meeting those objectives.

I refer to the management by Landcom of a piece of land at Menangle, in my electorate. This is a very important point. A reference has been made to the bigger picture, but it is very important if Landcom is corporatised that we ensure that it is a good corporate citizen and a good citizen in its community. Landcom should not forget the bread-and-butter day-to-day issues associated with its responsibility to manage land responsibly. Private landowners are required to manage land responsibly by dealing with weeds and feral animals, and farmers are required to do similar things by pastures protection boards. The National Parks and Wildlife Service should also fulfil those obligations, just as it asks others to fulfil them.

A serious situation in the Menangle area has been raised with me by Mr Fred O'Regan, who happens to be next door to a large area of Landcom land. Over several months he has been making representations to the local Landcom office to have the land properly managed. At the moment it is subject to infestation by rabbits, which cause enormous degradation to soil and water quality. As all honourable members would know, rabbits burrow quite deeply into the soil, which results in run-off, damage to the catchment and a loss of water quality. Mr O'Regan has raised this problem several times with the local Landcom office. He is suffering as a result of being a neighbour of Landcom land and his property is now affected by rabbits that have come from Landcom-owned land. He has received assistance from the honourable member for Camden, who made representations to various ministers about the problem. I have also undertaken to raise the matter with the Minister for Planning, who is at the table, to ascertain whether he can provide an assurance that Landcom can properly deal with the feral infestation that affects the land.

I note that a good deal of dumped garbage on the land also needs to be dealt with. If we are really intent on Landcom performing according to the principal objects of the corporation—which are set out in part 2, clause 6—which include exhibiting "a sense of social responsibility by having regard to the interests of the community which it operates", I would have to say that realisation of those objects at a bread-and-butter day-to-day level includes being a good neighbour and being a good steward of the land. I am told that Mr O'Regan has been told by Landcom that until certain pieces of concrete, which are remnants of a previous building on the land, are removed, the rabbit problem cannot be dealt with. I suggest that anyone who has had any experience in dealing with feral animals such as rabbits on privately owned land, such as many honourable members on the Coalition side of the Chamber who take their responsibilities very seriously, would know that remnants of a building ought not to be an obstacle in dealing with rabbit infestation.

Tonight I would like to receive from the Minister an assurance that problems outlined by Mr O'Regan of Menangle Park will be dealt with urgently, not simply because Landcom should be a good neighbour in its own community but because it is important for Landcom to take its responsibilities seriously in terms of the environmental implications of feral animal infestation. I seek an assurance that Landcom will, as a matter of urgency, resurvey its land and come up with an urgent plan to take remedial action on the land. If that is not done, the land will be degraded as a result of soil loss, degradation of water quality and the loss of inherent environmental values associated with the land. Moreover, Landcom will lose the respect that the Coalition would really like to see it enjoy in our community.

Mrs GRUSOVIN (Heffron) [8.33 p.m.]: I am pleased to speak in support of the Landcom Corporation Bill, which will establish Landcom as a statutory State-owned corporation. The work of Landcom in developing commercial and industrial properties under various Government Acts has led to complexity in the management operation. Corporatisation will resolve a number of difficulties. Most importantly, Landcom is maintained in Government ownership and there is recognition of the strategic role of the organisation in delivering metropolitan policy and very complex projects. The maintenance of Landcom in public ownership and control is central to its role in achieving the Government's priorities in the many important urban development projects for which it is responsible. One such project on which I wish to focus is Green Square and the rejuvenation of the old south Sydney industrial sites in the largest of the beyond 2000 post-Olympic projects for New South Wales.

Estimated at some 89.5 per cent of the Olympic construction budget and at an estimated cost of some \$2 billion, in ensuing years the project will provide up to 25,000 more residents and 25,000 more workers. It is the largest urban renewal project of its kind in the Southern Hemisphere. The project will deliver quality medium-density accommodation, the latest in urban design and a sense of community. Landcom has designed a mix-use development on the 25-hectare former Navy storage centre at Zetland, which will incorporate a mix of residential terraces and apartments as well as neighbourhood retail commercial premises and parklands. Landcom has also been charged with the redevelopment of the Royal South Sydney Hospital site, which will maintain a number of health-related uses. Since 2000 Landcom has been in consultation with the South Eastern Area Health Service to ensure that the master plan for the former hospital site provides for a health precinct which will include a new hydrotherapy pool and a comprehensive medical clinic which is operated by general practitioners and supported by services such as physiotherapy. These services are designed to meet the changing local health needs of the community and will as well have a residential component.

This innovative development plan will address the deteriorating building fabric and structure, the poor distribution and the unsuitability of the accommodation on the site which has been totally inadequate for community health workers and others who have been housed in buildings that do not comply with occupational health and safety standards. Many of those buildings retain damage that was sustained in the 1999 hailstorm. Importantly, the heritage buildings will be preserved. A commitment will be made to maintaining the operation of the present hydrotherapy facility until the new pool is ready for use. That is vital to rehabilitation and maintenance of health for the large number of users in organisations such as Waves and others that look to preventive measures to ensure that people are able to maintain an independent lifestyle for many years.

In speaking about the important contribution being made by Landcom in this most exciting project, I acknowledge the contribution of Landcom's advisory board chairman, William Kirkby-Jones, AM, who until recently also chaired the South Sydney Development Corporation. Deputy Premier Andrew Refshauge recently paid a public tribute to Mr Kirkby-Jones' five years of strong leadership and the vital role he played in this challenging project. As the Premier said, there is no doubt that "his contribution has been invaluable and will benefit the people of South Sydney for many years to come". I have become familiar with the role played by Landcom's chief executive officer, Sean O'Toole. The south Sydney renewal is but one of many complex projects being undertaken by Landcom. The hospital site and a number of other model projects in urban design are testimony to the dynamic role that Landcom is playing in urban renewal, which is important for the future of Sydney. I commend the bill to the House.

Ms HODGKINSON (Burrinjuck) [8.38 p.m.]: I support the position adopted by the Opposition with respect to the Landcom Corporation Bill. The stance of the Opposition has been eloquently expressed by the honourable member for Pittwater, the shadow Minister for urban affairs and planning, who led for the Opposition in debate on the bill. When watching the news tonight, I was interested to note the release of 130,000 blocks of land in western and north-western areas such as Wingello and Glenmore Park. The news bulletin attracted a lot of attention in Sydney and throughout New South Wales.

It is not right for the Government to get involved in what is essentially property development. On a recent news bulletin people were shown camping out to obtain blocks of land. The shadow Minister mentioned

that Landcom has made available only three blocks of land recently. What does that say about what Landcom is doing at a time when many people cannot afford to buy property, when the Federal Government has generously allocated extra money for first-home buyers and when property values are escalating out of control in urban areas in particular? People have a great need to be accommodated in those urban areas. Homeless people sleep in the city. Members of Parliament see them in very close proximity to Parliament House.

Mr Campbell: Some of us actually talk to them.

Ms HODGKINSON: It is great that the honourable member for Keira talks to homeless people; he knows what I am talking about. People are susceptible to homelessness at this time. At one time the then Federal Labor Government said that homelessness would soon be a thing of the past and that there would be no homeless child by a particular year. However, there are still a lot of homeless people across New South Wales and Australia. John Howard, in his wisdom, and the Federal Coalition Government are currently providing \$14,000 to people who are struggling to save funds for their first home. The Carr Labor Government will get almost \$200,000 for these new blocks, which will not be affordable to most battlers. I do not understand how the honourable member for Heffron justified that and is so callous as to suggest that that is affordable. I am particularly concerned about clause 6 of the bill. Clause 6 sets out the principal objectives of the corporation as follows:

- (a) to be a successful business and, to this end:
 - (i) to operate at least as efficiently as any comparable businesses, and
 - (ii) to maximise the net worth of the State's investment in it ...

That begs the questions: Should property developers look after residential developments? Should the Government risk taxpayers' money in what is already a highly competitive market? From 1986 to 1989 I worked in residential property development and I know how the private industry operates. the Minister for Local Government is now in the Chamber, rather than the Deputy Premier, and Minister for Planning. I understand that the private sector looks after that market very well. I was in the industry when the stock market crashed and when interest rates were high. I went through a series of Land and Environment Court battles with various property developments. I have seen everything in relation to property development.

I do not believe that taxpayers will get effective value for money when public servants provide a property development service that should be left to the domain of private enterprise. I want answers from the Minister for Planning in relation to what will be the incentive for public servants to perform? Will public servants within Landcom get bonus salaries or bonuses for good performance? Will they get huge \$300,000 or \$400,000 salaries in order to make sure that they are going to get the best deal for taxpayers? Is that what will happen? Will that be an efficient use of taxpayers' dollars? I do not think so. Clause 6 (d) states:

- (d) to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates ...

Will the Minister explain where those regional development areas will be when that decentralisation occurs? Will it occur in rural areas—the Hunter, Newcastle or Wollongong? How far will the regional development go?

Dr Refshauge: Only Burrinjuck.

Ms HODGKINSON: Fantastic! I thank the Minister for that great news. It is on the *Hansard* record that Landcom is coming to Burrinjuck—and I will hold him to that. They are my two main concerns with the bill. The honourable member for Miranda, who is 52 today, spoke to the bill. He and I are members of the Public Accounts Committee. It is a fundamental truth that the Public Accounts Committee is averse to losing taxpayers' money; it is interested in getting value for taxpayers' money and in making sure that taxpayers' funding is represented in a proper way. The Minister must realise that property development is best left in the domain of the private sector. Property developers are everywhere throughout New South Wales—some run their businesses well and others just survive. It is not the domain of the public sector. The public sector will not provide value for money for the taxpayers' dollar. What sort of accountability measures will the Minister put in place? What salaries will those public servants receive? What bonuses will they receive? What benefits will they receive?

Mr CAMPBELL (Keira) [8.46 p.m.]: I support the Landcom Corporation Bill. I understand that it is the result of wide consultation and that it has the support of the community. I am confident that Landcom can be established as a statutory State-owned corporation, with new and defined roles and functions. I am perplexed by

some of the contributions of Opposition members. At one stage the honourable member for Pittwater seemed to suggest that we should not look at these matters in a contemporary way, but that we should go back to the mid to late 1970s and do things as they were done then. Government members interjected and suggested that the honourable member for Pittwater did not support the Prime Minister. In that regard, I guess there is—it just a sense of back to the future and looking over one's shoulder all the time. The honourable member for Pittwater would not acknowledge an interjection in which it was stated that, with the stroke of a pen in the recent Federal election campaign, and without any consultation or understanding, 3,000-odd lots were taken out of a potential release in Western Sydney.

Mr Brogden: Where?

Mr CAMPBELL: At the Australian Defence Industry site at St Marys. That occurred without any real understanding of the issues; it was a political decision. The honourable member for Southern Highlands referred to rabbits. I did not note an amendment to the effect that statements for corporate intent for the new organisation have to bear in mind that there needs to be an eradication of rabbits on every site it owns. There was also a discussion about the State Bank. I would have thought that members of the Opposition would be the last group of people to raise the State Bank in this place as an example of what governments should not do. Most people would argue that the State Bank was sold at a loss by the former Coalition Government.

As a result of that transaction the taxpayers of New South Wales are still carrying some of those liabilities. Earlier we heard from some Opposition members about how governments should not be involved in these sorts of enterprises. I point to the airport rail line as an example of that sort of thing. This bill makes transparent and opens up to scrutiny the operations of Landcom by making it a State-owned corporation and by putting in place some independent directors. In my view that approach is entirely appropriate.

Apart from operating as a contemporary organisation, this body has the potential to undertake social and fiscal objectives. I am sure that the new board will put in place policies and strategies that will meet those sorts of objectives. I am particularly pleased that the bill contains provisions that protect the rights and entitlements of employees in Landcom, as we now know it, when they transfer to that new State-owned corporation. The Government, in making changes to the structure of trading organisations, has a responsibility to offer leadership and to protect staff and their entitlements. Lessons might well be learned by others in the private sector from the Government's approach. As I said earlier, the overall thrust of this bill is about transparency, accountability and ensuring that the Government maintains a proper supply of residential, commercial and residential land in certain parts of this State. I commend the bill to the House.

Mr RICHARDSON (The Hills) [8.52 p.m.]: I was interested to hear the honourable member for Keira say earlier that Landcom's role should be to ensure a supply of land, particularly affordable land, for home owners. That is the role that Landcom has performed since it was first founded. I wonder whether this bill will not completely transform Landcom into an organisation that is set up to oppose the many housing and property developers in Sydney and New South Wales. Honourable members would be aware that Landcom is a major player in my electorate. Indeed, it is a major player in the north-west sector. Only a couple of years ago it let tenders for the creation of the new suburb, Stanhope Gardens, a complex suburb complete with schools, a shopping centre, community facilities and thousands of homes.

Thousands of blocks are now being released by Landcom in Kellyville in my electorate. In recent times a number of people have complained to me about the price of the land that Landcom has been releasing. I am not talking about affordable blocks of land. Certainly on the Riverstone/Blacktown side of Windsor Road the blocks are cheaper, but in Kellyville many of these blocks are over \$300,000 each. We have to ask: Even as Landcom is currently constituted are the Government's directions a breach of the original charter or the original rationale for setting up that organisation? When we look at this bill, which seeks to establish Landcom as a statutory State-owned corporation, those concerns are magnified. Under clause 6 of the bill, the principal objectives of the corporation are set out as:

- (a) to be a successful business and, to this end:
 - (i) to operate at least as efficiently as any comparable businesses, and
 - (ii) to maximise the net worth of the State's investment in it,
- (b) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates.

There is a range of other objectives of the corporation, none of which, I might add, would be unacceptable in their own right. Indeed, I would suggest that an organisation as important to the creation of whole new suburbs and communities as Landcom would have exhibited a sense of social responsibility since time immemorial. One of the principal objectives of the corporation is to be a successful business, which means that this is an organisation that is to compete directly with private companies in our State right now. Under the Government Landcom has been doing that without the benefit of corporatisation in the immediate past.

As I said earlier, that is not why Landcom was originally established. Landcom was established to ensure orderly and economic urban development. Those are not my words; they are to be found in section 5F of the Housing Act, which states that Landcom's role is to promote orderly and economic urban development and the adequate supply of affordable and suitably located land for housing at the minimum practicable cost to consumers. How far have we strayed from that original purpose and intent? Let us look at clause 6 of the legislation. One of its principal objectives of the new Landcom corporation is to be a successful business. Certainly, no-one would wish the Government lose money in the operation, which it has done from time to time.

The question really is: What is it appropriate for government to be involved in, and what should government stay out of? If the Landcom corporation is able to produce blocks of land and affordable housing, which I know the Minister is strongly in favour of, and by so doing exhibit that sense of social responsibility that is also one of the principal objectives of the corporation, we would applaud that. But it does not seem to me that that is what the Government has in mind. In the view of the Government, Landcom should be afforded the advantages that it has as an agent of government while operating in direct competition with the private sector. Does anybody in this House believe that that is appropriate in the twenty-first century? Is that an appropriate function?

Mr Orkopoulos: Hear! Hear!

Mr RICHARDSON: The honourable member for Swansea appears to be applauding that notion. I understand that the left wing of the Labor Party would like to go back to nationalising the banks and anything else it can get its hand on. I know that, but in the twenty-first century I suspect that it is extremely unlikely that that will occur and that legislation such as that would be passed by this Parliament, or indeed by any other Parliament in Australia. The Government seems to have gone in completely the opposite direction. It wants to maximise its profits from this organisation. It regards Landcom as a potential cash cow. I wonder where this is leading us. Certainly, in my area, it will not lead to a decent public transport system. We will not get that mythical rail line and we will not get the bus transitway. We had to fight tooth and nail to get Windsor Road upgraded. Nothing in this legislation leads me to believe that things will change. Money will not flow from Landcom to provide essential facilities for the thousands of people who have moved into the Kellyville-Rouse Hill area and who will move into that area in years to come.

That is a major concern for members of this side of the House. That is why the honourable member for Pittwater has foreshadowed an amendment. I encourage all members on both sides of the House to think about the amendment. The amendment will reinsert the words that come from section 5F of the Housing Act which provide that Landcom's role is to promote orderly and economic urban development and the adequate supply of affordable and suitably located land for housing at the minimum practicable cost to consumers. That is the reason Landcom was originally established, and that is the role that Landcom should perform in the future.

Mr LYNCH (Liverpool) [9.00 p.m.]: I wish to make a short contribution to the debate on the Landcom Corporation Bill. The bill proposes to establish Landcom as a statutory State-owned corporation. Landcom will be corporatised and its status changed from being a division of the Department of Urban Affairs and Planning. The corporation will be retained in government ownership, which is clearly desirable, despite some ranting and raving from the other side of the Chamber. I particularly want to direct my comments to clause 6 of the bill, which sets out the principal objectives of the corporatised Landcom. Those principal objectives include:

- (b) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates...
- (d) to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates...
- (f) to assist the Government in achieving its urban management objectives.

These are critically important objectives and underlie the significance of Landcom. Together with agencies such as the Department of Housing, Planning New South Wales, the Office of Community Housing and so forth,

Landcom has a central role in dealing with urban development and affordable housing. These are self-evidently important issues for all members of this place. They are particularly important for those of us who represent regions with significant urban development and expansion and with large amounts of unmet social need. Of course, that applies to south-west Sydney. It applies very clearly to Liverpool.

Urban management issues in Liverpool are challenging. The value of land and housing in Liverpool has recently been escalating dramatically. Part of that is driven by increased demand, as one would expect in a market economy. There is a positive side to it: more and more people want to live in Liverpool. That means people find Liverpool an attractive place to live. In turn, that means something positive is occurring. A recent survey by the Western Sydney Regional Organisation of Councils [WSROC] found, not surprisingly, that in Western Sydney generally less than 5 per cent of people dislike living in their suburb. The increase in value and the increase in population also indicate economic growth and more jobs.

There is another side to this story. As one would also expect in a market economy, there are losers as well as winners. Once again, as one would expect, the losers are those with the weakest bargaining position and least resources. Specifically, many people now cannot afford to rent privately in Liverpool. There has been some speculation in the media that first home owner grants have taken some pressure off the upward direction of rentals. Those grants have also had something to do with the demand for houses in Liverpool. However, any reduction in pressure on rents will probably dissipate, and in any event, I have not seen evidence confirming that that has been its impact in Liverpool.

The obvious public aspect of that has been the significant renovation of many blocks of units in Liverpool. That reflects the comparatively high rents being charged. Whole blocks of three-storey units have had their tenants removed, their buildings gutted and renovated, their walls rendered and painted and security doors and intercoms installed. Some have had airconditioning and security fences installed. Not so long ago some of these two-bedroom flats could be rented for \$105 a week. Now they rent for \$165 a week. Some people have described that as the gentrification of Liverpool. That is the wrong term. That is a term used to describe social and demographic change in the inner-city, and sometimes people unthinkingly and uncritically, in this sphere as in others, apply inner-city terms to phenomena in Western Sydney. Whatever one wants to call it, it is a real phenomenon in Liverpool. The result is a tendency for the economically less powerful to be increasingly driven out of Liverpool. I do not understand how any family group that could fit into a two-bedroom unit and is dependent upon social security benefits could afford \$165 a week in rent.

Of course, the private sector does not do well in providing low-cost rental accommodation. Economists like Adam Farrar and Frank Stilwell have written about that. Anecdotally, real estate agents in Liverpool tell me that private landlords cannot make any money out of private low-cost renting. Of course, there is the phenomenon that landlords and businessmen will often tell me they cannot make money doing anything. Those of us who have been on council have been exposed to that on more than the odd occasion. Despite that, I think there is some substance in that when one talks about landlords providing low-cost rental accommodation. Certainly a number of quite serious economic analyses suggest there is insufficient return on investing as a landlord in affordable private rental housing. I note in particular the WSROC survey entitled "Western Sydney: Affordable Housing Study" that came out a year or two ago that contained some of those analyses.

Of course, people turn to government to try to deal with these issues. That is probably the wrong time for people to do that. There has been a decided and, in my view, negative tendency for the scope and scale of government activities to be reduced. There has obviously been a bipartisan element to that. Michael Pusey's book *Economic Rationalism in Canberra* is subtitled "A Nation Building State Changes Its Mind", which just about sums it up. That is particularly relevant when we talk about Federal funding of public housing, which has a close connection with these issues. A dramatic reduction in funding over recent years has meant a dramatic reduction in the amount of public housing constructed. That increases waiting lists and makes it easier for rental increases in the private sector.

There has been an attempt to try to give some respectability to that development by talking of paying rental subsidies to those in private rental. That is justified on the grounds of equity. That is, a subsidy is already given to public housing tenants by providing them with accommodation at less than market rentals, so in all fairness a subsidy should also be given to eligible private tenants. That has the effect of reducing dramatically the role of the public sector and thus fits in nicely with economic rationalist obsessions. The entire agenda is an absolute chimera. All that rental subsidies to private tenants seem to have achieved is that they have allowed private landlords to increase rents.

The other part of this problem relates to what is often defined as the spatial distribution of poverty. Boyd Hunter and Professor Gregory are the two names most famously associated with those sorts of discussions. Tony Vinson produced a report some time ago entitled *Unequal in Life* that correlated postcodes with social disadvantage. That was produced for the Jesuit social services. I had a methodological problem with that study because the use of postcode areas masked some areas of acute need. However, it helped to highlight the general issue.

Part of the explanation, although only part, is the decrease in the expansion of public housing. Public housing, to use the term loosely, was designed after the Second World War as housing for workers. With a comparative decrease in unskilled or low-skilled jobs and a rise in unemployment levels, there was an increasing demand by those who were not employed for public housing accommodation. The not unreasonable response of the department was to more highly target those obtaining departmental premises as being the most in need. That means that almost the only new departmental tenants are those who are reliant upon social security payments.

That has been significantly exacerbated by the decline in construction. A limited number of departmental dwellings means more tight targeting and an ever-increasing percentage of departmental tenants being financially dependent upon social security payments. That leads to suburbs and communities in considerable social need, with individual stresses resonating into suburb-wide stresses. That is the reality of the spatial concentration of poverty. Before the honourable member for Pittwater accuses me of moving away from the bill, I make the point, as I said earlier, that Landcom, together with other agencies, has an important role in pursuing urban management objectives. I do not purport to give the solutions here. That is probably an agenda for another day and, I dare say, a whole series of interjections from the honourable member for Pittwater and others.

However, it seems to me that the things I have talked about are part of the overall management challenge and, in that sense, are clearly related to the objectives set forth in the bill. I have to make a comment about what has been said in the debate by the Opposition. There has been an extraordinarily schizophrenic approach from the other side. On the one hand, the contribution from the honourable member for Burrinjuck and part of the contribution from the honourable member for Pittwater gave us good hardline economic rationalist stuff about Landcom getting out of the field. It is the sort of stuff that has its ideological origins in Thatcher, Reagan, Pinochet, Milton Friedman and all of the economic rationalist heroes of the twentieth century. I suggest that the honourable member for Burrinjuck, in light of the way she is carrying on now, reads something about Pinochet and finds that his economic policies are identical with those other people.

Mr Brogden: I know they are. It is the rest that I am worried about.

Mr LYNCH: The honourable member for Pittwater's interjection essentially says that he does not mind being compared with Pinochet but has a problem being compared with Reagan and Thatcher.

Mr Brogden: Point of order: My point of order is relevance.

Mr ACTING-SPEAKER (Mr Mills): Order! There is no point of order on relevance.

Mr Brogden: I was simply wishing to make the point that I do not wish to be associated with the human rights policies of Mr Pinochet.

Mr LYNCH: But you have been associated with his economic policies. I am pleased that has been sorted out.

Mr Brogden: Have you read this month's edition of the *Economist*? It has an excellent dissertation about Pinochet's economic policies.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Liverpool has the call.

Mr LYNCH: I suggest to the honourable member for Pittwater that it is not a good idea to quote newspaper articles in this Chamber at the present time; we might go back to the *Australian Financial Review*. As I was saying, there is a schizophrenic quality to the Opposition's position. On one level the honourable member for Pittwater took the hard line that Landcom should get out of the market place, Landcom should not have anything to do with anything, it is a Government-owned instrumentality and therefore does not have a real role. On the other hand the honourable member for The Hills whinged and moaned that Landcom is not selling

land cheaply enough. He said that Landcom is not allowed to sell land at market value, which undermines the market. Although the honourable member for Pittwater said that Landcom should not interfere in the market, that it should get out of everything, the honourable member for The Hills said that Landcom is not interfering enough in the marketplace.

The honourable member for Pittwater wants to ensure that Landcom has a monopoly as a land bank. The contributions of members opposite were an extraordinary dichotomy of ideological mish-mash. They gave a rainbow of ideological positions that fly in the face of any logic. The honourable member for Pittwater should work out what part of the left he wants to belong to. His contribution was all over the place. It is serious when we get such monumentally inconsistent and contradictory positions. Someone should take a point of order that there is no such thing as the left of the National Party. Mind you, I referred to Pinochet a moment ago. As I said, there is extraordinary confusion in the positions put by members opposite. If they did a bit of work on policy they might be able to clarify those inconsistencies and work out what they stand for.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [9.11 p.m.], in reply: I thank honourable members for their enthusiastic interest in Landcom and its corporatisation. In particular, the outstanding contributions of the honourable members representing the electorates of Miranda, Heffron, Wollongong and Liverpool highlighted the new direction the Government wants Landcom to take. I highlight the successes of Landcom in those electorates in terms of the objectives proposed by the Government. I am disappointed about the Opposition's position. I highlight the comments of the honourable member for Liverpool, that is, there seems to be inconsistency in the Opposition's position.

That position seems to be based on what members opposite seemed to think was the best idea at the time or whoever was the last person they spoke to. That highlights a lack of rigour. The honourable member for Pittwater raised a major concern about developments at Victoria Park, in particular the development proposed by St Hilliers. The reality is that the height limit at Victoria Park is not a prohibition on development; it is merely a suggested standard. I am advised that Landcom is confident that the Victoria Park development will take place in accordance with the master plan applying to the site. I would have thought the Opposition would have contacted St Hilliers.

Mr Brogden: We did.

Dr REFSHAUGE: This evening the managing director of St Hilliers told my department that there had been no contact.

Mr Brogden: We did. We spoke to the public affairs office.

Dr REFSHAUGE: The managing director said that the article in *Australian Financial Review* did not portray the position.

Mr Brogden: That's not what they said to us.

Dr REFSHAUGE: The managing director, who is the man in charge, not the publicity officer, said that they did not—

Mr Brogden: The man in charge—that's pretty generous of you.

Dr REFSHAUGE: Tim Casey, who is the man in charge, said that the case as stated in the *Australian Financial Review* was incorrect. Indeed, St Hilliers believes that it has been misrepresented by the Opposition. It would be better if the Opposition contacted people.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Pittwater will cease interjecting. His behaviour is disorderly. The honourable member has already contributed to the debate.

Dr REFSHAUGE: It would be better if the Opposition contacted people and spoke to the those directly involved to get the facts. The honourable member for Pittwater has put forward his opposition based on incorrect information or newspaper articles the accuracy of which has not been verified. Obviously, the honourable member's whole argument falls apart. It is interesting that the honourable member raised the Kings Bay development; I think other speakers referred to it as well. Kings Bay was a carpet factory that was bought

by a potential developer who intended to convert it into a shopping centre. The local community, supported by the local council, believed that that was the wrong thing to do because it would have destroyed the area and trashed the neighbourhood. Therefore, members of the local community approached government and asked that Landcom take over the development because they believed that Landcom would provide a better result. As a result, we have not only a better result but also an award-winning result.

Mr Brogden: Anyone could have undertaken the residential development.

Dr REFSHAUGE: Anyone could have undertaken the development, but Landcom won six awards at the recent Urban Development Industry Association awards night. Landcom won six awards because it is delivered a better result and a higher-quality development than, as the Opposition said, any other developer could have delivered. The honourable member for Pittwater may not be interested in quality development but he certainly might be interested in any development. That is why his position is unreasonable.

The honourable member for Southern Highlands referred to the Menangle Park development. We will certainly consider her concerns. I am advised that so far there is no understanding that concern about rabbits has been raised with Landcom, but we will look at that issue and take appropriate action at the time. The honourable member for Burrinjuck expressed concern about the principal objectives set out in clause 6 (1) (a). These provisions have been taken directly from the State Owned Corporations Act. I do not know why the honourable member for Burrinjuck is now objecting to something that she supported previously. One can only wonder what the Opposition is about. The bill is clear: the Government is corporatising Landcom. It is making Landcom a responsible developer working on the Government's urban management policies. The Government is not keen to have Landcom as a land bank. I will address that matter further in Committee.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 6 agreed to.

Clause 7

Mr BROGDEN (Pittwater) [9.17 p.m.]: I move:

Page 4, clause 7 (2). Insert after line 8:

, and

- (c) to promote orderly and economic urban development and the adequate supply of affordable and suitably located land for housing at the minimum practicable cost to consumers.

The Opposition is seeking to extend the corporations functions in clause 7 of the bill. Clause 7 (2) states:

The principal functions of the Corporation are:

- (a) to undertake and participate in residential, commercial, industrial and mixed development projects, and
- (b) to provide advice and services related to urban development, on a commercial basis, to government agencies and others.

The amendment will add a new paragraph:

- (c) to promote orderly and economic urban development and the adequate supply of affordable and suitably located land for housing at the minimum practicable cost to consumers.

This will restore the original function of Landcom, which comes from the Housing Act and which the Coalition believes is Landcom's primary role. Previously I have spoken at some length about Landcom not having a role as a property developer in competition with others. The Minister referred to the Kings Bay project, of which I am fully aware. However, he failed to point out that when Landcom was involved in that project the usage of the land changed from retail commercial to residential. It is conceivable that another developer could easily have provided a master plan of development of an equal standard, if not a better standard, for that project.

The Minister's use of the example shows quite poor form. Indeed, the honourable member for Liverpool made the point on this general amendment that the Opposition wants to see Landcom as a monopoly land bank and land supplier, but, no, the Coalition does not. The philosophical approach of the Coalition is clear: we do not believe that Landcom has a role as a public developer in competition with the private sector to provide housing development land. The Coalition does not see that as Landcom's major role. I note that in the Minister's reply he sought to raise the St Hillier issue. I ask the Minister this question: Is St Hillier still in negotiation with Landcom over the Victoria Park site? If so, is it any surprise that St Hillier would be in contact or wishing to deny the Opposition's contact with the Minister?

One of the clear implications of Landcom's development role is that it has many joint venture projects that seek to muzzle the independence of the private sector. Indeed the managing director of a leading land and property developer made it clear to me that while developers do not particularly enjoy the role that Landcom plays, they do enjoy the fact that Landcom comes to the party with government backing and gets a slightly better ride through processes, as well as, certainly, a government guarantee for development projects. That is why the private sector prefers Landcom—because it does not compete and it has an advantage over private sector developers. Because of that, Landcom is inappropriate: it distorts the market. The appropriate role for Landcom and one that the Coalition seeks to insert in this legislation is, where appropriate, a land banking role and a land supplier role, but not in a monopoly form. It should certainly not be a monopoly. I remind the Minister of comments by the late Paul Landa in the other place on 20 October 1976:

The main object of the bill [the Land Commission Bill 1976] is to establish a statutory authority which will produce and market lower priced land and moderate the rate of inflation in land prices, achieve the more equitable and efficient development of urban land in the cities and towns of New South Wales, achieve a better co-ordination of the development of the cities and towns of New South Wales and retain some of the unearned increment in land values for the community.

Although the Opposition does not particularly seek to require Landcom at any stage to provide land at a lower price—the Minister's assertion that that was said by the honourable member for The Hills is a distortion, and that is certainly not the Coalition's position—we think that Landcom should play a role, where appropriate, in banking land and, at a later stage, in releasing that land. The best that the Government can offer in this area is the announcement today of a 15-year plan for land release in New South Wales.

On average, the plan will provide approximately 8,600 lots a year for the next 15 years. That rate of release is at the bottom of the spectrum that the development industry believes the market requires. Indeed, the market would require approximately 12,000 lots a year to be released in order to meet market demand. The Minister's announcement indicates that over the next three years he hopes to increase the supply of land from the present supply of 5,000 to 6,000 lots a year to 10,000 lots a year. That still will not meet the full demand. It is highly likely that the Minister's announcement will not receive the support of other government agencies such as the Department of Transport and the Department of Land and Water Conservation or, in some relevant areas, local councils. The Minister's land supply targets will not be met and Sydney will face a housing crisis. The price of land will skyrocket because the supply and availability of land will continue to shrink. Landcom is an active participant in that agenda.

This bill seeks to abdicate Landcom's role in providing land and moderating the market where possible. This bill is designed only to turn Landcom into a property developer. By doing so, this legislation will put Landcom into direct competition with private developers or, alternatively, into joint venture relationships with other private developers. In doing so, Landcom will put Government funds at risk. That is the reality. As I said earlier, it is clear that the price of land in Sydney during the seven years of the Carr Government has more than doubled. It increased by 115 per cent, from an average \$84,000 to \$179,000 per block. That means that the affordability policies of this Government are non-existent; this Government has done nothing to provide more affordable land and it has done nothing to release land in any way. This Government has used its own land agency, Landcom, to structure the release of land across the Sydney region and this Government seeks to go further.

The Opposition wants to make its position very clear. Landcom should not be a publicly backed and publicly owned property developer in competition with the private sector. That is not its primary role and it should not engage in that activity. Where appropriate, it should continue the role that it has had since its creation in 1979, namely, to buy and bank land, where appropriate, and to release that land at a later time. Where appropriate, that is Landcom's true role. The Opposition seeks to insert a provision to that effect into the Landcom Corporatisation Bill. The Opposition's amendment is simple and clear. It provides Landcom with a broader range of responsibilities. It stops Landcom's attempt to build an empire around itself by virtue of a role in the development industry and it will diminish attempts by this Government to use Landcom as its so-called urban design leader.

As I said earlier, the Coalition congratulates Landcom on its receipt of awards for the Five Dock project, but that is not to say that other developers could not have done as well. Indeed other developers received awards for outstanding developments across Sydney and throughout New South Wales on the very same night that Landcom received its award. Why should taxpayers have their dollars put on the line by this Government through its development agency?

It is quite incomprehensible in 2001 that the leader of the Left in the New South Wales Australian Labor Party thinks it is appropriate that he should build his own property development agency and that he should have his own developer. The Minister also thinks that, where appropriate, he should be able to send out his developer to do a job as part of some attempt to improve design, possibly at a greater cost than would otherwise be the case and possibly resulting in a diminished return to the taxpayer. It is simply not appropriate for the Minister to send his agency to perform that role. In order to ensure that Landcom has a balanced role, the Coalition proposed the amendment.

As I said earlier, Landcom was created in 1979 and I cited briefly the second reading speech of the late Paul Landa. I implore this Government to allow Landcom to return to its original role. The proposal of the bill—which is simply nonsensical and, in fact, potentially dangerous—is to give Landcom the primary objectives outlined in this bill, without amendment. If Landcom becomes a property developer and invests in projects that do not give a return to the Government but, rather, fail, be it on the Minister's head because he sought and fought to deliver a property development agency for the State of New South Wales that put taxpayers funds at risk.

He sought, without having the skills that are to be found in the private sector and without the necessary incentives that are to be found in the private sector, to deliver on those objectives. The State Owned Corporations Act and the Government's own laws with respect to the senior executive service simply do not provide enough scope for Landcom and its officers to seek the same returns as those provided by private developers or received by senior executives of a private company. The honourable member for Burrinjuck pointed out that there are not the incentives in Landcom—

Ms Hodgkinson: Or are there?

Mr BROGDEN: No, there are not those incentives in Landcom to deliver what is needed in the tough economic market in which Landcom operates. Without those incentives Landcom cannot compete successfully. The honourable member for Southern Highlands spoke about the State banks, and honourable members will recall the Labor Party's control of the State banks, State insurance companies, and the like. In 2001 it is not appropriate for the Government to take control of State banks and put New South Wales at jeopardy in a very risky market.

The Government is hoping that the New South Wales property market, particularly the Sydney property market, will continue to be prosperous and safe. In general, in years gone by that has been the case. However, as I said earlier, the events of 11 September clearly changed the economic agenda for the entire world. We cannot simply denude Landcom of its true role in land release and give it the role of property developer without placing taxpayers at significant risk. The Coalition puts the Government on notice that it should accept this amendment so Landcom can be allowed to return to its original role, rather than become purely a property developer, thus putting at risk the funds of New South Wales taxpayers.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [9.31 p.m.]: The Government rejects the amendment. It is interesting that it is now proposed as a Coalition policy that Landcom should be a land bank. We certainly look forward to the costing of that. My expectation is that the costing of a land bank over the next 10 years would be about \$10 billion. If we are to sell land at less than market price, that will be a significant additional cost. We look forward to seeing just how far the Coalition is committed to this, and the costing of it, in the Coalition's policies for the next election.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 32

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

Noes, 45

Mr Amery	Mrs Grusovin	Mr Price
Ms Andrews	Ms Harrison	Dr Refshauge
Mr Aquilina	Mr Hickey	Ms Saliba
Mr Ashton	Mr Hunter	Mr W. D. Smith
Mr Bartlett	Mr Knowles	Mr Stewart
Ms Beamer	Mrs Lo Po'	Mr Tripodi
Mr Black	Mr Markham	Mr Watkins
Miss Burton	Mr Martin	Mr West
Mr Campbell	Mr McBride	Mr Whelan
Mr Collier	Ms Megarritty	Mr Woods
Mr Crittenden	Mr Mills	Mr Yeadon
Mr Debus	Mr Moss	
Mr Face	Mr Newell	
Mr Gaudry	Ms Nori	<i>Tellers,</i>
Mr Gibson	Mr Orkopoulos	Mr Anderson
Mr Greene	Mr E. T. Page	Mr Thompson

Pairs

Mr Hazzard	Ms Allan
Mr Rozzoli	Mr McManus

Question resolved in the negative.

Amendment negatived.

Clause 7 agreed to.

Schedules 1 to 4 agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

EVIDENCE LEGISLATION AMENDMENT BILL**Second Reading**

Debate resumed from 28 November.

Mr HARTCHER (Gosford) [9.44 p.m.]: The Coalition does not oppose the Evidence Legislation Amendment Bill. The bill aims to tidy up aspects of legal procedures in courts. In brief, the bill will allow an interpreter who assists in a number of proceedings in the same court on the same day to take a single oath or to make a single affirmation. It also removes the need for the court to explain to witnesses and interpreters the choice between an oath and an affirmation, if it is satisfied that the choices have already been explained. That provision will avoid time wasting in the courts and help to streamline court procedures. The provisions relating

to oaths and affirmations avoid lengthy explanations that may undermine the credibility of a witness, especially as referred to by the Minister in his second reading speech. The bill provides new section 24A of the Evidence Act to make it clear that people who are religious or without spiritual beliefs can take an oath, whether their beliefs include a belief in the existence of a god. That clarifies the legal position of persons who take the oath who may hold religious beliefs but not believe in a god—for example, members or adherents of the Buddhist faith.

Under the present law in New South Wales it is possible for an oath to be taken by a person who does not believe in a god, but there are doubts about the validity of that oath. It is important in our multicultural and multifaith society that reasonable latitude be given to people who hold various and differing views on religious and other matters to ensure that their views, as far as possible, can be accommodated within the existing structures of our legal system. The bill also amends the Evidence Act to prevent a judge from warning or suggesting to a jury that children are an unreliable class of witness, except in the circumstances set out in new section 165B. That provision follows recommendations by the Australian Law Reform Commission and the Human Rights and Equal Opportunity Commission. Schedule 2 to the bill amends the Evidence (Children) Act 1997 to make it clear that a person appointed as an intermediary, for the purpose of asking questions of a child witness, is not appointed for the purpose of giving legal advice but to act in a neutral capacity.

I indicate that the Coalition acknowledges the changes that this legislation makes. It regards them as essentially appropriate for the smooth administration of the legal system. They also reflect the multicultural and multifaith nature of our society. If people hold genuine religious or spiritual beliefs—even if those beliefs are not founded in the existence of a supreme being—they should be entitled to take the oath if they so desire, rather than to take an affirmation which is presented as an alternative for people who do not believe in an established system of religion. Accordingly, the Coalition indicates that it does not oppose the bill.

Mr FRASER (Coffs Harbour) [9.47 p.m.]: I will briefly speak in support of the Evidence Legislation Amendment Bill. My electorate of Coffs Harbour has a highly diverse multicultural background. More than 3,000 sikhs live in the area, and they have their own temple.

Mr Gaudry: Coffs Harbour is not multicultural.

Mr FRASER: The honourable member for Newcastle said that Coffs Harbour is not multicultural. I challenge him to come to Coffs Harbour and see its true cosmopolitan nature.

Mr Gaudry: I retract that statement.

Mr FRASER: So you should! In fact, at last count there were more than 42 different ethnic groups in the Coffs Harbour local government area. The sikh community is one of the largest. Its fantastic people contribute to the community through the Rotary Club and many other organisations. I know that in the past sikhs have had problems in the courts. In the past if they have been in the Masonic Lodge or in other organisations and have wished to take an oath they have sworn the oath on their own religion. There is a great diversity of ethnic groups within Australia, New South Wales and the Coffs Harbour community. I commend the bill to the House.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [9.49 p.m.], in reply: I acknowledge the contributions made by the honourable member for Gosford and the honourable member for Coffs Harbour to debate on this bill. I acknowledge the significance of the changes which will ensure that the law is to be seen to be accessible and inclusive of all people, regardless of their religious beliefs, and that it is of special significance, especially to people such as the Sikh community of Woolgoolga to whom the honourable member for Coffs Harbour referred.

The second reading speech and the response of the Opposition make it unnecessary for me to speak in any detail in reply. The purpose of this bill and the amendments contained in it are evident enough. It is evident that they have the support of the House. I am pleased to say that the Chief Justice, the Bar Association, the Law Society and the Legal Aid Commission have all been consulted in the development of the provisions of this bill. As I said earlier, they are generally provisions that have been accepted by all honourable members and by all relevant legal institutions that have the most direct interest in the matter. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CHILDREN (CRIMINAL PROCEEDINGS) AMENDMENT (ADULT DETAINEES) BILL**Second Reading**

Debate resumed from 30 November.

Mr HARTCHER (Gosford) [9.52 p.m.]: This legislation will enable the transfer of juvenile offenders who have committed a serious indictable offence, defined as an offence that carries a term of imprisonment of 25 years or more, to be transferred to an adult institution upon attaining the age of 18 years. It follows the exposure by the Coalition last September of the rotting that was going on at Kariong Juvenile Justice Centre, where more than one-third of residents were over the age of 18. They were there for a whole range of serious criminal offences, including murder in the most vile and horrific circumstances, sexual assault and serious armed robbery. They were kept there by this Government, which ignored the fact that they were over the age of 18.

This Government was prepared to turn a blind eye to a gross miscarriage of justice. Serious criminals—in fact, the most obscene and disgusting criminals in this State in some cases—were kept under the almost luxurious conditions that prevailed at Kariong Juvenile Justice Centre. When that was exposed by the Coalition in September through an article in the *Sunday Telegraph* written by Mr Nathan Vass, the Carr Government pretended that it did not exist. The Government's only response to that article was an attack on me, as the member for Gosford, by the Hon. Carmel Tebbutt, the Minister in another place.

A couple of weeks later the Government was flagrantly caught out when one of the gang-rapists of the young girls in Western Sydney—a case which received an enormous amount of publicity—went to the Frank Baxter Centre at Kariong and was treated by other residents not as a criminal but as some form of returning hero. This criminal, who had been involved in the most ghastly and serious of gang-rapes and who was treated as a hero by his co-residents, was over the age of 18 years. The Premier reacted only to the media disclosure and not the injustice on the community or the need to protect the community.

The Premier, embarrassed by the media disclosure that this young miscreant was to be held in the relative comfort of the juvenile detention centre instead of the adult gaol where he belonged, insisted that he be transferred to the adult gaol. The Coalition has made its position clear. Serious criminals should do serious time. Serious criminals who are over the age of 18 should not be held in juvenile detention centres. That is our policy, as enunciated by me in September in the *Sunday Telegraph*. The Carr Labor Government, which has been dragged screaming to the table, has now introduced this legislation, which carries out the wishes expressed by the Coalition last September.

I am pleased to acknowledge that I am joined in the Chamber tonight by my colleague the honourable member for Davidson, who has been successful in highlighting the many defects in judicial and penal administration by the Carr Labor Government. He has supported my endeavours to ensure that these serious criminals, once they are over the age of 18, are transferred to an adult gaol—endeavours which are now reflected in this bill. I also note the presence in the Chamber of the honourable member for Peats. I regret that the honourable member for Peats has not joined me in my calls to ensure that criminal residents at Mount Penang are appropriately treated, even though that institution is in her electorate.

I hope that when the honourable member for Peats speaks in debate on this bill she will give an explanation as to her silence on this issue for such a long time. Why is she speaking in debate on this issue only now, when it has been exposed by members of the Coalition? People on the Central Coast are interested to hear the honourable member's explanation. Why was she silent when she knew that these people were at that centre? She had every reason to know that these people were at that centre, but she said nothing about it. She allowed the situation to continue. After the media exposed this issue, the honourable member and members of her Government were dragged screaming to the table to introduce this legislation. The initial response of the honourable member's colleague in the other place, the Hon. Carmel Tebbutt, was simply to criticise me. She has now had to cave in and agree to this legislation. The inmates at Frank Baxter centre—

Mr Fraser: Name them.

Mr HARTCHER: I cannot and I will not name them, despite the interjection of the honourable member for Coffs Harbour. I respect their privacy and I will abide by the law. But I wish to say something about the conditions under which they are detained. They have a 25-metre swimming pool, abseiling facilities and a

football team. They have the opportunity to join the local bush fire brigade. They have comfortable rooms with televisions in their cells. Newspapers are delivered regularly to their rooms. They are permitted overnight access and they are allowed to leave the centre. They have the right to have their parents stay, at taxpayers' expense, usually at the Bella Vista Motel, which is located just down the road from the detention centre. They participate in a wide range of extracurricular activities which are not normally available to many battling families in our society. They have a cosy life, courtesy of the Carr Labor Government. Those criminals have committed murders that are so horrific that honourable members would recoil if they knew the details of some of their crimes—crimes involving the most savage and bestial murders, criminal rapes and serious acts of violence against members of the community.

Those individuals are being mollicoddled by the Carr Labor Government. Some of them have had plastic surgery at Gosford Hospital at taxpayers' expense to enhance their self-esteem. If the taxpayers of New South Wales knew that their money was being spent on plastic surgery for murderers in the Frank Baxter Juvenile Justice Centre they would have a very poor opinion of this Government and of the Government members who uphold it. The honourable member for Swansea might mouth the left-wing rhetoric about being soft on crime, because that is characteristic of the left wing, which likes to be soft on crime, but even he must recoil at these criminals being treated as indulged schoolboys by the Carr Labor Government.

It will be no surprise to honourable members to know that the Coalition does not oppose the legislation, because the Coalition has been calling for it for a considerable time and we intend to monitor it closely. The Coalition has excellent information about what is happening in these juvenile justice centres because the staff are so sickened by the conduct of the Carr Government and so disenchanted with the way it treats these criminals that they are only too happy to provide members of the Coalition with information. The Carr Labor Government is well aware of its own disenchanted staff, none of whom believes that mollicoddling serious criminals will do anything to benefit them or society. Accordingly, I indicate that we are not opposed to the legislation, but state that we intend to monitor it closely. The Government will be called to account if it is not effective, because we will expose it. Let the honourable member for Peats give an explanation as to her long silence on this matter.

Ms ANDREWS (Peats) [10.01 p.m.]: I listened with great interest to what the honourable member for Gosford just said. The Kariiong maximum security centre was established in 1991 when the Coalition Government was in office. If members opposite are so concerned about adults remaining in juvenile justice centres, why did the Coalition Government not do something about it then?

Mr Debus: No wonder they are talking amongst themselves. It is an unanswerable point.

Ms ANDREWS: That is right. But, as always, it takes the Carr Labor Government to set the record straight and set up juvenile justice centres in our society to help to rehabilitate young people, not send them off on the road to crime forever and a day. One object of the bill is to effect the automatic transfer of those young people convicted of children's serious indictable offences to adult gaol when they turn 18. The second purpose is to ensure that all other young offenders, regardless of the nature of the offence, transfer to adult prison at the age of 21. Currently section 19 of the Children (Criminal Proceedings) Act allows judges of the District Court or Supreme Court, when considering sentencing, to recommend that all or part of a sentence be served in a juvenile detention system.

This has had some unintended consequences, with young adults of 23, 24 or even 25 years of age located in the same system as young people 14, 15 and 16 years of age. The amendment creates a more defined section 19 so that only those young offenders likely to benefit from their time in the juvenile justice system remain in that system. The Government and the Department of Juvenile Justice take their duty of responsibility to these young people seriously, and having young people of a diversity of ages in the same centre can create difficulties in the management of these young offenders. We are obliged to ensure the safety of all young people in the department's care, but additionally the range of appropriate employment and training-based programs that are available to offenders in the much larger adult system is more appropriate to older detainees.

The Government acknowledges that there are some exceptions to these rules. If it can be demonstrated that a serious young offender is particularly vulnerable—for instance, someone with an intellectual disability, or for whom there are no appropriate programs in the adult correctional system—that person can apply to remain in the juvenile system until the age of 21. Equally, if offenders are to finish a sentence within six months of either their eighteenth or twenty-first birthday, there is little advantage in transferring them and therefore disrupting their access to programs or school. This is a significant amendment for my electorate of Peats because the

Kariong maximum security centre and the Frank Baxter Juvenile Justice Centre between them hold both the most serious and oldest offenders in the system. I therefore take great pleasure in commending the bill to the House.

Mr FRASER (Coffs Harbour) [10.04 p.m.]: I support the legislation. In doing so I wish to highlight my concerns about past practices within juvenile justice centres. The Acmena Juvenile Justice Centre in Grafton is a centre that I have recently had cause to report to the Ombudsman because of local concerns that I have previously raised in Parliament about what the local Aboriginal community is calling a college of criminals. The Acmena Juvenile Justice Centre was opened with great accolades by this Government and, like Kariong, promotes a magnificent swimming pool and a fowl house. The fowl house was built so close to the perimeter fence that juveniles have climbed on top of it and escaped.

One concern that people have raised with me is that often these juveniles commit offences at the age of 16½ or 17 but by the time they get to court they are adults. Because their crimes were committed when they were juveniles they are sentenced to a juvenile detention centre. These are the people believed to be training younger children in these centres to become hardened criminals. These are the people who escaped while on a camping trip near Nymboida. They stole a car and tried to ram a police car, but were returned to the juvenile justice centre without punishment. I asked the Ombudsman, on behalf of the community of Grafton—who are not in my electorate but in the electorate of the Minister for Regional Development—to look at the issue. A representative from the Ombudsman's office called at my office to discuss the matter and I provided him with a list of names of people who were concerned. We talked about nepotism and all the problems in the centre.

The representatives from the Office of the Ombudsman told me they had been at the centre there for two days to perform their annual audit. While they were in the centre, looking out the window they did not see any evidence of juveniles running the centre. I suggested to them that it was like the old days at school. The principal would come to every classroom to tell us that the school inspector would be coming tomorrow, and that we would be on our best behaviour. Looking out a window they did not observe unruly behaviour. They did not see juveniles smoking cigarettes or doing anything to confirm the accusations that officers within the detention centre were providing cigarettes and other contraband to the inmates. They did not observe marijuana being thrown over the wall and smoked by juveniles. No real audit was carried out of that facility.

I am extremely disappointed that the Ombudsman's office did not fully investigate my claims; it did not approach the residents of Grafton, including the neighbours, who have great complaints; and it did not go to disgruntled employees of that facility and fully investigate their complaints about the administration of the centre. I emphasise that a lot of problems came from juveniles who were sentenced as juveniles but have remained at the centre as adults. I reiterate the concerns raised by the honourable member for Gosford. He said that in September the Coalition raised the issue of these criminals being committed to adult detention centres. There are murderers, car thieves, burglars, break-and-enter specialists and bag snatchers, and they often hide behind the fact that they are juveniles and serve their sentences in these holiday camps. The camps have swimming pools, the inmates are provided with Nike clothing, and they are allowed to go on outings to the movies and the football.

Mr Orkopoulos: Bring back flogging.

Mr FRASER: I am not advocating flogging.

Mr Martin: You thought about it.

Mr FRASER: As the honourable member for Bathurst said, I thought about it. Unfortunately, under this Government, which has been in office for almost eight years, there has been a total lack of discipline in the home. Only recently the Government supported legislation which provided that parents cannot punish their children. There is a lack of discipline across society. Interestingly, that legislation was introduced just before a Christmas break, and I think only the honourable member for Oxley, who is in the Chamber, gave the National Party's view of that legislation. The Opposition was not given the opportunity to vote against that legislation. The National Party is concerned about the lack of discipline in families and the lack of opportunities for families to discipline their children.

Crime rates will soar as a result of the Government's attitude. The Government can paper over the problems; it can reduce the amount of drugs kids can have in their possession, it can talk about sending kids to institutions and so on. However, at the end of the day, unless the Government provides an opportunity for

parents and society to discipline children and let them know that their behaviour is unacceptable, society will not have confidence in the legal system and, indeed, the juvenile justice system. The Acmena Juvenile Justice Centre is an absolute disgrace. I implore the Government to hold a public inquiry into what is happening at Acmena. It should ensure that the rorts and nepotism do not continue. Kids at Acmena are allowed out every Saturday night. The crime rate in the Grafton community has increased since the Acmena centre opened. It is a fact that kids released on leave steal cars. That is not conjecture; it is documented.

The kids who commit crimes return to the juvenile justice centre, where the only punishment they receive, if any, is a slap on the wrist, detention for 24 hours or something similarly ludicrous. It is high time juvenile delinquents were treated as adults. When they reach the age of 18 they should be put in adult institutions; perhaps then they will realise that their attitudes and their crimes are totally unacceptable in society. The detention afforded by adult detention centres is much worse than the holiday camps to which they have been sent. While the Opposition supports the legislation, it believes that it is too little too late. I do not advocate flogging, as some members opposite have commented inanely—they probably imbibed too much at the bar this evening. The Government should get tough on juveniles and send a message to them, their parents and the community generally that their behaviour is not acceptable in society. Most people in society do not expect such behaviour from juveniles.

Debate adjourned on motion by Mr Whelan.

COURTS LEGISLATION FURTHER AMENDMENT BILL

Second Reading

Debate resumed from 4 December.

Mr HARTCHER (Gosford) [10.14 p.m.]: The stated purpose of this bill is to improve the efficiency of the courts. Obviously, the Coalition has no objection to that principle. This bill amends the District Court Act, the Evidence on Commission Act, the Judicial Officers Act, the Local Court (Civil Claims) Act and the Supreme Court Act. The Attorney advises that the proposals will improve the efficiency of courts, rectify identified procedural omissions, promote uniformity and encourage greater use of alternative dispute resolutions to reduce court delays and minimise costs. The Coalition has not had much time to consider the bill. Therefore, we reserve our right in the Legislative Council to oppose the bill or move amendments should information come to our attention which would justify such action.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [10.15 p.m.], in reply: I thank the honourable member for Gosford for his support for the bill. His account of the Government's desires in relation to these amendments is accurate. It behoves me merely to refer honourable members to my second reading speech if they wish to be further reminded about the nature of the bill. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMINAL PROCEDURE AMENDMENT (JUSTICES AND LOCAL COURTS) BILL

CRIMES (LOCAL COURTS APPEAL AND REVIEW) BILL

JUSTICES LEGISLATION REPEAL AND AMENDMENT BILL

Second Reading

Debate resumed from 4 December.

Mr HARTCHER (Gosford) [10.17 p.m.]: These bills are enormous. Their sheer weight alone would daunt anyone. Essentially, the Government regards these bills as repealing provisions, re-enacting provisions in plain language and clarifying matters of procedure but not effecting any substantial changes. I accept the Attorney's assurance that that is the case. The Coalition reserves the right to amend the legislation or to oppose it should further information come to our notice which justifies that action.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [10.18 p.m.], in reply: I thank the honourable member for Gosford for his support for these bills. Honourable members will recall that the three exposure draft bills were tabled on 20 September to enable interested parties to make detailed submissions on the basis of the drafts presented. I inform the House that only the most minor amendments have been made since the bills were exposed several months ago. Many points have been raised, demonstrating the positive impact these bills will have on the Local Court. The Local Court is one of the largest and most diverse jurisdictions in the English-speaking world. It deals with more than 750,000 cases a year, and these bills will affect about 220,000 of those cases.

These three bills offer a great deal to those who appear regularly before the Local Courts. The greatest savings will be in time, but to appreciate that as a community, we must look at those whose time will be saved: police, the courts and our public officers. Relieving these officers from having to attend court to issue routine process or from serving documents not related to their core duties, particularly the police, will represent huge savings to the community. The police and other officers will have more time to devote to law enforcement duties and the courts will have more time to get on with hearing cases as registrars take over much of the routine processing that is involved in getting a case up to the hearing stage and at the same time, therefore, freeing magistrates to deal with more cases in court.

The most outstanding features of this package are the improvements made to commencing cases in the court and to the service of process. For example, under the present system, a police officer who wishes to issue a summons against a defendant is required to attend a court registry during office hours, swear an information before a justice of the peace who is employed by the court, wait at the registry until a summons is issued or return at a later date to collect the summons, locate the defendant and serve the summons, complete and swear an affidavit of service before a justice of the peace, and return the affidavit to the court registry. That is a long and complex process. The new procedures will allow police to complete a court attendance notice or an application on the spot and hand it to the defendant, sign an endorsement of the same document, and send the notice to the court registry. That is an extraordinarily simple process. The case will be commenced and all the paperwork will have been served and completed in a fraction of the time taken under the current system—and, most importantly, without attending a court registry to wait in line at the counter.

For private applications, police will not be required to serve the court documents at all. Applicants will be allowed to serve the documents themselves or have them served by a licensed process server or sheriff's officer. Everyone agrees that police should not be serving notices for private litigants in civil applications. That happens now, but it just takes up valuable time that could otherwise be spent on law enforcement. The package offers similar advantages for other public officers. The service provisions, which allow public officers to serve their own process, mean that service will be able to be effected more quickly without relying on police. Service of documents is not a high priority for operational police and the time lapse between issue and service of process results in delayed hearings and difficulty in locating parties. Police obviously do not place a high priority on the service of process but that does lead, as I said, to significant delays when parties cannot be located. As I have said, there will be benefits to other court users.

Members of the public who are required by the police to attend court can be served with their notices at the time of the incident. That avoids the necessity for police to come to the residence or workplace of the person concerned to serve a summons. Those people will know the date of the court hearing at an earlier stage and can make appropriate arrangements for their businesses, jobs or family commitments. Private applications will be served much more quickly when the applicant has control of the serving process. As is the case for other non-police matters, the serving of these civil applications has been necessarily a low priority for police. No-one could argue with the fact that they give immediate attention to serious criminal matters, violent acts and dangerous traffic situations.

However, this meant that police still had little time left for delivering civil documents. Moreover, the whole package presents the court processes in language which is easy to understand and in a format by which all the information for each type of case can be found in one spot. In other words, legal practitioners will greatly benefit—in fact, they will immensely benefit—from this change, after a century, in procedures of the court. Lawyers, chamber magistrates, community legal centres and other organisations which provide legal assistance will be able to readily access and understand the law relating to the Local Court and, more significantly still, easily explain those processes to their clients.

Some parts of the one-hundred-year-old Justices Act are problematic. It has necessarily had so many amendments over the years that it has become disjointed. It is difficult even for experienced practitioners to be

confident that they know how the law stands in relation to some of the matters covered by the Act. In a legal system in which people are presumed to know the law, they have a right to have it expressed in terms that they can understand. The confusing technical detail will be stripped away by these bills so that the essential elements can be read and understood. I commend the bills to the House.

Motion agreed to.

Bills read a second time and passed through remaining stages.

PARLIAMENTARY ETHICS ADVISER

Motion, by leave, by Mr Whelan agreed to:

- (1) This House directs the Speaker to join with the President to make arrangements for the re-appointment of Mr Ian Dickson as Parliamentary Ethics Adviser, on a part-time basis, on such terms and conditions as may be agreed from the period beginning 1 December 2001;
- (2) The function of the Parliamentary Ethics Adviser shall be to advise any member of Parliament, when asked to do so by that member, on ethical issues concerning the exercise of his or her role as a member of Parliament (including the use of entitlements and potential conflicts of interest);
- (3) The Parliamentary Ethics Adviser is to be guided in giving this advice by any Code of Conduct or other guidelines adopted by the House (whether pursuant to the Independent Commission Against Corruption Act or otherwise);
- (4) The Parliamentary Ethics Adviser's role does not include the giving of legal advice;
- (5) The Parliamentary Ethics Adviser shall be required to keep records of advice given and the factual information upon which it is based;
- (6) The Parliamentary Ethics Adviser shall be under a duty to maintain the confidentiality of information provided to him in that role and the advice given, but that the Parliamentary Ethics Adviser may make advice public if the member who requested the advice gives permission for it to be made public;
- (7) This House shall only call for the production of records of the Parliamentary Ethics Adviser if the member to which the records relate has sought to rely on the advice of the Parliamentary Ethics Adviser or has given permission for the records to be produced to the house;
- (8) The Parliamentary Ethics Adviser is to meet with the Standing Ethics Committee of each House annually;
- (9) The Parliamentary Ethics Adviser shall be required to report to the Parliament prior to the end of his annual term on the number of ethical matters raised with him, the number of members who sought his advice, the amount of time spent in the course of his duties and the number of times advice was given;
- (10) The Parliamentary Ethics Adviser may report to the Parliament from time to time on any problems arising from the determinations of the Parliamentary Remuneration Tribunal that have given rise to requests for ethics advice and proposals to address these problems; and
- (11) A message be sent requesting that the Legislative Council pass a similar resolution.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Special Adjournment

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to provide for the consideration of private members' statements forthwith, followed by committee reports, after which the House shall adjourn without motion until Thursday 6 December 2001 at 10 a.m.

PRIVATE MEMBERS' STATEMENTS

ARCADIANS THEATRE GROUP

Mr CAMPBELL (Keira) [10.27 p.m.]: This evening I wish to draw to the attention of the House an amateur theatre group in my electorate known as the Arcadians Theatre Group. It has a long and distinguished

history which began in 1964 when a small group of people voiced the need for a musical comedy group in Wollongong. As the group's enthusiasm grew, the need began, slowly but surely, to become a reality and a name for the group was called for. One of the founding members, Dallas Blake, perceived the idea of the Arcadian, which pertains to "Arcadia", a place of happiness. Thus the Arcadians was born and their first production, *The Boyfriend*, was staged in 1964. In the early days of the group, props were housed in garages and rehearsals were conducted at a variety of venues.

As is always the case with voluntary and community groups, teething problems were overcome by some special Arcadian devotees. That same dedication exists today in the fine Arcadian tradition. I acknowledge the chairmanship of the group by Steve Sanders and I also acknowledge the work of his predecessor, Paul Greer. In March 1979, the group was able to at last rehearse in its own hall on land which had been donated by BHP in a suburb named Tarrawanna. That land was subsequently purchased by the group and was its home until 30 May 1997 when the group purchased what was the former Corrimal Community Hall and Library complex. The group had the aim of developing that venue into a state-of-the-art theatre, giving the group the unique position among other amateur theatre groups of owning a performance space.

By building a new home, the Arcadians became an integral part of the cultural environment of Wollongong's northern suburbs. In February 1997 the group was listed on the National Cultural Register, which meant that corporations and members of the general public could receive tax deductions for their donations towards the group's activities. Currently the Arcadians Theatre Group is possibly one of the largest amateur theatrical families of Australia. The group was instrumental in the development of the Illawarra Performing Arts Centre. In 1993, the group celebrated 30 years of entertaining the people of the Illawarra with the biggest grossing non-metropolitan performance of *Les Misérables*.

From the beginning the group has seen a way of helping others by performing what people enjoy the most. Many charities have benefited from donations raised by members of the Arcadians, either through specific fundraising activities or by donating a percentage of the takings of a production. Every year the auxiliary donates a sum to the Red Cross, and charities that have been supported in recent times include Camp Quality, the Wollongong Hospital Children's Award Appeal and the Smith Family. Indeed, I recall attending my first-ever live performance with a group of people from the first Corrimal Scout Group. It was a fundraiser by the Arcadians. If I am not mistaken, we saw a performance of *Paint Your Wagon*. Over the years I have seen the Arcadians perform many other productions, including *South Pacific*, *Fiddler on the Roof*, *Guys and Dolls*, *Brigadoon*, *Me and My Girl*, *Les Misérables*—and the list goes on and on.

Over the years the Arcadians Theatre Group has performed at a range of venues. Its membership is around 200 to 250, including members of Arcadians Children's Theatre, and the group hopes to continue the Arcadians tradition well into the twenty-first century. Earlier I said that the group purchased the then Corrimal Community Hall and Library complex, which is now the Miner's Lamp Theatre, located in the Keira electorate. Members of the group come together as amateurs, but the group trains its members in performance, dance and song, as well as set design and construction. With regard to set design and construction I am sure that in the future we will see a lot of Simon Greer, a young man who began his career as a member of the Arcadians Theatre Group.

The Arcadians Theatre Group also supports local writers and from time to time it produces their works. Over the years there have been many notable members of the group. If I am not mistaken, at one stage Anthony Warlow was a member of the Arcadians and he took part in some of its early productions. In the past the State Government has assisted with providing some capital funding to the group, and I hope it will provide additional capital funding in the years to come. I look forward to supporting the Arcadians Theatre Group as much as it supports the community I represent.

OVINE JOHNE'S DISEASE

Ms HODGKINSON (Burrinjuck) [10.32 p.m.]: Once again I draw to the attention of the House an issue that greatly affects my electorate of Burrinjuck: ovine Johne's disease [OJD]. I was recently approached by some members of Parliament and many local producers about the introduction of the latest levy for ovine Johne's disease. The new levy is two to three times greater than the levy introduced last year. I acknowledge that the industry is comfortable with the levy, but I have strong concerns that the funds will not be wholly used to support producers directly affected by the disease.

Members would be aware that last year Minister Amery had to threaten almost seven out of every 10 sheep producers with compulsory levies and court action to get his much-vaunted 82 per cent participation rate

in his extremely flawed scheme. This year the Minister imposed a three-fold increase on some producers, and that means they are paying about \$350—I think that is going to be the average figure across the board. One of my main concerns is that the funds should be used not for bureaucratic purposes but to assist sheep producers who have already lost considerable money due to the mishandling of ovine Johne's disease.

Ovine Johne's disease became concentrated on by me in my electorate in 1999 when I first became the member for Burrumbidgee. I acknowledge that it is also a great problem in the electorates of Bathurst and Monaro and that increasingly it is marching west. It is an issue that the Government can no longer afford to ignore, and the Minister must produce practical policies in relation to, rather than simply flying by the seat of his pants and introducing policy on the run based on what various people say, or what might appear in a newsletter in the north-west of the State, which may not be affected by the disease to the extent to which sheep producers in my electorate are affected.

My OJD mailing list is expanding every day. Most recently, the flock of the Picker family from the Bigga district has been put on the suspect list. One sheep in the flock of 1,772 tested positive to the disease. The family then had every sheep in the flock tested, and it was told that there was no other case of OJD. I put the matter directly to the Minister and, obviously, he expressed concern about it. My main concern was that the family would not be able to go ahead with its spring sales, and that it may therefore lose tens of thousands of dollars. Ovine Johne's disease is becoming a very common problem in my electorate. Most recently, the flock of Robert and Maree Peden, from Bullamalita Stud just south of Goulburn, became suspect to the disease. They have requested that they be able to use the vaccine across their flock.

I ask the Minister to free up the vaccine and allow these people, who are obviously very good stud breeders—local sheepbreeding families have been in the industry for a couple of hundred years now, since Australia's settlement and they know what they are doing—to vaccinate their entire flock if that is their wish. I acknowledge that the vaccine is very expensive, at between \$1.65 and \$1.80 per dose. Compared with the price of a drench, which is about 30¢ or 35¢, it is not the most affordable option. In fact, a stud breeder recently told me that it will cost him about \$10,000 to vaccinate his entire flock. It has been a long, hard road with OJD. The Minister for Agriculture must do something positive to alleviate the many concerns of producers affected by the disease, not only in my electorate but across New South Wales. [*Time expired.*]

SCHOOLS SPECTACULAR

Mr GIBSON (Blacktown) [10.37 p.m.]: I wish to pay tribute to the Schools Spectacular, which has been held for 18 years. I have been very fortunate to have the opportunity to attend the spectacular each year for the past 14 years. I believe it is probably one of the best shows in the world. I am certain that if the spectacular were held on Broadway, people would say that it is one of the greatest musical events one could find anywhere in the world. The annual Schools Spectacular is a highlight of the education calendar in New South Wales. I wish to complement Mary Lopez, the director of the spectacular over the past 18 years, who has conducted the event in a brilliant fashion over all that time. Many famous and talented entertainers have appeared in Mary's productions, including Vanessa Amorosi, Bachelor Girl, Julie Anthony, John Williamson, Marina Prior and David Helfgott.

Other performers include TDP graduates Emma Pask, Human Nature, Felicity, Nathan Foley, Darren Coggan and John Foreman. John Foreman compered last weekend's event and did a magnificent job. John is also the musical director for *Good Morning Australia* on the Ten Network. I commend Barry Foster, the producer of the event. I especially commend Bruce Harris, who is soon to retire after 18 years of service. It has been said, in a nice way, that Bruce is the Schools Spectacular's oldest living relative, which is a great tribute to him. Bruce received a great tribute at last weekend's event. The manager of the performing arts unit is Dianne Duff. She also does a great job. Belinda Wollaston attended a fundraiser of mine recently. She is as good an entertainer as could be found anywhere in the world. She was in year 12 at Jamieson High School at Penrith this year, and she is a brilliant talent.

Pauline Curuenavuli is an 18 year old Fijian Australian from Sydney's west with a voice to touch the soul. This young girl thrilled audiences Australia wide when she won the national television Star Struck competition, and what a talent she is. Shannon Brown, Mr Excitement from Wollongong, can really sing. Many exciting people come from Wollongong. Amanda Tunks performed as a featured soloist at various Olympic, Paralympic and Olympic arts festival ceremonies. Shannon Brown and Amanda Tunks put out their first single called *Do You Still*. It is a great record that these two young people can be very proud of. A member of this Chamber, the honourable member for Bankstown, actually taught Amanda Tunks; he did a great job. Daniel King from Melville High School is a popular on-air personality on Kempsey's community station, Tank FM. He is a talented songwriter as well.

Erin Marshall, a multit talented performer, is a member of the State Drama Company, sings in a jazz band and is a member of the Talent Development Project. Blake Ralph is proud of his Aboriginal heritage. He is nurtured by his family and the music staff from Holsworthy High School, and he is a great talent. I also mention Travis Collins, Tonino Speciale and young guitarist V. J. Hocking. His guitar is nearly as high as the young fellow but he can play as well as any artist in the world. Tanya Farrar is a young violinist. Mahogany, who sang *Shake*, is also a great talent. Not only is Australia a great sporting nation, it is superb in the arts and entertainment—as good as any country in the world if not better than most. [*Time expired.*]

GAMING REFORM

Mr OAKESHOTT (Port Macquarie) [10.42 p.m.]: With the gaming bill having been passed through the Parliament last night and with the Minister for Gaming and Racing at the table, I wanted to talk about a range of relevant industry meetings that have taken place on gaming issues. They are of great relevance to the Port Macquarie electorate and life on the Mid North Coast. There is a very strong club and hotel movement there and all the venues play an important role in the social life of the North Coast. Over the last six to 12 months as shadow Minister for Racing and Gaming I have been holding a range of meetings with various people in regard to gaming. As I said last night when speaking on the gaming bill—it is expected to go through the upper House tomorrow—there are many important issues to be debated in this portfolio area. It is fantastic to have the input of various industry people as well as problem gambling services in the formulation of an overall policy direction.

In the short time that I have I want to put on the record some of the initial recommendations that are coming out of my discussions. They are very general but it is an important stage in the development of policy as we head into an election in 15 months time. Firstly, gaming reform must be a partnership agreement between government, industry and the community. Second, for all the good work that can be done by the Government, industry and communities, the primary responsibility is without doubt on individuals. As we talk more and more about trying to define what is a problem gambler, nothing that the Government, industry or the community can do is as good as individuals helping themselves in relation to gaming. Third, gaming reform must be evidence based. I know that the Minister at the table—

Mr Face: Point of order: In accordance with the recommendations of the Standing Order Committee, Speaker Murray has ruled that during private members' statements members may not raise matters pertaining to their shadow portfolios. It is not sufficient for the honourable member for Port Macquarie to say that the matters he is raising generally apply to his electorate and that he is having discussions with all sorts of people, and then speak about evidence-based gambling reform. He is testing the House here tonight. The Standing Orders Committee made a decision. I put a very lengthy submission into it. The rules should be observed. I ask that you rule that the honourable member must speak on matters relating specifically to his electorate and not on general matters, as he has done previously. I think it was the honourable member for Davidson who objected when I deliberately raised portfolio matters. I ask you to uphold the Speaker's ruling.

Mr OAKESHOTT: To the point of order: The matters I am raising come from meetings within my electorate with local constituents such as Graham Lynn, the President of the Port Macquarie RSL Club. I would have thought that was well within the boundaries of my statement tonight.

Mr Mills: To the point of order: I was the Acting-Speaker who made the ruling in June that it is not appropriate for either a Minister or a shadow Minister to make statements during private members' statements that pertain to their portfolio. I ask you to rule the private member's statement by the honourable member for Port Macquarie out of order.

Mr DEPUTY-SPEAKER: Order! I am not familiar with the ruling to which the honourable member for Wallsend has referred. However, if that ruling was made in June I am bound by it. I accept what the honourable member has said and I have no choice but to uphold the point of order. The private member's statement of the honourable member for Port Macquarie must relate to his electorate.

EAST HILLS ELECTORATE STORM DAMAGE

Mr ASHTON (East Hills) [10.47 p.m.]: Tonight I inform the House about the impact of Monday's storm on the electorate of East Hills. I am sure that all honourable members are acutely aware of the damage done in Sydney's suburbs by the violent storm that ripped through Sydney on Monday afternoon, 3 December 2001. My electorate of East Hills was particularly badly hit by the storm. On Monday afternoon as I left our

school presentation for Condell Park primary school I drove through the storm with my staff assistant, Councillor Allan Winterbottom of Bankstown council. As we did, it seemed that every street we drove down was cut off because of the collapse of trees, telegraph poles and electricity and television cables, which were scattered along the majority of the streets we navigated.

Water had flooded most of the roads as well. Huge trees crossed Picnic Point Road, Carinya Road, Henry Lawson Drive, Burns Road, Victor Avenue, Monie Avenue, Harcourt Avenue, Woodburn Avenue, Lawler Street, Bracher Street, Forrest Road, Lehn Road and Lucas Street. Countless other streets were closed and houses and property were severely damaged. I have never seen so much damage and destruction in my area, and I have lived there all my life. East Hills Boys High School had its auditorium mostly destroyed when a tree smashed through it. Next door at East Hills Girls High School trees collapsed through the school, creating huge problems. The roof of the Panania-East Hills RSL Club was torn off.

I returned home to find that a tree branch had crashed through my own back fence. In my brother's property, which is next door, the above-ground swimming pool was destroyed by fallen trees. I drove around as much of my electorate as I could, and was horrified at the damage that had been done. I reported the damage to council. My drive became a tour of a disaster area. I reported by mobile telephone the various problems that we saw. I want to commiserate with those who had their properties damaged and sympathise with the families of the two schoolgirls killed in Sydney's northern suburbs.

These unpredictable storms are becoming more common in New South Wales and particularly in Sydney. Re-examination by councils of their policies is long overdue in relation to granting permission to remove trees and branches from private property and from council and Crown land. Bankstown City Council has long been recognised as a forerunner in tree protection through its tree preservation orders, initiated nearly 30 years ago. While I was a councillor on Bankstown City Council—for 14 years—I fully supported the policy of retaining trees. Many people seem to want to cut trees down simply to improve their view, or to eliminate unwanted leaves from their yards.

But I believe it is now time to recognise that some of the trees that are being protected may have a very dangerous impact on our wider community. I and my staff have been told lately of incidents where permission to remove or prune trees was denied by Bankstown council, only for those trees to be uprooted in storms and smash cars, destroy houses, close streets and bring down power lines. A couple of weeks ago a person who had applied nine months ago to prune back a tree and was denied permission at that time to do so, received permission to prune back the tree the day after the tree crashed through the lounge room, almost killing a number of family members. I will arrange for an investigation of that matter.

Cars parked near the East Hills railway line also were crushed by trees that had been uprooted. Given the precedent now set by the High Court in relation to councils and roads, I see the possibility of councils being held liable for damage caused by uprooted trees. The act of God defence may no longer be enough to cover councils when they have refused permission to remove or prune trees. I encourage the Government to examine the possibility of placing electricity, television and telephone cables underground, despite the obviously exorbitant cost. I urge councils generally to be more sympathetic to genuine cases where residents want to remove dangerous trees to avoid the damage that they can obviously cause.

I think Nick Greiner was Premier at the time of a wild storm in 1989 that caused massive destruction in much of the Ku-ring-gai area. Part of the problem was that the nice, leafy-tree aspect can, on the worst occasions, result in horrendous damage. Personal and property damage can be serious, and insurance costs are so horrendous that we cannot afford them. I offer my sincere concern for the residents of my electorate affected by the recent storm. Indeed, I feel I should be in the electorate doing something to help. But I know that the State Emergency Service, the Police Service, the council and Energy Australia are doing the best they can to assist my residents.

COFFS HARBOUR BYPASS

Mr FRASER (Coffs Harbour) [10.52 p.m.]: I wish to refer to the Coffs Harbour bypass, a matter I have previously raised in this Chamber.

Mr Orkopoulos: You raised it last time.

Mr FRASER: Yes. I raised it in the Chamber last week. The bypass has now become a matter of serious concern to all residents in the Coffs Harbour local government area who live west of the Pacific

Highway from Lyons Road through to Woolgoolga. As part of the Federal election campaign, Parliamentary Secretary Mr Kevin Moss came to Coffs Harbour and announced a proposal for a bypass. I believe that announcement was made purely as part of a political campaign to assist the mayor, the Labor candidate, and it has backfired badly on Labor. Thousands of residents' properties have been blighted by the possibility of up to 13 routes between Lyons Road and Bucca Road, and who knows how many routes from Bucca Road through to Woolgoolga.

Mr Orkopoulos: Through your place.

Mr FRASER: Yes, as I have said before. I am in Central Bucca, but it was said that somewhere in the area on the map from Bucca Road through to Woolgoolga, where there is no route at present, there could be a highway. As I have said before, the Government has allocated \$278 million to upgrade the existing route, which is the existing Pacific Highway, between Sapphire and Woolgoolga, scheduled to start sometime after 2006. I call on the Minister to admit publicly to the people of Coffs Harbour that this was nothing more than an election stunt and that the proposed routes were nothing more than an exercise in proving that the proposed routes are too costly.

In fact the \$278 million already allocated is for the upgrading of the Pacific Highway, which is the existing road. Therefore Coffs Harbour will not have a bypass at all in the foreseeable future. That is, the most populous centre on the north coast of New South Wales will not have a bypass. That is fact as far as I am concerned. I think the Minister is playing games. In fact, last Monday week he said on ABC radio that the decision on the route of a bypass of Coffs Harbour had nothing to do with the Roads and Traffic Authority; that it was a matter for local government planners and officers of Planning New South Wales based in Grafton.

If that is so, why did the Minister send his Parliamentary Secretary to Coffs Harbour to make this grandiose announcement in the middle of the Federal election campaign? Obviously it was designed to assist the Labor candidate, who happened to be the mayor. Why was it that in 1996, when I called on the Minister to fund a study into a bypass of Coffs Harbour, the Minister said that that would never happen in his lifetime, and that if I wanted that funding I should approach my Federal colleague, who at that time was the Federal Minister for Transport, the Hon. Mark Vaile.

I think this plan has backfired badly on the New South Wales Government. The announced proposal has blighted the properties of thousands of people who are within this wide swathe of land from Lyons Road to Woolgoolga. In fact, the heavily populated areas of South Boambee Valley and Little Boambee Valley have been settled for many years. In 1993, when a proposed route was drawn across North Boambee Valley, the Roads and Traffic Authority executive rubbed out the route in a hell of a hurry because it was going to cost something like \$11 million in hardship claims under the just terms compensation legislation.

Now, though no route has been designed, areas have been blanked out and people's property has been blighted. One woman told a public meeting that her land had been devalued by \$15,000. A senior official of the Roads and Traffic Authority—whom I will not name for fear of embarrassing him—approached me privately and said, "I am terribly sorry about this, but I have to follow orders, and this release is part and parcel of a long-term plan. We did not mean to affect all these people." This whole concept needs to be withdrawn immediately. Alternatively, it should be costed, with two or three routes being selected so that at least the minimum number of people are affected. But the present proposal has blighted their land and affected their livelihoods and their future. I ask the Minister to turn his attention to this matter immediately in order to let the people of the Coffs Harbour electorate resume their lives without having a threat over their properties.

LAKE MUNMORAH SCHOOLS TRAFFIC ARRANGEMENTS

Mr ORKOPOULOS (Swansea) [10.55 p.m.]: I would like to relate to the House the progress of the Joint Schools Risk Committee, comprising senior representatives from the Roads and Traffic Authority, the Tuggerah Lakes local area command of the New South Wales Police Service, Wyong Shire Council, Lake Munmorah High School, St Brendan's Catholic Primary School and the Lake Munmorah Progress Association. The purpose of the committee, which I chair, is to manage the significant and manifold traffic problems and student safety issues of a school precinct that ultimately will cater for some 2,000 students.

Picture the beautiful area of Lake Munmorah, which intersects the Pacific Highway and Elizabeth Bay Road on one side and Carters Road on the other. The community lives on one side of the four-lane Pacific Highway and three schools—public and Catholic—are on the other side. Students have an overhead bridge to

walk from their home to their school. This is not exactly one of the best forms of planning for this education precinct. Be that as it may, that is where the schools are for these 2,000 students—as the number will be by the time the Lake Munmorah High School takes in year 12 students in two or three years time.

Buses and private vehicles drop off students at those three schools. Private vehicles driven by school staff, ancillary staff and volunteers, such as canteen staff, also access the roadway. Traffic and pedestrian management are major problems because of the more than 1,000 children who cross the overhead bridge, some on bikes and others on foot, and enter the pedestrian crossing and refuge in the middle of Carters Road. That problem has been brought to the attention of the principal and parents and citizens associations at the three schools. The most contentious issue is that of parking. Carters Road is a dead end and has limited parking. At the most recent meeting of the Joint Schools Risk Committee, which I thought was to be the final meeting, a plan was presented by Wyong Shire Council.

The plan was to restrict parking in Carters Road from 8.00 a.m. until 9.30 a.m. and from 2.00 p.m. until 3.30 p.m. I thought that that plan had been accepted by the school communities and the progress association. That plan would create intolerable parking problems for the school staff and for parents who do volunteer work at the schools as well as other people who need to access that road. Since that meeting the progress association, the senior citizens association and the school communities advised me that they do not support the no-parking restrictions. We are now back to where we started. Achieving consensus is very difficult.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [11.00 p.m.]: The honourable member for Swansea is trying to resolve a very difficult problem, one that is common in the Lake Munmorah area. Traffic around schools is one of the most vexing problems confronting any local member. One cause of that problem is the parents. As a former member of the police special traffic control, and as a local member, I know that parents expect everyone else but themselves to comply with the laws. Parents pull up in no-parking areas outside schools thus creating traffic hazards and dangers. The honourable member for Swansea referred to an overbridge that was erected across the highway many years ago, probably in the time of the late Harry Jensen.

The bridge was constructed for a very good reason; and I will give honourable members a bit of its history. The bridge cost hundreds of thousands of dollars and was erected as a consequence of people linking their arms together and blocking the Pacific Highway to demonstrate their need for an overbridge. The bridge was constructed, and what happened? None of the demonstrators ever used the bridge, they crossed the highway. Similarly, on the Cumberland Highway in Canley Vale hundreds of thousands of dollars were spent on erecting fences to steer people onto an overbridge. I have some sympathy for the concerns of the honourable member for Swansea. In this place over the past 29 years I have learnt that we cannot legislate or regulate against stupidity. I agree that there is a real problem outside most schools, but the community has to accept responsibility for their actions which in some cases create problems.

CUSTODIANS OF THE SOIL BOOK LAUNCH

Mr GAUDRY (Newcastle—Parliamentary Secretary) [11.02 p.m.]: On Friday 30 November I had the honour of launching the book *Custodians of the Soil*, at the Uniting Church Ministry Centre in Albert Street, Taree. The book, written by Professor John Ramsland of the University of Newcastle, relates the story of Aboriginal-European relationships in the Manning Valley from the first coastal contact with Cook's *Endeavour* in May 1770 to the present day. The book traces the history of the culture and contact between the Biripi people of the Manning Valley and European settlers, from the first impacts of the trip of Oxley through Biripi land, to the invasion of the cedar cutters and their exploitation of the timber resources of the area, from the expansion of the AA Company to development of independent farming communities in the area, through the regressive policies put in place early in the past century when people firmly believed in the smooth-the-dying-pillow philosophy relating to the dying-out of the Aboriginal race.

Under the Aboriginal Protection Act many Aboriginal people of the area were concentrated onto missions, such as Purfleet, the area in which the Biripi people were located. As I drove with my wife Barbara to the book launch we went through a series of places with Aboriginal names including Karuah, Buladelah, Boolambayte, Coolongolook, Nabiac, Bunghwal, Khappingat Forest and Taree. We travelled through the lands of the Worimi people. I do not know the meaning of those Aboriginal names, and that is a clear indication of our loss of connection with Aboriginal culture and the deep association of indigenous people with the land.

Professor Ramsland's book points out the destructive impact of permanent European invasion and settlement on Aboriginal society, culture and land possession. He thoroughly explored and analysed what

occurred through the nineteenth and twentieth centuries into the twenty-first century. Whilst some transactions between the valley's Aboriginal and European communities were warm, worthwhile and mutually beneficial, the majority were fraught with conflict, fear, racism, tension, violence, the profound violation of human rights and the unequal struggle for possession of the land. The value of this book is that it really grounds us in the processes that led to ongoing conflict and tension in that area. Social stress, juvenile crime and ongoing high levels of unemployment, as well as social isolation, are experienced by Aboriginal communities.

The important aspect of this book, recognised by the former Minister for Police, is its positive potential to give people in the area the opportunity to learn the history of the relationships between white and black people in a logical way. It will provide a great grounding for discussion between the two groups and hopefully lead towards reconciliation. The Minister recognised that and provided 53 books to libraries, all schools in the Manning Valley, public libraries and Aboriginal organisations to assist in the reconciliation process and in crime prevention. That is a positive outcome from the launch of the book. I pay particular tribute to Mayor Tuck of Greater Taree City Council, Professor John Ramsland and particularly Councillor Eric Richardson who has driven the process under a committee of the Greater Taree City Council to produce this book.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [11.07 p.m.]: I thank the honourable member for Newcastle for bringing this matter to our attention. I could not think of anyone better than the honourable member for Newcastle to have launched this book last weekend because of his historic ties with the Manning and Hasting areas going back to his childhood. Whilst I do not personally know Professor John Ramsland I know of his valuable work especially in relation to Aboriginal land possession matters. In recent years we have come a long way but we certainly have a long way to go to gain a deeper understanding of Aboriginal culture and the things that matter to our indigenous people in the Hunter, Manning and Hasting areas.

From what the honourable member for Newcastle said, I recommend the book as it highlights many conflicts and tensions that many, including myself, do not understand, perhaps as a result of our upbringing, but we are certainly trying to come to terms with it. Unfortunately, I do not think that many people older than me will come to terms with it but effluxion of time will overcome that problem. Many younger people who are going through schools, including my own children, certainly have a much better understanding of what we have not done in the past for our Aboriginal people. Professor John Ramsland's book goes a long way to highlight and provide in-depth research into a vexed problem faced by our community now and into the future.

NORTH COAST MARINE PARK

Mr D. L. PAGE (Ballina) [11.09 p.m.]: A couple of weeks ago I raised a matter concerning the proposed gazettal of a marine park between Lennox Head and Brunswick Heads. At that time I was concerned about the inadequate time allowed for public submissions on the proposal, that is, until 21 December. The Government has extended the closing date until 31 January but that is still an inadequate period given that everyone is so busy during the Christmas period. I still believe that the time available for public submissions on such a significant proposal as the creation of a marine park in the area that includes Julian Rocks and Cape Byron should be extended at least to April. However, having read the consultation paper in relation to the marine park more closely I have discovered that the Government will gazette this marine park prior to developing a draft plan of management for the park. I am of the view that this is definitely a case of putting the cart before the horse.

If the Government is serious about consulting with the community about activities in the proposed marine park, it has an obligation to develop a draft plan of management of what is proposed for the marine park. That will enable people who potentially could be affected by the zonings and restrictions that could be imposed in relation to commercial and recreational fishing activities and diving activities at Julian Rocks, and a whole raft of issues as a result of the declaration of a marine park, to make submissions. In a marine park certain things cannot be done. The stretch of water to which I refer is very significant for the community. I am concerned that the community is being asked to sign a blank cheque. It is totally unreasonable for the park to be gazetted and that at some future point in time a plan of management will be developed. A draft plan of management should be developed so that the community can look at some detail, at least, and comment on it.

A number of other important issues arise in relation to the proposed marine park. For instance, sand is not allowed to be extracted in a marine park, but the Coastal Council of New South Wales says that, in order to nourish the Byron Bay beaches that suffer major beach erosion, sand needs to be pumped from off Cape Byron onto the beaches. That cannot be done if the marine park is declared. Another problem is that the Byron

coastline management plan is currently being developed to indicate a set of proposals to help mitigate coastal erosion at Byron Bay. If a marine park is declared prior to its conclusion then the recommendations made in that plan potentially could be useless.

Also, it is proposed that the park will include the Brunswick River to the tidal limit, and the Byron Shire Council proposes to develop an effluent disposal plant between Mullumbimby and Brunswick Heads to replace the two ageing plants in those two locations. In a marine park there is the problem of not being able to add in any way to effluent disposal and that could impact significantly on that issue. There is also a problem relating to the future use of Lake Ainsworth given the proposal to include it in the marine park and its popularity as a recreational area. The State Government should not gazette this marine park before those and other issues involving restrictions on current activities have been considered in a draft management plan and after that plan has been publicly exhibited. I ask the Government not to gazette the park until a draft management plan has been proposed and delivered to the community so that they can comment on it.

Private members' statements noted.

REGULATION REVIEW COMMITTEE

Report: Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

Mr MARTIN (Bathurst) [11.15 p.m.]: This report concerns an examination by the Regulation Review Committee into the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999. The examination involved several hearings by the committee in Orange and at Parliament House, in addition to a briefing by officers of the Roads and Traffic Authority. On behalf of my committee, I thank the Minister for making those officers available. Arising out of the hearings by the committee and the briefing given to it, a number of major issues were highlighted. These are well documented in the report. However, it is my intention to speak on these issues briefly because of their importance. Firstly, the regulatory impact statement, which is a statutory requirement under the Subordinate Legislation Act 1989, was lacking in respect of alternatives other than to remake the regulation. In this case it would seem that the repealed regulations were subject to minimal change but that does not alter the fact that other alternatives to remake the regulation should have been examined and assessed in the impact statement. The lack of inclusion of alternatives other than the re-writing of the regulation is not unusual.

In this case it would seem that the repealed regulations were subject to minimal change, but that does not alter the fact that other alternatives to remaking the regulation should have been examined and assessed in the impact statement. The lack of inclusion of alternatives other than the rewriting of the regulation is not unusual. On many occasions in the past the committee has brought that serious problem to the attention of Parliament and to Ministers when reporting on other regulations. The complexity of the regulation was a significant highlight during the hearings. The Chief Magistrate of New South Wales, in her submission, made particular reference to the absence of any index or cross-referencing with other transport laws. That situation was causing considerable concern and difficulty to individuals and organisations that were required to use the legislation. The Chief Magistrate also expressed concern about the lack of discretionary powers in the legislation given to courts hearing appeals.

The 40-kilometre per hour school bus speed limit on high-speed country roads was also subjected to close examination by the committee. Evidence was given by the New South Wales Police Service, local councils and bus operators about the possibility of major accidents in rural areas where vehicles, particularly transport rigs, were forced to brake suddenly, which could start a chain reaction with following vehicles. This report has been a result of considerable work by members of my committee and the secretariat. I would like to place on record the appreciation of the committee to members of the Police Service; residents of Orange, Dubbo and Parkes; the Roads and Traffic Authority; the Environment Protection Authority and bus companies, all of whom gave evidence. I commend the report to the House.

Report noted.

REGULATION REVIEW COMMITTEE

Report: Proceedings of the International Conference on Regulation Reform Management and Scrutiny of Legislation

Mr MARTIN (Bathurst) [11.20 p.m.]: This is the second of several reports that will deal with re-engineering regulations in New South Wales in the twenty-first century. The first report on this important matter was report No. 9 of the Fifty-second Parliament, which my predecessor, Mr Peter Nagle, tabled in the House on

6 June 2000. The second report comprises the conference papers, proceedings and transcripts of the International Conference on Regulation Reform Management and Scrutiny of Legislation held in this Parliament in July. The conference brought together representatives from government, the private sector, academics and persons generally interested in regulatory reform and scrutiny of legislation.

Representatives attended from Australasia, the United Kingdom, France, India, Italy, Kenya, the Netherlands, South Africa, Canada, the British Virgin Islands, Brazil, Botswana and the United States of America. It was heartening to see some New South Wales government departments and instrumentalities represented at the conference as well. Delegates were indeed fortunate to have Her Excellency Professor Marie Bashir, AC, Governor of New South Wales, open the conference. Keynote speakers of the calibre of the Hon. Chief Justice Murray Gleeson, AC, the Hon. J. Spigelman, AC, and the Hon. Justice Michael Kirby contributed to the undoubted success of the conference. My committee is also indebted to Mr Deputy-Speaker and the President of the Legislative Council for the assistance given to organise the conference and participate in it.

The major thrust of the conference was to bring together participants from Australia, New Zealand and overseas countries to network, exchange ideas and involved themselves in the promotion of greater accountability, transparency and scrutiny of legislation. I am confident that has been achieved and that a conference of this type will be the forerunner of many more. In particular, I commend the various papers presented at the conference by the keynote speakers. I might add at this point that the concept for the international conference was conceived by our recently retired colleague, Mr Peter Nagle, and I would like that fact to be noted.

The results of the conference have been well received by the international community involved in scrutiny of legislation. That is evidenced by the fact that Toronto will be the venue for the next conference in 2003. Scotland is presently considering hosting the 2005 conference. It would be remiss of me not to mention the high regard in which the work of regulatory scrutiny committees in Australia are held internationally. In fact, an officer of the House of Lords Delegated Powers and Regulatory Reform Committee presented a paper at a conference workshop entitled "Why Reinvent the Wheel when the Australian Scrutiny Model Works?" Although the plaudits given to Australian scrutiny committees by our overseas friends may be gratifying, there is still considerable work to be done in the scrutiny of legislation. Many of the problems we still face have been the subject of previous reports to the Parliament. I intend to ensure that Parliament has the benefit of further reports on suggested changes to ensure that New South Wales is to the forefront of regulatory reform management and scrutiny of legislation.

As I stated earlier, this report is part 2 of a series. It will be followed by part 3, which will deal exclusively with the Australian viewpoint on regulatory management and reform. Part 4 will deal with recommendations for change to the New South Wales regulatory system. Finally, on behalf of my committee, I wish to express appreciation to officers of the committee secretariat, to Conference Action Pty Ltd, Mr David Draper and his staff, and other parliamentary officers for their efforts in achieving a successful conference. I commend the report to the House.

Report noted.

REGULATION REVIEW COMMITTEE

Report: Comparisons with International Practice

Mr MARTIN (Bathurst) [11.25 p.m.]: At a meeting of the Regulation Review Committee on 21 June it was resolved to send a delegation to Europe and North America comprising Ms Marianne Saliba, MP, the honourable member for Illawarra, and Mr Russell Turner, MP, honourable member for Orange, who were accompanied by the secretariat's project officer. The major mission of the delegation was to compare regulatory scrutiny and reform practices in several legislatures with those in the Parliament of New South Wales and to attend the United States National Conference of State Legislatures in San Antonio, Texas. This report is the result of that study tour.

Comparisons with the legislatures visited showed wide disparity with procedures as compared with the current staged repeal program that is ongoing in New South Wales. For example, in England the recently enacted Regulatory Reform Act was found to be making only marginal reforms by achieving the consolidation of large numbers of statutes. However, there is a specific regulatory impact unit to support the Better Regulation Task Force and to promote the principles of good regulation. I might add that the Better Regulation Task Force

is an independent advisory body established in 1997 to advise the Government on action to improve the effectiveness and credibility of government regulation, taking into particular account the needs of small business and the general public.

In the Netherlands the delegation found that the agenda for regulatory reform is largely set by the respective ministries. However, the Netherlands Parliament does have regulatory impact assessment for all bills that address business, environmental and compliance assessment. All new legislation is required to undergo three assessments, including a business impact assessment, an environmental impact assessment and a compliance test. The delegation met with members of the Ontario Red Tape Commission. The commission's brief is to eliminate existing red tape and prevent unnecessary rules and regulations from being created in the future. The commission was established as a red tape review committee. In a report in 1997 the commission outlined 132 recommendations to reduce red tape.

Last year the commission was established on a permanent basis to concentrate not only on its core role of red tape elimination but to focus on four major areas: retail sales tax administration, government paper burden on business, highway incident management and the drug approvals process. The delegation had interesting discussions with representatives of the Office of Public Service Restructuring Secretariat in Toronto. Information was given to indicate that regulatory reform in the province of Ontario was being integrated with reform of the public sector and that the Government was developing a customer-centred approach structured around significant life events of average citizens.

The opportunity was taken to meet with the Ontario Athletic Commissioner to discuss regulations controlling boxing in the province of Ontario. I might mention at this point the recent hearing the committee conducted into the Boxing Regulation 2000. Discussions with the commissioner provided some useful information on the controls in Ontario. The delegation also took the opportunity to attend the National Conference of State Legislatures, which was held in San Antonio, Texas. That conference brings together members and staff of all United States of America legislatures in addition to representatives from Canada and other overseas countries. There were 160 different sessions over the five-day conference and the delegation was obviously selective about attending those sessions of the greatest interest to the operations of my committee. Major themes at this year's conference included legislative oversight and the sunset process. Those matters are all discussed in some detail in the report. I commend the report to the House.

Ms SALIBA (Illawarra) [11.29 p.m.]: I support the comments made by the honourable member for Bathurst, the Chairman of the Regulation Review Committee. As has already been stated, I was one of the members who went on the study tour. The information that our delegation obtained from the United Kingdom and the Netherlands on the role of their parliaments in the scrutiny of legislation and the reforms being undertaken was most interesting and will assist me as a member of the New South Wales Regulation Review Committee. The operation of the Joint Committee on Statutory Instruments at Westminster was informative. The role of that committee is to consider whether an instrument is made within the powers conferred by the principal legislation and whether it has been properly drafted.

The work of the House of Lords Select Committee on Delegated Powers and Deregulation, which was established in 1992-93, was also of interest. The committee, which has since been reappointed on a sessional basis, reports on whether the provisions of a bill inappropriately delegate legislative power, or whether it subjects the exercise of legislative power to an inappropriate degree of parliamentary scrutiny. In the Netherlands delegates met with representatives of the Competition, Deregulation and Legislative Quality Project of the Ministry of Economic Affairs, who advised that ministries must report on administrative, ecological and financial consequences of new legislation before it is presented to the Parliament.

All Dutch legislation since 1994 has been required to undergo three regulatory assessments. There is a business impact assessment, an environmental impact assessment and a compliance test. In the business impact assessment questions asked included the number of firms affected by the legislation; specific characteristics of these firms—for example, the size and the branch of trade; costs and benefits for the firms concerned; the capacity of firms to bear the effects of legislation; the state of the law of competing countries; the comparison of underlying European Union regulation; the effects on competition; and the social and economic effects. In Toronto the delegation had a useful and interesting meeting with the co-chairs of the Ontario Red Tape Commission, who gave a detailed briefing on the activities and achievements of the commission since its establishment in 1997.

Following a report by the commission in that year which detailed a number of recommendations to reduce red tape, the commission was placed on a permanent footing. Today, the commission has a number of

specific projects, including retail sales tax administration and the government paper burden on business. The opportunity was also taken to meet with Mr Ken Hyashi, the Ontario Athletic Commissioner, and to discuss with him regulations concerning boxing in the Province of Ontario. The Regulation Review Committee has currently concluded an inquiry into boxing in New South Wales, so the information it obtained from the Ontario commissioner will be most helpful. As was mentioned earlier by the chairman, the committee recently tabled its report.

The delegation attended the National Conference of State Legislatures in San Antonio, Texas, which gave me an opportunity to network with a number of members and officials from the United States of America. Due to the size of the conference I and other members of the delegation had to be extremely selective in relation to the sessions that we attended. The sessions on offer ranged from agricultural and international trade, education, health and drug programs to economic and cultural programs. I commend the report to the House.

Report noted.

REGULATION REVIEW COMMITTEE

Report: Boxing and Wrestling Control Regulation 2000

Mr MARTIN (Bathurst) [11.34 p.m.]: Like all the reports of the Regulation Review Committee, this report, which is expressed in plain English, is designed to examine the merits of the regulation and, at the same time, to make constructive comments on its operation. It has been a great pleasure for me to take over the chairmanship of the committee, which has such a good reputation for reviewing and scrutinising regulations. This is the twenty-first report of the committee tabled during the Fifty-second Parliament. The report concerns the committee's examination of the Boxing and Wrestling Control Regulation 2000 and whether it has been prepared in accordance with the Subordinate Legislation Act.

The committee found that there had been some significant departures from the Subordinate Legislation Act and that the consultation program undertaken on the regulation was inadequate. The same deficiencies had occurred in 1995 when this regulation had also been remade. As a consequence, the committee's report puts the Department of Sport and Recreation on notice that, in the event of a further major departure from the Subordinate Legislation Act, on the next occasion of the remaking of the regulation, the committee will recommend to Parliament that the regulation be disallowed. The committee's report asks the Minister to put in place guidelines to ensure that the public are adequately consulted. It also recommends that the New South Wales Cabinet Office arrange for relevant officers of the Department of Sport and Recreation to be given suitable instruction in the preparation of regulatory impact statements.

The committee found that there was a need for the establishment by the Boxing Authority of a database to gather medical statistics, particularly on brain injury arising from boxing, and that the relevant authorities from Victoria and Western Australia should be invited to participate. Another issue of concern to the committee was the entry age for boxing. In 1998 the minimum age for boxers in New South Wales was raised from 10 to 14 years. Apparently that was done without any consultation outside the department. That change is considered to have had an adverse effect in the Aboriginal community, where competition in boxing in those critical years was considered to be an agent in raising the self-esteem of young boys, and in crime prevention. Evidence tendered to the committee indicates that there is no medical evidence linking potential damage from boxing to any age group. The committee supports a reduction in the age of boxing from 14 to 10 years.

Although that last issue arises under ministerial permit conditions, the committee believes that it is a matter that could have been supported by regulatory controls. The issue raises important social considerations which could appropriately be considered by Parliament if placed in a regulatory context. I thank the Minister for Sport and Recreation for making available to the committee the services of officers of the Department of Sport and Recreation and the Boxing Authority of New South Wales for the purposes of the inquiry. I also thank other participants to the inquiry, including representatives from the New South Wales Amateur Boxing Association, the New South Wales Wrestling Association and the Professional Boxing and Combat Sports Board of Victoria.

Dr Ray Newcombe, neurosurgeon, provided expert medical evidence for the committee and several of the committee's recommendations are based on that evidence. Other persons who gave evidence, including persons from the boxing and wrestling industries, are listed in the committee's full report. I make particular mention of the contribution of Mr Ian Dennis and Mr Trindall from Walgett, two gentlemen who are actively involved in working with young people and who use boxing as a way of developing young people and keeping them out of trouble. I thank all those participants for their assistance. I commend the report to the House.

Report noted.

House adjourned at 11.38 p.m. until Thursday 6 December 2001 at 10.00 a.m.
