

LEGISLATIVE ASSEMBLY

Wednesday 13 March 2002

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

Mr Speaker offered the Prayer.

SYDNEY BETHEL UNION EXTENSION AMENDMENT BILL

Second Reading

Debate resumed from 27 February.

Mr HARTCHER (Gosford) [10.00 a.m.]: The Coalition parties support the bill. The bill will amend the 1908 Act, which incorporated the Bethel Union originally as a mission for seafarers to the Port of Sydney. The bill will extend the role of the mission to assist seafarers to any port in New South Wales. On behalf of members of the Coalition, I pay tribute to those who, at the turn of the twentieth century, worked so hard to establish facilities for seafarers. In those days, even more than at the present time, seafarers spent a great deal of time away from their home port. They engaged in long and very hazardous voyages. A voyage to Sydney was a voyage to the bottom of the world. The ships were crewed largely by either English residents, or residents of other areas within the British Dominions. Sydney was a strange and foreign place, reached only after a long sea voyage by sail or by steam, and it was important that there be adequate facilities for those crews in Sydney.

A number of organisations, including the Catholic Church's Stella Maris Mission to Seamen and the Seafarers' Institute—which, of course, is the operational arm of the Bethel Union—were established to provide facilities for seafarers. Those facilities were provided within the context of a religious framework, but, in addition to religious support, they also provided basic assistance, such as food and lodging, a place for friendship and a safe haven in port. Since then, the role of the Bethel Union, whilst it has continued on its original mission, has been to provide a wider range of services consistent with changing expectations in modern society.

It is to the Bethel Union's great credit that it now seeks to assist seafarers in ports other than the Port of Sydney by extending its services to other ports in New South Wales, principally the Port of Newcastle. I commend the Bethel Union and the many volunteers who have served with it and with the Stella Maris Mission over the years, for their work, community spirit and Christian commitment. I wish them well in their activities and assure them of the ongoing support of the Liberal and National parties—and, I hope, all political parties and men and women of goodwill—so that adequate facilities will continue to be provided for seafarers. I hope the Bethel Union will continue its mission, which began in the nineteenth century and has continued well into the twenty-first century.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [10.05 a.m.], in reply: I thank the honourable member for Gosford for his support for the bill. We are mutually concerned to ensure that this exceptionally worthy organisation is able to continue to function into the future in ways that are appropriate to the times. The shipping industry plays a most important role, obviously enough, in Australia's economy. Thousands of ships convey a variety of goods in and out of our ports each year. On the other hand, the industry is recognised as one of the world's most dangerous, with seafarers having to face not only extremes of weather but, even in the twenty-first century, acts of piracy. It is appropriate that the Sydney Bethel Union, with its long history of assisting seafarers to the Port of Sydney, should also be assisted. With the passage of this bill it will be able to expand its role to assist seafarers in ports throughout the State. I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CHILDREN (DETENTION CENTRES) AMENDMENT BILL**Second Reading****Debate resumed from 27 February.**

Mr HARTCHER (Gosford) [10.07 a.m.]: This bill will amend the Children (Detention Centres) Act 1987, an Act introduced by the former Labor Government, at that time led by Premier Unsworth. The objectives of the bill are unexceptional. The principal objectives are outlined in the bill and in the second reading speech given by the honourable member for Wyong on behalf of the Attorney General. The first objective is to ensure that any juvenile offender who escapes or fails to return from leave serves the number of days he or she was unlawfully absent in custody consecutive to the original sentence. The second objective of the bill is to bestow upon the Minister for Juvenile Justice certain powers of delegation to the director-general of her department. On one analysis of the first objective of the bill, the flaws of the current Government in relationship to the treatment of criminals in this State, be they juvenile or adult, continue unabated.

The Carr Labor Government introduced sentencing legislation that became law in 2000. The Crimes (Administration of Sentences) Act 1999 repealed section 447A of the Crimes Act 1900 but did not cover juvenile offenders and there was no statutory requirement for street time, that is, the number of days for which an absconder escaped from custody. There is no statutory provision that street time be served as additional time. The purpose of this amendment is to ensure that street time serves as additional time on the sentence, that is, that the time an offender is out of gaol is not credited to the sentence being served. The offender's sentence stops while the offender is out of custody and begins again only when the offender returns. That is unexceptional and the Coalition clearly supports it.

In addition the bill provides for a separate statutory defence of escape from custody or failing to return unlawfully from leave which will carry a penalty of up to three months. However it is not clear from the legislation that the separate sentence is to be served consecutively. That is significant because the Carr Government has introduced a presumption in legislation that sentences are served concurrently. A presumption is rebuttable and can be varied by the court but this legislation does not spell out that the sentence will be consecutive. It is still left open for the sentence to be concurrent and indeed the presumption is that the sentence will be concurrent. An ongoing problem that the Carr Government purports to address is the number of escapes from juvenile detention. The problem is apparent in my electorate of Gosford, which is adjacent to major facilities such as the Frank Baxter Juvenile Justice Centre at Kariong, which used to be referred to as Mount Penang. Since 1924 sentencing legislation has contained a presumption in favour of concurrent rather than consecutive sentences. But in presenting this bill to the House, the honourable member for Wyong, stated:

As the offences of escaping and failing to return from leave are separate offences to the original offence for which the offenders are serving a control order, the punishment should be separate ...

That is what the Act provides—the punishment should be separate. The honourable member went on to state that the punishment should "not be concurrent with any other order". I am sure that the Attorney General will draw my attention to those words in his reply. However, the overriding legislation of the Government still provides for the presumption that all sentences imposed by the courts are to be concurrent rather than consecutive, and that overriding presumption is not expressly rebutted by this statute. Moreover there is nothing to indicate in the second reading speech, in the Government's announcements or in the legislation that the presumption will be rebutted.

If the Government intends to make it clear that sentences imposed under the new regime for escaping from detention will be separate from the sentence already being served—in other words, consecutive and not concurrent—then the Carr Government should make that statement now. But if the Government chooses simply to rely upon the wording of the Act and ignores the provisions of the overriding legislation, which provides for concurrent sentences, the Government should realise that its actions will be exposed. The Government will not get away with it. The Coalition will draw the attention of the public to the fact that whatever is stated in the legislation does not reflect the Government's overarching legislation.

If the honourable member for Wyong really believes his own remarks when introducing the bill and if the Carr Government believes the second reading speech, they would provide the Coalition with an assurance in this legislation. The Coalition does not accept the word of the Government. After seven years, the Government's word on sentencing criminals means nothing. The Coalition does not accept the word of the Government and requires a provision to be included in the legislation to the effect that if offenders escape, they will serve a

separate sentence and will not simply come back to the detention centre and restart the original sentence. This Government can try to look as tough as it likes on criminals, but it cannot escape the fact that it is perceived by the community to be soft on criminals and soft in the sentencing of criminals.

I refer to problems that are exposed day after day in the media. On 23 January, approximately six weeks ago, the *Newcastle Herald* reported that in Worimi in the Newcastle area, New South Wales police officers boycotted the Worimi Children's Court because of lack of proper facilities necessary to stop juvenile offenders from escaping. The police reached a stage at which they were simply sick and tired of juveniles walking out of the Worimi Children's Court. The police said they simply would not take juveniles to that court unless there was some proper system of ensuring that they were kept under control. The article states:

Newcastle police chief Ron Bender believes he has a short-term solution to ease the crisis over Worimi Children's Court.

Hunter police officers are set today to continue their boycott of the troubled centre with all juvenile custodial prisoners taken to Toronto Children's Court ...

The suggestion comes a week after two juveniles forced their way out of Worimi and sparked an uproar over safety standards at the centre

Five teenagers have escaped from the premises in the past 10 months with police ... threatened by youths armed with bricks.

Hunter police, backed by the NSW Police Association, boycotted the facility late last week.

This is not taking place 10 years ago, 10 months ago or even 10 weeks ago. Approximately six weeks ago—here in New South Wales, here at Newcastle—the police officers of New South Wales were saying that they would not go near juvenile facilities because security is so inadequate. One of the reasons why security is inadequate is that it is a joke when young offenders escape because nothing happens to them.

The legislation, which was introduced on behalf of the Attorney General fairly quietly by the honourable member for Wyong late at night, purports to create a separate offence. The Government has suggested that it is now creating a separate offence for young offenders who have escaped from juvenile detention centres because they will actually now be liable to an additional whole three months sentence. But the legislation does not provide for the sentence to be consecutive; rather, it allows the sentence to be concurrent. If I am wrong, let the Minister stand up and give a pledge. If he is not prepared to do that, then everybody will know that this legislation is just another set of words on paper to enable the Carr Government to act tough while not actually addressing the problem. The police officers of New South Wales are entitled to be concerned. The *Daily Telegraph*, on 19 January under the headline "Police ban on juvenile court after attacks", published the following article:

NSW Police Association Newcastle branch administrator Greg Brown said police were forced to take a stand after two teenagers escaped by smashing a doorway on Wednesday, the fifth escape from Worimi in 10 months.

He said members were incensed at the criticism levelled at police from Juvenile Justice over the latest escape.

Worimi has been surrounded by controversy since July 2000, when *The Daily Telegraph* exposed the construction of a \$30,000 cage as a holding facility for youths due to appear at court ...

"The police there don't feel safe any more."

The police do not feel safe any more! The stage has been reached when the New South Wales Police Association is saying that its members do not feel safe dealing with hoodlums in this Government's juvenile detention facilities. Why do juvenile criminals feel so emboldened? They feel so emboldened because nothing is going to happen to them. The most that will happen to them under this legislation is that they will get a three-month additional order, which may well be served concurrently rather than consecutively. Juvenile offenders may not have had the benefits of studying the Latin origin of English words at school, but most of them know enough to know what "concurrent" means. They know it means they will not do any additional time at all and the extra penalty simply runs with the original sentence whereas "consecutive" means that it follows the original sentence.

This Government's legislation is an absolute exercise in extraordinary wording. It provides that a detainee who escapes or attempts to escape is guilty of an offence and is liable for imprisonment for a period not exceeding three months, but the person who helps a detainee to escape is liable for imprisonment for twelve months. So a person helping him to escape—overwhelmingly males are involved—is liable to twelve months

imprisonment but the escapee is liable for only three months imprisonment. This is the Carr Government's legislation. It does not matter that these types of provisions are enacted because no-one is ever charged under them. What are the statistics on the number of people apprehended and brought before the courts charged with helping people to escape from gaol? Very few. All these magnificent Acts of Parliament are swept through this Chamber, with press conferences and press releases by the Premier, accompanied by the Attorney General or the Minister for Juvenile Justice, stating how they are going to get tough on juvenile offenders. Then nothing happens.

Remember the bushfires. The Premier said that juvenile offenders would have their noses rubbed in it. That was what our tough Premier said as he looked at the cameras. He did not look at the bushfires; he always looked at the cameras. How many of those juvenile offenders have appeared in the burns unit to see the bushfire victims or have been to see the ruined properties or been forced to make some restitution for their crimes? It is all government by television sound bite rather than government by policy. It is government by media direction. And has that not been borne out recently by the recent changes to the police portfolio!

The Opposition is not opposing the bill but it puts the Government on notice that it will be watched as to how seriously it takes the issue of juvenile offenders escaping from detention centres and the issue of protecting the public. Bear in mind that these juvenile offenders are not there simply for stealing a rubber band from Woolworths. Offenders do not go to court for shoplifting from Woolworths; they end up in juvenile conferences, with a caution or in some other diversionary program. Juvenile offenders these days overwhelmingly end up in court because they commit serious acts of violence—murder, manslaughter, armed robbery, sexual assault, assault occasioning actual bodily harm and assault occasioning grievous bodily harm. The teenagers who escaped from Newcastle court were not there for shoplifting; they were there because they were hoodlums who bashed up other people. They are the sorts of people we are dealing with. That shows the softness of approach consistently displayed by the Government on every issue dealing with crime in this State.

I close by inviting the Minister to give us an assurance that these sentences will be consecutive and not concurrent. That is all he needs to say and I and the people of New South Wales will rest content. If he is not prepared to give us that assurance then it is an indictment of him and the Government. For reasons that escape me the delegation of powers from the Minister to the director-general was not included in the original legislation. It was never satisfactorily explained. One wonders what the Government is doing. The issue would bear more careful analysis and description later. But we are here for the serious business of protecting the community from hoodlums. The Government's consistent policy has been to be soft on hoodlums. We are here to protect the victims, to protect the public, and we want an assurance from the Government that this bill will protect the public.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [10.24 a.m.], in reply: The interplay between adult and juvenile sentencing provisions can sometimes inevitably be complicated. That is why, when it was discovered that some anomalies had been created by section 447A of the Crimes Act, the Government moved as quickly as it could, given the complexity of the matter, to rectify the anomaly, to restore the provision for so-called "street time" for juvenile escapees. In consequence of the passage of this bill, for the first time detainees who are charged with failure to return from leave will also have street time added to their sentences. That is quite clear. The bill makes it obligatory for street time to be served consecutively after any other sentence provision. Any additional penalty for an escape can be concurrent or consecutive. That is a matter, under general principle, for the discretion of the judge. I am advised that in relatively recent times it has been normal for judges to give not concurrent sentences but consecutive sentences. That is the everyday, rational answer to the point that the honourable member for Gosford raised.

With respect to the Worimi court, I should mention that a new court centre will be completed on the site in the financial year 2005-06. As I understand it, quite satisfactory arrangements are now in place so far as the police are concerned for the continuing use of the existing facility. I take the opportunity to mention that in the calendar year 2001 there were 43 escapees or fails to return from leave in juvenile detention centres. We can all agree that that is 43 too many. But those opposite who spend a lot of time telling us how tough they are on criminals apparently already forget that in the calendar year 1990 there were not 43 escapes from juvenile detention centres but 254. When the Coalition was last in office there were often more detainees outside an average juvenile justice centre than there were inside. There were 130 escapes in 1991, 254 in 1992 and 235 in 1989. Compare those figures with the figures for the last three years.

Mr Hartcher: Give us the figures for 1987 and 1986.

Mr DEBUS: I gave the figures for the last three years of the Coalition Government and I will give the figures for the last three years under this Government: 56, 37 and 43. In fact, they are the lowest three years on record—a level of escape between five and seven times lower than when those opposite were in power. I might say that less than a third of those escapes, so-called, were directly from a juvenile justice centre; the balance were failure to return from leave or escapes from medical appointments, the kind of circumstance in which it is easier to escape. In any event, in the last four years major capital works have been implemented to enhance security at all units under the Department of Juvenile Justice, most of which were originally constructed as low or medium security facilities many years ago.

The department conducts thorough investigations into the circumstances of each escape, including the level of supervision of detainees prior to the incident. That in turn allows the department to deal with any issue of an appropriate disciplinary nature should staff have failed in some way or other to take proper account of the young person's circumstances that as a consequence may have encouraged the escape. This bill, which rectifies an inadvertent anomaly that occurred because of the passage of other legislation, makes it absolutely clear, as does the Government's concrete record on escapes, that the Government is indeed determined to ensure high levels of discipline are applied to inmates of juvenile justice centres. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ENVIRONMENT PROTECTION LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [10.30 a.m.]: I move:

That this bill be now read a second time.

This bill is a step in the consolidation of the Government's reform of the environment protection laws of this State. These laws have been fundamentally overhauled since the Carr Government was elected in March 1995. The newly elected Government then embarked on a comprehensive reform program to ensure that we have the right tools in New South Wales to tackle the environmental problems that confront us as we go forward into the twenty-first century. As happens with the implementation of any major reforms, the need for some minor adjustments and improvements to these new laws has now become apparent. The bill addresses that need.

Before turning to the bill itself it is timely that I remind the House of the significant laws that we can now draw upon to protect the environment in New South Wales, thanks to the Government's reforms. The cornerstone is the Protection of the Environment Operations Act 1997. Coming into force in July 1999, it replaced five important but outdated environment protection Acts. In their place we now have modern provisions that enable environmental problems to be vigorously addressed. Importantly, the new provisions are not blunt instruments. They have the flexibility to allow creative solutions to problems.

The Protection of the Environment Operations Act reflects the reality that protecting the environment is an enormous task. It is one that requires a determined joint effort by State and local government and by the very people whose activities impact upon the environment. The Government recognises that the Act has required adjustments by all sectors. I place on record our appreciation for the energy and commitment with which they have taken on board the new scheme. The partnership between the Environment Protection Authority [EPA] and local government has been particularly important in ensuring that the potential of the legislation is fully realised.

The Contaminated Land Management Act 1997, which came into operation in 1998, is another critical element of the new environment protection package. It demonstrates the Government's strong commitment to the better management of contaminated land issues, and we are seeing some significant tangible results. The Government is successfully tackling the community's serious concerns about pesticide use and management through education programs and the implementation of the Pesticides Act 1999. Introducing the bill for the Act just over a year ago, I expressed confidence that it would provide the level of protection that members of the community are seeking for themselves, their families, their crops, their livestock and the environment. The Pesticides Act is showing every sign of providing that protection.

Under this Government, New South Wales has also gained a piece of legislation that comprehensively covers the land transport of dangerous goods. The Road and Rail Transport (Dangerous Goods) Act 1997 is part of a national scheme that ensures harmonisation between transport modes and helps to reduce unnecessary costs, duplication and inconsistency. The Waste Avoidance and Resource Recovery Act 2001 and the Waste Recycling and Processing Corporation Act 2001, which recently commenced, are particularly important. They build on the successful features of the laws they replace. They also take advantage of lessons learned from those laws over the past few years. They will ensure that we have a modern, effective and cost-efficient waste management system and encourage innovation in the waste industry. These two Acts are the most recent additions to a suite of major environment law that is already serving this community and our environment very well. The Government does not, however, rest on its laurels in this respect. This bill illustrates a determination to make these laws even better.

I turn now to the substance of the bill itself. The bill amends the following Acts: the Contaminated Land Management Act 1997, the Protection of the Environment Operations Act 1997, the Radiation Control Act 1990 and the Road and Rail Transport (Dangerous Goods) Act 1997. It also makes associated amendments to regulations under two of those Acts. The Contaminated Land Management Act 1997 and its associated regulation will be amended to allow contaminated site auditors who are accredited under the Act to be accredited for any period up to three years. Currently, there is no flexibility in the accreditation period; it has to be for 12 months. The amendment will increase consistency with the equivalent scheme in Victoria—the other main auditor accreditation scheme in Australia—and reduce administrative burdens on auditors and regulators alike. The amendments to the Protection of the Environment Operations Act 1997 are generally minor but desirable and necessary in light of recent experience in administering the Act day to day. They are all aimed at ensuring better implementation of the policies that underpin the Act.

My statutory review of the Protection of the Environment Operations Act to be conducted after December next year will be the time to consider whether more significant changes are required. A number of the amendments in this bill relate to existing offences under the Act and regulations. The scheme of offences is strong and effective but a few modifications and clarifications are required. Some of the current offences relating to offensively noisy vehicles and vessels will be brought within a framework similar to the existing successful regime in the Act for dealing with littering from vehicles. That will be achieved by the bill's amendments to the Noise Control Regulation as well as to the Act. Local councils' capacity to deal with these vexing and common noise problems will be improved as a result.

The bill includes minor changes to the Act and associated regulations to assist in the enforcement of laws that are directed at getting smoky vehicles off our roads. The smoky vehicle program is extremely important in the battle for better air quality. The scheme of water pollution offences will be simplified by replacing the current three separate offences with one general offence of polluting waters. Importantly, however, that will not weaken the current scheme or expand its scope. The Protection of the Environment Operations Act 1997 introduced several useful regulatory tools, such as the clean-up notice and the prevention notice. The bill makes it clear that a person who has not carried out pollution clean-up or prevention work by the time required by one of these notices is still obliged to carry out that work. People should not be able to escape their obligations just because the specified deadline has passed.

I have already referred to the importance of the partnership between local councils and the Environment Protection Authority under this legislation. This partnership embraces the taking of enforcement action. The bill will remove any doubt that a council can prosecute in the Land and Environment Court for an offence under the Act or regulations if the court grants leave and the other requirements of section 219 of the Act are met. Finally on offences, a new offence will deter the making of false or misleading statements and representations to the effect that the Environment Protection Authority endorses or approves goods or services. These sorts of statements are completely inconsistent with the EPA's statutory role and could prejudice its effectiveness as a regulator.

Amendments relating to investigatory powers under the Protection of the Environment Operations Act 1997 will help to ensure that decisions to issue penalty notices or prosecute are made on the basis of sufficient relevant evidence. They will also place all regulatory authorities under the Act in a better position to determine whether they are, to use the language of the Act, the "appropriate regulatory authority" for an activity. This determination is a critical one. Only the appropriate regulatory authority for an activity can exercise certain powers in relation to the activity. The determination turns on the type of activity involved. Occasionally it can be a difficult determination to make.

The amendments deal with the reality that occasionally mistakes will be made. For example, an authority might issue a prevention notice in the mistaken belief that it is the appropriate regulatory authority for the activity concerned. The bill will fix an anomaly in the licensing scheme under the Radiation Control Act 1990 and increase consistency between that scheme and the Act's accreditation and registration schemes. The investigatory powers of inspectors under the Radiation Control Act are out of step with modern investigatory powers, such as exist in the Protection of the Environment Operations Act. The bill will bring them into step.

The bill will also bring the Radiation Control Act into line with other environment protection laws by enabling breaches of the Act or regulations to be dealt with by the issuing of a penalty notice. This will mean that the response to a breach can be better tailored to the particular circumstances of the breach. Prosecution is not always the appropriate response. The bill's amendments to the Road and Rail Transport (Dangerous Goods) Act 1997 are simply to ensure that a breach of the Act can be fully investigated. As the Act stands, some of its investigatory powers can only be used to find out whether the Act is being complied with. Use of those powers to investigate compliance in the past is precluded. Offenders who have managed to complete their misdeeds prior to detection could therefore escape investigation. This is obviously unsatisfactory. In summary, the bill will make minor but useful changes to our environment protection laws. It irons out some creases in those laws to make their operation smoother and more efficient. I commend the bill to the House.

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

MOTOR ACCIDENTS COMPENSATION AMENDMENT (TERRORISM) BILL

Second Reading

Debate adjourned from 27 February.

Mr HARTCHER (Gosford) [10.41 a.m.]: The Motor Accidents Compensation Amendment (Terrorism) Bill seeks to amend the Motor Accidents Compensation Act to exclude acts of terrorism from insurance cover. All of us are aware of the terrible events of September 11, 2001, and all of us are conscious of the need to take appropriate measures in many areas since that terrible day. I am sure that all of us strongly support the United States of America in its world leadership against terrorism and strongly support the Australian Government in its commitment of Australian forces in the struggle against terrorism. All of us accept that there will be additional searches at airports, and accept the additional powers given to Federal police to guard against terrorist acts.

The consequences of those acts of terrorism on the insurance industry are well known. Worldwide the insurance industry is reeling from the enormous liabilities arising out of the events of September 11 in both New York and Washington and is aware of the consequences of future potential terrorism. However, this bill, while seeking to protect the Government's own insurers, who operate under licence under the Motor Accidents Compensation Act, deserves some scrutiny. The bill deserves scrutiny because of its definition of "an act of terrorism". The bill states:

- (2) For the purposes of this section, an *act of terrorism* is an act that:
- (a) causes or threatens to cause death, personal injury or damage to property, and
 - (b) is designed to influence a government or to intimidate the public or a section of the public, and
 - (c) is carried out for the purpose of advancing a political, religious, ideological, ethnic or similar cause.

In June 2001 a major demonstration was held outside Parliament House against the proposed workers compensation legislation. That demonstration was designed to influence the Government. That is why it was held, and there is nothing wrong with that. That demonstration complied with new section 15A (2) (b). There was every reason to believe that the demonstration could have complied with new section 15A (2) (a), which states:

- (a) causes or threatens to cause death, personal injury or damage to property,

Motor vehicles, trees, fences and other property could have been damaged. That demonstration easily fell under the definitions contained in paragraphs (a) and (b). An act that is designed to influence a government is a perfectly democratic aspiration. That demonstration easily fell under the definition contained in paragraph (c), because it was designed to advance a political cause. Again, that is accepted behaviour in a democracy. The

trade unionists who were assembled outside Parliament House had the potential to damage property and to influence the Government, and they were advancing a political cause—they complied completely with the definition of "terrorism" in the bill. That definition of "terrorism" is inadequate and ill drafted, because the demonstration outside Parliament House that I referred to complied with all three criteria. The Minister for Information Technology laughs, but in his gutless way he hid behind the police that day. Oh, no, he suggests he did not: he was outside with the other left-wingers who refused to cross the picket line. The Minister was holy and pure that day; he would not cross the picket line.

Mr Yeadon: I did. You don't know what you are talking about.

Mr HARTCHER: It was his right-wing mates who hid behind police while the Premier scurried through the corridors of the State library and into the car park. The Minister interjects that he did hide behind police.

Mr Yeadon: I did not. I walked through the park, across the picket line.

Mr HARTCHER: The Minister walked through, hiding behind police. The Minister crossed the sacred left-wing picket line. The record will show that our left-wing Minister crossed the holy picket line of the left-wing with his Construction, Forestry, Mining and Energy Union mates all engaged in straight-out political violence, resisting police so that he could break the picket line and walk through into Parliament House. I will teach the Minister not to interject when I am talking about the definition of terrorism. The bill's definition of terrorism is inadequate. It is clear that almost any set of circumstances could fall within that definition. Any demonstration that is designed to influence the Government for any religious, political, or ethnic reason and could possibly damage property would fall into that definition.

We all accept that demonstrations are part of ordinary life in a democratic society. We accept that demonstrations are an attempt to influence the Government, sometimes for a political or a religious reason. We all accept, rightly or wrongly, that demonstrations have the potential to damage property. And that is what the definition requires! Surely the words "damage to property" should be excluded from the definition of "act of terrorism". Acts of terrorism are designed to cause death or personal injury on a major scale. The bill says nothing about the scale of damage. Two or three people could be accused of terrorism for the purposes of this section. The Minister looks bewildered and shakes his head. He does not know what this bill says. The Minister simply reads the speech given to him by his advisers. When I make any remarks he runs over to his advisers to get them to scribble a note he can use in reply. He does not understand the bill he has presented to the House. He should try to understand it. How will the Minister respond to my remarks about the definition of "terrorism"?

Mr Yeadon: "Reasonableness", you silly person. Read the definition where it refers to "reasonableness".

Mr HARTCHER: Where is the definition of "reasonableness"? The Minister looks upset and hurt that I should criticise him. The definition of "reasonableness" is not there. Can the Minister show me the definition of "reasonableness"? What section is it in?

Mr Yeadon: It is in the dictionary. The bill states that the act can be reasonably characterised.

Mr HARTCHER: Reasonably characterised by whom?

Mr Yeadon: By the courts, if necessary.

Mr HARTCHER: The bill does not say that. It states:

- (2) for the purposes of this section, an *act of terrorism* is an act that:
 - (a) causes ...
 - (b) is designed ...
 - (c) is carried out ...

Where does it say "can be reasonably characterised"? The Minister has not even read his own bill. The words he just used are not there. The bill is inadequate; the definition of "terrorism" is far too wide and it is rejected. I place on record that the Opposition reserves its rights in the Legislative Council to look at or sponsor any

appropriate amendment to ensure that the definition of "terrorism" is appropriate. We certainly do not accept any assurances from the Minister, who has not read his own legislation and therefore does not understand it—and who admits that he crossed a left-wing picket line when he came into Parliament last June, contrary to the sacred tenets of the Labor left.

The Opposition does not accept the bill in its present form, and our representatives in the Legislative Council will take the measures deemed to be appropriate when it is presented in that House. We believe that the Government should not be allowed to simply rush through this Parliament, in its usual way, wildly and ill-drafted legislation for its own inadequate purposes. The Australian Labor Party has clearly reached the stage where it simply puts before Parliament any legislation that is drafted for it by its ministerial advisers and its bureaucracy, without the Minister applying any proper filter. As the political head of his department and the person who brings legislation before this House, the Minister has a duty to ensure that a proper filter is placed upon the Australian Labor Party and that it serves the good governance of the people of this State.

All the Minister has done is to place before this House words that are thrown at him by his department, without properly considering their implications. When challenged by me, the Minister's only defence is to say words to the effect of, "can reasonably be interpreted" or "can reasonably be so argued". Such words may appear in the Minister's second reading speech, but they do not appear in the bill. The bill speaks for itself. It indicts the Government, which has drafted this most extraordinarily worded legislation, in respect of which we reserve our rights to proceed appropriately when it comes before the Legislative Council.

Mr BARTLETT (Port Stephens) [10.51 a.m.]: It is strange how life works. Six weeks before September 11 the honourable member for Wagga Wagga and I visited the World Trade Centre. We went to the restaurant at the top of the centre, and were obviously served by people who subsequently lost their lives in the disaster on September 11. Six months after the disaster, we are debating a bill that is linked to that day. The object of the Motor Accidents Compensation Amendment (Terrorism) Bill is to amend the Motor Accident Compensation Act 1999 to exclude, temporarily, liability for acts of terrorism from the coverage provided by compulsory third-party insurance policies under that Act. The principal reason for the introduction of the bill is that companies would otherwise not be able to obtain previously available reinsurance, or, alternatively, premiums would be increased by \$100, \$500 or even \$1,000 a year.

On 21 February this year, on behalf of the Minister Assisting the Premier on Hunter Development I held a summit in Port Stephens on public liability insurance problems facing people in that area. The summit was attended by people from various walks of life, including events and tourist operators, from the Hunter, Lake Macquarie and areas as far afield as Lake Cattai and Gloucester. It seems that insurance companies will simply not provide public liability insurance. Indeed, I was told that currently only one company in Australia provides public liability insurance. The summit, which was attended by 75 people, made eight major recommendations as a way of going forward, including keeping costs down and coming up with a fair system, but also allowing companies to survive and keep their employees in jobs.

This bill was not even referred to at the summit, because it was not known about by anyone who attended the summit. By the introduction of the bill the Government is seeking to keep third-party insurance premiums at a level that people—the mums and dads, and the businesses that operate in this State—can afford to continue to pay. If the liability of insurance companies is not limited, people will be forced to pay up to \$1,000 more for insurance premiums. Following the September 11 terrorist attacks in the United States of America, international reinsurers have withdrawn liability cover for terrorist-related losses. It is not necessary for me to inform the House about the Federal Government stepping in and trying to cover Qantas. The action by international reinsurers has implications for the New South Wales compulsory third party [CTP] motor accidents scheme, as CTP insurers are required to provide unlimited liability cover. All New South Wales CTP insurers reinsure against losses.

However, there is now a potential liability that is unable to be covered by reinsurance. Unless the risk is removed, insurers will need to increase premiums to offset the additional capital reserves required to cover that risk. It is also possible—as is happening in public liability insurance everywhere else—that some insurers may reconsider their continued participation in the New South Wales CTP scheme. During discussions with officers of businesses in Port Stephens that are involved in soft ecotourism adventure I was told that only one insurance company in Australia is now providing public liability insurance. The bill excludes from the CTP scheme all liability arising from a terrorist act involving a motor vehicle. The scope of the terrorist exclusion is strictly limited to circumstances that could, considering the nature and context of the act, reasonably be characterised as a terrorist act.

I listened with interest to the contribution of the honourable member for Gosford and I wish to make the following response. The Queensland Government has legislated to exclude terrorist acts from the Queensland CTP scheme, which, like the New South Wales scheme, is also underwritten by private insurers. In drafting the bill, regard has been had to the definition of "terrorism" adopted by the Terrorism Act 2000 enacted in the United Kingdom. Consideration has also been given to the definition of "terrorist act" adopted by reinsurers so that the scope of the proposed statutory exclusion of terrorist acts reflects the risk excluded by reinsurance policies. The definition is subject to the overriding requirement that, for the exclusion to apply, the act in question must reasonably be characterised as an act of terrorism, considering the nature and context of that act. Importantly, this qualification ensures that the exclusion is limited to acts that are clearly terrorist acts, and will not apply, for example, to other intentional acts involving a motor vehicle.

Following representations late last year from the Insurance Council of Australia about problems with reinsurance cover, the Premier wrote to the Prime Minister on 22 November proposing an urgent national summit on this issue. The international reinsurance issue affects the general insurance sector across Australia and is not limited to the New South Wales CTP scheme. The terrorist exclusions are now being introduced into all general insurance. This requires a Federal Government response. The consequences of a terrorist act will impact upon many areas of society.

The prospect of a CTP claim arising from a terrorist act may be considered remote in contrast to many other areas for which insurance against terrorism will no longer be available, such as building insurance. Following the summit in Port Stephens on 21 February, the residents of the electorate are not really concerned about who bears responsibility for this problem; rather, they are concerned that State governments and the Federal Government get together and solve the problem they are facing. People who are faced with public liability insurance premium increases of between \$70 and \$250,000 a year will simply go out of business. For example, Port Stephens council's public liability insurance premium has recently been increased from something like \$400,000 to \$1.2 million.

That increase is almost double the capital works programs for councils such as Parkes. September 11 will have profound effects on the way we deal with public liability insurance in the future. In the next 12 months I will be speaking in Parliament on various issues to try to come to terms with the huge blow-out in public liability insurance premiums that is threatening the viability of businesses that employ 50 people. I hope that the States and Territories can come together to consider the implications for their statutory schemes and take the necessary action to help insurance companies with respect to insurance against terrorism and the vast number of people who can no longer hold events because their businesses and livelihoods are threatened.

The New South Wales Government reiterates its call on the Federal Government to work with the insurance industry and the people of New South Wales to find an effective solution to this problem. The Federal Government regulates the general insurance industry and it is reasonable to look to the Commonwealth to develop a solution. For example, Britain has established a national risk pool to fund terrorism-related claims. It will be necessary for many discussions to take place between the States and the Federal Government. The Minister for Small Business and Tourism, Mr Hockey, suggested having a national compensation scheme similar to the scheme that operates in New Zealand. That suggestion was discussed at the summit, but the problem is that although 3.5 million New Zealanders are paying a levy, at the end of the day the scheme has a deficit of about \$6 billion. The matters that came out of the summit will obviously be raised in further discussions as debate continues on public liability insurance. I am pleased to support the bill.

Mr ROZZOLI (Hawkesbury) [11.01 a.m.]: It is not my intention to wander through the whole field of public liability insurance, as did the previous speaker, because I do not see it as falling within the leave of the bill. However, I support the comments of the honourable member for Gosford about the inadequacy of the definition in the bill. I have no argument with the need to clarify the position in regard to insurance claims that may arise under third party insurance policies from genuine acts of terrorism. Although in theory the expectation should be that insurance may be taken out against any risk, and that an innocent party who is injured or sustains damage to property should have the right to compensation, the reality is that extreme acts that normally come under the classification of acts of terrorism—and which were personified in the most grim reality by the events of September 11—do create almost impossible burdens on insurance and reinsurance mechanisms.

This means that the insurance industry will be virtually incapable of meeting these claims without huge imposts on the wider community or risks to its own viability and the capacity to meet claims in completely unrelated areas. I do not disagree with the need to act in this area but I question the adequacy of the definition spelt out in the bill. I suggest in all good faith and with great sincerity that perhaps the Government should

rethink the definition before it proceeds with this bill in another place. I say that because terrorism must be considered as an act of extremity, an extreme action against a group of people in certain contexts. The definition is in two parts. New subsection 15A (1) states:

... having regard to the nature of the act and the context in which that act was done, it is reasonable to characterise as an act of terrorism.

Unfortunately, new subsection 15A (2) qualifies that by more closely prescribing the events that may fall within an act of terrorism. Many acts contain a degree of violence or potential threat of violence, either impacting on the welfare of individuals or impacting on property and, therefore, fall within the definition. Paragraphs (b) and (c) state:

- (b) is designed to influence a government or to intimidate the public or at a section of public, and
- (c) is carried out for the purpose of advancing a political, religious, ideological, ethnic or similar cause.

That covers a huge range of activities that would be considered part of normal life. Every day of the week one receives emails or is approached by constituents who seek to influence government. Even the manner in which strident terms are sometimes used are designed to attempt to intimidate a section of the public. The definition qualifies it a little more by requiring, in addition to those two arms, that it must be something that causes or threatens to cause death, personal injury or damage to property. That appears to give it a sharper focus.

I am sure all honourable members have felt intimidated or that their personal safety was threatened—and in some cases have been an innocent party who just happened to be at a certain place at a certain time—and could have suffered an injury that may have led to a third party claim which, under this definition if pursued by the insurance company, would be excluded. However, under no circumstances could those acts be deemed to be acts of terrorism. Acts of terrorism somehow must be constrained to the extreme edge of political activity, ideology and agitation for causes. Much of this activity is accepted by society today as, if not reasonable, certainly falling far short of the definition of a terrorist act.

It is unfortunate that we might be giving insurance companies the opportunity to opt out of their responsibilities on a wide range of actions and that this definition may be tested in the courts, causing great expense while the courts determine the boundaries of this definition which the Parliament has failed to clearly define. The honourable member for Port Stephens said that some reliance is placed on definitions drafted by the insurance industry. Frankly, I think that industry should be the last entity to draw up definitions for this purpose because it has a vested interest—I do not necessarily criticise it for that; it is simply looking after its own interests—in ensuring that the definition is wide rather than narrow so that it may exclude as many claims as possible. I repeat: I support the need for this legislation and the requirement for a practical and sensible definition that will achieve the desired goals. However, I do not think this definition is adequate for that purpose.

I have no intention of trying to put to Parliament today a more adequate definition, but I think the matter should be thought through more carefully. A much wider range of advice should be sought on this issue in order to place in the legislation a definition that will catch extreme actions—very few of which have occurred in Australia and so would seem to have little relevance to our insurance industry, but unfortunately such occurrences are always possible. The present definition could apply to many past and future actions, none of which is an act of terrorism. I put it to the Minister that there may be an advantage for all concerned in returning to the drawing board and endeavouring to sharpen the definition so that it is targeted at the outcome that the Government seeks.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [11.12 a.m.], in reply: This legislative change is necessary in order to maintain the effective operation of the competitive green slips scheme in New South Wales. Several compulsory third party [CTP] insurers have indicated that, in the absence of any Government response, they would have to reconsider whether to write CTP insurance. Indeed, two companies advised the Motor Accidents Authority that they were each under instruction from their head offices not to issue any products that exposed their companies to liability for terrorist acts.

Much of the debate this morning has centred on the definition of an act of terrorism. The definition of an act of terrorism in the Motor Accidents Compensation Amendment (Terrorism) Bill is subject to the overriding requirement that, for the exclusion to apply, the act in question must reasonably be characterised as an act of terrorism considering the nature and the context of that act. Opposition members have spoken at great

length on this point. The honourable member for Gosford made a foolish contribution to the debate in that he failed to acknowledge that the words "reasonable to characterise as an act of terrorism" are in the amending legislation. For his edification, I refer him to new section 15A (1)—to which the honourable member for Hawkesbury also referred.

As to the contribution by the honourable member for Hawkesbury, I cannot understand where the difficulty lies. The honourable member suggested that the definition in new section 15A 2 (a) could apply to emails of a threatening nature—for example, death threats. I acknowledge that point. That is why new subsection (1) contains the rider that the act must be reasonably characterised as an act of terrorism—in other words, a reasonable person surveys the situation and regards it as an act of terrorism. I cannot envisage any other description, and I will be interested to see the alternative definitions that Opposition members propose when the bill is debated in the other place.

Notwithstanding their criticism, Opposition members offered no examples this morning to prove their point. The honourable member for Hawkesbury claimed that if the wider definition were applied many everyday activities—or at least activities that are not of a terrorist nature—would be excluded under the legislation. However, he failed to provide any examples of such occurrences in the Australian context. I cannot understand the Opposition's point intellectually and I do not know how it would arrive at a better definition, short of listing every conceivable terrorist act—which would be impossible. As I understand it, it is not unique in the law to have definitions that rely on a reasonable person's thinking about a particular aspect, issue or event. Importantly, the qualification in this bill ensures that exclusion is limited only to those acts that are clearly terrorist acts—for example, it will not apply to other intentional acts involving a motor vehicle. The act in question must be reasonably characterised as being a terrorist act.

This amending bill is a temporary measure and an initial response to the international reinsurance market, which is volatile at present. In such an uncertain market we cannot predict what the situation will be at the end of the year. By adopting a temporary measure at this time, we can continue to monitor developments. This will maintain flexibility to explore whether, in light of developments, other viable options may become available. For example, the reinsurance market may remove the current terrorism exclusion or the Federal Government may accept its responsibility and respond to the terrorism exclusion issues in the context of general insurance. The events of September 11 have impacted not only on CTP insurance but on insurance generally—for example, building insurance and the like. The matter requires a Federal Government response, which we hope will be forthcoming.

The New South Wales Government reiterates its call for the Federal Government to work with the insurance industry to find an effective solution to this problem. In the event that no viable alternatives develop in 2002, the State Government will, by necessity, be required to extend the terrorism exclusion into the future. The Government undertakes to continue to work closely with the insurance industry in monitoring the reinsurance position and assessing both the requirements and the options for future action. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Matter of Public Importance: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to permit the consideration forthwith of the matter of public importance submitted by the honourable member for Mount Druitt on Tuesday 12 March 2002, with the following time limits to apply:

Mover	-	15 minutes
Member next speaking	-	15 minutes
Up to 10 other Members	-	5 minutes each
Reply	-	10 minutes.

GRAINS BOARD VESTING POWERS

Matter of Public Importance

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [11.19 a.m.]: I ask the House to note as a matter of public importance the vesting powers of the New South Wales Grains Board. In recent times the Grains Board has received considerable media coverage, and it is in the public interest that I put some relevant matters on the record. Many honourable members would be aware of the chequered history of the New South Wales Grains Board, particularly in light of the multimillion dollar losses it has suffered. That particular issue is currently the subject of an investigation by the Independent Commission against Corruption. Therefore, I will not comment on it. However, I would like to comment on issues surrounding the vesting powers of the New South Wales Grains Board.

One of the key reasons for the Government's decision to maintain the regulations and to sell the vesting rights to a third party was to maintain orderly marketing, which the New South Wales Farmers Association wanted at the time, and to secure pool payments to our farmers. The Government and the board's administrators worked with the New South Wales Farmers Association to achieve this end. Because of the high losses, the board's creditors voted to accept a scheme of arrangement to provide them with greater certainty about payments that were due to them. Also, the scheme avoided the risk of liquidation, which would have resulted in much lower payments being made to growers and other creditors. The scheme also supported the marketing arrangements that were made with Grainco Australia Ltd. Many farmers are happy with the current vesting arrangements. In fact, the New South Wales Farmers Association still has a policy of supporting the current arrangements. But I am aware that some farmers are not so happy.

At a meeting at Oaklands in the Riverina on 7 February, farmers got together to discuss this issue. I am aware that the honourable member for Murrumbidgee—who, I believe, will speak in this debate—chaired the meeting. Mr Don Hayman, New South Wales Agriculture Executive Director of Policy and Corporate Planning, attended on behalf of the Government. Mr Hayman reported back to me in some detail. Also, media outlets, including the SBS *Insight* program, reported comprehensively on the matters. I am advised that the meeting passed a motion to have the vesting rights for barley, canola and sorghum removed immediately. The reason put forward for this motion was that the vesting rights were not being used in the best interests of growers and the community. I have two important points to make in response to that motion.

First, the vesting arrangements were continued to ensure that growers—that is, farmers—received the money they were owed from the 1999-2000 grain pools. The total amount owed, which varied from time to time, could be as high as \$13 million. About 80 per cent of this money has now been paid, with the final 20 per cent due to be paid shortly. It is easy for some farmers to claim that the vesting powers should be scrapped now that they have received the majority of their payments. But if we were to scrap the vesting rights now we would be liable for enormous costs, for which the farmers would invariably have to pay. Not only would we need to refund the \$25 million paid by Grainco to acquire the vesting rights, we would also have to add on the value of associated damages and lost opportunities.

Further, we would have to find an extra \$13 million to cover the Treasury Corporation loan, which was put in place to ensure that growers received their pool payments due to be reimbursed through the ongoing authorised fee of \$1.50 per tonne. That issue was a major part of the discussion at the meeting I referred to. If the motion passed at the Oaklands meeting were enacted, the removal of vesting rights could cost farmers and the Government \$50 million or more, according to estimates given to my office. The honourable member for Murrumbidgee—who, I understand, is a lawyer—realised the implications of this motion at the time and advised the meeting of the compensation implications should the Government go back on its arrangement and immediately deregulate the industry.

I also remind the House that the New South Wales Farmers Association made it clear to the Government in 2000 that any arrangements made in respect to the board should ensure that pool payments owed to growers are paid. Clearly, they cannot have it both ways. I note that a recent SBS *Insight* program included an interview with a Mr Graham Barron. I have a great deal of time for Mr Barron, whom I have met many times. He was introduced on the program as a grower who does not believe in the vesting powers. Mr Barron was quoted as saying that he did not believe in private companies holding monopoly powers. That quote, which the SBS program attributed to him, was part of a wide-ranging discussion he had on the program. I point out to the House that the same Mr Barron is, in fact, a director of Graincorp Operations Ltd—one of three companies that bid for the vesting rights of the Grains Board in 2000.

I want honourable members to think about this for a moment. A bit of a philosophical debate is taking place as to whether the Government should have sold—or whatever word one wants to use—the vesting powers to a private company. Some people say that vesting powers should never be in the hands of a private company. One of the great critics of that view is a director of an opposing company that tendered for the same vesting powers. I will let people make their own judgment on the worth of that argument. I believe it is a hypocritical argument which does not give the Oaklands cause much credibility. Further, there has been a great deal of mischief-making by companies opposed to Grainco. They have been using this debate and their involvement with ConAgra and others to undermine the Grainco presence in this State. We have to balance what they are saying against their vested interests in this debate.

The second point I want to make about the Oaklands meeting is in relation to claims that the vesting arrangements are not in the best interests of growers. Apart from the issues I have already raised about the benefit of pool payments being made, I also want to touch on the issue of current pricing, which has been given a great deal of column space in the *Land* newspaper in recent times. Grainco has showed my office that its prices are very comparative to the prices of other grain companies. I draw the attention of honourable members to a recent letter to the Editor of the *Land* in which a Grainco executive debated this point and other issues. On 21 February a meeting was held on this very matter. The New South Wales Farmers Association was invited to this meeting, but was unable to attend.

The Grains Board and Grainco appreciate the need to keep farmers properly informed of the trading activities associated with vesting powers. We propose to have this information published on the Internet. Grainco prices do fluctuate. Honourable members who have much more experience in this area of the grain industry than I do would understand that. However, their prices fluctuate around the best, not the average, prices in the market. Sometimes they are above and sometimes they are below, but generally they are on a comparative par with prices in the marketplace. Grainco pool prices are regularly well above the best cash prices being offered in the market.

Its feed barley cash prices are comparative and have ranged between \$165 and \$200 per tonne in the past 12 months, and its feed barley pool payments are generally higher. They are closer to \$200 per tonne during the 2001-02 season, compared with approximately \$165 per tonne being offered by the Australian Barley Board. They also compare favourably with the variable prices being offered by Brooks Brothers in Victoria, another outspoken critic of the vesting powers arrangement and Grainco's involvement. That company was a bit of a star on the SBS *Insight* program. Brooks Brothers offered about \$185 per tonne between mid-November and mid-December last year, the same as Grainco offered in late December and only marginally higher for the first few weeks in January. The situation with malting barley prices is similar, although the prices are generally higher, ranging from about \$200 to \$240 per tonne for cash prices.

Grainco's malt barley pool sees prices at close to \$240 a tonne while the ABB is offering just under \$220 a tonne in Victoria. Grainco's malt barley pools are much higher than Brooks Brothers prices in Victoria, which ranged between \$230 a tonne and about \$240 a tonne in November and December last year. Canola and sorghum prices show similar trends. I am aware that Brooks Brothers is currently involved in a legal tangle with Grainco and the New South Wales Grains Board about the definition of malting barley. I understand it is claiming that its barley is of feed quality and not malting barley, which means it would not have to sell to Grainco. However, on the recent SBS *Insight* program to which I have referred on numerous occasions today Chris Brooks said that in the past Brooks Brothers had been bending the rules in regard to specifications. Bending the rules is not an acceptable practice, and it will not be acceptable in the future.

Many questions have been raised about Grainco's mode of operation, but when vesting powers are transferred to a private company, that company will administer them to the true letter of the law. That may result in some changes, such as an end to the bending of rules and so on. The industry standard of malting barley will soon be formally gazetted by order of the Grains Board under the Grain Marketing Act. That will reduce any future confusion or misinterpretation of malting barley definitions, and prevent any further bending of the rules. Storage points were raised at the Oaklands meeting, and I am advised that Grainco is working on those various matters. Grainco, like the Grains Board before it, realises the need to provide adequate storing arrangements for different varieties in various locations around New South Wales.

I am advised that Grainco is aware that in some cases growers have difficulty finding appropriate receival points, and it is working on increasing the number of receival points for growers. I have to convey the message once again that vesting powers are here to stay until September 2005. We debated that matter and we made a decision. Everyone accepted that a tendering out of vesting powers was the best way to protect farmers

and get as much money back from the pool payments as was physically possible. If the agreed contract is broken the Government and, therefore, farmers will be liable for hefty payouts, which are neither necessary nor wanted. It is far too late to reopen the debate about whether vesting the powers should remain in place. That decision was taken when we accepted the scheme of arrangement. I reiterate that the scheme of arrangement was voted on by creditors. The average support base was about 97 per cent. We are now going through the process of using that arrangement to ensure that farmers who did not get all their of pool payments—and there was some delays—are paid out their just dues.

Having brought in the ambulance and got the patients to hospital for treatment we can no longer cancel the ambulance service. Having got Grainco to tender successfully, get the money on the board and get the process going, it is a bit late to suggest that we can go back and undo the whole process after most of the benefits have been paid out. Do we seriously suggest that those who received cheques from the pool payments will pay them back? If we are undo all of that work, will we undo the lot? Can we go back to when the collapse first came about? Of course not. Vesting powers will be in place until 2005. It is incumbent on the Opposition to accept that after 2005 the grains industry will be completely deregulated. It is silly to suggest that Grainco is hiding behind vesting powers; it is involved in the business of this State in the long term.

After 2005 Grainco will compete. To do so successfully it will need the goodwill of many of the farmers around the State. It is incumbent on the Opposition to argue this case more responsibly in the media. I do not criticise the honourable member for Murrumbidgee, who made some telling points at the meeting he chaired in the Murrumbidgee area. However, the issue is getting out of hand because of the actions of some people who have a vested interest in trying to undo the process. We cannot afford it. Farmers would have lost money, and they would have been eligible for compensation payments. Those who glibly claim that we can go back are wrong. We cannot do that. In September 2005 vesting powers will end and companies will be able to compete in a deregulated market in New South Wales, just as they will in every other State of Australia.

Mr PICCOLI (Murrumbidgee) [11.34 a.m.]: It is true that in the electorate I represent in southern New South Wales vesting powers for coarse grains have caused a deal of concern. Since the problem first became evident a couple of years ago it has been a festering sore. It probably started when Grainco representatives, accompanied by police, visited farmers in Rankins Springs to obtain contracts they previously had with Brooks Grains. It was not a good start to the relationship between Grainco, the new owners of the vesting powers, and its growers. Things have not improved much. Farmers who attended the meeting at Oaklands, and those who were unable to attend, are honest, hard-working people. People like Greg McCarten, Bill Parsons and others from Rankins Springs, Oaklands, Rand, Finley and Urana cannot be wrong. Many people are upset about the way in which the vesting powers are being used. Although people like Brooks and those with other commercial interests may have their own barrows to push, the hard-working farmers are upset.

Some 150 growers, their wives and families attended the meeting at Oaklands to express their concerns. Farmers are unhappy with the arrangements that have been put in place. I agree with the Minister, as I said at Oaklands, that the deal has already been done. I have some understanding of the law, and to seek to undo it prior to 2005 would result in significant compensation payments to Grainco. It would be inappropriate for the State Government to outlay \$50 million to undo this deal. That is the Minister's figure. However, I and plenty of others who attended the meeting in Oaklands want the Government to be more involved. I understand it is a commercial relationship, but the New South Wales Government represents the people of New South Wales, including growers of coarse grain. I represent the views of those growers, and it seems to them that the Government has stepped back too far.

At the meeting the Government was called on to take a closer look at the way in which Grainco is using the vesting powers. I am not a director of any of the private companies that bid for the vesting powers, so I can criticise the granting of them to a private company which will not necessarily use them for the benefit of growers. Vesting powers are granted by the State, the people of New South Wales, for the benefit of the people of New South Wales. A private company is motivated to use the power in its hands to secure a return to shareholders, not a return to the growers who have given the company that power. The initial rationale behind the establishment of the failed Grains Board was to provide the greatest return to growers, the same as the Rice Growers Marketing Board. The motivation was to provide a non-profit organisation that would produce the highest return to growers.

There should be a properly run co-operative arrangement in respect of the vesting powers, not merely a desire to increase the price of shares and returns to shareholders. Perhaps the failure of the Grains Board had something to do with the fact that dodgy deals were done from time to time. We do not want to have dodgy

deals done again, because there have been far too many of those sorts of disasters in agriculture. In the past 10 or 15 years major farming organisations have gone bust because of poor operations; at the end of the day the farmers are the ones who have to pay for it. I certainly do not want that to happen again. I am not sure that I agree with the argument that the vesting powers had to be given to Grainco to secure the pool payments. Another way could certainly have been found to come up with the \$13 million that was outstanding in pool payments for the year prior to the failure of the Grains Board. Those payments are being made to the farmers but the farmers are paying for it themselves; it is out of one pocket and into the other. I do not understand how that can be to their benefit.

Angus McNeil, a representative of the New South Wales Farmers Association, attended the meeting in Oaklands. It was good of him to attend. There was a great deal of animosity at the meeting towards the New South Wales Farmers Association for having got it wrong, because those who attended certainly believed the association did get it wrong. I am aware that the Minister and his department liaised at length with the New South Wales Farmers Association over this issue. I am sure, however, that in hindsight many of the association's members would agree that the association got it wrong. Some of the advice was not appropriate. Perhaps the Farmers Association should have had a greater oversight role at the time of the collapse of the Grains Board.

I turn now to the price differential. The farmers in my electorate, together with those in the electorates of Albury and Murray-Darling, which are close to the New South Wales-Victorian border, are right at the edge of the fence, if I might use that term. They look over the fence, the Murray River, and see that higher prices being paid for the grain which is the same as the grain they are producing. Grainco has provided me with the statistics about the price differentials that are available over the Internet. I take on board the Minister's comment that prices on a day-to-day basis, as opposed to the highest bidder at a particular site, are a matter of argument. It comes down to the fact that on the day they harvest farmers look to where they can obtain the highest price. Many of them see a much higher price available in Victoria or from buyers other than Grainco. At the end of the day, a farmer, like every other small business in New South Wales, has the right to the highest price for his product. To some farmers who may be growing 3,000, 4,000 or 5,000 tonnes of barley, \$2, \$3 or \$5 is a significant amount.

As I said, the farmers and their wives and families who were present at the meeting at Oaklands indicated that in the past couple of seasons their returns have not been as good as they could have been. While Grainco could provide certain statistics—and I do not doubt the veracity of those statistics—farmers on the ground will tell you that they are not getting the best price. I and many others would like to see the contents of the deed of agreement drawn up between Grainco and the New South Wales Government in respect of the vesting powers. I would like to see where the New South Wales Government puts coarse grain growers. A number of people are uncertain about the future. Many of them want to grow barley or canola, but, taking into account the difficulties that have occurred with Grainco, they are questioning that choice as the sowing season approaches. I appreciate that there may be parts of the deed of agreement that are confidential but, considering the fact that so many people are dissatisfied with the current arrangements, I would welcome an opportunity to have a look at it. Perhaps it could be made publicly available.

When speaking about the price return for coarse grains, I neglected to mention that that is not the only issue for farmers, particularly those in the south of New South Wales. Another issue is Grainco's inability to handle different separations of grain. In Rankins Springs, where a lot of the discontent emerged, the Grainco facilities are inadequate. People such as Brooks were able to pick up grain from the growers without the growers having to truck it to handling facilities. That was good for the farmers. The situation is the same in Deniliquin. Grainco has a site in Deniliquin and has told growers that certain varieties of malting barley, which only Grainco can buy under the vesting powers, cannot be delivered in Deniliquin but have to be delivered 100 or 150 kilometres away. For farmers with small 20-tonne trucks that is certainly a long way to transport grain. A slightly more flexible system would allow other people to store or perhaps buy that grain.

In areas where Grainco has the necessary facilities there may be no problem, but in areas where there are no grain-handling facilities, particularly those further to the west, the strict way in which Grainco interprets and deals with the vesting powers has not been in the interests of the growers. The Minister referred briefly to Brooks. They have been vocal in their criticism of Grainco and the State Government, and the way this issue has been managed. While they may not have behaved perfectly in the negotiations with the Grains Board and Grainco, I believe they have some serious gripes with Grainco. Those gripes have something to do with the way Grainco handled this matter. If Grainco was trying to improve its relationship with Brooks and the grain growers, the people who were sent recently to impound grain in southern New South Wales certainly did not do that. When they were sampling the grain they speared straight through the tarpaulins covering the grain without regard for the property of others. Their attitude certainly did not help.

Brooks had a contract with the Grains Board to buy malting barley. However, the administrator of the Grains Board has unilaterally cancelled that contract. Brooks believes the contract remains in force because it was unilaterally cancelled and not cancelled by agreement. I believe that dispute will now be the subject of a court case. In two or three years time when the court case has concluded—to the considerable benefit of the lawyers concerned, I am sure—the vesting powers will probably have expired and the result of the dispute will be of no consequence. I know it is a legal matter, but the livelihood of farmers and others is at stake. Perhaps something can be done by way of intervention to have the matter dealt with. The growers have been left in limbo about who they can deliver grain to. They want to deliver to Brooks Brothers but they do not want to break the law.

I would appreciate anything the New South Wales Government is able to do to alleviate that uncertainty. Perhaps the matter could be dealt with by negotiation or conciliation rather than through a protracted legal process. I do not believe the vesting powers will disappear before 2005. However, I believe the Minister and the State Government could intervene in this relationship, which will have to continue. Perhaps a little marriage counselling is called for to iron out a few of these problems for the benefit of New South Wales grain growers and to assist Grainco, which I am sure is not enjoying the negative publicity.

Mr MARTIN (Bathurst) [11.49 a.m.]: I support what the Minister said. It is clear from the remarks of the honourable member for Murrumbidgee that this is a complicated matter. I take up his suggestion that the Minister should take a course in marriage guidance counselling. The Government intervened to sort out this problem following the collapse of New South Wales Grains Board. We do not need to go into the history of why and how that happened, but basically after the industry was given its commercial independence by a previous Minister unfortunately it ran into a brick wall. The present Minister has set up a scheme to guarantee that the people who lost out in the deal, the growers, would receive their payments. About 80 per cent of the money is in the bank now and the other 20 per cent is to come.

We cannot unscramble the egg. We have to live with the present situation and see what happens when the vesting rights of Grainco expire in September 2005. Malting barley should be more clearly defined. Brooks Brothers has perhaps muddled the waters a little. The honourable member for Murrumbidgee referred to the argument with Grainco with 3,000 tonnes being impounded. There are many varieties of barley and if you want a particular brew of bourbon you have to make sure that you use the right barley. I am sure that the Minister—I think he alluded to this—will talk to the Department of Agriculture and the board to arrive at a concise definition of malting barley and incorporate it in the regulation. Brooks Brothers has admitted to bending the rules to gain commercial advantage. There is advantage to that company in having disaffected grain growers in New South Wales. The honourable member for Murrumbidgee pointed out that those growers have become the meat in the sandwich. They look south and think that they are being duded on the price they receive from Grainco. The information provided by the Minister shows that that is not true. Grainco prices have been amongst the highest available, whether in Victoria, New South Wales or elsewhere. Some people are arguing that we should unscramble the egg.

Mr Amery: Unscramble the omelette.

Mr MARTIN: I was thinking of scrambled eggs but it is well past breakfast time now. It is just not possible to do it. The financial implications would be of the order of \$50 million and at the end of the day it would be the farmer who would pay. No matter how convoluted the chain, that would be the result. The actions leading up to the present situation were taken in the best of faith by the Government in co-operation with most people in the industry and the Grains Board. The grain growers will have to live with the present situation until we see what happens down the track. At least order and balance have been restored. My grandfather spoke of the Country Party philosophy of capitalising profits and socialising losses. There is a trace of that attitude in this question.

Mr Amery: Just a touch.

Mr MARTIN: Yes. We should stick with the present arrangements and look to better times ahead.

Mr SLACK-SMITH (Barwon) [11.54 a.m.]: The failure of the Grains Board with debts of \$160 million came as a great surprise to many people. It came over a period of weeks and no alarm bells were ringing. The Minister was away from the game and must bear the responsibility for not knowing the circumstances the Grains Board was in. The Minister wants to avoid that responsibility, but the situation it is a little like when your daughter leaves home to marry: you still keep an eye on her and make sure that she is okay.

The Minister took his eyes off the ball and he has a lot of explaining to do. We do not oppose the Grain Marketing Act, because we were concerned about the pool payments. Growers were under great financial duress. They had the first decent crop for years and we wanted to ensure that their pool payments were met. I think the honourable member for Bathurst talked about the 23,000 tonnes—I think he said it was a little less than that—in one lot of storage. That represents \$3.4 million of growers' money sitting there, and that is a pretty fair whack.

Mr Martin: I was talking about 3,000.

Mr SLACK-SMITH: I am talking about 23,000 tonnes in one stack. With the hazy definition of malting barley in New South Wales, unless the Minister sits down with Grainco and Brooks Brothers in the southern parts of New South Wales and works through this we might end with a lot of egg on our faces. I suggest a round table conference to resolve the issue. The Minister has said that he will investigate the possibility of investigating pricing and vesting powers in New South Wales and Grainco. I would hope that the Minister would stop investigating the investigation and act. There should be an investigation of the pricing of Grainco compared with pricing in other States. I think that the Minister might find something interesting.

I make no excuses for vesting powers. I am a free trader. Most of the products I grow, apart from wheat, are free traded. The ideal example of being a free trader is in the cotton industry. There is no government interference and there are no special boards. It has been very successful. The vesting powers must result in benefit to growers, the industry, the community and the State. After Grainco received the green light from the Minister the involvement of ConAgra brought a lot of suspicion into the debate. It is the second largest grain trading company in the world. Before and during the negotiations there was no word that ConAgra would be involved in Grainco. It is unfortunate that it was negotiating the deal to get vesting powers in New South Wales through Grainco.

During those negotiations ConAgra was talking to Grainco behind closed doors. There was not a murmur of that until they secured vesting powers in New South Wales. But because there is a lot of suspicion I would like to see more transparency relating to the pricing arrangements with Grainco. Many growers look forward to 30 September 2005.

Mr ARMSTRONG (Lachlan) [11.59 a.m.]: By any yardstick the recent events with the New South Wales Grains Marketing Board was an expensive debacle for financiers, the Government, the growers and also the forgotten people who depend on grain suppliers, that is, the processors. The Minister spoke about investigations—and we are all aware of court cases that are under way concerning Brooks Brothers and others—delicate ground to step on—concerning certain employees of the Grains Marketing Board. The Minister also imputed matters to Mr Graham Barron—again that is delicate ground.

One of the more immediate problems, apart from matters that ICAC may throw light on, is the vesting powers that have been sold to commercial enterprises. No doubt they have been on-sold to some extent to a multinational, ConAgra. The Minister and the defendants can say what they like about the process, but they are yet to demonstrate that there is any other reason why ConAgra would have undertaken some financial negotiation with Grainco other than gaining an advantage. It is to be demonstrated that there would be any other advantage in ConAgra spending capital other than acquiring some access to vesting rights.

Until proven otherwise the situation is that ConAgra, one of the major private players in world grain, has purchased an interest in a Government vesting power over growers' product, and it has another four years to run. One of the major debacles at the moment is the definition of "malting barley". I do not know how much malting barley is available this season, but supposedly there are 20,000 tonnes at Bribbaree this morning. That barley was purchased from growers in that region and those growers were very happy with the money that Brooks Brothers paid them—not one grower has informed me otherwise. The barley was sold to Brooks Brothers as feed barley, because it either tested lower or higher than the protein specification for malting barley.

The definition of "malting barley" has been debated, and it is prescribed by the users, the maltsters. They want barley of a certain protein level, between 11 and 12 per cent. Brooks Brothers say that barley is feed if the protein level is lower than 11 per cent or higher than 12 per cent, and in between is malting barley. All the barley went into a heap and the heap was tested at between 11 to 12 per cent. That may sound unusual to some people. By way of explanation I mention the wool market. This morning someone will have attended a wool market with an order for 500 bales of type 243 lamb's wool. That person may buy 100 bales at a micron stronger and 100 bales at two microns finer, and will blend them to end up with type 243.

The same thing happens when grading potatoes and many other primary products. If someone goes to a saleyard at Bathurst, for example, to buy 100 yearling steers at 380 kilograms, he might buy 50 steers weighing 360 kilograms and 50 steers weighing 420 kilograms, giving an average of 380 kilograms. That is an accepted industry practice. I am sure that the Minister will find it difficult to get a definition from the Department of Agriculture about malt, something I tried to do. The maltsters want the definition to be based on a protein level. For argument's sake, it will be interesting to get a legal determination on 20,000 tonnes of barley at Bribbaree, because it allegedly complies with what the maltsters want. If that is the case, what compensation will there be for the owners of the barley? [*Time expired.*]

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [12.04 p.m.], in reply: I thank all members who have contributed to this discussion. I thank the honourable member for Murrumbidgee, who led for the Opposition, for his active involvement in this matter. He said that the whole process of the relationship between Grainco and its buyers did not get off to a good start, and involved the police. Grainco will have to make a judgment because it is pitching to be a major player in the future, well past 2005. At the end of the day Grainco purchased a product after the New South Wales Grains Marketing Board had collapsed due to financial difficulties. Grainco purchased the vesting powers in three products.

As a result, it owns the vesting powers and it is incumbent upon the Government, if you like, to deliver that product. It will be a legal battle to work out how that is to be interpreted. I will not be involved in a debate as to whether their actions are clever, smart, legal or otherwise. The honourable member for Murrumbidgee said also that it is not appropriate for the Government to pay out. He realises that the Government cannot get out of those vesting powers before 2005, and that removes the greatest contention. However, he said that the Government has stepped away from the issue. That is the very point we have been talking about; a couple of years ago we had the option to walk away.

On Sydney radio the honourable member for Lachlan said that the whole process was ridiculous and he indicated that we should walk away. I have commented on that from time to time. However, the Government decided not to walk away but to stay with the process, to keep the vesting powers in place, to organise the arrangements and to go through the whole process. I reject the argument that the Government walks away from everything. The honourable member for Bathurst said that the Government has stayed with this arrangement and he referred to meetings that have been held. He was right when he said that any objective assessment of the Government's role would show that we have stayed with the process.

The honourable member for Murrumbidgee suggested roundtable discussions. The players involved in that matter have liaised with my office either personally or by telephone a few times a week. Discussions have been held with the administrator. There is no suggestion that the Government is not involved in an ongoing way and it has decided to keep those vesting arrangements in place. The Government has a legislative role to play until 2005. I agree with the honourable member for Bathurst that this has been a complex matter.

The honourable member for Barwon, the shadow Minister for Agriculture, took a couple of cheap shots about no alarm bells ringing and there being a lack of investigation. The Government has conducted all the investigations that are humanly possible into the Grains Marketing Board and I will be prepared to discuss those when the findings are handed down. I do not know of any evidence given to ICAC or any other forum that substantiates what the honourable member for Barwon spoke about. He fuelled continuing division when he used words such as "suspicion" and "lack of transparency".

Had the Government decided to deregulate the industry, similar discontent would have been expressed. Unlike the dairy and rice industries, which were rock solid behind keeping regulations in place, the grain industry has debated whether to do that. This has been debated at each annual conference of the New South Wales Farmers Association and the margins were slim either way. Vigorous debate would continue, with different companies and farmers taking different sides, irrespective of whether vesting powers were kept in place. That is all part of the process. The New South Wales Farmers Association has declined to attend a number of grain reviews. It should show some leadership and become involved in the process. It is important that the public is kept informed, and we would like to have the co-operation of the association. I thank all honourable members for their contributions.

Discussion concluded.

**CRIMES (SENTENCING PROCEDURE) AMENDMENT
(GENERAL SENTENCING PRINCIPLES) BILL**

Madam ACTING-SPEAKER (Ms Beamer): I report the receipt of the following message from the Legislative Council:

MR SPEAKER

The Legislative Council requests that the Bill titled "An Act to amend the *Crimes (Sentencing Procedure) Act 1999* to make further provision with respect to sentencing under that Act" forwarded to the Legislative Assembly during the previous Session of the Parliament and which was not finally dealt with because of the prorogation of the Legislative Assembly, be proceeded with under the Assembly's Standing Orders.

Legislative Council
13 March 2002

MEREDITH BURGMANN
President

Under the standing orders it is now open to the member who previously had the carriage of the bill, the honourable member for Northern Tablelands, to give notice of a motion, at the appropriate time this afternoon, to restore the bill.

GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

Second Day's Debate

Debate resumed from 27 February.

Mr STEWART (Bankstown—Parliamentary Secretary) [12.11 p.m.]: It is with great pride that I speak in reply to the Speech of Her Excellency Professor Marie Bashir, AC, on opening this third session of the Fifty-second Parliament of New South Wales. In her Speech in the other place Her Excellency advanced the Government's key objectives of modernising the State's infrastructure, promoting investment jobs, and creating safer communities, world-class schools and hospitals, and, importantly, protecting our unique environment. Her Excellency made special mention of the tragedy of the Christmas-New Year bushfires.

As the honourable member for Bankstown I, too, join with the Governor in recognising and paying tribute to those who suffered losses during the crisis, to those who fought bravely to save property and life, and to the many communities that gave generously through fundraising efforts for the Christmas-New Year bushfire crisis. In the Bankstown local area there was a huge and generous response. During this period Bankstown showed its true grit and characteristic determination to help those in need. Members from the Bankstown State emergency services played an integral part in providing backup support services to the New South Wales firefighting service as the battle to save life and property was fought and won throughout New South Wales.

By and large the Bankstown community comprises people of relatively low socioeconomic status who are struggling to make a quid themselves. These people generously dug deep into their pockets to support the victims of the bushfire crisis. Dozens of local fund-raisers were spontaneously held in the Bankstown area and a hat was passed around for donations to provide much-needed funds for this crisis. An example of this outstanding generosity is my local Islamic community, which raised thousands of dollars towards the bushfire fund. One instance of this generosity occurred on a Friday afternoon after prayers at the Lakemba mosque. I am advised that during the prayer service Sheikh Taj el-Din Al Hilaly raised the plight of those involved in the firefighting crisis. After prayers were offered to support the victims of the bushfires, a hat was passed around among those in prayer at the mosque. Within 10 minutes \$10,000 had been raised towards the bushfire fund—\$1,000 for every minute—an outstanding effort by any standards but made even more outstanding by the sincerity and spontaneity of this exercise.

Similarly, my local Vietnamese community was involved in a tremendous fundraising effort also. Within two weeks of the crisis the local Vietnamese Catholic community had raised, through their own efforts, an amazing \$16,800 towards victims of the bushfires. A cheque for this amount was presented to me by Mr Thanh Van Nguyen, the Chairman of the Vietnamese Catholic Community in my local area, at an open-air mass held at Paul Keating Park, Bankstown, to herald and celebrate the Chinese New Year. What a great and generous way to start the new year, particularly so when one considers that most of those who donated to the bushfire appeal are themselves struggling to make ends meet. However, they still dug deep to help those in need.

That is the spirit of Bankstown, a wonderful place with great people who, despite their own needs, are always first and foremost to help others in need when the call comes. Everyone in New South Wales felt the pain of families hit by bushfires. I congratulate the Bankstown local community on its magnificent efforts in raising funds for the bushfire appeal and on its involvement in helping those in need. I am proud that, like so many other communities, the people of Bankstown have come together at this difficult time. These donations have come from the heart, and they demonstrate that when one part of the State hurts, we all feel the pain and respond.

As I said, Her Excellency spoke about the Government's key objectives and it is pleasing to note that the focus of these objectives is both positive and optimistic. New South Wales is without doubt the engine room of the Australian economy. Driving this engine is a Premier, a Treasurer and a Cabinet that manage the State's economy effectively, making the tough decisions when they need to be made, but at all times delivering equity to our State through resources, services and infrastructure. This careful approach by the Carr Government to the economic management of New South Wales over the past seven years is now paying dividends. Everybody in New South Wales is now reaping the rewards of a State that, as result of sound fiscal management, is now booming, relative to what is happening around the world.

The projected budget result for 2001-02 is a surplus of \$713 million above the budget estimate of \$368 million. This clearly indicates that New South Wales is in a healthy financial position. However, I emphasise that while this State enjoys a healthy projected surplus, indications on the world stage reveal that this is not the time to be financially unhealthy. Recent international events have illustrated in dramatic fashion the perils of complacency in world affairs and, as the Treasurer, Michael Egan, recently put it, "the folly and recklessness on the part of any business, or government which fails to make allowances for the worst that the future can bring".

On 5 December 2001 the Federal Treasurer, Mr Costello, made the observation that despite Australia's economic strength there is great uncertainty abroad. At that time Mr Costello said, "I don't want to downplay what is happening in the world. I think it is very, very grim"—words from the grim reaper himself. Michael Egan therefore said, "Sound management demands that New South Wales maintains a financial buffer zone." The Governor said that that buffer zone and financial management were needed and they are delivering. This financial buffer zone has worked well for New South Wales. We are now able to reap the results of this careful fiscal planning and excellent management by the Carr Government.

My local area of Bankstown-Canterbury is an excellent barometer of the Carr Government's delivery record. It is a strong Labor area but still receives the necessary equity and resourcing. Most recently, an announcement was made of an additional \$70 million funding boost to public schools across the State. The Bankstown electorate fared extremely well from this funding initiative. A whopping total of \$1,043,284 has been allocated from the funding towards school capital works in the Bankstown electorate. This is in addition to the funding already allocated in this financial year—it is substantiated in the current budget—to school capital works in the Bankstown electorate.

The Government and the Minister for Education and Training have said, "But wait, there's more," and this has had a tremendously positive effect in my electorate. It is great news for our local public schools, 13 of which will benefit significantly. Bankstown Girls High School is to receive \$200,000 for classroom painting; Belmore Boys High School is to receive \$106,000 for refurbishment and covered walkways; Chullora Public School is to receive \$65,000 for covered walkways and new carpet; and Yagoona Public School is to receive a whopping \$137,400 for security fencing and carpet replacement. It is particularly pleasing to note that this additional funding is provided in the current State budget. This means that students, teachers and parents will see the changes quickly—in fact, over the next five months they will see the benefits of this funding, including the opportunities that will flow from these capital works programs. This is a great win for public education, and I urge the Minister for Education and Training to continue to focus on meeting the needs of our local public schools and delivering for education.

Other new work is also being funded at schools in the Bankstown electorate. Bankstown Senior College will receive \$25,000 for work on an external movement area and roofing replacement. Bankstown Public School will receive \$49,500 for structural repairs and Belmore Boys High School will receive about \$106,000 for external movement area works and painting. Chullora Public School will receive \$25,500 for external movement area works, \$35,000 for replacement floor coverings and \$5,000 for a new telephone system. Greenacre Public School will receive \$5,500 for external movement area works, \$35,000 for replacement floor coverings, \$22,000 for roof renewal in the hall, and \$49,500 for roofing replacement works and structural

repairs. Hampden Park Public School will benefit from a new telephone system and replacement floor coverings. Mount Lewis Infants School will receive \$10,000 for replacement floor coverings and Punchbowl Boys High School will receive \$80,000 for external movement area works, \$90,000 for replacement floor coverings and \$28,000 for a new roof.

This is terrific news for public education in my local area. It is a great barometer of the Carr Government's achievements in focusing on education and recognising clearly that our young people are the future and that education is their foundation. We are investing in their future. On behalf of my constituents I sincerely thank the Minister for Education and Training for delivering this significant capital works boost to my local public schools.

Public health infrastructure in Bankstown has also received a significant boost through recent initiatives undertaken by the Carr Government. A new centre for community health in Bankstown will bring most health services under one roof for the first time. This purpose-built, \$2.5 million-plus building will be ready for occupation probably by the middle of this year. It will offer major health care improvements for local people and represents a significant capital works commitment on the part of the New South Wales Government. Importantly, this new development will be more efficient, will be situated in a centralised location and will provide more space, comfort and privacy for clients and staff alike.

Community health services to be provided from the new location include child and family health, speech therapy, counselling services, community mental health, drug and alcohol counselling, and services aimed at the special needs of ethnic communities. It will also be involved in health promotion and education, mothers' and babies' health and home nursing services. This state-of-the-art health centre situated at 36 Raymond Street Bankstown has three levels and is close to rail and bus services—in fact, it is smack in the middle of the Bankstown central business district. To add cream to the cake, Bankstown-Lidcombe Hospital recently received a new \$1.4 million computerised tomography [CT] scanner that can produce high-quality, high-resolution computer images of internal organs, tumours and bones. I visited Bankstown-Lidcombe Hospital in mid-December last year with the Minister for Health, who was overwhelmed by the initiatives being undertaken at the hospital and the positive and productive attitude of the staff. The hospital has received fantastic resourcing over the past seven years under this Government.

The Minister and I spoke to the Radiology Director, Mr Brian Hammond, who told us that the new CT machine was "the most advanced in Sydney". That is a fantastic equity achievement in an area that needs it. In addition, a new \$1.6 million car park will be built this year—works will be completed in the first half of 2002—at Bankstown hospital to complement its parking needs. An additional intensive care bed has also been funded to the tune of more than \$1 million. That is terrific news from a fantastic Government that is delivering for the people of Bankstown in terms of equity, resources and services. But wait, there's more. As the Governor said in her Speech, we must focus on community policing. We must address concerns about policing needs and security in the community and keep our streets safe. I am pleased to report to the House that the Carr Government has tuned into that concern in the Canterbury-Bankstown area. Policing in Bankstown will be bolstered by an additional 31 probationary constables.

Mr Kerr: Taking them from the Sutherland shire.

Mr STEWART: It is about equity and delivering services and infrastructure where they are needed most. I am confident that this is being done in the best way possible. Bankstown, which has the largest local area command in Australia, is benefiting from increased police numbers. This is a great result for policing in my area, where the dedicated new police officers are most welcome. Importantly, the Carr Government is on track to meet its 1999 commitment to put 2,110 police back on the front line by December 2003.

Mr Kerr: Name them!

Mr STEWART: The Government will do this by freeing up 1,100 officers from administrative duties and recruiting 1,000 new police. Those opposite are not used to hearing good news; they do not know how to handle it. There is good news not only in Bankstown but throughout New South Wales. The announcement by the newly appointed Minister for Police, Michael Costa, of a major police restructure in New South Wales will have a most productive and positive effect on policing in Bankstown by giving a huge boost to the local area command. Stage two of the police restructure will focus strongly on helping police and the local community to develop solutions to law and order concerns.

That is what is happening in my area, and I am very pleased with the progress that has been made in that regard. As to tangible results, the Minister has advised me that the restructure will boost current policing initiatives by reallocating police who were previously tied up in regional area commands to Bankstown and Canterbury, where they are needed. We all know that our target action groups do a great job on the streets but they have been located at the Georges River regional command in Hurstville.

Mr Piccoli: A good spot.

Mr STEWART: It is great, but we need some of those specialised resources in Bankstown. We also need the experience that these police will bring to the Bankstown local area command. The target action groups will serve the entire local community equitably and on a needs basis. Importantly, they will serve the largest local area command in Australia effectively and responsibly and provide a backbone of stability and experience for young probationary constables in that command. I am pleased with that approach taken by the Government. The Minister for Police is responsive to local community needs and is delivering on them. A new police station is to be constructed at Bankstown. In partnership with Bankstown City Council, the Government will construct a purpose-built station early next year, or even later this year. The new station, which is currently at design stage, will be a modern purpose-built infrastructure from which our local police will operate. I look forward to the day the new police station is completed. The Government is able to work constructively and positively in partnership with the local council to achieve such a great initiative.

Madam ACTING-SPEAKER (Ms Beamer): Order! If the honourable member for Cronulla wants to be heard in silence, he should remain silent now.

Mr STEWART: The Government's initiatives are not only about policing needs, they are also about the needs of young people. Often we too easily forget that young people, as I said at the outset of my speech, are the backbone of our community in the future. In terms of policing initiatives, we are investing in young people as well. Our local police and community youth clubs have gained significantly from the resourcing provided by the Carr Government. Recently the Bankstown and Belmore police and community youth clubs, which are both in my electorate, received funding of \$16,000.

Mr Fraser: We got \$30,000.

Mr STEWART: The Government delivers on a needs basis. That is equity. I am pleased that Coff's Harbour achieved that funding. My electorate is extremely grateful for the funding that has been allocated to the Bankstown and Belmore police and community youth clubs. With that funding we can set up initiatives for young people and give them the opportunity to have a say in community issues, to be involved in constructive recreation and to understand that, with the rest of the community, they have a part to play. I am pleased to be able to play a part in providing such opportunities to my young constituents. I commend the Carr Government for delivering to the Bankstown area and for tuning in and listening to the people of New South Wales. I listened carefully to the Governor's Speech about the focus of this Government to deliver to the State. I commend the Government's achievements to the House.

Mr KERR (Cronulla) [12.31 p.m.]: I also heard the speech referred to by the honourable member for Bankstown. I am reminded of a remark made by the Premier when he spoke to the condolence motion for the late Jim Cameron. The Premier quoted Mr Cameron as saying how much he honoured the incumbent of the Governor's office and how critical he was of the content of the Governor's Speech. I would have to say the same. We all hold the present Governor in the highest esteem. However, the Speech that was delivered on behalf of the Government under the authorship of the Government was one of the most miserable that has ever been encountered in the course of any Parliament.

It had no vision for the State of New South Wales. It was simply a rationalisation of the past. As honourable members would know, you cannot rationalise the past in terms of what this Government has done. This State has been starved of achievements and we have become conditioned to failure. Under the present Government the Sutherland shire has suffered the locust years of Labor and has experienced a rapidly declining standard of living. I want to talk about some of those areas in which we have experienced a reduction in our living standards. Public transport is one such area. We saw significant improvements in public transport under a former Coalition Minister Bruce Baird.

Mr Greene: The airport link was a brilliant move.

Mr KERR: If the honourable member for Georges River had studied the speech that I gave on this subject, he would know the problem with the airport link. His Minister for Transport very much wanted the airport link. He should read the speech that his Minister made when he opened the airport link. The Minister said it was a great piece of infrastructure. The only problem is that the trains did not run on time. If the trains do not run on time, people will not use them. I hope that the honourable member for Georges River will not interject again because I would not like anyone to think that is evidence of grumpiness on his part. In relation to public transport, I received a letter from a constituent on 13 December. The Minister has not yet replied to that letter. My constituent wrote:

Each morning and evening on my way to and from Cronulla railway station I pass a large poster, which states "Two security guards on every train after 7pm". Once again last night this poster was proven incorrect.

Last night, Tuesday 27th November, I caught a train from Town Hall to Cronulla, I travelled in the vestibule area at the rear of the front carriage. The trip took approximately 45 minutes, and included about 15 stops. During this journey I did not see one security guard (let alone two) on the train.

Even if it were an eight-car train, I would have expected to see the guards move through the train at least once or twice over this lengthy period. I don't mind that many of the on-train security guards just seem to walk through the trains talking on their mobile phones, as it's their presence that is the key to their effectiveness.

As I crossed the platform after alighting from the train at Cronulla it was approximately 11:50pm, and I mentioned to the young guy working at the station that once again there was no security on the train. His response, even though polite didn't make me feel any better about the situation. It was something along the lines of "no worries mate, you made it here safely ...".

Last night was an incident free night (as have been all of my travels to date) but this is not the point. There are meant to be security guards on the trains after 7:00pm and last night I saw no evidence of this.

That is one of the issues concerning public transport. Let me turn to law and order, which the Governor spoke about. On 21 February I attended a press gallery speech given by the Minister for Police. The Minister launched an updated version of George Orwell's *1984* doublespeak. This gem should be enshrined in the spin doctors award of the millennium. I do not believe that anyone could do better in the next nine centuries. He said:

Trends in aggregate crime statistics are of little consequence to the community. Feeling personally safe is what matters.

About 12 of the Minister's colleagues are probably not feeling safe as a result of his activities.

Mr Gibson: He is no friend of mine.

Mr KERR: The honourable member for Blacktown is not feeling safe with the Minister around. We know the Carr Government's policy: Rising crime does not matter so long as people can be lulled into a false sense of security. So bad is good and good is bad. George Orwell has an apt pupil. For more than two-thirds of the past 25 years Labor governments have been in power in this State and they have been responsible for law and order and the Police Service. For the past seven years Mr Carr has been Premier. For almost all that time Paul Whelan was the police Minister. Returning to Mr Costa, he had this to say on the Wood royal commission:

Remember this: The royal commission exposed entrenched cultural problems.

Blow by blow, it exposed a culture that allowed a club of crooked self-serving cops to prosper.

Significant cultural change of this size takes time.

Labor has been in Government for seven years. The Minister said that it will take longer than one, two or three terms of any commissioner or Minister. The Wood royal commission was established in 1994. Labor has been in power since then, yet we continue to have a background of entrenched Labor failure. Mr Costa said it would take two, three or four terms—eight, 12 or 16 years—to cleanse the existing police force. What a legacy he inherited from a Labor Minister.

Mr Gibson: You voted against it. You voted against the royal commission.

Mr KERR: It was established under our Government with lesser powers than the Independent Commission Against Corruption would have had. Honourable members opposite probably feel some confidence: Recently the Government unveiled what might be an effective crime policy. People will not have to be arrested because they will surrender themselves to police stations, plead guilty and enjoy the good life in gaol. It is the gaolhouse rock policy: you no longer have to detect crime, you just make it so attractive inside that people will line up.

Mr Fraser: Ask Phuong Ngo.

Mr Gibson: Ask Chika. She told you all about it. She was there.

Mr KERR: She was invited, the Minister approved it and she co-hosted it with Labor's Commissioner of Corrective Services.

Mr Fraser: Mr Woodham.

Mr KERR: No, it was actually the commissioner. It is a little different from the Phuong Ngo shindig, and honourable members might bear that in mind when they compare and contrast the two. No-one is suggesting that you no longer take the functions attended by the Leader of the Opposition to which she was officially invited—

Mr Fraser: He was just organising his branch stacking.

Mr KERR: Yes. On Saturday the mayor will attend a law-and-order rally in Cronulla. It was shire members of Parliament who gave her a present last year—

Mr Greene: Who else will be there?

Mr KERR: I do not know. A few of the honourable member's branch members might come up. Do not let them take the attendance book; that is the big thing. It counts, even if they are there. Shire members in this Government took away powers from special constables used by the council to provide security in the mall and other places. At that time I spoke about the effect of the legislation, which was supported by every member of the Government. Why would one take away the powers of security officers who work for Sutherland Shire Council? The Government is playing 500 with education in the Sutherland shire. It has a discriminatory policy for capital works in small schools. The Minister announced that the construction of school halls would depend on the main criteria of enrolments, and that schools with enrolments of more than 500 students would be dealt with first.

Under this criterion schools such as Miranda North—and I have brought to the attention of this House the traffic problems at that school—and Cronulla South, at which Gough Whitlam is a former president of the parents and citizens association, will miss out. Both schools are still waiting and crying out for a hall, but they will fail to qualify under Gough's successors in the Labor Party. Both Miranda North and Cronulla South schools provide academic, cultural and sporting excellence. Through the hard work of teachers and parents they have established enviable reputations in their communities. Children at these schools undertake music and drama activities at the mercy of the weather because the Government has failed to provide them with a hall. It is an absolute disgrace.

Mr Gibson: You were in government for seven years. Why didn't you deliver them when you were in government?

Mr KERR: We were responsible for the construction of a number of halls. They were certainly on the list. Had we remained in government for another seven years the halls would have been constructed. Burraneer Bay school has a one-way bitumen road going through its centre. The entrance to the road is from the busy Burraneer Bay Road and egress is from the busy Gannons Road. There is no dedicated staff or community car park. Currently, staff park next to their classrooms under a tree along the bitumen road near fixed buildings and the rear oval. Parking on the adjacent Burraneer Bay Road and Gannons Road is subject to Roads and Traffic Authority restrictions, including bus zones, two pedestrian crossings and close proximity to a roundabout, et cetera. If staff had to park outside the school grounds they would be up to 200 metres away from their classrooms. Yet the Premier talks about erecting massive gates and constructing massive drives so that State schools can compete with private schools.

Burraneer Bay school has two toilet blocks to service 540 children. The size of the urinal is under that laid down in the code for the number of the boys in attendance—283. The floors are concrete, and toilets operate on an archaic chain-pull system. That is the situation in 2002 under Labor. It is very difficult to equate that with the utopia outlined by the honourable member for Bankstown in his response to the Governor's Speech. That is an example of the state of public education. It is an example of the investment we have in the future of this State. I am talking about a metropolitan area, not an isolated country area. Members of this Government should hang their heads in shame.

A brief visit to Sutherland Hospital would reveal an absolute shortage of nurses. That hospital has experienced a steady haemorrhage of experienced senior staff. Basic equipment, such as blood pressure machines, is in short supply. Beds that should have been condemned are still in use. Nurses work 10-hour night shifts. The departure of the many senior staff places an enormous responsibility on the shoulders of very junior staff. The hours they have to work to make up for the loss of senior staff are a diabolical attack on their professionalism. They are required to do two jobs and they are inexperienced. Yet, like combat troops, they are put on the front line to deal with it day in and day out. They are left on the front line without relief. Compare St George Hospital with Sutherland Hospital. It is not good enough for the Government to say it is constructing new buildings that will be opened just in time for the next State election. That will not solve the nurse shortage or the lack of basic equipment. It will not stop haemorrhaging of senior staff. Working conditions are appalling.

Mr Fraser: Stress.

Mr KERR: Who would not be stressed when human life is in their hands? The Government is the boss, yet that is how it treats its workers, whether they be teachers, nurses or police. The previous speaker, the honourable member for Bankstown, said that he would get extra police, and that may be so, but it is Sutherland shire that has the blues. A couple of weeks ago Mr Costa came to Sutherland shire to announce a transfer of police from Sutherland shire to the Bankstown area: robbing Tracie to pay Tony. I will refer later to the police we used to have in Cronulla, that we used to have in the Sutherland shire. The Premier said that 1,500 police officers would come out of the academy. But we lose more than 1,500 experienced, streetwise police every year. We cannot make up for a loss of experienced police with inexperienced police.

Mr Fraser: You are losing two police a day.

Mr KERR: The honourable member for Coffs Harbour interjected that we are losing two police a day in this State.

Mr Greene: He would be an expert.

Mr KERR: Of course he is an expert because he actually takes an interest in the subject. If those opposite took an interest in it they would be talking at every caucus meeting about how they, as bosses, are treating the workers. It is all very well for the honourable member for Blacktown to lead the singing of "What a friend we have in Bobby" at the opening of every caucus meeting, while ignoring what is going on in his and other electorates.

Mr Markham: How come you can hear what happens in our meetings?

Mr KERR: We can hear the singing in our party room. That is how we know what is going on. You have been caught out by your own enthusiasm! Of course, it is not only in regard to issues such as transport, education, health, plausibility and honesty that we find Labor is lacking; it is lacking in direction for the future of this State. That is a great tragedy of the Governor's speech. It was a rationalisation—

Mr Markham: Is that what you are talking about?

Mr KERR: Yes. I know that the honourable member opposite is a complete stranger to rational arguments.

Mr Markham: I thought we were on the Address-in-Reply.

Mr KERR: I am speaking to that, and I have just referred to a number of issues that were raised in the Governor's Speech. It is basically a catalogue of failures. The defence was absolutely appalling. It was pinned together, I have to say.

Mr Fraser: An embarrassment to the Government.

Mr KERR: It was, and it was an embarrassment to the population of this State.

Mr Gibson: Like when the honourable member for Coffs Harbour set that paddock on fire!

Mr KERR: If the honourable member for Blacktown started talking about nurses, teachers and policemen he might set this place on fire. If he wants to go to that issue, there is no shortage of fuel. The past

seven years of this Government have been locust years for the people of the Sutherland shire. The transport service is worse than it was before this Government came to office. We do not know what is going to happen to the land surrounding Cronulla railway station. Another case of privatisation!

Mr Gibson: It probably needs a good, active member to solve some of those problems.

Mr KERR: It would be very nice to have a few active local members in the Sutherland shire who could talk about the transfer of police resources from Sutherland to Bankstown; who could talk about taking away powers from government employees who are there to provide order. It would also be good to hear active members in the remainder of the shire talking about the problems we have in the shire.

Debate adjourned on motion by Mr Markham.

[Madam Acting-Speaker (Ms Beamer) left the chair at 12.51 p.m. The House resumed at 2.15 p.m.]

PETITIONS

Como Mobile Telephone Base Stations

Petition objecting to erection of mobile telephone base stations at Ortona Parade, Como, received from **Mr Collier**.

Freedom of Religion

Petitions praying that the House reject legislative proposals that would detract from the exercise of freedom of religion, and retain the existing exemptions in the Anti-Discrimination Act applying to religious bodies, received from **Dr Kernohan**.

Hazardous Material Burning

Petition asking the House to amend legislation in relation to the regulations governing the burning off of hazardous material, received from **Dr Kernohan**.

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**.

Lane Cove Tunnel Works

Petition praying that the House initiate a review of Lane Cove tunnel works, received from **Mr Collins**.

Sydney Harbour Bridge Toll

Petition requesting that the Sydney Harbour Bridge toll not be increased, received from **Mrs Skinner**.

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**.

Northbridge Primary School

Petition seeking permanent classrooms to replace temporary demountable classrooms at Northbridge Primary School, received from **Mr Collins**.

Non-government Schools Funding

Petition praying that the Government reimburse the \$5 million in funding that has been withdrawn from non-government schools and reverse its decision to withdraw a further \$13.5 million in funding in 2001, received from **Mr Richardson**.

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 upgrade 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**.

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**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mrs CHIKAROVSKI (Lane Cove—Leader of the Opposition) [2.27 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day {Royal Commission into the Assassination of John Newman} have precedence on Thursday 14 March 2002.

The reason this matter should be debated urgently is because the Government is facing a crisis in relation to the Phuong Ngo scandal, which involves Australia's first political assassination. It involves the assassination of a member of this House, and a person connected with the assassination still influences people while he is inside prison. Although Phuong Ngo was found guilty of the murder of John Newman, the details of the events leading up to and surrounding the murder have not been investigated and made public. The scandal is that Phuong Ngo's attempts to control Australian Labor Party [ALP] branches are only part of his extensive network of influence which still has not been catalogued or publicly revealed. There is no doubt that Phuong Ngo still exercises influence from inside prison. All that is in doubt is how much power he wields from behind bars and over whom he wields that power.

Phuong Ngo was guilty of the cold, calculated murder of a democratically elected representative, a member of this House. His motive was his desire to extend his power and influence even further. This was a chilling crime which changed the political landscape of this nation forever. It is becoming increasingly clear that there is still much to be revealed about Phuong Ngo and his influence and power in this State. Phuong Ngo's links to the ALP and his influence within the party have never been fully investigated and are still largely unknown. His links and influence over Fairfield City Council should be the subject of a serious investigation, not the mickey mouse inquiry that the Government has initiated. There are ominous overtones to what Phuong Ngo has done, his influence in the past and his continuing influence over the ALP, Fairfield City Council and the Department of Corrective Services. This man had the head of the Labor Party, John Della Bosca, on the day that John Newman was murdered—

[Interruption]

There is only one way that the truth can be revealed about Phuong Ngo's links and his power, and that is to hold a royal commission. We need a royal commission which can protect witnesses and ensure proper investigative processes.

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

Mrs CHIKAROVSKI: Only through a royal commission will the truth come out. It is an absolute disgrace that this Government has betrayed one of its own, John Newman. The Government should support the establishment of a royal commission to find out what is going on. The truth will out. *[Time expired.]*

Question—That the motion be agreed to—put.

The House divided.

Ayes, 37

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

Noes, 53

Ms Allan	Mr Greene	Mr Orkopoulos
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	Mr Lynch	Mr W. D. Smith
Mr Brown	Mr Markham	Mr Stewart
Miss Burton	Mr Martin	Mr Tripodi
Mr Campbell	Mr McBride	Mr Watkins
Mr Carr	Mr McManus	Mr West
Mr Collier	Ms Meagher	Mr Whelan
Mr Crittenden	Ms Megarrity	Mr Woods
Mr Debus	Mr Mills	Mr Yeadon
Mr Face	Mr Moss	<i>Tellers,</i>
Mr Gaudry	Mr Newell	Mr Anderson
Mr Gibson	Ms Nori	Mr Thompson

Pair

Mr Maguire

Mrs Lo Po'

Question resolved in the negative.

Motion negatived.

DISTINGUISHED VISITORS

Mr SPEAKER: I draw the attention of the House to the presence in the gallery of the Hon. John Ah Kit, the Minister Assisting the Chief Minister on Indigenous Affairs in the Northern Territory. Mr Kim Wells, the shadow Minister for Police and Emergency Services in Victoria, and Mr Bob Harrison, the former member for Kiama, are also in the gallery. I welcome them to the Parliament

QUESTIONS WITHOUT NOTICE

PHUONG NGO AND FAIRFIELD CITY COUNCIL

Mrs CHIKAROVSKI: My question is directed to the Minister for Local Government. Did he say only a few days ago that there would be a wide-ranging inquiry into allegations of influence peddling between convicted murderer Phuong Ngo and Fairfield City Council? How does the Minister explain a memorandum from the council's general manager that describes the inquiry as informal and reveals that departmental officers will in fact have no power to compel witnesses, no power to take sworn statements and no authority to demand answers?

Mr WOODS: Last week I announced that two investigators would be sent to Fairfield City Council under the following terms of reference: to investigate whether there has been any improper influence on the conduct or activities of Fairfield City Council. I understand that these investigators met the general manager on Monday and council staff yesterday and are due to meet councillors from today. These are serious allegations and I expect councillors and council staff to co-operate fully with the department.

However, let us not lose sight of the fact that my portfolio is Local Government. The police and the Independent Commission against Corruption [ICAC] deal with matters of a criminal nature and it is to those agencies that the investigators from my department will send their findings. The ICAC was established by the former Greiner Coalition Government specifically to handle allegations of corruption by public officials. Should the police or the ICAC subsequently find proven evidence of criminal activity in council decisions, the council will be removed.

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

Mr WOODS: This is not a public inquiry as set out under the Local Government Act. However, I am not ruling out a public inquiry at this stage. We have established a process, and this is the first step. I am advised that councillors and council staff are co-operating fully with the departmental investigators. But should this change, a departmental representative may direct a person to do any one or more of the following: appear personally before the departmental representative at a time and place specified in the direction; give evidence, including evidence under oath; or produce to the departmental representative any document that is in that person's custody or under that person's control. The director-general can also grant the departmental representative such authorities as may be necessary to enable departmental representatives to gain access to any document that is in the custody or under the control of any bank, building society, credit union or other person. I encourage members of the public and Opposition members who have information about any of these issues to contact the Department of Local Government immediately.

BEVERLY HILLS SEXUAL ASSAULT OFFENDERS

Mr BROWN: My question is directed to the Premier. What is the Government's response to the decision today by the Court of Criminal Appeal regarding the Villawood rape case?

Mr CARR: The Government welcomes the decision of the Court of Criminal Appeal. We asked for this appeal, and today's decision is a win for the victims, their families, and the community. As one of the victims said, "They got what they deserved." I believe the smirks have been wiped from the offenders' faces. The court has more than doubled the original sentences. On 23 August last year Judge Latham sentenced one of the gang rapists to six years in prison, with a non-parole period of four years. The Court of Criminal Appeal has increased this to 13 years, with a non-parole period of nine years. The second rapist was originally sentenced to five years and seven months, with a non-parole period of three years and six months. This has been increased to 14 years, with a non-parole period of 10 years—the non-parole period has more than tripled. The third rapist was originally sentenced to six years, with a non-parole period of four years. This has been increased to 13 years, with a non-parole period of 10 years.

Judge Latham also directed that two of the rapists should serve out their entire sentences in a juvenile detention centre. The court today has applied the tough new laws that we passed last year, which means that they will now serve most of their sentences in an adult prison. The court determined that the original sentences imposed by Judge Latham were:

... manifestly inadequate given the high degree of criminality involved in the commission of the offences.

I agree. I said at the time that I was bitterly disappointed with the lightness of these sentences. Today's decision shows that judges are listening to the community, and the community welcomes that. It shows that judges are imposing tougher penalties, as the Bureau of Crime Statistics and Research report in January this year confirmed. In the course of its judgement, the court stressed:

... that the primary objective of sentencing is the protection of the community. General deterrence and institutional denunciation has, therefore, played a primary role in the approach which the court has taken to the sentencing of these offenders.

That is very interesting, and of course the Government agrees. That is why we have increased the maximum penalty for gang rape to life in prison—in this case, the old maximum of 20 years was the only option available to the court. We have also asked the Court of Criminal Appeal for a guideline judgment for gang rape. The Court of Criminal Appeal will begin hearing that case on Friday. The New South Wales Crown Advocate will appear on behalf of the Attorney General and the Director of Public Prosecutions [DPP] will also make a submission to the court.

[Interruption]

The honourable member for Gosford interjects. Following the revelation in this House yesterday, the Opposition has no credibility whatsoever on anything to do with the criminal law—no credibility and no judgment.

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

Mr Tink: Point of order: Whose idea was it to introduce life sentences for pack-rape? Follow on!

Mr SPEAKER: Order! There is no point of order. The Premier has the call. I place the honourable member for Epping on three calls to order.

Mr CARR: The Leader of the Opposition has no judgment. The fact is that guideline judgments, used by this Government to achieve tougher penalties, work—and I believe they will work in this case. Guideline judgments produce tougher, more consistent sentences. They offer a greater chance of sentencing certainty, which means that decisions like the one handed down today will become the norm. This case also exposed problems with charge bargaining. Last year, the Attorney General asked the Hon. Gordon Samuels to review the DPP's policy and guidelines for charge bargaining and the tendering of agreed facts. Mr Samuels' review is focusing on ensuring that victims of crime are consulted properly by the DPP. He will also report on the adequacy of safeguards to ensure that the charges and the agreed facts reflect the criminality of the relevant offences. If Mr Samuels' report concludes that legislation is needed in this area, we will make those changes. Mr Samuels has recently been hospitalised and has requested an extension to the reporting period. His report is now due at the end of April.

PHUONG NGO AND FAIRFIELD MAYOR Mr ANWAR KHOSHABA

Mr SOURIS: My question is directed to the Minister for Transport, and Minister for Roads. Will he instruct his staff member Anwar Khoshaba, the Mayor of Fairfield and an associate of convicted murderer Phuong Ngo, to co-operate fully with and make complete disclosures to any inquiry established to investigate the influence of Phuong Ngo on council decisions?

Mr SCULLY: Yesterday the Minister for Corrective Services revealed the hypocrisy of the Opposition. Well done, Minister!

Mr SPEAKER: Order! I call the honourable member for Gosford to order. Having overlooked the behaviour of the Leader of the Opposition on several occasions, I now ask her to cease flouting the standing orders.

Mr SCULLY: They have no question about a Liberal Party member, Councillor Oliveri, no question at all, no question to us. What is the Opposition doing about Councillor Oliveri? That's what the members opposite should answer. Hypocrites! What is the Opposition doing about that Liberal Party member?

Mr SPEAKER: Order! I place the honourable member for Vaucluse on two calls two order. I call the honourable member for Baulkham Hills to order.

DEPARTMENT OF CORRECTIVE SERVICES LEGISLATIVE REFORM

Mr GREENE: My question without notice is to the Minister for Corrective Services. How is the Government responding to community concerns about submissions to the Parole Board and related Department of Corrective Services matters?

Mr AMERY: Like all honourable members, I am pleased to hear the answer from the Premier about the case before the Court of Criminal Appeal. I hope that the victims, perhaps in a small but not insignificant way, will receive more recognition as a result of the changes being considered by the Government.

Mr Hartcher: Why are they all complaining about your leader?

Mr AMERY: That is not true.

Mr SPEAKER: Order! I remind the honourable member for Gosford that he has already been called to order. I call him to order for the second time.

Mr AMERY: I will respond verbally today, without any photographic back-up to my answer. Honourable members will be interested to hear of changes that the Government proposes to make to aspects of the Corrective Services portfolio and the Crimes (Administration of Sentences) Act 1999. The changes relate mainly to the way the Department of Corrective Services staff manages inmates and visitors in our prisons, and I will talk about that later. The changes cover several other issues. A key amendment the Government is proposing—I presume we will debate these changes at a later date—relates to the victims of serious offenders. Serious offenders are generally defined as prisoners serving life sentences or at least 12 years for an offence. My department has informed me that 544 people are classified as serious offenders in our system.

Currently victims listed on the Victims Register can only make submissions to the Parole Board in writing. The submissions are in relation to whether a serious offender should be released on parole and to any conditions that may be imposed on the parole. These submissions can currently be made verbally only if the Parole Board gives permission. Under the Government's proposed changes, a victim will have a statutory right to make his or her submission verbally at the parole hearing. This is an important change and will benefit the victims of serious offenders. I believe that victims will find this a welcome change. Often, victims prefer to make a personal approach at a hearing to explain their personal circumstances. This change will allow them to have their day in court.

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

Mr AMERY: The Government will establish a new part-time position in the Department of Corrective Services, referred to as a victims support officer. This officer will develop and run information sessions for victims of crime so they can understand the processes and procedures involved in victims rights and parole considerations. In this regard, I am indebted to the work of and submissions by Martha Jabour of the Homicide Victims Support Group. Ms Jabour has spoken to me and to former Ministers about giving victims the right to address the Parole Board and to have assistance in preparing for their appearance before the Parole Board—what is required of them and what they are allowed to put before the hearing. I thank Martha for her contribution. The proposed changes to the legislation in that regard will be debated in the House at a later date.

The Government proposes a number of other changes to the Act. One proposal is to give correctional officers clear power to stop, detain and search people who they consider may be trafficking contraband or committing some other offence. The offender could be a visitor to a correctional centre or even a staff member. The Summary Offences Act already gives correctional officers the power to arrest people trafficking contraband, but it does not give them permission to search them. Such power remains with the police. This situation is often inappropriate—for example, in the case of a visitor refusing to empty his or her pockets on request. It may not be apparent until after a search whether a person should be arrested. An authorised correctional officer on gate duty can currently refuse a person entry into a correctional centre. However, the proposed change will enable such officers to search visitors, rather than having to wait for police to arrive to conduct the search. This change will also create new offences of failing to submit to a search and failing to stop and remain on request. The new offences will carry a maximum penalty of a \$1,100 fine.

Another proposed amendment will enable Corrective Services staff to dispose of property that is unlawfully brought into a correctional centre. Already, correctional officers can confiscate property, but the

disposal of property—which could also lead to its destruction—takes this provision further. For example, if a person consistently tried to bring a camera into a correctional centre, officers would be able to ultimately destroy the camera. Such action would be a deterrent to future actions of a similar nature. I point out to the House that visitors are not allowed to take photographs or record video or audio tapes in prisons without the prior permission of the governor.

Another key amendment is designed to rectify procedures which contributed to the incorrect release of Paul Etienne, the offender who escaped from Central Local Court last November by crashing through a glass door. Honourable members may recall that when Etienne was recaptured, police followed correct legal procedures and took him straight back to prison. They were not required to return him to court, where he would have been charged with escape or the original charge for which he had been imprisoned would have been dealt with. Therefore, Corrective Services staff had no authority to hold Etienne after 21 December.

The Government's proposed changes, which will be welcomed by all honourable members, will rectify section 39 of the existing Act by requiring police to take an escaped prisoner to court and charge him before he is returned to prison. This was an important component in the Etienne case. When Etienne was arrested, the police followed procedures and took him straight back to the correctional centre. No charge was laid against him for escape lawful custody. Had police taken him to a police station and charged him with unlawful escape, he would have had a bail determination and been committed to prison and the relevant paperwork would have followed him back to prison. These proposed changes to the legislation will make a significant difference to both victims of serious offenders and the work of Corrective Services staff. Also, police will have clear guidelines about the proper procedure to follow when an escaped prisoner is arrested and before the prisoner is returned to the correctional centre. I will advise the House on the timetable of this legislation at a later date.

DEPARTMENT OF COMMUNITY SERVICES CHILD ABUSE INVESTIGATIONS

Mr HAZZARD: My question is to the Premier. Given that 21 children died last year after referral to the Department of Community Services and other human service agencies, how does the Premier justify the announcement last Thursday at a Department of Community Services conference in Sydney that 39 out of every 40 reports of child abuse are not investigated because of staff shortages?

Mr CARR: I will seek a report on the matter and report back to the House. But could I just say that child protection was not heard of in this State until this Government came to power after Nick Greiner cut Department of Community Services staff by one-third. This Government has increased spending on child protection by more than 100 per cent.

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

Mr CARR: I note that on 15 February in an interview on 2BL the honourable member for Wakehurst said that he would consider removing mandatory reporting. This astonished the interviewer, who was taken aback, and said, "They're interesting comments. They're remarkable." A teacher rang in upon hearing what he said to ask whether he was serious. He said, "We are going to have a full review of mandatory reporting." That is what he said.

Mr SPEAKER: Order! I place the honourable member for Wakehurst on three calls to order. If he wants to make me a grumpy old man he is going about it the right way. If there is a repetition of that behaviour and I have to call the House to order, I will place all honourable members on three calls.

Mr CARR: Far be it from me to raise the question of whether the Opposition has a constructive alternative policy in this area after the eloquence of the honourable member for Port Macquarie earlier in the week. The honourable member for Port Macquarie, his career once full of promise, sat on that front bench, and he left it, as he said, because they refused to develop any policies. He said that loud and clear. He was leaving because whenever he attempted to write down a policy his hand was torn from the paper by his leader.

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

Mrs Chikarovski: Point of order: My point of order is relevance. The question was about the fact that children in this State are at risk because complaints are not being investigated. The Premier is making a joke about the fact that children in this State are dying because his department has admitted that there are not enough people to investigate complaints. The Premier thinks it is a joke—what a disgrace! Tell it to the next mother whose child dies.

Mr SPEAKER: Order! I gave the Leader of the Opposition the call to address the Chair. I forewarn her that if she repeats that behaviour I will adopt the procedure I followed during the last session and not give her the call to take a point of order. There is no point of order. If members stop inviting the Premier to respond to their interjections, there will be no need for points of order similar to the one taken by the Leader of the Opposition.

Mr CARR: On this issue, as on all other policy questions, the Opposition does not have an alternative proposition to advance. Do not believe me, but believe the union that covers 35,000 employees, including those in DOCS.

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

Mr CARR: What did Michael Williamson say about this Opposition? A leader of a union with 35,000 public sector members, he says that this State Opposition truly seems "a policy-free zone" on DOCS and on everything else.

Mrs Skinner: The Premier failed to tell the House that that man is a member of his own branch, and that he sits next to him at Labor Party meetings.

Mr SPEAKER: Order! I have no control over the answers given by the Premier or anyone else. However, the Chair would be assisted if the Premier concluded his answer.

Mr CARR: I always like to return to the subject I am asked about. Whatever distractions are over there, I have this rigorous, unrelenting focus on the subject of the question. Do not distract me when I am focused on answering a question from the Opposition, even if it is a policy-free Opposition, even if it is an Opposition with a new religious objection to developing policy proposals. Before I come to facts that shed light on the question raised by the honourable member, let me first ask: When did you see him bring down a policy on DOCS? We checked the files. He does not have a policy. This is the policy rollcall. This year the DOCS child protection budget, which was a record \$121 million and almost 2½ times what it was when this Government came to power in 1995, funded an additional 190 caseworkers for the front line and the help line. The fact is that more cases of suspected child abuse are being reported, more cases are being investigated and more cases of abuse and neglect are being confirmed.

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

Mr CARR: The Opposition will have credibility added to any question it asks in this place when behind it sits a slim volume of policy. But the Opposition has no credibility when it reserves the right to whinge and whine, carp and complain, and never tell the public of New South Wales what it would do in the place of this Government.

Mr Hazzard: Point of order: This is a point of order under business of the House. Bearing in mind that the Premier just indicated that he always returns to answering the question, I raise the fact that last week, on the first day back, I asked the Premier a question on DOCS and pornography, and as yet he has not answered it. As at today that is a matter of the business of the House. If he always returns to it, I ask the question: When is he going to answer the question? With your power, Mr Speaker, will you ask him when he is going to answer the question I asked last week about DOCS?

Mr SPEAKER: Order! The honourable member for Wakehurst knows that his remarks constitute a personal explanation rather than a point of order.

STATE ENVIRONMENTAL PLANNING POLICY No. 5 COUNCIL EXEMPTION

Mr COLLIER: My question without notice is to the Minister for Urban Affairs and Planning. What is the latest information on exemption from State environmental planning policy [SEPP] 5 for councils?

Dr REFSHAUGE: For the benefit of the honourable member for Wakehurst, we did not sit last week. I thank the honourable member for his ongoing interest in this important issue. The population of New South Wales is growing and ageing. By 2006 people over 55 will comprise more than one-third of our population, and that is about one million more people than we have now. As our population continues to age, we must ensure that councils everywhere provide secure and manageable housing for the elderly, and also for the disabled.

Older people usually do not want to remain in the sprawling homes in which they brought up their families. They want a more compact, comfortable, convenient home that affords them the lifestyle they deserve in their retirement years. We have an obligation to provide housing that allows older people to remain near their families and friends, their local clubs and activities, and their regular doctors. These community networks make it easier for them to age with dignity, enjoy life and maintain their independence for as long as possible.

Mr SPEAKER: Order! I place the honourable member for Baulkham Hills on three calls to order.

Dr REFSHAUGE: The State environmental planning policy [SEPP] involved in this aspect has been doing a very important job across the State. The policy has operated for 20 years to secure quality housing for older people and for people with a disability. However, some communities and councils have expressed concerns about aspects of the policy. They have indicated that they are able to achieve similar ends by different means. I would particularly like to acknowledge the efforts of the honourable members representing the electorates of Miranda, Kogarah, Heathcote, Georges River and Menai, who have continued to press their communities' views. Recently I announced that any council that can prove it is doing the right thing in providing housing choice for the aged and the disabled will be exempted from the State policy. Today I would like to release the guidelines that will be used to assess requests by councils for an exemption from SEPP 5.

Mr Brogden: Point of order: The Minister is about to announce a Government policy and the forms of the House therefore require him to do so by way of a ministerial statement. I ask you to direct him to do that and to allow the Opposition an opportunity to reply.

Mr SPEAKER: Order! The Chair cannot determine what a Minister is about to say. The Minister has the call.

Dr REFSHAUGE: The Department of Planning will send out guidelines to all councils, together with a booklet to help them prepare applications. These guidelines will ensure that the current substantial provision of housing for these groups will be protected. The exemption process will recognise the specific needs of local communities and allow councils to tailor housing to meet them. Importantly, it is an easy, straightforward process. The guidelines set manageable, achievable parameters and I expect a large number of councils will easily qualify for exemption. Councils will need to submit a report that shows that a sufficient supply of housing for these groups can be provided either under existing planning controls or by changes to their controls.

If councils propose to change their planning controls they will need to submit an implementation program and timetable. Councils will also need to demonstrate a stock of housing for low-income groups. Unless there is a good case to put forward to the contrary, development by the Department of Housing, local government and community housing will continue to be covered by the State policy. If the Department of Planning considers that a council's report does not satisfy requirements, the council can appeal to the Residential Strategies Advisory Committee for further advice prior to ministerial consideration.

Mr Kerr: Point of order: What the honourable member for Pittwater predicted is now happening: the Minister is making a ministerial statement in relation to future policy of this Government.

Mr SPEAKER: Order! The Minister is not making a ministerial statement; he is answering a question. There is no point of order.

Dr REFSHAUGE: Many councils have not experienced a significant number of applications for housing to be developed under SEPP 5. This is undoubtedly because their existing housing stock or their own local planning controls already provide sufficient housing choice. The Government will welcome councils joining with their neighbours to co-operatively meet the housing needs of their regions. This Government remains committed to enabling older people, people with a disability and people on low incomes to live within their chosen communities, and to live in accessible, manageable homes that are appropriately located near family, friends and networks. I am confident that these new guidelines will help councils across the State to plan effectively for homes for the elderly and the disabled.

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

FREDERICKTON PUBLIC SCHOOL FACILITIES

Mr STONER: My question is directed to the Minister for Education and Training. Why has the Minister repeatedly ignored the plight of Frederickton Public School, where all permanent buildings have been classified as unsuitable for teaching, forcing pupils to be housed in demountable classrooms on a long-term basis? Would the Minister tolerate such a situation at Ryde Primary School?

Mr WATKINS: Frederickton Public School is one of several small schools with predominantly demountable accommodation and steadily increasing enrolments.

Mr Stoner: One hundred per cent demountables!

Mr WATKINS: The honourable member has correctly described the school. The need to replace demountable classrooms with permanent accommodation at these schools has been recognised by the Department of Education and Training. Approval was granted in late 2000 for the development of a master plan for this particular school. The master plan was developed in consultation with the school community during the 2001 school year—last year. This master plan takes into account the sensitive nature of existing heritage buildings and the provision of covered walkways to link buildings on the school site. The master plan also considers options for the future delivery of the proposed facilities upgrade works.

The Property Services Unit, Newcastle, co-ordinated the development of the master plan and will keep the school principal informed of developments in relation to the matter. I will be happy to discuss that matter further with the local member, and I hope to visit the school with him at some stage. As we are talking about school capital works, most honourable members would have very warmly welcomed the \$70 million extra dollars recently provided for schools. Most members on this side of the House, and some opposite, have made positive statements. However, the positive approach adopted by the school communities was not forthcoming from the Leader of the Opposition. An additional \$70 million is to be spent before 30 June this year, yet all we get from the leadership opposite is carping and abuse. My attention was drawn to the editorial in the *Armidale Express* of Wednesday 6 February, which stated:

The Liberals have claimed that the Carr Government funding has only come about because there is an election next year—some 13 months down the track.

Surely, they've got to be joking. If the Government was indeed providing this extra funding for our schools as a cynical vote grabbing exercise then it would do so much closer to polling day—not more than a year out.

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

Mr WATKINS: The editorial continued:

So the Opposition's claim is of course ludicrous ...

[*Interruption*]

Just listen. What we cop from this mob is negativity. Even when the report is from an independent journal of record, they refuse to listen.

Mr Stoner: Point of order: My point of order relates to relevance. I do not know whether the Minister knows country New South Wales very well, but Armidale is a long way from Frederickton, and the question was about Frederickton Public School!

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

Mr WATKINS: Referring to the Opposition, the article continues:

Instead of prattling on with election stunt piffle, the Opposition should have commended the Government for making an investment in schools...

Politicians who take the high ground and congratulate their opponents when they get something right may just discover that Joe and Joan Voter rather admire someone who can call a spade a spade irrespective of party political alignments.

What the people of New South Wales want to hear from the Opposition is support for the public education system and some viable public education policies. But they do not hear that. All they hear is criticism and constant attacks on our wonderful public education system. The Opposition should change its rhetoric.

HOSPITALS PERFORMANCE ONLINE INFORMATION SERVICE

Mr MARKHAM: My question is to the Minister for Health. How is the Government helping to inform the public about the latest information on hospital and emergency performance data?

Mr KNOWLES: As the honourable member would recall, two years ago we put waiting lists on the Internet. At that time people such as members opposite said this was something the community did not want. Doctors and the Opposition said in the most patronising way possible that the community could not understand the complexities of a hospital waiting list. It may interest members that, far from the sky falling, as was predicted back then, a lot of the myths and legends have been taken out of hospital waiting lists. Most people understand that the waiting time varies from doctor to doctor, specialty to specialty, and for many reasons. What I find most interesting is that in the last six months there have been 360,000 hits on the web site. So much for the predictions!

From today we are putting more information on the Internet. The Government will provide online clear and current data relating to hospital emergency departments broken down by hospital and triage category, emergency department networking information, the Chief Health Officer's Public Health Alert—I note that the first alert relates to the Pap smear test issue that was raised in this Parliament yesterday—and other quality of life issues around caesarean birth rates, breast cancer screening, day of surgery and day-only surgery. The web site is in plain English, it is up to date and, of course, it is free. It presents the information not only on a statewide basis but on a hospital level. The site also gives important technical information needed by health professionals—from clinicians to managers to bureaucrats to researchers.

An extensive audit has been carried out of more than 100 health sites from across the world. It found that none equal our site for the complex health information delivered in easy to understand terms. For example, in relation to emergency department performance, in January this year all the most urgent, life-threatening cases—that is, the triage 1 patients—continued to be treated straight away. With triage 2, 76 per cent of patients were seen within 10 minutes, a 5 per cent improvement on the same month last year. This improvement is particularly notable when one considers that an extra 3,200 triage 2 patients were treated this January compared with the number treated in January last year. Both the urgency and the complexity of the conditions of patients attending emergency departments increased. More patients were treated, more patients were admitted, and more patients passed through our emergency departments—a 24.4 per cent increase.

The emergency department network was most effective in reducing the strain on Royal Prince Alfred Hospital over the last quarter of last year, when there was a temporary reduction of about 140 beds as a result of connecting the old hospital, which has been there for more than a century, with the new \$280 million facility being linked to the back of it. That necessitated the closure of some wards and the knocking down of some walls. That construction work occurs while we continue to provide a service out of RPA. The network increase in northern and south-eastern Sydney has been compounded by a high number of older patients in acute beds waiting for nursing home places.

This data is important because it demonstrates the complexity of the health system, which treats millions of people every year. It sees, on average, three people every minute of every day in our emergency departments, and conducts some of the most complex procedures that can be found anywhere in the world. And of course it provides world-class care. Most importantly, the data will go a long way to further demystify the workings of the public health system. The site will be regularly updated and further data will follow, including information on more services and quality measures. New South Wales taxpayers have built and funded their health system. With this further information they will have more opportunity to see inside it.

PASTORAL AND AGRICULTURAL CRIME

Mr McGRANE: My question is directed to the Minister for Public Works and Services, representing the Minister for Police. Will the Minister assure this House that the recommendations in the pastoral and agricultural crime report in regard to the 32 rural crime investigators will be adequately resourced in line with the findings contained in that report?

Mr IEMMA: Following advice from the Minister for Police, I am pleased to advise that the rural crime investigator positions will be allocated from the new general duties positions scheduled to come in during 2002-03. The decision follows the report of the pastoral crime working party, which included input from the honourable member for Dubbo. The report is now available and can be obtained from the Minister for Police.

TOWNLIFE PROGRAM

Mr MARTIN: My question is to the Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs. How is the Government's Townlife Program helping to revitalise small country towns?

Mr WOODS: I know that the honourable member understands the value of the Townlife Program. In fact, in Rylstone, in the electorate of Bathurst, Townlife is successfully in place to develop the town's bush races. Rylstone is one of 50 communities across New South Wales that have adopted the Townlife Program since it was launched in 2000. Another community that is taking advantage of Townlife is Gulargambone. It successfully applied for the first round of Townlife funding to promote the Back To Gulargambone reunion, which was held last year. The reunion attracted 2,000 visitors to the town and raised funds for local charities and projects such as a community bus for the area. Funds raised from the reunion also went towards a welcome sign and a business directory billboard for the town's entrance.

The community also formed a Townlife committee and the skills and confidence gained from the program have been invaluable in promoting Gulargambone and developing community projects. After consultation with the council and the Roads and Traffic Authority, Gulargambone is now a designated RTA rest stop, complete with tables and chairs and a new parking bay near the river. The community has also successfully lobbied for \$11,000 from Outback Arts to employ local artists to paint a street mural to beautify the town's main street. The community has conducted a photographic display, repainted the main street and erected a community billboard, and is now working with Coonamble council on a street beautification program that will start next year. That has all been done in just over nine months. Sandra Kelly is one of the hard-working members of Gulargambone's Townlife committee. She said:

The program has given hope to our small town, hope and a brighter future. It has reinvigorated and enthused people that had grown despondent. It has inspired and encouraged people who needed the confidence to develop their own ideas. An opportunity was given by a government, embraced by an individual, adopted by a committee and supported by a community.

I am sure that all members would agree that that is an inspiring story. On behalf of the Government I congratulate Mrs Kelly and the entire community of Gulargambone on their hard work and dedication to the development of small country towns. I also remind honourable members that the fourth round of Townlife funding is now open. I encourage all small communities to contact their local office of the Department of State and Regional Development for more details on how to apply.

Questions without notice concluded.

BUSINESS OF THE HOUSE

Precedence of Business: Suspension of Standing and Sessional Orders

Mr TORBAY (Northern Tablelands) [3.20 p.m.], by leave: I move:

That standing and sessional orders be suspended to allow the notice of motion given by me this day for the restoration of the Crimes (Sentencing Procedure) Amendment (General Sentencing Principles) Bill to take precedence when General Business Notices of Motions (for Bills) are called on tomorrow and then to proceed with the consideration of the bill forthwith.

Mr WHELAN (Strathfield—Parliamentary Secretary) [3.21 p.m.]: Private members' business is organised by private members, which obviously includes the Opposition. If an Independent member wants to re-order business, he should do so at the appropriate time. I acknowledge that this bill has been referred to this House by the legislative Council, but I reiterate that private members' business should be organised at the appropriate time.

Motion agreed to.

CONSIDERATION OF URGENT MOTIONS

Australian War Graves Site French Airport Proposal

Mr McMANUS (Heathcote—Parliamentary Secretary) [3.32 p.m.]: My motion is urgent and should be debated today because the French Government is considering the extension of a commercial airport in France that will desecrate the graves of at least 100 World War I Australian personnel. Urgency must be granted so that the House can move very quickly to ensure that its bipartisan opposition to that desecration is made known to the French Government.

Royal Commission into the Assassination of John Newman

Mr HARTCHER (Gosford) [3.34 p.m.]: My motion for urgency relates to the establishment of a royal commission into the assassination of John Newman, a former member of this House and the involvement of Mr

Phuong Ngo. The motion moved by the honourable member for Heathcote is important; everyone would acknowledge that. Nonetheless, World War I graves are a matter for the Federal Government, under Federal law, and the responsibility of the Australian Defence Forces. The responsibility of this Parliament is to protect the integrity of Parliament and the reputation of its members. It is more important to debate that matter than it is to debate the motion of the honourable member for Heathcote.

The political assassination of the former member for Cabramatta was a great tragedy. It deeply affected all who were members of this House at that time. It is important that a royal commission be established into the circumstances of that assassination. That royal commission should investigate what was happening in Cabramatta at the time, the criminal activities of the 5T gang that operated in Cabramatta at that time, and all associated matters that are now coming forward, as witnessed by the Premier's remarks about the potential influence that Phuong Ngo has had over Fairfield City Council. The Premier said that those councillors, if allegations against them were substantiated, would soon be in a cell next to Phuong Ngo.

This pressing matter should be debated in the appropriate forum, that is the Parliament of New South Wales. Mr Phuong Ngo was a member of the Australian Labor Party. There is no doubt that he was seeking to develop criminal influence within the ALP. If the reputation of the ALP, a proud political party, is to be maintained, the extent of those activities needs to be established. Mr Phuong Ngo was seeking to use the Labor Party in the most cynical way for his own political purposes.

Mr Martin: Point of order: The member is addressing the substance of his argument, not whether it is urgent. This is a familiar tactic from that side of the House. I ask you to direct him to confine his remarks to why the matter is urgent and not canvas the matters that he thinks might be embarrassing to us. I also point out that that matter has been dealt with by the courts.

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

Mr HARTCHER: The matter is urgent because the proud reputation of the Australian Labor Party is at stake. The honourable member for Bathurst does not wish to protect its reputation, but many thousands of Australians who voted for it would like its reputation upheld, if its reputation is worthy of being upheld. A royal commission into what Phuong Ngo was doing in Labor Party branches in the Cabramatta electorate, and the assistance he may or may not have been getting from Mr John Della Bosca, with whom he dined on the very day of the assassination of John Newman, needs to be held. If it is not, how will we ever know what Phuong Ngo was up to and what criminal activities he was engaged in?

On Monday on the Alan Jones radio program—a program that is favoured by the Premier and the Minister for Police—Richard Basham said that the 5T gang was involved with Phuong Ngo and that Phuong Ngo was a godfather to crime in that area. That statement needs to be investigated. All that has happened is that he has been charged with murder, convicted and sentenced. The range of activities associated with him, the spectrum of evil that has hung over Cabramatta, the infiltration of the Labor Party, the role of the 5T gang and other gangs, all lead so tragically to the death of John Newman. John Newman fought against criminal activities and he paid a huge price.

Mr Ashton: And did you help him?

Mr HARTCHER: I respected him for that and I personally supported him at the time.

Mr Whelan: You ignored his pleas in this very Chamber.

Mr HARTCHER: I did not. The Leader of the Government was the shadow Minister for Police at the time. A royal commission is the only way to uncover all that went on and no-one should be afraid of it. If a full judicial inquiry is held with proper representation, the whole truth about what was going on in Cabramatta will come out. The infiltration, the role of John Della Bosca, and all those matters can come out. [*Time expired.*]

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

AUSTRALIAN WAR GRAVES SITE FRENCH AIRPORT PROPOSAL**Urgent Motion**

Mr McMANUS (Heathcote—Parliamentary Secretary) [3.37 p.m.]: I move:

That this House:

- (1) supports the urgent representations by the Premier to French authorities about the impact of a proposed commercial airport in Paris on Australian World War I graves; and
- (2) calls on the French Government to ensure that before any decision on the relocation or disruption of the graves is made, the views and concerns of the Commonwealth War Graves Commission and the Office of Australian War Graves in Canberra be fully addressed.

I am overwhelmed by the number of members in this House who are prepared to speak on this motion. That is proof that people believe it is important for the New South Wales Government to become involved in this matter. As a Vietnam veteran, a returned serviceman and a patron of an RSL club, I am very pleased that this is happening. I look forward to this debate. Almost 417,000 Australians enlisted in the First World War. Of those, 59,342 were killed and 166,819 were wounded. That is a startling statistic when one considers that the Australian population at that time was a mere five million people.

In France there was bloodstained soil at Ypres and Flanders, where 6,198 Australians died. It is therefore appropriate that the French Government take into consideration the views of Australians and descendants of the dead. I am not hitting out at the French Government. All honourable members understand that the French have been our allies through many wars and conflicts. We have supported them, and we still do. However, when so many of the sacred sites of our First World War heroes face the prospect of an airport being constructed on or near them, we must put forward a strong argument to the French Government.

The graves of almost 100 Australian servicemen in three cemeteries could be affected by the construction of a third airport for Paris. The Fouquescourt Cemetery contains the remains of 44 Australians, including 12 men from New South Wales. There are 51 Australians buried at Rossieres Communal Cemetery extension, and Bouchoir New British Cemetery, which is primarily a British cemetery, contains the remains of three Australians, two of whom enlisted in New South Wales. In the short time since we became aware of this proposal the support I have received from outside this Parliament has been unbelievable. I have received correspondence from all over the country, including emails from Perth, from people who are concerned about this proposal.

There has been intense media and public interest, particularly from rural and regional parts of New South Wales. From media monitors I learned that since the Premier last week indicated his concern Derek Sims, President of the Murwillumbah sub-branch of the RSL, said that 32 veterans who attended a meeting yesterday expressed disappointment that it was the Premier and not the Prime Minister who made public objections to these plans. The Premier quickly and positively ensured that New South Wales was at the forefront in protecting the remains of our fallen heroes. In its defence, in recent times France took some of our old Diggers to France and presented them with some of its highest bravery awards. If France can do that for our living, surely it must give consideration to those who made the supreme sacrifice.

With the help of my colleagues, today I will distribute a petition through every RSL in this State. The petition draws attention to plans by the French Government to construct an international airport on the graves of the Australian servicemen who died in France during World War I. It states that construction of the airport by the French Government will desecrate the marked and unmarked graves of Australians who paid the ultimate sacrifice. Australian servicemen played a vital role in the defence of France and their sacrifice would be dishonoured if their remains are buried under concrete runways. If that happens, the families and relatives of those servicemen may never know the location of their ancestors' remains and, therefore, will never be able to pay their proper respects to those loved ones. The War Graves Commission has already expressed concern and indicated that it was astonished to learn that the proposed new site would cause even more disruption to the graves than that in the original plan. This plan is obviously a secondary plan. The War Graves Commission stated:

Our position remains that we do not wish to remove any graves," commission spokesman Mike Johnson said.

"We will now have to talk seriously to the French Government."

The land for all war cemeteries in France was ceded in perpetuity by the French Government as a gift to the peoples of Britain and the Commonwealth, and the graves can only be removed for reasons of State.

No British World War I cemetery has been uprooted since the 1920s, when some smaller cemeteries were merged on permanent sites. The French have gone to great pains to ensure the sanctity of our graves in their country. If the State Government applies pressure, through the Federal Government, we will be able to change the decisions made by the Government of the day in France. I would now like to refer to my own sub-branches as well as branches in Ballina, Bega and Batemans Bay. Petitions are on the way to those clubs as I speak. Standing out in my mind is a conversation I had with the president of the Engadine sub-branch, Laurie Hall, who is incensed about a proposal that could see the graves of our heroes disturbed by a country that they fought for and died defending. Doug Farquar, Secretary of the Bundeena sub-branch of the RSL, is equally appalled.

I have spoken to people inside and outside this Parliament and they have all pledged their support for this campaign. I am pleased also that the shadow Minister for Veterinary Affairs, Western Australian Senator Mark Bishop, has recently joined the push to ensure that the Diggers' graves are not lost beneath a layer of reinforced concrete. The Federal Government has also signalled its intent to take up the issue at the quarterly meeting of the Commonwealth War Graves Commission at which plans for the airport will be discussed. Surely the French Government must consult directly with Canberra before any decision or action is taken on these sacred sites that could result in them being disturbed. I will distribute the petition to all colleagues in the next couple of days and hope to gain their support. I thank the New South Wales President of the RSL, Rusty Priest, and the president of the sub-branches to which I have referred for their support. I feel sure that the pressure being brought to bear will be successful and that our sacred sites remain protected.

Mr HARTCHER (Gosford) [3.46 p.m.]: I move:

That the motion be amended by leaving out the word "Premier" in paragraph (1) with a view to inserting the following words:

"Prime Minister, the Premier, the Australian War Graves Office and the Minister for Veterans Affairs".

The purpose of the amendment is to include in the motion not only the State Premier, who has made representations to the French Government, but also the Federal Government. After all, the Federal Government is charged under the Constitution with responsibility for the defence of Australia. The Federal Government runs the Australian War Graves Office and, through the Minister for Foreign Affairs and the Minister for Veterans Affairs, has made many representations on this very issue to the French Government. This issue will not be decided by the Parliament of New South Wales but between the Australian Government, represented by our Prime Minister, and the Government of France. Although it is appropriate that the Parliament of New South Wales consider this matter, we should not pretend that we will have any influence at all in the final result.

My grandfather fought in the First World War. He was killed in action in France and is buried in the war graves of France, so I take a keen personal interest in this issue. Any person who has visited the war graves in the Dardanelles at Gallipoli could only be amazed and impressed at the magnificent work of the Australian War Graves Commission, as it then was, and the Turkish Government to perpetuate the memory of the Australian servicemen who died in the Dardanelles in 1915. Anyone who has visited the war graves in France and Belgium would also be greatly impressed at the way the Australian War Graves Commission and the Belgian and French governments have attended to and looked after the graves of the Australian war dead.

We are honoured that foreign governments have respected our servicemen and acknowledge the wonderful contribution that our servicemen made in the Great War of 1914-18 in the defence of freedom. It would be most unfortunate if this proposal were to proceed. Although we would all understand the needs of the French Government to develop another international airport in the Somme region at Chaulnes-Vermandovilliers, we would expect that it would nonetheless acknowledge that it has always maintained a high priority with regard to Australian war graves and hope that it will continue to maintain such a priority.

Those Australian servicemen who fought in the Great War and who have visited France have been greatly honoured in the various villages where the battles of 1916, 1917 and 1918 were fought. My grandfather was killed on 5 March 1918 at the start of the Kaiser offensive—the final German offensive, which lasted until July 1918 when the Allied counter-attack in July, August and September led to the final collapse of the German army. We remember the day in August 1918 when the Australian forces triumphed in the field and General Ludendorff was moved to write in his diary that it was a black day for the German army.

The war graves not only contain the remains of the dead but represent the memory of those who made a commitment to freedom. We must not forget that these men were volunteers and that this war was fought on the other side of the world. Even in the trenches, Australian soldiers maintained the principle of volunteerism and voted against conscription in the 1916 and 1917 referenda. They maintained that they had volunteered to serve

their country and the cause of freedom, and gave their lives in great numbers. Some 60,000 out of 300,000—or one in five—Australian servicemen died. That is an extremely high percentage. At the post-war conference in Versailles Billy Hughes rose to his feet to say on behalf of Australia, "I speak for 60,000 dead." Those men died gloriously. The idea that their graves might now be dishonoured is no memorial to them and reflects ill on those who advance the proposal.

We endorse the remarks of the Premier, the Prime Minister, the Minister for Veterans' Affairs and the Australian War Graves Office. This battle will be fought through them. I am advised that the Australian War Graves Office and the Australian and British ambassadors contacted the French authorities to express their concern. They were advised that no final decision has been made and that the proposed airport boundaries have yet to be defined. However, at a more recent meeting attended by a Commonwealth War Graves Commission representative, the French Government announced that there would be public consultation on the final choice of site and that it intended to nominate an "enlarged zone" to facilitate this discussion. The new zone extends further south than the original proposal and encompasses approximately 10,000 hectares of the Somme. It is anticipated that one-third of this area will be developed.

Eight Commonwealth cemeteries may be affected by the new proposal and the majority of remains within the zone are expected to be German, French, British and Canadian. The Australian infantry positions closest to the area proposed for the airport are predominantly in the north and north-west around Lihon and Harbonnières respectively. Of the eight cemeteries considered to be at risk, three contain the remains of Australian war dead. The Meharicourt Communal Cemetery contains the graves of six Australian servicemen. The Fouquescourt British Cemetery south of Lihon was created after the armistice by the concentration of graves from other burial grounds and from the battlefields in a wide area around the village. It contains 376 Commonwealth war graves, of which 49 are Australian.

The Bouchoir New British Cemetery was also created after the Armistice through the concentration of several small British cemeteries and other graves from battlefields around Bouchoir and south of the village. It contains 763 Commonwealth graves, six of which are known to be Australian. This confirms the belief that Australian operations were undertaken mainly to the north and north-west of the proposed site. Notwithstanding the fact that the zone has been moved south and Australian war graves are largely located to the north, war graves—including Australian graves—will be affected by this proposal. The principle remains: We must respect and honour our war dead. I am sure that all honourable members and all people of goodwill in the community would support the Prime Minister and the Premier in their assertion that war graves must be respected. The French Government should consider alternative sites in order to ensure that those graves remain a memorial to our heroes from the 1914-18 war.

Mr COLLIER (Miranda) [3.54 p.m.]: I support this most important motion. When we consider Australia's military history—from the Sudan to the Boer War and our involvement in Afghanistan—one simple fact quickly emerges: Our Australian service men and women have, for the most part, fought and died on foreign soil, in foreign seas and in foreign airspace. While so many of our war dead lie in foreign fields, each resting place is part of our nation. Each of those graves is a part of Australian history, culture and heritage, and each must be preserved and remain undisturbed. In this way we honour those Australians who have made the ultimate sacrifice. By preserving their resting places, we remind ourselves and future generations of the value and the high price of freedom.

I am appalled that the French Government would contemplate even for a moment building an airport on the graves of Australian war dead. This proposal threatens the sanctity of the final resting places of 98 Australians interred at Fouquescourt, Rossieres and Bouchoir cemeteries. In the words of Mr Cliff Raatz, President of the Miranda RSL sub-branch, "This is outrageous." In saying that, Mr Raatz reflects the views not just of his members but of every right-thinking person in my local community. The French Government must listen to the concerns that the Premier has raised with the French ambassador. It must listen also to the concerns and views of the Commonwealth War Graves Commission.

The Federal Government must make the French understand, accept and respect one simple truth: These 98 brave Australians are among the thousands who gave their lives in France. They unselfishly sacrificed their lives in a foreign country when Australia was not under threat. Indeed, 6,198 Australians died at Ypres and Flanders alone, which is more than 10 per cent of all Australians killed during World War I. The French must respect them and not disturb their graves. I spoke to Mr Raatz today about this matter. He has visited war graves throughout Europe—including Belgium and France—and reminded me that there are many unmarked graves on what were the battlefields of France.

He expressed concern that in constructing the airport—it has been labelled the "airport of shame"—the French may disturb and desecrate the remains not just of Australian service men and women but of other service men and women who have been at rest for more than 85 years. I understand that Miranda RSL is circulating a petition opposing the building of the airport and the subsequent insult to our war dead, their descendants and all Australians. The motion has my wholehearted support.

Mr WEBB (Monaro) [3.58 p.m.]: I support the motion before the House, and particularly the amendment that notes the initiative of the Prime Minister, the Australian War Graves Office, the Minister for Veterans' Affairs and the Minister for Foreign Affairs in this regard. They have joined the Premier in urging the French Government to consider this matter seriously. I have faith that the Commonwealth War Graves Commission, which is meeting today in London to discuss the latest proposals regarding the third Paris airport, will take these deep concerns to heart and reject any development that will impact on the graves of the Australian war dead.

A family member, my great-uncle Alan Buckmaster, lost his life during the First World War. He was one of the hundreds of thousands of young Australian volunteers and one of the 60,000 Australian war dead. He is buried in France. My grandfather also was injured in France. He was repatriated to Australia, but died some years later from the wounds he received in the First World War in France. Knowing the reverence in which Australians are held by the French—particularly those Australians who made the ultimate sacrifice and lost their lives—I am confident that the French Government will take into account the concerns we have expressed today. As previous speakers have said, the cemeteries have been dedicated to those who laid down their lives, to those who supported them and to the Commonwealth countries that fought for freedom during the Great War.

Support for action has come from around Australia, the New South Wales Government and the Federal Government. The Federal Government has the primary role of dealing with this matter through the department of the Minister for Veteran Affairs, Danna Vale. As has been said by previous speakers, as many as eight Commonwealth cemeteries containing Australian war dead could be affected by the proposed airport development. I am confident that the French Government will consult properly with the Australian Government and other concerned governments about any plans for a new international airport in the Somme. Also, I believe that the French Government will seriously consider any plans for the relocation of Australian war graves. I understand that the proposal to construct a new international airport in France involves a greater area than required to take into account the impact on cemeteries that may contain Australian war graves. The enlarged area has been put forward as a zone to facilitate public consultation and to encourage a more favourable consideration of the proposal.

In negotiations on behalf of Australians who lie in France our High Commissioner to Britain, Michael L'Estrange, who represents Australia on the Commonwealth War Graves Commission, will register on our behalf Australia's deep concerns about any development that would impact on the war graves. Our Ambassador to France, William Fisher, will register Australia's concerns with French authorities in Paris. He will stress to them our strong desire that the graves be left undisturbed and our expectation of full consultation in this matter. I strongly support the actions of the House today to highlight this issue. I support the motion to empower the Federal Government in direct negotiations to resolve this matter in our favour. We will not forget the people who made the ultimate sacrifice and lie in France as representatives of the fight for freedom. May they rest in peace.

Mr WATKINS (Ryde—Minister for Education and Training) [4.02 p.m.]: I acknowledge and thank the honourable member for Heathcote for raising this matter for debate in Parliament. I join the appeal for community support to save the graves of Australian World War I soldiers in France. As honourable members know, the French Government plans to build a commercial airport on top of the graves of Australian soldiers in three war cemeteries. This development is an outrage to the memory of those soldiers who fought so bravely for Australia and on behalf of France. It disrespects the history of our nation and the united combined history of France and Australia, and it ignores the special relationship that exists between France and Australia because of the sacrifice of many soldiers from Australia and other nations that united with France in the struggle.

The construction of an airport on this historic site shows zero compassion for the families of those fallen Australians. They are still with us today. If this project goes ahead the families will not know where their relatives' remains are buried and will not be able to continue to pay their respects. Their children or their children's children will not be able to pay their respects. Nor will people who are not related but believe that it is their sacred duty to attend those cemeteries and pay their respect. I seek the support of the people of Ryde to support a petition against the construction of the airport. I acknowledge the work of my parliamentary colleague

the honourable member for Heathcote in this matter. I have contacted the RSL clubs in my electorate to seek their assistance and support for the petition. The Premier has spoken out against this development and has made official representations to French authorities in Canberra. The Premier said, in part:

Almost 417,000 Australians enlisted in that war. Of those 59,342 were killed and 166,819 were wounded, a startling statistic when one considers the total Australian population at the time was a mere 5 million. In France Australian blood stained the soil. It is appropriate the French Government takes the views of Australians and the descendants of the dead into consideration.

The proposed airport will affect three cemeteries: Fouquescourt Cemetery, where the remains of 44 Australians lie, 12 of them New South Welshmen; Rossieres Communal Cemetery Extension, with 51 Australian graves; and Boucher New British Cemetery, primarily a British cemetery but with three Australians buried there. The French Government will make a final decision on the airport next year. Signing the petition will ensure that Australians have a voice in that consultation process. The French Government must listen to the views and concerns of the Commonwealth War Graves Commission and the Office of Australian War Graves in Canberra. To not listen would show a lack of respect for the bravery of these soldiers and the pain of their families. Although the war was almost 90 years ago, it is still very real in the minds of the community of Australia, and is a part of our history. This proposal disrespects the special relationship between the French people and Australians.

[Debate interrupted.]

BUSINESS OF THE HOUSE

Urgent Motion: Suspension of Standing and Sessional Orders

Motion by Mr McManus agreed to:

That standing and sessional orders be suspended to permit additional speakers to the motion for a period of five minutes each.

AUSTRALIAN WAR GRAVES SITE FRENCH AIRPORT PROPOSAL

Urgent Motion

[Debate resumed.]

Mr McGRANE (Dubbo) [4.06 p.m.]: I support the amendment moved by the honourable member for Gosford. Whilst I totally support the sentiments expressed in the motion of the honourable member for Heathcote, I believe that the amendment sets out the protocols between this House and the Federal Parliament. I congratulate the Premier on the actions he has taken on behalf of the State in putting to the French authorities our indignation at the proposal being canvassed by the French Government. This is the second or third time round for this airport proposal. There have been two changes already, at the behest of the British Government. The actions being taken by Australia are correct. Australians and the French people have a strong bond because of the events in the First World War. As previous speakers said, the percentage of the Australian population who lost their lives in World War I was probably the highest of any country in the world. As the honourable member for Gosford said, 60,000 young Australians lost their lives.

I want to make the point that the Australians who lost their lives were young Australians, the youth of Australia. In a sense, we lost a generation of Australians. They fought in a foreign land for the right cause. Most of them had never been outside Australia until their trip to the war zone. A large percentage of them came from regional New South Wales and regional Australia. As I said, there is a great bond between Australians and the French people. This bond should not be put at risk by the decisions of the Government of the day in France. That bond has been strengthened by the care and consideration of our Government, our war cemetery organisations, the French people and the French Government.

It has been said that France honours the Australian Diggers more than any other country in the world. We must make the point to the French Government that its current attitude cannot continue. What is sacred and safe from any government that wants to develop a public facility, be it a new airport or anything else? Where will it stop? The supreme sacrifice made by young Australians to protect Europe must be respected by the French Government. I congratulate the honourable member for Heathcote on moving the motion, which I totally support. I also support the amendment, which relates to technical matters such as protocol. The honourable member for Heathcote is an extraordinarily loyal supporter of those members of armed forces who served both in Australia and overseas. He is a Vietnam veteran and he has brought matters relating to the RSL to the

attention of this House. Members of the Opposition side who fought in Vietnam have also put forward their sentiments about what is sacred and what should be protected. The soldiers whose graves are in France made the ultimate sacrifice so that we can live in a free and democratic society.

Mr MILLS (Wallsend) [4.11 p.m.]: The motion moved by the honourable member for Heathcote, which I support, seeks the support of the House for urgent representations by the Premier to French authorities about the impact of the proposed commercial airport near Paris on Australian World War I graves. The motion also calls on the French Government to ensure that before any decision is made about the relocation or disruption of the graves the views and concerns of the Commonwealth War Graves Commission and Office of Australian War Graves in Canberra are fully addressed. The Western Front was a place of great heroism and sacrifice for Australian soldiers in World War I. The stories are legend. Australia is proud of those who fought for this country in that conflict. I understand that Australian troops captured more prisoners and suffered fewer casualties per capita than any other troops on that front.

Honourable members have referred to the youth of our troops. I am aware, from many news stories in the last 10 or 15 years, of the great respect the French people have at the local level for Australia and Australian soldiers. They are extremely grateful for the sacrifice Australian soldiers made during World War I. I expect that the local communities of France will also oppose the proposed airport because of the association that has developed, particularly in the present generation, between Australia and France as a result of the sacrifice of Australian soldiers in World War I. It is reasonably common for many Australian families to make the pilgrimage to these graves in France. Just as Australians make the pilgrimage to Gallipoli, we also make pilgrimages to places like Thailand.

Recently I was in Thailand with a number of other members of this House. We went to Kanchanaburi, which is west of Bangkok, where the Commonwealth War Graves Commission maintains two cemeteries that contain the graves of about 6,000 British prisoners of war, 1,500 or 1,600 Dutch prisoners and about the same number of Australians. The visit was a moving experience. One can then go further to Hellfire Pass, where many Australian prisoners of war who were captured in Singapore died horrible deaths from malnutrition or disease while under the control of the Japanese, who were trying to build a railway. Under Prime Minister Keating the Australian Government provided the money to build a proper memorial, and two years ago Mr Howard, as Prime Minister, opened that memorial. It is a great experience for Australians.

I have a personal interest in the war graves of France. My uncle, Corporal Isaac James Mills of the 26th Battalion, was killed at Bullecourt in France on 1 May 1917. He was 21. He has no known grave. His name is on the war memorial at Villers-Bretonneux. The next time I have the opportunity I will visit that memorial and some of the other Australian war grave sites on the Western Front in France. When we visited the War Memorial in Canberra recently, I was amazed by my children's interest in seeing the name of their great-uncle Isaac on the wall. They were fascinated and delighted to learn more about him and the history of the involvement of both the family and Australia in that war.

At about this time last year the Miners Federation Pipe Band from the Hunter Valley visited the Commonwealth war graves and Australian war graves on the Western Front. The band may have been there on Anzac Day last year. I am reminded that our colleague the honourable member for Charlestown, the Minister for Gaming and Racing, is an honorary drum major of that pipe band. The Commonwealth War Graves Commission does a great job. Those graves are part of my family memory; they are part of the family memory of many people throughout Australia. Someone said that the graves are an Australian citadel, and I agree with that. I join with my colleagues in this Parliament, the Prime Minister, Federal Ministers, and the War Graves Office in calling on the French Government, before it makes any decision about burying or relating the graves, to take full account of the respect that must be shown to those Australian heroes.

Mr TORBAY (Northern Tablelands) [4.16 p.m.]: I also congratulate the honourable member for Heathcote on bringing this matter forward. His sincerity and dedication to these matters has been noted in the past month, and I congratulate him on his efforts. I join with other speakers in supporting not only the Premier's representations but also the concerns that have been expressed by Australia about the proposal to disrupt the war graves and completely dishonour the contribution made by Australian soldiers in World War I. It is important that these concerns are raised now because the matter is open for consideration and views are being actively sought. I place on record my support not only for the honourable member for Heathcote but for anyone else who wishes to present petitions around New South Wales. I would be keen to support that process and work with my local sub-branches in the Northern Tablelands to express their concerns as well.

I have received a number of concerns from my electorate about the proposed airport, because the statistics show that during World War I Australian troops made an enormous contribution. The Premier summed it up well when he said they disproportionately answered the call to defend Europe and France and, of course, they surrendered their lives. Earlier the Minister for Education and Training indicated the statistics reveal that 417,000 Australians enlisted, of whom 59,342 were killed and 166,819 were wounded. That is a startling statistic, as the Premier indicated.

It is important that we reflect on those statistics and acknowledge that the final resting place of our war heroes is exactly what it should be: their final resting place. The motion is supported by all members of this Parliament. The Commonwealth Parliament has expressed its view through the Prime Minister. The amendment is appropriate. There should be a national response that expresses this country's concern and indicates to the French that the final resting place of our war heroes, given the contribution they made and the blood they spilled defending not only Australia's interests but the interests of the Commonwealth, should be preserved. The motion has my wholehearted support.

Mr ASHTON (East Hills) [4.20 p.m.]: I support the motion and applaud the efforts of the honourable member for Heathcote to preserve Australian war graves in and around Paris where it is proposed to locate an airport. That is, of course, totally inappropriate as I am sure every member of this House would agree. It is well known by many people, even by most school students, that of the 300,000 Australians who fought overseas in World War I, 60,000 died and 160,000 were wounded. Most died or were injured on the Western Front after they had spent the better part of 1915 fighting in Gallipoli. While they did not capture Constantinople and create an Eastern Front, their prize for holding the Turks at bay and for surviving was to be sent to the Western Front as shock troops for the British Army and the Allied offensive against the Germans. They ended up in the sausage mincer that was to be the Western Front.

The conflict referred to as World War I mostly took place on the Western Front that ran between Calais and the northern parts of France right down to the Swiss border. It was in March 1918 that the soldiers whose final resting places are these war graves were killed. That was one of the last major offensives organised by the Germans. The final offensive, as the honourable member for Gosford mentioned, was what is referred to as the *schwarz tag*, the black day, in August 1918 Australian and Canadian troops turned the Germans and the war was virtually over. It is significant that not only Australians but New Zealand, French and British soldiers, are buried in these graves.

We acknowledge that the French Government will make the ultimate decision about this issue, but it is a matter of common knowledge that Australians and New Zealanders are well respected in France for their efforts in World War I. Indeed, it is obvious that if Australia, Canada, the British and other member countries of the empire had not gone to France to fight against the Germans and Austrians, France would not have remained a country after about 1916. That is because in 1916 in Verdun the French Army mutinied and came close to causing the collapse of the French nation. Part of the problem was that the French soldiers had to fight in their own country and that depressed them—more so than many of our blokes, who went there thinking that the war would be over by Christmas and wanted to be part of some action.

It is important to keep in mind that although Australians were fighting for democracy against the tyranny of the Germans they had not been sent to fight in France. Referendums about whether to force Australian soldiers to go there were defeated on two occasions. Australia was the only nation to use volunteer soldiers in World War I. Every other nation conscripted soldiers. The British began by not conscripting soldiers and then went to conscription. Only Australia continued to send volunteers. Not one conscript from Australia died in battle in World War I. That means our contribution is even more valuable, because it was not merely a matter of rounding up these soldiers and sending them over there. It was not a case of saying, "Your Government needs you, you must go." Every man and every woman—because there were also nurses and others—volunteered. As the honourable member for Dubbo said, many came from the bush. Many came from Western Australia. Many were, in fact, Britons who wanted to go back and fight for their country. That makes it even more tragic because they volunteered, only to be killed.

There are streets in the suburb of Milperra in my electorate that are named after World War I battlefields: the Somme, Dernancourt, Pozieres, Bullecourt, Fromelles, Meteren, Amiens and others. The war graves should not become an airport runway. I fully support the motion and the efforts of the honourable member for Heathcote. It is to be hoped that the Commonwealth War Graves Commission will make a strong statement about this issue. As I said one fact that is not very well known is that per head of population Australia lost more soldiers in World War I than any other nation; we lost more than the Russians, the French, the

Germans, the Austrians, the Italians and the Americans. The French should try to understand that they are not only trampling on the memory of Australians who fought in the war; they are trampling on the memory of French soldiers who died while attempting to protect French democracy. The French believe in *elan*—the spirit of attack, an uncompromising offensive. Australians typified that and it behoves our generation to never forget it.

Mr OAKESHOTT (Port Macquarie) [4.25 p.m.]: I support the motion and the petition that is being circulated throughout the community by the honourable member for Heathcote to support a campaign to prevent these war graves from being disturbed. On the mid North Coast there is a strong RSL and ex-services community, including ex-servicewomen and the widows of ex-servicemen. A number of organisations such as Legacy are represented, and many families of men and women who served this country reside there. In the interests of the Commonwealth it is important that we support this motion.

I understand that eight cemeteries are affected by the proposal. Three of those cemeteries contain the graves of Australian war dead. It is, therefore, important that it should be a top priority for us all to do our utmost to protect those sites of importance to Australia. Many speakers in the debate referred to the fact that, of the 417,000 Australians who enlisted as volunteers to fight in World War I, 59,342 lost their lives and 166,819 were wounded attempting to protect our freedom. In two locations, Ypres and Flanders, 6,198 Australians were killed. Those startling figures show how Australian volunteers and the Australian community got behind the war effort, as they have done on several occasions during the last century.

The families of many of those who died or were wounded are part of our community today. They would be distressed to hear the news that these cemeteries may be disturbed. I hope that all Australians, particularly those in local communities such as the mid North Coast, will get behind the campaign to protect the resting place of those who died on our behalf. After all, they fought for our freedom and we should certainly be fighting to ensure they rest in peace. My grandfather was on the Sandakan death march and I know that my family would be distressed if those war graves were disturbed. My thoughts are with those whose relatives are buried in war graves in France and who know that the resting places of their loved ones may be disturbed. I urge as many Australians as possible to get behind the campaign and to sign the petition. I urge them to support this motion, and I urge the Federal Government to send a strong message to the French Government that these grave sites must be left undisturbed.

Mr BARTLETT (Port Stephens) [4.29 p.m.]: I support the motion, which in part calls on the French Government to ensure that the views and concerns of the Commonwealth War Graves Commission and the Australian War Graves Office in Canberra are fully addressed before any decision is made on the relocation or disruption of the graves. Many members who have spoken in the debate have referred to dishonouring the graves of those who volunteered to fight in World War I for the empire and freedom and who died on the battlefields of Gallipoli and France. It is an affront to those soldiers who died that the proposal is even being considered. I will ensure that copies of this motion are distributed to the RAAF base at Williamstown and to every RSL in the electorate of Port Stephens.

My grandfather served at Gallipoli as part of the naval bombardment. My father served in both the Royal Air Force and the Royal Australian Air Force. I served some 16 years in the RAAF Reserve based at Williamstown. To give an example of what it was like for people who lost kin in World War I, in the mid-1980s I was working at Townsville RAAF base with one of the squadrons. One morning I spoke to two young officers, Paul Rim and Chris Wylie. It is still as clear as a bell in my mind. They climbed into their aircraft and had a mid-air collision above Townsville, and both died. Even to this day every time I visit Townsville RAAF base I visit their small memorial, with two palm trees planted nearby. They were friends and associates that I worked with. It is just as though the incident happened yesterday.

Australians died in their thousands on the battlefields of World War I. As other members have said, nearly 60,000 died and more than 160,000 were wounded. The Commonwealth War Graves Commission and the Australian War Graves Commission have done an amazing job. At the end of World War I people were allowed to put an inscription of up to 32 letters on the cross of their loved one. That offer was made to all Commonwealth countries but the English, Canadians and New Zealanders did not take up the offer to anywhere near the extent that Australians did. There was a huge controversy at the time because people were charged a farthing a letter for inscriptions on memorials to people who died on the battlefields of France. Around the kitchens all over Australia people discussed what the inscriptions would be. A wonderful book talks about what went on those memorials. People stated that the soldiers were so proud of the empire that they died for. A huge emotional effect was felt at the loss of sons, sometimes only sons, or husbands. There was a huge emotional outpouring at having to pay for the inscriptions.

I think we will find that the issue we are discussing will strike a similar emotional note. Australian volunteers gave their lives and we must ensure that the French authorities know how we feel on this issue. I contacted some of the RSL clubs in my electorate on this issue today. The 120 members of the Tilligerry RSL club, represented by Bob Glover's wife, said that they were totally supportive of what we were doing. I am sure I speak on behalf of the 650 sub-branch members of Nelson Bay as well as the members of the Tilligerry, Mayfield, Raymond Terrace and Karuah RSL clubs on this issue. [*Time expired.*]

Mr BARR (Manly) [4.34 p.m.]: I support the important motion before the House. Every community across the land, no matter how small, has a war memorial on which the names of the fallen men and women are included. Many died fighting in that terrible war, the war that was supposed to end all wars, the 1914-18 world war, which was fought primarily on the fields of France and Belgium. Town after town, village after village and suburb after suburb have lists of names of people who died in that war. There were 417,000 volunteers. Many went overseas to fight, and 59,342 were killed. As another speaker said in this House a few minutes ago, on the basis of the size of our population that loss bled us as a nation. Communities that were denuded of their young men who went away and never came back have never fully recovered from the terrible impact on this nation.

I do not know whether there is any connection with Manly on these grave sites that we are considering but it is probable that there is. It is certain that many people from the northern beaches died fighting for the British Empire. They fought because they thought that it was the noble thing to do, and they were fighting for a way of life. At the time there were no jumbo jets to enable Europe to be reached in 20 hours. It took a long time to get to the other side of the world. Many died, and their relatives in Australia did not find out about the fate of their loved ones for a long time afterward. Our brave young men and women went off and we paid a huge price as a nation. The notion of disturbing the graves of those young people who died on the fields of France for the building of an airport is nothing other than a disgrace. We must make all the representations we can to ensure that this does not occur.

A few years ago I was at a house in England. At the bottom of the garden was a little gravestone that read, "Here lies Scotty, friend of a soldier who died for his country." The family dog had died and that was the family's last connection with a son who had died on the battlefields of France. Imagine what it would have been like for those people at that time with that last connection. It was the same story in Australia, with community after community, household after household. We cannot forget the sacrifice that those people made. We must do everything to honour their memory and to persuade the French authorities not to go through with the airport proposal.

I know that many small towns in France honour, respect and admire Australia for all that it did for them. At times the French Government has not been as sensitive as it should be. I give the example of the sending in of foreign agents to bomb a Greenpeace ship in Auckland Harbour. How many of our New Zealand Anzac colleagues are dead on the fields of France? We must make sure that the French Government, and the French public particularly, are aware of what is being proposed and put a stop to it for the honour of our country. At all the Anzac Day ceremonies that I attend I am impressed year after year by the increasing number of young people who attend. Anzac Day has become a definitive statement—defining our nationality and our pride in our nation. We must not forget that and we must not allow the proposal to proceed.

Mr NEWELL (Tweed) [4.38 p.m.]: I support my colleagues from both sides of the House and the motion of the honourable member for Heathcote that provides in part that the House supports the urgent representations by the Premier to French authorities about the impact of the proposed commercial airport near Paris on Australian World War I graves. The honourable member for East Hills reminded the House that throughout the entirety of World War I the Australian Army was made up of volunteers, which at that time was unique. The statistics of the losses from World War I are numbing. There were huge losses from the defence forces and civilian populations of the countries involved in the various phases of the European war, as it is sometimes called.

The Great War was certainly a great disaster for humanity. The death of 59,000 troops represented a loss of 1 per cent of the then Australian population, and the total number of casualties equated to more than 4 per cent of the population—a devastating impact in 1914-18. If those figures were extrapolated to the present population there would be 200,000 dead and 800,000 casualties, an enormous impact on Australia's population. The desecration of cemeteries for commercial reasons makes one wonder what could motivate people in France at this time. This is no ordinary cemetery; it is a monument to democracy and to many of the things we hold dear and are the backbone of our society. There are various aspects of our democracy which we hold dear, including the separation of powers, the High Court, our Parliament and our right to vote. It is fortunate that on

not too many occasions we have had to send volunteers to fight in wars, and World War I was the first. We showed the rest of the world what we are prepared to do with our volunteer army.

To treat this cemetery as a normal block of ground on which to extend an airport is to negate the principles which drove young Australians to volunteer to participate in a war, and sacrifice themselves for an ideal which cannot be represented in any material fashion. That cemetery is a small but integral reminder of the principles for which those young men fought and died so many years ago. I think the French would not forget that principle either, considering the casualties they suffered in World War I and World War II. Many French people certainly have not forgotten the contribution of Australian soldiers in freeing some villages from the tyranny of the German Army at that time. The Murwillumbah RSL Sub-branch President, Derek Sims, was quoted recently in the Tweed Heads *Daily News* as saying that a meeting of 32 veterans expressed disappointment that it was the Premier and not the Prime Minister, John Howard, who made public objection to plans for what has become known as the airport of shame. Referring to what Derek said, the article stated:

We're wondering why that is and why they [the Federal Government] haven't made a bigger noise over the issue ...

Veterans are very upset that the French Government could even contemplate doing it.

I remind honourable members and others who need to be reminded that the Australian Army consisted of volunteers and that their contribution should not be forgotten. [*Time expired.*]

Mr FRASER (Coffs Harbour) [4.43 p.m.]: I support the motion and the amendment of the honourable member for Gosford. Not quite 12 months ago, on Anzac Day last year, I was in France, at the Somme. My grandfather Cyril Morisson fought there during World War I; he was a gunner in the First AIF. We think we know the history of our country's contribution to the First World War and the Second World War but until we see the graves of our young men who died for our freedom spotted around the hillsides of the Somme and across France we really do not appreciate the intensity of the battles that were fought there.

The sound of the artillery in the battle of the Somme was heard in London, which, as the crow flies, is about 70 miles away. My grandfather later died from injuries and other effects of the First World War. He left four children and a wife. My grandmother raised those children with the help of Legacy, which, in those days, was conducted by men who came back from the Somme. They formed Legacy basically to look after the children of their comrades who died in the Somme and in the fields at Flanders. It was quite moving to be at the Somme, one of the battlefields where my grandfather fought, on Anzac Day. I also visited Gallipoli on that trip.

To see what they went through was very moving. I noted the gratitude of the majority of the French people for the great sacrifice that our forebears made. It is totally unacceptable to extend an airport over those war graves. I support the motion and commend the honourable member for Heathcote for bringing it to the House. I support the amendment and I call on all Australians who have any connections in France to take steps to ensure that this proposal is not carried out by the French municipal government.

Mr THOMPSON (Rockdale) [4.46 p.m.]: I have great pleasure in supporting this motion and I applaud the actions of the Premier in making urgent representations to the French authorities, through the Ambassador to France, about the impact of a proposed airport near Paris on Australian war graves. I join in his call that before any decision on the relocation or disruption of the graves is made, the views and concerns of the Commonwealth War Graves Commission and the Office of Australian War Graves in Canberra are fully addressed.

I am the proud patron of the Rockdale RSL sub-branch and the Brighton-Le-Sands RSL sub-branch and I know that I speak not only for those members but also for members of other RSL sub-branches in my electorate at Arncliffe, Earlwood, Bardwell Park, Kyeemagh and Ramsgate. It is not only returned servicemen and women who are alarmed at the news that the French are considering building an airport over such hallowed ground. I think most, if not all, Australians are concerned. Today I spoke with Margaret McCormack, the secretary of the Rockdale RSL branch, and she agreed that this is truly a matter of great national importance. I hope that one day I can visit the war graves and memorials on the Western Front, particularly around the Somme, as a number of members of this House have done.

Few Australian families were left untouched by the events of World War I. Most lost a father, son, daughter, brother, sister or friend. More than 416,000 Australians volunteered for service. Of those, 324,000 served overseas. More than 60,000 were killed, including 46,000 who died on the Western Front in France and Belgium. Writing in the Australian Memorial Guide, Veteran Affairs Minister Bruce Scott said:

A very important part of Australian history was written on the First World War battlefields in France and Belgium, where 46,000 of our troops fought and died. Anyone who visits northern France, as I have done, is deeply touched by the sheer number of brave young men who are buried there. The seemingly endless rows of headstones demonstrate with tragic clarity the enormity of the sacrifice made by our young country.

In his recent letter to the French Ambassador, the Premier wrote:

In France, Australian blood stained the soil ...

During World War I, Australians disproportionately answered the call to defend Europe—and France—and surrendered their lives.

At Ypres and Flanders alone, 6198 Australians died.

It is appropriate the French Government take the views of Australians and descendants of the dead into consideration.

I have the greatest respect and admiration for the French people and the French nation. They have a very proud history. Through both world wars they endured the harshest of conditions and showed great courage and bravery. France has been a bulwark in defending freedom. That is why I make this plea to the French authorities:

In defending Europe and France, particularly through the dark days of World War I, tens of thousands of Australians gave their lives. They died, and are interred, in French soil. Their sacrifice must not be sullied. Their graves must continue to be given the respect and honour the gallantry of the fallen so richly deserves.

What we refer to as the Western Front was actually the German western front—their eastern front was in Russia, but the French, British and Commonwealth troops accepted the label as their own. The Western Front ran from the English Channel near Ostende to Belfort on the French-Swiss border. At different times Australian troops were deployed along several segments of the line. I want to refer to just some of the deeds of the Australian soldiers in that area. The AIF fought its first major battle on the Western Front at Fromelles. The Office of Australian War Graves described it as follows:

On 19 July 1916 the 5th Division, which had arrived from Egypt only ten days previously, was ordered to attack German positions at Fromelles, partly in order to prevent the enemy from reinforcing their lines on the Somme, where the British had launched a major offensive on 1 July.

The report goes on to describe the battle and concluded that in 24 hours of incessant fighting the 5th Division lost 5,533 men who were killed, wounded or captured—almost a quarter of its strength—and was driven back to its own starting line. At the same time as the Fifth Division was going through this, the First, Second and Fourth divisions had been sent to the centre of the Somme front near Albert to reinforce the British Army, which was losing thousands of men each day. The First Division was thrown in on 23 July and under continuous heavy artillery the division lost 5,285 officers and men. In related battles along the ridge near Mouquet Farm the Second Division suffered 6,848 casualties. The Fourth Division entered the battle on 6 August and when it withdrew on 10 August it had lost more than 7,000 men. As the War Graves Office noted:

Each of the Divisions had second but shorter spells at Pozieres and in total suffered 23,000 casualties on a mile of front. In the words of office historian C. E. W. Bean, "a ridge more densely sown with Australian sacrifice than any other place on earth!".

The French are wonderful people and I hope and trust they can find a way to meet their objective in a way that does not involve the desecration of the final resting place of our gallant war dead. [*Time expired.*]

Mr ANDERSON (Londonderry) [4.51 p.m.]: I support the motion moved by the honourable member for Heathcote and the words of the Premier, Bob Carr, whom I compliment on taking up this important fight. I was very impressed with the sentimental comments of the honourable member for Coffs Harbour. He graphically explained what he saw when he visited the graves and how it brought home the great sacrifices made by the Australian soldiers in the Great War. To think that anybody would desecrate such a memorial leaves me flabbergasted. Other speakers have referred to the level of commitment and the sacrifice paid by Australian troops in this Great War. We committed more fighters per head of population than any other nation. We suffered more casualties per head of population than any other nation and we certainly etched the Australian name in glory in the world theatres of war.

The level of commitment of the Australians is illustrated in a number of reports on the war. I would like to acknowledge some of them. Villers-Bretonneux has a very special relationship with Australia. The cemetery there is called Adelaide Cemetery, and many young Australians are buried there. In the battle between 30 March and 5 April 1918 the Australian 9th Brigade saved the entire British line from collapse during the last great German offensive of the war. The Australians lost as many as 30 officers and 635 men from a total of 2,200 casualties. That battle alone demonstrates that Australia contributed significantly and paid dearly.

Australia can hold its head high for having defended France in that great battle, and I think it is only just that the French people should acknowledge the sacrifice made by Australia and the Australian people. The French are entitled to build an airport, but I am sure that in a distance of 138 kilometres between Paris and where the airport is now proposed, adequate land could be found to build such an airport without desecrating the graves not only of these great Australians but also Commonwealth fighters, because there were one million Commonwealth casualties. This is not just our fight but the fight of all Commonwealth countries that contributed to the battle.

Today I contacted my local RSL clubs. Although clubs were asked to honour an instruction to refer all comments and inquiries to the State Secretary, they thought so much of this issue that they wanted to go on record supporting what the Premier is doing and the motion moved by the honourable member for Heathcote. We should do everything in our power to protect that great grave memorial to our heroes. We cannot ever let the French make a commercial decision that will impact on Australia and the Australian people. I totally support the motion and offer the honourable member for Heathcote the utmost support. The petition he has prepared will certainly be circulated among my RSL clubs and in my electorate office to ensure that the Australian people have an opportunity to have their say. I will then forward this information to the relevant authorities. I give the motion my total support.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.56 p.m.]: I make my contribution based on my experience as a visitor to the Western Front in July 1998. I was the drum major of the United Mineworkers Federation Pipe Band and had the honour to lead that band on a visitation to the Western Front to commemorate the eightieth anniversary of the atrocities that occurred. The purpose was to retrace the contribution made by 1,846 miners in the Hunter region, many of whom died on those battlefields. Following that visit a book was written by Mr Ron Land, the Northern District Secretary of the United Mineworkers Federation, and I had the privilege of commissioning that book. The experiences of the band and the ceremonies it attended are recorded in *Hansard* on 7 March 2001 so I shall not repeat that except to say that I have acknowledged publicly the sacrifices of Australians, New Zealanders and Canadians in that theatre of war. It was supposed to be the Great War, although I do not think there was anything really great about it except the great loss of life.

In numerical terms no country lost more than Australia. Only the small island of Newfoundland, Canada, suffered more and, in fact, for a period of 10 years the population of Newfoundland males was greatly depleted. The Dominions, as they were named in those days, made a significant contribution to a war that, quite frankly, did not really affect Australia as it was not on our shores. Like most people I was not born during the First World War; I was born during the Second World War. Both my mother and father had relatives who fought in that war and some did not return. However, like everything else in life, people do not fully comprehend the significance until they physically go there, as I did, and witness the evidence of the human sacrifice.

It was extremely emotional to visit Villers-Bretonneux at sunrise with the band and march up to the Australian memorial. It is on land dedicated to this nation and stands high on the hill overlooking Villers-Bretonneux. Indeed, there is a plaque at the local school that states "Never forget Australia". The same applies in Belgium. The desecration that happened in Ypres is legendary and the remains of our Australian heroes lie there. Like me, many Australians will be infuriated by the French proposal. I believe that the French Government should take a hard look at its plan. I am certain that the French people would not agree with this decision. I marched down the streets of Fromelles—which the honourable member for Rockdale also mentioned—and visited the memorial that was placed there as part of the recent eightieth anniversary commemorations. It commemorates VC corner, where thousands of Australians were slaughtered. The band also visited another memorial high on a hill at Le Hamel and participated in a commemoration ceremony.

A plaque hangs in Amiens cathedral to commemorate its rededication before Australians, Americans and other former allies. With all due respect, the Australian Government did not want to know about us before we began our tour. However, to its credit, the Federal Government got in on the act when we reached our destination. The city of Amiens was the centrepiece of many campaigns. I share the sentiments expressed by the Premier and other honourable members, including the honourable member for Heathcote. The French Government must heed the outcry about this proposal. I am probably more emotional than most about this issue simply because I have visited these areas and believe that our servicemen should remain safely in their resting places for ever more.

Mr PRICE (Maitland) [5.01 p.m.]: I support the motion and express my concern at the apparent intransigence of Air France regarding its requirements for the construction of an airport on what many would

consider to be sacred ground. I have not visited the fields of France, but I have been to a number of Second World War cemeteries in Thailand, Borneo and Australia. Given the reverence in which they are held by all peoples whose countries have been involved in world conflicts, I find it difficult to understand that a commercial airline operator would seek to gain an advantage by desecrating these sites.

The site proposed for the new airport not only contains Australian and British graves but is adjacent to a large French cemetery with more than 6,500 war graves and a further six British graves. The winners of wars become the heroes. However, one could claim that the German nation also has a claim as the proposed site comprises a German war cemetery containing more than 22,000 graves. As to the civil engineering considerations, the airport will be five miles long and two miles wide. It will completely overrun the war graves about which we are concerned, take out the French cemetery, and marginalise the German cemetery, which would be in no man's land between the tarmac and the airport perimeter. A significant number of nations, including the French, have a stake in this extraordinary decision.

I understand that the term "in perpetuity" as it applies to British and Australian war graves contains a rider—nothing in life is black and white—that allows France to overlook that particular privilege in circumstances of specific national importance. That is extraordinary. The French are wonderful people. They are great to mix with and they have been very supportive of Australia in the past. We tend to forgive them for their atomic testing in the Pacific—although I am not sure that we should. However, this is an extraordinary political incident.

The airport is a huge project that will cost £3.5 billion. In light of the money involved, I would have thought that variations could be made to the proposal to allow the commercial airport to be built elsewhere. I do not think noise would be a problem but access is an important consideration. I support the Premier in his actions to date, as well as the British Government's attempts to persuade the French to reconsider. Although the decision has not yet been made, it is clear that Air France will have a significant say in what happens to the site. The town hall in the village of Vermandovilliers bears a sign commemorating Lawrence Dominic McCarthy, who won the Victoria Cross on 23 August 1918 when he single-handedly captured 460 metres of German trench line. That is no mean feat, and that plaque is a piece of Australian history—even though it is in Europe. We have every right to be concerned about Australian war graves and to support the Premier's actions and this motion.

Mr McBRIDE (The Entrance) [5.06 p.m.]: I support the motion and the Premier's actions in this matter. I congratulate the honourable member for Heathcote on, first, pursuing this issue in the broader community and, secondly, bringing it before Parliament. As many honourable members will be aware, the honourable member for Heathcote is the only returned servicemen in this place. In 1965 as a member of the Royal Australian Navy he served on the *Derwent* in an active war zone off the shores of Borneo, and in 1967 he served on the *Perth* in an active war zone off the coast of Vietnam. The honourable member has consistently supported the rights of ex-service men and women who have served Australia both here and overseas, and I believe he deserves not only my congratulations but those of the whole House.

Other honourable members have mentioned relatives who fought in the First World War. My grandfather William Henry Murray was a World War I veteran who served in Gallipoli and subsequently in France, where he was awarded the military medal at Bullecourt. He then returned to Australia but unfortunately the gas poisoning he had suffered caused his early death. It was the policy in Europe during World War I to post family members together, and my grandfather's younger brother died on the fields of France. My uncle William Murray, son of William Henry, was killed over Germany in the last weeks of World War II. So both my uncle and my great-uncle are buried in the battlefields of Europe.

It is important that war graves all over Europe, not just in France, are respected. All Europeans should hold sacrosanct the memory of Australians who served in theatres of war overseas and gave their lives in support of democracy. Those servicemen went to the other side of the world to defend democracy, and I cannot believe that France—the first independent democratic nation in modern Europe, which introduced democracy to the rest of the world, including the United States of America and Ireland—does not revere the many war graves throughout the whole of Europe.

In my community the Tuggerah Lakes RSL sub-branch has an active policy of cultivating a culture of respect and reverence for people who served their nation. The sub-branch is trying to establish memorials throughout all the schools in the area. Last year I attended the consecration of a memorial at St John Fisher Catholic school. This year the sub-branch will establish a memorial at The Entrance Public School. I commend the sub-branch for its actions in the community. Its efforts are an extension of what has been happening in Australia over the past 50 years, commencing with the fiftieth anniversary of World War II.

Mr HUNTER (Lake Macquarie) [5.10 p.m.]: I support the motion moved by the honourable member for Heathcote. I preface my remarks by saying that we have a good relationship with the French people and the French Government. This Parliament has hosted many delegations from France. We have a good working relationship with the French Consul-General, whom I know personally. Yesterday evening the Premier opened an exhibition in Parliament House, which was sponsored by the Parliament, other organisations and the French Consul. So we have an ongoing relationship. I have been to France on three occasions, the last time being last year. I was pleased to visit the French Parliament and meet with officials there. I also met with the French medical board to discuss health-related issues. I have a number of French friends, as do many members of Parliament. We have a good working relationship with the French, we have a close friendship and we have mutual respect. I preface my remarks with those comments.

I agree with many of the comments of previous speakers in this debate today. I want to put a different perspective on this matter so that when the French Government receives a copy of today's debate, it will take into account the significance that remembering our war dead from World War I has in our local community. Last July I was pleased to visit the Teralba World War I memorial. With other members of my local community I inspected a project to upgrade the path leading to the memorial. Under the Government's community development program, Club Macquarie donated funds to upgrade the path. Monuments such as the Teralba memorial should be preserved. It is important to members of my local community that we remember those who gave their lives for Australia. On that occasion the Speers Point RSL sub-branch was represented by President Keith Ayres and Club Macquarie was represented by President George Clack and the Junior Vice-President Louis Peterson. I thank those people for the work they have done to restore the memorial and upgrade the pathway.

During the previous year the Federal Government provided funding of \$3,000 under the Regional War Memorials Project to assist in restoration of the memorial. The project was part of the Their Service Our Heritage program, which followed on from the Australia Remembers program of the previous Federal Labor Government. It is important that our local community remember those people who gave their lives. The war memorial, which cost £147 back in 1918, was unveiled by Lance Corporal W. N. Miller. The memorial—which contains the names of 72 soldiers, 15 of whom were killed—is located in Teralba. The attrition rate of 15 killed from a total of 72 is very high. That represents 20.8 per cent, which is higher than the national average. The monument is the only World War I lamp post memorial in the city of Lake Macquarie and has great significance for the people in my area.

Many memorials were unveiled by high-ranking military officers, vice-regal appointees or public dignitaries, such as mayors, shire presidents or officials of patriotic communities. Not so in Teralba. The memorial in Teralba was unveiled by a soldier of a relatively low rank, a mere lance corporal. In the patriotic and egalitarian mining community of Teralba in 1918, Lance Corporal Miller had a special significance. He still does today, as he was the first Teralba boy to enlist. It is important for our local community to remember the people who gave or risked their lives for our freedom. I am sure that the French Government, after reading today's debate, will take on board the considerations of the people of Australia, particularly the people of New South Wales, and reconsider the airport proposal, which will disturb the war graves.

[Debate interrupted.]

BUSINESS OF THE HOUSE

Private Members' Statements: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to postpone private members' statements until the conclusion of the motion for urgent consideration.

AUSTRALIAN WAR GRAVES SITE FRENCH AIRPORT PROPOSAL

Urgent Motion

[Debate resumed.]

Mr McMANUS (Heathcote—Parliamentary Secretary) [5.14 p.m.], in reply: There are times when one is particularly proud to be a member of this House. Today is one of those times when I am deeply honoured to

be a member of the New South Wales Parliament. Today a large number of members of Parliament were prepared to support in a bipartisan fashion this motion in an attempt to ensure that the French Government accepts its responsibilities and recognises our concerns about the desecration of the war graves. The one factor that stands out in this debate is that the Prime Minister, the Premier, members of Parliament and the community are all as one on this issue to protect the sacrosanctity of our fallen comrades in France.

As a patron and member of Engadine RSL, a member of the sub-branch, a member of Bundeena RSL and a strong supporter of Woronora RSL, Sutherland United Services Club, Heathcote Citizens Services Club, Coaldale RSL and Helensburgh RSL—which are all within the bounds of my electorate—I thank all members who have spoken in this debate to defend the rights of our fallen comrades. I thank one and all for their speeches to this most gratifying motion and their indications of support. Once again, I thank all of the RSL presidents and members who have indicated to the Parliament their support for the petition, which will be promoted throughout their areas. I look forward to presenting the petitions, with other members of Parliament, to the Federal Government for relevant action. In a spirit of true bipartisanship, the Government accepts the amendment of the honourable member for Gosford.

Amendment agreed to.

Motion as amended agreed to.

Pursuant to resolution private members' statements taken forthwith.

PRIVATE MEMBERS' STATEMENTS

MAITLAND PRIVATE HOSPITAL RED CROSS COFFEE SHOP

Mr PRICE (Maitland) [5.18 p.m.]: I want to speak on an issue that is pertinent to us all. This is an important week for the Red Cross, particularly the Australian Red Cross. I specifically commend the Tarro-Beresfield district branch and the Maitland district branch on the opening this week of their Red Cross coffee shop at the new Maitland Private Hospital in Chisholm Road, East Maitland. As with most country organisations, the country district branches of the Australian Red Cross are staffed mostly by ladies—perhaps mostly older ladies—who are extraordinarily diligent in their work and in their belief in the good service that the Red Cross offers worldwide. The work of the Red Cross has been highlighted in the recent Afghani crisis. The Red Crescent and Red Cross organisations have worked tirelessly to alleviate the distress and problems brought about by that conflict to the people of Afghanistan. In particular, the organisations have supplied emergency food and water relief during the very difficult times of heavy conflict.

The Maitland district branch already supports a significant gift shop at the Maitland District Hospital. The extension of this work into the private hospital at Maitland will certainly make life a lot more comfortable, not only for patients but also for relatives and friends who come to visit them, and for members of staff. These small tasks undertaken by volunteer groups, such as the Red Cross, make a significant difference to our way of life. In this case it also assists to raise significant funds for an organisation that has such a good reputation and does such wonderful work throughout the world, not only in times of international crisis but in times of natural disaster. The Red Cross, together with the Seventh Day Adventist Church, is deeply involved in rendering assistance to identify family connections worldwide. Its work touches all of us in a variety of ways at some time or another.

These ladies have worked tirelessly for the organisation. Many of them have been recognised and decorated through the awards and reward system offered by the operational constitution of the Red Cross. In the main these ladies have given many years of service and continue to serve. Quite often they serve when they suffer from discomfort due to age or disability. They are prepared to try to make life more comfortable for others and, at the same time, in a voluntary capacity, raise funds for such a well-recognised and deserving organisation. They perform a valuable service. I have seen the new hospital from a distance, and I look forward to inspecting the facility.

I am pleased to say that my wife was invited to the opening of the coffee shop. She thoroughly enjoyed her time there, and the company of the ladies. She commented to me very favourably on the way they set up, their attitude to their work and their future aspirations. I commend the Maitland district and the Tarro-Beresfield

district branches of the Red Cross for their work and, in particular, the operation of the coffee shop at the Maitland Private Hospital. I wish them well in this endeavour. I look forward to hearing of the progress and success of this venture. [*Time expired.*]

HILLS COMMUNITY MEDICAL EQUIPMENT POOL

Mr RICHARDSON (The Hills) [5.23 p.m.]: Tonight I raise a matter of serious concern to many injured and disabled people in my electorate: the Hills Community Medical Equipment Pool, a listed charity that operates out of Balcombe Heights community buildings in Baulkham Hills. This outstanding 21-year-old organisation rents low-tech medical equipment, such as crutches and wheelchairs, at very reasonable rates to those in need. The number of hirings has increased exponentially from 160 in 1996 to 1,201 in 2000, while the number of customers has increased from 146 to 807. The pool is utilised by occupational therapists working in the Western Suburbs Area Health Service at North Shore Hospital and elsewhere. It provides what is, for many, an essential service that saves the Government many thousands of dollars.

Last year Baulkham Hills Shire Council acknowledged the work of this voluntary organisation by rewarding it with a community support award for outstanding contribution to the lives of people with a disability. In January I received a number of phone calls from constituents concerned that the Hills Community Medical Equipment Pool may soon have to close its doors. On 23 January the pool ceased operations and recalled all outstanding equipment. The reason? It had been unable to effect public liability insurance cover. The President of the organisation, Mr John Goulding, told me that, after 20 years without one single claim, the two insurance brokers the pool had used had been unable to locate an insurance company prepared to quote on its needs. As a result, Baulkham Hills Shire Council, from whose premises the pool operates, instructed the organisation to immediately cease operations.

I suggested, as a first step, that Mr Goulding contact other brokers and insurers to determine whether any cover was available. My intention, should other avenues be exhausted, was to bring the matter to the attention of the Minister for Fair Trading, perhaps with a view to the Government underwriting the operation. On 26 February Mr Goulding wrote to me and advised me that he had been able to find someone who would cover the organisation for up to \$10 million public liability insurance. That is the good news. The bad news is the cost. The premium for public liability, fire and burglary cover had risen from \$880 to \$7,292, an increase of 729 per cent. The pool can just manage to meet this expense, but the extra \$6,412 might have been better spent on buying new and replacing worn-out equipment. I remind honourable members that this organisation has not had a single claim made against it in 20 years of operation.

One aspect of the cost rankles particularly, and that is the Government's double dipping on taxation. The base premium is \$5,820. Added to that is \$79.20 fire services levy—fire and burglary cover for the equipment—\$589.92 GST, \$648.91 stamp duty and some other minor charges associated with brokerage. The stamp duty is calculated on the GST and the fire services levy: a tax on a tax on a tax. It would not be unreasonable for the Government to refund at least the stamp duty and fire services, levy which, between them, account for \$728—almost \$100 more than last year's base premium. There is a broader issue here.

Given the exponential increase in public liability premiums, is it appropriate for the State Government to make a windfall profit from community organisations, such as the Hills Community Medical Equipment Pool? Only last week the *Daily Telegraph* published a list of events and organisations that were struggling to continue because of massive hikes in public liability cover following the collapse of HIH and the September 11 attacks on the World Trade Centre. I call on the Government to reconsider the whole issue of taxing charities and community bodies in this way. It is time we stopped wringing our hands about the current deplorable state of affairs and took some positive action to address them.

Waiving stamp duty, in particular on public liability cover for voluntary organisations, would be a great way to start. There would not be one member in this place who would not have been approached about this problem by community organisations of one form or another. Community groups across the country are calling out for help from governments. This is a tremendous opportunity for the Government to take the lead, to be proactive and reduce the onus on community groups to meet extortionate public liability insurance costs, to support the community and voluntary organisations, and to make a positive difference to the way in which voluntary organisations operate. In this case the organisation is saving the Government money. I call on the Government to take this very positive step.

BELLINGEN PUBLIC SCHOOL AND BOAMBEE PUBLIC SCHOOL

Mr FRASER (Coffs Harbour) [5.27 p.m.]: I bring to the attention of the House the plight of two schools in my electorate, Boambee Public School and Bellingen Public School. One of the reasons I do so is the way in which the Minister for Education and Training waxed lyrical today about the \$70 million that has been allocated for maintenance and upgrading of schools. The easiest way to do this is to read into *Hansard* two letters, one from each school. As honourable members will see, they are interrelated. The first letter, from the Boambee Public School Parents and Citizens Association to me, states:

Dear Andrew,

I am writing to you on behalf of Boambee Public School P & C committee. We would like to bring the situation to your attention in the hope that you may assist us in resolving it. The situation is as follows.

Due to increased enrolments at Boambee this year the school required an extra Teacher, which also means an extra classroom. The new Teacher arrived within a couple of weeks of the new school year. However, the students are still without a classroom.

We feel this is totally unacceptable that in Week 5 of school the Department of Education is still unable to provide us with a definite date of arrival & completion of the new classroom. At the very latest, we would expect it to be fully operational before the end of Term 1. This would involve the building being put in place, cleaned, furnished, air-conditioned, paths, steps, etc.

Currently the class involved is using the library. This means the other students of the school are unable to access the library and computer lab.

Also the class using the library have no place for the belongings or a room to call their own. The teacher has conveyed her concerns regarding the situation, especially in reference to the students not having a place of their own.

We are asking you to make inquiries on our behalf, in the hope of speeding up the process and securing an acceptable completion date.

There has been some progress, as apparently a demountable from Bellingen has been allocated to Boambee. However, we still have not been given any definite dates. We do not wish to see this situation drag on as we feel it is an urgent matter which requires immediate attention by all involved.

We hope you can assist us and we await your reply.

Bellingen Public School, from which the demountable will be taken, does not want to lose the demountable because of problems at that school. On 12 March the parents and citizens association wrote to the principal of Bellingen Public School in the following terms:

At a recent P&C meeting concerned parents raised serious issues with regard to the flooring in four of the fourteen permanent classrooms at Bellingen Public School. The classrooms in question are the four most recently built and at the most northern side of the school, adjoining William Street.

After a personal inspection of these floors it was very easy to come to the conclusion that these floors need replacing. They are rotting away before our eyes and it appears nothing is being done about it. Our children use these classrooms every day and we as a P&C feel it is unsafe for our children to be entering these rooms. The odour that is emitted into the rooms from the decomposing floor boards, mould and mildew that has condensed under these classrooms is nothing less than disgusting. We feel it is a great detriment to our children's health, particularly those children that suffer from allergies and asthma.

Can you assure the parents with children at Bellingen Public School that the odours from these rooms are not toxic or that their child will not enter any of these rooms? If you cannot do that I suggest these rooms be vacated immediately so our children's health and welfare are not affected any more.

We understand this issue has been raised with the maintenance contractors 'Pro-Group' for some time, but no work has been done to date to rectify this problem. Will it take a child to become seriously ill from the odours or fall through the floor before something is done? I seriously hope not.

We demand answers as to why this problem has not been rectified earlier and we don't want to hear 'There isn't enough money'. How much money can you put on our children's lives?

We look forward to a positive outcome with this matter and expect repairs to be carried out as soon as possible.

A painting program is under way at Bellingen school yet the demountable classroom is to be shifted to Boambee. As I said, the floors are rotting and the children are in danger, not only from the fumes but the fact that they may literally fall through the floor of the classroom. In 1995 this Government abandoned the cyclical maintenance program for schools. The Minister knows, or should know, about Dorrigo High School, which is a similar situation. No money for maintenance has been allocated over the seven years of this Government and in fact the floors did collapse at Dorrigo. That is an absolute disgrace. The \$70 million is to be spent mainly in Labor electorates in an election year. That will not fix these problems. The Minister for Education and Training

has a an obligation to the students, parents and teachers in the New South Wales education system to correct the problem immediately. I call on the Minister to stop waxing lyrical about this mythical \$70 million and resolve the issues at Boambee and Bellingen schools immediately.

RURAL AND REGIONAL MEDICAL TRANSPORT

Mr HICKEY (Cessnock) [5.32 p.m.]: I raise in the House an important issue that affects many people throughout rural and regional New South Wales, that is, health-related transport. Honourable members may or may not know that the Minister for Health has issued to communities a draft discussion paper on health-related transport. All honourable members should make the effort to read that draft discussion paper. I have made representations through Country Labor regarding the availability of medical transport in rural and regional New South Wales. Of particular concern is the availability of transport linkages between regional and rural communities for persons accessing medical services. It is the fact that most persons who access medical services use private cars or public transport to do so. But for the frail aged or disabled in the community who may have carers who do not or cannot drive, getting to medical-related services can prove a nightmare.

It is my understanding that medical transport falls into three major categories: non-emergency medical transport, emergency transport and transport to and from ongoing treatment for chronic disease—for example, radiation therapy for cancer patients. It is the fact that many communities within country New South Wales do not have access to adequate medical transport options. Many areas, including my electorate, have to rely on a sporadic bus service or, if the rail service is operational, limited rail services may be an option. Some people may be in a financial position to use the services of a taxi if that is available. I am aware that the Home and Community Care program [HACC] provides funds to non-government organisations to provide transport to the Home and Community Care target group, but others in the community who are transport disadvantaged fall through the safety net.

In the electorate of Cessnock accessibility to regional health services is of major concern. That has been highlighted in every social plan, community service and health-planning day in living memory. I cite the recent case of the Coalfields Cancer Support Group, which has repeatedly raised concerns with my office about the lack of transport for cancer sufferers in the area who need to access health services for cancer treatment in Newcastle. The group argues that there is no public transport system available with connections from the Cessnock area to the treatment centres. Cessnock Community Transport is able to provide a limited service to patients, but that service operates on only three days a week. Honourable members will agree that this is a poor situation, made worse by allocation of funding to the Abermain Neighbourhood Centre by HACC services. That duplicates a service that currently exists through the Cessnock Community Transport group and the replication results in two management groups bidding for the same services.

That situation cannot be maintained. There should be only one structure to ensure that the funds are allocated to meet the transport needs of the community for which they are intended. Of further concern in the rural areas of the Hunter is the fact that many service providers have highlighted the fact that the problems surrounding medical transport will be compounded if the area health service implements the proposed hub-and-spoke health service in the Hunter. This model can and will affect health users who live on the outskirts of the spokes, as it will centralise major health infrastructure in key areas across country New South Wales. Many services at the hubs will need to have access to transport. Patients in outlying areas can no longer rely on the New South Wales Ambulance Service for non-emergency transport. It is the fact that since 1982 this service has been wound down with the total removal of non-emergency medical transport.

This change has led to funding bodies directing resources to a plethora of local community transport providers but, unfortunately, this seems to have lacked co-ordination, much like I have previously stated. It has come to light that there are still gaps and areas of duplication of services. Unfortunately, until now non-emergency medical transport does not appear to have been a priority. As stated, the Carr Labor Government, through the Minister for Health, is committed to resolving these problems and has started the process by distributing this draft paper, something that all honourable members who represent country electorates should be very aware of.

One must hope that this issue will be expedited in order to ensure that medical transport in rural and regional areas is being addressed for the benefit of our communities. There is also a need to have all departments involved in community transport and medical transport to meet and address duplication of services. This would ensure that funding would be provided towards the grassroots of transport and would eliminate repetition of management structures that prevent funding being placed on transport. Once again on behalf of the communities in my electorate I thank the Minister for his endeavours to address this situation.

PITTWATER ELECTORATE POLICING

Mr BROGDEN (Pittwater) [5.37 p.m.]: Last month I met with the recently appointed Minister for Police, Michael Costa, to discuss policing in the Pittwater electorate. The House will recall that when the Minister was appointed he said quite publicly that the Carr Government listened to its critics. I wrote to the Minister and said, "I am a critic of the Government on policing. I would like to meet with you." To my surprise, and might I say pleasure, he agreed to meet with me. After a series of cancellations on his part—I appreciate he has a busy diary—we met some weeks ago. I put to the Minister my longstanding concern about the effective closure of Mona Vale police station.

On his appointment some five years ago, Commissioner Ryan enacted a policy that resulted in the downgrading and effective closure of every other police station in New South Wales. It meant, for the Pittwater community, the downgrading and effective closure of Mona Vale police station. That police station now operates as a 24-hour, one-man station and I regard that as unacceptable. Police from the northern beaches local area command operate out of Dee Why in an area that ranges south of Brookvale right up to Palm Beach as far across as Cottage Point and certainly Terrey Hills and Duffys Forest.

That is an enormous area to cover and I believe that the police are not able to do so adequately if they operate out of Dee Why. It has been my longstanding view that our police should be located at Mona Vale police station. I want that station to be reopened and restaffed to the 1997 levels of about 53 police. I want those police operating effectively north to Palm Beach and south only to Narrabeen to provide more effective policing cover both on the road and on the beat for the Pittwater community. I put this view quite strongly to the Minister and he indicated to me that a speech he had given on that very day announced the reallocation of boundaries for police districts or commands to more closely follow local government boundaries. He also said that the decision as to what stations police will be allocated to is a decision for the local area commander.

Some 10 days ago I met with Northern Beaches Local Area Commander Superintendent Dennis Clifford. He indicated to me that the Police Service was reviewing in the Manly-Warringah-Pittwater area the local boundaries for the commands. I now understand that the proposal is that the Manly local government area stand alone as a policing command and the Warringah and Pittwater local government areas be combined. I assume that it will continue to be known as the Northern Beaches Local Area Command or perhaps the Warringah-Pittwater local area command. Resources from Manly will have to be transferred into the Warringah-Pittwater area to reflect the fact that police there will be patrolling an increased area. I still have no indication from the Government or from Superintendent Clifford whether Mona Vale station will be reopened and staffed on a 24-hour-a-day, full-time basis. Now that the Warringah-Pittwater area is to be expanded and the area of control will be larger the only way that the Police Service can work effectively and, most importantly, with public confidence, is if the Dee Why and Mona Vale stations are operating.

Today I again call on the Government and in particular the Police Service to listen to the concerns of the community, to reopen Mona Vale police station as a full-time, fully staffed, 24-hour police station and to run the patrols in and out of Mona Vale. I appreciate that there are issues of concern when it comes to charging, cells and the like. Perhaps those services have to be provided out of Dee Why. But for convenient and effective policing and for public confidence in the policing profile in the Pittwater area Mona Vale police station must operate on a 24-hour basis. There have been many stories of concerns about increased crime, particularly because of the closure of Mona Vale. One bus driver told me that when there were some ratbags in his bus he telephoned from his mobile to Mona Vale police station to say that he would be there soon and asking that police come onto the bus to take these people off. He was told the police could not do that because the station was manned by one person, who could not leave the station. People have an expectation that policing be local and high profile. That will only be achieved if the Government restores Mona Vale police station to a 24-hour, fully staffed operation. [*Time expired.*]

BATHURST ELECTORATE HEALTH SERVICES

Mr MARTIN (Bathurst) [5.42 p.m.]: Today I speak on health services in the Bathurst electorate. As with most electorates, health services are under constant scrutiny in my electorate. Much has been done by the Carr Government to upgrade facilities in the Bathurst electorate in recent years. I point to the new hospital in Lithgow, the new multipurpose service [MPS] that has been constructed in Oberon and the MPSs currently under construction in Blayney and Rylstone. A new 55-bed wing was opened at Macquarie Care Centre, an aged care centre. Recently \$1.5 million was announced for a CAT scanner for Bathurst Base Hospital. That is on top of the \$700,000 upgrade of the accident and emergency section at the hospital in the past couple of years. Only last week the Minister announced that another \$400,000 is to be made available for new high-tech equipment for the operating theatre and the recovery ward at Bathurst Base Hospital.

Whilst that is all good news, there is still much more to be done. In the last budget, after strong lobbying by me, supported by a wide range of community groups, \$500,000 was provided by the health Minister to employ consultants to develop a plan of clinical services and a capital works program for the Mid Western Area Health Service. The main focus of this work from my point of view is the provision of a new base hospital for Bathurst. There is no doubt that this is the area of greatest need for capital works and services in the Mid Western Area Health Service region.

Mr McGrane: Peak Hill.

Mr MARTIN: Bathurst Base Hospital has served the people of Bathurst well but it cannot be further developed, one reason being the heritage order on part of the hospital. It has been said that Florence Nightingale had a role in the planning of Bathurst hospital. That gives an idea of how dated the facility is. Of course, it has been upgraded over the years. Under the guidance of Bathurst mayor, Councillor Ian McIntosh, and with particular input from groups such as Bathurst HealthWatch and the Bathurst branch of the Combined Pensioners and Superannuants Association, a comprehensive proposal was put to the Minister for Health arguing the case for a new hospital for Bathurst. The report even identified potential sites for a new hospital in case there was a need for a greenfield site as opposed to a new hospital on the current site.

There has been concern in the Bathurst community that the Mid Western Area Health Service had by stealth been moving both medical and support services from Bathurst to Orange. That is a concern I share. The Minister for Health has been asked to ensure that services at Bathurst hospital are maintained until the consultants' report is completed later this year. It is worth noting that the growth rate for Bathurst is currently almost twice that of Orange, a fact that has been pointed out to the health planners. No-one would deny Orange or any other inland or country city, including Peak Hill, enhanced health facilities, but there is no doubt that there is no higher priority for capital investment in health than in the city of Bathurst. This is a matter that I will continue to pursue with vigour on behalf of my constituents.

I am encouraged by recent announcements by the health Minister in relation to Bathurst Base Hospital, some of which I have just outlined. I am particularly pleased with his efforts in assisting with the recruitment of an orthopaedic surgeon for Bathurst. The medical staff council of Bathurst Base Hospital, led by Dr Ian Elbourne, is playing a positive role in mounting the case for a new hospital for Bathurst and enhanced services. I commend the staff council for being particularly effective in lobbying the Premier and other Ministers during the recent Cabinet meeting in Bathurst. This is the real feature of what is happening in this community. There is a common will. We have been able to pull together all facets of the community with a common aim: to get better health facilities for the city.

All members, whether metropolitan or country members, realise that all communities have a real ownership of their local hospital. In many cases, as in Bathurst, the local hospital was started last century. The community kicked them off and it was not until a progressive Labor Government took power in the State some time early this century that the Government accepted responsibility for health facilities. I continue to make the provision of a new base hospital at Bathurst my highest priority, and I look forward to continued community support.

DUBBO POLICE AND COMMUNITY YOUTH CLUB

Mr McGRANE (Dubbo) [5.47 p.m.]: In my electorate of Dubbo I have three members of the State board of the Police and Community Youth Clubs. Melinda Gainsford-Taylor from Narromine is a well-known track champion. Whilst she is not living in Narromine now, she always has been a Narromine girl and a great country ambassador throughout Australia and the world. Warren Mundine is a councillor on Dubbo council and a leader in the Aboriginal community in Dubbo and throughout the State. Alan Backhouse has been a long-time resident of Dubbo and involved in the PCYC movement for many years, in Dubbo and throughout the State.

It is a great feat for three people from my electorate to serve on the State Police and Community Youth Clubs board. The Dubbo Police and Community Youth Club [PCYC] building was constructed in the 1970s. It is in a good location, right on the edge of the central business district [CBD] and is accessible to all areas of Dubbo. It has outlived the area on which it is presently sited and a business plan has been produced by the PCYC committee to extend onto the old police tennis courts and the old inspector's house, a building of heritage significance. That building has been unused for a long time. The aim of the business plan is to develop the police residence into a drop-in centre for the youth of Dubbo and to extend the existing building onto the tennis courts site.

The plan has been forwarded to the Minister. He has visited the site and is enthusiastic about our plan to develop the PCYC facilities. It is planned that \$1 million will be spent on upgrading the present facilities, which cover a number of sports but the amenities are inadequate. The expansion will involve a team effort by the community, the Government and the council. That effort has begun with a committee consisting of myself, the Mayor of Dubbo; Councillor Mundine; and an executive member of the Dubbo PCYC implementing a management plan. That plan incorporates a drop-in facility at which young people can meet and become involved in sports and other activities.

Youth in all communities tend to claim that sometimes they have nothing to do during leisure or recreation times. The existing PCYC facilities could be developed to cater for the youth in Dubbo. In the Dubbo CBD there is a problem with youth, and the development of this site, which is adjacent to that area, will assist them by offering alternative activities. This great project has the support of many people. The service clubs, especially Rotary, are supportive of this ambitious plan, which will make Dubbo a better and safer place in which to live. [*Time expired.*]

NORTH-WEST RAIL LINK

Mr MERTON (Baulkham Hills) [5.52 p.m.]: The proposed rail link for Sydney's north-west is a matter of great importance to the people of that area. A few days ago the Minister for Transport announced that the Government proposes to build a 19-kilometre link from Epping to Mungerie Park at Rouse Hill via Castle Hill. People with reasonable memories will recall a similar announcement by the same Minister in 1998. In a press release dated Monday 23 November 1998 the Minister referred to a rail extension to link Epping to Castle Hill which was to be completed by 2010. That plan was part of Action for Transport 2010. Today, four years later, there is no sign of the railway; no work has started. The local people say that nothing has happened.

Four years later the Minister has recycled his earlier press release. He has announced that a rail link would be built and this time it will be 19 kilometres long and will cost \$1.4 billion. In 1998 the rail link tunnel was to be seven kilometres long; it was to be completed by 2010 at a cost of \$360 million. No starting or finishing dates have been announced. If the Minister had fulfilled his earlier commitment the rail link would have been finished in about eight years from now, but nothing has happened. In 1998 the plan was to be funded by taxpayers, but the new link is to be privately funded. To the people of north-western Sydney this is the old Parramatta-to-Chatswood link story all over again, and we can all recall what happened then. The new link is called the Parramatta rail link, but initially it is to be constructed from Chatswood to Epping only and is to be completed by 2008. Hopefully, the Parramatta-to-Epping link will be built after that. This simply is not good enough. The Government promised a rail link but admits that it has no funding.

I am further concerned by the announcement that before the rail link can proceed, network enhancements to accommodate the increase in capacity on the network will include, but are not be restricted to, consideration of improvements to tracks and additional harbour crossings. The media release stated that those issues will need to be addressed before construction of the line can commence, although planning can progress. In other words, before construction can commence additional tracks and additional harbour crossings are needed. Does that mean another harbour bridge? Does it mean another tunnel? Does it mean that the rail links over the harbour bridge will be strata titled, and that they will be one on top of the other? Many people in the north-west would not be aware of that.

Originally the rail link was to be completed by 2010, but as at today it has not been started and there is no finishing date. Originally it was to be funded by the taxpayers at a cost of \$360 million, but now it is to cost \$1.4 billion through private funds. This rail link has no start, no finish, no finance and is dependent upon additional harbour crossings. This is a sham, a farce, a dream. The Minister for Transport is in the dream business: he has dreams and grandiose ideas about public transport, but not one single dollar of government funding is provided for this important rail link which will service 250,000 people, the population of Canberra. The Government has signed off on it; the people of north-western Sydney need better than that. [*Time expired.*]

WYONG FAMILY HISTORY GROUP

Mr CRITTENDEN (Wyang—Parliamentary Secretary) [5.57 p.m.]: It is my pleasant duty to draw to the attention of the House the work that is currently being undertaken by the Wyong Family History Group. Members would be aware that on several occasions in this place I have spoken about the importance of developing a sense of community in one of the fastest growing areas of New South Wales and Australia, the Wyong shire. The Wyong Family History Group is doing sterling work. It is wonderful that a group of people

from a range of different backgrounds can get together with the common purpose of helping others discover their family ancestry. I commend the President, Jan Barrett; the Secretary, Esther Dean; the Treasurer, Linda Smith, who is also a renowned English teacher at North Lakes High School; Pam Mansergh, who produces the newsletter for the group; Pat Sharp, a life member and research officer; Keith Shakespeare, a life member and research officer who has been heavily involved in the group since its inception; and Elaine O'Sullivan, the minutes secretary.

The Wyong Family History Group believes in co-operation and getting on with the job. One of the important projects it has undertaken is visiting the four major cemeteries in the Wyong shire to ensure that a record is kept of the headstones and of the people buried in the cemeteries. Those cemeteries are Noraville cemetery, Jiliby cemetery, Yarramalong cemetery and St Barnabas cemetery. Another cemetery is Ronkana; it is near Tuggerah, although few people know it exists. Many of the members of the group are in their senior years yet they are not frightened of technology. It is to their credit that they were able to use the digital camera from my office to take images of the headstones and download them directly into their software. That obviated the need for a written record, which would have then been typed onto the computer. One member of the group now has a digital camera so the group no longer requires the digital camera from my office. It is encouraging to know that people are adopting new technology and using it as a labour-saving device.

The painstaking work of the Wyong Family History Group has resulted in the establishment of a pioneer register, which comprises four volumes with all the details of pioneers in the Wyong shire and the history of Wyong going back to the nineteenth century as a timber town. These people have done a wonderful job. They work for both the past and the present. Every Tuesday Pat Sharp does voluntary work at the Wyong Shire Library at Westfields Tuggerah helping people search for their family histories. On Wednesday afternoons Keith Shakespeare usually helps people at the Oasis Centre, where the records of the group are kept, thanks to the excellent co-operation of the Salvation Army. People can avail themselves of the excellent research services of members of the Wyong Family History Group on the fourth Saturday of the month at the Oasis Centre and the second Saturday of the month at Tuggerah. These people do a wonderful job and it was my pleasure to have the group as guests at Parliament House on 1 March. They certainly enjoyed the history of this place and a pleasant day was had by all. In some way it was small recompense for the tremendous work they do in building up a sense of community in the Wyong electorate.

CATTLE TICK CONTROL

Mr GEORGE (Lismore) [6.02 p.m.]: Again I raise the problem of ticks in my electorate. I am sure the Minister for Agriculture will say that I am on the bandwagon again, but it is an age-old problem and while I represent the seat of Lismore, I will pursue it. On 26 February I received answers to questions I had placed on notice. In answer to those questions, the Minister for Agriculture, Richard Amery, said that all board members, as part of the Cattle Tick Advisory Committee [CTAC], unanimously agreed that the ban on tick fever vaccine was not justified. I have been informed that the answer is completely untrue. At CTAC 2000 a motion was carried to maintain the then present tick fever vaccination policy, to review tick fever risk and the risk of reversion to virulence of vaccine strains in New South Wales and to make recommendations. That was not done. However, board members were wrongly expected to vote on that issue. They were not informed prior to the meeting that such an important issue would be raised, yet they were expected to make a decision. As I understand it, several board members abstained from voting because they did not have the required technical knowledge to cast an informed vote. Board members did not unanimously support the motion.

The minutes of CTAC 2001, which are being quoted, have not yet been confirmed as a true and accurate record of the meeting and, as such, should not be used for this purpose. Board members requested an information workshop, which was held on 13 November 2001, after CTAC. Not all questions raised have been satisfactorily answered. Representatives of producer organisations want to know why the department is pushing the use of the vaccine for a disease that their cattle do not have. They have said that they will hold the Department of Agriculture legally responsible if introduction of a live vaccine for cattle tick fever leads to a spread of the disease. Local producers are concerned about this. What the department calls sensible standardisation of procedures can only be regarded by local producers as a weakening of border surveillance and entry requirements to New South Wales, and producers have grave concerns about that.

The Minister's statement that the use of the vaccine will not create a risk to the cattle industry in New South Wales because vaccinated cattle would be immune to tick fever also implies, without stating it, that all unvaccinated cattle are at risk. I refer now to issues not addressed by this statement. The Queensland Department of Primary Industry [QDPI] claims that the vaccine is 95 per cent effective in the prevention of

death from tick fever. What about the remaining 5 per cent? Reactors to the vaccine can be treated with Imidocarb if found early enough, but it causes residues. Milk from dairy cattle cannot be used for the remainder of that lactation and immunity to tick fever will be affected.

The costs of tick fever were not addressed. They include mortality, abortion, cost of vaccine and mustering, temporary loss of bull fertility, loss of milk production and loss of health status for export. Other matters not addressed were QDPI information that ticks feeding on cattle infected with tick fever may pick up and spread the disease, and claims that *Babesia bovis* vaccine strain can be spread by ticks to other animals. Other matters include the fact that if both vaccinated and susceptible cattle are present there is the potential for the infection to spread, and a risk of spreading to neighbouring properties depends on the likelihood of ticks spreading. There is some evidence of a drop-off of immunity with the *Babesia bovis* strain vaccine.

In view of the matters I have referred to, the benefits are not clear. In fact, the more informed position suggests that the use of the vaccine would be dangerous and detrimental to the New South Wales cattle industry, and that is of concern to me. To claim that there is next to no risk associated with the introduction of tick fever vaccine is ill-informed, dangerous and irresponsible. Cattle producers in this State are concerned. I have made this point to the Minister and before speaking I advised the Minister's office that I would make this private member's statement.

WOLLONGONG BREAKWATER LIGHTHOUSE

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.07 p.m.]: Last night I had the pleasure of switching on the light of the Wollongong breakwater lighthouse. The light was turned off when the lighthouse ceased operating some 30 years ago, in 1974, 102 years after it was built. The breakwater lighthouse played an important role in the early days of the coal industry in the Illawarra. Coal was sent via two tramways to Wollongong harbour from two mines up the escarpment and ships would then transport the coal to Sydney, from where it was exported. It soon became obvious that some safety measures were needed, and in 1872 the breakwater lighthouse was completed and the lamp was lit to help mariners safely access the port of Wollongong.

The lighthouse was closed 30 years ago and its lamp was removed. However, three or four years ago some problems were discovered with the lighthouse, which was subsequently locked to prevent access. Two years ago the Department of Land and Water Conservation embarked upon a restoration project, and the State Government provided \$300,000 over several years to refurbish the lighthouse and return it to its former grandeur. The breakwater lighthouse is an icon in Wollongong: it is often depicted on tourist brochures and appears as an emblem on the pocket of a local high school uniform. It is an important part of Wollongong's history.

The lighting of the lamp last night was a special event that was watched by some international visitors who are attending an international lighthouse symposium in Sydney. They were joined by dozens and dozens, if not hundreds, of people—including motorists—who came to see the light switched on for the first time in 30 years. The lighthouse is made of cast-iron, one of only two manufactured in Australia in the 1870s. It is attached to its breakwater foundations by 12 large bolts, and some time in the past 100 years it was decided to attempt to protect those anchorage bolts by concreting both inside and outside the structure. However, erosion occurred over many years, causing problems with the bolts. When the concrete was jackpicked away from the lighthouse it was discovered that the foundation bolts had almost rusted through, and as a consequence the lighthouse was extremely unstable. Engineers were then called in to advise on the best way to proceed, and it was decided to put six big stainless steel bolts into the harbour rock to hold the lighthouse firmly in position. I have been told that it will not be going anywhere for a long time.

Ian Clifford, a member of the Lighthouses of Australia Association, drove this project to restore the lighthouse to its former glory. I also pay my respects to Brian Dooley, the Regional Director of the Department of Land and Water Conservation, who played a major role in the restoration of this icon. I was very pleased to switch on the light last night. It will not shine every night but will be lit to mark special occasions.

Private members' statements noted.

[Mr Deputy-Speaker left the chair at 6.12 p.m. The House resumed at 7.30 p.m.]

BUSINESS OF THE HOUSE

Order of Business

Motion by Mr Whelan agreed to:

That the business before the House be interrupted to permit the member for Tamworth to make his inaugural speech.

HONOURABLE MEMBER FOR TAMWORTH

Inaugural Speech

Mr CULL (Tamworth) [7.31 p.m.]: It is with a great deal of pride and humility that I present my inaugural speech to the third session of the Fifty-second Parliament of New South Wales. As a result of the by-election on 8 December last year, I was elected as the National Party member for the seat of Tamworth, which I considered to be a great honour and privilege. The by-election was a very satisfying result for me and for the National Party. After experimenting with Independents, the electorate acknowledged that effective representation that achieves results for the electorate can only be delivered through party representation. The National Party is the only party whose sole purpose is to represent the interests of people living in regional and rural New South Wales. It is the most democratic political party, with its strengths evolving from its grassroots membership.

I would like to pay tribute to two former National Party members who represented the seat of Tamworth, and the support I received during my campaign from their surviving spouses, Mrs Pat Chaffey and Mrs June Park. The late Mr Bill Chaffey and the late Mr Noel Park, who between them represented the electorate for over fifty years, had very distinguished careers and received the utmost respect throughout the electorate. I also recognise the contribution made by the previous member for Tamworth, Mr Tony Windsor, who represented the Tamworth electorate for 10 years and retired to stand for Federal Parliament. I congratulate Mr Windsor on being elected as the Federal member for New England and I wish him well.

I am the first member of my family to serve as a member of Parliament, and I would like to thank my family for their support and encouragement throughout my campaign. We presented ourselves as a family promoting the values of family life. I would like to thank my wife, Susan, my daughter, Sally, and my son, Andrew, for their support throughout the campaign. As honourable members would appreciate, winning campaigns requires a team effort. To all the supporters and friends who helped me throughout my campaign—my campaign director, Mr Patrick Maher, the National Party parliamentarians, State National Party staff and my campaign committee—I thank you all. The strength and support of the National Party, under the leadership of Mr George Souris, was a major factor in delivering the strong result in Tamworth. I also recognise the commitment of the New South Wales Liberal Party towards my campaign and the strength of the Coalition partnership in delivering results.

During the campaign there was a very strong message coming from the constituents within the electorate indicating that they were dissatisfied with the current funding allocations to rural New South Wales, particularly in relation to basic services such as health, education and community services. They are fed up with seeing the amount of money spent in the Sydney region at the expense of rural and regional areas. I will represent all constituents of the Tamworth electorate with integrity and justice, working towards achieving greater equity and creating a better place to live and work for all. The Tamworth electorate extends from south of Gunnedah to north and east of Walcha and Nundle, including the city of Tamworth and the major villages of Werris Creek, Carroll, Curlewis, Currabubula, Somerton, Attunga, Moonbi, Nemingha, Kootingal and Bendemeer.

The Tamworth electorate has a very diverse resource base, creating considerable wealth both within the domestic economy, as well as generating valuable export income. Agriculture is the main contributor to the region's wealth, stretching from the fertile black soils of the Liverpool Plains through to the rolling hills of the Northern Tablelands and the forestry districts of Walcha and Nundle. Tamworth is the major regional centre, being one of New South Wales largest producer of eggs and poultry products. It supports a cattle and sheep abattoir, a dairy industry and a vibrant retail and industrial sector. The region is surrounded by a number of rich alluvial valleys supporting a viable irrigation industry producing an array of agricultural products, including lucerne, grapes and vegetables, and hydroponics and aquaculture.

The biggest threat to these industries and local communities is the uncertainty in relation to access to water entitlements and associated property rights. If the proposed changes by the New South Wales Government

to the Water Management Act proceed, they will have a devastating effect, not just on the irrigation industry but also on the communities that depend on irrigation for their survival. The social and economic impacts are being ignored and the outcomes are largely based on bureaucratic policy devoid of social or economic responsibility. The Government must not underestimate the impact of its decision.

I encourage the Government to implement the recommendations put forward by the Namoi Groundwater Task Force, and not those of the city-based bureaucrats. The Namoi Groundwater Task Force was established and supported by both the State and Federal governments and the irrigation industry to develop recommendations for the reallocation process. The recommendations of the task force centre on a \$120 million compensation package, with \$40 million each from the State and Federal Governments and \$40 million from the industry. The New South Wales Government has largely ignored the recommendations of this committee. There needs to be a greater understanding of the water management policies to achieve the correct balance between yield and usage in the Peel and Namoi valleys. The reality is that in the Peel and Namoi valleys the usage of irrigation water is only marginally higher than sustainable yield.

The problem arises because of the overallocation of licences that are not being used, that is, inactive licences that the Government needs to retire and provide adequate compensation to cover the water rights. In 1974 Tamworth City Council contributed financially towards the establishment of Chaffey Dam to secure a guaranteed water supply for the city of Tamworth and the Peel irrigators. A written agreement guaranteed Tamworth City access to 16,400 megalitres of water to secure present and future development within the city. It is shameful that the New South Wales Government is trying to renege on this contract and jeopardise the future development of Tamworth.

The Tamworth electorate, through its diverse agricultural industries, creates much of the wealth and prosperity that city people enjoy. However, the benefit of wealth creation is usually enjoyed only once the product leaves the farm gate. The dividing line between rural incomes and those of our city cousins continues to grow. The burden of carrying the cost associated with creating sustainable land practices and meeting the expectations of the community in relation to environmental conservation lies disproportionately with landholders. Current government policy focuses solely on preservation of the environment, without taking into consideration the economic or social issues involved. The New South Wales Native Vegetation Conservation Act and the proposed Water Management Act give no consideration to their social and economic impact on rural communities. The impact of the Native Vegetation Conservation Act was vividly highlighted by a report from the University of New England claiming that farmland values have been slashed by some 20 per cent, and annual incomes reduced by \$20 million per year in the Moree Plains shire.

Policy changes proposed by a government agency should be subject to rural community impact statements to identify possible economic and social impacts before they are implemented. There is a strong feeling in rural areas that this Government has failed in natural resource management, and local communities are frustrated by the continued lack of community consultation. I encourage the Government to decentralise various government authorities responsible for implementing these policies so that they understand the implications of their actions on rural communities. The frustrations endured by farmers and farmer organisations with the direction of government policy, as well as the overrepresentation on committees of government bureaucrats, is manifested by their mass exodus from the consultative process. Contrary to uninformed opinion, the farming community is well aware of the responsibility placed on them as caretakers of their rural properties. They continue to maintain and preserve their most valuable asset so they can pass it on to the next generation in a productive state.

Tamworth and district is a dynamic and progressive community, always seeking new enterprises to promote growth and employment opportunities. However, certain industries are disadvantaged by the lack of suitable infrastructure, particularly rail and road services. Huge coal reserves in the Gunnedah and Boggabri basin remain undeveloped because of uncompetitive freight costs due to inadequate rail infrastructure through the Murrurundi Range. To promote balanced growth throughout the region the Government must commit to the development of the Ardglen tunnel. The Government must invest the proceeds of the sale of FreightCorp into upgrading the rail network so we can maintain the capacity to the ports of Newcastle and Sydney.

If this capital investment is not forthcoming, New South Wales will lose a considerable amount of freight to ports in Queensland because they will have a competitive freight advantage. Northern New South Wales currently exports about two million tonnes of cereal grains through the Newcastle port, and with future development and better access to the port there is the possibility of exporting five million tonnes of coal. It is of great concern to my electorate when this Government makes statements indicating that it is not interested in developing resources west of the Great Dividing Range. [*Extension of time agreed to.*]

Tamworth and district supports a significant tourism industry, stretching from the hills of gold around Nundle to the water sports on Keepit and Chaffey dams. Both the equine industry and the facilities surrounding the Tamworth Regional Entertainment Centre and sporting complex provide world-class opportunities for tourism, entertainment and sport. I can assure honourable members that the support of the National Party is absolute for the Australian Equine and Livestock Centre. The Deputy Prime Minister, Mr John Anderson, has appointed Professor John Chudleigh to conduct an independent assessment of the centre's financial viability and, if deemed to be a viable proposition, an application for funding will be made to the Regional Solutions program. As most honourable members would recognise, Tamworth city and the development of country music are synonymous. The Country Music Festival is now recognised as the tenth largest music festival in the world.

Each year Tamworth accommodates 50,000 visitors for the festival, and I pay tribute to the Higginbotham family, BAL Marketing, Max Ellis and the Country Music Association of Australia for their vision and faith over 30 years to develop the festival into what is now well recognised throughout the world. I invite all honourable members who have not experienced the Country Music Festival in Tamworth to mark it in their diaries for next January. Unfortunately, the local tourism industry has been placed at risk as a result of the surge in the cost of public liability insurance. The social impact of the cost of public liability insurance will devastate small country communities. No longer can they enjoy Sunday gatherings at local community recreational areas to socialise and play a game of golf, cricket or tennis, or ride horses. These social gatherings are the heart and soul of their communities. Urgent action must be taken to address this problem before it destroys the social fabric of country lifestyle.

Another matter of great concern is the lack of adequate medical services throughout the electorate. The shortage of general practitioners and specialist doctors is so acute that it now poses a risk to the health of people in the electorate. Doctors in both Gunnedah and Tamworth are not taking new patients, because their books are full, while many smaller centres do not even have a doctor. The Federal and State governments must work together with the medical profession to identify solutions to overcome these shortages. There must be closer liaison with local communities to determine their needs and how to deliver these services at a local level. Many rural and regional communities do not have the range of allied health services, such as dental clinics, that are available in metropolitan areas. A continued lack of adequate funding is resulting in a contraction and centralisation of health services.

It should be a fundamental right for all members of the community to be included in the management of their health care system. Local community involvement is vital to the successful implementation of any service change. The current cluster plan for the New England Area Health Service is totally devoid of community consultation, and will reduce employment opportunities in smaller communities. These same centralisation policies are being experienced within the Oxley area police command. Officers who were located in smaller communities are being centralised in Tamworth at the expense of small towns and villages, with the result that jobs and social contact are removed. The Government fails to recognise the need to reinstate specialist stock squad officers in rural areas to arrest the increasing problem of rural crime and stock theft. The Government has allocated this extra responsibility to existing patrol officers, who are already stretched to the limit in discharging normal policing duties.

Tamworth is well served by its education facilities. It has a proud history of achievement from the various central schools, specialised State schools and church schools. It has one of only three State boarding schools, Farrer Memorial Agricultural High School. We also provide various tertiary educational opportunities, including the Australasian Pacific Aeronautical College and BAE Systems Flight Training School, and we now provide extension courses from the University of New England. We should have greater flexibility in teacher-student ratios so that small schools do not suffer if they fall below an arbitrary number of students, and disrupt the school's yearly program.

Many country schools lack resources for special programs to provide extension courses for their students. In the twenty-first century we should not have students sitting in 30° Celsius classrooms without airconditioning simply because they are on the wrong side of a fictitious geographical line. Throughout this speech I have reflected on some of the issues that impact on the development and social wellbeing of the Tamworth electorate. It is my belief that our personal liberties are being threatened by overgovernment and overregulation, which is stifling development and inhibiting growth and personal freedom.

Gone are the days when we built this great country on the premise "She'll be right, mate" and all Australians were rewarded for hard work and enjoyed a fair go. Today the attitude seems to be weighted towards lawyers, litigation and compensation. The sense of fair play and respect for each other seems to be

overshadowed by the quest for a quick and easy dollar at the expense of the broad community. Rural communities should not be treated as second-class citizens. All we ask for is equity with our city cousins, a fair reward for our contribution to the economy and recognition of our achievements. Despite all the challenges, for those of us who choose to live in rural and regional New South Wales we are proud of who we are and what we have achieved. There is no better place to live.

BUSINESS OF THE HOUSE

Matter of Public Importance: Suspension of Standing and Sessional Orders

Motion by Dr Refshauge agreed to:

That standing and sessional orders be suspended to postpone the matter of public importance standing in the name of the honourable member for Ku-ring-gai until a later hour.

JOINT SELECT COMMITTEE ON THE QUALITY OF BUILDINGS

Appointment

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [7.52 p.m.]: I move the following motion, as amended by leave:

- (1) That a joint select committee be appointed to consider and report upon the quality of buildings in New South Wales, with the following terms of reference:
 - (a) The committee inquire generally into the quality of buildings in NSW to determine whether there are enough checks and balances existing to ensure consumers are guaranteed that their new homes are safe, properly certified and built to satisfactory standards.
 - (b) The committee inquire into and report on the certification process created under the Environmental Planning and Assessment Act 1979 and in operation since July 1998, including, but not limited to:
 - (i) what changes if any, need to be made to tighten the certification process;
 - (ii) what sort of qualifications experience and conduct is expected of the people who certify buildings and how should their certification be monitored; and
 - (iii) whether there is enough regulatory power in the certification system to deal with buildings that do not comply with the approval codes and standards.
 - (c) The committee inquire into and report on the builders' licensing scheme, as established under the Home Building Act 1989, including, but not limited to:
 - (i) the qualifications, experience and conduct required for the licensing of the people who build our residential buildings;
 - (ii) the adequacy of the checks and balances in the builders' licensing scheme; and
 - (iii) the role of the Department of Fair Trading and the Consumer, Trader and Tenancy Tribunal in dispute resolution under the Act.
- (2) That, notwithstanding anything to the contrary in the standing orders, the time and place for the first meeting of the committee be fixed by the Clerk of the Legislative Assembly.
- (3)
 - (a) That the committee have leave to sit during any adjournment of the House, to adjourn from place to place, to make visits of inspection with the State and have the power to take evidence as to send for persons, papers, records and things, and to report from time to time.
 - (b) That, should the House stand adjourned and the committee agree to any report before the House resumes sitting, the Committee have leave to send any such report, minutes of proceedings and evidence taken before it to the Clerk of the Legislative Assembly.
 - (c) A report presented to the Clerk is:
 - (i) on presentation, and for all purposes, deemed to have been laid before the House,
 - (ii) to be printed by authority of the Clerk,
 - (iii) for all purposes, deemed to be a document published by order or under the authority of the House, and
 - (iv) to be recorded in the *Votes and Proceedings* of the House.

- (4) That the Committee shall consist of nine members, as follows:
 - (a) six Members of the Legislative Assembly, being 4 Government and 2 non-Government who shall be nominated to the Clerk of the Legislative Assembly in writing by 18 March 2002;
 - (b) three Members of the Legislative Council, being 1 Government, 1 non-Government and a crossbench member;
- (5) That at any meeting of the committee four members shall constitute a quorum provided the Committee meets as a joint committee at all times.
- (6) That the committee shall report by 19 July 2002.

In 1998 the Government introduced significant changes to the Environmental Planning and Assessment Act. The three major changes were, firstly, in regard to exempt and complying developments, to try to make sure that smaller issues that would have otherwise taken up valuable council time could be expeditiously dealt with and councils could focus on more complex issues; secondly, to develop the concept of integrated development to make sure that all of the players were involved early on in the assessment of the development application so that later items would not obstruct appropriate developments; and, thirdly, to introduce competition into the process that is provided by building certifiers by bringing in private certifiers.

These changes were designed to break the hold that councils had over the inspection of buildings. Certainly there was concern that there were delays as a result of council having all of the power. The suggestion was taken up that competition could lead to improvements in certification. Since the changes have been introduced, the Government has been keen to see the way each one has been progressing. We have certainly had significant input from the community and from councils about each of these. I am happy to keep looking at these changes, and others, to make sure that, as ideas develop and issues arise, we can see if we can make the system work even better.

Obviously, the private certification process needed certification bodies that would accredit certifiers. So far some 290 people have been accredited as certifiers. The major body undertaking certification is the Building Surveyors and Allied Professionals Accreditation Board. There are three other organisations that accredit certifiers. The Royal Australian Planning Institute is able to certify, and I understand one person has been certified through that organisation. The Institution of Engineers—particularly in regard to the engineering aspects of building, but often just to have the certification—is also a body that can provide accreditation. I understand that of the order of 100 people have been accredited through that organisation. The land surveyors also can accredit certifiers. I understand that about six people have been certified through that system. They mostly do certification in regard to land and strata subdivisions.

I have been concerned that councils and consumers have felt that the process is not delivering the quality that we expect. It is fair to say that the certifiers in councils at the time were opposed to the private certification process. They felt that this was privatising their jobs and that it would lead to a lowering of standards. Many of those attitudes are still around. I have also been concerned about recent reports that allegedly have identified serious flaws in the construction of new buildings. Although it would be reasonable to list those, I do not want to prejudge any of the investigations that might be conducted by making any comment about them, apart from saying that there have been reports and I am concerned, as most people are, about the veracity of those reports, what we should do to identify how true they are, and what we should then do to fix up the problem with the buildings and with the system that allowed the problems to occur.

As a result I have done a number of things. I highlight that at the moment I believe that the system is not satisfactory. That is why I have moved to look at the certification system of the private certifiers. I have not been satisfied that the Building Surveyors and Allied Professionals Accreditation Board has been doing its job and I have recently written to it asking it to show cause why I should not remove its role as an accrediting body of the private certifiers. I class this as a major challenge to the board to show why the work it has been doing has led to what I believe is an unsatisfactory circumstance. It may mean that it loses the power to provide accreditation for private certifiers.

I recognise that the Opposition believed that establishment of a parliamentary committee to examine the issue would be worthwhile. I am not a great fan of parliamentary inquiries going on witch-hunts, nor of parliamentary inquiries being used for point scoring. I worked on the Public Account Committee, one of the most bipartisan committees I ever worked on. It had the support of all parties to look at issues and come up with solutions, not look at headlines and try to score political points. I have decided that it would be worthwhile pursuing a joint parliamentary inquiry with members from all parties. A joint parliamentary inquiry has the ability to look at these issues and come up with sensible recommendations if all members of the committee have the commitment to improve the system, rather than try to create political headlines for themselves.

In establishing this inquiry I will ask the committee to look at the checks and balances that exist in the system, whether it be in the private certification system, the qualifications, experience and conduct of the people licensed to build our buildings, the checks and balances in the builders licensing scheme, or the role of the Consumer, Trader and Tenancy Tribunal in dispute resolution. Dispute resolution is an issue that we need to focus upon. I am confident that the Parliament can behave in a way that will provide me with clear recommendations for improvement, if improvements are to be made, and I believe there are always opportunities to make improvements. I hope the Opposition and the crossbenchers will join us in trying to fix a system that in general was supported by both sides of Parliament when it was introduced. I am certainly concerned that at present the system is not working well enough.

Mr BROGDEN (Pittwater) [8.05 p.m.]: With some amendments which will be moved, the Coalition supports the motion of the Minister to establish a joint select committee into the building certification process and related matters. In my capacity as shadow Minister for Planning I will make comments relating to the planning aspects of the proposal and my colleague the honourable member for Southern Highlands, the shadow Minister responsible for consumer affairs, will comment with respect to consumer affairs matters relating to the motion and the committee. In moving this motion the Government has responded to pressure from the Opposition to establish a committee. The Opposition was moving towards establishing in the Legislative Council a committee to inquire into these and similar matters.

The Government circumvented that move by attempting to take control of the process by establishing a joint select committee as proposed in the motion. The Government has finally recognised the weaknesses in the private certification system. Let me put our position up front: The Coalition, as it did in 1998, remains supportive in principle of the concept of private certification. We remain supportive of the deregulation of the certification process to allow competition. We hope it seeks to strive for excellence while providing competition in price and the most costly part of the approval process—time. But the Government's failure to monitor the process since it was established in 1998 has allowed the development of enormous problems in the system. They fundamentally relate to the failure to have a central and independent accreditation body and the failure to have disciplinary procedures for accreditation specialists and experts who failed to fulfil their task in a proper manner.

The Minister rightly said that there was reluctance from local government to support this change. There was always going to be reluctance from local government to the concept of private certification. Therefore it was incumbent upon the Government at all stages to lead on this matter. In particular, the Department of Urban Affairs and Planning, now Planning New South Wales, had a responsibility to aggressively lead the market and lead this process. It failed dismally to do that. This also relates to the part 4 reforms that the Minister referred to, to the failure of integrated assessment. The so-called integrated assessment procedure introduced in 1998 has now spun completely out of control. I believe it was an unintended consequence of the legislation, and indeed of the Government in 1998, but some four years later there are no excuses for the fact that multiple government agencies have become consent authorities in the development process rather than the reverse—the creation of a one-stop shop. That is related to this motion but not core to it, so I will move on from that.

Our concerns relate to the undermining of public confidence in the quality of new development, and the potential for abuse within the private certification system. The Government has finally recognised community concern brought forward by the Opposition and the media about the system spinning slowly out of control. We will seek to address a number of issues in this committee. As I said, they relate particularly to the process of accreditation, which is non-existent, and disciplinary procedures which are in the hands only of the professional associations of the individual professionals involved. The public must have confidence in the private certification system or the system will fail.

The local government community has expressed concern about the change in the process, particularly the undermining of the process of compliance certificates. The process of self-certification rather than private certification has grown. Under the current system individual tradesmen and individual professionals can certify that they have completed work to a certain standard through a building process and put forward a document to that effect to the principal certifying authority. However, that certificate should be issued on completion of the task, and failure to do so undermines the system. The system is based purely on self-certification, and private certification is related to that. To that end the final occupation certificate is often issued in the certification process without any independent assessment of the work done.

That process undermines public confidence in the system and I believe it undermines the Government's confidence in the system in the long term. A number of other models assist this process with respect to central

accreditation, including the Victorian model. The Victorian Building Certifiers Board certifies all trades and professions within the building industry. In effect, there has been a system breakdown in which there is more reliance, again, on the insurance of individual tradesmen and professionals rather than on the capacity of the system to provide a good outcome. I have seen buildings that have been certified through the new process that are clearly unsafe and clearly outside the realms of the original development application.

Significant remediation has to be undertaken to bring those buildings up to standard. These are not minor issues but fundamental issues of safety, particularly fire safety in high-rise buildings. This review is needed and that is why the Coalition was keen to put it forward. The Coalition will move an amendment to the Minister's motion to provide for further investigations. The Coalition is concerned about the implementation and monitoring of private certification, the consequences of the lack of accreditation for private certifiers, the costs in general to home buyers of the failure of the system, the adequacy of disciplinary procedures available in the certification process, and the compliance levels of buildings privately certified since July 1998.

The Coalition is also concerned about the adequacy of current minimum building standards, particularly in regard to waterproofing, thermal and noise insulation as well as the extent to which matters such as inappropriate building standards and shortfalls in the current certification system have resulted in increased pressures on the Home Warranty Insurance Scheme. That broad-ranging concern extends from the construction process for single-unit dwellings to the growing number of high-rise buildings. Councillor Kathryn Greiner from Sydney City Council said that almost all of Sydney's city high-rise residential buildings are privately certified. That change from council certifying all buildings has occurred over 3½ to four years. Greater disciplinary powers must be provided for certifiers.

Failure to do so would lead to a lack of public confidence. Also there is concern about a conflict of interest when a certifier may have acted for an applicant at an earlier time. Down the track, that certifier may certify for that applicant. Effectively we need a growth in the industry that ensures that certifiers can be fearless in their procedure so that they do not have to fear a client who would no longer do business with them and may muddy their name in the industry because they are regarded as tough certifiers. We need to make those independent certifiers fearless in the decision-making process, and that will come about only if the market is big enough to ensure that certifiers can effectively make their living entirely based on the private certification process.

This process is only a couple of years old but problems have been coming to the fore for some time. One real issue that the Government and the committee will have to come to terms with is what happens to flaws in the certification process which have led to failures in buildings in the period between this inquiry and subsequent legislative changes and the commencement of this new system in July 1998. Effectively, we are looking at a four-year period from July 1998 to July 2002 in which buildings have been certified under this procedure. Failures of certification have led to structural or non-structural failures of buildings that were certified. The committee and the Government's legislation need to address those problems.

Some faults may not be evident for seven or 10 years. In New York private certification has been in operation for about 10 years. Some problems emanating from falsely certified buildings do not become known for about 10 years after final construction. Evidence has shown that after 10 years long-term failures of that certification process may show up. The Coalition is very concerned about the rights of tenants and property owners who, in good will, purchased a building for which certification procedures appeared to have been followed accurately, only to find that years down the track there is a significant structural or non-structural fault in the building that was not evident at the time of purchase.

Those involved in the industry, and some members who are involved in local government, will concede that some significant structural problems are not evident until years later, particularly with respect to waterproofing. I understand that that is where the majority of complaints arise in the construction industry. The honourable member for Southern Highlands, the shadow Minister for Consumer Affairs, will go into more detail with respect to consumer issues arising from this inquiry. The Coalition wants a very healthy private certification industry. It is correct that there be competition between local government and the private sector in this important area. We see the cost benefits to the individual householder and individual investor in the construction process.

The Coalition also acknowledges the time benefits that will follow. The Minister correctly stated that pressure for private certification had for many years come from individuals who were frustrated and angry about the failures of local government to certify on time. Often there were long delays in the construction process,

because of failures within local government through the building inspector system. However, without quick legislative changes this problem will not be fixed. The Coalition wanted an upper House inquiry, but the Government has put forward a joint inquiry. My amendments also deal with the fairness of that committee. I move:

That the motion be amended as follows:

- (1) Insert after paragraph (1) (b) the following subparagraph:
 - (c) the committee shall also inquire into:
 - (i) the failure of the Government to effectively implement and monitor private certification;
 - (ii) assess consequences of the lack of any accreditation requirements for private certifiers;
 - (iii) the costs to home buyers of the failures of the system;
 - (iv) the adequacy of disciplinary procedures available in the certification process;
 - (v) the compliance levels of buildings privately certified since July 1998;
 - (vi) the adequacy of current minimum building standards, particularly in regard to waterproofing, thermal and noise installation in meeting environmental and cost performance expectations in the committee; and
 - (vii) the extent to which matters such as inappropriate building standards and shortfalls in the current certification system have resulted in increased pressures on the Home Warranty Insurance Scheme.
- (2) Omit paragraph (4) (a), insert instead:
 - (a) Six members of the Legislative Assembly, being three Government members and three non-Government members who will be nominated to the Clerk of the Legislative Assembly in writing by 18 March 2002.

The Opposition believes that the membership of the committee should be fairly balanced and would much prefer to have a non-Government member or, in this case, an Independent member of the Legislative Assembly chairing the committee. The Opposition seeks a balance of four members from the Government, four members from the Opposition and one Independent member to chair the committee. This problem has been plaguing New South Wales for years and the Government has taken too long to act. The Opposition wants the committee to reflect the true wishes of the community for a more open inquiry. We have added a number of other matters that need urgent investigation by the inquiry. The Opposition supports the time frame and supports urgent action after the time frame has expired. The Minister's performance will be assessed by the community and industry and that assessment will be based on how quickly he deals with the recommendations of the inquiry through legislation. The Opposition offers the Minister support for any sensible amendments to the Environmental Planning and Assessment Act and other legislation that will improve the system in the future.

Mr ANDERSON (Londonderry) [8.21 p.m.]: I support the motion moved by the Deputy Premier. I want to talk about some aspects of the terms of reference for the joint select committee. At the outset I suggest that there is a comprehensive framework already in place in this State that regulates licensing as it applies to building contractors. We now have an opportunity to look at improving the system. That is why I welcome the establishment of the joint select committee and its terms of reference. The Department of Fair Trading has responsibility for regulating the licences of builders in this State. The proposed terms of reference deal with the qualifications, experience and conduct required for the licensing of the people who build our residential buildings, the adequacy of the checks and balances in the builders' licensing scheme and the role of the Department of Fair Trading and the Consumer, Trader and Tenancy Tribunal [CTTT] in dispute resolution under the Act.

For the benefit of honourable members, I want to now clarify the current licensing regime under the Home Building Act 1989. Applicants for contractor licences issued under the Act are able to pursue two paths to obtain a licence. If an applicant holds a tertiary qualification recognised by the director-general and can provide evidence of adequate practical on-the-job experience, a licence can be issued. Tertiary qualifications can range from those of a structural engineer to qualification as a carpenter and joiner, bricklayer, electrician or a plumber, which is obtained usually through the TAFE system. Applicants who do not hold a formal tertiary qualification but who claim an acceptable number of years of practical experience in building, or in a building trade, are able to apply through the TAFE system for an assessment of their claimed skills through the Building Industry Skills Centre [BISC], which conducts assessments using nationally qualified assessors who recognise prior learning and experience.

Those assessments are carried out on a user-pays basis and independently of the Department of Fair Trading. If applicants are unable to demonstrate claimed skills they will be advised by the BISC of the areas that need strengthening and improvement. No licence application will be processed in such cases until the applicant is able to produce evidence of having satisfied the BISC. Skills assessments apply mostly to building and building trade work and not to specialist work such as electrical, plumbing, gas fitting, draining or even airconditioning work. Specialist work involves health and safety issues, and a licence applicant is required to complete relevant tertiary training. The recent reforms provide the power for the director-general to require some form of continuing professional education of contractors in the renewal of their licences. The Home Building Advisory Council has recently reported on this issue. That matter is currently being considered.

Applicants are required to satisfy the director-general that they are fit and proper persons to hold a licence. Factors that weigh in this consideration include previous trader history, any record of insurance claims or any failure in the financial management of a business. Any decisions declining an application for a licence are appealable via the mechanisms of the Administrative Decisions Tribunal. The licensing scheme requires annual application for renewal of the licence, and renewal includes the need for the director-general to be satisfied that the applicant has not incurred an unreasonable number of complaints, disciplinary actions or paid insurance claims. The home building reforms of 2001 now provide for a renewal trigger to take account of such factors and also allow for the cancellation of a contractor licence in the case of bankruptcy, or suspension of a licence in the case of a company involved in a financial failure.

If trader behaviour is considered detrimental to the public interest, the director-general has the power under the Fair Trading Act to suspend a licence pending further disciplinary action being prepared. The reforms of 2001 also returned to the director-general the power to take disciplinary action against licence holders. That process allows for a much more rapid preparation of the show cause action than has been the case in the past. The reforms have also allowed a number of additional matters for placement on the public register of licensees. These include the issuing of formal cautions, penalty notices, paid insurance claims and unsatisfied orders of the Consumer, Trader and Tenancy Tribunal. In essence, the director-general is now equipped with a number of additional powers to be used in appropriate circumstances to cancel, suspend or condition a licence.

The Department of Fair Trading and the CTTT interact in the handling of disputes about residential building work in that the department, through its fair trading centres, can receive first instance complaints from consumers and, where an early resolution cannot be achieved, refer those complaints to the CTTT, which has established an early intervention dispute resolution scheme through its Building Conciliation Service. On notification of a dispute that service joins the consumer builder and insurer, if applicable, in a process that can involve the use of independent experts, paid for by the CTTT. Those experts, depending on the nature of the dispute, may be builders, engineers, mediators, et cetera, and are used to facilitate a resolution by independent identification of issues. Joining the insurer may often assist in producing a result.

That mechanism must be utilised before a matter can be referred to a full hearing. The experts' report is available to that hearing. The CTTT advises the director-general of all disputes notified to it so that the department's building investigation branch receives intelligence about the activities of poorly performing builders. The chairperson is also able to bring particular cases to the director-general's attention. The Government believes it has a framework and that this is an opportunity to improve it and make things better for our constituents. Several current cases in my electorate are causing great concern. Each dwelling in a development of 14 townhouses in the Werrington area has faults that will cost an average of \$35,000 to fix. Those townhouses, which were sold to first home buyers and as investment properties, were assessed by the Department of Fair Trading and found to need repairs costing \$35,000. Both sides of the House must agree to pass legislation to protect those who have invested their life savings in buildings for them and their families.

Ms SEATON (Southern Highlands) [8.31 p.m.]: The Carr Government has been dragged kicking and screaming to the admission that it has let down home buyers and home owners, betrayed the public interest and been negligent in its duty to provide the standards and back-up needed for a healthy, reliable building industry. The Government was quick to privatise home warranty insurance and open up certification, but on each occasion it ignored its responsibility to get its own regulatory house in order and ensure that checks and balances, accreditation, standards and qualifications were in place to give home buyers and good builders the confidence they need.

Buying a home—a house or an apartment—is the biggest investment that any person is likely to make. People often save for many years, borrow a lot of money and make a large investment. They need to know that what they are buying is all it claims to be. They must be sure that it is well built and that they can trust a

certificate that states it is built in accordance with the standards of the day. The Carr Government saw the building standards crisis, the private certification crisis and the insurance crisis coming a mile off, but it did absolutely nothing. The Opposition has been aware of this issue for some time and, unlike the Government, we have consulted widely with home buyers, home owners and with those who are trying to live in what can only be described as lemons. We are very conscious of the need to represent those people and to make sensible improvements to the current system.

That is why, late last year, the Opposition foreshadowed our intention to initiate an inquiry into building standards and certification, and it is why we confirmed that commitment three weeks ago. The *Sydney Morning Herald*, Councillor Kathryn Greiner, the Royal Australian Institute of Architects and even the union movement have joined the Opposition in calling for improvements and urging the Government to pay some attention to this impossible problem facing hundreds of people in New South Wales. Writing in the *Sydney Morning Herald* on 1 December last year, Gerald Ryle reported:

Up to one third of all new residential buildings in NSW may be faulty ... Some big residential blocks are being passed safe by local councils and private inspectors based on certificates produced by subcontractors.

He went on to quote Mr Allan Colquhoun, a former board member of the now defunct Building Services Corporation, who went even further and said:

One third of all new buildings is probably a conservative figure.

The figure could be even higher. That is a frightening prospect, particularly for people who have saved for a mortgage and used their life savings in the biggest investment of their life. In the *Sydney Morning Herald* of 6 December Kathryn Greiner listed faulty buildings in the city of Sydney. She referred to buildings where fire standards have not been met even though they have been certified, mouldy buildings and buildings that are so poorly finished that appliances such as dishwashers reverberate and can be heard in the apartments next door. She went on to identify what she believes to be a key problem that the Carr Government has inflicted on home owners and home buyers in the city. She wrote:

The act has failed to adequately address accreditation of private certifiers ... it is silent on the necessity to independently verify that the appropriate building standard being certified has been met.

That is wise advice from Councillor Greiner, which I know the Opposition will follow closely with detailed submissions and questioning during the inquiry. It is not only Councillor Greiner who has identified these problems. The Royal Australian Institute of Architects' advisory service reported in a survey that cracking had been found in 10 per cent of the buildings surveyed and that 5 per cent of homes had framing problems. These problems are occurring again and again. The city of Botany Bay has also been affected. The *Australian Financial Review* of 5 December reported that the local council had taken action over 12 new buildings that had ignored development and fire safety procedures.

If the Government was not convinced by those comments, perhaps it should have listened to the Construction, Forestry, Mining and Energy Union spokesman Andrew Ferguson, who on 5 December last year criticised the Carr Government and supported the Opposition for taking the lead and standing up for home buyers and good builders in our system by promoting this inquiry. Mr Ferguson said:

We support a full inquiry into all aspects of the housing industry and the clear failure of self-regulation in certification.

Despite the fact that people reported problems for months and months and pleaded for help from the State Government, the Government ignored them. The Opposition was determined to proceed even though the Carr Government was turning its back on home owners. Three weeks ago the Opposition confirmed its commitment to an upper House inquiry and produced some terms of reference. While performing that task I was deluged in my office, as were the honourable member for Pittwater and the Hon. John Ryan in another place, with responses from people who are stuck in so-called shonky or dodgy buildings and who are having enormous difficulties resolving their problems with insurance certifiers and other authorities.

I am aware of a building in the Pymont area that has 44 bathrooms, most of which, if not all, leak. Those owners are facing a bill of up to \$6 million to rectify the defective bathrooms. I am also aware of reports of another building in the Sydney area comprising more than 300 units that is facing \$11 million in repair work for defects. On any assessment, they are staggering costs. We have flushed the Carr Government out and finally forced it to admit that it got it wrong. People living in so-called dodgy buildings fear for their investment and for the amenity of those buildings. They also fear for their safety. I am aware of a building comprising numerous units with non-compliant fire isolation doors. It does not get much more serious than that: living in a building where one has no confidence that, in the event of a fire, one's unit will have even minimal protection.

This is not only about people's hard-earned investments, important though they are; it is also about the safety of people and families in these buildings. Through the establishment of this inquiry, the Government has tried to control the debate. I support the amendments moved by the honourable member for Pittwater because they will force the Government to confront the problems it has so desperately tried to avoid for so long. The Carr Government, through its neglect and mismanagement, has cost home buyers dearly. It has reduced hundreds of home and apartment owners to a life of uncertainty, as they battle with defects and bureaucracy. They have been let down by the Government, which should have got it right to begin with but could not be bothered to do the job properly. No-one could possibly certify the Government's job as a job adequately done.

The amendments that the Coalition has moved will allow us to get to the nub of the total cost to home buyers of the failures of the system. They will allow us to reveal the extent of increased pressures on the home warranty insurance scheme as a result of inappropriate building standards and shortfalls in the current certification system. That is another issue, but it is related. Many people are suffering under the shortfalls of the Government certification system and the Government's neglect of the structural and regulatory provisions that underpin home warranty insurance. I commend the amendments to the House.

Mr COLLIER (Miranda) [8.40 p.m.]: I speak in support of the establishment of a joint parliamentary inquiry into building standards across New South Wales. The Government recognises that some buildings in New South Wales are not being built in accordance with council approvals. That has led to councils and the community expressing concern about the development and building approval system. The proposed inquiry will allow the committee to look closely at the reasons for non-compliance and the changes needed in the certification system, so that there is consistency and certainty for owners, developers, consumers and local government. The control of construction work by councils and accredited certifiers plays an important role under the Environmental Planning and Assessment Act 1979. We need to ensure that the controls are effective to protect the community and to achieve good planning outcomes.

When the 1998 reforms to the Environmental Planning and Assessment Act were introduced, the extent of the involvement of councils and certifiers in this process was not clearly specified in the Act or its regulations. I understand the intention was that the principal certifier, whether it be a council or a private certifier, would effectively step into the shoes of the council during the construction phase of a development and ensure that all relevant conditions were being satisfied. However, it was also intended that the council would support a principal certifier in enforcing the development consent. That objective has not been achieved in practice because councils have had to monitor, or have been expected to monitor, that the work being carried out is in accordance with the consent and the building code. That situation has arisen through a lack of understanding in the community of the role accredited certifiers play in the development process and a lack of understanding by both accredited certifiers and councils as to who has responsibility for various tasks during the construction of the buildings.

Some of my constituents have raised questions about the role of private certifiers and, at times, the quality of the service being provided. They have also raised concerns about the checks and balances that are in place to ensure that new homes are safe and that the building codes are being met. In one case in Miranda a developer sought to take advantage of a loophole in a private certification system to the disadvantage of the purchaser. I am pleased to say that the loophole has been closed and the situation was resolved in favour of the purchaser, with the assistance of the Department of Fair Trading. I note and welcome the terms of reference of the inquiry, which include an examination of the role of the Department of Fair Trading in dispute resolution under the Act.

The proposed inquiry will allow the enforcement of building standards and building approvals to be examined, as well as the important relationship between councils and certifiers. The inquiry will hear first-hand from across New South Wales concerns about councils and certifiers and suggestions about how the system can be approved to the benefit of the whole community. I welcome the inquiry, which is an important initiative. I would be pleased to serve on the joint select committee inquiry into building standards and certification.

Ms MEGARRITY (Menai) [8.44 p.m.]: I support the motion. As has been said by previous speakers, when people buy a new house or build an extension, they expect the builder to do a good job. They are usually making a significant investment and they have every right to deserve value for their money. They expect that the approved building plans comply with the land use regulations and building standards. Before the changes to the developments and building system were made in 1998, councils were responsible for making sure that any building work was assessed as complying with planning requirements and building standards. The councils issued a building approval under the Local Government Act and then undertook the necessary inspections of the

building. When private certification was introduced, both the approval and the inspection roles were opened up to accredited certifiers. It is interesting to note that many people who previously undertook that role in local government set up their own business at that time.

An accredited certifier can be employed to issue a construction certificate for building plans and to take on the role of principal certifying authority for a building, inspecting the work of the builder to ensure that the building complies with planning approval and building standards. In New South Wales, as in all other States in Australia, the Building Code of Australia has been adopted as our building standard. Both council and private certifiers use the same legal process to make sure that building work does not start until the plans have been checked against the development approval and that the building code and the work complies with the approved plans. That process is set out by the Environmental Planning and Assessment Act, and was significantly changed in 1998. As an elected member of a local council at that time, I clearly recall that changeover period, as all of the stakeholders in this process endeavoured to come to terms with the scope of the significant changes.

The Government, through Planning New South Wales, has been monitoring this process to make sure that building plans comply with building standards and completed buildings comply with the approved plans. However, like all regulatory systems, there is always scope for improvement. Based on my background and experience and interest in this topic, I would be keen to participate in the joint select committee, which will review the certification process, identify the difficulties and make recommendations for improvement. The committee will be able to look at ways to strengthen the regulatory framework to ensure greater accountability and certainty for owners, developers and consumers. The inquiry will also allow the various roles and responsibilities of councils and certifiers to be explored. It is clear that bringing certainty and greater accountability to the certification process and the roles of councils and certifiers during the construction process will go a long way to ensuring that the construction of new buildings meets community expectations now and in the future.

Mr BARR (Manly) [8.47 p.m.]: I want to speak briefly in the debate in this motion. About 18 months ago I spoke to WorkCover officers after they had issued 18 on-the-spot fines to a rogue developer at Manly. In the course of our conversation, they told me about the appalling workmanship on that site. Their remarks starkly revealed a huge area that is not adequately covered to protect consumers. WorkCover is obviously concerned with safety in the workplace, councils are concerned that the development being constructed complies with the conditions of approval, and certifiers are concerned with builders adhering to the Building Code of Australia. Consumers, such as people who buy off the plan, may be buying a dog. Perhaps they will not find that out until some years later. Our regulatory system is not tight enough because it allows these sorts of developments to slip through. This is an issue that must be addressed.

I am also very concerned about private certification. It is confusing to everyone. It is confusing to councils and council staff; it is certainly confusing to people who may have opposed the development application, only to find that something to which they had objected to has been allowed or ticked. When they ring council for an explanation they are told that a certifier did it, not the council. This is another example of extending the national competition policy to an area to which it should not have been extended. Quality and protecting consumers and future consumers of real property is of such fundamental importance that we should not allow an ideology of free marketplace or allow people to compete in that marketplace.

There is something much more important, and that is the protection of consumer rights in a well-defined, structured system. In the past, only councils certified the work, and people knew where to go and where they stood. But they no longer know that, and that is a serious problem. In the past few months, issues have been raised in the media about the quality of builders, particularly in the central business district. I hark back to the building in Manly that is now finished and what might happen to it in the next few years. I welcome the Joint Select Committee on the Quality of Buildings in New South Wales. It is overdue. I look forward not only to making a submission but also to seeing the outcome.

Mr CAMPBELL (Keira) [8.51 p.m.]: I support the motion to establish this select committee. The qualifications, experience and conduct of people who certify and monitor buildings are very important. I am sure most honourable members could point to a problem in their electorate. I am currently dealing with a problem in Ryan Street, Balgownie, in the Keira electorate that involves the ability of people to certify and ensure that things are built according to plan. We know that in 1998 the Government introduced wide-ranging reforms that changed the role of councils in the approval of technical aspects of building design and construction. Private certifiers were introduced to compete with councils in the certification of buildings, which effectively created a private and public certification process.

As part of these reforms the Government ensured that the public interest would be protected by specifically identifying the code of conduct expected of private certifiers. In 1998 I was not at all convinced that private certification was appropriate. However, I have come to accept that that option for home builders is responsible public policy. Since the introduction of private certification, approximately 290 individuals have been approved as accredited certifiers. They include engineering, building surveying, land surveying and planning professionals. I also understand that a number of councils—Bankstown, Taree, Hawkesbury, Gosford and Albury—have asked their staff to obtain accreditation to ensure that they are competent. However, these councils are the exception to the rule, and most council employees carrying out the certification of buildings are not subject to the same qualifications and experience requirements as accredited certifiers.

We must ensure that all people certifying buildings in New South Wales are appropriately qualified and experienced, and that they hold sufficient insurance to protect the consumer. The bottom line is, as the honourable member for Manly said, the protection of the consumer, the home buyer. I understand that recent articles in the *Sydney Morning Herald* about poor quality buildings focused on buildings that had been certified by councils, not private certifiers. The proposed inquiry will deal with the question of who should carry out certification of buildings, and whether qualifications and experience should be tested. The best way to do this is to ensure that all certifiers, council and private, are accredited. To allow building certifiers to continue to operate under either the Environmental Planning and Assessment Act or the Local Government Act, where there are no professional standards or insurance requirements, does not provide the community with the level of certainty it expects and deserves.

The inquiry will enable concerns about the adequacy of the quotation process and the ability of professionals to regulate themselves to be examined and addressed. The role of Planning New South Wales in monitoring the system, the auditing of certifiers and the ongoing management of the process will also be considered. I strongly support the Minister for Urban Affairs and Planning in calling for the joint select committee inquiry. It will allow us a better understanding of who should be accredited to certify buildings in New South Wales, and how they should be accredited to ensure a high level of professional competency and protection for the consumer. I commend the motion.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [8.55 p.m.]: I join with other honourable members in congratulating the Minister on moving for this committee. The purchase of a house or a unit is the most important decision consumers can make. They should feel confident that those operating as certifiers are professionally qualified, have accreditation and are able to carry out their responsibilities without any concern that they may approve substandard work. The committee will consider the qualifications, experience and conduct of people who certify buildings. How that certification is monitored is a very important part of this whole exercise, and can only lead to improvement in the system set up under the Environmental Planning and Assessment Act in July 1998.

At that time changes were introduced to allow flexibility, to improve the speed of certification and to give the community confidence that the system would operate without problems. Unfortunately, that has not been the case. We continue to see problems with buildings approved through the council process and also by private certifiers. It is time to examine the system. I commend the Minister for moving for a joint select committee that will enable both sides of the House and the broader community to have input into the process. It will ultimately produce a far better system than we currently have. It will introduce the necessary checks and balances so that people who build a house can be assured that the product will meet standards under the building code of Australia and will not result in shoddy workmanship or long-term litigation.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [8.58 p.m.], in reply: I thank all members who contributed to the debate. I hope that the spirit of bipartisanship that emerged during the debate will continue into the committee. As I said earlier, I am keen to get results because they will make a difference. Appropriate changes will be implemented rapidly. In the spirit of bipartisanship I looked at the amendments suggested by the Opposition, and I am keen to incorporate three elements of the amendments into the original motion. They will add to the work of the committee in a positive way. I highlight amendment 1 (c) (vi), which deals with the adequacy of current minimum building standards, particularly in regard to waterproofing, thermal and noise insulation, and meeting environmental cost performance expectations in the community. I will accept that part of the amendment on the proviso that the committee does not spend all of its time examining that point, or so much time on it that it cannot deliver a report in the timeframe set down in the original motion.

It is an important issue that relates to the Building Code of Australia, which is a national and not a State code. I consider there is direct relevance to the inquiry that is taking place at the moment and I would like to

bring any information that is relevant to this inquiry, through that term of reference, so that the State can advance that at the national level. So long as it is in that context, I would be happy to accept it. As a result, under Standing Order 157 I ask that separate questions be put on paragraph (1) (c) (i), (ii) and (iii) of the amendment, paragraph (1) (c) (iv), paragraph (1) (c) (v), paragraph (1) (c) (vi) and (vii) and paragraph (2).

Proposed paragraph (1) (c) (i) (ii) and (iii) negatived.

Proposed paragraph (1) (c) (iv) agreed to.

Proposed paragraph (1) (c) (v) negatived.

Proposed paragraph (1) (c) (vi) and (vii) agreed to.

Amendment No. 1 as amended agreed to.

Amendment No. 2 negatived.

Motion as amended agreed to.

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

CONVEYANCING LEGISLATION AMENDMENT (e-PLAN) BILL

Second Reading

Debate resumed from 27 February.

Mr D. L. PAGE (Ballina) [9.03 p.m.]: The Opposition will not oppose this legislation. Indeed, we believe that there is a lot of merit in what has been proposed in the bill. By way of background, presently subdivision and other plans are required to be lodged for registration at the Office of the Registrar General. I am told that approximately 12,000 such plans are lodged every year. The existing arrangement is that all such plans must be lodged in person in the Sydney office. This legislation provides the legal basis for the remote electronic lodging of plans and accompanying documents.

Before a surveyor or other appropriate person can lodge a plan electronically, he or she must be approved by the Registrar General and obtain user identification and a password. As is mostly the case now, solicitors will be responsible for obtaining the signatures and the consents required on an approved form for signatures. They will also continue to have the task of preparing the instruments to accompany a plan. Of course, the new arrangements will not prohibit the lodgment of a plan in person over the counter at the Registrar General's office in Sydney. It seems to the Opposition that the bill will reduce costs, particularly for rural and regional users. It will be of benefit to people in regional areas to be able to lodge plans electronically, rather than have to make arrangements for them to be lodged in person in Sydney. I believe it will also help to reduce costs for the Registrar General. All round, it will be more convenient and will result in a reduction in costs.

I am advised that the technology for electronic lodgment was successfully tested in a pilot project from October 1999 to August 2001. The biggest concern was security and I understand from departmental advisers that the security tests were successful and that they anticipate no problems in that regard. The Opposition consulted a number of organisations to test their reaction to the legislation—the Law Society of New South Wales, the Institute of Surveyors and the Association of Consulting Surveyors. In broad terms those organisations support the legislation. The Association of Consulting Surveyors of New South Wales, however, wrote to the Opposition with regard to the Minister's second reading speech:

In general the speech is consistent with the discussions we have had to date in relation to the introduction of E-Plan and this Association supports this amendment.

One concern that does not appear to have been addressed that we have raised is the length of time a lodging party would need to retain the original documents, in particular the form for signatures. We would prefer that the Regulation clarify the obligation to retain "forever" for a defined statutory period. Obviously our preference would be a defined statutory period, such as 5 years.

In his reply the Minister might address that one aspect that has been raised with me. I take this opportunity to thank the Government advisers, who provided me with an excellent brief. I am sure they will be pleased to hear the nature of my remarks, reflecting, as they did, many of the comments that were put to me. As I said, I believe

this is good legislation. It is moving with the times and taking advantage of the technology that is available. Rural and regional people in particular will be the major beneficiaries of this, in the sense that they will be able to lodge subdivision plans from their own area, subject to making appropriate arrangements so far as signatures are concerned. I believe that is a big step forward. The Opposition supports the legislation.

Mr ORKOPOULOS (Swansea) [9.08 p.m.]: I am pleased to support the Conveyancing Legislation Amendment (e-plan) Bill, which will amend the Conveyancing Act 1919, the Real Property Act 1900, the Strata Schemes (Freehold Development) Act 1973, the Strata Schemes (Leasehold Development) Act 1986 and the Community Land Development Act 1989. To appreciate how the new e-plan system is to work, it is useful to consider the existing manual system of plan lodgment. Under the existing system there are four key players. The first is the surveyor. In undertaking a survey that will support a land title, surveyors must comply with a number of requirements established by legislation. All survey information used in redefining original parcels and positioning new subdivision boundaries must be carefully depicted in a plan in accordance with the relevant regulations.

The second key player is the solicitor. When the survey plan is complete it is handed to a solicitor, who will obtain all the necessary signatures, consents and approvals. The solicitor also prepares any instruments to be registered with the plan to create easements and other interests. When the plan and other documents are in order for lodgment they are forwarded to a city lodging agent. This agent generally ensures that the various components that comprise a plan lodgment—that is, the original plan and accompanying documents—are available before attending Land and Property Information New South Wales to complete the plan lodgment form and pay the fees.

The fourth key player is the Registrar-General, who is located in Land and Property Information New South Wales. The Registrar-General, through the plan examination staff, determines the legal position of land title boundaries. Plan examination staff also ensure that all statutory requirements for the registration of a new subdivision have been met prior to the creation of new certificates of title. Following registration, plans are scanned, placed on public record in the plan imaging system and forwarded to the Bathurst office for input to the State's digital cadastral database.

Against this background I will now outline some of the features of the e-plan electronic lodgment system. Lodgment via the e-plan facility will mostly be by surveyors, and they must have a user-identification and password, issued with the approval of the Registrar-General. For a plan to be lodged electronically it must be in a format that provides a level of stability and security for the information and be suitable for its intended uses. For that reason, Land and Property Information New South Wales has adopted three specific file types: the plan drawing, plan geometry and administrative data files.

The plan drawing file will be the "picture" of the plan in the format adopted by Land and Property Information New South Wales for storage and to provide plan images from the imaging system to clients and government. The plan geometry file comprises the bearings, distances and areas for all the lots and other measurements in the plan. This information is to be collected using a specified software package available free of charge to users. The purpose of the geometry file is to provide surveyors and Land and Property Information New South Wales with a quality check of the plan's mathematics and to facilitate the automated update of the digital cadastral database.

The administrative data will be obtained as a result of the entry of plan details on the plan lodgment screen on the e-plan web site and will provide the information necessary for the integrated Land and Property Information New South Wales titling system to create the plan record and generate an invoice. When a plan file is being lodged the connection between the Land and Property Information New South Wales web server and the lodger's web browser is made using an industry standard communications protocol. This protocol utilises digital certificate technology to encrypt all data passing between the two computers and ensures that the information cannot be read in the event of an unauthorised access.

Land and Property Information New South Wales, through the integrated titling system, will be alerted that a new lodgment has been made and is available for processing. As the Minister said in his second reading speech, an electronic copy of the plan will also be provided to the relevant council at the time of lodgment, providing the council with an opportunity to verify the approved plan before registration. As honourable members can see from this brief outline, e-plan will greatly streamline the plan lodgment process in New South Wales whilst maintaining the highest standards of data security and integrity. It is a great proposal and I commend the forward-thinking Minister for introducing it.

Mr HICKEY (Cessnock) [9.14 p.m.]: I acknowledge the technological expertise of the honourable member for Swansea especially and the Minister for Information Technology, which is second to none. I am pleased to support the Conveyancing Legislation Amendment (e-plan) Bill. As the Minister noted, in excess of 12,000 plans are registered each year with Land and Property Information New South Wales by the Registrar-General. That is an average of more than 230 plans a week. So, while the plan lodgement process may not be a high-profile activity, it is certainly a crucial one. And while most of us associate plans with building houses, there are in fact a range of plans that must be lodged with the Registrar-General. They include plans of subdivision and dedication; plans of proposed acquisition or dedication by public authorities; plans for the creation of positive covenants, restrictions on the use of land and the creation and release of easements; consolidation, redefinition and delimitation plans; and building alteration plans and boundary adjustment plans.

These requirements affect a range of stakeholders including government agencies and authorities, local councils, property developers, landowners and surveyors. E-plan will deliver real benefits to all of the parties involved in the planning and development process. It will offer considerable advantages to Land and Property Information New South Wales, including savings in the cost of scanning plans and manual data entry in the Sydney office, and potential savings in updating the digital cadastral database and the record of survey marks at Bathurst. Electronic lodgments will also benefit public authorities and local councils. They will be able to use the e-plan system for the electronic lodgement of plans with the Registrar-General, particularly in relation to the proposed acquisition or dedication of land and the creation and release of easements.

E-plan will also provide councils with an opportunity to explore electronic lodgement options for the submission of plans for development and subdivision approval. I am particularly pleased about the benefits and opportunities for councils, surveyors and landowners in rural and regional New South Wales. Since surveyors in rural and regional New South Wales will be able to lodge plans directly rather than by employing a city agent, the new scheme should save them money and provide improved business opportunities. They will also enjoy greater control over their plan, acting as manager of the project from inception to registration. Landowners who are subdividing land will benefit as the lodgement of their plan will now take minutes instead of days or weeks.

Until now, surveyors in the country have had to take a day out of their work to travel to the city to lodge plans. That is time and money out of their pockets. Their time can be better occupied. The saving of time offered by the new system is a great improvement. The technology is tried and tested. Land and Property Information New South Wales began a pilot project in co-operation with the surveying profession in October 1999. This pilot has been used to test the application of technology and work processes within Land and Property Information New South Wales. The pilot project, conducted with a user group, accepted plans for the purpose of pre-lodgement examination as these plans have no legal implication and provided testing of an equivalent established manual service. Following the success of this stage of the pilot the facility was extended in August 2001 to the lodgement for registration of plans for proposed road action by the Roads and Traffic Authority.

These plans provided a test bed for the transmission of signature documents and the electronic registration techniques. I understand that the Roads and Traffic Authority has embraced the facility with enthusiasm and has been promoting the service within its regional offices and throughout the surveying profession. As the Minister noted, the bill provides for retrospective validation of the plans that were lodged by the Roads and Traffic Authority during the trial. The technology has been trialled and refined with the benefit of practical experience.

E-plan is another great example of how the Carr Labor Government is using technology not only to deliver services more efficiently, but also to provide people with access to government services 24 hours a day, seven days a week, regardless of where they live. The Carr Labor Government and the Minister for Information Technology are at the forefront in looking after rural and regional areas of New South Wales. They are strongly committed to Country Labor. It will be one more service that we can add to a list of more than 1,500 services that the Government has online already. That is great news, especially for people in rural and regional New South Wales. I commend the bill to the House.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [9.21 p.m.], in reply: I thank all honourable members who have contributed to this debate, including the honourable member for Swansea, the honourable member for Cessnock and the honourable member for Ballina, who led for the Opposition and indicated that the Opposition supported

the bill. This bill is important for a number of reasons; e-plan will be the first Internet facility in Australia for the remote electronic lodgment of plans and associated instruments for registration with the Registrar General. As stated during the debate, this is a tried and tested system that protects information, security and privacy and enhances data quality.

E-plan offers considerable benefits to Land and Property Information New South Wales including cost savings and improved data management. E-plan will also benefit public authorities and local councils which will be able to use the proposed system for the remote electronic lodgment of plans with the Registrar General. As the honourable member for Cessnock and the honourable member for Ballina pointed out, e-plan will especially benefit surveyors in rural and regional areas who will be able to lodge plans directly rather than by employing a city agent to do so. E-plan will considerably lower their costs. Landowners who are subdividing land, particularly in rural and regional areas, will have savings in interest on loans because the lodgement of their plans will take minutes instead of days or weeks, as in the past.

The honourable member for Ballina asked how long a lodging party would need to retain the original plan and instruments. I advise him that the Government has a preference for about three months, but I give him and the House an undertaking that Land and Property Information New South Wales will consult with stakeholders. Following that consultation I will create an appropriate regulation to deal with that aspect of the process. The Government wants to consult further with stakeholders to ensure that three months is satisfactory for them. Finally, e-plan exemplifies the Government's commitment to electronic service delivery, using the Internet in an effective way to make government more efficient and, importantly, to make people's lives easier and less costly. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ROAD TRANSPORT (GENERAL) AMENDMENT (OPERATOR ONUS OFFENCES) BILL

Bill introduced and read a first time.

Second Reading

Mr STEWART (Bankstown—Parliamentary Secretary), on behalf of Mr Scully [9.23 p.m.]: I move:

That this bill be now read a second time.

The Road Transport (General) Act 1999 was introduced to provide for the administration and enforcement of road transport legislation and includes provisions imposing liability on the registered owner or operator of a vehicle at the time it is involved in a traffic offence. These are generally referred to as operator onus offences as there is an onus on the registered owner or operator of a vehicle to establish by statutory declaration that he or she was not driving the vehicle at the time the vehicle was involved in a traffic offence. Operator onus provisions are generally activated in relation to parking offences, camera-detected traffic light offences and camera-recorded speed offences. In those cases, the penalty notice is not issued to a driver by the police officer, but is attached to the vehicle or posted to the registered operator. If the registered owner of a vehicle involved in a traffic offence was not in control of the vehicle at the time of the offence, the Act requires the owner to finally notify the Infringement Processing Bureau [IPB] of that within 10 weeks from the date of the offence.

The Act also requires the registered owner or operator to nominate for the IPB the person driving the vehicle at the time of the offence, when that can be reasonably determined. That process and the 10-week time frame is repeated for each nominated driver who subsequently claims to have not been in control of the vehicle at the time of the offence. The Justices Act 1902 imposes a statutory limitation of six months on prosecution of traffic offences. With the current 10-week time frames afforded to registered owners or operators to establish that they were not driving the vehicle at the time of the offence, the six-month limitation would expire if three people each waited their maximum 10 weeks before notifying the IPB. Following police reports that a significant number of motorists and vehicle operators were unscrupulously manipulating the existing process to evade prosecution of red light, speeding and parking offences until the six-month limitation on prosecution had expired, the Government established a departmental working group to examine the issue.

That working group, comprising the Roads and Traffic Authority, the New South Wales Police Service and the Attorney General's Department, made a number of recommendations, which have been adopted in the

bill. The Government considers that it is appropriate to permit the registered owner or operator of a vehicle to certify by statutory declaration that he or she was not driving the vehicle at the time of the offence. This avoids circumstances of hardship and injustice. The Government also considers that it is appropriate to permit the registered owner or operator to nominate the person who was driving the vehicle at the time of the offence, or certify by statutory declaration that, despite inquiries, he or she has been unable to identify who was driving. However, it is also recognised that the manipulation of the existing system and unscrupulous delays in the identification of an offender often shield that person from fines and demerit points for which they are liable.

This is of special concern in relation to the enforcement of high-range speed offences, such as speeding in excess of 30 kilometres per hour, or where the application of relevant demerit points would take the offender beyond his or her demerit point limit, normally leading to licence suspension or cancellation. The purpose of the bill is to amend the Road Transport (General) Act 1999 to introduce measures that will reduce the opportunity for motorists and vehicle operators to evade prosecution for traffic offences for which they are liable. This will support the enforcement of traffic offences, particularly serious speeding and red light camera offences, and thereby promote road safety for the whole community.

I shall now detail the key features of the bill. Fundamentally, the bill extends the time within which a prosecution may be commenced for speeding, red light and parking offences from six months to 12 months. To achieve this, the bill specifies a 12-month time limit in these matters and removes the reliance on the limitation period of six months under the Justices Act 1902. Extending the limitation period will reduce the ability for persons to dishonestly evade the identification of the responsible driver.

Typically, vehicle owners or operators may currently evade prosecution by providing the IPB with a statutory declaration that their inquiries have failed to identify who was driving the vehicle at the time of the offence. Alternatively, they may provide a statutory declaration including a false name and address of a person they nominate as the driver of the vehicle. A nominated driver may also provide a statutory declaration that he or she was not in control of the vehicle at the time of the offence and seek to identify a third person. As I have indicated, given the period of 10 weeks granted each person to finally inform the IPB, it only requires the involvement of the registered owner or operator and two other people to evade prosecution for six months.

Increasing the time from six months to 12 months during which proceedings may be taken will provide the IPB with additional time to identify the responsible driver, and reduce the opportunity for the current process to be manipulated by unscrupulous operators and drivers. To support this new time limit for prosecution, the bill also streamlines procedures for registered owners and operators to nominate other persons as drivers of the vehicle at the time of offence. There are two elements proposed to accomplish this. Firstly, the bill amends section 43 of the Road Transport (General) Act 1999 to clarify that a penalty notice is served seven days after it is posted unless the recipient can prove the contrary. Deeming that a penalty notice is served seven days after it is posted provides certainty in relation to the required time in which a statutory declaration must be submitted.

Currently, a statutory declaration nominating another driver of the vehicle involved in an offence must be submitted to the IPB within 21 days of the receipt of the penalty notice. However, the final lodgment date for the statutory declaration can be unclear because the date of service of the penalty notice can be disputed. By clarifying the date on which the penalty notice is served, the Government is aiming to reduce disputes about and resultant delays in the timely submission of statutory declarations. To support the enforcement of this amendment, the bill also introduces a provision for the admissibility in evidence of a certificate as to when the penalty notice was posted. A similar approach is adopted in section 29 of the Fines Act 1996.

Secondly, the bill amends section 43 of the Road Transport (General) Act 1999 to require more detailed information in statutory declarations. The Government seeks this amendment to assist the IPB to determine whether the responsible person has exercised due diligence in declaring that they cannot identify the driver of a vehicle or nominating someone else as the driver. The amendment imposes an explicit obligation on the registered owner or operator to include information that the IPB can use effectively to determine whether the explanation provided is satisfactory and true. Where it is proved that a person's statutory declaration is false, the person would be guilty of an offence. This is no different from the current situation at law.

The additional matters to be included in statutory declarations would be prescribed by regulations to be introduced following the passage of the bill. The matters would include the steps taken by the responsible person to ascertain the name and address of the person they have nominated as the driver of the vehicle at the time it was involved in the offence. The need for additional information in statutory declarations will not apply to penalty notices or summonses for parking offences that do not attract demerit points. I would emphasise that,

consistent with the objectives of the bill, the amendments to section 43 of the Road Transport (General) Act 1999 will only apply to streamline procedures for dealing with camera-detected speeding, red light camera and parking offences.

The bill also increases the penalties for a corporation that has falsely nominated or failed to nominate the driver of the vehicle at the time of the offence. The bill increases the maximum penalty in the case of corporations from \$1,100 to \$2,200. This is aimed at making it uneconomical for corporations to shield offending drivers. Currently, the failure to nominate a driver is an offence that must be dealt with in a court. This will remain the case. Overall, the bill proposes amendments that restrict the ability of traffic offenders to evade prosecution and promote important road safety outcomes consistent with the Government's commitment to improving road safety. The amendments are targeted to better police those motorists who flout the law and their liabilities, promoting a safer road environment for the community as a whole. The operation of the legislation will be reviewed after 12 months to ensure that it is effective in achieving its objectives. I commend the bill to the House.

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

The House adjourned at 9.36 p.m.
