

# LEGISLATIVE ASSEMBLY

Thursday 11 April 2002

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

**Mr Speaker** offered the Prayer.

## BILL RETURNED

The following bill was returned from the Legislative Council without amendment:

Appropriation (Budget Variations) Bill

## YOUNG OFFENDERS AMENDMENT (REFORM OF CAUTIONING AND WARNING) BILL

### Second Reading

**Debate resumed from 21 March.**

**Mr STONER** (Oxley) [10.02 a.m.]: It is with great pleasure that I resume my second reading speech on the Young Offenders (Reform of Cautioning and Warning) Bill. When I last spoke to this bill I related the experience of a man from Kempsey, one of the many constituents who had contacted me about concerns with the laws governing juvenile offenders. I now refer to correspondence I received from a lady in Sydney about the experience she has had with her young daughter. She wrote:

It is my misfortune to have a child that is caught up in the laxity of the current system.

Due to the lack of police powers my child, and all those with whom she associates, have absolutely no respect for the police because they are aware that there is nothing that can be done to restrict their behaviour. They carry around a Legal Aid booklet stating that the police cannot even ask their name unless they are actually caught doing something illegal. Therefore they just abuse the police either verbally or by gestures, and as soon as the patrol has passed they continue with their activities.

In order that there would be some power returned to the officers to control my child at least, she was charged with shoplifting (yes it was a legitimate charge) and went to court. (Incidentally, she only has to apologise and thinks it is a big joke.) The charging officer is aware of my commitment to protecting my daughter and went through hell & high water to get the backing for the charge. In another instance, she and her friends were given a warning for break and entry into a flat for the purposes of party/drug taking and attempted car theft. I wasn't informed. They again laughed it off. So two weeks later they did the same thing. They were at least taken back to the station and I told the arresting officer (different station) that they should be charged. I asked that he contact the other (shoplifting) officer and they are being charged. What is interesting to note here is that between the incident and the charging this particular officer was on leave. In the interim the police were contacted about having the kids charged, the reply was that they get wrapped on the knuckles for charging minors, and get "into trouble" from the magistrates.

This was my experience also, when the police wanted to take an AVO out on her to protect me. This was to enable them to have powers to remove her when she was going ballistic in the house (she has beaten me up and destroyed property, and I am not allowed to do anything other than protect myself, it is illegal for me to restrain her). The police went to the local magistrate and were told not to bother to apply. These are things of which I have had personal experience. However I do know of instances where the police have felt the futility of bringing charges of assault, she thinks it hilarious that she can beat people up and get away with it. She shoplifts, and is a pot user and drinks alcohol to excess. My daughter is 13. The police cannot charge the people who are supplying her with alcohol unless they are caught in the act. When she is listed missing, and I track her down, if the police go to the house where she is and a person over the age of 18 years tells them she is okay, they have no power to remove her. (Neither I nor DoCS are allowed to interfere)

My daughter and her cohorts get up to some unbelievable activities, and a lot of them involve taunting the police.

I really think that you could do with a lot more publicity with your bill. So many people have said to me that these "children" are getting away with too much, the parents/police should "do something". So many do not understand that the police, the parents and even DoCS have no powers to restrict, let alone punish, the behaviour.

Good luck in your endeavours.

The experiences I have related of these two of the many people who have contacted me illustrate the consequences of the Carr Government's lax stance on juvenile crime. Where has the Government been during the last five years—out to lunch? I expect that now it will make some grandiose announcement and attempt to pinch this bill and other Coalition law and order policies. I would welcome the Government bringing in its own bill on juvenile crime if it would improve crime and safety in our communities. However, there is a feeling in

the community that the announcements of the Premier and the Minister for Police are too little too late. They have heard too often the rhetoric about increasing the maximum penalties for serious crime. The judges are not imposing maximum sentences! They have heard too often the rhetoric about police on the beat. The reality is that in areas such as Wauchope the stations are 60 per cent down on officers on the beat. Since this Government came to power crime in New South Wales has skyrocketed. The laxity of laws, such as the Young Offenders Act, is part of the reason for that, as well as an undermanned and demoralised police force.

I turn to the specific amendments that will tighten up the Young Offenders Act to ensure that young criminals, particularly repeat offenders, are properly dealt with. Sections 3, 4, 6, 7 and 8 of schedule 1 amend the Act to preclude a child from being given a warning or caution if the child has previously been convicted or found guilty of an offence by a court or dealt with under the Act. This amendment gives effect to the intention to remove the option of warning or caution for repeat young offenders. Hence, they will be dealt with by way of a conference. Following recent discussions with a representative of the Police Association, I foreshadow a minor amendment in committee to section 6. That amendment will have the effect of allowing some discretion for investigating officers to allow one warning, then one caution in certain circumstances where a conference would not be appropriate for the second offence.

In essence, in certain circumstances a young person could get two chances: first a warning and then escalating to a caution. It is in line with community expectations that with the third strike or subsequent strikes a conference should be held to reinforce the young person's responsibilities to society. This is certainly the view of victims groups, such as Enough is Enough, with whom I have consulted. I cannot speak too highly of Ken Marslew, who is doing groundbreaking work with offenders to get them to acknowledge their actions and attempt to change their behaviour. Item [16] of schedule 1 provides that a child is entitled to be dealt with by conference if the offence is one for which neither a warning nor a caution may be given.

Items [5], [11] and [15] require that parents be notified in the event of a warning or a caution. Items [1] and [12] require that warnings, cautions and conferences be implemented as close as possible to the actual offence and, in the case of a caution, be no more than seven days after the offence. Presently, police are unable to give a caution until at least 10 days and up to 21 days after the offence. Some repeat juvenile offenders would have committed several other offences during this time and may not even remember the offence for which the caution is being given. Items [2], [9], [13], [14], [19] and [24] allow admissions, explanations and cautions to be administered in the presence of a respected member of the community. This will limit the ability of young offenders to stall matters by refusal to choose an adult to be present. This reduction of red tape will be welcomed by police, and will provide for valuable community involvement in the process of managing juvenile crime, for example, by involving an Aboriginal community elder.

Items [17], [18], [20], [21] and [22] remove the discretion of specialist youth officers, conference administrators and the Director of Public Prosecutions to overturn referrals for conferences in favour of cautions. This has been a major source of frustration for both police and victims of crime. Items [24], [25] and [26] contain savings and transitional provisions. I sincerely hope that the Government will not play politics on this important issue but that it will support the long overdue changes contained in the bill. Indeed, police Minister Costa recently indicated very strong support for the changes I am proposing. In a speech to the New South Wales Press Forum on 21 February 2002 the Minister said:

**The Young Offenders Act**

Frontline police believe youth justice conferencing works.

It is not a soft option. Making young offenders confront their victims in the presence of families and police is both tough and effective.

And making young offenders perform work for the community such as graffiti removal makes them take responsibility for their actions.

What police are concerned with is the numbers of cautions young offenders are receiving prior to conferencing.

That's why the Government is drafting plans to limit the number of cautions that can be granted before conferencing.

Once the limit is reached that young offender has to be conferenced or dealt with by the courts.

We will also ensure the actual arresting officer has a role in deciding if a youth justice conference is appropriate.

Changing the Act in this way will entrench the sensible and tough option of youth justice conferencing as a way of dealing with non violent, non serious offenders.

It means habitual young offenders face the consequences of their actions.

I agree wholeheartedly with what the Minister said to the Press Forum. The Minister could save himself some work by simply supporting this private member's bill, the Young Offenders Amendment (Reform of Cautioning and Warning) Bill, which will achieve the very things that he has said he would like to achieve in relation to the Young Offenders Act. If the Government thinks it can improve on this bill I would be happy to consider amendments that could make it better, just as the Opposition moves amendments aimed at improving Government bills.

In summary, this bill represents a long overdue change to laws dealing with young offenders in this State. Because of the Government's laxity, many hardened juvenile criminals have been getting away with a slap on the wrist while victims of crime have suffered loss, fear and distress caused by young thugs who commit crimes in the knowledge that the consequences are trifling if they are caught. This bill will restore the balance to policing crime that the law-abiding citizens of this State so desperately want. I commend the bill to the House.

**Debate adjourned on motion by Mr Gaudry.**

## **ROADS AMENDMENT (ROAD TUNNEL POLLUTION FILTRATION) BILL**

**Bill introduced and read a first time.**

### **Second Reading**

**Mr J. H. TURNER** (Myall Lakes—Deputy Leader of the National Party) [10.16 a.m.]: I move:

That this bill be now read a second time.

The Roads Amendment (Road Tunnel Pollution Filtration) Bill will amend the Roads Act 1993. The objective of the bill is to require the State Government to install and maintain pollution filtration equipment that will remove particulate matter from the air exiting the M5 East motorway tunnel stack. The bill will also require the Government to ensure that such filtration equipment is installed for air exiting the proposed Lane Cove tunnel and cross-city tunnel. That the Coalition needs to introduce this bill is an indictment of the New South Wales Labor Government and in particular the Ministers involved. After all, the objectives that this bill seeks to achieve, and the people and things that stand to benefit most from its introduction, are supposedly at the core of the beliefs and priorities of the Premier and the Minister for Roads.

The Premier, as a self-styled green premier, would argue that he can be relied upon to act in the best interests of the New South Wales environment. His roads Minister says that he prides himself on being, above all, a family man. However, as the old adage goes, actions speak louder than words. When it comes to the issue we are now addressing, the environmentally and family minded attributes that these men supposedly espouse, and which they would claim come to the fore in their policy formulation and decision making, have thus far failed to surface. Indeed, it is the environment and families that are set to suffer the most from the Carr Government's decisions relating to this matter.

The introduction of this bill by the Coalition provides the opportunity for the Premier and the Minister for Roads to right the wrongs of past inaction and to clear the way for the future. It is absolutely essential that equipment to filter exiting air be retrofitted in the M5 East ventilation stack, the cross-city tunnel and the Lane Cove tunnel. The technology is available, we know that it is in place in other countries, and it is totally unacceptable for the Carr Government simply to refuse to engage in world's best practice when the filtration of the ventilation devices in road tunnels is concerned.

The M5 East and the current design proposals for other city tunnels, namely, the cross-city tunnel and the Lane Cove tunnel, are environmental and economic disasters in the making. They are unhealthy, uneconomical to run and represent a careless attitude to public health and safety. They also betray the expectation that governments will act in the best interests of all their citizens. The air pollutants emitted from traffic include carbon monoxide, nitrogen oxides, hydrocarbons and particulate matter with an aerodynamic diameter of less than 10 microns, such as polycyclic aromatic hydrocarbons. The effect of this particulate matter on people's health is of particular concern. Recent studies have gone a long way to show the effect that air pollution has on the cause and/or further development of lung disease. With the aid of an imaging technique that uses a radioactive isotope, researchers in Belgium have shown that small particles similar in size to those found in air pollution can enter a person's bloodstream from the lungs.

The investigation found that radioactive ultrafine particles used in the study and considered to be very similar to the ultrafine fraction of actual pollutant particles travelled rapidly into the bloodstream, a finding that

is very relevant for cardiovascular illness and death related to ambient particle pollution. A study published in the Journal of the American Medical Association supported this investigation and concluded that people living in heavily populated areas are 16 per cent more at risk of dying of lung cancer than people living in less polluted areas. Research by Harvard University and the American Cancer Society has also strongly linked fine particles found in air pollution to high mortality rates from cardiopulmonary disease, such as heart attacks and strokes. Furthermore, it is now believed that air pollution not only triggers asthma attacks for those who already suffer from the illness but that it can actually cause asthma.

More and more scientific research is linking life-threatening illnesses, such as cancer, asthma and cardiopulmonary diseases, to exposure to particulate matter found in air pollution. It is this evidence that the Carr Government cannot continue to ignore. As I stand in this place today residents in the vicinity of the M5 East exhaust stack are breathing in these dangerous, unfiltered exhaust emissions while the Minister for Roads sits on his hands, knowing full well that this situation undoubtedly will create health problems for these people, particularly children. As if the inaction of the Government in relation to the M5 East ventilation stack is not bad enough, it is now determined to construct another two tunnels complete with unfiltered ventilation systems in Sydney city and Lane Cove, thus placing the health, lifestyle and general wellbeing of untold numbers of Sydney residents at risk.

The non-existent filtration and inadequate ventilation system of the new M5 East tunnel causes problems not only for local residents but also for motorists travelling through the tunnel. Exhaust emissions from the 70,000 vehicles, including many diesel trucks that travel through the tunnel on a daily basis, have created a visible haze in sections of the four-kilometre tunnel. Drivers who have complained of feeling unwell after taking the journey blame the fumes. One motorist is reported to have suffered an asthma attack after driving through the tunnel. The response from the Minister for Roads was: Well, driver, just wind up your windows and close up your air vents when you go through the tunnel. Yet the Minister for Roads says this is world's best practice. I do not think so. The pollutants I have mentioned also play havoc with the environment and, in particular, air quality. Current smog and traffic fumes have already left Sydney languishing at fifty-fifth on the environmental rankings, a staggering 40 places below even the famed steel city of Pittsburgh in the United States.

Failure by the Government to install filtration equipment, thus allowing particulate matter to escape in large quantities, will only accentuate the already acute problem of Sydney's air quality and, I would think, irreparably damage the Premier's supposed green credentials. The bill covers three road tunnel projects, the proposed cross-city tunnel the Lane Cove tunnel and the M5 East tunnel. Although I stress that the M5 East tunnel must not be used as a benchmark for the proposed cross-city and Lane Cove tunnels, it is important to examine the mistakes of the Carr Government so that the same erroneous policies are not pursued. In December 1999 the findings of a parliamentary inquiry into the M5 East was released. The parliamentary committee's key unanimous commendation was that expressions of interest be sought immediately by the Carr Government for the installation of world's best treatment process for particulate and nitrogen dioxide removal in the M5 East tunnel.

However, this recommendation was completely ignored, which is consistent with the history of the Carr Government's treatment of recommendations of parliamentary committees. Instead, the Roads and Traffic Authority [RTA] held an international workshop, which drew upon leading-edge expertise from France, Germany, Great Britain, Norway, Switzerland, and the United States. It looked to be a step forward on road tunnel ventilation filtration. The positive nature of the workshop, which came at a cost of \$210,000 to New South Wales taxpayers, was short lived. Many of the recommendations produced were never implemented. Instead, they were simply ignored by the Carr Government. The final report from the three-day international workshop, written by Melbourne barrister Arnold Dix, was released in August 2000. It recorded expert criticisms of the stack location, the complicated design selected and the appalling community consultation process. It recommended further research and a cost-benefit analysis. The placement of the tunnel was widely criticised at the workshop, with Dix concluding:

The complex, remotely located M5 East single stack tunnel ventilation design can be distinguished from any other tunnel ventilation scheme in the world.

An expert from the United States said in relation to the Wolli Creek Valley stack location:

Well I know the first reaction I had when I first looked at this was why put one stack in a valley ... We've always tried to put them as high as possible, not in a valley.

Further findings from the Dix report include:

- Technologies exist which can alter the composition of polluted air from tunnels.
- Immediate consideration should be given to the most effective ways of improving air quality in areas identified as receiving the least benefit from the operation of the M5 East Tunnel ventilation system.
- Emissions from motor vehicles can cause adverse health effects.

The experts selected by the RTA and representing the very best in road tunnel design from around the world found that the M5 East design did not represent the world's best practice as claimed by the RTA, but was highly unusual, even idiosyncratic. Unfortunately, it now appears that the Government is proceeding down the same shameful path with the proposed cross-city and Lane Cove tunnels as it did with the M5 East. The Government is again keen to construct massive, unsightly ventilation stacks for these projects. It is proposed that the cross-city tunnel have a 46-metre ventilation stack constructed between the Western Distributor viaduct that runs over the eastern side of Darling Harbour, despite advice to the contrary from one of the CSIRO's leading research scientists on air quality, Dr Peter Manins.

Plans to build this single ventilation stack have been further criticised by Darling Harbour retailers as well as the Ultimo-Pyrmont Chamber of Commerce, which is understandably concerned about the effects on the tourist mecca of Darling Harbour of the unventilated air exiting the tunnel. After all, hundreds of millions of dollars of public and private money have been poured into the Darling Harbour area only to have unfiltered fumes spewing forth over the area. What sort of message does this send our international visitors when the Carr Government willingly allows unfiltered exhaust fumes to be emitted into such a tourist haven? The Government is also planning the construction of two filtration stacks for the Lane Cove tunnel. Emissions normally contained along a 3.5-kilometre stretch of roadway will now be concealed in two locations.

Thus far the RTA has withheld the truth from concerned residents about the estimated level of emissions from the Lane Cove tunnel. Of particular concern is that a primary school is located within 300 metres of one of these proposed stack. The Lane Cove Tunnel Action Group is pushing for the installation of filtration, electrostatic precipitators, and detoxification systems, and activated charcoal beds in the tunnel. This would remove the need for unsightly stacks. I strongly encourage the Government to investigate the possibility of such options. For the people of Lane Cove, however, my advice would be: Do not hold your breath. The Premier is adamant that "Tunnels always mean stacks."

The Dix report also indicates that residents were of the view that there was a severe lack of community consultation about the environmental standards, and the process of designing the M5 East motorway and the ventilation stack. Failure to conduct genuine community consultation in relation to proposed road projects is one of the defining characteristics and significant failings of the Carr Government. New South Wales Labor members of Parliament are somehow under the gross misapprehension that they are a law unto themselves. The Government has failed continually to consult the local community about every aspect regarding the M5 East. It looks as though this unfortunate trend will continue when it comes to the Lane Cove and cross-city tunnels.

The Minister for Roads and the RTA are well rehearsed in defending their inaction when it comes to the installation of filtration equipment. On each occasion this filtration equipment is hurriedly dismissed by the Minister for Roads as being too expensive or unavailable and/or ineffective. Contrary to what the roads Minister would have us believe, electrostatic precipitators do not consume massive amounts of electricity. During full operation, cleaning 860 cubic metres of air per second, the precipitators required for the M5 East would consume 25 to 28 kilowatts. Assuming full usage 12 hours per day, six days per week and 52 weeks per year, that amounts to about 1 gigawatt per annum. That may be compared to the unfiltered tunnel's current estimated energy consumption of 32 gigawatts per annum, which approximates \$2 million each year at commercial rates. Installation of electronic precipitators would bring about a considerable saving in running costs.

The current massive energy consumption of the M5 East ventilation system drew adverse comment from many of the international experts at the international tunnel convention on both cost and the system's excessive greenhouse gas production. The Minister for Roads declares that the cost of installation of electrostatic precipitators is too great. He freely tosses around installation costs as being anywhere between \$25 million and \$40 million, and generally uses whatever figure suits his argument. The evidence given by Hans Anderl of Clean Air Tunnel International AS, Austria-Norway, estimated the cost to be much less, in the ballpark of \$7.5 to \$8 million. Perhaps if the roads Minister had cared to accept the recommendation of the parliamentary inquiry we would all know the truth. One really has to wonder about the priorities of this Government. The cost of a filtration system is only a small fraction of the \$800 million cost of building the M5 East, and certainly only a very small price to pay if it means maintaining the health and quality of life for local communities.

If this bill is successful the Government will have to retrofit electrostatic precipitators in the M5 East stacks, which will be possible. Sufficient land is available near the M5 East stack site to engage in retrospective installation, and the construction of the stack itself lends itself to retrospective fitting of such technologies. In the case of the proposed Lane Cove tunnel and cross-city tunnel, the time to install filtration systems is early on in the piece, as inevitably the retrofitting of stacks is completed at a greater cost.

**Pursuant to sessional orders business interrupted.**

## **YOUNG OFFENDERS AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 29 March 2001.**

**Mr TINK** (Epping) [10.30 a.m.]: Having pre-audience under Standing Order 71 I speak again to the Young Offenders Amendment Bill. The debate on this bill has proceeded some distance and the Government, through the honourable member for Wyong, has responded. Since then, however, Parliamentary Counsel has drawn my attention to the fact that the principal Act, the Young Offenders Act, has been amended by the Criminal Legislation Amendment Act 2001 in places where it affects this bill. Parliamentary Counsel advised:

Subject: Young Offenders Amendment Bill 2002

This bill was restored by the Legislative Assembly on 13 March 2002. Your attention is drawn to the fact that as a result of amendments to the Young Offenders Act 1997, since your bill was first drafted, made by the Criminal Legislation Amendment Act 2001, some of the amendments made are not currently incorporable. In particular, items [2] and [3] of schedule 1 of the amendments made to the bill are now longer incorporable.

A copy of section 8 of the Young Offenders Act 1997 and of your bill as in our records is attached for your information.

Section 8 (3) of the Criminal Legislation Amendment Act so far as is relevant reads as follows:

An offence under section 23(1)(a) or (c) of the Drug Misuse and Trafficking Act 1985 is covered by this Act if, in the opinion of the investigating official or prosecuting authority

- (a) the offence involves not more than half the small quantity applicable to the prohibited plant within the meaning of the Drug Misuse and Trafficking Act 1985, or
- (b) there are exceptional circumstances in that
  - (i) the offence involves more than half but not more than the total small quantity applicable to prohibited plant within the meaning of the Drug Misuse and Trafficking Act 1985, and
  - (ii) it would be in the interest of rehabilitation and appropriate in all the circumstances to deal with the matter under this Act.

As I understand from Parliamentary Counsel, that section has amended the legislation that this bill relates to. As a consequence of that advice I gave the matter further thought and wished to proceed with the substance of this bill. I sought advice as to whether through further amendment what I now propose would be within the leave of the bill and if it is appropriate to proceed on that basis. I also sought the advice of one of the Clerks and the indication was it could proceed on that basis. I foreshadow amendments that I will move in Committee and I will explain the present position.

As originally indicated in the second reading speech, as a result of the Drug Summit the Young Offenders Act was amended to provide for juvenile cautions under the Young Offenders Act to be given in respect of people in possession of small quantities of drugs. As honourable members are aware, there are about 300 drugs listed at the back of the Drug Misuse and Trafficking Act and the schedule provides for different penalties depending on the quantities, for example, a trafficable quantity, a large commercial quantity, small quantity, et cetera. In relation to small quantities, the Government adopted the Drug Summit recommendation and attached the young offenders juvenile cautioning scheme to the defined small quantities in the Drug Misuse and Trafficking Act.

Initially the Opposition supported that legislation, but we came to the view that a terrible mistake had been made, particularly when police advice started to filter through to us about the practical consequences on the street, not least that a small quantity is in fact a very significant quantity. For example, a small quantity is 1 gram of heroin and 30 grams of cannabis. My understanding from experienced police is that 30 grams of

cannabis is enough for 30 joints, and that one gram of heroin, depending on purity and cut, is enough for 20 hits. Police identified the problem that such a provision would allow people to carry what the average person would regard as dealable quantities but they would only face a caution. There is mounting evidence of problems in the vicinity of high schools, in some parts of the city, and in gang-related activity. Young juveniles potentially are a ready and very lucrative market for drug dealers. Dealers will be able to move with relative impunity by having a juvenile carry a small quantity, safe in the knowledge that the only penalty under legislation passed by this Parliament will be a caution.

My view was that a very grave error had been made by the New South Wales Parliament, but we were acknowledging it and trying to do something about it. The original proposal in my bill was that the figure should be 20 per cent of the small quantity under the Drug Misuse and Trafficking Act. Inserting in a statute a quantity such as that would allow the authorities to roll down the Drug Misuse and Trafficking Act and apply a mathematical formula very easily to any one of the 300 drugs that are listed in that Act, and brochures and documents produced for drug education programs for young people could relatively easily identify what the state of the law is. The Opposition believes that young people make mistakes and that there ought reasonably be opportunities for young people who make mistakes—in my view one mistake—to be able to be dealt with by way of caution.

As the honourable member for Oxley said in an earlier debate, the caution should not be multiple and repetitive, nor should it be issued in respect of much more serious criminality. These quantities speak of drug dealing. The figure of 20 per cent of a small quantity was struck on the basis of advice I received from very senior police in crime agencies who are experienced in dealing with organised drug-related crime and drug dealers. They said that 20 per cent was an appropriate balance. Initially, the Government opposed the concept outright and on 29 March 2001 the honourable member for Wyong, responding on behalf of the Government, said:

The Young Offenders Act is an essential tool for giving young people in our society an opportunity to be dealt with for criminal behaviour in a manner appropriate to the circumstances. It is not a soft option, it is a smart option. To dilute it, as this bill proposes, is to jeopardise the efficacy of ensuring that young offenders have every opportunity to move away from criminal behaviour. The Young Offenders Act as it stands permits diverting young offenders from the courts ...

The Opposition does not argue with the principle, but the honourable member for Wyong was saying that the small quantities set out in the Drug Misuse and Trafficking Act were the appropriate quantities. He was effectively saying, on behalf of the Government, that it was appropriate for a juvenile to receive a caution for possession of one gram of heroin or 30 grams of cannabis. I am pleased to note that the Government has reconsidered its position and has, through the Criminal Legislation Amendment Act 2001, effectively cut the small quantity in half, by using the words "the offence involves not more than half the small quantity".

That is some progress. A caution is available for half a gram of heroin rather than for one gram; a caution is available for 15 grams of cannabis rather than for 30 grams. While that may be a very small move in the right direction, my problem remains that 15 grams of cannabis is enough for 15 schoolchildren, and half a gram of heroin, depending on purity, is enough for 10 deals. The view of the Opposition is that that is still far too much because it promotes organised drug-dealing amongst juveniles on behalf of wider criminal interests in and around high school environments. I have in mind particularly the press reports of the past few weeks and the evidence of Detective Sergeant Tim Priest to the Cabramatta inquiry last year, when he expressed grave concerns about organised gang-related activity in the general area of one high school.

That evidence was subsequently corroborated by four other police officers who came forward. More recently there have been some very disturbing ongoing press reports of problems. One critical problem is to determine what quantity of drugs should attract a caution for a juvenile. I believe that a lot of gang-related activity around high school precincts is driven by the market that large groups of juveniles present to dealers. Approaching a group by using a juvenile who will only attract a caution is obviously the safest way for dealers to conduct their illegal business. For that reason the Opposition, whilst also recognising the need for young people to get a second chance, stands by the cautioning scheme but based on the lesser limit previously proposed. That is to say, the Opposition stands by the limit of 20 per cent of the small quantity.

There remains a significant gap between the Government's proposal of 50 per cent of the small quantity and the Opposition's proposal of 20 per cent, and I have given careful consideration to it. While I appreciate that the Government has moved forward on this, I cannot accept that it has moved far enough, given the advice I have received from police, given the evidence of Mr Priest and other police officers to the Cabramatta inquiry, and given the concerns that have been repeatedly raised, particularly in the media. The Opposition will continue to press for the 20 per cent limit, because it strikes an appropriate balance between behaviour that attracts a juvenile caution and a drug-related offence.

The difference between 20 per cent and 50 per cent of the small quantity is the difference between an amount that is reasonably linked to personal use but warrants a first offence caution, and a quantity that, in the current taxing environment surrounding some schools, can be used to corrupt young people to act as dealers at the front line of organised drug dealing criminality. That has to be stamped out. For that reason the amendment is pressed. By way of explanation, amendment No. 2 specifically states that the words to be omitted are "half the small quantity applicable", which is the current position of the Government, and that the words "the relevant quantity applicable" are to be inserted, which is the 20 per cent.

Amendment No. 3 is in the same terms and the others are formal technical flow-on amendments related to amendments Nos 2 and 3. The advice of the Parliamentary Counsel and the Clerks is that it can be done in this bill. I thank the House for granting me leave to explain the stage that this bill has reached and the circumstances that have altered slightly. I hope that the Government will further consider the 20 per cent quantity. I acknowledge that the Government has moved forward, but it needs to move further, without necessarily selling out on the important principle of a juvenile caution for first offenders for minor offences. I hope that after the Government has had a chance to consider this matter, we might be able to reach bipartisan agreement.

**Debate adjourned on motion by Mr Gaudry.**

**PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT  
(ENROLMENT AND VOTING) BILL**

**Second Reading**

**Debate resumed from 21 March.**

**Mr FRASER** (Coffs Harbour) [10.50 a.m.], in reply: I would like to put on the record further information about electoral fraud and rorts going on not only in New South Wales but across Australia. The honourable member for Kiama was interjecting when this debate was last before the House. I want to point out to the honourable member and to the House that this legislation will address opportunities for fraudulent practices within the New South Wales electoral system. In doing so I draw attention to a form called "Electoral Enrolment", which can be picked up at the office of any local member of Parliament or local post office.

The form has a section entitled "Enrolling to vote—your obligations". Other sections are headed "Am I eligible to enrol?", "Do I have to enrol?", "Special enrolment provisions", "What happens when I send in my enrolment form?", "Do I have to vote?", and "Where can I get more information?" Then it goes on to advise how to fill out the form. It is a very simple form. I am not proposing any further information be sought by the form other than proof of identification on enrolment. In filling out the form all one has to do is give the surname, given names, residential address, daytime phone number, postal address, occupation, sex, date of birth and place of birth. It then asks, "Are you an Australian citizen?"

The anomaly is that naturalised Australian citizens have to supply their date of naturalisation and citizenship certificate number. If it is good enough to ask new citizens for that information when they are enrolling to vote, I believe it is good enough to ask every New South Wales citizen for similar confirmation of identification. That is what the bill is all about. The form then requires the applicant for enrolment to provide, if relevant, a former surname or family name, former given names, and a former enrolled address, for those who are changing addresses. It then contains a declaration to be filled out by the applicant. That declaration is:

I am eligible to enrol for Federal and New South Wales elections. I declare that all the information I have given on this form is true and complete.

The applicant must sign that declaration. However, the witness to that signing is not required to be a Justice of the Peace or a notary; it is merely another person, who may not even be on the electoral roll. The witness merely attests:

I saw the applicant sign this form. I am satisfied that all statements in it are true.

The witness then signs, inserts the day, month and year of the signing, and then includes a name and address. Other than that, nothing further is required of the witness. I repeat, the signature and declaration of the applicant are not witnessed by a Justice of the Peace or notary.

**Mr Brown:** Is that a Commonwealth form?



**Mr FRASER:** That is an amazing interjection. It comes from a member of the Labor Party who claims there are no rorts in elections. Labor members do not realise that those enrolling to vote in New South Wales or Australia must fill out a Commonwealth electoral roll form, which is then transmitted to the New South Wales Electoral Office. Yes, it is a Commonwealth form. That is the present system of enrolling. Even someone fraudulently on the roll, perhaps using a pseudonym or whatever, can witness a signing by an applicant for enrolment. If we checked the roll to ensure that a witness did actually exist, we could establish whether that person is fraudulently on the roll. As I said last week, the honourable member who interjected could enrol his dog, Lassie Brown, to vote, or Carl Scully could register his dog, Belle.

**Mr Brown:** You can't enrol dogs!

**Mr FRASER:** Yes, you can. All you need to do is fill in the details required on the electoral enrolment form, put the form in and the dog is enrolled. Now, I am not going to enrol my dog, the dog of the honourable member for Kiama or the dog of Carl Scully because that would be an offence. I would like to do that just to prove to the House it can be done, but I know how honourable members on the Government side operate: they would have me charged, and I would lose my seat. The fact is that can be done, and is being done. We talk about democracy in this country. There is no more democratic act in this country or any other country than to cast a vote in an election.

**Mr Brown:** Then why do you want to make that more difficult?

**Mr FRASER:** I am not making it more difficult. I want to ensure that my vote and that of any other citizen of New South Wales who is properly enrolled will not be negated by the vote of someone who is fraudulently and falsely enrolled. I am trying to protect the democratic right of the citizens of this State by ensuring their votes actually count; that their votes will not be negated by a fraudulently enrolled person—someone within the Labor Party, I would suggest.

**Mr Brown:** I doubt it.

**Mr FRASER:** The honourable member might say, "I doubt it." Last week I gave the example of Joe Moran enrolling to vote in the Port Stephens electorate back in 1988. I am sure the Parliamentary Secretary, who represents a Newcastle electorate, will recall that that made big news in Newcastle. Joe Moran was convicted for falsely enrolling to vote in an area in which he did not live. In fact, the address he gave was a commercial block of land in Port Stephens. He was caught and fined. He could have gone to gaol. I want to stop the Joe Morans of this world from doing that. The Labor Party has a history of cheating when it comes to election matters. In reference to some of the Labor cheats, I have news clippings from Queensland newspapers. For the information of the House, I will read some of those articles onto the record.

The *Australian* of 18 August 2000 carried the headline "Crime watchdog to scrutinise ALP fraud claims". Back then the CJC said it was going to look into that matter. There were denials all round from the Labor Party, saying, "This does not happen, will not happen, cannot happen. It never happens in Queensland." The end result of that matter was legislation called the Electoral and Other Acts Amendment Bill 2002, introduced by Mr Beattie. I still do not believe that legislation went far enough—to make it a criminal act to illegally enrol in Queensland. As I have said before, anyone who thinks electoral fraud started in Queensland and moved north is having themselves on, because for years right-wing unions in New South Wales rorted ballots within unions. That flowed into the Labor Party and to stacking of marginal seats with people who did not exist in order to win those seats. I recall the Hon. Ian Armstrong, the honourable member for Lachlan, telling the House that the 1995 election was won by a busload of votes. It was, and in a couple of marginal seats.

In 1995 the Coalition Government picked up 52.5 per cent of the vote, but the Labor Party had very cleverly targeted seats. Some of those seats were in western Sydney. I cannot recall the former name of the seat now occupied by the honourable member for Mulgoa. I was suspicious about the result in that former seat, as were others. I questioned why that particular seat was won so marginally by Labor. Guess what happened? After the election there was to be a recount and the votes themselves were to be scrutinised. But there was a fire at the polling place where the votes were being counted, and the evidence was destroyed.

Coincidental? I think not. I think in that particular case the Labor Party was guilty of electoral fraud. It knew that it would be found out under proper scrutiny, so a fire happened so that full scrutiny of the votes was not able to be had in that electorate. I do not reflect in any way on the honourable member for Dubbo but the seat of Dubbo was won at the last election by an Independent, Tony McGrane, by 14 votes. I scrutineered at that

election. A bag of votes from Wellington went missing for about 48 hours. It was eventually found. At the end of the day those votes gave power to the Independent. The Labor Party knew that it could not win the seat so it ran a candidate dead: it did not push the campaign. I was in Dubbo in a shadow ministerial capacity on the day that Mr McGrane nominated. On that day the Labor Party withdrew \$6,000 worth of advertising from the local radio station because it believed that it could get an Independent to win by preferencing Labor Party votes to him.

Was that bag of votes from Wellington interfered or tampered with? Why did an extremely large number of ballot papers not carry on the back of them the initials of the polling official who issued them? I was told by the then assistant electoral commissioner, the present electoral commissioner, Mr John Wasson, that they were legitimate votes because they had a watermark on them. But the electoral Act clearly states that those votes should have had an initial on the back of each of them. They did not. When those votes finally came back onto the table at Wellington for scrutineering a large number in that bag had not been initialled. I believe there were dud votes in there. We could not prove it. I do not know whether a full audit has ever been done on the counts: the votes issued and not issued. Who knows, but by this stage they would have disguised the fact that those votes were there. The National Party lost the seat by 14 votes.

My bill requires a voter identification tag. The Government says that it cannot do this, but for the 1999 election anyone who was on the roll was sent a little piece of paper by the electoral commissioner to say that they were on the role. That is all I am asking for. The Government tells me that it is too expensive. If it is too expensive now, why was it not too expensive in 1999? I notice that schoolchildren are in the gallery at the moment. When they reach the age of 18 they need to be sure that their vote will be properly counted. They should have to provide evidence of who they are. In my wallet I have half a dozen cards, any one of which is evidence of who I am. At some stage I have had to provide such evidence to a bank, a club, an airline or a taxi company. I have a licence.

**Madam ACTING-SPEAKER (Ms Beamer):** Order! I welcome to the gallery students from Cabramatta High School, Canley Vale High School, Canley Vale Public School, Canley Heights Public School, Mount Pritchard East Public School and Cabramatta West Public School. They are accompanied by the honourable member for Cabramatta. The House is currently debating a private member's bill. The students from the honourable member's electorate are most welcome in the Chamber during Youth Week to see democracy at work.

**Mr FRASER:** This is about democracy. It is interesting that the honourable member for Cabramatta is in the Chamber. I think she attended McDonald's just to get some young Labor voters into the local branches. But that was not electoral fraud—that was only within the branch. That goes on within all parties. Anyone who is over the age of 18 years would have, should have and will have identification that can be easily and simply provided at a post office to fill out a proof of identification form. I would guess that more than 95 per cent of young people would try to get a drivers licence when they reach the age of 17. A drivers licence gives sufficient proof of who a person is. A licence, a bankcard, a Medicare card or some other proof of identification can be used to enroll to vote. What could be fairer? The Government says that it is unfair. I am yet to see how it could be unfair for democracy to prevail by requiring people to provide some proof of who they are. It is simple: people provide proof of identity, fill in a form and have it witnessed correctly. Then the opportunity to enrol a dog or a non-existent person disappears.

Yes, there will be a one-off cost. The rolls would be cleared totally and people will be asked to re-enrol. The Government would have us believe that that is an inconvenience to the people of New South Wales. Recently people in African countries queued for six or seven days to cast a vote. They know what it is like to live under a dictatorship and rorted systems. They will stand under threat and hot sun for six or seven days just to vote. I feel sure that in Australia every citizen would want to know that their vote would count and would quite willingly provide some form of identification proving who they are. I again ask why it is that if you are an Australian citizen by naturalisation you have to provide your citizenship certificate number yet if you are Australian by birth you do not have to provide any identification when enrolling to vote or when voting. It would cost perhaps \$5 million, a one-off cost, to redo the rolls. Once that is done there will be confidence in the electoral rolls and the system. Then the fraud that occurred in Queensland could not happen. I have some press clippings about the situation there. One article from 2000 is headed "CJC probes fraud allegations". Another is headed "ALP vote-rort inquiry widens".

**Mr Campbell:** Ancient history.

**Mr FRASER:** The interjections and objections come from the Labor Party side. In Queensland ALP members who wanted to vote in a preselection had to be on the electoral roll. So they rorted the system. It has

been proved. The Premier of Queensland is moving, very slowly, to change the system. Bob Bottom, the great crime investigator who exposed a lot of corruption in the State, now runs a newspaper in Queensland. He discovered the electoral fraud in his area. Dr Amy McGrath, who has been a great champion on electoral fraud, and Dr Frank McGrath, her husband, who was a judge of the Compensation Court and involved in the Labor Party and the labour movement for years, talked to Bob Bottom about this. His office is located on a street that runs along a bay. It was found that all the people living on the western side of the road were enrolled to vote but many people were enrolled at fictitious addresses on the beachfront where there were no houses. So on that promenade alone there were over 100 dud votes.

If they are doing it in Queensland, why are they not doing it here? Of course they are doing it here. It has been admitted that it happened in Queensland and we have proof positive that it happened in New South Wales. I know of at least one case involving my electorate. Joe Moran moved from Macksville, which was in my electorate in those days, to Port Stephens and voted fraudulently and then enrolled fraudulently to try to give the edge to the candidate for Port Stephens at that time. It irks me that if he did that, how many more Labor Party officials actually cast fraudulent votes at the 1998 Port Stephens by-election? If one person did that, more could have done it. If one Labor person has done it in Queensland, more could have done it in New South Wales.

The practice was so successful in New South Wales that Queensland adopted it. The embarrassment and stench of the frauds and rorts in Queensland meant that the Labor Party, through the Premier, has moved to fix up that fraudulent system. I appeal to the Federal Government to assist. As the honourable member for Newcastle, the Parliamentary Secretary, said the form I referred to earlier is a Commonwealth form. Yes, it is, but if the New South Wales Government will not fix this problem, I will ask the Prime Minister to fix it.

If this problem were fixed Australiawide we would find that the bus loads of voters who shift to electorates to vote fraudulently in marginal seats would disappear. Who knows what the result would then be? The Coalition would probably hold Government in more States than Labor would hold. Currently we do not have a Coalition Government in any State or Territory. I question how many results have been affected by fraudulent enrolment and fraudulent voting by members of the Labor Party and some of the minor parties. I noticed the wry look on the face of the honourable member for Keira. He knows, as I know and as anyone who has been through a preselection in the Labor Party knows, that branches are stacked. The rorts start within the union and the Labor Party. He and I know that.

No-one could convince me or anyone on this side of the House that rorting stops at the branch level. In Queensland a person has to be on the roll to vote in a branch preselection; so people enrolled fraudulently so that they could rort preselections. If people are prepared to do that in Queensland, surely people in New South Wales are prepared to do it. I believe they are and I believe that the Government, by deciding that it will not support this legislation, is admitting that there are rorts and frauds with the New South Wales electoral rolls. An article in the *Australian* on 4 September 2000 stated "ALP closes ranks to deny poll corruption". An article in the *Australian Financial Review* on 7 September 2000 stated "Qld ALP faces fraud inquiry". An article in the *Sydney Morning Herald* on 7 September 2000 headed "Rorting elections" stated:

The Queensland Premier, Mr Beattie, is in a tight corner. He first promised to call an early election if any Labor MPs were discovered to be guilty of electoral fraud. He upgraded this with a further promise to introduce new legislation to target misleading how-to-vote cards and those who distributed them. He said he would not rule out moves to force voters to produce identification at polling booths when they voted.

The Queensland Premier supports voter identification and he is, supposedly, the most popular Premier in Australia. He supports moves to ask electors to provide identification at the polling booth. I ask the New South Wales Premier and members of the Labor Party to support my legislation. The *Sydney Morning Herald* article continued:

A few days before this, Mr Beattie claimed that he knew of no electoral fraud within the party he leads.

Know nothing, see nothing, hear nothing—like hell, Beattie!

**Mr Campbell:** Sounds like John Howard.

**Mr FRASER:** I will make Mr Howard well and truly aware of this legislation. There is one way to ensure that Coalition governments are re-elected in Australia, State and Federally, and that is to get rid of the rorts and frauds that are perpetrated by the Labor Party. Following the hear no evil, see no evil, speak no evil approach of Mr Beattie, in September 2000 he said that something needed to be done after the Queensland

Labor Party was extremely embarrassed by the Criminal Justice Commission [CJCs] findings. People were sent to gaol because of electoral fraud. The Queensland Government then introduced a bill dealing with electoral fraud, which I do not believe goes far enough because people can still find ways to get around Queensland's Electoral and Other Acts Amendment Bill 2002.

At the recent Queensland State election Bob Borbidge made one mistake: prior to the election, knowing about the rorts and CJC inquiry, he should have insisted that the rolls be cleansed and that people re-enrol. I suggest that if that had been done the result of the Queensland election probably would have been vastly different. Before major alterations were made to the Queensland Electoral Act which would see Labor put out of office there was one last fling at electoral rorting. On 7 September 2000 the *Sydney Morning Herald*, under the heading "Labor accused of cheating its way into office", stated:

The ALP faces serious damage in the run-up to next year's Federal and State elections with a public inquiry into allegations that senior party members in Queensland have rorted the electoral roll.

A report by Queensland's Criminal Justice Commission (CJC), tabled in State Parliament yesterday, revealed there was reasonable suspicion of official misconduct in Labor's preselection contest for the State seat of Townsville in 1996.

There were similar suspicions over the seat of Mundingburra in 1996, and plebiscites for Labor candidates in 1993 for two Brisbane City Council wards ...

The report, by Mr Philip McMurdo, QC, rejected the ALP's advice and recommended a public inquiry into the allegations.

The CJC chairman, Mr Brendan Butler, announced later that the inquiry would be headed by a retired Supreme Court judge, Mr Tom Shepherdson, QC.

Mr McMurdo was commissioned by the CJC to conduct a preliminary investigation into claims by a former Labor candidate, Karen Ehrmann, who was jailed last month for three years, with parole after nine months, after pleading guilty to 24 counts of forging and 23 counts of uttering Commonwealth electoral enrolment forms.

That was the form to which I referred earlier. It was obvious that Karen Ehrmann did not enrol only once for herself—she had pleaded guilty to 24 counts of forging and 23 counts of uttering. The *Sydney Morning Herald* article continued:

Ehrmann claimed in a court affidavit that Labor members used forged enrolments in the Mundingburra by-election and that two State MPs had forged enrolments at various times.

Her lawyers told the court that she was a "bit player" in a larger ALP game.

If she was a bit player putting 24 names onto a roll, how many fraudulent names are on State and Federal rolls? Alan Jones has claimed that there are more than 400,000 illegal names on the Commonwealth roll. In my electorate about 45,000 persons are enrolled, and in the Federal electorate that encompasses my electorate about 90,000 persons are enrolled. If Mr Jones' allegations are correct, that is enough fraudulent votes to win more than eight seats. Someone could set up an electorate at Bourke and enrol 45,000 people—enough people to win eight State seats and four Federal seats. If Karen Ehrmann was a bit player with 24 enrolments, how many fraudulent enrolments are there? The article continued:

Her jailing followed the conviction of two other State Labor officer-bearers—Shane Foster last year and Andrew Kehoe in 1997—for similar offences.

In Parliament yesterday the Opposition Leader, Mr Rob Borbidge, who formed a government after the 1996 Mundingburra by-election, said the MP for Townsville Mike Reynolds, should be stood down from his position as a parliamentary secretary, as should the MP for Greenslopes, Mr Gary Fenlon, a key player in Labor's Brisbane City Council plebiscites ...

Mr Borbidge said there was a "spectre of criminality" over the Government, which may have "cheated" its way into office.

I do not know how people can claim that the same will not happen in New South Wales, because the Australian Labor Party picked up those tactics from New South Wales. Another article in the *Sydney Morning Herald* under the heading "False pretences" states:

The Beattie Government is bracing itself for political fallout from an inquiry into electoral fraud which may reveal the Queensland ALP is a "pack of cheats".

If those comments were untrue, I am sure that the ALP and those involved would have sued the newspapers for defamation—but that did not happen because of convictions. The practices being carried out in New South Wales in 1988 moved across the border to Queensland in 1993, 1996 and 1997. However, that does not mean those practices were not continuing in New South Wales. When the honourable member for Bankstown was trying to get his delegates to turn up at a preselection meeting one of his opponents advertised the motor vehicle of the member for Bankstown in the newspaper for a very cheap price, giving his mobile phone number. That meant the mobile phone was running hot.

**Mr Stewart:** That is absolute nonsense.

**Mr FRASER:** He says "absolute nonsense" with a wry smile. The Left was trying to pinch his preselection from him. If the ALP resorts to tactics such as advertising a member's car for sale at a ludicrous price so that he is mobile phone is jammed, thereby preventing delegates from attending a branch meeting to vote for him for preselection, what will it resort to with an electoral form that does not have to be witnessed? Anything could be put on that electoral form. I ask that New South Wales be given the opportunity to cleanse the system so that votes are not negated by fraudulent practices set up initially for party political purposes and to enable parties to manage the big chequebook of this State. If the Government seeks to be open and accountable it should immediately support this bill, which will ensure that voting practices in New South Wales are above fraudulent practices. Constituents should be able to have confidence in their voting system. Karen Ehrmann had 24 votes registered; not just one vote was negated, 23 others were negated. This bill will resolve electoral fraud in New South Wales once and for all.

Other headlines include, "Beattie staffer quits over election glitch", "CJC to test ALP rort claims", "Electoral fraud a joke, inquiry told", "Electoral fraud testimony blow to Beattie", "ALP figures 'feared' vote-rigging inquiry", "Inquiry told of fraud, slush funds", "ALP in vote-rig claim", "Electoral rorting 'not Labor's' concern", "ALP's young tell: we were forced to falsely enrol"—that was in October 2000—and "Labor MP told to shut up or be charged". That was Mike Kaiser. I have met Mike and he was in the middle of it. The headlines continue, "Beautiful one day, imperfect the next", "Things are rotten in the state of Queensland"—it is not just Queensland; things are rotten in New South Wales—"Qld Labor facing its Watergate, says official" and "Labor accused of obstructing electoral reform". The last headline appeared in the *Courier Mail* in Queensland, but Labor is obstructing electoral reform here today because it will not support this bill.

If the Government is not afraid to ensure a fair vote for all people in New South Wales it should vote for the bill. It will result in little cost to the Government. It will be a great cost to democracy if it is not passed. Let us assume that the cost will be \$10 million. That is less than \$1 per head of population in this State to ensure that we have an electoral system that is not fraudulent. There may be some loopholes, but at least the system will be more secure. This \$1 per citizen will ensure that votes are counted properly. Anyone who suggests that \$1 to ensure democracy is too much should tell that to the citizens of African nations, the Middle East and Timor. Those people stand in the scorching sun for days to vote. They know what democracy is all about and understand the value of a vote, knowing that their vote will be democratically cast. They are beaten or shot in an endeavour to prevent them from voting. That does not happen in New South Wales or Australia. One need only rort the system.

This is a simple bill. It may even encourage some people to re-enrol, and show identification such as birth certificates, credit cards or other forms of identification. If a newly naturalised citizen must provide identification to vote, every Australian should provide identification to vote. I ask that all honourable members vote in favour of the bill and, therefore, support democracy in New South Wales.

**Question—That this bill be now read a second time—put.**

**The House divided.**

[*In division*]

**Mr THOMPSON:** I have been informed that members are experiencing difficulties with the lifts.

**Mr SPEAKER:** Order! I have been informed that a number of members have been delayed because of problems with the lifts. I order that the doors be unlocked to allow those members to vote in the division.

**Ayes, 35**

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

**Noes, 51**

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

**Pair**

Mr O'Farrell

Mr Mills

**Question resolved in the negative.****Motion negatived.****BUSINESS OF THE HOUSE****General Business: Suspension of Standing and Sessional Orders****Motion by Mr Whelan agreed to:**

That standing and sessional orders be suspended to allow four additional speakers to speak for up to five minutes each on General Business Notice of Motion (General Notice) No. 19 [Coastline Protection].

**COASTLINE PROTECTION****Mr BROWN (Kiama) [11.37 a.m.]: I move:**

That this House recognises the importance of our coastline and congratulates the Government on its commitment to protecting its environmental values.

I represent one of the most scenic electorates in this State. The coastline from Warilla to Shoalhaven Heads is a holiday destination for many and a home to many. This coastline is many things to many people. To some it is a precious natural asset and to others it is a fragile ecosystem and home to countless species of birds, fish and wildlife. To other groups it is a lifestyle, an industry and a holiday playground that encourages jobs in tourism and leisure. This stretch of coast has recently been the subject of much interest from developers. That is particularly true of the town of Kiama. Only a few years ago there were no large buildings near the water but now old sites are being bulldozed and new three-storey unit blocks are being built in close proximity to our beaches. Each holiday period more people stay in the bed and breakfast accommodation, caravan parks and hotels.

The populations of coastal towns in the Kiama electorate dramatically increase at these times. More people want to buy properties in these areas. The Shellcove development at Shellharbour is a clear example of the desire of many to build. Every time I drive along Shellharbour Road it seems that a new subdivision has been released. The picture I have painted of Kiama is symbolic of what is happening all along the New South Wales Coast. We all love our State's coastline, but we must be careful that we do not love it to death. Our coast is an attraction to many and is pulling more of us towards it. But this migration to the coast comes at a cost. We need to pay more attention to the protection of our coastline and waterways so that the pleasure we enjoy now from our coast will also be enjoyed by future generations.

Members of this Chamber, as well as other community leaders, have the important responsibility of considering the many issues involved in the protection of our coastline and making sure all the relevant players

are involved. More resources are needed to protect our coastline. The coastal package valued at nearly \$12 million which was announced last year by the Premier and the Minister for Planning will ensure that only appropriate development takes place along the State's beaches and headlands. That package is the most far-reaching policy commitment to the coast made by any State in this nation. Again the Carr Labor Government is leading the way, and I applaud it for tackling this issue head on.

I am pleased to hear that over the next three years the environmental, social and economic values of the entire New South Wales coastline will be scientifically assessed to provide a planning blueprint. That blueprint will determine the areas where development can take place, establish those parts of the coast that have such special values they need to be locked up for all time and decide where to locate much-needed sustainable jobs and investment. Stories often appear in my local newspapers about developers submitting costly proposals that lead to protracted community conflict. Often there are no winners. Although such disputes are a worthwhile challenge, we need to get away from them. The blueprint will take some time to finalise. What will happen in the meantime?

The Minister for Planning said that the Government will take a more hands-on approach in development decision making. I support the Government's initiative in that regard. The Minister for Planning will be the approval authority for major high-risk development proposals along the coast and for proposals in particularly sensitive locations. Large-scale subdivisions are one of the biggest polluters of our waterways. These will also require consent approval from the Minister because of their environmental impact on water quality, effluent disposal, land clearing and flora and fauna issues. A number of my Country Labor colleagues who also represent coastal electorates have raised concerns about the need to provide businesses and the community with clear and consistent information about development application assessments. We ask that both councils and the State adopt more stringent principles and guidelines in their decision making. I am pleased that the Government has agreed to do so.

All laws and policies need to be updated from time to time. As our population keeps moving to the coast, the Government's 1997 coastal policy also needs updating. Such an update could include changes in property boundaries. The natural growth of beaches has led to the enclosure of foreshores by walls and fences which prevent public access. The protection of free access to our beaches as a fundamental right to the community is an important issue. No-one should own a beach. The community does not have access to many beaches along our coastline. Landowners basically prevent people entering the beaches because there is no road or easement for pedestrian access through their properties.

This State is more than twice the size of New Zealand in both population and in area. The advice that Government receives needs to be co-ordinated and effective. That is why I support the Government's establishment of a sustainability advisory council as a peak advisory group to government. The council will provide our communities with greater access to government. It will also explore innovative mechanisms for applying sustainable practices, including market-based incentives, and develop partnerships between the community and public and private organisations. This year I have made a number of announcements about the improvement to the waterways in the Kiama electorate, and I have sought public comments about how they can be further improved.

For example, as stated in an article in the *Kiama Independent* on 13 March, local communities will be able to have their say on natural resource management and investment over the next 10 years with the public exhibition of the draft southern catchment blueprint. The southern catchment blueprint will provide the context and direction for the planning and management of native vegetation and water. It will set strategic targets for improvement in the condition of natural resources and the reduction of degradation processes such as salinity. The blueprint will also guide investment in the integrated management of surface and ground water, soils, native vegetation, coastlines, estuaries and associated biodiversity over the next 10 years. Through the local media I have urged my communities to look at the blueprint and form their own opinions on its contents. I look forward to seeing many submissions after the exhibition closes on 30 April.

Stormwater is a shocking pollutant. Every time it rains water runs out of our properties and streets, picking up rubbish and pollution that lie in its path. Too many people still do not understand that what they put in drains ends up on our beaches and in our waterways. The effects of stormwater can be detrimental to freshwater and marine life and to the health of our waterways. That is why I have supported the councils of Shellharbour and Kiama in their campaign to educate the public that the drain is only for rain. Each of those councils has received more than \$80,000 from the Carr Labor Government to undertake that initiative. The funding is part of a \$20 million State Government addition to the urban stormwater program. The extension to

the budget made way for \$15 million to be distributed amongst New South Wales local government areas to fund engineering and education projects. The projects, since their inception, have prevented more than 3,600 tonnes of pollution from entering creeks, rivers and harbours each year.

The councils' campaign drives home the point about stormwater drains. For example, washing cars in the street has the same impact on our waterways as washing them in the middle of the river. The education campaign needs much more attention. The campaign was commenced through the media two weeks ago. Yet, when running to my local beach last weekend, I ran past two families washing their cars on the street. I could see the suds and grease running straight into the stormwater drain. When I run along the beach I can see where the stormwater enters the surf. Kiama council is going one step further and using stormwater as a resource for irrigation, rather than letting it just flow into the ocean. I commend the Government on its proposals to make our beaches cleaner and safer.

**Mr D. L. PAGE** (Ballina) [11.47 a.m.]: Whilst the Coalition is pleased to support this motion in general terms, we believe that it is typical of the motions moved by members of the Government. It is self-congratulatory and does not take account of the history of the development of coastal policy in New South Wales. The motion does not acknowledge the significant contribution to coastal management and protection that was made by the Coalition when we were in government between 1990 and 1995. For the benefit of honourable members who have not been in this place as long as I have, the first coastal policy in New South Wales was an initiative of the Greiner-Murray Government.

The policy, which started in 1990, was a significant step. For the first time, the coast of New South Wales, excluding the area between Newcastle and Shellharbour, was subject to a policy that had as its primary focus the protection of our coastline. Prior to that time a whole-of-government approach had not been taken to protect the coastline, and councils up and down the coast were doing their own thing. In addition, the government of the day, the Unsworth Government, was promoting the sale of sensitive Crown land along the coast of New South Wales in other countries, such as Japan, in a tourism brochure.

It may surprise some members on the other side of the House to learn that the then Minister for Tourism, Michael Cleary, took to Japan a brochure that promoted, among other things, the sale of the nature reserve at Broken Head, which is just south of Byron Bay in my electorate. The brochure also promoted leasing of sensitive Crown land at South Ballina to the Mirvac Corporation for the construction of a 400-bed resort. In the 1998 election campaign these were big issues, and I remember them well. I was in favour of protecting those areas and not allowing them to be developed. Prior to the introduction of the coastal policy in 1990 the Labor Government did not have a good record in coastal protection. When the Coalition Government came to office it recognised there was a problem, and it introduced the first coastal policy.

The fundamental tenets of the coastal policy were allowing the public access to beaches, limiting the heights of buildings to four storeys unless there were good reasons to do otherwise, discouraging development on headlands and discouraging development of a ribbon nature along the coast. In other words, new development was to be concentrated around clusters of existing development. At that time the coastal policy was limited to one kilometre landward and three kilometres seaward. However, as important and as good as the initial coastal policy was, the Coalition recognised the need to revise it, and did so in 1994. I have detailed knowledge of that because I was a member of the Coastal Council during that time.

Following the change of government in 1995 the then Minister for Planning, the Hon. Craig Knowles, to his credit, saw fit to retain my services on the Coastal Council for two years under a Labor administration. My retention on the council was an acknowledgement by the Minister that this important issue deserved bipartisan support and that obviously I was doing something right. But the more important matter was that we should not try to score cheap political points in this important area. Governments and politicians come and go. It is important for the long term that we do the right things to protect our coastline. In 1994 I was a member of the Coastal Council that was instructed by the then Government to revise the coastal policy.

The revision process resulted in a change to the definition of coastal zone to include not only one kilometre landward, but one kilometre landward plus waterways and estuaries and one kilometre back from those areas. The intention was to ensure that developments would not impact adversely on the quality of the water in the estuaries and the oceans. We took a more holistic and catchment-based approach. The coastal zone then went up to the tidal limit, a fairly significant expansion. From the start I have always been frustrated by the fact that the coastal policy excluded the Central Coast and the metropolitan area of Sydney, an area from Newcastle to Shellharbour. I have never been able to understand the rationale for that. If ever an area needed protection from overdevelopment, the Central Coast, with all its of population pressures, would be the perfect candidate.



Legislation currently before Parliament seeks to remedy that exclusion and will extend the definition of a coastal zone to include those areas. However, the legislation excludes Sydney Harbour, Botany Bay and seven coastal council areas along the eastern seaboard of the metropolitan area that are not affected by wind and coastal change. There are still problems with exceptions to the coastal policy. If we are fair dinkum about a coastal policy then it should apply up and down the entire coast. Coastal management has improved tremendously over the years. In that regard I pay tribute to Professor Bruce Thom, the Chairman of the Coastal Council since its inception in 1995. He has made a fantastic contribution to public policy under both the Coalition and Labor governments.

In many ways Professor Thom has been the driving force behind improvements in coastal policy. I also acknowledge the contribution of other members of the Coastal Council who have been active for many years. Originally, the Coastal Council was set up as a section 22 advisory committee to the Minister for Planning. The nature of the council was subsequently changed to increase its clout. It is now charged with modifying the coastal policy as required. Many people are under the misconception that the coastal policy does not have teeth. That is not correct. The teeth come via a direction under section 117 of the Environmental Planning and Assessment Act which provides the Minister with the capacity to say to a council that it is putting forward an inappropriate development that does not meet the requirements of the coastal policy.

Some people have argued that the council does not have sufficient power and that it should be more proactive than reactive, as it is now. That is a matter for further consideration. However, we would be wrong to believe that because of the excellent work done to protect our coastline there is no more to do. One of the biggest challenges is to ensure that pollution in our estuaries does not continue at its current level. I have criticised the Government for cutting funding to the country town water and sewerage program from an average of \$85 million a year under the Coalition to \$50 million a year for five years. That has now been increased to \$65 million a year. That cutback has put a lot of pressure on coastal councils that wanted to upgrade country town water and sewerage systems to improve water quality. The latest "Ground Swell" publication by the Coastal Council includes findings of a coastal lakes survey conducted by the Healthy Rivers Commission. One of the finding was that a new management approach is needed because there is strong evidence that under the current arrangements coastal lakes are continuing to degrade. Things have improved a great deal but we still have a long way to do. I move:

That the motion be amended by leaving out all the words after the word "coastline".

**Mr BARTLETT** (Port Stephens) [11.57 a.m.]: I congratulate the honourable member for Kiama and the honourable member for Ballina on their overview of the direction of coastline policy for the past 20 years, more recently under the direction of the Carr Government. The motion asks this House to recognise the importance of our coastline and to congratulate the Government on its commitment to protecting the coastline's environmental values. I will concentrate specifically on Port Stephens. In a survey conducted in the Port Stephens electorate, 34 per cent of those surveyed said that the environment was their number one issue. The electorate is a beautiful home to more than 60,000 residents. It is visited by one million tourists annually who spend something like \$200 million a year. Tourists flock to our magnificent beaches, parks and reserves, and to the dolphin and whale watching cruises on and off the port.

To my knowledge Port Stephens has more volunteer organisations looking after the environment than any other electorate. This year Soldiers Point and Salamander Bay won the New South Wales Tidy Town award. Newcastle, which is at the other end of the magnificent Stockton Bight, won the best metropolitan award. There are so many volunteer organisations looking after the welfare of the environment of Port Stephens that it is true to say that the people of Port Stephens own their environment.

Some of those volunteer groups are: Streamwatch, Coastcare, Kooragang wetlands, Shortland wetlands, school environment projects, parks and reserves committees, Hunter Botanic Gardens, the tidy towns committees, coast care groups, the sports fields committees, koala protection groups and the Dolphin Research Education and Management [DREAM] group that looks after the dolphins at Port Stephens. I take the point made by the honourable member for Ballina about the incremental improvements that have taken place over the past 20 years. Since the coast became a very important area to protect there have been huge environmental gains.

When I was a member of Port Stephens Council in 1983 there were 11 raw sewage outfalls into the port. The water quality was not very good, but the problem was eased by the fact that there were not many people living in the area at that time. Since 1983, under successive governments, both Liberal and Labor, the

Tomaree-Boulder Point sewage outfall system and the Tilligerry system were installed. Recently \$11 million was spent on the closure of the Medowie sewage treatment plant and the transfer to Raymond Terrace under the major upgrade-expansion program. Karuah is about to open a \$15 million state-of-the-art sewage treatment plant that will prevent outfalls to the waterways entirely.

There are now free boat sewage pump-out stations at five points around the port, developed under a 50-50 arrangement between the State and Federal governments. The honourable member for Kiama referred to stormwater improvements. Gross pollution traps have been installed and in the first quarter of last year we were collecting 13 kilograms of waste. In the last quarter of last year we collected 2,252 kilograms of waste as the Raymond Terrace and Nelson Bay stormwater pollution traps have come online. In respect of waste minimisation the State has a target of 60 per cent reduction to landfill. Port Stephens blew that away by achieving an 80 per cent reduction to landfill by using the Bedminster plant.

In addition, 15,000 tonnes of sewage sludge and 30,000 tonnes of domestic waste goes through that plant and produces 80 percent of compost. There are no more coastal landfills. In fact, to give honourable members an example of intergenerational debt, expenditure of \$15.5 million was required at Raymond Terrace to develop five cricket fields in order to meet the Environment Protection Authority's requirements on a dump that was next to waterways and included membranes, methane pipes, methane towers and one metre of clay fill. *[Time expired.]*

**Mr HUMPHERSON** (Davidson) [12.02 p.m.]: As the honourable member for Ballina indicated, there should be no disagreement about the importance of protecting our coastline. However, the Coalition would stop short of congratulating the Government on its record because we do not believe that congratulations are warranted. Any honourable member who has flown into Sydney from the west coast of the United States of America or possibly from New Zealand on a crisp, clear morning will attest to the fact that Sydney has a unique coastline. Anyone who has had an opportunity to fly over the New South Wales coast and its range of headlands and beaches could not help but be inspired, because it is one of the most impressive sights in the world.

We have a responsibility to protect the coastline, and former governments have made efforts to do so. Unfortunately, the Premier's rhetoric has not been matched by the action he could have followed through with. The coastline from Sydney up to the Tweed and the Queensland border and down to the Victorian border has an aesthetic quality and natural beauty. Marine protection is a priority. Many hundreds of thousands of people appreciate the coast's recreational qualities on any day of the week. However, there are threats to the coastline from effluent and pollution which impact directly on water quality. I state categorically my strong objections to and concerns about any form of substantial high-rise development in close proximity to the coast. I also believe that canal developments have the capacity to impact substantially on the quality of estuarine waterways up and down the coast. There has been a range of developments under the Labor government, but the Government does not have a record it is entitled to be proud of.

By way of example I cite the Sandon Point development in Wollongong that the Government has given the green light to. It is close to the coast and will impact on nearby wetlands. State environmental planning policy No. 5 medium-density developments up and down the New South Wales coast that are completely out of character with the properties they adjoin have an impact on the quality of the coastline. At the Casuarina Beach development in the Tweed, sand dunes have been cleared to facilitate development that is at odds with the principle of protecting the coastal environment.

I refer honourable members to the Prince Henry Hospital site in the Premier's electorate of Maroubra—right on the coastline, a high-rise, multistorey development given the green light by the Premier. That development, too, is at odds with the principles relating to coastal development. This is the same Premier who, prior to the 1988 State election, approved the development potential of east Circular Quay. There are inappropriate developments on Sydney Harbour, which is part of the New South Wales coastline, the primary estuary entering the Pacific Ocean. Developments have been proposed at the North Head Quarantine Station, Callan Park, the Hunters Hill High School site and various marinas in Pittwater, all of which are at odds with protecting the coastline and its environment value.

Developments are proposed for Diamond Head, near Taree. The Minister for Planning has taken control of a development at Cronulla which is only several hundred metres from the beach. The Coastal Protection Act, which the Government has had seven years to get right, still does not apply to Newcastle, Wollongong, Sydney and the Central Coast. Not long ago the Government sold off 42 blocks of land at Crescent Head, right on the coast—all of which is at odds with what the Government espouses about protecting the environment.

There is no basis on which this Government should be congratulated. Despite the great work under the Greiner and Fahey governments in implementing the clean waterways plan for Sydney and the coast, that project has basically stalled under Premier Carr. A sewage treatment has not been advanced. Money has been siphoned off to consolidated revenue instead and there are still hundreds, if not thousands, of unsewered properties across Sydney. The Government certainly does not have a record to be proud of.

**Mr W. D. SMITH** (South Coast) [12.07 p.m.]: This Government has a very proud record on environmental protection. Its policies are framed around the notion of sustainable development, the idea of balance between environmental values and the need to protect the environment. The aim of the Government is to create jobs and generate a healthy economy while providing for the social amenities that the community desires. In recent days the Government announced the southern forests agreement, which is an attempt to satisfy the requirements of the timber industry for wood from New South Wales forests while also making significant additions to our conservation reserves system.

A balance was in fact achieved. The agreement will provide security for the timber industry for the next 20 years, add more than 100 new national parks, nature reserves and Crown reserves, and make about 80 additions to existing national parks in southern New South Wales. The reserve system has been expanded by almost 320,000 hectares. In relation to the southern forests, the Government has created more than 1.4 million hectares of new national parks and reserves, an increase of 33 per cent, a record that we can certainly be proud of. Those increases have allowed us to create a continuous corridor of national parks and reserves stretching 350 kilometres from the Victorian border to just south of Macquarie Pass near Wollongong.

I will mention a couple of the additions to the reserves. The Greater Murrumang National Park was increased by 960 hectares. It protects high diversity values in the spotted gum forests and increases the size of Murrumang National Park fivefold. It also protects the catchment of Durras Lake. Lake Conjola National Park was extended by 6,800 hectares. It protects important coastal old-growth remnants and includes spectacular pink granite falls near George Boyd lookout that are unbelievably beautiful. It is one of the most beautiful bits of geomorphology one is ever likely to see.

The reserve extensions build on what the Government did in its first term of office when it created the South-east Forests National Park, which was gazetted in 1997. The increased reserve areas have meant an increased budget for the National Parks and Wildlife Service. The last Coalition budget allocated a mere \$95 million to the service, or \$15.77 per hectare of national park. This Government has increased the budget to \$225 million, or \$33 per hectare. The Jervis Bay Marine Park is a significant development in my electorate. In the late 1970s and early 1980s when Jervis Bay was put onto the political agenda no-one wanted to know about it. It is great to be part of the creation of these marine parks some 20 years later. The park was based on the successful Great Barrier Reef Marine Park model. The approach was enshrined in groundbreaking 1997 legislation, the New South Wales Marine Parks Act, which aims to provide high levels of protection for our marine environment while permitting sustainable multiple use within our parks.

People use Jervis Bay Marine Park to fish off the rocks, in a boat or off the beach, to spearfish, to scuba dive or snorkel, to surf, to sail on the bay, to jet ski, to swim, to sailboard or to fish commercially. The list goes on. To balance all those activities is a challenge that the Marine Parks Authority is coming to grips with it. Jervis Bay is known worldwide for its pristine waters, clean catchment areas and beautiful white sands. It includes a wide range of marine habitats including sandy beaches, intertidal rocky shores, subtidal reefs, soft substrate habitats, algae communities and mangroves. It is also home to a number of rare or threatened species, including the grey nurse shark, the eastern blue devil fish and one of the most beautiful animals I have ever seen, the weedy sea dragon. The park also contains the elegant wrasse, bottlenose dolphins, migratory birds and whales. It is a wonderful, wonderful part of my electorate. [*Time expired.*]

**Mr R. H. L. SMITH** (Bega) [12.12 p.m.]: The motion moved by the honourable member for Kiama reads:

That this House recognises the importance of our coastline and congratulates the Government on its commitment to protecting its environmental values.

I endorse what the honourable member for Ballina said, that this is not the time for self-congratulations by the Government, rather it is time to bring to the fore the importance of our coastline. The previous speaker was the honourable member for South Coast. My electorate of Bega covers the far South Coast of New South Wales. We are particularly interested in this issue. Preservation of the coastline started in 1990 under the Greiner Government with the coastal protection policy, which has continued to the present day. The South Coast and far

South Coast have some of the most attractive foreshore that can be seen anywhere. Even though development is progressing further and further south, there have not been the big population influxes that have occurred on the North Coast. Therefore many of the things we want to preserve can still be preserved.

People are attracted to move to the east coast and the cities of New South Wales to settle and retire because of the environmental values. If the attractiveness of the foreshore is destroyed the people will not be happy to be there. Planning and balance will keep the natural advantages there for generations to come. A problem facing my area—it exists on the North Coast as well—is the lack of infrastructure in areas with relatively high growth rates. Almost every town and village in my electorate is lacking in sewerage, water or stormwater planning. All governments must concentrate on these issues. Untold damage is being done because infrastructure is not keeping up with population growth. Landfills reached capacity many years ago. Sewerage systems are still overflowing into lakes. At Batemans Bay during the summer influx of tourists storm rains cause the sewerage system overflow valves to pop and allow sewage to leak onto camping grounds and the like.

We must do more to upgrade the infrastructure. Stormwater is another major problem in most coastal towns. Insufficient money and planning are provided to fix up the stormwater problems. An injection of millions of dollars of infrastructure is needed. If it is not provided many of the things we want to preserve will be ruined. The attractions of the South Coast must be preserved so that future generations can enjoy them. We also have to cater for the needs of people who want to retire or holiday on the South Coast, without causing development that would ruin the area. In the future there should be planning to avoid the type of strip development along the foreshore that has occurred at Batemans Bay.

**Mr NEWELL** (Tweed) [12.17 p.m.]: I support the motion, which has been endorsed by members from both sides of the House:

That this House recognises the importance of our coastline and congratulates the Government on its commitment to protecting its environmental values.

Population and development pressures in the Tweed and along the far North Coast are even greater than those faced by the South Coast. While I am fully supportive of the Government's legislation I agree with the honourable member for South Coast that we should ensure that those coastal attractions are preserved and protected from the urban sprawl as much as possible. Unlike the South Coast, the Tweed certainly does have population pressures. Just over the border, the city of Gold Coast has about half a million people, which places a burden on the infrastructure and the environment. In the Tweed we have done a lot to ensure that the sewerage system is kept up to standard.

In particular, the sewerage plants need to keep up with pressures put on them by residents as well as by the transient weekend population. People seek refuge in the Tweed from the urban sprawl in the north, around Brisbane, and from the Ballina electorate, to the south. I acknowledge the role played by the Minister for the Environment in helping reduce those impacts. Recently he announced a \$961,100 grant to five local government areas along the North Coast to help reduce stormwater pollution. That money will be well spent within the Tweed Shire Council area where there are more than 2,000 petrol stations and other commercial shops and industrial premises that will be audited with the assistance of that fund. Those enterprises will be encouraged to improve their environmental practices, which no doubt will have a significant environmental benefit by preventing pollutants in stormwater discharges from entering local waterways such as the Ukerebagh Passage in the Tweed.

Last year, in co-operation with local, State and Federal governments, a stormwater rubbish trap was installed adjacent to the Minjunbal Aboriginal Museum in South Tweed. Its role is being evaluated at the present time. At Cabarita, to the south, a stormwater drain and a different type of rubbish trap was installed and that is also being evaluated. That was installed with the co-operation and funding of State, Federal and local governments. I congratulate the Kingscliff community, which has been announced as the winners of the Regional Clean Beach Challenge Award for the overall cleanest beach in the northern rivers area.

That vibrant community treasures its environment. Many groups, including the surf club, Dune Care, ratepayers, the progress association, the business community and residents have put a lot of time and energy into creating and preserving that highly valuable community asset. Their work has now been recognised. I congratulate them and wish them good luck in the next round of the competition. Development in coastal and estuarine zones is of concern to us all and I am pleased that the Government has introduced legislation to further extend that protection. The guidelines must be followed and the Kingscliff community is also concerned about pressures to increase height limits and restrict public access and open space in car parking areas.

**Mr J. H. TURNER** (Myall Lakes—Deputy Leader of the National Party) [12.22 p.m.]: I support the motion concerning the New South Wales coastline. We are very pleased to have such a beautiful coastline. Many of us have travelled to other parts of the world and the beauty of our coastline never ceases to amaze us on our return home. In the Myall Lakes electorate there is a mixture of coastlines, including lakes, which extend into the adjoining electorate of Port Stephens. My electorate includes the Myall, Smiths and Wallis lakes and beaches stretching from Tea Gardens-Hawkes Nest to Taree. Not many areas are prettier than that, and that is why so many people are attracted to live along the coastline. Of course, many people are attracted to live in inland areas.

Wallis Lake is one of the most pristine lakes along the east coast and there has been a concerted effort to keep it that way. I congratulate the Great Lakes Council on its efforts in ensuring that the lake is kept beautiful by promoting a public awareness program to keep street refuse from entering the lake. The council participated in the clean beach competition mentioned by the honourable member for Tweed. That was taken on with gusto and vigour and I congratulate all those who were involved. However, there are problems associated with the coastline and I am concerned about a document entitled "Discussion Paper—NSW Coastal Design Guidelines (November 2001)" issued late January or early February this year. I have read that complex document, and it contains controversial views on how coastal development should proceed.

The document needs significant exposure to the general public because we want to get coastline development right. I was concerned that the time for submissions closed on 1 March, because people who will be affected by the guidelines would have been very busy over the Christmas period. I issued a press release asking for an extension of time for submissions on the discussion paper but that fell on deaf ears. I am concerned that the discussion paper was issued at that very busy time, and I note that the Minister for Planning issued his press release on 28 December. While there is an argument that the maximum number of visitors were on the coast at that time and might have been attracted to looking at the discussion paper, it could be said equally that people would have been completely turned off giving any thought about anything other than having a good holiday in one of the most beautiful areas in New South Wales.

On another tangent, we concentrate on the coastline, as we should, because we have to look after it for future generations, but let us not throw the baby out with the bathwater. Let us not just stop everything and impose arbitrary decisions. We have to have balance between working and holidaying, and let us not forget the inland areas. We tend to concentrate on the coastline and coastal development and we have Ministers with arbitrary powers to stop or change development. Recently the Minister placed a heritage order on Tudor House at Forster—I will not debate the merits or otherwise of that at this time. We need to look after the inland towns and cities that also have problems associated with the environment, particularly river towns. The coast has become an emotional issue and sometimes blurs the vision of proper planning and proper development assessment. I hope that the coastal design guidelines contain balance, not just emotion.

**Mr BARR** (Manly) [12.27 p.m.]: The eastern coast of Australia from Victoria to Queensland is one of the most beautiful coastlines in the world. In New South Wales we are blessed with a glorious coastline, but we have loved it to death. We have allowed untrammelled development and too many speculative builders to monopolise beautiful sites with the aim of making a fast buck, and there have not been enough controls. It is time something was done to correct this longstanding problem. Although I appreciate that a number of councils may be upset about the removal of some of their planning powers, the evidence clearly shows that the system has been a failure and we need to tighten up measures that deal with coastal development.

Figures indicate that over the next 20 years 500,000 more people will live along the coastline and many cities will develop, particularly in the North Coast and Tweed areas. Proper planning controls must be in place to try to correct past mistakes. We must consider not only unsightly developments along our coastline with ribbon and high-rise developments but the problems of run-off to waterways and oceans. That is a critical issue. We must take catchment management more seriously to ensure that developments in those areas are minimal and constructed in a way that is sensitive to the environment.

I refer to a recent development that is just outside my electorate but which has an impact on my electorate: the Ardel development at the headwaters of Manly Dam. The development consists of a series of townhouses. Stormwater run-off from that development has had an adverse impact on Manly Dam. A water quality control pond was built to control the run-off, but it has been shown to be manifestly inadequate. Sainty and Associates, consultants, prepared a report to Manly Council stating that the pond would not be large enough and that prediction has proved to be correct. We must be more serious about the way we deal with our sensitive and beautiful areas. Stormwater run-off, litter control and products that enter our waterways are also relevant. For example, gross pollutant traps—which are the end of pipe type solutions that we impose on our waterway—

catch 250 kilograms of litter per hectare per year in urban areas, of which 70 per cent is leaf litter, 25 per cent is drink bottles and beverage and packaging material, and 5 per cent is sediment. Each kilogram of sediment within a gross pollutant trap contains 10 milligrams of nicotine.

People throw cigarette butts on the road and pavement and they end up in our waterways. The more untrammelled development we have in the vicinity of our waterways, the more this practice will occur. Development must be controlled. In residential areas 0.7 of a cigarette butt can be found per metre of gutter. As gutters are on both sides of the road, this means for every metre of residential road there are 1.4 cigarette butts. In shopping strips there are four to five cigarette butts per metre of gutter, which equates to up to 10 butts per metre. They are washed into our waterways. We must look at developments holistically and consider the aesthetics, stormwater run-off, sewage and litter brought about by population pressures. These matters have not been properly addressed in the past. They must be addressed in the future if we are to preserve the beauty along our coastline.

**Mr WEBB** (Monaro) [12.32 p.m.]: This motion has been given precedence over other motions on the notice paper. The importance of our coastline is obvious, particularly to those who live on the coastline and in my electorate on the far South Coast of New South Wales. Pambula River, South Pambula, Eden, Ben Boyd National Park, Nadgee Beach, Newtons Beach and Green Cape have been acknowledged as pristine wilderness areas and have great historical importance. New South Wales and the nation had their early beginnings in coastal areas with whaling and exports. A balance must be maintained. Honourable members have referred to the importance of developing coastal land and doing so in a balanced way.

We must have access to those areas in order to acknowledge the pioneering days of the past, to address important environmental issues through bushfire management, to promote tourism and to support local businesses. That is vital to the development of the State. Preventing development and providing buffer zones for the National Parks and Wildlife Service on private land at the cost of private landowners will not help tourism or the development of these regions, particularly those on the far South Coast, in the long term. This will have an effect on the sustainability of coastal areas. It has been recently acknowledged that populations on the coast will increase by 50 per cent to 60 per cent over the next 25 years, which equates to an additional 500,000 people. It is estimated that during that time Sydney's population will increase by 800,000 to one million. That will have a massive impact on the coast and the more remote areas—bearing in mind that my electorate is 500 kilometres from either Sydney or Melbourne—should not bear the brunt of environmental devastation.

Honourable members have referred to rubbish, stormwater and effluent disposal. Those issues must be addressed and financed by Sydneysiders. Country people should not have to pay the same price. They are responsible for their own businesses and are keen to promote tourism. The Government should not have the power to say that they can no longer enjoy the use of their land in the way they see fit or develop it merely because the Government is not able to address environmental problems elsewhere in this State. Conservation of the environment—be it coastal, inland or The Domain—is the responsibility of everyone in the State. We all must play our part. Farmers love the bush and fishermen on the coast love their country and coastline. There must be sufficient education to reach a balanced approach to development, land use, growth and habitation of the coast. Locking up areas and patting ourselves on the back will achieve nothing because bushfires, feral animals or weed infestation will destroy the very things we value. The people who have invested in that land, those who have businesses, visitors and all who cherish the land acknowledge that locking it up will not solve these problems.

**Mr BROWN** (Kiama) [12.37 p.m.], in reply: I congratulate all honourable members who have taken part in this debate. Reluctantly, I do not agree to the amendment moved by the honourable member for Ballina, which seeks to delete all words after "coastline". This motion does not condemn previous conservative governments but simply congratulates this Government on its commitment thus far. The honourable member for Ballina referred to important matters of urban development and the efforts of the Coastal Council. The House should acknowledge his efforts on that council. Along with other honourable members, he seeks to deal with the problem in a non-political way to ensure that we get it right for the long term.

I am pleased that the honourable member for Ballina agrees with the Government about extending the definition of "coastal zone" to include the greater metropolitan region as well as the Hunter and the Illawarra. He also recognised that there is always more to do—a theme common to many speeches. The honourable member for Port Stephens painted a dramatic picture: 35 per cent of his constituents consider the environment to be their No. 1 concern. That is amazing. The honourable member's electorate has changed a great deal since he served on the local council in the early 1980s, when raw effluent flowed into Port Stephens bays and regional rivers. Most areas are now sewered properly and Karuah is about to be sewered completely.

The honourable member for Davidson raised several interesting points but I am a little concerned about his understanding of state environmental planning policy No. 5 and his views on medium-density housing. He did not explain adequately how the population will extend towards the coast or how he would support urban expansion to coastal villages. Without medium-density housing many farms and beautiful expanses of coastline would become extended urban subdivisions. What is the Opposition's view of medium-density housing? If it opposes that idea how does it propose to grow those areas?

The honourable member for South Coast made an excellent contribution to the debate. He acknowledged that coastal towns will continue to develop and that such development must be sustainable. He noted the Government's contribution to the forest agreement, which provided an extra 1.4 million hectares of national park land and reserves on the South Coast and will assist with developing the coastal management plan. He also discussed the creation of Jervis Bay Marine Park and the difficulties that communities face balancing competing interests in areas of environmental significance. The honourable member for Bega referred to the beauty of the spectacular coastal stretches in his electorate and pointed out that the population influx in his locality is not as great as on the North Coast.

The honourable member for Tweed gave his perspective on the population influx on the North Coast and discussed the use of rubbish traps in the South Tweed to deal with garbage overflow. The honourable member for Myall Lakes, who also represents a beautiful part of the State, made sure that we understood the relationship between inland and coastal areas. I was pleased to hear the honourable member for Manly echo my comments that we must not love our coastline to death and that we must control development. He also acknowledged the Government's commitment to transferring some planning decisions from local councils, which have clearly failed in some areas. The honourable member for Monaro offered the perspective of inland communities, and I thank him for his contribution. I also thank the House for permitting a debate on this important subject.

**Question—That the words stand—put.**

**The House divided.**

**Ayes, 51**

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

**Noes, 33**

Mr Armstrong	Dr Kernohan	Mr Slack-Smith
Mrs Chikarovski	Mr Kerr	Mr Souris
Mr Collins	Mr Maguire	Mr Stoner
Mr Cull	Mr McGrane	Mr Torbay
Mr Debnam	Mr Merton	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	
Ms Hodgkinson	Mr Rozzoli	<i>Tellers,</i>
Mrs Hopwood	Ms Seaton	Mr Fraser
Mr Humpherson	Mrs Skinner	Mr R. H. L. Smith

**Pair**

Mr Mills

Mr Brogden

**Question resolved in the affirmative.****Amendment negatived.****Motion agreed to.****NORTH HEAD QUARANTINE STATION****Mr BARR** (Manly) [12.55 p.m.]: I move:

That this House:

- (1) notes that on 7 February 2002 H1, the oldest hospital building at North Head Quarantine Station, was destroyed by fire, the second fire in four months.
- (2) reminds the Minister for the Environment that the problems with security, maintenance and electrical wiring were raised with him.
- (3) calls upon the Government to immediately provide resources to maintain the quarantine station to an appropriate standard.

On 7 February a building known as H1, an old timber structure built in 1883, was destroyed by fire. The firemen who attended the site had to pump water from the harbour to try to extinguish the flames. They did not succeed. I make the point that the facilities on the site to extinguish the fire were inadequate. That in itself is a shame, but it is symptomatic of the lack of adequate maintenance on the site over many years. The reason for that is the tortuous process by the Government to determine whether a 45-year lease should be granted to a private hotel operator. While this process has taken place, the maintenance to the quarantine station site has been inadequate.

I drew the attention of the House to this issue in a matter of public importance on 23 October 2001. In my speech I spoke about the various buildings, the lack of adequate maintenance and the lack of proper care of movable heritage items. Building H1 is the second building to be destroyed by fire in the space of four months. The first building, known as P22, was destroyed on 13 October 2001. Building P22 was the third-class accommodation quarters, a magnificent old building of timber structure also built in 1883. The destruction of two buildings in the space of four months reflects inadequate security and fire prevention strategies.

The conservation management plan that was signed off in April 2000 specifically stated that immediate works were to be undertaken within a one-year time frame. Those works included fire hazard reduction and improved security. Yet 18 months later building P22 was destroyed by fire. The indications are that the cause of the fire was arson. It is not the first time that vandals had come onto the site and inflicted damage on structures. Four months beyond that—22 months after the plan was signed off—building H1 was destroyed by fire. I am told that a blackout had occurred and electrical work had been undertaken. Within about one hour of that work being undertaken the building burnt down. I believe that the jury is still out on the cause, but that is the preliminary view.

The Government is trying to palm off heritage to a private operator. The quarantine station is one of our most significant heritage sites, yet the Government does not seem to be prepared to put money towards the site or to develop a proper and coherent plan of management whereby the site could be managed and maintained in public hands for the interests of the public. It seems to want to hand it over to a private developer, whose primary interests will be obviously for the shareholders. While the process of reaching an agreement to release the determination of the preferred tenderer and an environmental impact statement has continued, the business activities of the quarantine station have been in a state of limbo. They have continued, but not with the vigour with which they could be undertaken had some clear direction been given as to the future of the quarantine station.

Although the Convention Centre is still highly popular and there are difficulties in booking it, there is certainly scope for expansion. There is no reason why, with a proper plan of management, the site could not be maintained in public hands. The figures I obtained from the Minister indicated that last year the Quarantine Station lost \$180,000 on a turnover of \$1.4 million. In the scheme of things \$180,000 is not big biscuits. The business activities of the station could easily be turned around with a proper business plan and appropriate subleasing to, perhaps, a restaurant operator or kiosk. The updating of the Convention Centre facilities would encourage more activity.



The threshold issue is whether such a crucial and critical site should be kept in public hands or handed over to a private operator with a 45-year head lease. The Government has not shown the public or demonstrated to this House the justification for going down that path. Figures from the National Parks and Wildlife Service are rubbery and inconsistent. Last year in debate on a matter of public importance I gave a series of figures showing the contradictions and inconsistencies in the figures provided by the National Parks and Wildlife Service. Those figures were not rebutted in either this House or the commission of inquiry. The House was informed that those matters would be addressed. The whole premise of going down the path of leasing the site to a private operator is based on figures that have not been properly substantiated.

A foundation manages Ellis Island in the United States. Everything is done for the benefit of the site, not for outside shareholders. The path taken by this Government and the previous Government has made the quarantine station vulnerable because not enough effort and activity have been put into preserving and maintaining the buildings. Some maintenance work has been done, but very little. Last year I cited the example of building H2, the companion building to H1, the hospital building that burnt down. A broken handrail was damaged after a child fell through it. That accident occurred after the insurance report stated that the railings were unsafe. The handrail was left on the ground for a long time.

I gave numerous other examples of how the buildings were becoming dilapidated. This site is of momentous importance to us all. Its past involves immigration, public health and maritime history. It is on North Head, a wonderful natural area. The site also has an older built-up area and includes other areas such as the School of Artillery site and St Patrick's Estate. The whole of North Head, including the Quarantine Station, should be the subject of a coherent, holistic plan of management. I do not believe there is any way the House can reject my motion. I call on the Government to provide immediate resources to maintain the Quarantine Station to an appropriate standard. Clearly, it has not been maintained to that standard. No-one in this House could deny that when two 119-year-old buildings have burned down within a four-month period. The condition of the Quarantine Station is nothing less than a scandal; it is a disgrace. I call upon the House to support the motion.

**Debate adjourned on motion by Mr Stewart.**

*[Mr Speaker left the chair at 1.05 p.m. The House resumed at 2.15 p.m.]*

#### **AUDITOR-GENERAL'S REPORT**

**Mr Speaker** tabled, pursuant to section 52A of the Public Finance and Audit Act 1983, the report entitled "Auditor-General's Report 2002—Volume Two", dated April 2002.

#### **PETITIONS**

##### **Roselands Shopping Centre Site Rezoning**

Petition asking that the House ensure that Canterbury City Council not rezone the Roselands Shopping Centre site but maintain existing zoning controls over all areas adjacent to residential properties and the retail complex, received from **Mr Iemma**.

##### **Stem Cell Research**

Petition praying that the House support adult stem cell research and oppose the creation and use of embryos for stem cell extraction, received from **Mrs Grusovin**.

##### **Freedom of Religion**

Petition praying that the House retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Mr Ashton**.

##### **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**.

### **National Parks and Wildlife Service Prosecutions**

Petition asking that the National Parks and Wildlife Service ensure that prosecutions under the National Parks and Wildlife Act are properly and responsibly based, received from **Mr Rozzoli**.

### **Lane Cove Tunnel Works**

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

### **Cammeray Traffic Arrangements**

Petition praying that pedestrian traffic signals be installed at Raleigh Plaza on Miller Street, Cammeray, and that the 1997 traffic study be implemented, received from **Mr Collins**.

### **Sydney Harbour Bridge Toll**

Petition requesting that the Sydney Harbour Bridge toll increase be rescinded, received from **Mrs Perry**.

### **Pensioner and Senior Citizens Travel Concessions**

Petition calling for provision of equitable travel concessions for holders of pensioner concession cards and/or senior citizens cards, received from **Mrs Perry**.

### **Parramatta-Liverpool Bus Transitway Pensioner Concessions**

Petition asking that pensioner concessions be provided on the Parramatta-Liverpool bus transitway and to all New South Wales pensioners travelling by public transport, received from **Mrs Perry**.

### **M5 East Tunnel Ventilation System**

Petition praying that the Government review the design of the ventilation system for the M5 East tunnel and immediately install filtration equipment to treat particulate matter and other pollutants, received from **Mr J. H. Turner**.

### **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**.

### **Cessnock Powerlines**

Petition asking that an alternative route be adopted for powerlines proposed for the Nulkaba zone substation project, Cessnock, received from **Mr Hickey**.

### **Northbridge Primary School**

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

### **Currans Hill Public School**

Petition asking that airconditioning be installed in all demountable classrooms at Currans Hill Public School, received from **Dr Kernohan**.

### **Police Superintendent Robert White Reinstatement**

Petition asking that Superintendent Robert White be returned to the position of Local Area Commander, Hawkesbury Region, Police Service, received from **Mr Anderson**.

**Casino Policing**

Petition requesting increased police numbers at Casino and that the police station be manned 24 hours per day, received from **Mr George**.

**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**.

**COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION****Report**

**Mr Hunter**, as Chairman, tabled the report entitled "Seeking Closure: Improving Conciliation of Health Care Complaints in New South Wales", dated April 2002.

**Ordered to be printed.**

**COMMITTEE ON CHILDREN AND YOUNG PEOPLE****Report**

**Mr Campbell**, as Chairman, tabled the report entitled "Amendments to the Child Protection (Prohibited Employment) Act 1998 Regarding Convictions for Serious Sexual Offences, and Other Matters", dated March 2002, together with minutes of evidence.

**Report ordered to be printed.**

**QUESTIONS WITHOUT NOTICE**

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**COMMISSIONER OF POLICE RESIGNATION**

**Mr BROGDEN:** My question without notice is to the Premier. Yesterday Michael Costa said that Peter Ryan had resigned. Documents tabled today indicate that Commissioner Ryan's contract will be terminated and he will be removed from office. Has his contract been terminated so that he can receive \$450,000 of taxpayers' money to which he is not legally entitled if he resigns?

**Mr CARR:** As I said yesterday at every opportunity, Commissioner Ryan approached the Government seeking to end his contract. In the course of seeking to end his contract the commissioner put certain terms to the Government. In accordance with advice received from the Crown Solicitor and the director-general of the Premier's Department, the Government agreed to the terms put forward by the commissioner. The Government agreed to end the commissioner's contract in accordance with the commissioner's terms; terms resulting in a settlement less than that stipulated by the original contract.

**Mr Tink:** Only if he finished it.

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

**Mr CARR:** I try to ignore interjections. I come in here with the intention of answering questions without being distracted, but the honourable member for Epping has interjected. He is saying that the payout was too great, based on the remuneration. But what did he say on 25 June 1999 about the commissioner's salary package? The honourable member for Epping said:

I think it is one of the most difficult public service jobs in the country. I think it demands a very significant level of pay.

[Interruption]

Right on cue he interjects. A little bit of paper containing a quote is sweating in his folder, and right on cue comes the interjection. This was, as the honourable member seems to recognise, a fair approach, given that any termination had the potential to expose the Government to 15 months remuneration in lieu of notice, access to the Statutory and Other Offices Remuneration Tribunal where a further 38 weeks was available.

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

**Mr CARR:** There was a potential for payment of the unexpired portion of the contract, under Contract Law. Today the Minister for Police has tabled documents relating to this matter, but there are other documents that caught my eye this morning, which showed that the Coalition has no credibility when it comes to ending contracts with senior executives. The Senior Executive Service was established by the previous Coalition Government in 1989. In the 5½ years from 1989 to March 1995 the total compensation paid under the Greiner and Fahey governments to senior executives, including chief executive officers, was \$30 million. In today's dollars the figure paid out by the former Coalition Government would be \$37 million.

*[Interruption]*

What is the honourable member for Baulkham Hills complaining about? He should have got a payout when he was relegated to the backbench, but he should not take that out on me. In our seven years in government end of contract payments, including the end of contract payment to Mr Ryan, is a mere \$14 million. That is a big difference, a profound difference. I take this opportunity to say that the Government has commenced the process of recruiting a new police commissioner, pursuant to the Police Service Act. After next Wednesday's Executive Council meeting, the current Senior Deputy Commissioner, Ken Moroney, will become the Acting Commissioner of Police. Senior Deputy Commissioner Moroney will fill that role until the completion of the recruitment process. Advertisements for the position of Commissioner of Police will appear from Saturday 20 April and will run for two weeks. I am advised that the interview and selection process will take approximately four weeks. That means that a new Commissioner of Police should be in place by early June.

**Mr Armstrong:** Have you advertised overseas?

**Mr CARR:** That is a very good question. The House will note that all questions asked by the honourable member for Lachlan are good and astute; he is on the job, and I will not draw comparisons with anyone else opposite. The Government wants the new Commissioner of Police in place when the restructure of the police force commences on 1 July. In addition, I advise the House that the remuneration range for the position will be either level seven or level eight chief executive service position. At this stage the Government favours a two-year—

*[Interruption]*

I do not want to have to embarrass the honourable member for Epping again by talking about the things he said on the record. But he is embarrassing himself. Applications for the position will not be sought from overseas. The next Commissioner of Police will be recruited from Australia. The job description will include a number of requirements, among them is to proceed with the restructuring of the Police Service to liberate officers from desk duties and from excessive paperwork and get them on the job.

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

**Mr CARR:** Other requirements are to proceed with the police force restructure, with particular emphasis on increasing local policing presence, to implement current plans to target repeat offenders, including enforcement of bail laws. The job description includes implementing current plans to streamline both the police complaints and police promotion system, to address sick leave within the force and to ensure that training and recruitment of police officers will attract recruits with life experience.

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

**Mr CARR:** A major responsibility of the new commissioner will be to implement the Government's police numbers plan to have 14,400 police by December 2003, and we are on target, absolutely on target. As the House will understand, these are opportunities to consolidate reforms made by Commissioner Ryan and there is also a chance for new and fresh ideas. Today Senior Deputy Commissioner Moroney indicated his intention to apply for the position. Mr Moroney and other suitable candidates are welcome to apply for this difficult but very important position.

## PRISON CONTRABAND

**Mr ANDERSON:** My question without notice is to the Minister for Corrective Services. What is the latest information on efforts to prevent contraband from entering New South Wales prisons?

*[Interruption]*

**Mr AMERY:** I know why the Opposition wants to open up the Callan Park issue again—it is because the honourable member for Wakehurst will be its first patient. They would put his electorate office there. His constituents could visit him there in ward 21. There are no second prizes, although the honourable member for Wakehurst is the closest thing I have seen in a long-time to a second prize. This question gives me an opportunity to announce a further crackdown on visitors trying to smuggle various items into our prison system.

**Mr Hazzard:** Chinese banquets.

**Mr AMERY:** You should speak to the member for Lane Cove about banquets in gaols. I have hurt your feelings now.

*[Interruption]*

I just heard an interjection asking, "Why don't you apply to be the Commissioner of Police?" The first job I would do as Commissioner of Police is investigate that lunch at Martin Place with the honourable member for Lane Cove, the honourable member for Baulkham Hills, the honourable member for Vacluse and the honourable member for Ku-ring-gai.

**Mr Carr:** And the member for Bega was there.

**Mr AMERY:** The member for Bega was also there. I would also want to know who is on the menu. Honourable members might recall the performance at yesterday's question time of the stunned mullet leading for the Opposition at the moment. The second job I would do as Commissioner of Police is investigate the Opposition member who said last night, "I think we had better get him down to the beach and kick his shoes off because he ain't cutting it in here."

Our vigilance outside our gaols remains a top priority for the Government through the Department of Corrective Services. I take this opportunity to thank prison officers for the great job they are doing in cracking down on the contraband being smuggled into our prison system. New South Wales police also often assist with these regular search operations. However, it is interesting to point out that correctional officers have the same powers of arrest as police on these types of occasions. The Drug Detector Dog Unit is also usually involved in the searches. It is important to give credit to the prison officers who conducted the crackdown on contraband entering our prisons. During February and March of this year alone correctional officers have intercepted a total of 219 grams of cannabis, 55.8 grams of other prohibited substances and 152 syringes. They also found three bottles of tablets and 30 loose tablets, including ecstasy, Valium, diazepam and methadone—the honourable member for Wakehurst should not get excited—and 106 implements such as bongs, tattoo guns and 68 weapons, including knives, baseball bats, metal batons and scissors.

As a result of these finds, about 100 people have been charged with various offences. Examples of the finds outside gaols across the State included: a water bottle filled with vodka at Silverwater on 13 February; \$450 in cash hidden in the clothing of a lady at Silverwater on 14 February; a quantity of belt buckles at Glen Innes on 24 February; a baton and a sharpened metal object at Lithgow on 2 March; a pick handle, two knives—and that was not outside the Liberal Party room—six syringes, a marijuana plant stem and a bong cone at Cessnock on 2 March; a tattoo gun, a syringe and three long sticks at John Morony Correctional Centre, Windsor on 20 March; and a fire cracker, pepper spray and three shivs or sharpened implements at Long Bay on 30 March.

The trend has continued even last weekend. On Saturday officers intercepted 58.6 grams of cannabis, a cone, a pair of scissors and a packet of cigarettes following visitor searches outside Glen Innes Correctional Centre and two cigarettes hidden inside a woman's clothing outside the Silverwater complex, together with a bong, 0.1 grams of drugs and a syringe. On Sunday 13 cannabis plants, with an estimated street value of \$26,000, were found behind the front passenger seat of a car due to enter the Glen Innes centre. Also, 23 Valium tablets in a handbag, together with \$100 in cash, were found hidden inside a woman's clothing at the John Morony Correctional Centre. By contrast, searches of visitors outside Kirkconnell Correctional Centre on Saturday and Lithgow Correctional Centre on Sunday resulted in no contraband being found.

A number of maximum penalties for such offences are laid down under the Summary Offences Act 1988. These are generally up to two years imprisonment or a \$5,500 fine. The Corrective Services Superintendent of Operations also has the authority to ban visitors caught with contraband from visiting inmates for as long as he deems appropriate. These strategies do pay off and help to keep drugs and other contraband out of our prisons. I am told that after visitors have been banned from prison for a specified period, they do not generally attempt to smuggle contraband into our gaols again during future visits. The war against contraband being smuggled into our prisons will continue. I conclude as I started by paying tribute, on behalf of all honourable members, to officers of the Department of Corrective Services, who are doing a good job in intercepting these products being smuggled into our prison system.

#### DEPARTMENT OF COMMUNITY SERVICES DIRECTOR-GENERAL

**Mr SOURIS:** My question without notice is directed to the Minister for Community Services. Why is Carmel Niland still director-general when Department of Community Services [DOCS] emails this week reveal that staff claim they were sold out by her denial that DOCS is in crisis and have criticised her "ludicrous attempt to offload the responsibilities from DOCS to the relatives of abused children" and "do not want to wait for a child death to get help"?

**Mrs LO PO':** We need to get the facts straight. For the last few weeks the honourable member for Wakehurst has been promulgating lies about the department. In early March he was touting the notion that only one case in 40 was being attended to. It is now suddenly one case in 10 being attended to. He cannot be trusted because he has the facts completely wrong. The facts are that when Labor came to government the former Coalition Government had allocated \$49 million for child protection but only spent \$38 million. The Coalition did not spend 20 per cent of its budget. We have now bumped that up to \$121 million.

We have increased our caseworkers to 190 in the last year. Of the 55,000 reports that we get, we investigate the lot and find that 10,000 are substantiated. Tonight in this State 8,000 children will sleep safely away from their parents simply because DOCS has intervened. These facts need to be brought out because what we have heard from the member for Wakehurst are just fabrications. He will pick any number and run with it. I will turn now to the director-general. The director-general did not talk about kidnapping. Those who saw the program know that she did not say that. Every year we run a campaign that says to everyone, "If you see a child locked in a car, you have an obligation to break the window and take the child out of the car."

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

**Mrs LO PO':** We run that as a campaign every single year. It is about being a good citizen. Not one honourable member, even in the Opposition, would leave a child in danger. If the honourable member for Wakehurst visited a home where a child was being brutalised even he would intervene to ensure that the child was cared for. DOCS officers in the State work extremely hard to protect our children. We had 107,000 reports last year. We found that 52,000 reports were only scraps of information that we could not use and 55,000 were cases of suspected abuse, of which only 10,000 were confirmed upon investigation. Let us turn to the case referred to on television the other night. *60 Minutes* tried to suggest that the Department of Community Services is a careless department. I will give honourable members the facts of the matter. In the case that was featured on *60 Minutes*, DOCS officers attended the house in question on 10 occasions and made 17 telephone calls. Yet we are told that DOCS is not a caring department. In 1997, the Coroner noted—

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

**Mrs LO PO':** The Coroner noted that people do not like to interfere in families but when children die everyone complains that DOCS caseworkers did not interfere enough. During the inquest into the death of a child in 1998 the Coroner, Jan Stevenson, pointed out that the police asked various adults why they did nothing in relation to this child when they were all concerned. She said:

This child was passed around adults as if ... was an object in a game of pass the parcel ... (DoCS actions) ... do not excuse every other adult that saw the child who did not have the courage of their convictions to do something ... We as adults and we in various positions in the community, are there in many ways to be brave for those who cannot be brave for themselves.

The Coroner is telling us that we have an obligation to protect children. We cannot walk away and leave children in harm's way: we have an obligation to protect them. I do not want the Premier ever to slam my good friend the honourable member for Wakehurst for not having any policy. He has five good policies, which I will relate to the House. The first is the same slash-and-burn policy the Coalition adopted in government: get rid of DOCS officers and close DOCS offices. The second policy is to axe the helpline. The Opposition has given every indication that in government it would abolish that central point where all information is gathered.

**Mr Hazzard:** Point of order: I do have a policy: to protect children from dying. I ask only for truth, integrity and honesty from the Minister. I ask her to tell the truth about what is happening with these little kids. That is all the community wants—to protect kids. I do not want to hear silly attacks on policy initiatives that are actually quite significant.

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

**Mrs LO PO':** The honourable member's third policy is a corker: abolish mandatory reporting. If those opposite do not know about it, they will not have to do anything about it. Let little children go home to be sodomised, burnt, bruised, raped and battered—

**Mr Hazzard:** Point of order: Will I have the opportunity later to make a personal explanation or should I take a point of order now to explain that the Minister's comments are a total fabrication? I seek your guidance, Mr Speaker.

**Mr SPEAKER:** Order! It is a matter for the honourable member for Wakehurst whether he wants to take a point of order now or make a personal explanation at the end of question time.

**Mr Hazzard:** I will make a personal explanation.

**Mrs LO PO':** While we take pride in having the strongest mandatory reporting regime in the country, the honourable member for Wakehurst has said that he will review this system with a view to bringing it down. It is a simple case of out of sight, out of mind. The Coalition's policy is that ignorance is bliss.

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition will remain silent.

**Mrs LO PO':** The Coalition has another policy: it expects DOCS to take a child away on the strength of a telephone call. The honourable member for Wakehurst was making noises in the media the other day.

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

**Mrs LO PO':** He said that somebody had telephoned DOCS, which failed to remove the child on the strength of that phone call. The last policy of the honourable member for Wakehurst is a cracker: he wants the peninsula to secede from the State. Obviously he plans to set up these new operations in his local area. I conclude on this point.

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

**Mrs LO PO':** At the end of a debate last year the honourable member for Wakehurst concluded his remarks by saying to my colleagues:

I hope the kids who die in the next 12 months send them letters from heaven saying "Thank you, Labor members. You stopped this debate yet again."

This man has carriage of the protection of children yet he talks like a fifth grader. I can picture the scene in years to come when his grandchildren—

**Mr SPEAKER:** Order! I call the honourable member for Ku-ring-gai to order.

**Mrs LO PO':** When the honourable member's grandchildren ask, "Grandad, why would you say such a silly thing?" he will be able to say only, "I was the House fruitcake."

#### **BEGA CHEESE PROCESSING FACILITY**

**Mr W. D. SMITH:** My question is directed to the Premier. What is the latest information on major regional development projects and related matters?

**Mr CARR:** I plan to talk about one of the best pieces of news regarding regional development: Bega Cheese. I wonder whether produce from Bega was served at the very interesting lunch in Chifley Place yesterday that was attended by the honourable member for Lane Cove, the honourable member for Baulkham Hills, the honourable member for Vaucluse and—as we now know—the honourable member for Bega. They are

incorrigible. They start plotting and they never give up. I tell you what: the honourable member for Willoughby looks very much like someone who enjoys a plate of Bega cheese. He is very happy these days because he is back on the Opposition front bench. He is positioning himself as the next shadow Treasurer—a perfect springboard, one would think, for becoming leader of the Liberal Party, reborn after the next State election.

By the way—this information is not irrelevant to the future of Bega Cheese—the honourable member for Willoughby has more experience as a Minister than the Deputy Leader of the Opposition, the honourable member for Lane Cove and the honourable member for Baulkham Hills combined. That fact is not lost on Opposition backbench members, who are casting an eye over the range of talent available on the other side.

I make those comments in order to prompt honourable members to think about the future of Bega and Bega Cheese. I am pleased to inform the House that the New South Wales Government has agreed to lend \$20 million to Bega Cheese to expand its world-class cheese processing facilities on the South Coast of New South Wales. Bega Cheese is Australia's largest cheesemaker, and it is about to get considerably bigger—which is good news for jobs on the South Coast. In fact, with our help, production will double from \$100 million to \$200 million a year. That is a big increase—there will be a lot of cheese for the Liberal conspirators to nibble at their little gatherings and not-so-secret lunches—

**Mr Tink:** The rats are on your side!

**Mr CARR:** No, they are not. Would the honourable member for Ku-ring-gai agree with that, in light of the many assurances he was given? Would the honourable member for Lane Cove agree? They call the Deputy Leader of the Opposition the hatchet man. There he was honing that stiletto and as soon as he found an opportunity he plunged it deep into the kidney fat of the honourable member for Ku-ring-gai. I am reminded by that interjection that when the honourable member for Lane Cove became Leader of the Opposition in 1998 the Deputy Leader of the Opposition promised that he and his fellow right-wing members of Parliament would act as her Praetorian Guard. Caligula was murdered by his Praetorian Guard, Nero was murdered by his Praetorian Guard and, I think, Commodus was murdered by his Praetorian Guard. Enough of these distractions!

I am speaking about not one job, that of the current Leader of the Opposition, but the creation of 250 jobs on the South Coast of New South Wales as a result of this loan. Bega Cheese will be able to spend \$15 million on new machinery to slice and wrap cheese and to ensure its quality and hygiene, affirming Australia's role as a trusted producer of the highest quality processed foods. This loan would not have happened without the energetic support of the honourable member for South Coast and Country Labor—

*[Interruption]*

The interjections come so thick and fast I can hardly complete the sentence. I was going to add that the loan would not have happened without the determined lobbying of a former Eurobadalla mayor, Chris Vardon. I acknowledge the presence in the gallery of Bega Cheese chairman, Mr Barry Irvine and general manager of finance, Mr Colin Griffin. This is the second major loan to the company since 1997. The agreement will be signed in Bega.

*[Interruption]*

Don't be bitter! Faced with the choice between being positive and happy and being bitter and nasty, they always goes for the latter. Cheer up!

**Mr Hazzard:** Be happy in your work.

**Mr CARR:** A toiler as he is in the vineyard of truth. This is another huge win for the South Coast and regional New South Wales and a great boon for local families. It is calculated that these 250 extra jobs represent an injection of \$30 million into the local economy. Bega Cheese sells in 17 countries, including some of the most difficult markets to crack—Canada, Egypt, Japan, Korea and the United Kingdom. Exports account for half the sales. We have in Bega Cheese a globally engaged regionally based Australian company. Bega Cheese deserves our support and congratulations. My notes give me a history of the dairy industry in the Bega Valley since the 1850s, but I am not in a mood to detain the House, as much as members are clamouring for that useful, historical context. The Government has provided loans to other co-operatives through the facility we are activating today.

**Mr George:** Name them.



**Mr CARR:** Loans have been made to Dairy Farmers—\$27 million, Namoi Cotton in the State's north west—\$41 million, the Ricegrowers Co-operative in the Riverina—\$22 million, the Independent Liquor Group in western Sydney—\$5 million, Newcastle markets—\$2.6 million, and Appledale Co-operative at Orange—\$500,000. The next question he asks is how much in total. I can answer that too. The total loan figure is \$143 million since 1997. The loans are part of the Government's strategy to increase investment and generate jobs in regional New South Wales. We will continue to work hard in partnership with regional business to generate economic activity and jobs across New South Wales.

### SCHOOL VIOLENCE

**Mr BROGDEN:** My question without notice is to the Premier. Following the Premier's admission on the Alan Jones program of 4 April that there are "40 to 50 schools where there may be problems" of gang violence, will he now adopt the Coalition's policy of trialling police officers in schools to combat gang crime, as has been successfully implemented in three other States?

**Mr CARR:** I am pleased to address this matter. One thing stands out from the questions this week: not one has come from the Opposition without notice. Every question relates to something that was said in the media a week or two weeks ago. On my analysis of the questions, and today's question time confirms my conclusion, all the questions I have been asked this week have been foreshadowed days earlier in the media. The much maligned honourable member for Lane Cove asked questions that were more biting and better researched. Of the 12 questions asked by the Opposition this week, the first question, which was about mandatory sentencing, had been foreshadowed in the media on 2 April. The second question, which I received from the Leader of the National Party, had been asked in the upper House on 6 December by the Hon. Doug Moppett.

The next question on Tuesday, which was asked by the Leader of the Opposition, was based on the *60 Minutes* broadcast two days earlier. Then the honourable member for Willoughby asked a question on issues canvassed in newspaper reports eight days earlier. The wily honourable member for Lachlan then threw his hat in the ring and asked a question on ovine Johne's disease, which had been canvassed in the rural press over the last month. The very same question had been asked by the honourable member on 13 November 2001. The Opposition's performance on Wednesday was no better. They asked questions based on radio reports of my press conference at 11.30 a.m. Now I have been asked a question about a matter put into the media two weeks ago.

By the way, the questions of the much maligned honourable member for Lane Cove were less predictable and had more bite. There is a claim over there, "Bring back Luis M. Garcia". That claim will not long be ignored. The question is about trialling police in schools. A police in schools program has been trialled. The program was introduced in 1988 by the Greiner Government and was disbanded three months after its introduction. Both the education Minister Metherell—remember him—and, another name of happy memories, police Minister Pickering—hard to forget him—said in the *Daily Telegraph* of 7 December 1988:

Police manpower could not be stretched to cover adequately the State's 3,091 schools.

On 24 January 1989 Terry Metherell said:

It had been a whiz bang election stunt but it was dragging police away from their work fighting crime.

The Leader of the Opposition is lifting policies out of Greiner's policy speech of 1988 but ignoring the fact that they were abandoned, in this case, within two months.

**Mr Merton:** Three.

**Mr CARR:** Three months—thank you. Under the new Leader of the Opposition, this question passes for consummate policy research. He went back to the Greiner policy speech of 1988 but he overlooked a fact that they were abandoned within three months. The member for Baulkham Hills is so right. In the *Daily Telegraph* of 28 May 1988 Terry Metherell said this about the policy announced by Brad, also known as the Leader of the Opposition:

The campaign to fight juvenile crime by putting police in the schools is to be axed by the Greiner Government. The State Government has branded the scheme a waste of police resources and is therefore axing it.

Terry Metherell went on to say:

We have always said that we believed the program was a sham. It might be fine community relations but it is "a wasteful way of using police resources".

[*Interruption*]

Do honourable members think that the honourable member for Willoughby wrote this question? He was a Minister in the Greiner Government. He must remember this. I have not exhausted the stock of quotations from the late lamented Terry Metherell. He went on to say:

The officers involved have more important things to do than stand around a school playground.

Thank you for the question.

### COALITION FUNDING COMMITMENTS

**Mr BLACK:** My question without notice is to the Premier. What is the Government's response to community concerns about the Coalition's spending commitments?

**Mr CARR:** As honourable members know, only the other day I indicated to the House that spending commitments of the Opposition had blown out to \$2.9 billion.

**Mr Hazzard:** Point of order: I know you will not expect this, Mr Speaker, but I want to point out that every day in this House the Premier comes in and abuses the standing orders. He uses props and trivialises the Parliament. I ask you to require him to show some respect to you as the Chair and some respect to the Parliament, and put away his silly props and answer us with his silly words.

**Mr SPEAKER:** Order! The point of order taken by the honourable member for Wakehurst has some relevance. If the Premier wishes to produce information for the edification of the Chamber, I ask him to make it available to all members by tabling it.

**Mr CARR:** On 30 March the *Manly Daily* produced another spending commitment not accommodated in the material I have been sharing with the House this week. It quotes the current Leader of the Opposition saying:

Down the track is the upgrading of the Wakehurst Parkway. There won't even be a fight around the Cabinet table; there won't even be a murmur.

Again, I have had this latest spending commitment costed by the Roads and Traffic Authority [RTA]. The advice from the RTA, which I will share with any member of the media or the House, is that an indicative cost is no less than \$180 million.

**Mr Brogden:** That's nothing!

**Mr SPEAKER:** Order! I call the honourable member for Murrumbidgee to order. I call the honourable member for Murrumbidgee to order for the second time. I call the honourable member for Murrumbidgee to order for the third time. I call the honourable member for Ku-ring-gai to order for the second time.

**Mr CARR:** The Leader of the Opposition says that is nothing. Taken with those other commitments, it is now getting above \$3 billion. It breaks the \$3 billion barrier. But that is not the most outrageous single item on the list.

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

**Mr CARR:** On 2 April on Sky News the current Leader of the Opposition said:

What we are advocating, and what the Liberal Party announced some weeks ago is the construction of a tunnel [this is a proposal on the list] to effectively go under Mosman in Sydney to reduce the traffic flow ... sorry, traffic time and improve traffic flow significantly.

Then comes the clincher:

It would be almost completely privately financed.

If this roadwork, this great tunnel, this biggest example of civic engineering we have seen in the world since the fall of Alexandria, is not going to be financed by the public sector then it would have to be funded by a toll.

"Privately financed", when we are talking about a traffic tunnel, means a toll. It could not be anything else. I am happy to share the RTA's costings with the House. I am advised by the RTA that this project, a vast engineering undertaking, would, must, inevitably cost \$1.5 billion. The RTA says in official advice that we will release today:

If we were to assume hypothetically that the toll would be increased without loss of toll-paying traffic, a toll of \$9 would, in theory, pay for this proposal.

If the toll were to be set at such a high level many motorists would divert to alternate routes.

If we assume that 40 per cent of motorists would be prepared to pay \$3 each way, would not be prepared to pay \$9 or more, then it would require a toll of \$15 each way to fully fund the Opposition's proposal.

"Privately financed" is a will-o'-the-wisp, as if no-one has to pay for it, as if some benefactor such as the Rockefeller Foundation is going to pay for it as an act of charity. Privately financed means financed by a toll if it is an expensive bit of roadwork, and that is what it would cost. By the way, on the ever-popular subject of ventilation stacks, this would require no fewer than four and they would be built at Cammeray, Cremorne Junction, The Spit and Balgowlah. This massive project would be 2½ times the cost of the Cross City Tunnel at \$640 million. This single project would swallow up more than 55 per cent of this year's New South Wales roads budget, yet a member from country New South Wales is cheering it on.

The project would chew up 55 per cent of this year's roads budget, which is equal to more than 70 new schools, 19 new hospitals, building a dual carriageway along the Princes Highway from Wollongong to Eden, a dual carriageway over the Blue Mountains, rebuilding the State's 1,500 timber bridges, or sealing 6,000 kilometres of dirt roads in regional New South Wales. I have outlined to the House what the toll would be if the private sector were to pay for it. It is no wonder that the honourable member for Manly said this about the proposal:

The fumes from all the traffic in the tunnel would have to be vented through large stacks. I am sure the residents of Balgowlah, Clontarf and Seaforth would be impressed by their size and fumes they spew out.

Retired civil engineer Norman Rich, another local resident with a stake in viable traffic solutions for the northern beaches, said this about the proposal in the *Manly Daily* of 15 February:

It is ludicrous the way the State Liberals rush around and put up these ideas without checking with anyone who has expertise in the field and without giving any idea of the cost.

Without giving any idea of the cost! So it is with all of these proposals. I think we have been a bit too tough on George—or, as they call him, Jodee Souris—because it is one thing for him to refuse to exert himself as shadow Treasurer to cast an eye over these proposals, cost them and to insist on a bit of fiscal discipline, but it is another thing for his leader, the current Leader of the Liberal Party in this Parliament, not to exercise any responsibility for assessing the cost of these proposals. I thank the House for its attention.

**Mr Tink:** Point of order: The Premier has been using some fraudulent figures. He quoted 14 police at \$4 million. That means that the budget for policing in this State, on those figures, would be \$4 billion. The Premier knows that the budget for the Police Service is \$1.6 billion. He is using fraudulent figures to try to misrepresent properly based promises made by the Leader of the Opposition. He is using fraudulent figures of \$4 million for 14 police—and that means \$4 billion for the police budget. You are a joke! You are a fraud!

**Mr Carr:** To the point of order—

**Mr SPEAKER:** Order! I call the honourable member for Epping to order for the third time.

**Mr Carr:** The statistics I have been quoting are four-year figures.

[Interruption]

**Mr SPEAKER:** Order! I have not ruled on the point of order. Any member is entitled to speak to the point of order. I gave the call to the Premier.

#### COMMUNITY PARENTS AND POLICE FORUM

**Mr STEWART:** My question is to the Minister for Education and Training. What is the latest information coming from the Community Parents and Police Forum held last Friday?

**Mr Armstrong:** Point of order: I am yet to hear your ruling on the previous point of order.

**Mr SPEAKER:** Order! I have not ruled on the point of order. I am not obliged to do so.

**Mr WATKINS:** Last Friday representatives from across the school community gathered with senior police to put together plans to ensure that schools remain one of the safest places in our community. Recent incidents involving school students have caused deep concern, both inside and outside our schools. These incidents are particularly distressing to the school communities striving to deliver quality education for young people across the State.

**Mr Fraser:** Point of order: I draw your attention to Standing Order 105 (3), which clearly states, "The Speaker shall give a decision or hear further argument" when a member rises on a point of order. I ask you to rule on the point of order that was taken.

**Mr SPEAKER:** Order! There is no necessity for the Speaker to rule on any point of order. I have delivered a ruling and that is the end of the matter.

**Mr WATKINS:** Let me state clearly that problems do occur, outside and inside our schools, and we as a government and as a community have to look at ways of tackling violence that impacts on our schools. At the forum the Director of the Bureau of Crime Statistics and Research, Dr Don Weatherburn, presented statistics on school-related violence. They build on the data released a few weeks ago and include some analysis of trends. I am pleased to be able to release Dr Weatherburn's report today. The figures show that while incidents of violence at school are infrequent when compared to the general community, they do occur and are worse in some parts of State. It is also unsurprising that they show that boys in years nine and 10 are most likely to commit an assault at school, but the rate off school premises is far higher.

Only about 5 per cent of assaults on school premises involve a weapon. Participants at last Friday's Community Parents and Police Forum made a commitment to action and co-operation. They agreed on a number of guiding principles including the following: young people are an asset to our community, and schools are amongst the safest places for young people in our society. Current social and crime problems, however, are impacting on schools in negative and serious ways in certain locations. To implement the principles, the forum agreed to a constructive and detailed plan. Interestingly, no-one at that forum endorsed the Opposition leader's plan for police in government schools. It was suggested by representatives at the forum that it was misdirected, and that there was a far more effective use for police resources.

It should be made clear at this point that the forum was made up of representatives from State schools and also from the non-government sector, Catholic schools and the Association of Independent Schools. An 18-point plan was agreed to last Friday. Key points of that plan include: Taskforce Var—the recently established focal point for an interagency approach between police, education and other relevant agencies where required, such as transport—is now a permanent body with specific responsibility for physical security of schools, curriculum and program development to promote safety and security, transport issues and investigation of incidents.

Taskforce Var is already working on the protocols for information exchange between police, parents and principals. Special consideration will be given to truancy and violent behaviours, participation in gangs or suspected drug or alcohol use. A key plank of the plan will see the creation of a new dedicated Safety and Security Directorate in the Department of Education and Training [DET]. We are moving urgently to set up that new directorate and the position of director will be advertised this Saturday. An acting director will oversee the initial establishment. It will ensure that priority is given to this most important area. The new directorate will develop, implement and evaluate plans and programs, including training to improve personal safety of students and staff as well as the physical security of schools.

One of the major initiatives arising from Friday's forum is that of a full audit of all schools, to be undertaken by the Bureau of Crime Statistics and Research and Professor Andrew Gonczi, Dean of the Faculty of Education at the University of Technology Sydney, in consultation with the Safety and Security Directorate and the New South Wales Police Service. That would involve all schools in New South Wales, government and non-government. Senior DET staff met with Dr Weatherburn and Professor Gonczi yesterday in order to get that audit under way. Another agreed initiative involves Dr Boston drafting a memorandum to advise public schools of the right of principals and teachers to search students' bags and lockers when a reasonable suspicion exists. Teachers and principals who exercise this power have my full support and the full support of Dr Boston.

The action I announce today reinforces the will of the participants at the forum last Friday. These are the first initiatives of many that will be implemented over coming weeks and months. The forum has given us all a big task. The initiatives I have outlined today are but a few of the comprehensive plan it endorsed. I

formally place on record my appreciation to the individuals and groups who attended last Friday. From the many I spoke to there and since, the forum was seen as a positive and constructive approach to a problem that concerns us all. Our schools are safe places. We have to protect them from violence spilling over from some of our communities and impacting on our young people. This comprehensive plan shows a way forward.

### VIOLENCE PREVENTION PROGRAM

**Mr RICHARDSON:** My question is to the Minister for Corrective Services. Is it a measure of the success of the Minister's violence prevention program that three of its recent participants have been arrested for the brutal murder of Constable Glenn McEnallay while on parole after serving sentences for serious violent offences?

**Mr AMERY:** A couple of media reports have referred to the people who are alleged to have murdered Constable McEnallay. I will be very guarded about what I can say about those persons. However, I can confirm the reports about parole and the like. I concur with what the Premier said the other day: that the persons convicted of the constable's murder should be placed in the dingiest gaol cell that we can find. The House will appreciate that the people charged will go before a court. I have to be very careful about how far I can go in commenting on their behaviour or saying who they are.

The question relates to the violence prevention program, which is one of a range of programs that the Department of Corrective Services has. I understand that the persons charged—as are a number of prisoners—are involved with a number of programs to assist with the management of prisoners while they are in gaol. Obviously, the aim is to deal with anger management, criminal tendencies and so on so that as much as possible we can reduce the effects on other prisoners and prison officers while these people are in gaol. The violence prevention program aims to manage the behaviour of prisoners after they are released. Many such programs are part of the Probation and Parole Service. The department has a range of programs that are designed to change the behaviours that resulted in an inmate committing an offence. Not all these programs achieve the desired result. But as I asked on radio the other day, do we give up on everybody—

[*Interruption*]

The honourable member for Davidson should not say anything until he can confirm the lies he told this House and the allegations he made against prison officers, which are yet to be confirmed. I can confirm for him that I have booked him a special spot at the Independent Commission Against Corruption to confirm his allegations. The common behavioural issues that inmates need to address during the violence prevention program are impulse and anger control, violence, substance abuse, antisocial attitudes and behaviour, offence-related thinking, problem solving, and positive social leisure and recreational skills. If the criminals that took part in this murder were part of that program they are an outstanding failure for the program. I would be surprised if statistics showed that more than 50 per cent of people successfully complete the programs. But how do we value the success rate? What is the value of one person who responds positively to the program and who is released on parole and adopts a more successful or law-abiding lifestyle? What value do we put on someone who will not be attacked by someone who has successfully completed the program?

Are the Opposition and the new shadow Minister for Corrective Services suggesting that we give up on the lot because there are many failures? There are many failures in the program but I certainly will not be throwing out the whole program because there are failures. Inherently, because of the type of people that we are dealing with, probably the majority of cases will fail. But it is very hard to determine who will fail and who will succeed. In this policy area one has to make a judgment from time to time. But what are the alternative policies? The Premier has highlighted a couple. When I look back in history at some of the corrective services policies I am drawn to an article in the *Sydney Morning Herald* of 13 September 1990. It highlights a different way of dealing with prisoners. The article by Richard Macy states:

The battle between the State Government and prisoners over the confiscation of private property—

that was when the get-tough Liberal Minister removed prisoners' family photos from their cells, a real get-tough policy—

worsened yesterday when the warders were forced to use teargas to regain control of the Long Bay gaol wing. The gas drifted across Anzac Parade and forced evacuation of more than 200 students and teachers from the Matraville High School.

That is an example of a Liberal Government policy on prisoners. Another article of the time referred to gaol rampages, prisoners being assaulted and so on. There are many different ways of managing prisoners within our

prison system. The four-stage violence prevention program has had some success stories. I will not take up the time of the House today in outlining them. But obviously there will be far more failures than successes. When this matter hit the airwaves I asked the department to provide me with information. It showed that a number of prisoners who have undertaken the program have been released from gaol, been employed, returned to a family circumstance and not reoffended. What value do we put on that? I think I would be a bit cheeky or unrealistic to suggest that more than half of the people who undergo the program are successful. As the honourable member for The Hills highlighted, whatever was done with these four persons, whatever program they undertook, whatever conditions they were given by courts and parole boards, if found guilty, they were a monumental failure.

### **YENNORA DISTRIBUTION PARK REDEVELOPMENT**

**Mrs PERRY:** My question is to the Minister for Planning. What is the latest information on projects to create jobs and boost investment in Western Sydney?

**Dr REFSHAUGE:** I am delighted to answer the question from the honourable member, recognising the work that she has been doing in her electorate to create jobs for her constituents. Today I am delighted to announce that we have approved the Stockland Trust's \$40 million proposal to redevelop the Yennora Distribution Park. This investment in new facilities for storing, handling and distributing general merchandise is strategically important for trade, both within the State and interstate. It represents a great boost for Western Sydney, with the promise of 300 more jobs on the site. There will be wide-ranging flow-on effects for the economy, indirect jobs and spending. The proposal makes the most efficient use of this strategically located industrial site on 68 hectares, and it echoes our policy to shift more freight onto rail.

My approval comes with stringent environmental, traffic and noise management conditions to protect the local community. Conditions to protect the local environment will ensure that the area will be enhanced through landscaping and other improvements to the site's appearance. Our conditions also cement ongoing community consultation as vital in giving local residents a voice in decision making. The Department of Planning has ensured that the proposal has gone through a stringent and comprehensive assessment in consultation with Holroyd council and a number of State government agencies. I am satisfied that our approval conditions provide an effective framework for ensuring that Yennora operates efficiently to fulfil its potential for major economic and social benefits and to protect the interests of the local community. Our assessment of the project and the conditions we have imposed clearly demonstrate our capacity to add significant value to major industrial projects. Since 1999 we have assessed and approved \$9.4 billion in projects of significance to the State, creating nearly 20,000 jobs in the process.

### **HOME WARRANTY INSURANCE**

**Mr D. L. PAGE:** My question is directed to the Minister for Land and Water Conservation, and Minister for Fair Trading. Given that Dexta is no longer providing home warranty insurance, does the Minister stand by his statement that there is no problem with obtaining home warranty insurance? What is the Minister doing to solve this critical problem for the building industry?

**Mr AQUILINA:** As honourable members would be aware, the home warranty insurance market has experienced continuing difficulties since the collapse of HIH in March last year. Following that collapse two major home warranty insurers remained in the market, Royal Sun Alliance and Dexta. In December 2001 a new insurer, Reward, entered the market and I had much pleasure in announcing a third insurer. On top of the collapse of HIH, the international insurance landscape has undergone massive disruption following the events of September 11. Since December Dexta has continued negotiations with reinsurers. It is not unusual for insurers to be in negotiations with their reinsurers and for those reinsurers to change over time. It is now apparent that those negotiations have been unsuccessful even though Dexta has advised that it has scoured the world for reinsurance support. Consequently, as of yesterday Dexta is unable to write home warranty insurance.

In case members of the Opposition and others may be unnecessarily alarming the general public, I point out that this situation is not comparable with the HIH collapse. Home owners with building work covered by existing Dexta policies are not at risk. The present problem is that builders cannot obtain insurance from Dexta for new building starts. I emphasise that that relates to new building starts, not to those currently insured for current buildings. The global reinsurance market is no more. Reinsurers are being more selective with their use of capital—and who would blame them, given what happened on September 11 and what happened with the collapse of HIH? Home warranty has a high-risk profile and is not attracting the support of reinsurers. This is a

private sector market-driven response to an international problem. This is an issue for all Australian States and Territories that have private home warranty insurance schemes. It is a national issue and I am pleased that the Federal Minister has made recommendations about this. I repeat: this is a national issue. Dexta is based in Victoria.

**Mr J. H. Turner:** Point of order: The Minister is misleading the House. It was his predecessor, Mrs Lo Po', who introduced legislation that appointed HIH. It is the Government's policy and it has to fix it.

**Mr SPEAKER:** Order! No point of order is involved.

**Mr AQUILINA:** If the honourable member has submissions to make in relation to the HIH inquiry I suggest he do so at the appropriate tribunal. This national issue will require a partnership in problem solving between the private and public sectors. That is precisely what I have announced over the past 24 hours. Other insurers that have expressed interest in this product have been actively encouraged to discuss their proposals with the Government. I am pleased to inform the House that a number have come forward to do so.

**Mr Merton:** Who?

**Mr AQUILINA:** I have already said that they are coming forward to do so, and they have been doing so for the past 24 hours. The honourable member for Baulkham Hills has the unfortunate knack of making the wrong interjection at the wrong time. The Victorian and New South Wales governments have recently undertaken intense negotiations with the insurance industry. Both governments are working closely with all interested parties to find a solution and all options are being considered. We are aware that it is essential that the Government move quickly so that there is minimal disruption to the robust building industry in our State. That is exactly what we are doing. The Government's priority is to ensure that consumers are protected and that we maintain a healthy building industry. Our efforts will continue.

**Questions without notice concluded.**

#### **DEPARTMENT OF COMMUNITY SERVICES DIRECTOR-GENERAL**

##### **Personal Explanation**

**Mr HAZZARD,** by leave: Earlier when giving an answer to a question without notice the Minister for Community Services made certain accusations against me. She stated that I had lied to the House in giving figures relating to child deaths. Therefore, it is necessary that I place on the record the source of those figures, to which I have referred in the media, and which she criticised. In 1995-96 the department's annual general report stated that there had been 33,000 reports of child abuse. It was the 2000-01 annual report from the Minister's department that stated that that figure had risen to 107,000. The Public Service Association figures that have been released and confirmed in a number of media releases stated that the figure in the current 12 months is expected to be 130,000.

Therefore, there has been a dramatic increase in child abuse reports, as I referred to earlier. The Minister was incorrect. The figures I relied on when I said that nine out of 10 abuse cases are not addressed through the Department of Community Services, when child at risk of harm cases are notified, came from the Department of Community Services. The Minister also attacked the figure I quoted of only one in 40 cases of child at risk reports being investigated. That figure was provided by Cheryl Abrahams of the Minister's department, who was the facilitator at the alternative dispute resolution conference held three weeks ago. While the Minister might attack me and accuse me of lies, the figures I quoted have veracity. I remind the Minister that the last Minister who supported a director-general was Ron Dyer.

**Mr SPEAKER:** Order! The honourable member for Wakehurst is straying from the leave of a personal explanation.

**Mr HAZZARD:** The consequences, sadly for Ron who is otherwise a good person, were obvious. Finally, the director-general did use the words I have quoted in the press. The net effect was that they have been interpreted as the Minister saying that children who are the subject of such at risk reports should be kidnapped by vigilante groups. Sadly the families of Tahlia Brockmann and Jessica Gallacher have contacted my office and said that the families have been absolutely destroyed. A relative of Tahlia has been in tears for the past three days as a result of the director-general's comments.

**Mr SPEAKER:** Order! I again remind the honourable member for Wakehurst that he is straying from the leave of a personal explanation.

**Mr HAZZARD:** I look forward to the inquiry. I thank the House allowing me to clarify that my figures are correct. Unfortunately, the Minister's figures are not correct.

## EUROPEAN UNION INTELLECTUAL PROTECTION OF PRODUCE

### Ministerial Statement

**Ms NORI** (Port Jackson—Minister for Small Business, and Minister for Tourism) [3.47 p.m.]: I take this opportunity to alert the House to some concerns I have about the European Union [EU] leading a campaign in the World Trade Organisation negotiations to extend the heightened level of intellectual protection currently afforded to geographical indications for wine and spirits. The EU is now trying to include other products, such as food. This is of great concern—if it were not so serious it would be funny, but I will come to that later. If this campaign were to be successful we could be faced with the prospect of the European Union claiming the exclusive right to use common food names. That would mean that New South Wales producers could no longer use words such as "kalamata" for olives, "basmati" for rice, "darjeeling" for tea, or "swiss", "parmesan" or "mozzarella" for cheese. Those words would be gone. It may even affect the word "pizza". The word "pilsener" could not be used for beer. This is a madness.

I notice that some members opposite think this is amusing, but I notice that the honourable member for Lachlan does not. He understands that if the European Union were to be successful in this campaign, producers of those and many other products, especially in the cheese and smallgoods sector, would be faced with the need for expensive rebranding and marketing exercises both within Australia and in our export markets. I inform the House that the State Government is working closely with the Federal Government to ensure that our real interests in this regard are understood.

Since 1995 the State Government has been working hard to improve the State's export performance because firms that export have a higher turnover and create more jobs. Many would say—and quite rightly—that it is Australia's success as an exporter that has meant we have weathered the international downturn in the economy better than others. Earlier today the Premier spoke about the \$20 million loan to Bega Cheese that will create an extra 250 jobs. Bega Cheese has been an outstanding performer both locally and internationally. The company exports a lot of its product, as the local member would be aware. What will this mean for its products? If this comes about, what would Bega Cheese call its mozzarella?

**Mr Fraser:** Cheese.

**Ms NORI:** It may sound very funny, but it is very serious. I am sure that Bega Cheese will be closely monitoring the European Union's ludicrous push to extend this intellectual protection. This Government will not stand by and let the Economic Union introduce protection by stealth for its inefficient manufacturers and producers, and I am pleased to say that the Federal Government also will not. The New South Wales Government has fought long and hard to convince the Federal Government not to remove the remaining 5 per cent tariff on manufactured goods, and it succeeded. To its credit the Federal Government came on board. We did that, not because we are anti-trade or pro-tariffs but because we believe in the benefits of free-trade—not just free trade for one but free trade for all.

This country, along with New Zealand, has the most open economy, bar none, in the world. That last 5 per cent is being retained as a bargaining chip in our negotiating future trade arrangements. These actions of the European Union justify why we had to keep that last 5 per cent as a bargaining chip. The European Union will stop at nothing to reintroduce tariffs and other barriers by stealth. We won that fight. It demonstrates that the behaviour of the European Union, as exemplified by this latest nonsense, is proof that the New South Wales position was correct all along.

**Mr ARMSTRONG** (Lachlan) [3.51 p.m.]: I speak in this matter as the shadow Minister. There is little new in principle in what the Minister has said and that is well evidenced in the arguments of the wine industry going back two decades. Descriptions such as "champagne" and "beaujolais" have been the subject of major international debate and trade barriers. The ministerial statement reflects the latest round of trade negotiations regarding entry of, in particular, primary produce and value-added produce into the European Union. Unfortunately, it has become part of the normal argy-bargy of rounds of trade negotiations in recent times.

The Federal Minister for Trade, Mr Mark Vaile, and the Minister for Agriculture, Fisheries and Forestry, Mr Warren Truss, have been particularly vocal about this. Mr Vaile has travelled virtually every month in the past 18 months to Europe and the United States of America in order to stem much of this weight against Australia. Australia has become one of the most important players in world trade, particularly in primary produce, because our standards of excellence, growth, manufacture, packaging and quarantine are benchmark leaders for the world. We are now the most competitive trading nation in the world in terms of the presentation of our primary products.



**Mr Collins:** Especially in wine.

**Mr ARMSTRONG:** As my friend the honourable member for Willoughby said, especially in wine—and I am sure he is speaking about good shiraz! There is no doubt that the more we lift that bar, the more our enemies will be trying to downgrade it. Let us forget about debate in the Parliament. I seek a commitment from the Government that it will lobby other Australian State governments to support the Federal Government, which has been leading on this issue for some years now. If the State Government gives its support, it will also have the support of the Opposition.

## **BUSINESS OF THE HOUSE**

### **Legislative Council Amendments: Suspension of Standing and Sessional Orders**

#### **Motion by Mr Knowles agreed to:**

That standing and sessional orders be suspended to allow the consideration forthwith of Legislative Council amendments to the Road Transport (General) Amendment (Operator Onus Offences) Bill.

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

#### **In Committee**

#### **Consideration of the Legislative Council's amendments.**

##### *Schedule of amendments referred to in message of 10 April*

No. 1 Page 3, Schedule 1 [1], line 8. Omit "7". Insert instead "21".

No. 2 Page 3, Schedule 1 [1], line 10. Omit "7-day". Insert instead "21-day".

#### **Legislative Council's amendments agreed to on motion by Mr Knowles.**

#### **Resolution reported from Committee and report adopted.**

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

## **CONSIDERATION OF URGENT MOTIONS**

### **Commissioner of Police Resignation**

**Mr BROGDEN** (Pittwater—Leader of the Opposition) [3.55 p.m.]: Earlier today I asked the Premier whether statements by the Minister for Police, Michael Costa, that the Commissioner of Police had resigned were correct or whether, indeed, the documents tabled today prove that his position as commissioner had been terminated by the Government. The matter is urgent because the Government wants the people of New South Wales to think that Peter Ryan resigned when it is a fact that his employment was terminated so that he could be the Government's \$450,000 scapegoat for the failures of rising crime and falling police numbers. The Coalition has received advice with respect to that contract which goes to the very heart of the Government's tactics in this matter. I quote from the advice of Arthur Moses, a barrister at law. Paragraph 6 of the advice states:

The only penalty under the contract which the Commissioner suffers for terminating the contract prior to the expiration of its term, is the non-payment of the "End of Contract Sum" of 12 months of the remuneration package referred to in clauses one and two of the agreement.

Paragraph 8 states:

In other words, the Commissioner will not obtain a benefit of \$425,000.00 should he initiate the termination of the contract prior to 16 February 2004 ...

Here it is, the deal uncovered, the contract unravelled. Put simply, the commissioner has no contractual entitlement to receive the payment should he resign prior to 16 February 2004. Paragraph 12 states:

Upon a reading of the letter dated 8 April 2002 to Dr Gellatly from Clayton Utz Lawyers, it appears that it was the Commissioner who initiated the termination of the contract. In those circumstances, it is my view [Mr Moses' view] that there is no entitlement arising under the contract, for the payment of any monies to the Commissioner.

Paragraph 13 states:

The only basis, in my view, upon which a payment could be made to the Commissioner under contract, is if it was he who initiated the termination of the contract and it was characterised as a constructive dismissal.

**Mr Whelan:** Point of order: As honourable members would be aware, the new Leader of the Opposition must state why this matter is urgent. He should be aware of the very clear rulings that do not enable him to go into the substance of the debate at this stage. The House decides whether the debate should proceed. The issue is urgency, not the substance of the debate.

**Mr SPEAKER:** Order! The point of order is upheld.

**Mr BROGDEN:** This matter is urgent because the Government created a sham resignation yesterday. It is urgent because today we have received advice from a barrister at law that adds to the substance of this debate. It is urgent because paragraph 16 of the advice states:

Of course, if the bringing to an end of the contract was characterised as a termination at the initiative of the Minister (when in fact it was not) in order to enable the authorisation of a payment of public monies to the Commissioner, pursuant to the contract, then that would raise the issue of whether the payment was made on the basis of a sham.

**Mr Whelan:** Point of order: The Leader of the Opposition must not debate the issue. He is offending standing orders by quoting, in argument, from a barrister's opinion. That goes to the substance of the debate. There are ample standing orders and Speakers' rulings about what members may say. The House makes the decision which motion will be debated, not the Leader of the Opposition.

**Mr SPEAKER:** Order! The Leader of the Opposition may refer to other comments and opinions.

**Mr BROGDEN:** This matter is urgent because paragraph 18 of the document states:

On my reading of the letter dated 8 April 2002 and the Deed of Release executed on 10 April 2002, serious issues arise as to:

- (a) Whether the payment of public monies made to the Commissioner was based on a sham; and
- (b) Whether the Minister's proposal to recommend to the Governor that the Commissioner be removed from office pursuant to s.28(1) of the Police Service Act 1990 would be the exercise of ministerial power for an improper purpose.

**Mr Whelan:** Point of order: This is an important matter that goes to the substance of the debate. Quoting from a document does not validate a breach of the standing orders—whether the document is medical opinion, a barrister's opinion or the opinion of anyone else.

**Mr SPEAKER:** Order! The Leader of the Opposition's speaking time has expired.

**Mr BROGDEN:** I seek leave to table the advice.

**Leave not granted.**

**Mr Armstrong:** On a matter of privilege. As a member of this place I should be able to hear proper debate without interruption, in accordance with the standing orders. That privilege has been abused this afternoon. As an elected member of this place, I object to the continual irrelevant interjections and stalling tactics employed by the Leader of the House. I ask that members' privileges be preserved in this place in the interests of democracy and proper debate.

**Mr SPEAKER:** Order! The honourable member for Lachlan will recall that the Chair often took a similar view in relation to the former Leader of the Opposition, the honourable member for Lane Cove. However, when I declined to hear points of order on those occasions, the honourable member for Lachlan was abusive to the Chair and indicated that I should not take such action. Bearing those matters in mind, the honourable member has not established that his privileges have been breached.

### **Georges River Foreshore Land**

**Ms MEGARRITY (Menai)** [4.02 p.m.]: This motion is urgent because, as we speak, three kilometres of Georges River foreshore, including areas of high conservation value, are being considered for sale by the Federal Government. This motion must be debated urgently because the people of south-western Sydney are not

second-class citizens and our environment should not be vandalised in order to fill Federal Government coffers. This motion is urgent because the Federal Government must hear loud and clear the message of the people of New South Wales that this land must not be sold to the highest bidder. The Federal Government must end this uncertainty and transfer the land to the Georges River National Park.

**Question—That the motion for urgent consideration of the honourable member for Menai be proceeded with—put.**

**The House divided.**

**Ayes, 47**

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

**Noes, 35**

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

**Pair**

Mr Mills

Mr Brogden

**Question resolved in the affirmative.**

## **GEORGES RIVER FORESHORE LAND**

### **Urgent Motion**

**Ms MEGARRITY** (Menai) [4.10 p.m.]: I move:

That this House:

- (1) opposes the Federal Government's intention to sell public and environmentally sensitive bushland along the Georges River; and
- (2) calls on the Federal Government to transfer this land to the Georges River National Park.

The Georges River Environmental Alliance approached me with concerns that three kilometres of foreshore land from Alford's Point to Sandy Point in my electorate were about to be sold by the Federal Government. I approached my colleagues the Minister for the Environment and the Minister for Planning specifically to ask for their advice as to the potential role of any State government agency in protecting this important area from development. I received an enlightening response from both Ministers. In his reply the Minister for the Environment pointed out that the National Parks and Wildlife Service had indicated to the Government on a number of occasions its interest in the inclusion of the Mill Creek to Sandy Point land within the Georges River National Park. He told me that recent flora and fauna studies of the catchment, which were undertaken by the National Parks and Wildlife Service, had highlighted the conservation values of that land.

The Minister also told me that the Department of Planning was exploring options to protect high conservation value lands in the Georges River catchment through the Georges River regional environmental planning process. The Minister said that the Commonwealth Department of Administration and Finance is currently seeking to sell the Sandy Point-Mill Creek land at full market value. He had written to Senator Nick Minchin, Minister for Finance and Administration, offering the assistance of the National Parks and Wildlife Service in the review and requesting that the sale of land such as the Mill Creek to Sandy Point lands be deferred until the conservation assessment is complete.

The Minister eventually received a reply, not from Senator Nick Minchin but from Senator Eric Abetz, who now has "portfolio responsibility for Commonwealth property matters". Senator Abetz must be a busy man because there are a great many property matters going on in my electorate. Senator Abetz confirmed that the land is now "surplus to Commonwealth requirements". In comparison to the previous lack of response from the Federal Government on this issue, I was heartened to see a reference from Senator Abetz to the effect that the land was reasonably significant in terms of environmental issues. Senator Abetz said:

As part of the preliminary consideration of divestment options for the site, the Commonwealth has commissioned extensive studies of its environmental and heritage significance. Those parts of the site falling within the boundaries of the Georges River wetlands have high conservation values, and are indicatively listed on the Register of the National Estate. I am advised that other parts of the site have no particular environmental significance.

Senator Abetz said earlier in his letter that "Commonwealth policy on the disposal of surplus property is, under most circumstances, that it be sold on the open market". In recent years my electorate has experienced that policy first-hand on many occasions. Honourable members will forgive my scepticism about the real intention of the Federal Government, particularly in light of the news that the property has been transferred to the Department of Finance and Administration and is in the hands of the accountants PricewaterhouseCoopers. The Federal Government needs to hear a loud and clear message from the people of New South Wales on this issue. I wholeheartedly concur with the comments of the Total Environment Centre, as reported in the *Daily Telegraph* on 28 March, that the only option is to transfer all of the land to the adjacent Georges River National Park. The people of south-western Sydney are not second-class citizens. Our environment should not be vandalised to fill the coffers of the Federal Government. Since the Howard Government was elected in 1996 we have fought the Federal Government on the Holsworthy airport proposal to protect land very close to this area.

**Mr Knowles:** And we won.

**Ms MEGARRITY:** We won, and hopefully we will win this one too. We are still fighting the Federal Government on the expansion of Bankstown Airport. In the same *Daily Telegraph* article Sharyn Cullis, secretary of the Georges River Environmental Alliance, made a significant point. Ms Cullis said, "If foreshore land is important along Sydney Harbour, it is important along Georges River too." The land adjoins the Holsworthy military reserve and stretches from Alford's Point to Sandy Point in my electorate. A 1996 study into the land revealed that it contained populations of quolls, koalas and eastern grey kangaroos and also retained some of the endangered Cumberland Plain woodlands. The State Government has made the protection of the Georges River a priority through initiatives like the Georges River regional environment plan, of which the Minister for Health is well aware, the New South Wales Healthy Rivers Commission and the Georges River Foreshores Improvement program.

The State Government is doing so much to protect the river. Why is the Federal Government determined to destroy it? To even consider the sale of all or part of this land is nothing more than a demonstration of pure greed by the Federal Government. In addition to the potential destruction of the unique environmental values of the subject land, it could also seriously degrade the existing Georges River National Park. In a media release from the Total Environment Centre on 28 March under the heading "Federal Government urged to save the urban bushland jewel", Mr Leigh Martin, urban campaigner, referred to the contemplation of this sale as "obscene".

**Pursuant to sessional orders business interrupted.**

## PRIVATE MEMBERS' STATEMENTS

### CABRAMATTA ELECTORATE SCHOOLS

**Ms MEAGHER** (Cabramatta—Parliamentary Secretary) [4.15 p.m.]: I want to speak in defence of the wonderful school communities I have the honour of representing in this place. In recent times, the metro media have focused their attention on the schools in my local community and have done long-term damage to the reputation of those schools and the young people who attend them. Principals, teachers, students and parents are appalled that patently untrue statements can be published as fact, vague allegations can be made and innuendo stands unchallenged. Make no mistake, it is the students who suffer. Long after the media firestorms pass on to other issues, students and teachers are left behind to rebuild their self-esteem and reputations. Every media attack makes it just that little bit harder for local young people to get jobs in the wider community. The true story about our local schools is a proud one of harmony and achievement. Today I received a letter from Dalin Vann, a student who attends Cabramatta High School, in which she said:

Over the last year, my school has been reeling with unwarranted and inaccurate bad publicity. The media has made false allegations about my school which have infuriated many dedicated teachers, students and parents who know personally what a great school it is. We have been trying our best at Cabramatta High School to get media coverage of the truth, but not surprisingly, the truth is not what is interesting.

Those sentiments are echoed by the teaching community of Cabramatta High School. They point out that the school has maintained an excellent attendance rate over consecutive years, being well above both district and State averages. Suspension and truancy rates are well below district and State averages. Last year 79 per cent of the Higher School Certificate [HSC] students pursued further education at university and TAFE, which is a splendid result. The school achieved excellent HSC results, including students placing in the top 5 per cent of the State in Khmer and Serbian, with one student placing first in the State. That story is echoed amongst the high schools in my electorate. The Canley Vale High School principal sent me a note today saying that for two years in a row the school's year 12 students have won the "cool schools" web competition, which is sponsored by the Department of Education and Training with a \$10,000 prize. Another student from Canley Vale High School won the New South Wales science essay competition and year 10 students, competing against 210 entrants, won the New South Wales computer protection award.

The story is echoed at Bonnyrigg High School, which is noted for its intercultural harmony. The school community is made up of 48 different ethnic groups and it reports no inter-ethnic conflict. The school has a strong student representative council and the strong student-parent participation that goes towards making for a harmonious and successful school community. St Johns Park High School, which is not in my electorate but which has come to attention recently, reminded me today that on 16 March it opened an Aboriginal reconciliation garden. Students worked with local Aboriginal communities and the Fairfield council to develop works of art and totem poles painted in Aboriginal mosaic. Year 10 student Jillian Hull, competing against students from exclusive and selective schools in the State, won first place in the New South Wales general knowledge test. Stories of success and achievement within those schools continue. They have a proud record.

Today I hosted 40 students from six of my local schools—Cabramatta High School, Canley Vale High School, Canley Vale Public School, Canley Heights Public School, Mount Pritchard East Public School and Cabramatta West Public School—on a tour of Parliament House to celebrate Youth Week. The message I want students to take back to their schools and their friends is simple: be proud of your school and your achievements, your local community supports you. Violence at school, or violence engaged in by school-aged youth, is a serious business and must be dealt with. I congratulate the Minister for Police and the Minister for Education and Training on tackling this problem head on. Let us not forget that kids have been getting into fights with each other since the beginning of time. Regrettably, today they have access to increasingly dangerous weapons. But these difficulties cut across socioeconomic backgrounds, regions, State and private schools and ethnic lines. The message is clear: Cabramatta has been maligned. That is unfortunate because at the end of the day it is the students who suffer. They have been maligned unnecessarily. They have a proud record.

**Mr KNOWLES** (Macquarie Fields—Minister for Health) [4.20 p.m.]: As a former student and school captain of Liverpool Boys High School I take advantage of this opportunity to join with the honourable member for Cabramatta and make the obvious point that much of what she said about the extraordinarily excellent achievements of young men and women who grow up and attend school in the south-west of Sydney is true. All too often their efforts, at times herculean, to overcome a great deal of adversity in a community that frequently

stigmatises where they live should be cherished and celebrated. As the honourable member for Cabramatta said, she was able to bring a number of students from her electorate into Parliament today and celebrate with them their excellent performances and results. That underscores the fact that for generations in the south-west of Sydney many of us have had to live with the stigma associated with where we lived and where we went to school.

Today many of the people who live in, and went to school, in those areas participate in our community at leadership levels with excellence beyond what may have been expected from them if we are to believe the daily news commentaries about what passes for facts about those areas. I congratulate the honourable member for Cabramatta on defending the public schools in the south-west of Sydney. As a former student of one of those schools and as a resident and family man of the south-west of Sydney, I am pleased to hear people sticking up for those terrific kids who do so much and perform so well on any comparison, particularly bearing in mind what they have to put up with these days.

### PARRAMATTA RAIL LINK

**Mr HUMPHERSON** (Davidson) [4.22 p.m.]: I place on record my concerns about how the residents of Roseville, particularly those who live on the north-eastern side of the Roseville to Lindfield section of the rail line, have been treated in relation to the Parramatta rail link. It is proposed to build a rail tunnel under their homes, something that was not anticipated during the environmental impact statement [EIS] process that was undertaken in the middle of last year. The Chatswood to Parramatta rail link has now been downgraded to the Chatswood to Epping link. I strongly support the concept of a rail link. However, the process by which people have been able to comment on it was highly dubious. Originally, the route involved a rail bridge over Lane Cove River National Park to travel from Ryde across the Lane Cove River through to Lindfield. The line would then rise to the surface at Chatswood after travelling along the Lindfield to Roseville to Chatswood portion of the North Shore rail corridor.

Many residents affected by the changed route signed a petition opposing a bridge over the Lane Cove River and supporting a tunnel. As a consequence of the EIS the Government selected a new route, which balloons out underneath several hundred residences around Roseville. The new route will have a substantial impact on many residents because, in some cases, the vertical distance between their homes and the top of the rail tunnel will be as little as 10 metres. There has been no consultation, no advance warning and no guarantees. There are no offers of compensation whatsoever. It is a bland take-it-or-leave-it situation: you have no entitlements. Hundreds of Roseville residents have been denied their rights. They have been robbed of their assets by the Minister for Transport, and Minister for Roads, Carl Scully and the Premier, Bob Carr. These residents have been discriminated against because they live on the north shore.

When a road tunnel went under residences in Bardwell Park and more recently the M5 East, residents were given the option to participate in a buy-back scheme. Their properties were purchased by the Government and then resold. Their relocation expenses were paid for by the Government. In response to a question I placed on notice late last year, I was told that the scheme has operated at almost nil cost to the Government and taxpayers. In excess of some 70 properties have been transacted in that manner. The residents of Roseville are entitled to more than they are getting. Noise and vibration from the tunnel will impact significantly on them. Some form of buy-back scheme should be available if they are concerned that the tunnel will impact adversely on them. The Government has not sufficiently explained its preference for a route that comes in at Chatswood as its first stop via the Ku-ring-gai college campus of the University of Technology.

The route will involve sufficiently long underground tunnelling that a tunnel the same distance and for the same cost could have gone direct to St Leonards. That is significant because a direct tunnel to St Leonards, which was ruled out by the Minister for Transport the year before last, would result in 10 minutes less travelling time for those travelling from Parramatta or Epping to the city. This route was to be patronised by some 80 per cent of commuters moving from western Sydney to the central business district. The proposal makes a lie of that. If that were the case, the 10-minute saving would still be available if a direct route were put through to St Leonards. There is probably a hidden agenda for the Ku-ring-gai campus. The number of students who access the rail link are so few as not to warrant it. Nobody in Ku-ring-gai would concur with that. We will fight it for as long as it takes. The affected residents are entitled to some justice. They have been denied it. They all have significant household investments at stake, which the Government has ignored. [*Time expired.*]

### NRMA DEMUTUALISATION

**Mr E. T. PAGE** (Coogee) [4.27 p.m.]: Since the outrageous demutualisation of the NRMA I have raised in this House many unconscionable and legally questionable activities of the management of the remaining mutual entity. While subsequent statements have been made by Members First directors and the chief executive officer none—and I mean none—of the facts I have raised have been shown to be untrue or incorrect. Unfortunately, however, no action has been taken to remedy the apparent activities that are undermining the very future existence of this Australian icon. Indeed, at a board meeting in Dubbo last week a Members First faction director called into question the very financial viability of the NRMA. The reason is that the road service's poor investment record has already wiped \$121 million from the market value of its investments. That is equivalent to the NRMA's road service subscriptions for this year. At the end of last financial year, the market value of the NRMA's investment portfolio was \$787 million. At the end of February, just eight months on, the market value of the investment portfolio was \$666 million—666 is sometimes regarded as a lucky figure, but certainly not in this case.

It represents a plunge of \$121 million in the market value of those investments, and we are four months from the end of the financial year. This result has been achieved under the eye of the NRMA's Finance and Investment Committee which consists entirely of Members First faction directors. For their efforts, these directors are paid \$5,000 for the year to attend three meetings lasting an hour. The chair of the meeting receives \$7,500. If directors sit for more than three meetings they are entitled to a payment of \$10,000. Nice work if you can get it, and it is our money! It was one of the members of this powerful committee who, at the Dubbo meeting, made the comment that with investment losses of these proportions the NRMA's financial position in the long term is unsustainable.

I am told that the three-year budget strategy has been scrapped and a new one is to be drawn up in an endeavour to introduce more sustainability into the accounts. Otherwise we are looking at members paying a lot more for their treasured road service simply to keep this ship afloat. I have spoken before about the NRMA's decision not to release half-yearly accounts for the six months to 31 December. Now we know why. The figures are shockers and it is time that NRMA members were informed about the true state of their accounts. In an era when investors and members have good reason to be sceptical of the true nature of their accounts, it is time for the NRMA's auditors to do a spot audit of those accounts. The auditors have a responsibility to the members to expose the incompetence of the current administration now, before irreparable damage is done to the organisation.

### NATURAL RESOURCE MANAGEMENT

**Mr CULL** (Tamworth) [4.31 p.m.]: I bring to the attention of the House increasing concerns amongst farming communities in relation to natural resource management in New South Wales and I would appreciate it if the Minister at the table, the Minister for Community Services, would relay those concerns to the relevant Minister. The current situation is creating a great deal of frustration and concern throughout these communities, particularly in relation to security of property rights and the ability of the farming community to use their properties in the most efficient and productive manner. Natural resource management under the Carr Government has become a confused and disjointed mess, being driven by city bureaucrats devoid of concern for farming families and the environment in which they live.

The uncertainty within these communities is creating a great deal of angst and is having a widespread negative impact, depressing the freedom of farming communities to operate their farms in a viable and sustainable way. The restrictions being placed on farming communities under the various natural resource management plans would not be tolerated if imposed on city communities. No-one disagrees with the need to preserve our farms in a viable, sustainable manner. Our farming communities are the first to identify environmental problems in their areas and they want to implement practical solutions to address those concerns. Salinity is an excellent example of an environmental problem identified by the farming community—and they are the ones to identify practical solutions to overcome these problems.

I speak with some knowledge of natural resource management. I was a farmer for 30 years. I was perhaps one of the first farmers on the Liverpool Plains to identify the potential problem of rising water tables and salinity. When these problems were identified, the farming community came together to work out land practices that would overcome the effects of rising water tables and salinity on their agricultural lands. I placed emphasis on the word "practical" because unless we adopt practical solutions that fit into individual farm plans and economic parameters, solutions will not be found or implemented.

I call upon the Government to recognise the rights of farmers and the farming community, and to work together with them to ensure sustainable outcomes. We presently have a multitude of committees producing various plans in relation to native vegetation, water management, catchment blueprints, coastal management, threatened species, feral animals and many more. What has been lost in this due process is the need to have the support and input of the farming communities. The greatest asset these people have is a practical understanding of the problems, and practical solutions to overcome them.

The so-called community consultative process is currently being hijacked by the various government agencies involved in the committees. The structure of the committees allows a majority of government agency representation, which provides academic outcomes devoid of practical solutions to solve the problems. Time and again the committees that have been established to consider these individual problems are dominated by bureaucrats and, when it comes to making a choice, the farmers are outvoted. We then lose the practical application of the farmers' suggested solutions to overcome some of these problems. Unless we come up with practical solutions, we will never achieve widespread adaptation of these plans throughout the farming communities.

Both the Native Vegetation Act and the proposed Water Management Act give little consideration to the social and economic impact on rural communities. The State has the constitutional responsibility for natural resource management with the revenue coming from the Commonwealth. Currently, policy decisions are being considered that will have widespread implications for these communities. Unless the changes have the support of the farming community, they will inevitably fail and will deliver very poor returns for our investment. How can the Government expect to get farmers support when the implementation of these plans has a direct impact on farm viability and values?

This aspect was highlighted in a report by the University of New England which claimed that farmland values have been slashed by some 20 per cent and annual incomes reduced in the order of \$20 million. With an ever-increasing pace, public servants are imposing more and more restrictions and impediments on the agricultural sector. This Government needs to acknowledge that farming communities should have the same property rights and property ownership as the rest of the community. [*Time expired.*]

#### CLARENCE TOWN MARITIME AND LOCAL HISTORY MUSEUM

**Mr PRICE** (Maitland) [4.35 p.m.]: I want to speak about the progress of the Clarence Town Maritime and Local History Museum. The museum custodians recently received a grant of 10,000 to refurbish the exterior of the very historic former courthouse building. Before I detail the repairs that are required I should give honourable members a brief history of Clarence Town and its place in the electorate of Maitland. Clarence Town was the most inland village on the Hunter streams that were subject to continuous navigation between 1831 and 1942. The Williams River is no longer navigable, due to the diversion required for the Balakiera canal, which feeds the Grahamstown water scheme, under the control of the Hunter Water Corporation. But at the time I have referred to it was a very deep and navigable river.

Ship building was undertaken there from 1831. The first Australian built paddle-wheel steamer (sail-assisted), *William IV*, was built there in 1831. A replica of that vessel was built by the Lions Club in Raymond Terrace as a Bicentennial project. That replica vessel still plies the lower reaches of the Hunter and Paterson rivers, and is moored in Newcastle Harbour. It is currently controlled by the Port Stephens Council and Newcastle City Council. The courthouse was set up in 1833 and the first Court of Petty Sessions was held during that year. The police district waxed and waned. It was controlled by Dungog police district, then by Paterson police district, by Dungog police district again, and ultimately by the Lower Hunter Police Command at Maitland. The Court of Petty Sessions continued to sit in Clarence Town right up until 1870.

An interesting side note is that the Vice-Chancellor of the University of Newcastle, Professor Rodger Holmes, is a direct descendant of the first magistrate of that court. Everything that goes around comes around. Professor Holmes, who hails from Queensland, was quite surprised to find his family connections in a courthouse in the little village of Clarence Town. The physical structure of the courthouse is significant. It is a weatherboard and corrugated iron roofed structure, lath and plaster lined, and has a foundation of what locally we call porphyry stone, like sandstone, that was transported some distance to the site. The courthouse has a wide concrete veranda on three sides. It is run by an organisation known as the custodians. It is within the care and control of the Dungog Shire Council.

Up until now it has been in a very sorry state of repair. It houses quite a valuable collection of local maritime history and other local history that has been lovingly put together by the principal custodian, Mr Reg



Ford, who is a former councillor on Dungog Shire Council and a person of some notoriety in the local area because of his historical knowledge and his writing ability. The funds that the Government has provided will enable the exterior of the building to be completely refurbished in the style it originally enjoyed. The building is on the local, State and national register. It comprises a very large courtroom and three small anterooms. The lath and plaster interior is original. There is some damage and the black wattle bands can be seen through it, but an application has been made to the New South Wales Heritage Council for money to repair the interior. If that money is made available the interior of the building can be restored. I congratulate the Custodians on their efforts so far. I know that they are working in the best interests of the community. These little museums comprise a valuable part of our historical heritage and I look forward to hearing of their future success.

### **BEGA ELECTORATE ROAD FUNDING**

**Mr R. H. L. SMITH** (Bega) [4.40 p.m.]: In November last year I spoke of the urgent need for upgrading the Princes and Kings highways within the Bega electorate. Since then Christmas and Easter have come and gone and the volume of traffic on both of these major roads during the busy holiday seasons was absolutely unbelievable. Since the September 11 tragedy, the collapse of Ansett, and the subsequent upheaval in the air transport industry more and more people are choosing to stay in Australia and travel by private vehicle to their holiday destinations. This is placing enormous pressure on our already overcrowded highways. The fact is that the South Coast and the Far South Coast are fast becoming the preferred destination of thousands of city dwellers seeking clean beaches and clean air. Over the recent Easter period main arterial roads from Albion Park Rail right down the coast were unable to cope with the volume of traffic. The Princes Highway south of Nowra was the worst affected. Traffic was bumper to bumper on Easter Monday and the usual five-hour trip from Narooma to Sydney took eight hours. The Kings Highway was not much better. The trip from Batemans Bay to Goulburn, which normally takes an hour and a half, took almost three hours. Traffic backups such as this put lives at risk, with both tempers and vehicles overheating.

For the past six years I have been listening to the transport Minister's rhetoric about how much funding he has allocated here and there, and how this Government is doing the best it can with the limited resources it has. The people of rural and regional New South Wales are sick of hearing it and we want some action. It is obvious to all, including the overworked traffic police, that these major roads are just not coping with the volume of traffic seen over recent months. This Government has reaped enormous amounts of money from the taxpaying public over the past seven years by imposing new taxes and fees on almost everything that moves. Information obtained under freedom of information legislation has revealed that this Government collected \$937.5 million in motor vehicle taxes and fees last year alone—almost one billion dollars! It is outrageous that such money is being squirreled away into Carr's coffers and not being put back into the roads of this State. On top of that, there is a budget surplus of \$713 million—twice the original estimate, all pocketed by this mean-spirited and city-minded Government.

Two prime examples of mismanagement of road funding are the Bega and Ulladulla bypasses. The Bega bypass has been on the books for many years and, due to the procrastination of this Government, transport through the town has now become a major problem. With the extension of Bega cheese and the multipurpose wharf facility going into the port of Eden, we will have larger transports on our roads. May I remind the Minister that there is no rail south of Nowra. The Roads and Traffic Authority is presently running extensive tests in trying to determine the best way to allow B-double transports through the town of Bega. Almost every passage that has been investigated passes directly in front of a primary school or an aged hostel or goes through residential areas. Bega needs this bypass as soon as possible.

The Ulladulla bypass has been on the drawing board since 1995. The corridor has been finalised but still no funding has been announced. The Parliamentary Secretary stated on 28 August last year, "This bypass is now listed as a long-term project." If there are no real improvements in the state of our roads in the next few years the booming tourist industry on the South Coast of New South Wales will deteriorate. People will not continue to travel to holiday destinations where it takes them twice the expected time to arrive, and then put up with the same conditions on the return trip home. The "best ever" Olympics are over, Minister. You have spent a fortune on Sydney. Now it is time the rural and regional roads got their share of the millions you have tucked away. I call on this Government not to jeopardise the tourist industry of the Far South Coast, and to adequately fund road projects that are so desperately needed outside the metropolitan area.

### **FEDERAL-STATE FUNDING ARRANGEMENTS**

**Mr NEWELL** (Tweed) [4.45 p.m.]: Ever since the Commonwealth Government subsumed from the States the role of the collection of taxation there have been ongoing conflicts about the distribution of funds to

the State and Federal governments. Sometimes the conflict has been over minor issues but I put on record what I feel the Federal Government should do in its forthcoming budget in regard to the North Coast and in particular the Federal seat of Richmond, which wholly takes in the State seat of Tweed, which I have the honour and privilege of representing. I turn first to funding of the Pacific Highway. Following the historic agreement put in place in 1996 the State Government is funding 60 per cent of the cost of upgrading the highway and the Commonwealth Government is putting in 40 per cent. The \$2.2 billion project is making huge improvements to the highway. The agreement expires in 2006. We are asking the Federal Government to come to the party and to match the State Government commitment past 2006 so that other sections of the highway can be upgraded.

In the next week the Southern Cross University campus will open. It will be a fantastic adjunct to the Tweed economy and will enable people in the area to pursue tertiary education. Many students leaving school and many mature age students are discouraged by higher education contribution scheme charges they would become liable for after graduating from university. I ask the Federal Government to reduce the contributions so that more students can attend university. Removal of this discouragement would enable more people to receive a university education, particularly in science-based courses.

Another promise made during the Federal campaign was to put up sufficient funds to enable the proposed logging of Wollumbin State Forest to be curtailed, to be taken off the plan. Although the Labor Party did not get into government, the representative for the Federal seat of Richmond gave an election commitment that funds would be provided to halt harvesting of timber from Wollumbin. I call on Mr Larry Anthony to ensure that money for that purpose is included in the next Federal budget so that the great Wollumbin State Forest is preserved.

My office receives a continual stream of people requesting dental services in the Tweed. Across New South Wales the Commonwealth should allocate funds to reinstitute the dental health scheme. While the Minister for Community Services is present in the Chamber I repeat my call for the programs run by the Department of Ageing, Disability and Home Care to match the funding given by the State Government to match the recent social and community services [SACS] award. People in my electorate are crying out for home care, for more funds to go into the disability services and the supported accommodation assistance program. Those services are severely restricted because the Federal Government has refused to allocate extra funds.

Responses from the Federal member were punitive. The Federal Government needs to put in more funds. I refer now to nursing home beds. At any one time 10 to 12 patients in the Tweed hospital would be waiting for a nursing home bed and at the hospital in Murwillumbah six or eight patients would be waiting for a bed. That is because the Federal Government will not put in enough funds to run a program which encourages the construction of nursing homes, particularly in the Tweed. I call on Larry Anthony to make sure that the next budget contains funds for those programs.

**Mrs LO PO'** (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [4.50 p.m.]: It is of concern to the Government that although it has participated in giving the SACS award its supplement, the Federal Government has denied community groups that money. That is of concern because a lot of people are totally dependent on that program. My department is negotiating with the Federal Government in the hope that it will come to the party and recognise this serious concern. These people work at the coalface in many areas of disability. If the Federal Government reneges on its capacity to meet the SACS award my department will have grave difficulties.

The honourable member for Tweed is correct when he says that this is becoming a community issue. We need to keep as much pressure on the Federal Government as we can to make sure that it meets its commitments and obligations to the community. It is not only the State Government that has those obligations, it is the Federal Government as well. With the support of people such as the honourable member for Tweed we will be able to make the Federal Government, including Minister Larry Anthony, realise that those obligations should be met.

#### **RICHMOND REGIONAL VEGETATION MANAGEMENT PLAN**

**Mr GEORGE** (Lismore) [4.52 p.m.]: Mr Trevor Wilson, a Rural Interest representative on the Richmond Regional Vegetation Management Committee, expressed concerns to me about the lack of effective community consultation in the development of the Richmond Regional Vegetation Management Plan. At a recent meeting Trevor was told that he could not continue to speak to the media even though there had been no complaint about the accuracy of his statements. Trevor has chosen to continue to speak out in defiance of that directive as he believes that the impact on land-holders is too great to not do so. In a press release Trevor stated:

If there is nothing wrong with the proposed plan, then why hide it? Most land-holders are totally unaware that the plan is even being developed let alone be informed of its conditions and the implications of its regulations. There is strong resistance to the plan's complex details being provided in a simple understandable format.

I advised the office of the Minister for Land and Water Conservation that I would be raising this matter tonight, but, unfortunately, he could not be present. The press release stated:

The Minister for Land and Water Conservation, John Aquilina, has put pressure on the committee to finalise the plan quickly, without adequate community input. Only limited consultation will be done with the limited number of selected land-holders.

I understand that finalisation of the plan is being rushed to fit the political timetable of having it gazetted by 6 December. One of the key guiding principles of the plan is to actively seek community involvement and support in the development of the Regional Vegetation Management Plan. The management committee believes it has done that through the committee composition with its broad representation from across the region and including farming and conservation interests. Most members of the committee are located east of Lismore. Of the four members west of Lismore, three are the only farmer members and they have consistently been ignored and outvoted. In a fax to me Trevor stated:

—to meet that timeline the following deadlines have to be met  
 pre draft plan to DLWC head office by Mar 29  
 very limited consultation with "selected" groups in week of April 15 (not open to general public)  
 May 10 committee finalises plan and sends to DG of DLWC  
 June 7 Socio-economic report received (after consultation and plan has been submitted to DLWC)  
 June 11 final plan submitted to DG of DLWC  
 June 19 DG approves plan for public exhibition  
 July 1 to Aug 30 public exhibition  
 Sept 2-5 analysis of submissions  
 Sept 23-27 Committee submits final plan  
 Nov 4-15 Minister finalises plan  
 Dec 6 Gazettal

As you can see there is inadequate time to hold effective public consultation with those who will be affected ie. the land-holders. The committee is resisting breaking down the very complex plan (about 100 pages plus several hundred pages of supporting documents) into a short understandable document designed for land-holders. The vital socio-economic report comes well after the limited consultation.

When restrictions are placed on where one can remove environmental weeds such as lantana or privet, or prevent one from cutting timber that has been reserved for fence posts on one's own land, the regulations are out of hand. In the future even sustainable logging will require consent from the Department of Land and Water Conservation, involving additional costs. Restrictions will be placed on the areas available for logging with significant areas totally prohibited. While the plan is being forced onto land-holders by the broad community, the costs will be borne by just a few. Incentive programs have inadequate funds to provide any more than a token gesture of compensation. I call on the Minister for Land and Water Conservation to take these concerns on board and allay the fears of the farmers.

### **PENRITH NETBALL ASSOCIATION**

**Ms BEAMER** (Mulgoa) [4.57 p.m.]: On Saturday 6 April I had the pleasure of attending the opening of the 2002 netball season at Penrith. Now in its thirtieth year of competition, the association has come a very long way since it started in 1973 with just 82 teams. This year 358 teams representing 32 clubs will play netball at the Jamison Park complex. More than 3,600 players and officials are registered with the Penrith association. The job of organising a competition to run efficiently each Saturday is vast. I am impressed by the volunteers who give up so much of their time each week to ensure that all the competitions run so smoothly. The Minister for Community Services, who represents the electorate of Penrith, is well aware that the association's president, Rodney Watson, is a lobbyist extraordinaire.

If anyone decides to withdraw funding or support for the Penrith association he will let those thousands who attend the opening day know it. He also pays accolades to those who donate to the association. I commend the Treasurer, Margaret Smith, who has served for 23 consecutive years on the executive committee. Margaret was responsible for ensuring the smooth implementation of the odious GST. Other volunteers on the committee, all of whom have important duties to perform each week, include the Vice-President, Judith Sibbald, who has been in that position for nine years; Senior Registrar, Janet Jackson, who has served for 13 years; Linda Gibbs, who has served for 12 years; Jenny Clay, who has served for nine years; Secretary, Joy Gillett; Kay Haviland; Jenny Martin; Colleen Mitchell; Lisa Zerafa; Patricia Conner, who has been on the committee for nine years; Vicki Campbell; Clare Cavanagh-Wright; and Gabrielle Hancock. They all deserve our congratulations.

Netball is played at Penrith by children from five years of age to adults, one of whom turned 68 this year—and that would be an inspiration to the Minister for Community Services! As well as conducting the local competitions, Penrith Netball Association also has four teams playing in the Metropolitan State League Competitions. Two of these teams are playing at the highest level in the division one and division two competitions. Another Penrith player, Kelly Adamson, plays for the successful Sydney Swifts, who in 2001 won the Commonwealth Bank Trophy. All this would not be possible without an appropriate playing complex. I am delighted to inform the House that Penrith has one of the best netball complexes in this fine State. Although the association contributes on a dollar-for-dollar basis to projects at the complex, the president of the association has applauded both the Penrith City Council and the State Government on the assistance they have provided.

In fact, this year the netball association has received a State Government capital assistance program grant of \$24,000 to enable the resurfacing and remarking of 16 hard courts. I know that Penrith Netball Association is deeply grateful for this assistance. Indeed, only last Saturday I and my parliamentary colleagues who attended the opening ceremony were asked to pass on to the Government the thanks of the association for this assistance. This work was completed in record time by Penrith City Council. As I said earlier, the complex now rates as one of the best in the State and is why it has been chosen by its peers to host the championship division of the State Age Championships from 6 July to 8 July. This event is for players from 12 to 15 years of age and as it is the largest single sporting event held in Australia the championships are held at three venues.

The Penrith Netball Association has come a long way since its beginnings 30 years ago with grass courts to the modern complex and 32 hard courts of today. However, these results could not have been achieved without the volunteer efforts of the executive committee and the mums and dads who also volunteer to work for their clubs. Volunteers are, indeed, the glue that makes amateur sports such as netball succeed. I congratulate the Penrith Netball Association on its thirtieth year of competition and commend it to the House as an example of best practice in sporting operation and administration. Honourable members are all aware of how many youngsters play netball. Indeed, the daughter of the honourable member for Liverpool plays. Last weekend my seven-year-old daughters played their first game of netball. It was a pleasure to watch.

**Mrs LO PO'** (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [5.02 p.m.]: The honourable member for Mulgoa is quite correct when she says that the people who run the netball competition at Penrith are a credit to our community. They are precise without being officious; they are helpful but they cop no nonsense. The competition runs like a Napoleonic strategy. From the minute the whistle blows until the end of the game not one heart beat is missed. They are the most exact people I have ever met but they are also the best organised. They could organise anything we asked of them and they do our community proud. From time to time during these months I often entertain visitors from overseas and I love to take them to netball games because the scale of the game is difficult for them to comprehend. We have more playing fields than they do and they are overawed, not only by the playing fields but also by the fact that they are all utilised. I congratulate the netball organisers of Penrith. Although I did not see the twins of the honourable member for Mulgoa play their first game, I have to say that the girls look stunning in their uniforms.

### **EASTERN SUBURBS BUS SERVICE REVIEW**

**Mr DEBNAM** (Vaucluse) [5.04 p.m.]: I applaud all the support being given to netball in the Penrith area. I wish Waverley Council would do more for netball in my area. I wish to speak today about bus services, specifically a topic I have mentioned previously in this House relating to "Better Buses Eastern Suburbs". A survey was put together last year dealing with what was to be a 10-year review of bus services, which would ultimately mean improved bus services. A lot of paperwork went out and submissions were sought by 31 October last year. Those submissions were then assessed and I am sure that the proposals have been massaged by the Department of Transport. I was briefed in late December on the department's responses to the various submissions and concerns about the new route structure for the eastern suburbs and the city.

Again I raise a number of concerns about the department's proposals for the new bus route structure. Several of the bus routes discussed were the 321, the 330 and the 380 specifically, as well as a large number of others. Those concerns remain. I have now received petitions from people numbering in the thousands, which I am progressively presenting to the House and forwarding to the Department of Transport, to indicate the level of community concern with the proposed changes to a number of bus services, specifically the 321 bus route. I asked the Minister a question upon notice on 22 March and it is not due for response until after 25 April. In that question I again raised the 321 bus route and asked whether the Minister was aware of widespread community concern. I also asked whether he would ensure that amended proposals, including timetables, would be made available to the community for further consultation prior to implementation.

It is my understanding that the new bus route structure was to be put in place on 28 April. That was to follow the change in the train timetable on 21 April. My understanding now is that the proposal has been delayed for at least six weeks, if not more, as result of the postponement of the train timetable changes. Given that delay, I ask the Minister to seriously reconsider the concerns I previously raised about community concerns with various routes, especially the 321 route, and ask that State Transit use the available time it now has—which presumably is another six to eight weeks at least—to rework its proposals to alleviate community concerns. It would be time well spent. Given that the original objective and main purpose of the whole exercise is to deliver improved services, this will allow State Transit another couple of months at least to work through the proposals.

I have a second point. Given the postponement of the train timetables and, therefore, the bus timetables and continuing community concerns, I ask the Minister to seriously consider—and to do so as quickly as possible if he can—utilising the available weeks to do another round of consultation. There will be at least six to eight available weeks—the Minister knows it will probably be much longer than that—and that time can be used to put out for further community consultation the proposed final route structure and, importantly, the timetable. The one thing that has not come out in this whole exercise is the timetable, and the one thing that is very important to the community, beyond whether or not there is a bus service running on that particular route, is how frequent that bus service actually is. I would like the Minister to use the six to eight weeks that has now been injected into the process to put out for community consultation the proposed new structure and the timetable and seek responses as quickly as possible. It can be done. The structure is clear. That process was used with the original survey and it would be very productive from everyone's point of view if it were done again.

### FUSION AUSTRALIA CAMPSIE CAFE

**Mr MOSS** (Canterbury—Parliamentary Secretary) [5.09 p.m.]: On Thursday 4 April I had the pleasure of representing the Minister for Community Services and the Minister Assisting the Premier on Youth at the official opening of the Fusion cafe in Campsie. Fusion Australia is an organisation that provides facilities for young people. It has approximately 50 youth drop-in centres in every State across the nation and provides youth advisory services in about 150 country towns around Australia. At the opening I was happy to meet Fusion's national director, Mr Mal Garvin, who also founded the organisation. Fusion was formed to provide safe recreational facilities for young people, mainly after school. The organisation caters to children aged between 11 and 18 years but most young people who visit the centres are aged 15 and 16—all-important years.

An army of volunteers is involved with Fusion but I stress that they do not run the centres: the young people do. Volunteers provide support and advice when required. At the centres young people socialise—that is the main aim of the centres—and participate in programs that they have designed. There are activities such as band and singing practice; art and other creative activities; and discussion groups on a diverse range of topics, including drugs, careers, relationships, depression, sexuality and spirituality. The Campsie Fusion cafe lives up to its name: it has coffee-making facilities and computers, which young people these days seem unable to live without. It is a great venue.

I take this opportunity to congratulate the Government on its involvement in these sorts of cafes. In June 1999 the Premier announced that we would spend \$3.4 million over four years to set up after-school drop-in centres in Bankstown, Campsie, Hurstville, Mt Druitt and Penrith. Fusion cafes are already up and running in Penrith and Mt Druitt, and I am delighted that my electorate has also received funding. I congratulate the Minister for Community Services and the Government on concentrating on youth matters. In the past 30-odd years governments have focused mainly on preschool child care rather than after-school care for schoolchildren. Fusion centres cannot be described as after-school care centres but they empower young people to do things for themselves to build greater self-esteem and to live more fulfilling lives.

The centre in Campsie took some time to establish because Fusion likes to do its homework. It approached eight local high schools and asked teachers to encourage students to get involved with the centre—particularly students who are at risk and whose parents are not home after school. It also took time to organise culturally appropriate staff. In a multicultural area like Campsie it is essential that staff in centres such as the Fusion cafe are multilingual. That organising work is now behind us and the cafe has opened. I have no doubt that the cafe and the services it offers will solve many problems. Many friendships will be formed, children's lives will be changed and their careers will blossom in the long term.

**Mrs LO PO'** (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [5.14 p.m.]: We will be able to gauge the success of Fusion and other after-school cafes only years later when a young person will perhaps remark, "If I hadn't hung out there I wouldn't be

the person I am today." That sort of thing happens all the time in teaching: the results are not immediate but years later someone will say that they benefited from something they did at school. The Fusion cafe in Penrith is working out well. It had some glitches initially but expert staff dealt with them.

It is an interesting statement about our society that cafes such as this are necessary. I would suggest that only one person presently in the Chamber is young enough to have experience of community cafes. They certainly did not exist when I was younger. It shows how society has moved on. In my day young people went to the Young Women's Christian Association or joined the cubs, scouts or girl guides. However, this model is much appreciated by young people. We fervently wish to keep them out of the sort of trouble they can get into when they are on the streets with nowhere go.

### **WAUCHOPE STUDENT SUPPORT SERVICE**

**Mr STONER** (Oxley) [5.16 p.m.]: I inform the House of an excellent program for students at risk that has been run successfully for several years at Wauchope High School. The Wauchope Student Support Service Inc. commenced operations in the early 1990s following a successful application to the Queen's Trust for Young Australians. Trust funding allowed it to extend the voluntary work that had been performed by John McMaster and other members of the Wauchope community. The program, known as the Student Support Service, helps students who are experiencing difficulties in their lives and provides counselling on a wide range of matters, including drugs or alcohol abuse by students or their carers, physical or sexual abuse, family breakdowns, depression, low self-esteem, low achievement at school, peer pressure, homelessness, behavioural problems, high parental expectations, eating disorders, unplanned pregnancies and family death or illness. It provides a sympathetic ear, advice and referral to counsellors or other agencies—and even temporary foster care in some cases, which gives both students and carers some respite. It also refers students to voluntary tutors.

The service aims to encourage students to stay at school and receive a good education. It helps to resolve students' problems and improve their performance and self-esteem. The program has achieved exceptional results, leading to less dysfunction, improved school retention rates and better academic performance generally by the students involved. It has won two Violence Prevention Awards issued by Australian heads of government, including the Premier. The service has received an extraordinary level of support from members of the community. It is an incorporated body and representatives of local service clubs, churches, businesses, the local council, the medical profession and the school serve on its board. Wauchope Student Support Service Inc. has charitable status, which has facilitated significant donations from individuals and businesses in the district.

The student support co-ordinator, Angela McPherson, does an excellent job supporting at-risk students at the high school. For example, working four days a week, she met 114 times with students in need over the three-month period from June to August last year. Those meetings resulted in 14 referrals to agencies such as community health, mental health, the school counsellor, Centrelink, doctors, the Job Placement, Employment and Training program, and Family Court Mediation Services. Sadly, the Wauchope student support service is at risk. The program, including the salary of the co-ordinator, costs approximately \$60,000 per annum. The grant of \$100,000 from the Queen's Trust has run out, leaving a large hole in the budget. Last year the program was partly funded by the Area Assistance Scheme with an amount of \$15,000 and the high school contributed \$5,000 from its limited budget.

Assuming that the Area Assistance Scheme funding is again forthcoming, that leaves a shortfall of \$40,000 which, despite the generous contributions of the community, is simply too much to ask the local community to raise. Accordingly, I ask the Ministers responsible—the Minister for Education and Training, the Minister for Community Services, who is present in the Chamber, and the Minister for Planning—to provide appropriate levels of funding to the Wauchope student support service. The benefits of this program far outweigh the costs. This program has great potential to be used as best practice in particular high schools across the State. I urge the Ministers to jointly provide funding of \$30,000 to the Wauchope student support scheme.

### **THIRROUL SEASIDE AND ARTS FESTIVAL**

**Mr CAMPBELL** (Keira) [5.20 p.m.]: I want to speak today about the Thirroul Seaside and Arts Festival, which is an artist and community festival held between Friday 5 April and Sunday 7 April. This annual event, which is in its eleventh year, draws on the galleries and practising artists in the communities of Thirroul, Austinmer and Coledale. It was said at the opening of the festival last Friday night that about 70 artists live within a seven-kilometre area. That group of people, practising artists with studios and art gallery owners, come

together to be involved in this festival. Gary Shead, a well-known artist who won an Archibald Prize a few years ago, officially opened the festival. In particular, he opened the Art Prize exhibition, which was won by Paul Ryan, a Thirroul artist, for his work "Sandon from a Small Boat".

The Art Prize was generously sponsored by businesses within the community: Wollongong City Council, Kells law firm, Jones Dental Surgeries, Odyssey Travel, Dougmal Real Estate and Fancy Fruits, Beach Arts, Levers Art Supplies and Bevans Real Estate. The whole event is organised by a group of volunteers; no-one is paid. Lynne Jones is the co-ordinator and a couple of other people who work very hard are Ian Brown, a lecturer at the University of Wollongong in the Faculty of Education, and Margaret Paduch. They are well known for their support of this event. There are many others who put a great deal of effort into the festival. The highlight of the weekend is the lantern parade. Young children make lanterns, either with their parents or at the local public and Catholic schools, both of which are involved in the weekend event. The children then parade their lanterns up and down Lawrence Hargrave Drive, the main road through Thirroul. It is a spectacular sight.

Perhaps more importantly, it is a way to encourage children to understand and appreciate the arts and to be involved in a true community event where people come together, enjoy each other's company and celebrate the creativity of the artists who live in this area. The organisers stole an idea from a Bondi Beach event—that is, sculpture on the beach. They do not apologise for that. It is a major event in Sydney and is a growing aspect of the Thirroul Seaside and Arts Festival. This year the sculpture on the beach event was entitled "On the Shore". I had the pleasure of being invited by the organisers to open this exhibition of sculptures on the sand and foreshore at South Thirroul Beach.

I would not want to be a judge of this event. There were some creative works that sat well in the context of the beach. One such work was of a flock of seagulls. When I approached the work on the grass I was amazed that the seagulls did not fly away. I suddenly realised that they were a piece of sculpture. Many people worked hard to put this event together. The judges for "On the Shore" were Ivor Fabok, Liz Jenied and Geoff Harvey, all practising artists themselves. I am pleased to note that many of the artists who exhibited in the "On the Shore" exhibition have studied through the TAFE system in New South Wales. The weekend was enjoyed by all. It is a great community event that builds tremendous community spirit.

#### **Mr MICHAEL O'DONOHUE WORKERS COMPENSATION CLAIM**

**Mr MERTON** (Baulkham Hills) [5.25 p.m.]: I speak about an important matter that not only concerns one of my constituents but would affect many workers in the western part of Sydney and throughout the State. I regret that a problem has arisen concerning a workers compensation claim, in particular, a claim by Mr Michael O'Donohue who sustained injuries in the course of his employment on 14 May 1998. As a result of his injuries my constituent has been certified unfit his pre-injury duties. The injury he sustained was diagnosed as a triple hernia. Under the Workers Compensation Act he is entitled to weekly payments and medical expenses. A hernia injury does not entitle him to a lump sum—that is, it is not included in the list of injuries for specific amounts of compensation under the old legislation. Mr O'Donohue has been off work since the date of injury and has received weekly payments under the statutory rate from the workers compensation insurer GIO. He presently receives the statutory rate of \$259 gross per week.

On about 20 November 2001 an agreement was reached with the GIO and its legal representatives and Mr O'Donohue's lawyers to commute his entitlement to future weekly payments and medical expenses in the sum of \$40,000. In other words, a lump sum settlement was agreed between the parties in the sum of \$40,000 and Mr O'Donohue would have no further claims against the insurer. The agreement was reached on the basis that given then pending legislative amendments the application for determination, being the court document, was to be filed by 26 November 2001 and the computation approval by the court was to be dealt with by March 2002. Whilst an agreement was reached with the insurance company and its legal representatives, the application for determination was never filed. Mr O'Donohue is now unable to have the commutation agreement looked at by the court.

The lawyers of both parties—that is, the lawyers acting for the insurance company and the lawyers acting for Mr O'Donohue—and the insurance company agree that a commutation agreement had been reached. There is no dispute about that. As I said, the lump sum represents an entitlement of up to three to five years of weekly payments and medical expenses and no further claims are payable by the insurance company. The benefit to the worker is that a workers claim is finalised for a lump sum without the need to provide further workers compensation medical certificates and attend further insurance examinations. From the insurer's point of view, a commutation allows it to close its books on a claim.

In this matter the insurer acknowledged that because of the pressure of work at that time—probably thousands of claims had to be filed by 26 November 2001, which everyone claimed was fairly short notice—the claim was not filed in court on time. Obviously, it could not be heard by the deadline, which was the end of March 2002. There is no dispute between the parties about the facts or the circumstances. But the result is that this man can no longer receive his commutation of \$40,000. He is unable to take the lump sum. The insurance company will have to continue to pay him weekly until the court makes another ruling. I have referred this matter to the Minister's office and asked him to look into it.

Many people must be in the same position as Mr O'Donohoe. Both the insurer and the insured employee have agreed on the settlement, but because new legislation effectively changed the rules a lump sum cannot be paid out. I have asked the Minister to consider amending the legislation so that parties who agreed on a commutation in relation to injuries that occurred before the legislation was enacted can go ahead with their settlements. Workers will then receive justice and insurance companies will be able to write the matters off their books.

### **ST GEORGE POLICE LOCAL AREA COMMAND**

**Miss BURTON** (Kogarah) [5.30 p.m.]: It is with great pleasure that I announce a number of initiatives relating to my local area command, and the fulfilling of another election commitment by the Government. The Kogarah Local Area Command has changed its name to the St George Local Area Command to better reflect the region the command serves. In 1999 the Government made a commitment to continue its program of improving police stations and facilities for New South Wales police. That commitment included the provision of a new police station at Kogarah with an overall budget of \$7.3 million. The new police station has been provided with modern work stations to create a pleasant working environment for staff, as well as a pleasant environment for the community.

Facilities have been provided to enable legal interviews to take place in privacy between clients and their legal representatives. Three docks and two cells have been constructed to new standards that focus on reducing the possibility of self-harm to clients. Special-purpose sound-proof interview rooms have been provided for recording client-offender interviews. Modern live scan fingerprint facilities have been installed in the charge room. A terrace has been provided on the second floor which opens off the meal area. This provides a pleasant area that can be used for meals, a stand-down area, parades, social functions and presentations.

Individual training and conference areas have been provided, separated by a moveable wall that provides the flexibility to convert the area into one room. That conversion provides a larger area that can be used for many activities, particularly training and crime statistics meetings. Police television facilities have been provided to improve communications with staff. Closed-circuit television has been set up in various parts of the police station to assist with client supervision and to monitor access points such as the cells, the charge room, the rear lane and the entrance to the basement. The new gym, which will keep the officers nice and fit, will soon be furnished with equipment. Basement parking has provided a secure, undercover and safe environment for police vehicles.

The new St George police station is next to the Kogarah Local Court, which has a secured area to escort prisoners directly from the station into the courthouse. The police station will be officially opened at 11.00 a.m. on Saturday 20 April. It is a purpose-built police station for police with the most modern facilities. The new facility will house detectives, and all tasks will be performed from the station. The new facility will provide police with better intelligence information, which will assist them to catch the crooks, get them off the streets and lock them up. It will also cut down on paperwork, administrative duties and other tasks that take police off the beat.

This project is a wonderful achievement when one considers that police officers formerly worked from an old house that was a throwback to the days when one constable controlled everything. More than 200 police had been operating from that house. The facility is a welcome addition for the police and the community. The new facility will be open between 2.00 p.m. and 5.00 p.m. on Saturday 20 April. People from the community can come and have a look. The rumour from the area command is that there will be a sausage sizzle. I urge anyone from the community who is interested to come and have a look at these wonderful new facilities and the advancements that have been made in policing in New South Wales. I commend the initiative to the House.



### HOME WARRANTY INSURANCE

**Mr MAGUIRE** (Wagga Wagga) [5.35 p.m.]: I raise a problem of enormous concern to my electorate and, indeed, to the whole of New South Wales. Home warranty insurance has come back onto our radar screen in a big way with the Dexta Corporation withdrawing from the market. I have raised this matter previously in this House and I was pleased to hear a question today from the honourable member for Ballina to the Minister for Fair Trading. I was pleased that the Minister replied that inquiries are being made of alternative providers of home warranty insurance. It is urgent that such providers be put in place. Builders in my community are most concerned. They have been in contact with my office since the announcement was made that Dexta intended to withdraw. We need action now.

From what the Minister said in question time, I understand that interested companies are willing to provide home warranty insurance. I am sure that all honourable members will agree with me that those arrangements must be put in place as a matter of urgency so that builders do not experience similar delays to those they experienced late last year when HIH collapsed, and they could not work. Apprentices were put off and builders were quoting for jobs for which they could not get home warranty insurance. The industry was in dire straits. To the credit of the previous Minister, he acted on my concerns and I thank him for that. He sent people to Wagga Wagga to ensure that builders were able to access home warranty insurance. The present Minister must act urgently to ensure that builders maintain their insurance.

Unless the problem of home warranty insurance is resolved urgently, builders will be tempted to work without it. In years to come that will cause enormous problems. I predict that those problems are bubbling along in the real estate industry and the legal fraternity. Builders need to put food on their tables and they need to pay their mortgages. If they cannot get home warranty insurance without enormous delays they will be tempted to work uninsured. They must work to earn an income. But if they complete a job without home warranty insurance and try to sell their product they will be in a catch-22 situation. If they complete a renovation the solicitor will ask the vendor for insurance, but it will not be provided. The sale will fall through and the builder will be sued for not providing home warranty insurance. He will be placed in an unfair and inequitable position.

After I read an article in today's *Australian Financial Review* it became apparent to me that the Minister knew about this problem four months ago. I must say that I am terribly disappointed that the companies he is talking about have not been brought into the insurance market or put on standby. I have heard all the excuses, including the September 11 excuse, but the Master Builders Association has said that the whole scheme is fundamentally flawed. Instant action or regulation is required to address the situation as it is now. The Minister must call all of the industries together to a summit to finally determine what the faults in the system are. The fundamental fault is that nowhere within the system are builders encouraged to excel.

Nowhere in the system are builders challenged in respect of the standard of their work. That must happen. After the summit in Victoria 12 points were agreed on. Victoria has already put in place legislation or regulations to address concerns associated with high-rise buildings. That has not happened in New South Wales. I have heard that the Minister has a proposal to take to Cabinet. This issue cannot wait. If the Minister has an idea about how to solve this problem and how to allow builders to continue to work without being penalised for not having a licence, he should put that information on the table. The Ministers should call a summit. In conjunction with the Premier and Cabinet he must rectify this problem immediately.

### ISOLATED PATIENTS TRAVEL AND ACCOMMODATION ASSISTANCE SCHEME

**Mr TORBAY** (Northern Tablelands) [5.40 p.m.], by leave: In recent months I have received more letters at my electorate office about the shortcomings of the Isolated Patients Travel and Accommodation Assistance Scheme [IPTAAS] than about almost any other issue. Of major concern to the people of the Northern Tablelands is the 18 to 22 week wait for reimbursement, compared with seven to eight weeks in other parts of New South Wales. Another major concern is the overkill on red tape, which requires busy specialists and general practitioners to fill in forms and, in the case of air travel, make personal telephone calls to IPTAAS officers to make arrangements. Another concern is the calamitous timing of a 24 per cent drop in the IPTAAS rate for accommodation when all accommodation rates rose by 10 per cent because of the goods and services tax [GST].

Although accommodation costs have been set at \$46 for a double room and \$33 for a single room—and it is an assistance scheme rather than full reimbursement scheme—some monitoring is necessary to ensure that the appropriate accommodation is within reach of most users of the scheme. The New England Area Health

Service [NEAHS] manages IPTAAS for the New England and Hunter Area Health Services. More than 7,000 country people from this area apply for assistance through the scheme each year to access specialist treatment in large regional and metropolitan cities. The New England Area Health Service IPTAAS is believed to generate one of the greatest demands for these support services in the State.

The Isolated Patients Travel and Accommodation Assistance Scheme is an excellent concept that assists those who need it most. I believe that there are moves under way to make the scheme more efficient and that the Australian Medical Association has been asked to make recommendations to reduce some of the paperwork that is tying up doctors' time. The New England Area Health Service is also training an Aboriginal officer to assist with the processing of reimbursement forms and to liaise with indigenous people wanting access to the service. Today I ask the Department of Health to intervene to assist in arresting the backlog of claims and to bring IPTAAS reimbursements through the New England Area Health Service back to State benchmark level.

I also ask that the situation be regularly monitored to ensure that the waiting list does not blow out again. The problem that arises when a backlog occurs is that emergency measures have to be taken, and it is to the credit of staff at the NEAHS that they are now processing as a priority the claims from those most in need. While that ensures that patients with no access to funds receive advance payments for their accommodation and travel for medical treatment so they can access that treatment, it also means that those at the bottom of the list are kept waiting longer and longer for their reimbursements. IPTAAS was established to improve accessibility to specialist medical treatment and oral surgical health care for people in isolated and remote communities through the provision of travel and accommodation cost assistance.

The Isolated Patients Travel and Accommodation Assistance Scheme targets people who need to travel more than 200 kilometres one way from where they live to receive inpatient or outpatient specialist medical treatment or specialist oral health surgical treatment that is not available to them locally. The number of people who use the scheme is evidence that it meets a need in rural and remote communities where specialist services and treatments are difficult to access. I have a great concern, which is shared by my communities, that there are not a sufficient number of specialist services available in the country in any event. A report this week has revealed that the recovery rate of country people from several different types of cancers is 30 per cent lower than those in the major cities. That is largely attributed to the shortage of local specialist health services. No doubt those statistics could be extended to other areas of health care, where access to the best expertise saves lives and those who live furthest from those services are most disadvantaged.

While our first priority in the inland is to have more specialist services located in rural regions where they can be readily accessed close to where people live, our second priority is for a scheme such as IPTAAS to function effectively and compensate adequately for what is clearly an inequitable situation. I ask the Minister and his departmental staff to attend to the backlog of IPTAAS claims with the New England Area Health Service as a matter of urgency, to review the accommodation allowance and to ensure that the red tape that is creating such frustration to medicos and service users is cut back to a minimum. I also ask that greater consideration be given to providing more extensive specialist services to the country so that the need for IPTAAS is greatly reduced.

**Private members' statements noted.**

### **BILL RETURNED**

The following bill was returned from the Legislative Council without amendment:

Courts Legislation Amendment Bill

**The House adjourned at 5.45 p.m.**

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