LEGISLATIVE ASSEMBLY

Tuesday 28 May 2002

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Mr Speaker (The Hon. John Henry Murray) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

EAST TIMOR INDEPENDENCE

Mr SPEAKER: I advise honourable members that today and tomorrow an East Timor flag will be placed in the Speaker's Square for members to place their signatures upon. The Australia East Timor Association has requested that all members of the New South Wales Parliament sign the flag to commemorate the independence of East Timor. This signed flag will then be donated to the library of the University of East Timor.

ASSENT TO BILLS

Assent to the following bills reported:

Coal Industry Amendment (Validation) Bill
Criminal Procedure Amendment (Sexual Assault Communications Privilege) Bill
Environment Protection Legislation Amendment Bill
Racing Legislation Amendment (Bookmakers) Bill
AGL Corporate Conversion Bill
Home Building Amendment (Insurance) Bill
Gaming Machines Amendment Bill

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 Three", dated May 2002.

Ordered to be printed.

MINISTRY

Dr REFSHAUGE: I advise honourable members that during the absence of the Minister for Education and Training, who is attending a family emergency, I will take questions relating to his portfolio.

VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2001-02

Mr Aquilina tabled variations of the receipts and payments estimates and appropriations for 2001-02, under section 26 of the Public Finance and Audit Act 1983, arising from the provision by the Commonwealth of specific purpose payments in excess of the amounts included in the State's receipts and payments estimates.

Mr Aquilina tabled variations of the payments estimates and appropriations for 2001-02 in relation to the Department of Community Services and the New South Wales Department of Sport and Recreation, in terms of section 24 of the Public Finance and Audit Act 1983.

Mr Aquilina tabled variations of the payments estimates and appropriations for 2001-02 relating to the Ministry of Energy and Utilities and the Department of Community Services, under Section 24 of the Public Finance and Audit Act 1983.

SELECT COMMITTEE ON SALINITY

Report

The Clerk announced the receipt of the report entitled "Report on Local Council Management of Salinity", dated May 2002, together with the minutes of proceedings.

DISTINGUISHED VISITORS

Mr SPEAKER: I draw the attention of members to the presence in the gallery of members of the Parliamentary Crime and Misconduct Committee of the Queensland Parliament. I welcome them to the New South Wales Parliament.

PETITIONS

Centennial Park and Moore Park Commercial Use

Petition praying that the Centennial Park and Moore Park Trust Act be amended to provide for effective public consultation and full public disclosure of all commercial activities and leases, received from **Ms Moore**.

North Head Quarantine Station

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

Blacktown Methadone Program

Petition praying that the Blacktown methadone clinics be replaced with a methadone outreach program, received from **Mr Gibson**.

Freedom of Religion

Petitions praying that the House retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Mr George**, **Mrs Hopwood** and **Mr Hunter**.

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**.

Illegal Street Sex Work

Petition seeking the establishment of a high-level, co-ordinated strategy to address illegal street sex work in residential areas, received from **Ms Moore**.

Brothel Regulation

Petition praying for legislation to allow for more flexible zoning in relation to the operation of brothels, received from **Mr Torbay**.

Manly JetCat Services

Petition seeking reversal of the decision by Sydney Ferries to stop JetCat services to Manly at 7.00 p.m., received from **Mr Barr**.

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**.

Avoca Drive Upgrading

Petition requesting that Avoca Drive be upgraded from the Davistown Road intersection to Avoca Beach, and that remedial measures be implemented to prevent traffic build-up at the intersection of Avoca Drive and Empire Bay, Kincumber, received from **Mr Hartcher**.

Oallen Ford Road Upgrading

Petition asking that Oallen Ford Road, a major thoroughfare between the Hume Highway at Marulan and the M92 already under construction, be upgraded, received from **Mrs Hodgkinson**.

School Bus Safety

Petition praying that seats and seatbelts be provided for all students on school buses, received from **Mr Webb**.

Queanbeyan Traffic Noise Barriers

Petition calling for immediate construction of noise barriers adjacent to Canberra Avenue, Queanbeyan, received from **Mr Webb**.

Wallsend Bus Services

Petition seeking reintroduction of the 233 bus route from Wallsend to Newcastle, received from **Mr Mills**.

Moore Park Landscaping

Petition calling for permanent removal of car parking from Moore Park, and praying that Moore Park be landscaped to the same standard as Centennial Park, with strategic mounding and tree planting to prevent future car parking, received from **Ms Moore**.

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**.

Manly Lagoon Remediation

Petition praying that funds be made available to assist in the remediation of Manly Lagoon, received from **Mr Barr**.

John Fisher Park

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

Lake Burrinjuck Water Level

Petition asking that the Department of Land and Water Conservation be instructed to maintain the level of water in Lake Burrinjuck at a minimum of 45 per cent, received from **Ms Hodgkinson**.

Skennars Head Coastal Land

Petition asking that lot 1 Rocky Point Road, Skennars Head, be purchased under the Coastal Lands Protection Scheme, received from **Mr D. L. Page**.

Old-growth Forests Protection

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

Northbridge Primary School

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

Casino Policing

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

Warragamba Police Station Closure

Petition asking that the House take every possible action to rectify the closure of Warragamba Police Station, received from **Dr Kernohan**.

Surry Hills Policing

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

Kings Cross Policing

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

Redfern, Darlington and Chippendale Policing

Petition praying for increased police presence in the Redfern, Darlington and Chippendale areas, received from **Ms Moore**.

Swansea Policing

Petition praying that the existing police station at Swansea be adequately and permanently staffed, received from **Mr Orkopoulos**.

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**.

Wentworthville Police Station

Petition asking that any move to scale back or close Wentworthville Police Station be opposed, received from **Mr Tink**.

QUESTIONS WITHOUT NOTICE

CAMDEN DISTRICT HOSPITAL WARD CLOSURE

Mr BROGDEN: My question without notice is directed to the Premier. How is it possible that a 16-bed ward in the Camden District Hospital that was refurbished in November last year is now closed because the floor slopes and is a risk to staff, patients and visitors, forcing patients and ambulances to be diverted to Campbelltown Hospital?

Mr CARR: The Minister for Health informs me that the building is being rectified as part of a $20 million program.

BROKEN HILL ENVIRONMENTAL LEAD CENTRE FUNDING

Mr SOURIS: My question is directed to the Minister for the Environment. Does the refusal by the Government and the honourable member for Murray-Darling to respond to official requests as to the future of the Broken Hill Environmental Lead Centre, which monitors and reduces blood lead levels in children, indicate that government funding will cease next month and, if not, will the Minister now confirm future funding?

Mr DEBUS: Yes, I confirm it.

PUBLIC LIABILITY INSURANCE

Ms MEGARRITY: I address my question to the Premier. What is the latest information on public liability issues in New South Wales?

Mr CARR: What a diligent member! She is right onto it—public liability insurance. I welcome such a question. It provides the opportunity to share with the House useful information that I am sure will demand the

attention of all honourable members. As honourable members will be aware, on 7 May I released an exposure draft of the Government's Civil Liability Bill. The Government, always in a spirit of consultation, said that we would listen to all the groups that had something to say.

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

Mr CARR: I responded to that, and later this afternoon I will speak to the legislation.

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

Mr CARR: Every day throws up another story emphasising the need for reform of public liability insurance. We are now seeing daily reports of far-fetched claims. Yesterday I met with representatives of the Local Government and Shires Associations, and representatives of agricultural shows and Netball Australia. I met as well with the President of the Wellington Vintage Fair, John Edwards. He told me that the fair is now struggling to get public liability insurance. As honourable members would know, the Wellington Vintage Fair, which is held every March, is the biggest event in Wellington. In this splendid town of 5,000 people the fair brings in 10,000 visitors every year. So, to Wellington, it is bigger proportionately than the Olympics were to the city of Sydney.

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber.

Mr CARR: The president of Netball Australia said that its public liability premiums had risen markedly from one year to the next and it can get cover for only one year. More and more the pattern of public liability insurance is of its being not only more expensive but in many cases simply unavailable. Marian Knowles, the executive officer of the Agricultural Shows Society, said that, while shows were covered for liability, the cost of premiums represents a third of total entrance fees. Over a week ago I met representatives of the surf lifesaving movement. They were alarmed at a court decision to award nearly $4 million to a man paralysed after diving into a sandbank at Bondi beach. I have said before that the trend towards litigation and skyrocketing premiums is affecting sporting and cultural activities, small business and tourism. In short, it is affecting our very way of life. The need for reform is urgent. This afternoon I will introduce a bill to enable this reform to occur. As I said, we released an exposure draft of the bill on 7 May. It contains stage one of our tort law reforms. Consultation highlighted the need to fine-tune some of our reforms. We have made a number of minor amendments.

First, the amendments will ensure that the Government does not claim for itself the benefit of retrospectivity. People with claims against the Government will be able to bring their claims under the existing law provided they notified the Government of their claim before 20 March. They must commence proceedings before 1 September or once their injuries have stabilised. This will, of course, be relevant to the victims of the Glenbrook train disaster. The Minister for Transport has instructed the State Rail Authority to resolve claims as quickly as possible. I understand that the vast majority of them have been so resolved, so the injured can get on with their lives.

The second amendment relates to the cap on lawyers costs for small claims to ensure no-one is prevented from obtaining legal representation. However, the cap will be extended to defendants' lawyers as well as plaintiffs' lawyers. Third, personal injuries inflicted with intent to cause injury or death or arising from sexual assaults will be excluded from the bill. This will ensure that victims of serious crimes are not subject to the limits in the bill. The bill will now adopt the standard applying under barristers and solicitors professional rules to determine—

Mr Hartcher: You got it wrong again.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order.

Mr CARR: We got it wrong? The Opposition is always getting it wrong. Whether it is about mail allowances for members of Parliament or about power under the Local Government Act to sack a council, almost monotonously the Opposition gets it wrong. The bill will now adopt the standard applying under barristers and solicitors professional rules to determine whether a claim is unmeritorious. Lawyers can be personally liable for costs in unmeritorious claims. Finally, the bill will exclude exemplary, punitive and aggravated damages, but only in negligence claims. These damages will remain available for cases involving assaults and the like. The core of the bill remains unchanged. The bill will limit general damages and set maximum damages for loss of earnings and earning capacity. Stage two, which is broad-ranging reforms to the law of negligence, will come later. These are important reforms and we will take the time to get them right.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the second time. The Leader of the Opposition will remain silent.

Mr CARR: We want to put an end to Santa Claus judges and ambulance-chasing lawyers.

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

Mr CARR: The New South Wales Government is going further than any Parliament on this. We are in front of every Parliament and our efforts have been applauded by two Federal Government Ministers and by the Prime Minister. We are supported, moreover, by the Sydney coastal councils, the Sutherland Shire Council, Waverley Council, and every council that has expressed a view on this, and the Local Government and Shires Associations.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting. I will allow him to ask the next question if he wishes to do so.

Mr CARR: The Government has been inundated with letters from tourism operators supporting our reforms. I will be happy to refer to those letters later when the House debates the bill. Responsibility for regulating the insurance industry does not reside with this Parliament—it resides with the national Government. Only the Commonwealth can force insurers to pass these savings on to consumers in the form of lower premiums. Today I have written to the Prime Minister with a copy of a report by PricewaterhouseCoopers on our reforms. The report contains important actuarial advice, evidence that our reforms will have an impact on insurance premiums.

The report calculates that our reforms could deliver a 17.5 per cent reduction in the cost of personal injury claims and a 14 per cent reduction in the cost of public liability claims. The result should be cheaper premiums for consumers. According to the PricewaterhouseCoopers report, there could be reductions to premiums in the order of 12 per cent. The New South Wales Government relies on the national regulatory bodies, which have power over insurance companies to put the pressure on them.

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

Mr CARR: That is why I call on the Prime Minister today to give a copy of this actuarial advice to the Australian Prudential Regulation Authority [APRA], the Australian Competition and Consumer Commission [ACCC] and the Australian Securities and Investment Commission [ASIC]. The Prime Minister must direct the ACCC to begin immediate prices surveillance on premiums for public liability insurance. We have support on our initiative, the first Australian Parliament to legislate on tort law reform, from the Federal Minister for Small Business and Tourism, Joe Hockey, and the Assistant Treasurer, Senator Helen Coonan. They issued a press release congratulating the New South Wales Government.

[*Interruption*]

They did. I am sorry if they are in the wrong faction of the Liberal Party. They said:

> The Government applauds New South Wales maturity on public liability insurance.

There it is, from two Federal Government Ministers. But how sad it is that the New South Wales Opposition is complaining. In the words of the honourable member for Gosford, that great intellectual adornment to this Parliament, "This legislation is certainly very radical." That is what he said this morning on the radio program *AM*. We do not apologise for being bold when it comes to reform that is literally going to protect the Australian way of life: enable our beaches to be patrolled, volunteers to work across society, country shows to be held and local government to conduct its affairs.

How much better it would have been if the Opposition had stuck to that good advice from the honourable member for Vaucluse, who now carries the title shadow Minister for Insurance Regulation, a Federal responsibility. Is he going to be the Minister for insurance regulation? Is he saying that he would prise back from the Commonwealth Government the powers that reside with APRA and ASIC? Let us see where he stands on the specifics of our reform, because the National Party is not going along with the Liberal Party. The *Trangie Advocate* of 22 May landed on my desk—a newspaper never to be missed. The *Trangie Advocate* never publishes an edition without the Stasi depositing it on my desk for careful perusal and examination. And what do we find? That is not a trick question!

This great newspaper of 22 May interviewed the Hon. Duncan Gay, a National Party Legislative Council member, who said about insurance reform, "We're staying out of it." What a rabble. It is good to have an Opposition that speaks with one voice, but Mr Gay said, "We're going to leave it to the Carr Labor Government." That is what he said in the country press, he is leaving it to us. He said further, "We are not going to play politics on the issue, we would let the Labor Government's policies go ahead without objections." He admitted, "The Coalition had no plans to improve on the New South Wales governments changes."

I have been given a briefing note with two pages of diverse comments on this great public issue by Opposition frontbenchers. We do speak with one voice on this subject and the legislation was there with the Parliament from 7 May as an exposure draft. We have met numerous groups that have a concern on this issue. The Minister for Small Business, and Minister for Tourism, spoke to all of the business sector and tourism operators and got their comments. All my Ministers spoke to relevant groups. The Minister for Local Government spoke to countless councils in New South Wales, and I have spoken to the Law Society and carefully considered its submission on this, because it deserves to be considered.

My officers have spoken to the Bar Association and on follow-up occasions to the Law Society. As a result of speaking to all the stakeholders we are putting the bill with these changes into the House this afternoon. The plaintiff lawyers will craft these cunning little amendments designed to reduce the bill's effectiveness, to undercut it, to undermine it and to protect their own interests. We will not fall for that. If, as the Opposition indicated today, it is going to sign up to those tricky little amendments, then we will fight it all the way.

LOCAL COUNCIL DEVELOPMENT APPLICATIONS

Mr THOMPSON: My question without notice is to the Minister for Planning. What is the Government's response to community concerns about the integrity of developments approved by local councils?

Dr REFSHAUGE: There are 172 local councils in New South Wales. Every year those councils determine more than 120,000 development applications across the State from minor home renovations to major residential and commercial projects. It is a multibillion dollar responsibility. It is a responsibility that the overwhelming majority of councillors honour by assessing with honesty and integrity the merits of development proposals that come before them. However, events of recent weeks have highlighted, sadly, that not all councillors respect their privileged position. Indeed, it seems that some local councillors, driven by greed and self-interest, are quite prepared to betray the taxpayers who elected them. In one case a councillor admitted accepting bribes from developers to improperly influence the council's development approval process. It is a despicable crime that must be crushed at its roots.

Today I can announce a comprehensive package of reforms aimed at restoring public confidence in the development assessment process in every council across the State. This package will ensure that corrupt councillors caught betraying their communities and the shonky developers working with them will not profit from their crimes. The initiatives I will now outline have been framed following months of consultation with the Independent Commission against Corruption [ICAC]. Just today the ICAC released its second report into corruption risks in local government assessment of development applications. Our anticorruption measures neatly dovetail with the concerns raised by the recent ICAC report. Indeed, our reforms involve giving the ICAC commissioner a new role in recommending action over corruptly approved developments.

Under the changes I, as the Minister for Planning, will have new powers to suspend development applications obtained by bribery after a recommendation from the ICAC commissioner. Should it be proven that a councillor has taken bribes in the granting of a development consent, the Land and Environment Court will also have new powers to revoke that approval. In the case where construction has already substantially commenced, any profits illegally made through the development will be able to be seized through action in the Supreme Court under the Confiscation of Proceeds of Crime Act. It is important to stress that these measures will not penalise any third party innocently caught up in the corruptly approved development. For example, people who unwittingly purchase a property in a multiunit project that was improperly approved have nothing to fear, but the developer who paid the bribe and the corrupt councillor who took it will be pursued for any profits they made.

In a further measure, the reforms will allow me, as Minister for Planning, to appoint a planning administrator to a council on the recommendation of the ICAC. It builds on existing powers, but it will be a more flexible tool that can be used to swiftly restore public confidence in a council tainted by allegations of corruption. Council's planning powers could be temporarily removed in this way and ratepayers could be

assured of the integrity of the local development approval process while any allegations against the council were further investigated. In relation to Rockdale City Council I am taking yet a further step. As an interim measure I am stripping the council of some of its powers under State environmental planning policy No. 1, which allows councils to approve projects outside of their own planning standards, such as allowing additional stories or extra floor space in a development. Until I am satisfied that it should be restored, Rockdale council will have its planning powers under State environmental planning policy [SEPP] 1 restricted. Under the changes, the council will need to seek the concurrence of the Director-General of Planning if it wishes to exceed its own height or floor space ratios by more than 10 per cent.

These reforms are clear and comprehensive. I am hopeful of introducing the relevant legislative changes into Parliament as early as next week. I trust that these urgent and much-needed reforms will receive the full support of the Opposition. In conjunction with the initiatives proposed by my colleague the Minister for Local Government, these reforms will help to restore public faith in local government across the State. They will assist the vast majority of honest councillors in performing very important duties and properly planning the future of their individual communities. But they also represent a clear warning to those despicable individuals, corrupt councillors and corrupt developers, who seek to fill their own pockets by corrupting the approval process. I send this message to them: We are out to get you. You will not profit.

EASTERN SUBURBS BUS SERVICE REVIEW

Ms MOORE: My question is to the Minister for Transport. Given that the State Transit Authority's eastern region makes up 40 per cent of its total patronage, when will the new revised bus services and routes, the result of the first review in 12 years, be introduced, given that they were scheduled to commence at the end of April?

Mr SCULLY: The better bus review, as the honourable member would be aware, was delayed when the CityRail timetable was deferred while we were obtaining more drivers. I have spoken to the chief executive. He is continuing to assess the better bus review. We expect it to be implemented probably within the next two months. As a local member affected probably as much as a few other members of Parliament in this place, the honourable member will be consulted about the implementation date. I hope to be in a position to provide her with the date, probably in the next three weeks.

LOCAL GOVERNMENT COUNCILLORS CORRUPTION

Mr THOMPSON: My question without notice is to the Minister for Local Government. What is the Government's response to further consultation with the Independent Commission Against Corruption on dismissing corrupt councillors and councils?

Mr WOODS: I recognise the importance the honourable member places on honesty in local government. There is nothing more important in local government than public confidence in councillors. There are some 1,700 elected local government representatives in this State. The majority of them do a terrific job in representing the interests of their residents and ratepayers. Unfortunately, there are a few rotten apples that spoil the cart. When there is an allegation or, in some cases, proven evidence of corruption it destroys public confidence in local government. The Premier was right on the money three weeks ago when he said:

> Grubby local councillors who tout for bribes for development applications are, in my view, the scum of the earth. They ought to be frogmarched out of local government.
>
> What they do smears all the good local people who serve and who have served in local government. It betrays the trust that people have invested in them.

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

Mr WOODS: The Premier wanted quick action, and today I can advise the House that I will introduce legislation this evening that will enable the Government to act more swiftly in these instances.

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

Mr WOODS: Under the changes a council can be sacked without the need for a public inquiry if the ICAC has recommended that this ought to occur because of systemic corruption within the council.

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

Mr WOODS: The Minister will be able to suspend a councillor from civic office if the ICAC has made a recommendation to do so, if criminal proceedings are instituted against a councillor for corrupt conduct in relation to their civic duties, or if the councillor makes an admission of corrupt conduct. The councillor will not be paid for the period of suspension. The general manager of the council will also be given the power to suspend a member of staff from duty without pay on similar grounds. The Minister may do likewise if there is a case against the general manager. The Minister can also suspend a staff member if he is satisfied that the general manager has failed to act. Obviously, if the criminal charges, against the councillor or a member of staff, have been abandoned, or the person has been exonerated of the offences charged in a court of law, that person will be reinstated.

These changes have been formulated in close consultation with the ICAC. One of the areas the ICAC suggested could be strengthened, and which we have accepted, is the ability of the Governor to sack an individual councillor and disqualify that person from holding office for up to five years if the ICAC finds the councillor responsible for serious corrupt conduct. This would occur after that councillor has been suspended. The councillor would be given an opportunity to show cause as to why he should not be sacked from office. A councillor who is dissatisfied with a decision has a right of appeal through the courts. We have a duty to protect the interests of the community and the good name of local government. We make no apologies for these tough measures.

SOUTH COAST CHARCOAL PLANT

Mr HUMPHERSON: My question is directed to the Minister for Forestry. Why did the Minister not correct the record after he was advised he had misled the Parliament about the deliberate poisoning of South Coast native forest trees for the Mogo charcoal plant, a practice that continued after he said it had stopped?

Mr YEADON: Perhaps the honourable member for Davidson will provide me with clarification later. My understanding is that I responded to a question on notice about native vegetation management in the south-east region of the State. I asked State Forests at that time to cease the practice. It was my understanding then, as it is now, that the practice then ceased.

CENTRAL WEST PRISON FACILITY

Mr MARTIN: My question without notice is to the Minister for Corrective Services. What is the latest information on the proposed construction of a new prison in the Central West of the State?

Mr AMERY: The honourable member for Bathurst, other members of Country Labor, and I acknowledge that Independent members have shown a great interest in the location of the new prison to be built in central western New South Wales. I will explain to the House some of the processes we have gone through. The proposal to build this new gaol in the State's Central West has been under discussion for some time. The gaol is needed to cope with the burgeoning prison population in this State as a result of improved policing and longer sentences being imposed on offenders. In 1994-95 about 6,000 prisoners were within the prison system in this State. Currently, almost 8,000 inmates are within the various facilities around the State. On current projections, that number will increase by about 275 per year over the next four years.

As has been indicated to the House, the new Bail Act will have an added impact, providing another possible 800 inmates over the next two years. The pressure on our system to cope with the increase in the prison population will mean a substantial increase in capital expenditure within the Corrective Services portfolio. I am pleased to say that that will mean a substantial increase in the amount of money being spent in rural New South Wales. I know that Country Labor members have lobbied strongly for that increased funding. The proposal will generate a major regional development project, which will create hundreds of local jobs and inject millions of dollars into local economies. The Government has already started to build new prisons in Kemspey in the State's mid North Coast and in south Windsor. We also recently reopened the Cooma Correctional Centre, and we are looking at expanding a number of other centres around the State.

The Central West proposal is a major plank of the Government's prison expansion program. I emphasise this point for the honourable member for Bathurst, who raised with me whether this new prison will be an expansion of the present system. When I spoke about this project recently, the Opposition said that a new prison in central western New South Wales could only mean a closure of the prisons at Lithgow, Oberon or Bathurst. The Opposition's inane, dopey response to this major redevelopment project was that the Government would open a new prison system in central western New South Wales and close a prison elsewhere. This is

another case of the Opposition getting it horribly wrong in its response to the Government's initiatives in my portfolio. I ask the Opposition to hit us with a policy on correctional services one day. I am sure it would make good reading. I dispel the concern raised with me by the honourable member for Bathurst that a new prison in central western New South Wales will result in the closure of a prison elsewhere. That statement is incorrect.

The Opposition has failed to understand that the central western prison is not a competing facility, it is an expansion of the system. Late last year the Government consulted with local councils on a possible site for this new multiclassification centre. Willingness and capability statements, as they were known, were invited from councils in the Central West. Expressions of interest were invited from both council and private individual land-holders. The closing date for the submissions was early March. As a result of this process, 29 sites were offered in 11 local council areas in the Central West of the State. These included six sites in the Dubbo council area, six sites in the Coonabarabran council area, four sites in the Wellington council area—

Mr Armstrong: Ha-ha!

Mr AMERY: I do not know whether "Ha Ha council" put in a submission, but I will check. Also included were four sites in the Gilgandra council area, two sites in the Cabonne council area and two sites in the Gunnedah council area. Further, one site each was submitted in the council areas of Bogan, Coonamble, Forbes, Lachlan and Narromine.

Mr J. H. Turner: Tony Kelly.

Mr AMERY: Obviously, the Hon. Tony Kelly lobbied for the local councils in his area. I am pleased that the honourable member for Myall Lakes, a National Party member, has recognised another Country Labor member who has been fighting for one of these facilities in his local area. I thank the honourable member for raising that fact. I referred to some members but I forgot to mention the Hon. Tony Kelly. The Department of Public Works and Services and the Department of Corrective Services spent several months working through all of the 29 sites. They were considered in relation to the physical criteria required for this new prison. Some members will not be pleased with the shortlisting process, so I will detail the criteria. The site must be between 40 to 80 hectares, relatively flat, not at risk of bushfire or flooding, near a stable employment base and appropriately zoned. The site must be close to health, education, police, and courts and transport services. Under this Government, the departments had plenty of areas to choose from. The site should also have water, sewerage, electricity, telecommunications and gas services.

[*Interruption*]

Yes, we do need water to run a prison system. The two departments prepared a detailed report for me on the 29 sites that were offered. As a result of that report, I can inform the House that seven sites have been shortlisted for more detailed analysis. These seven sites more closely meet the criteria than the others that were offered. The sites are, in no particular order: a site offered by a private land-holder about four kilometres from the centre of Dubbo off the Sheraton Road in the Dubbo council area; and a site offered by Forbes council in Daroobalgie, I believe it is pronounced.

Mr Armstrong: Dar-oobalgie.

Mr AMERY: No, it is not in the "Ha Ha shire". It is in the Forbes council area on the Newell Highway. The honourable member for Lachlan always gives me good advice. The other sites are offered by: a private land-holder near Gilgandra on the Oxley Highway in the Gilgandra council area; Wellington council, about three kilometres north east of Wellington on the Goolma Road; a private land-holder seven kilometres north of Wellington in the Wellington council area; a private estate six kilometres north of Wellington on the Mitchell Highway in the Wellington council area; and Station Holdings, 2.5 kilometres outside Wellington in Goolma Road, also in the Wellington council area.

The departments will now work with four local councils to consider more detailed issues, such as the provision of engineering services, site survey work, council planning issues, community consultation, road traffic assessments, geotechnical assessments, flora and fauna assessments and site-specific cultural assessments. They will also examine all potential costs involved and discuss the possibility of actually expanding the correctional centre from its original 350-bed plan to a possible 500-bed plan, but with work still within the original perimeter footprint—and for the benefit of the Opposition, that does not mean we will be closing two gaols in the State.

This may be necessary to cater for the expected influx of inmates following the recent Bail Act amendments currently before the House. Even with a 350-bed correctional centre the project will create about 300 jobs during the construction phase and more than 100 corrective services jobs when the centre is fully operational. It will generate about $6 million into the local economy each year. This is a massive investment in regional New South Wales. I am advised that these more detailed discussions may take about another two months. Once they are completed I will take the ensuing recommendations to Cabinet. A decision will then be made and announced and preliminary work will then begin.

In conclusion, it is fair to say that this is another important step in the Government's plan to expand the New South Wales prison system. It has been identified that the prison population could reach about 9,000 by the year 2005 if the predictions are correct. We will continue to consult with local councils and communities as the project progresses. I thank the honourable member for Bathurst and his Country Labor colleagues for their continued interest in this project.

DEPARTMENT OF COMMUNITY SERVICES FOSTER CARE SERVICE

Mr HAZZARD: My question is to the Minister for Community Services. How does the Minister substantiate her claim that the 9,100 children in foster care sleep safe at night when this leaked internal Department of Community Services [DOCS] email shows that she does not even know where they all are, let alone how many are not receiving active casework?

Mrs LO PO': I thank the honourable member for Wakehurst for his first question to me this year. This is an important issue and it is important that an inquiry is being conducted into DOCS. I want to preface my remarks by saying that we are at the same point now as we were in the 1980s. In the 1980s domestic violence was considered to be a family issue. People prevailed on political leaders to make it a more serious issue, and it is now a crime. We have now reached that point with regard to child abuse. There are three strands of intervention in the department: the pointy end, which is removing children and putting them in care; out-of-home care, to which the honourable member for Wakehurst is referring; and early intervention. We need to strengthen those three levels of intervention.

More recent developments in our child protection system have established a foundation and our new legislation gives greater emphasis to prevention, early intervention and family support. The DOCS helpline gives us the capacity to screen and triage all incoming calls. For the first time it gives us a clear picture of what is occurring in the system. The police and DOCS joint investigation response teams provide a forensic approach to investigating serious abuse. There is already a broad consensus that child protection services need to be streamed in the three areas that I have just mentioned: prevention and early intervention, statutory intervention services, and out-of-home care and adoption services.

There is a perception in the community that DOCS is an emergency service. It is not. We cannot force entry to save life. The police, the Ambulance Service and the Fire Brigades can do that, but we cannot. The idea that people can call DOCS in an emergency is ridiculous. Recently, when somebody in a child care centre had a knife, officers called DOCS when they should have called the police. People must stop believing that DOCS is an emergency service and that if they make an anonymous phone call DOCS officers will come to the house, pick up the child, kicking and screaming, and take that child away. It does not happen that way, and no member of this House would want it to happen that way.

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

Mrs LO PO': We need to put resources into out-of-home care, which was the subject of the question asked by the honourable member for Wakehurst. When DOCS is restructured we will get the three streams we need to put more emphasis into out-of-home care. However, I reiterate that 9,000 children have been removed from their families and they sleep safely in their foster homes because DOCS officers have intervened. I do not want anyone to forget that. Because DOCS officers have done their job, 9,000 children will sleep safely tonight.

Mr HAZZARD: I ask a supplementary question. Can the Minister explain why her department has a policy it calls priority one—which really amounts to priority none—which allows DOCS officers to actually close files on children whom it should be looking after? She said they intervene and support children. Instead of having a go at me, she should answer the question about how she is not protecting kids in New South Wales.

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

FEDERAL TRANSPORT AND ROAD FUNDING

Mr HICKEY: My question without notice is to the Minister for Transport, and Minister for Roads. What is the Government's response to community concern about Federal transport and road funding arrangements?

Mr SCULLY: A couple of weeks ago the Federal budget communicated to the Australian people a major breach of faith in country Australia when $100 million was cut from the Roads to Recovery program. The honourable member for Orange announced that rural and regional Australia fared well in the budget. I would have to ask what planet he is on because if he does not tell the people of Orange that they were dudded by the Federal budget, then we need to do so. It gets worse. In addition to the $100 million that has been cut from the Roads to Recovery program, there have been funding cuts to the national highway of almost $0.5 billion over the past five to six years. My colleagues on this side of the House are interested in the national highway network and some honourable members opposite are also interested in that network. I would like to see a bipartisan approach to Canberra saying, "We are not going to cop further cuts to the national highway funding." Last week the Federal Minister for Transport announced a program to develop a transport plan.

We have been asking for a national transport plan for six years. We have finally got the Minister for Transport to the starting gate. He said, "Yes, we agree that there should be a plan." The plan is known as Auslink but we have dubbed it Ausdud. Why? It is because Mr Anderson, in his speech announcing the preparation of a national land transport plan, indicated that the Commonwealth Government's 100 per cent commitment to national highway funding would be reversed. In practical terms, this means that the honourable member for Cessnock will not see the F3 to Branxton road link. It means that members of Parliament on the Central Coast, including the Deputy Leader of the Opposition, will see no widening of the F3 apart from the current projects—that is it. People who live along the Hume, Newell, New England and Sturt highways will see no further roadwork after the current projects are completed.

It will mean that in the electorate of the honourable member for Port Macquarie—he should take this issue to his constituents—when 2006 comes and goes there will be no Federal Government renewal of the Commonwealth-New South Wales upgrade of the Pacific Highway. We have a deal that all the projects will be funded to 2006. I have asked Mr Anderson regularly to please commit beyond 2006. Anyone who travels the length and breadth of the Pacific Highway knows that the upgrading of that highway will not be completed by 2006. We need a commitment of probably another six years to eight years on the part of the Commonwealth and State governments. However, I cannot generate any interest.

There is absolutely no chance that the Princes Highway will ever be a road of national importance. I am all for increasing rail investment. If the Land Transport Administration Fund that John Anderson wants to reassess in terms of priorities for Australia is about more money for rail and more money for road projects other than the national highway, that is fine. I am happy to work with him. However, Mr Anderson must not take one more dollar from the national highway network. We need the F3 upgrade. We need funding for the Princes Highway. We need a financial commitment to the Pacific Highway beyond 2006. We must widen the F3 and we need the F3 to Branxton link.

The honourable member for Dubbo, the honourable member for Northern Tablelands, the honourable member for Port Macquarie and those National Party members who are interested—I hope they all are—should be aware that current Federal maintenance funding for the national highway network, not capital works, is less than the rate of deterioration. In fact, the annual funding for urgent minor works and maintenance suggests that the Commonwealth Government believes life cycle replacement is 65 years. Anyone who knows anything about roads will tell you that, on average, roads last 30-plus years, not 65 years. This means that in the next five to 10 years the Newell, New England, F3 and Sturt highways and other roads of that nature will become pothole-infested goat tracks. We should resist that.

Questions without notice concluded.

RABBIT THREAT ABATEMENT PLAN

Ministerial Statement

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [3.23 p.m.]: As honourable members will

be aware, rabbits have been a scourge for farmers and agricultural producers since the introduction of the European rabbit in the second half of the nineteenth century. Rabbits are prolific breeders whose numbers can explode under favourable conditions. As the honourable member for Lachlan is aware, their impact on agriculture and the environment is devastating.

There is no doubt that the introduction of calicivirus in 1995 has had a profound impact on rabbit numbers. Calicivirus has been particularly successful in the lower rainfall areas west of the great divide, and in some areas has reduced rabbit populations by up to 90 per cent. Yet, despite this, it is estimated that today rabbits still inhabit approximately 4.5 million square kilometres, or about two thirds, of Australia. Areas of New South Wales with higher rainfall are not experiencing the same success rates in reducing rabbit numbers with calicivirus. Clearly the war against rabbits is not over.

Today I inform the House that rabbits have been officially recognised as one of the State's biggest environmental threats following a final determination by the New South Wales Scientific Committee. The independent Scientific Committee has listed "competition and grazing by the feral European rabbit" as a key threatening process under the appropriate legislation. This will help to develop measures to manage and control the impacts of rabbits on threatened species populations and to co-ordinate existing programs on both public and private lands. The Scientific Committee has found that grazing by the rabbit severely affects the survival of many native plants, including grevillea and wattle, and could cause other native plants to be threatened in the future.

Just as rabbits can decimate vegetation and crops, they jeopardise the survival of many threatened species, including birds such as the plains wanderer and the mallee fowl, through competition for food and alteration of their habitat. Rabbits are so destructive because they overgraze many habitats, stripping areas of all vegetation above and below ground, including grass, seeds and the bark and roots of shrubs. This severe loss of vegetation causes erosion, which reduces the chance of native plants re-establishing and makes native animals more susceptible to predation by feral animals.

In response to this listing, the National Parks and Wildlife Service will now prepare a threat abatement plan within three years to help address the threat of rabbits. This plan will help to identify measures to manage and reduce the impacts of rabbits on the long-term survival of threatened species populations and to co-ordinate existing programs on both public and private lands. This will help us to build on work already under way to stamp out this pest. The National Parks and Wildlife Service has been tackling the problem of rabbits for some time and has had some very significant successes, particularly in western New South Wales.

For example, in Mungo and Mallee Cliffs national parks, fumigation and warren-ripping programs have reduced the rabbit population by a massive 90 per cent. Fumigation and ripping of more than 23,000 warrens in Kinchega National Park has allowed significant recovery of several endangered species. National Parks staff are also about to start a rabbit control program in the newly created Oolambeyan National Park near Hay, as approximately 3,000 hectares of the park are heavily infested with rabbits that threaten the habitat of the endangered plains wanderer. These programs are encouraging but clearly we must continue the work in these areas. I welcome feedback from affected country communities through the development and exhibition of the rabbit threat abatement plan.

Mr ARMSTRONG (Lachlan) [3.27 p.m.]: I am staggered that it has taken nearly 80 years to recognise that the rabbit is probably the greatest environmental vandal in this country, particularly in New South Wales. There is no doubt that the English, who introduced rabbits to this country for sporting purposes, had no idea, firstly, how quickly they would proliferate; and, secondly, the damage they would do. The Minister for the Environment pointed out that the rabbit breeds prodigiously. It is a major grazer that causes grazing and environmental problems. In fact, each day a rabbit will eat its weight in green fodder. A pair of rabbits can produce more than 20,000 rabbits in 12 months.

Rabbits have caused enormous problems in this country, particularly through burrowing. Many of the soil erosion problems on roadsides and the salinity problems in the upper reaches of the Lachlan River—especially the Boorowa River tributary—can be traced to the introduction of rabbits. Rabbits burrowed into that light clay country and caused enormous erosion, which we are still trying to grapple with and arrest. They were out of control, particularly during World War II, when there were very few people left in country areas who could contain them. It was very difficult to find wire netting to impound them. It was not until after the war—when men came back and metals and wire netting became available again —that there was some modicum of control.

Fortunately, in about 1948 the TA Ferguson 20 tractor was invented. That wonderful machine had a ripper on the back, and it provided the first serious assistance in the control of rabbits. It allowed for the ripping of burrows and warrens and also some rectification as far as erosion was concerned. In the 1950s myxomatosis, which was developed by the CSIRO, provided the first opportunity for rural industries to contain rabbits. But of course rabbits, in many cases, built up a resistance to it. Then, as the Minister indicated, the calicivirus, which was released a few years ago, was the next step in the containment of rabbits.

The big problem with rabbits at the moment is on government land. Honourable members should visit North Head and national parks virtually anywhere up the coast to see how many rabbits there are. They should visit the national parks in the Snowy Mountains and see how many rabbits there are, because the worst manager of rabbits in this State is the New South Wales Government. There are more rabbits on State roads and in national parks than there are in freehold country in this State. I call upon the Government today to recognise the statement of the Minister and to address its own rabbit problem. I ask the Minister for Agriculture to enforce the Act on government lands.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield—Parliamentary Secretary) [3.30 p.m.]: I move:

> That standing and sessional orders be suspended to provide for the interruption of business at 4.30 p.m. this day to allow the introduction and progress up to and including the Minister's second reading speech of the Civil Liability Bill, notice of which was given this day for tomorrow, and to set down the resumption of the adjourned second reading debate as an order of the day for 7.30 p.m. on Wednesday 29 May.

As honourable members would be aware, the Premier, during his first answer today, indicated that the Civil Liability Bill is an urgent bill, a vital bill, for the people of this State. The Leader of the Opposition interjected during the Premier's reply and called on him to bring it on. It is being brought on for second reading today at 4.30 p.m.. The bill will then be adjourned for reconsideration tomorrow at 7.30 p.m. Already the core elements and the contents of the bill have been publicly released, and it has received widespread publicity. I therefore ask honourable members to support the motion.

Mr TINK (Epping) [3.35 p.m.]: What the Leader of the Opposition did this afternoon was talk about the second tranche of reform that is required. The Government has been working on what is now before the House until literally the last possible second. All the time that the Government has had to work on it is time now denied to the Opposition. We are expected to deal with it in 24 hours. If we had a decent schedule of sitting times in this House—if we did not have a couple of weeks off, sit one week and have another couple of weeks off—we could keep a reasonable sitting schedule. We could keep the House working as the public wants us to work and we would be able to consider this legislation properly without truncating some of the most basic standing orders of this House, as is being sought here.

What is at stake is the five-day rule, which allows a third of the members of the House time to consider this important legislation and come to a considered view on it in the time that is normally allowed. As I understand it, changes have been made to this bill up until the last possible moment. We ought to be entitled to at least some time to consider it, consult the people that the Government has consulted—and in some cases listened to and in others not listened to—to determine a position on this matter in every respect so that the decision that is taken by all members is taken after the fullest consideration. That does not mean it would take long. It would not put this legislation back. It would not delay anything if we had a reasonable sitting schedule with a reasonable timetable and did not have every other week off because the Government has nothing else to do. We do not sit the way the public wants us to, and when important legislation is introduced we do not get the time to consider it.

Motion agreed to.

CONSIDERATION OF URGENT MOTIONS

Biotechnology Industry and Agribusiness Development

Mr MARTIN (Bathurst) [3.35 p.m.]: This matter is urgent because it is important to encourage the development of new industries in country New South Wales for the sake of jobs and economic development.

We should consider this matter today because the Federal Government should immediately increase funding to encourage new industries in country areas. It is urgent that we send this message to the Federal Government today and that is why this matter is urgent.

Cabramatta Crime

Mr TINK (Epping) [3.35 p.m.]: My motion is urgent because the Government must explain why the details of an armed home invasion in Cabramatta were withheld from the media on the eve of the parliamentary committee taking evidence in Cabramatta last Friday. The motion is urgent because I believe that the parliamentary committee must have before it a summary of all reports of violent crimes that have occurred in the Cabramatta local area command since 1 January 2002. The motion is urgent because an incident occurred on the evening of 23 May or early morning of 24 May—approximately midnight—at 34 Church Street, Cabramatta, right in the heart of the Cabramatta local area command. The motion is urgent because I am advised by the President of the Cabramatta Chamber of Commerce, Ross Treyvaud, that witnesses heard what they understood to be gunshots from inside the house at that address. The motion is urgent because police attended the scene and remained at the scene until the following afternoon.

The motion is urgent because 24 May was the day on which the parliamentary committee sat in Cabramatta, yet not a word about this incident appeared in the media. The Government did not make one statement on the incident. The motion is urgent because, compared with the shooting that occurred at the wedding ceremony, a police media press release was issued on 26 May, the incident having occurred the previous evening. In short, the Government will issue media releases in some circumstances when the news is already out there, but not in other circumstances when the news is not out there. In other words, the motion is urgent because the Government is selectively releasing and withholding reports to the media of serious crimes occurring in Cabramatta to ensure that its spin on the Cabramatta policing situation does not get out of hand.

The motion is urgent because the new Commissioner of Police, Mr Moroney, has indicated that he wants to depoliticise policing. The motion is urgent because if Mr Moroney wants to do that, he will see to it that these sorts of incident reports are released and media briefings are made, regardless of whether on the same day or the day following the incident there happens to be a parliamentary inquiry in progress, which may be embarrassing to the Government.

The motion is urgent because it would have been embarrassing to the Government, and in particular the Parliamentary Secretary Assisting the Minister for Police, to have it known that there had been a home invasion with shots fired in her electorate earlier the same day as she was giving evidence to the parliamentary inquiry. The motion is urgent because Mr Moroney must ensure that, particularly as the honourable member for Cabramatta is also the Parliamentary Secretary Assisting the Minister for Police, there is no hesitation whatsoever in ensuring that the media is briefed about incidents relating to police matters in her electorate, especially on the day that she is giving evidence to a parliamentary inquiry relating to policing in her electorate.

The question for the Government remains: Why was this home invasion—about three days later it finally has been admitted to by the Government through the local police commander—not reported on the morning it occurred? Is it more than coincidence that it was that morning when the Cabramatta inquiry was convened and the Government would rather not have known about such an incident that gave the lie to the spin that things were better in Cabramatta—to the point where the problems have gone away? They have not.

In the space of about 36 hours two most violent incidents have taken place in that area. The one at the wedding was indeed extraordinary. In the past, reports of such shootings have been suppressed from the media. Let us not have it again. Let us ensure that the new police commissioner gets the information out in a timely fashion without fear or favour to anybody and that there is not a repeat of this. Let us ensure that the bona fides are made plain by the Government and by the Police Service making available to the parliamentary committee when it next sits a full list of all violent incidents occurring since the beginning of this year. [*Time expired*.]

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

BIOTECHNOLOGY INDUSTRY AND AGRIBUSINESS DEVELOPMENT

Urgent Motion

Mr MARTIN (Bathurst) [3.41 p.m.]: I move:

That this House:

(1) recognises the ongoing support of the State Government to further develop agribusiness and biotechnology;

(2) notes the importance of these emerging industries to rural and regional New South Wales; and

(3) condemns the Federal Government for its lack of support for agribusiness and biotechnology in this month's Federal budget.

The Government has a commitment to developing new industries in rural and regional areas. We recognise that country New South Wales has many diverse regions, each with its own unique assets. The Government recognises how important it is to develop the new industries and new ideas that are out there in country New South Wales. It is true to say that we can no longer rely on what were once the staples of country economies. Traditional commodity markets are not what they used to be and country communities now have to look for new ways to capitalise on their natural assets. The New South Wales Government is developing new agriculture-based industries and diversifying and promoting new ideas.

With the support of the State Government one of the world's leading wine industries has been developed right in our own backyard. What was once just a hobby is now emerging as one of the most important industries to regional economies. Wineries can be found in almost any region of Australia and indeed of New South Wales. The Central West, South Coast and Hunter particularly have had a great deal of success—the Hunter being the traditional one. But in recent years wineries have been developed in the Central West. Even in my electorate there are 13 vineyards now that were not there just a few years ago.

There are 250 wine companies in New South Wales exporting more than $330 million worth of wine each year. I am proud to say that the New South Wales Government has had a hand in promoting and developing the industry. Wine now contributes more than a staggering $700 million to the State's economy, with New South Wales making up almost one-third of the $2.6 billion Australian wine industry—and the figure is growing. Wine grape production in New South Wales is set to grow by 44 per cent or 100,000 tonnes over the next five years. Every year 425,000 international visitors visit our wineries. Tourists from the United Kingdom, Europe and North America are coming in droves to experience our excellent wine. But these days wineries do more than just make wine: they are cultural attractions all to themselves, with restaurants, shops and tours making visiting them a great day out and a significant element in developing this important industry.

One winery which the Government has assisted to expand is the Willow Vale Estate. Based at Gerringong on the South Coast, Willow Vale is expanding its operation to employ an additional 11 people. This is excellent news for the South Coast, with Willow Vale producing up to 200,000 bottles of premium wine this year. We have had the runs on the board in regional development in this State in recent years. It is disappointing to see a lack of commitment from the Federal Government to developing these new and emerging industries. There was just one new regional development program in the Federal Government's budget brought down just a couple of weeks ago. It shows that the Federal Government has no vision. In fact, it appears that it has to steal ideas from State governments because it is bankrupt of its own. Many of its regional programs look hauntingly similar to those developed by the New South Wales Minister for Regional Development over recent years.

The Federal Sustainable Regions scheme looks very much like our Regional Economic Transition Scheme and the Regional Assistance Program is also very similar to the Regional Business Scheme. The National Party's lack of commitment to developing regional industries is also astounding. It should be in there driving its Federal coalition partner in this area. Country Labor will continue to pressure the Federal Government on this issue. We are not going to go away. It is high time John Anderson pulled up his socks and showed some real leadership. We will not stop badgering him until he does so.

He should be pushing his Regional Services Minister to come up with some real ideas instead of wasting his time trying to reinvent the wheel. For those who do not know, the Federal Regional Services Minister is none other than Wilson Tuckey. I think that points to the problem, if we are talking about lack of vision. While he was coming up with his hare-brained scheme to reorganise government in Australia he could have been spending his time developing meaningful policies for country communities. Perhaps he should have

spent his time lobbying John Howard and John Anderson to reinstate the Federal Department of Regional Development. Remember it? It was the first casualty after the 1996 election of the Howard Government. I think more than 250 jobs in that department were abolished overnight. So much for a government with a commitment to regional development! What did we hear from our friends in the National Party? Nothing.

While Mr Tuckey is wasting his time, Country Labor and the State Government are working hard for regional areas, helping to develop industries and creating jobs for country people. That is the bottom line in all this. Another industry we are assisting in Country New South Wales is food processing. We are helping country communities take the next step from simply producing the ingredients to creating delicacies. It is worth reflecting on the food processing industry. It is our largest industry, with a turnover of some $15 billion, of which $3.7 billion is exports, and employing 48,000 people. That shows how significant the food processing industry is. Major food export markets include Japan, the United States of America—there are difficulties there with our friend President Bush—the United Kingdom, Hong Kong, New Zealand, Taiwan, the Philippines, China, Malaysia, Singapore, Korea, and Indonesia.

One company the Government assisted is Green Grove Organics, which turns organic wheat into liquorish, flour and bread mixes. We helped the company relocate from Sydney to Junee, creating six new jobs for the towns and allowing the company to increase exports to the United States. It also featured in the State Government-sponsored stall at Fine Foods Australia last year. I notice the Minister for Agriculture at the table. He would remember the pleasant day in Bathurst last year when he opened the organic farming research centre. It was a wonderful day. The centre is a showplace for people in agricultural industries who want to get into the very popular organic field. Once again the Government put its money up and is leading in this area.

But it does not stop there. One of the Government's most successful rural initiatives has been the Agribusiness Alternatives program. The program was designed to strengthen the State's agricultural base through diversification and development of alternative business opportunities. This is what we were all about: strengthening the opportunities available for country people. As part of the program the Government recently staged five agribusiness diversification workshops. Each workshop includes presentations from experts on marketing, production, sourcing information and industry development—all important ingredients. We also employed 10 agribusiness development officers around the State—one in my area—to identify and develop new opportunities for economic growth and job creation.

I am proud to be supporting the Government in this area. It is time that we focused, with our friends on the other side of the House, on the Federal Government in Canberra and urged it to show some leadership and to devote resources to this important area. Notwithstanding that Mr Costello went back on his promise to keep delivering surplus budgets, and some of the extraneous issues that have eaten up Federal funds, there is nothing more important than developing new products and research and development. We hear a lot about keeping up with the world economy, but Australia has to compete with the odds stacked against us because we play more fairly in international trade than other countries do.

That is all the more reason why governments should commit funds for developing initiatives. On an Australian basis the lead should come from the Howard-Anderson Government. We cannot have a year or two years off because we need to adjust the budget. If the Federal Government can commit $1.2 billion, can it not allocate another couple of hundred million dollars to enforce the commitment to regional development? One thing that underpins regional development is funding for research and development, particularly for exciting new ventures in agribusiness and biotechnology.

The New South Wales Government is committed to doing that, and that is what this motion is all about. We should send a strong and urgent message to Canberra. I am sure the honourable member for Lachlan and all members opposite would agree with those sentiments. I hope they support this motion to get the message through to Canberra and that they use their influence with John Anderson and his colleagues to make sure the Federal Government supports this urgency motion, perhaps by way of a supplementation to the Federal budget. I commend the motion to the House.

Mr ARMSTRONG (Lachlan) [3.51 p.m.]: The honourable member for Bathurst has good intentions, but I think he has been set up. The plain, hard, cold fact is that the New South Wales Government does not have one significant major infrastructure project under way or in the planning stages in areas outside the County of Cumberland, Newcastle and Wollongong. The Pacific Highway and the Great Western Highway are federally funded, and no new railway lines, dams or highways are planned. However, I am hopeful that that might change next week when the New South Wales budget will be delivered.

I would like to think that the Blue Mountains tri-government lobby group—which comprises every elected member of the State and Federal parliaments representing inland New South Wales, along with 15 local government areas and the two Federal senators for western New South Wales—has been lobbying hard for the State and Federal governments to recognise that funding is needed for an engineering study into a four- to six-lane divided highway across the Blue Mountains appropriating the Bells Line of Road. The New South Wales Government should take up that lead.

The honourable member for Bathurst mentioned a number of wine areas. He unintentionally omitted the cool climate wine areas of the Canberra-Boorowa-Young area that, in addition to those he mentioned, have made a dramatic input into the New South Wales wine industry, particularly in white wines. The honourable member for Bathurst mentioned food processing. He probably would not know that one of the most successful food processing plants in recent times has been Windsor Farms at Cowra. Some years ago Windsor Farms acquired the old Edgell's factory and more recently a local co-operative. That processing plant is working very successfully.

While the New South Wales Government gave it some assistance, mainly by way of business planning, probably the most significant input to the previous and current owners was a loan of $150,000 from the local community development trust at a very concessional rate of interest. That is how things can be made to happen, and I hope that the Government is taking notice of that. That loan allowed infrastructure to be developed and for Windsor Farms to expand. It is now canning oxtail soup and jams, and directly employs about 130-odd people; and about three times that number are employed indirectly. That community development trust fund of $250,000 was gifted to the Cowra community some years ago after Pacific Dunlop closed its plant. I was asked to chair that fund committee, which consists of five members of the Cowra community and one person from Sydney. If a fund is properly managed it does not need a lot of money, and that fund is an example of success.

The honourable member for Bathurst mentioned Green Grove Organics licorice. That was not a Government initiative. Give credit where it is due: Mr Neil Druce deserves the credit for that. He comes from Ardlethan and is one of the longest-serving and most successful organic farmers in this State. Give him credit! The honourable member did not mention his name. Neil Druce: that is the fellow. He stuck to his guns through thick and thin and received a lot of criticism at various times from his opponents. He is a darn good businessman and deserves credit. For those who want to try his products, they can be purchased in the foyer of Parliament House, near the coffee machine. Green Grove Organics licorice can be purchased plain or chocolate coated at $6 a packet. Wonderful stuff!

Let us now cut to the chase. The honourable member said that the Federal Government has not recognised the biotechnology industries and new industry development. The Federal budget allocated $21.7 million for the New Industries Development Program. On 14 May the Federal Government announced a $2.7 billion Natural Heritage Trust to help communities around Australia and $102.4 million for a national food industry strategy. There have been major announcements to assist the establishment of television and communication industries out of Canberra. A national biotechnology strategy was announced in the 2000-01 Federal budget, allocating $30.5 million over the period 2001-04 to support targeted initiatives under the national biotechnology strategy. A major initiative of that strategy is a $20 million Biotechnology Innovation Fund to support the early stages of commercialisation of biotechnology.

That new program was developed by Biotechnology Australia in consultation with key stakeholders in biotechnology research and commercialisation. The program commenced operation in July 2001 and announcements about access to support under the program were made in advance. Current Commonwealth support for biotechnology research and commercialisation is available through a range of programs set out in *Australian Biotechnology: Progress and Achievements.* That publication identifies the programs relevant to the objectives set out in the national biotechnology strategy. There is no doubt that the Federal Government is taking the lead, nationwide, in biotechnology by having policies, by showing leadership, and by funding those initiatives.

The Biotechnology Innovation Fund [BIF] allocates funding over three years to address the gap in funding and support at the pre-seed or proof-of-concept stage of product development; a very important part in the overall progress of biotech industries. The aim of the fund is to raise the level of commercialisation of Australian biotechnology research and development, and to raise the return to Australia through greater value-adding to intellectual property. Operating as part of the national biotechnology strategy, this program started in July 2001. The Biotechnology Innovation Fund is a national program with funding available to researchers throughout Australia. A media release from the Hon. Ian Macfarlane headed "Shortlist of Four in Bid for Biotechnology Centre of Excellence", dated 15 April, stated:

> After an exhaustive assessment process, four applicants from a field of eleven have been short-listed for Australia's Biotechnology Centre of Excellence …
>
> More than $46 million, over five years, has been assigned to the Biotechnology Centre of Excellence, for the Commonwealth Government's *Backing Australia's Ability* initiative.
>
> The Members of the Expert Panel are:
>
> - Dr Peter Jonson (Chairperson)
> - Professor Merilyn Sleight (Vice Chairperson)
> - Professor Grant Sutherland AO
> - Professor Denis Wade AM
> - Professor Vicki Sara
> - Dr Ian Pitman
> - John Stonier

In a further media release headed "Calls for Round Three Biotechnology Innovation Fund Application", the Minister for Industry, Tourism and Resources, Mr Macfarlane, called for applications for projects under the third round of the Commonwealth Government's $40 billion Biotechnology Innovation Fund. The media release stated:

> BIF is a key part of the National Biotechnology Strategy, in rounds one and two, 137 applications for assistance were considered, of which 52 successful biotechnology companies received funding.

Mr Macfarlane went on to say:

> In a further acknowledgement of the importance of the biotechnology industry the Government doubled the funding to $40 million as part of the $3 billion *Backing Australia's Ability*.
>
> BIF is part of a number of programs that the Government provides under the $3 billion *Backing Australia's Ability* initiative. In a further acknowledgement of the importance of the biotechnology sector the Government doubled BIF funding to $40 million.

The Federal Budget provides $102.4 million for the National Food Industry Strategy and $25 million over five years for a new initiative to support primary producers who adopt an environmental management system. Farmers will receive a maximum of $3,000 in the form of a cash rebate for up to 50 per cent of the costs of eligible expenditure. In a Federal Budget 2002 statement entitled "Growing Stronger—Agriculture, Fisheries and Forestry" the Federal Agriculture Minister, Warren Truss, said that the Federal Budget focuses on growing and protecting primary production, and that forestry delivered its best ever trade performance, with exports valued at $33 billion. It is totally incorrect to argue that the Federal Government is not supporting biotechnology and innovation in agricultural and regional development. I have no doubt that the honourable member for Bathurst was genuine when he raised this important issue, but his presentation lacked fact. Although I respect him for raising it, I wish he had put more substance into it. It had a lot of feathers; he needed to put some meat in with those feathers.

Mr BROWN (Kiama) [4.01 p.m.]: I support the motion moved by the honourable member for Bathurst. It is pleasing to note the contribution of the State Government to the development of agribusiness and biotechnology in this State and to recognise the importance of these emerging industries. The honourable member for Lachlan said that the Federal Government also supports these industries, but it is clear that it will have to do a lot more if it is serious about supporting regional and rural development in this State. I acknowledge the contribution of the State Government to biotechnology, particularly in country New South Wales. The Biofirst Strategy is a $68 million commitment to the biotechnology industry and to the 2,300 people it employs across the State.

Biofirst is possibly one of the Government's most important initiatives since taking office. New South Wales, especially country New South Wales, must stay on the front foot in emerging areas, and this initiative will go a long way to ensuring that we keep up with the rest of the world. It presents an opportunity to build on the $300 million annually that the industry contributes to the State's economy and to promote the talent that exists across country New South Wales. In fact, New South Wales is the base for 40 per cent of biotechnology companies in Australia. Probiotec has developed a method of turning shark cartilage into an effective form of pain relief. It also supplies a range of women's calcium supplements to South-East Asia and the United States. It is taking Australian innovation to the world. The company is also working with Food Science Australia on a $1.6 million project to develop a range of natural arthritis relief medicine.

I was not surprised to note that the Federal Budget did not include funding for the Jervis Bay Marine Park. The Liberal conservative Federal Government has let down the people of the South Coast. The honourable

member for South Coast has often spoken this House about the Jervis Bay Marine Park, and I will remind the House of a number of points he has made. He is a great advocate for the area; he has been more successful than any other member in having money spent in that area. The park is a $1.5 million commitment of the Carr Labor Government to establish the South Coast as an international leader in scientific marine research. It is hoped that the centre of excellence will become a new education and training centre for the students of the University of Wollongong where I studied. But the project has been thwarted by the Federal Government's lack of commitment to developing new industries in regional New South Wales.

It simply is not good enough. I call on the Federal Government to immediately inject its fair share of funding into the marine park. I know that members of my local community and the University of Wollongong join me and my colleague the honourable member for South Coast in urging the Commonwealth to put its money on the table. The State Government has long had its money on the table; the time has long passed for the Federal Government to follow suit. There is a distinct contrast between what the State Government is doing to develop new industries and the Federal Government's contribution. As the honourable member for Bathurst said, we have the runs on the board in regional development. Our regional development programs have created more than 28,000 jobs since 1995. The Federal Government would be lucky to boast that figure across the whole country.

I am disappointed in the Federal Government's position on regional development—and why would I not be? Not only did it close down the Department of Regional Development, but it could only come up with one new idea. Let us hope that the New South Wales Nationals put in a bigger effort. Unfortunately, its record over the past six years under the Leader of the National Party would indicate otherwise. The Carr Labor Government has reopened country rail lines that the conservatives closed. We are building major infrastructure in regional New South Wales. I inspected one example of our investment, that is, the gaol at Kempsey, the construction of which began last year. We have also relocated the Department of Local Government to Nowra. It is a great victory for the honourable member for South Coast and the entire community of the Shoalhaven.

Mr PICCOLI (Murrumbidgee) [4.06 p.m.]: Again the Opposition has been given a great opportunity during debate on this motion for urgent consideration to point out the utter and ridiculous hypocrisy of the New South Wales Labor Party and the members of this Labor Government. The honourable member for Bathurst referred to the State Government promoting jobs and economic development in country New South Wales. Obviously, he is not living in the same country New South Wales that I am living in, because people in my electorate certainly do not believe that the Carr Labor Government promotes jobs and economic development.

People in the electorates of Murray-Darling and Bathurst tell me that the Carr Labor Government is doing all it can to prohibit and inhibit jobs and economic development. Much has been said about what the Federal Government has done for economic development in the country and the promotion of agribusiness. Since this country was fortunate to elect the Federal Coalition Government some years ago we have seen a vast improvement on what the Hawke and Keating governments left us. In the late 1980s and early 1990s they left us with interest rates of 18 per cent and 25 per cent.

Mr Martin: Make up your mind!

Mr PICCOLI: They could not make up their minds: interest rates went from 18 per cent to 20 per cent to 25 per cent. Thank God they were voted out, otherwise interest rates would have gone higher! If the honourable member were to ask farmers and even home owners what they considered the most devastating policies for agribusiness in the late 1980s and early 1990s they would tell them that it was interest rates under the Labor Government. Thank God we did not get another Labor Government last year!

The Federal Coalition Government introduced tax reform that supports exporters. Something like 80 per cent of our agricultural product is exported. The Federal Coalition Government removed taxes that inhibited agribusiness. The management of the Australian dollar has been very much towards exporters. The Government could have put policies in place to try to prop up the dollar, but in support of exporters and agribusiness it has kept the dollar down. What has the Carr Government done? What has the Carr Government given to agribusiness in New South Wales? What has it given to farmers? It has given them water reform. Nothing in country New South Wales, particularly western New South Wales, has inhibited agribusiness and caused more uncertainty within agribusiness than water reform and native vegetation legislation.

Mr Amery: Give us details.

Mr PICCOLI: The Government said it undertook public consultation on the water reform process in New South Wales. The Government did talk to the public, but it did not listen. It did not do a single thing that

the public asked it to do. The water reforms have had a huge impact on agribusiness and farming in country New South Wales. The people at Nyngan in the Bogan shire are angry with the Government because of the impact its native vegetation reforms have had on farmers and on agribusiness down the line. Those types of policies which the Government has put in place have hammered country New South Wales. What has the Government done about the population decline in rural New South Wales? I believe that those two issues have contributed substantially to that decline. What do we get in country New South Wales? The Government introduces the aggregation of hospital boards in the area health services. The issue of doctors in rural New South Wales is an important one. Many doctors do not want to be part of the hospital system because this Government has stuffed it up.

I admit that the Premier is very clever because he gives a $20,000 grant to Hay or Nyngan and keeps the local member happy while at the same time ripping out millions of dollars by reducing hospital staffing, restricting water and locking up land and private forestry. Those types of schemes take millions of dollars out of communities and the Premier gives a few thousand dollars back so that the local Labor member can give a cheque to the local mayor. They are totally bought out. If the Government is fair dinkum about regional development it will review some of the major impediments it has put in front of agribusiness in New South Wales.

Mr NEWELL (Tweed) [4.11 p.m.]: A debate about our growing agribusiness industry would not be complete without talking about what is happening in aquaculture in New South Wales. All honourable members would know that aquaculture is the fastest growing food producing industry in the world. So much so, that by 2010 nearly half of all seafood eaten will be farmed seafood. That is a huge jump from our present situation, which is barely a sustainable industry. The Government is doing its best through its fishing policy to ensure that the industry is sustainable. New South Wales is poised to capture a significant share of this industry. In the past financial year, the industry grew by $3.5 million to a record $44 million. With the support of the New South Wales Government, this industry is showing a healthy growth of almost 10 per cent per year. Supporting this emerging industry is a key priority of the Government.

In July 2000 the Government released its aquaculture strategy. We have implemented a new State environment planning policy that streamlines the approvals process to encourage new investment in the industry. Further, we have implemented an industry development plan that will provide investors and financiers with more certainty during the development and operational stages of aquaculture projects through the use of strategies and the provision of guidelines on all aspects of aquaculture operations. The aquaculture industry, which is a technical and capital intensive industry, can yield big returns for farmers should they diversify into this field. The Department of State and Regional Development, together with New South Wales Fisheries, is working with a number of investment-ready project proponents who seek capital to proceed with their projects.

A good example of the Government encouraging the growth of the aquaculture industry is Tailor Made Fish Farms in the Hunter. Tailor Made Fish Farms grows barramundi for the Sydney market and fresh fish outlets. Its focus is on high-quality product that is grown to the specifications of the market. In 1998 the New South Wales Government, through its Hunter Advantage Fund, provided assistance to the company to establish its aquaculture facility. By 2001 the company was ready to expand. The Government again helped the company, providing assistance towards infrastructure costs for the development of a fish nursery and improvements to the grow-out pond enclosure to increase production capacity. This expansion will increase production to 70,000 kilograms.

Additional sales revenue will increase employment at the farm from eight full-time and three part-time staff to 14 full-time and two part-time staff within the next two years. In the long term, Tailor Made Fish Farms would like to establish its own hatchery to ensure the best seed stock and to establish an on-site processing facility that will meet export standards of all countries. None of this would have been possible without the initial assistance to establish an aquaculture facility given by the New South Wales State Labor Government. It is about being on the front foot to support emerging, sustainable industries for New South Wales.

In the Murray, New South Wales Fisheries researchers have identified a range of fish species that have commercial potential in the saline water of the Wakool-Tullakool sub-surface drainage scheme. New South Wales Fisheries, the Murray Irrigation Area and the Department of State and Regional Development are working together to develop a project to research the suitability to land-holders and investors of the fish species in the Wakool-Tullakool area. One of the major impediments to the development of saline aquaculture in inland southern New South Wales has been the lack of credible data on the suitability of species. This project will remove those barriers and employ four full-time staff over three years. The New South Wales Government is doing the initial hard yards, putting in the time and resources, so as to identify new areas for the flourishing aquaculture industry to grow.

The Government recognises that our State has the climate and the resources for the aquaculture industry to develop to its best potential. We have a temperate climate, a clean growing environment for coastal and inland aquaculture, strict State and national controls, reliable supplies of good quality water, a favourable investment climate and, of course, a close geographical location to the lucrative markets of the Asia-Pacific region. With all the fundamentals in place and the good development policies of this Labor Government, we are pleased to do the hard yards and support this industry, which holds great promise for regional New South Wales. In my electorate, a small company called Ocean Oddities at south Tweed, with the assistance of the Department of State and Regional Development, has produced seahorses for the local and export aquarium markets. This is another emerging industry that is receiving assistance from the State Government. We are also providing assistance to a couple of other projects in the Tweed. At this stage I am not at liberty to discuss those projects because they are still being worked on, with the assistance of the Department of State and Regional Development.

Mr MARTIN (Bathurst) [4.16 p.m.], in reply: I thank the honourable member for Lachlan, the honourable member for Murrumbidgee, the honourable member for Kiama and the honourable member for Tweed for their contributions. The honourable member for Lachlan spoke about the licorice company. Whilst he did not give specific names of members and their grandchildren, I am pleased that members of the House are enjoying this product. We have started a revival and sales have improved. That licorice company was assisted financially by the Department of State and Regional Development to locate its business in Junee. I am sure it will grow and prosper. Such assistance is available to all innovative companies that want to locate and develop their products in regional areas.

The honourable member for Murrumbidgee made the standard "press the button and away it goes" diatribe. He did not address the issue at all. The honourable member represents a major rice-growing area. Although he spoke about the Government's terrible native vegetation and water reforms, the rice industry has had a record rice crop this year. When the national competition policy comes knocking on the door, we will see whether the honourable member for Murrumbidgee supports regulation or deregulation of the industry. We will see how fair dinkum he is in supporting the rice farmers in his electorate. He will be on the rack. I look forward to that.

The honourable member for Murrumbidgee introduced the issue of jobs in the bush. The Government has introduced many initiatives to attract jobs to rural areas. Those initiatives, which have been implemented and operated by government departments, have been led by the Premier down through the Ministers, including the Minister for Agriculture, who is present in the Chamber. There are many success stories. As the honourable member for Tweed would acknowledge, the firearms registry has relocated to his electorate. The police call centre has established a branch in my electorate. Another 200 public service jobs in the Office of State Revenue will be relocated to my area in a $11 million state-of-the-art office building. About 200 jobs in the Department of Land and Water Conservation were relocated to Dubbo during the tenure of the Minister for Agriculture in that portfolio, and Roads and Traffic Authority jobs were also moved to rural New South Wales. I wish I had another 15 minutes to list chapter after chapter this Government's initiatives, by way of funding and resources, during its present term in office to put jobs in the bush.

As the honourable member for Murrumbidgee introduced this issue, I am able to address it in reply. If he wants to be a smart alec and raise this issue, he has to wear the consequences. Not only can he eat my licorice, he can eat his words. The important point of the motion is that we unite and send a message to Canberra that one new initiative in the Federal budget is not enough. The Federal Government must follow the lead of this State Government and keep the money rolling. I commend the motion to the House and indicate that we will send a strong message to Canberra.

Motion agreed to.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Motion by Mr Amery agreed to:

That standing and sessional orders be suspended to allow the following routine of business forthwith:

(1) the introduction and progress up to and including the Minister’s second reading speech of the Local Government Amendment (Anti-Corruption) Bill and the Civil Liability Bill, notice of which was given this day for tomorrow; and

(2) the resumption of the adjourned debate on the Address-in-Reply to the Governor’s Opening Speech.

LOCAL GOVERNMENT AMENDMENT (ANTI-CORRUPTION) BILL

Bill introduced and read a first time.

Second Reading

Mr WOODS (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [4.21 p.m.]: I move:

That this bill be now read a second time.

Local government is the tier of government with which many people have the most contact. While local government is no longer the domain of roads, rates and rubbish, the broadening services and functions of local government means that councils are in even more contact with members of the community and are major contributors to the wellbeing and quality of lifestyle in a community. For these reasons it is vital that councils operate effectively and that people can have confidence that their local council is operating effectively.

I have commented in this place before on the admirable job that councillors and council staff perform for the benefit of their communities. I do not wish to detract in any way from that good work, although I must speak about those few persons who, for their own selfish purposes, corrupt the system of local government by interfering inappropriately in it. As recent events affecting the Rockdale City Council have shown, unfortunately there are still some unscrupulous individuals who are so driven by greed that they are willing to chance the severe anti-corruption and criminal conduct sanctions that are currently in place in order to obtain financial benefit or some other benefit or favour for themselves. The scale of corruption exposed in the Independent Commission Against Corruption inquiry into activities at the Rockdale City Council has shocked the community.

All people involved in the local government sector would have been disappointed to see one councillor admitting corruption and another collected from his home by ICAC officers to appear before the inquiry to answer allegations of corruption. ICAC officers had completed rigorous and thorough investigations into the alleged corruption and the work of those officers and the inquiry is to be commended. I note that it appears to have only been in the face of overwhelming evidence collected by anti-corruption officers that one councillor did admit that he had engaged in corrupt conduct. The councillor has since publicly apologised for his disgraceful behaviour and resigned from the council.

Evidence at the ICAC inquiry has shown that at least one councillor received money from development applicants, via intermediaries, to assist with the successful passage of a particular application through council. The result for the community of such a scheme is the possibility of development that is not within the limits set by legislation or the council in consultation with its community. Residents or developers going to a council for approvals of one kind or another must be able to have security in the knowledge that their application will be dealt with on its merits, and according to the prescribed processes, and that the application will not be interfered with by corrupt councillors or staff. Decisions made on behalf of residents and ratepayers must not be made for the benefit of corrupt individuals.

The community has every right to expect that the State Government will ensure that corruption within councils is not tolerated and that councils will themselves undertake whatever reasonable measures may be necessary to render their organisations resistant to corruption. Moreover, the community is entitled to have confidence that appropriate measures are in place so that where corruption or other criminal behaviour does exist, it will be rooted out and the people involved punished. It is critically important in terms of deterrence of other councillors or staff who may potentially take corrupt action that those persons conducting corrupt activities are found out and dealt with appropriately under the law.

This bill evidences the Government's resolve to act promptly and decisively against corrupt councillors, corrupt council staff and councils which are afflicted by systemic corruption. The measures contained in the bill will allow the immediate suspension, without the need for further inquiry, of individual councillors and council staff who have been found to be corrupt by a formal inquiry conducted by the ICAC, or who have admitted corruption, or who have been charged with a criminal offence relating to their civic duty. The suspension will operate pending further action, which may involve prosecution of persons by the Director of Public Prosecutions, or other appropriate action.

Corruption rots an organisation from the inside out. The longer it is left, the more damage it can do, and the harder it is to eradicate. Therefore, the proposal provides that a suspension of a councillor or staff member

may be based upon the findings of either an interim or final report of the ICAC. This element of the proposal, which focuses on timeliness, will ensure that there is little, if any, delay between the release of an adverse ICAC finding about an individual and that person being suspended from his or her civic office or council employment on a temporary basis.

It will no longer be possible for persons who have had an adverse recommendation made by the ICAC for their suspension or dismissal, who have admitted corruption or who have been charged with criminal conduct relating to their civic office, to continue on in their role, or to be paid fees or salary, or to be involved in the day-to-day decision making of their council while waiting for the due process of the law to reach its conclusion. The capacity to immediately suspend these persons is essential for the maintenance of community confidence in the system of local government.

If the person is a councillor, the Minister for Local Government will provide the councillor with an opportunity to make submissions as to why the councillor should not be dismissed from civic office. If the Minister is not satisfied that the councillor should retain his or her civic office, that councillor may be dismissed by the Governor, by proclamation. This power to dismiss a councillor is proposed as an option of last resort to remove a person who has been found to be engaging in corrupt conduct but who refuses to resign his or her position.

The period of dismissal will be determined in all the circumstances but is to be no longer than five years. This maximum period is consistent with the powers of the Local Government Pecuniary Interest Tribunal under the Local Government Act to disqualify a councillor against whom a complaint has been proven from holding civic office for a period of not more than five years. The proposed dismissal power applies only to councillors and not staff of councils. General managers have powers under the common law, industrial awards and agreements and employment contracts to deal with disciplinary matters relating to staff. Staff may also have further action taken against them by the Director of Public Prosecutions.

An exercise of power to dismiss a councillor for engaging in corrupt conduct is a serious matter. It is a power to protect the integrity and the reputation of a particular council and the local government sector as a whole. The ICAC considers that this proposal is critical to the effective removal of corrupt persons from civic offices. If corrupt conduct extends beyond a handful of councillors and council staff to the point where the whole council is tainted by corruption, the Governor will also be able to immediately dismiss the council where a formal inquiry conducted by the ICAC has exposed systemic corruption and recommended its removal. In those cases where a whole council has been dismissed due to evidence of systemic corruption, the council will immediately be replaced by an administrator appointed by the Minister for Local Government. The administrator will perform all of the functions of the council. The restoration of democratic local governance will occur as soon as it is deemed appropriate by the Government to hold fresh elections for the area.

The right to select local representatives by a democratic process is important and, as such, voting for a new council will be restored as soon as reasonably practicable. It is entirely appropriate that the recommendation to suspend a councillor or member of staff or to dismiss an individual councillor or an entire council is made to the Minister for Local Government by the ICAC following its investigations. The ICAC has primary responsibility for administering the Government's anti-corruption program affecting public authorities, including local councils. The ICAC is specially empowered to investigate the conduct of public officials and to make findings and recommendations. It may refer criminal conduct for prosecution by either the Director of Public Prosecutions or the police.

Due to the need for a prompt legislative response on this occasion, formal consultation with the peak local government sector organisations was not able to be pursued. However, I am confident that the local government industry acknowledges the urgent need to place greater barriers and to apply speedier sanctions against those persons who, through their selfish and greedy actions, would bring the whole sector into disrepute. The Government believes these new measures will provide a greater threshold of deterrence against persons holding civic office or employed by the local government authority from succumbing to the temptation to act in a criminal or corrupt way. It is my hope that the powers will need to be used only very rarely. I expect, and the community expects, councillors and council staff to respect their offices and to protect the integrity of local government. The measures in this bill will ensure that swift and strong action can be taken in those exceptional cases when councillors or council staff prefer personal profit or favour over the proper performance of their duties for the benefit of the community.

I anticipate and welcome bipartisan support for this important bill. The welfare of the community and the long-term stability and economic prosperity of the State are too important to extend any leniency to corrupt

officials who seek to subvert the public institutions and values upon which our society is founded and depends. The people of this State are entitled to expect that the conduct of councillors and council officers is not for the purpose of personal profit and that they will always act honestly and fairly when carrying out their civic duties. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

CIVIL LIABILITY BILL

Bill introduced and read a first time.

Second Reading

Mr CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [4.32 p.m.]: I move:

That this bill be now read a second time.

On 7 May I released a consultation draft of the Government's Civil Liability Bill. Today, after three weeks of consultation, I introduce the Civil Liability Bill. The bill will implement stage one of the Government's tort law reforms. Three weeks ago I was in no doubt that these reforms were vital to the survival of our community. I have heard and seen the damage that the public liability crisis is doing to our sporting and cultural activities, small businesses and tourism operators, and our local communities. On 7 May no further evidence was required. However, we have had more evidence, such as the damages award against Waverley Council and news today that local councils across the State face a 35 per cent rise in insurance premiums from 1 July.

Since I released the consultation draft of the bill I have met with many local government and community representatives. They have told me that the approach of the courts to public liability is unsustainable, and the Government agrees with them. We need to protect our beaches and parks. We need our roads and schools to operate free from unrealistic standards—standards imposed by the courts with hindsight and with no regard for the cost to the community.

This bill implements stage one of the Government’s tort law reform program. I will introduce stage two of the Government’s tort law reform program next session. I have already outlined many of the issues that we will address in stage two. Stage two will introduce broad-ranging reforms to the law of negligence. It will ensure that risk warnings can operate as a good defence for risky entertainment or sporting activities—risk warnings should be enough. It will address the test for professional negligence, including medical negligence. Stage two will also ensure that public authorities have a good defence to a negligence claim if they comply with standards set for the particular activity. There will be special protections for good Samaritans. There will be an end to special consideration for people who were drunk when they were injured. There will be no damages for people suing for injuries they sustained while committing a crime.

These reforms are urgent and I understand, and share, the sense of urgency. But stage two will introduce broad-ranging reforms to the law of negligence. Stage two will reform an area of the law that Parliament has not previously addressed. The reforms that I am introducing today in stage one are tried and tested: they have worked in health care liability, in motor accidents and in workers compensation. In contrast, stage two is uncharted waters. We need to take the time to get it right. There are fundamental rights involved in what we are drafting and no-one wants to deprive the genuinely deserving of compensation. That is what we risk doing if we rush into stage two. It is more important to take three months longer and get these reforms than it is to rush in with hasty and piecemeal changes.

Before I turn to the detailed provisions of the bill, I want to say something about premiums and insurance companies. Some people have suggested that there is no real evidence that these reforms will have any impact on insurance premiums. However, I have the evidence. I seek leave to table the actuarial report to the New South Wales Treasury entitled "On Tort law Reforms in Public Liability Insurance" by PricewaterhouseCoopers, dated 28 May 2002.

Leave granted.

Document tabled.

PricewaterhouseCoopers has costed the Government's stage one reforms, and its best estimate of the reforms is as follows. There will be a 17.5 per cent reduction in the cost of personal injury claims. There will be a 14 per cent reduction in the cost of public liability claims as a whole. Most importantly, there should be a reduction of some 12 per cent in public liability premiums. While there might be variations between insurers and particular policies or classes of risk, this report shows that premiums should fall by some 12 per cent. The New South Wales Government cannot guarantee that premiums will fall. However, we can put in place the necessary reforms to enable them to fall, and that is what we are doing with this bill.

But to be sure that premiums will fall and that insurers will not make gains from these reforms, the Commonwealth must act. I have repeatedly called on the Prime Minister to take action to ensure that the Australian Prudential Regulation Authority, the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission monitor insurance premiums and make sure that insurers pass on savings to consumers. Today I have written to the Prime Minister. I have given him a copy of our actuarial advice. I have shown him what our reforms are capable of doing and I have called on him to take immediate action to ensure that the benefit of these reforms goes to the community.

I turn now to the bill. I want to express the Government's appreciation for the contributions that a number of groups have made to the consultation process. In particular, I thank the Bar Association and the Law Society for their constructive contributions to the bill. I think they understand the Government's resolve to pursue reform. I also acknowledge the contributions of the Local Government and Shires Association and the Insurance Council of Australia. Councillor Tracie Sonda, the Mayor of Sutherland Shire Council, is in the gallery. She is a strong supporter of the legislation. Why would she not be? Sutherland Shire Council has two claims made against it every day and, like all councils in the State, is under pressure to settle them out of court.

We cannot go on like this. I heard reports from the local government representatives that I spoke to yesterday and from the community representatives that they know of three generations of one family living off compensation claims; that they have stories of repeat claimants; that tripping over a defective pavement is a common syndrome. As people tell stories that they put money down on the lawyer's table and got a return from a judge dressed in Santa Claus gear, the practice will spread. People will think, "Why not take your chances?" Lawyers advertise in the print media, "Come to us. If you lose, we won't charge you." We have banned them from doing it in the print media and we have banned them from doing it in the electronic media. This is ambulance chasing to the nth degree. Local government cannot carry the cost of it; society cannot carry the cost of it; surf clubs, show societies and sporting organisations cannot carry the cost of it. It is a national problem. According to media reports on the weekend, equestrian events in Queensland are in trouble.

I refer to retrospectivity. As I made clear on 7 September, this bill will apply to proceedings commenced on or after 20 March. That is the day on which I announced the reforms. Following public consultation, however, we amended the bill to ensure that the Government does not claim the benefit of retrospectivity. The bill now provides that claims against the Crown, including statutory authorities and State-owned corporations, can proceed under the old law provided they satisfy two conditions. First, the claim must have been notified to the Crown before 20 March. This means that claims that were subject to settlement negotiations before that date can proceed to be determined on the old law. Second, proceedings must be commenced before 1 September this year. The only exception to this date will be if the claimant's injuries have not stabilised in time for them to meet that 1 September deadline. The exception will not apply to health care claims that were already subject to the Health Care Liability Act 2001.

The Government can afford to give up the benefit of retrospectivity because these reforms are about reducing public liability premiums. The Government is self-insured—it does not pay premiums in any real sense. We can make this concession on the Government's liability without affecting the overall strength of the reforms. The Government does not want to disadvantage people who have been negotiating settlements with the Crown. The bill introduces important controls with respect to the calculation of damages. It also imposes new requirements on lawyers. Today I will focus on some of the changes to the bill arising from the consultation we have been involved in since 7 May.

Under clause 9 the bill will apply to awards of personal injury damages. This includes personal injury damages awards made in public liability claims and health care claims. Clause 9 (2) sets out the awards that are excluded from the operation of the bill. Importantly, intentional acts done with intent to cause injury or death or acts involving sexual assault are excluded. This exclusion ensures that the compensation for injuries arising from serious criminal acts is not limited by the bill. The exclusion is not intended to cover claims against health care providers where informed consent to treatment may be an issue. The bill will apply to claims made under the Fair Trading Act. This is to ensure that claims that would ordinarily be dealt we under the law of negligence are not re-fashioned into claims under consumer protection law or contract law.

Clause 12 limits damages for lost earnings, loss of earning capacity or expectation of financial support. It requires the courts to disregard any amount claimed by the plaintiff that is greater than three times average weekly earnings. This will affect very high income earners only. The test of three times average weekly earnings has been adopted in preference to the dollar amount in the consultation draft of the bill. It is consistent with the test announced by the Queensland Government. Clause 15 adopts a number of requirements to apply to damages for gratuitous attendant care services. These are drawn from the motor accidents and health care liability schemes. A number of submissions on the draft bill called for the removal of the requirement that a carer must have lost income or forgone employment before these damages can be payable. The Government has deleted that requirement from the bill.

Clause 16 introduces a threshold for damages for non-economic loss. It also fixes the maximum amount of non-economic loss. The provision is drawn from the Health Care Liability Act. Guidance on it can be obtained from the second reading speech introducing the Health Care Liability Bill 2001. I draw members' attention to our actuarial advice on the threshold. This measure is the biggest contributor to savings, both directly and through its effect on legal costs. Our actuarial advice shows that the threshold will exclude smaller claims for general damages and will discourage people from bringing smaller claims. But, importantly, our actuarial advice shows that the threshold will lead to increased general damages for the more seriously injured plaintiffs. These are the people who have suffered the most and they will get more because of the threshold.

Clause 21 deals with exemplary damages. As a result of consultation on the bill, the prohibition on exemplary and punitive damages has been narrowed. These damages will be excluded only in negligence actions and actions where the fault concerned is negligence. For example, where an employer is sued on the basis of its vicarious liability for its employee's negligence, exemplary or punitive damages will not be available. The prohibition has been extended to aggravated damages. These are more commonly awarded in defamation cases than in personal injury cases. However, the Government does not want to provide an avenue for the courts to award other categories of damages to avoid the new provisions on the general damages.

I turn to the amendments to the Legal Profession Act. These provisions have been amended since the Government released the consultation draft of the bill. The cap on plaintiff lawyers' costs for claims under $100,000 will be the greater of $10,000 or 20 per cent of the amount recovered by the plaintiff. The cap has been extended to the defendant lawyers' costs where it will be the greater of $10,000 or 20 per cent of the amount claimed by the plaintiff. Importantly, the bill now makes it clear that the cap applies to solicitors' and barristers' fees and the fees of their agents or employees. It does not apply to any other disbursements, such as medical reports, investigation reports and filing fees. The cap will not be a standard fee for lawyers to charge their clients. It is the maximum fee which applies unless there is a costs agreement. In many cases the Government expects lawyers to charge significantly less. Bills of costs will still be subject to the normal costs assessment rules in the Legal Profession Act. Lawyers will not be permitted to inflate their costs up to the cap.

The cap on fees will promote efficiency on the part of the legal profession and help to contain claims costs. The cap on costs will be the most that can be recovered from the other party in proceedings, unless the exceptions in clauses 198F or 198G apply. Clause 198F will enable the courts to award indemnity costs against a party if that party refuses an offer of compromise where the eventual outcome of the claim is no less favourable than the terms of the offer. The indemnity costs would apply for the period after the offer is made. Clause 198G will enable the court to order that some costs are not covered by the cap if it is satisfied that the costs are for legal services that were required because the other party took action that was not reasonably necessary for the advancement of its case.

For example, a defendant might make a number of pre-trial applications to the court, requiring the plaintiff's representatives to attend court and argue the various points. If the court finds these applications were not reasonably necessary for the defendant's case or they were intended to unnecessarily delay or complicate determination of the claim, the court can order the defendant to pay the plaintiff's costs of those applications in addition to the capped costs. The bill does not prevent a client agreeing to pay a lawyer extra fees in addition to the cap. However, extra fees can be paid only if there is a costs agreement between the lawyer and the client.

Clause 196 contains a regulation-making power which will enable the Government to introduce a cap on those parts of lawyers' fees which are not regulated by the bill. This is a consumer protection measure. The Government will not hesitate to make a regulation to impose a cap on the fees that can be agreed between lawyers and clients or to introduce a scale for those fees if plaintiff or defendant lawyers take advantage of their clients. These provisions in the bill will contain legal costs, while protecting clients. The Government has changed the standard for assessing unmeritorious claims in the bill. Under clause 198J the standard will be that

the solicitor or barrister must reasonably believe, on the basis of provable facts and a reasonably arguable view of the law, that the claim has reasonable prospects of success. This requirement will also apply to defendant lawyers so that they cannot advance spurious defences. In either case solicitors or barristers must reasonably believe that the material available to them provides a proper basis for alleging the facts on which they want to rely.

We have excluded from these requirements preliminary advice on damages claims. A solicitor or barrister must be able to take initial instructions and advise the client on whether or not their claim or defence has reasonable prospects of success without being in breach of these clauses. Under clause 198L barristers and solicitors must satisfy the standard of reasonable prospects of success before they commence proceedings or file a defence. Under clause 198M they risk having costs awarded against them if they act without reasonable prospects of success. This bill introduces vital tort law reform. I will be sending the bill and the Government's actuarial advice to my counterparts in all other States and Territories. The bill builds on the Government's work with the insurance industry and other jurisdictions to find solutions for people affected by the public liability crisis. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow from 7.30 p.m. this day the introduction and progress up to and including the Minister's second reading speech of the following bills, notice of which was given this day for tomorrow:

Local Government Amendment (Miscellaneous) Bill
Crimes (Forensic Procedures) Amendment Bill
Compensation Court Repeal Bill
Justices of the Peace Bill
Land and Environment Court Amendment Bill.

GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

Ninth Day's Debate

Debate resumed from 10 May.

Mr FRASER (Coffs Harbour) [4.53 p.m.]: I congratulate the Governor on her appointment as the thirty-seventh Governor of New South Wales and on her announcement of the Government's program for the coming year. In doing so, I commiserate with the Governor, for I believe the look on her face as she announced the Government's program was one of bemusement. I will go through the Governor's Speech and point out the hypocrisy of the Government's program. The Governor spoke about the Christmas-New Year bushfires. On behalf of the people of New South Wales, once again I place on record my gratitude to the volunteers from all services for the absolutely phenomenal job they did during the crisis. Regrettably, however, a large amount of that work was needed because the Government had failed miserably, and continues to fail miserably, with regard to hazard reduction in this State.

Once again I draw to the attention of the House the 489,000 hectares of hazard-reduced land that was referred to in the report of the Rural Fire Service. When I placed a question on notice in relation to that, the Commissioner of the Rural Fire Service, Phil Koperberg, could not provide the information that was provided in his annual report because he said he did not have it. However, I know for a fact that grazing leases in State forests were included in that 489,000 hectares of hazard-reduced land. It is high time the Government heeded the advice of the Rural Fire Service and actively reduced hazards. We have heard murmurings of it since the bushfires. I hope the Government continues to reduce hazards to ensure that disasters such as the bushfires that occurred during the Christmas period do not recur. On page 2 of the Governor's Speech, under the heading "Regional and rural communities", she said:

> The qualities of stoicism and quiet determination that we admire in our volunteers are also qualities we associate with our rural communities.

I could not agree more. As one reads through the Governor's Speech one sees how the Government has ignored the plight of rural communities and pressed ahead with a legislative program that is absolutely damnable, to say the least.

In her Speech the Governor also said:

> Last year the Government announced the establishment of "one-stop-shops" to deliver natural resource programs.

Last Saturday night I attended a meeting in Grafton about the native vegetation legislation. I was alarmed to hear the comments of people who work in the timber industry and on farms about the devastating effects on their lives of the Government's native vegetation legislation and the introduction of regional vegetation management plans. Like the Governor, I too admire the qualities of stoicism and quiet determination. However, I place the Government on notice that at the next election those people will reject the Minister for Regional Development, and Minister for Rural Affairs, the honourable member for Tweed and other so-called Country Labor members because of the green policies that are being pushed forward by a city-centric Government that does not know what is going on beyond the sandstone curtain or any further north than Newcastle.

In their current form the regional vegetation management plans will not allow a farmer to remove a tree in order for him to repair a bridge, replace a fence post or repair cattle yards. Farmers are severely affected by the plans. The regional forest assessment will rely on private property to provide 30 per cent of its resources, so native forests will not be able to be logged. Under the Native Vegetation Act the timber on that private property will be locked up. At the end of the day, the Government will espouse a timber industry that is supposedly providing jobs, a plantation policy and a native forest industry on private land, but that timber will not be able to be harvested. Ultimately, with Sydney's booming building industry and an overheated property market, people will not be able to afford the basic raw materials that they need to build their homes.

In her Speech the Governor said that the Government is creating jobs in the bush. Far be it from me to be cynical, but let us look at where these so-called jobs are. The Government promised the creation of 440 WorkCover jobs in Gosford. Peats, Wyong and The Entrance, which are Labor seats. I do not believe the figures. In the past the Government has announced the creation of Department of Land and Water Conservation and State Forests jobs in regional and rural New South Wales, but those jobs have never materialised. One-hundred jobs might be created one year and 100 jobs might be created the next year, but 440 jobs have never been created in one year. It is simply a paper figure put out to confuse people and to give Labor members something to crow about.

The Government promised the creation of 160 jobs in the Department of Mineral Resources and 150 positions in the Infringement Processing Bureau in Maitland, a Labor marginal seat. It promised 132 jobs in the State Debt Recovery Office in Lithgow, another Labor marginal seat. It promised 100 positions in Dubbo, a seat that Labor would hope to secure at the next election—I would suggest as a payback to the honourable member for Dubbo on the basis that he was elected on Labor preference votes.

Nowra will get 58 Department of Local Government positions, in a Labor marginal seat. As I said, the Central Coast will get 84 new fire brigade positions in a Labor marginal seat. Wellington will get 24 positions. Once again, it is a payback. At the 2003 elections the people of rural and regional New South Wales will not forgive the Government for its actions. They have a long memory. They will know that the jobs promised in land and water and agriculture will not be delivered, and they will repay the Government by voting with their feet and supporting the Coalition parties.

The Speech states that more than $1.7 billion will be invested in school capital works, upgrades and maintenance over the next four years. In the last month I have raised issues concerning my electorate. The demountable classrooms needed at Boambee and Bellingen have not arrived—and were not due to arrive until I raised the issue in this House and in the media. Last week I had to publicly beg for a demountable kitchen unit for Woolgoolga High School. I challenged the honourable member for Clarence, because that school is in his electorate, to support my representations. The children need that demountable kitchen unit to complete their cookery courses. We are now told that it will be there within a month. But without the publicity I raised that would not have happened. It makes the $1.7 billion laughable.

The Speech goes on to state that an additional $70 million has recently been provided to fund priority building and security upgrades in schools in the State between now and the end of June. What did the Coffs Harbour electorate get? It got $30,000. Tyalla Public School got $1,000 to upgrade a toilet block. I had been writing to the Minister about that for four years and we finally got $1,000 for it. We got $30,000 across the

electorate. The Speech refers to covered walkways at Bonville and other minor capital works such as toilet blocks at Dorrigo. We have been screaming for a major upgrade at Dorrigo for four or five years. The money has only just started to trickle through this year and it was announced three budgets ago. It is an absolute disgrace! The Speech states:

> This builds on the Government's $46 million announced last year, which is providing 11 new special schools, 17 tutorial centres and 46 specialist staff to help children with disruptive behaviour.

I have regularly begged the Government to provide real funding for children with disabilities in our schools. We are now integrating children with severe physical and mental disabilities into mainstream schools but the Government is not providing sufficient funding. We have asked for more aides but the time of the present teachers aides will be cut back by 15 minutes a week. If there are four in an area that means that an hour can be given to someone else. So instead of providing more money the Government is cutting back on existing services and spreading the money even thinner. It knows that the teacher will work the extra 15 minutes unpaid. But the payroll is cut back and the service is provided to another child for a limited time. I challenge the Government in the next budget to provide proper funding to the teachers aides that help children with disabilities. Those children deserve a decent education and the Government has an absolute obligation to give it to them. I turn now to health. If ever I have seen a joke it is this:

> Better health care is a major priority for the Government, with recurrent funding at a record $8 billion this year.

Come and tell this to the people of Coffs Harbour, who have a brand-new hospital with 14 beds closed in the surgical ward—fewer beds open than there were in the old hospital—a psychiatric unit with only 11 beds out of 30 open, a rehabilitation centre that is not open and chemotherapy patients that have to travel to Newcastle, Sydney and Brisbane to receive treatment. I know that the Parliamentary Secretary at the table understands this, as I do. If people can receive chemotherapy in a regional centre it is a boon to their family. An 86-year-old man in my electorate has been sent to Sydney for treatment because he has private health insurance. It is a classic case of cost shifting. People with private health cover are being sent to Sydney for chemotherapy when that treatment should be provided at the Coffs Harbour Base Hospital. Why is it not being provided there? That hospital is already $300,000 over its budget because the Government has failed, despite the promises, to provide the level of recurrent funding to the hospital and the people in the area to meet their basic needs.

Port Macquarie private hospital is spending similar amounts to what Coffs Harbour is spending in orthopaedics. I will use orthopaedics as an example. People who retire to areas of regional New South Wales expect that they will be able to receive replacement hips and knees at a level five hospital. But Coffs Harbour is a level five hospital being funded at a level three rate. While the money for Port Macquarie and Coffs Harbour is roughly equal, about 70 per cent of the funding of Port Macquarie Base Hospital goes into elective surgery so that people needing replacement hips and knees can receive them. The converse applies to Coffs Harbour: 70 per cent of the funding in orthopaedics at Coffs Harbour goes to trauma incidents, that is, road accidents, broken legs, you name it. So there is a shrinking pool of elective surgery and a growing pool of trauma surgery when the opposite is available at Port Macquarie. I have put it to the House before and I will put it again: the chief executive officer of the Mid North Coast Area Health Service lives at Port Macquarie and he is quite content to see those specialist services slip down the highway to where he is because he wants to keep the base of the hospital there.

I will give an example. This is fact. I ask the Minister to answer this. Our hospital is running $300,000 over budget. I had a meeting with the medical staff council and the CEO of the Mid North Coast Area Health Service about three weeks ago. He sat there and said, "I know we have problems. You tell me how to fix them." He asked the clinicians how to fix them—operating theatres closed, no money to run the hospital, budgets blowing out, and surgical, medical and psychiatric beds closed. He is being paid an enormous salary by the Government as an administrator. Yet he is asking the clinicians how to fix the problems. He is paid to run the hospital. Following that little meeting I was told as of Friday that he has issued an edict to the staff and management of the Coffs Harbour hospital that the number of procedures is not high enough. To improve the situation $2 million of long-wait surgery money has been used to provide cataract surgery within Coffs Harbour Base Hospital and Macksville and District Hospital.

About $300,000 of that money has been spent on machines and chairs. Because 20 cataract operations can be done in a day cataract patients have been brought in to increase the procedure numbers. That is a disgrace. I am not saying that the patients do not need the operations but there is a very good private clinic in Coffs Harbour that could handle the overflow and provide operations at $1,500 each, or less. Last week the surgeons were told that even though the hospital is at least $300,000 over budget, they will be asked to extend surgery hours. Two operating theatres have been totally closed and the other two are operating part time.

Surgeons have been asked to open those theatres and bring in extra staff on the weekend at overtime rates to get more hip, knee and other types of elective surgery done between now and 30 June so that the Minister and the Government can show an increased number of procedures performed in the last 12 months. The cost per procedure will go through the roof because procedures will be performed outside normal hours with staff being paid overtime. This will be done not at the patients' convenience but at the Government's convenience. The honourable member for Keira shakes his head, but it is a fact; he should ask the doctors who gave me this information. [*Extension of time agreed to.*]

For a long time I have been calling for a performance audit of the Mid North Coast Area Health Service. By the Government's own admission, and the admission of the service's chief executive officer, $33 million per annum is taken from the Coffs Harbour Base Hospital. Something in the vicinity of $12 million to $15 million of that amount relates to surgery that cannot be done in Coffs Harbour. Because clinics at Royal Prince Alfred Hospital [RPA] and similar institutions are being funded by the Government, patients are being flown from Coffs Harbour to such clinics where their operations can be done. All this adds to the Government's costs. There is funding from the Isolated Patients Travel Assistance Scheme and quite often air ambulances have to be utilised to transport patients to and fro.

I challenge the Government to return funding to the brand new Coffs Harbour Base Hospital and open beds in that hospital in order to provide services that the people need. We no longer have a urologist in Coffs Harbour. We have only one ear, nose and throat specialist. Last year the Government stopped payment to a cancer nurse who was caring for mastectomy patients in the region. A doctor paid the nurse out of his own pocket. The Government said it would advertise the position, which was supposed to be made available on 1 July. No advertisement appeared in the newspaper until 1 July, and it was another six to eight weeks before a person was actually employed in the position. That is unacceptable.

In her Speech the Governor talked about extra psychiatric facilities at Coffs Harbour. What the Government failed to tell the Governor—and this is an embarrassment for that fine woman—is that there are fewer beds in the new psychiatric unit now than there were in the old hospital. Of the 30 beds in the unit, only 11 are occupied because the hospital does not have adequate staff numbers to service more beds. The Governor was asked to wax lyrical on the Government's attention to rehabilitation in Coffs Harbour, but that 30-bed rehabilitation unit has not been opened. The way the Government has let down regional and rural New South Wales is an absolute disgrace.

The Government talks about spending $8 million to expand methadone, morphine and naltrexone treatment, yet a bill will be brought before this House the object of which will be to extend the life of the legal shooting gallery. I will not vote in favour of any such extension. My view is that the majority of people in New South Wales do not believe the shooting gallery is needed. The report that was published last week claims the facility is a disgrace and does not support any extension of it. The bill is nothing more than window dressing, an attempt by the Government to gloss over the issue of drug use in our community. It is seeking to extend the life of the clinic until after the next election so it will be a non-issue in the lead-up to the election.

The Government will fund the Families First Program, a great initiative of Barbara Holborow and the Rotary community. Why did the Government not fund Rotary? It would have received far more brownie points for giving money to Rotary rather than handing over that program to the Department of Community Services. We all know of the mess that department is in at the moment—its employees are striking and refusing to answer telephones. The Government has stolen a community-oriented, organised and conceived program from Barbara Holborow and Rotary to try to gain some brownie points.

Some time ago I wrote to the Minister asking for approximately $100,000 to buy a property at Ulong to enable a district nurse to service the needs of the local Aboriginal community. I have not had a response to that request. Eight months ago I went to the Minister privately and said we would like a second rescue helicopter at Coffs Harbour. Finally, a week ago, I received a letter from the Parliamentary Secretary stating that he would not consider the matter. I asked for part of the old hospital site to be made available to the Legacy Nursing Home, which is next door to the site. Although initially receptive to the idea, the Government turned down the request, claiming that to do so may affect the value of that site at any future sale. I do not believe it will sell the site. The Legacy Nursing Home wishes to buy the maternity section and add it to its premises, but its plea to the Minister has fallen on deaf ears. This Governor's Speech was put forward as a fair deal for rural communities. Her Excellency said:

> The qualities of stoicism and quiet determination that we admire in our volunteers are also qualities we associate with our rural communities.

They need every one of those attributes to look this Government in the eye, because the Government cannot look them in the eye and say that it has given them a fair deal. If this Speech is any indication of the types of programs the Government is seeking to put forward, I have not much confidence that next week's budget will provide a helping hand to regional and rural New South Wales.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

LAKE MACQUARIE ABORIGINAL COMMUNITY

Mr MILLS (Wallsend) [5.15 p.m.]: I was pleased yesterday to have been invited to, and to have attended, the launch of a video entitled *we have survived*, which is about the Aboriginal people of Lake Macquarie. It was particularly appropriate, this being Reconciliation Week, as—according to a poster shown to me by the Parliamentary Secretary—"Reconciliation is everybody's business". This positive and important new video, which was launched by the Mayor of Lake Macquarie, Councillor John Kilpatrick, presented a positive and direct view of how Aboriginal people live and how they contribute to the life of the community in the city of Lake Macquarie. The video illustrates a brief history from an Aboriginal perspective of the land called Lake Macquarie, showing the links between the Aboriginal community and local government. Leanne Gordon, the Aboriginal community worker with Lake Macquarie City Council, deserves the thanks of the council and all the people of Lake Macquarie for her efforts in the production of this video. I commend Lake Macquarie City Council for paying the costs of making the video and the Prime Television production team for producing it.

The video points out that the Awabakal were the first people of Lake Macquarie. Awaba, which is the Aboriginal name for the region, means "a flat place". Ninkinbah was the name given to the lake. Bahtahbah is the Aboriginal name for Belmont. Booralong is the Aboriginal name for Plush Island, which is in the middle of Lake Macquarie. Biddabah, the Aboriginal name for Warners Bay, means "a silent resting place", and Cooranbong is an Aboriginal word meaning "water over rocks". Three Aboriginal land councils—Awabakal, Biddabah and Koompahtoo—were there to assist at the launch. The video refers to the role of elders, especially in education, and highlighted the difference between the Aboriginal view of education and the European education model, especially with regard to the passing on to children knowledge of the law, sites and cultural heritage and the rights that accompany those matters. It refers to the Awabakal preschool and its service to the community. It talks about the employment by the Department of Education and Training of Aboriginal community liaison officers and Aboriginal assistants, who are placed in schools with high Aboriginal populations and who strengthen links with communities.

The Kirinari Boys Hostel at Garden Suburb provides ongoing services for students of high-school age with accommodation, meals and enrolment in the local high school. The Yamuloong Group initiative, also in Garden Suburb, provides training, career development and employment opportunities for the local Aboriginal community post-school. The group also provides catering services, and within its grounds it conducts cultural bush tucker tours and artefact displays. It also has conference facilities. The Yanteen Aboriginal and Torres Strait Islander Corporation, which is located in Cardiff, offers short-term employment and training opportunities through the Aboriginal Community Employment Development Program.

Other indigenous organisations offering outreach services to Lake Macquarie people include the Awabakal Co-operative, the Awabakal Medical Service and the Aboriginal Legal Service. Yallawiri Nunri works with the Department of Corrective Services to provide support to Aboriginal men, women and juveniles after incarceration or to those who are at risk of imprisonment. Assistance is provided for accommodation, employment, education and training. An Aboriginal Police Liaison Officer is stationed at Toronto. Lake Macquarie Council has established an Aboriginal consultative committee and employs a permanent part-time Aboriginal worker.

Lake Macquarie City Art Gallery, which was opened last year by former Governor-General Sir William Deane, has a permanent display of Aboriginal artworks by local artists. Each year as one of the events organised by the National Aboriginal and Islanders Day of Observance Committee [NAIDOC] an Aboriginal walk is held from Speers Point to the council chambers. The Lake Macquarie Aboriginal community has changed over the years. It is now made up of many different people from many different places throughout New South Wales. As the video states, "Through hardships and struggles we have survived."

On that occasion I was pleased to meet those who catered for the morning tea, the Durungaling Aboriginal Hostel at Lambton. Durangaling means "maidens". The hostel was originally run by the community. It is now a part of Aboriginal Hostels Ltd and accommodates up to 14 TAFE and university students from all over Australia. Michael Green, Ron Gordon and Bill Smith, leaders of Bahtabah, Awabakal and Koompahtoo, land councils, talked about walking together and respect. Michael gave us a challenge to not use the "R" word. He said that he thought something like "coming together" was a better description for what we need to do about reconciliation.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.20 p.m.]: I commend the honourable member for Wallsend for his very real and intense interest in Aboriginal affairs. The poster for the video to which the honourable referred incorporates Aboriginal art and states:

> we have survived
>
> A video of the Aboriginal people in Lake Macquarie
>
> "We have survived" is a video of the Aboriginal people in Lake Macquarie. The video illustrates a brief history of the land called "Lake Macquarie" from an Aboriginal interpretation and the development of strong links between the Aboriginal Community and Local Government.

The people of Lake Macquarie have worked very hard to create a better understanding of our links with the Aboriginal community. Much of this work commenced in the days of the late Perc Haslam, who studied at the University of Newcastle, although he did not graduate. His purpose was research. Like many of us he had contact with the Aboriginal people. However, he understood and spoke their language. The poster further states:

> This video also demonstrates the Aboriginal Community and Local Government working together.

Of course, that has been the case in Lake Macquarie. The poster also states:

> This video exhibits a positive image of the Aboriginal people in Lake Macquarie, a visual image of the services in Lake Macquarie and who Aboriginal people are today.

That is most important. The council's Aboriginal worker assisted in the production of the video. I take this opportunity to extend thanks to the council, the Aboriginal consultative committee and the members of the Aboriginal community who graciously allowed themselves to be filmed going about their everyday lives. As the honourable member for Wallsend said, Edward Smith and Donna Biles-Fernando deserve thanks for the voice-over. I thank also the Indigenous Service Officer from Centrelink for her expertise and for her assistance with writing the script. I thank also Prime Television for its contribution to the filming, editing and compilation of the video.

KU-RING-GAI ELECTORATE BUDGET ALLOCATION

Mr O'FARRELL (Ku-ring-gai) [5.22 p.m.]: Next Tuesday the eighth Carr Government budget will be delivered. While many areas will be of vital interest to Ku-ring-gai residents—and I can list, in no particular order, such issues as maintenance funds for local roads, better access and all-weather coverings for local stations and the need for a reduction in land tax—I will highlight two particular matters. I will not engage in special pleadings; I simply ask that a fair share of resources be directed to my community. I have referred on previous occasions—and I will continue to do so—to the fine State schools in the electorate of Ku-ring-gai and the strong community support they receive from residents. These schools operate within a very competitive environment in which more and more of the private schools, which are also a feature of Ku-ring-gai, have opened preparatory and primary schools.

Along with my community, I strongly support a parent's right to choose the school to which to send their children. But I also recognise that there can be no real choice if the public system is starved of funding, is unable to attract quality teachers or operates in run-down or inadequate buildings. Today I raise my concerns about a lack of adequate funding for Ku-ring-gai public schools. As an example, I cite one school that has a major drainage problem. For that school this year started with students, teachers and parents wading through ankle-high water lying on hard surfaces, covering paths or spilling across the school grounds. The good news should have been last year's decision by the former Minister for Education and Training to approve funding to undertake remedial drainage works. This work was to have been carried out over the summer holidays. It was not. Four months on and the works still have not been done, apparently because the amount allocated is insufficient to pay for the necessary works. This is but one example of what I see as the underfunding of public education in my local community.

If asked for others I could cite the lack of funding for the next stage of building works at Wahroonga Public School; the lack of a school hall at Warrawee Public School; the inadequacy of the existing hall at Lindfield Public School; problems with aged and smelly toilet blocks at a number of the local schools; the size of classes in a number of schools about which parents have expressed concerns to me, especially in the K-2 years—and I could go on. My concern about this issue locally, and across the State, is compounded by what I regard as a lack of priority afforded by the State Labor Government to public education generally.

This is highlighted by comparing Federal and State funding to New South Wales public schools. In 2001-02 the Commonwealth increased funding to New South Wales State schools by 5.2 per cent, but the State Government's funding increased by only 2.5 per cent. If the State Government had matched the Federal increase, an additional $146 million would have been available to State schools this last financial year.

The second priority area to which I wish to refer relates to the work of Lifeline, which operates a service—one of its 17 Statewide services—from Park Street, Gordon. Over the weekend of 17 to 19 May, Lifeline held its annual book fair, which is one of the sources of funding to help fund its 24-hours-a-day, seven-days-a-week telephone counselling service. This year's book fair raised more than $45,000—up from the $30,000 raised last year—and I pay tribute to those who donate books to this worthwhile organisation and to all those local families who buy the books at the fair. But I mention Lifeline to remind people that it receives no public funds and to urge the State Government to consider providing funds to allow improvements to the services offered. Lifeline can only run its telephone counselling service because of the 150 to 180 volunteer telephone counsellors—local heroes making a significant difference to the lives of people living in the Ku-ring-gai and surrounding communities. Last year, the service handled 20,000 calls—up from 11,500 just nine years ago. While this is an admirable service, it seems, according to Lifeline's own surveys, that 85 per cent of calls go unanswered because of a lack of resources.

Let there be no mistake: there is a demonstrable and growing need within my electorate and across Sydney and the State for the telephone counselling services offered by Lifeline. What disturbs me—and those involved with Lifeline—is the increased demand from those who suffer mental illnesses and the absence of other similar services to help share this load. Indeed, despite not providing any funding to Lifeline, New South Wales health brochures encourage people to call Lifeline. Calls come in from people who tell operators that their New South Wales health case managers are unavailable and they have been told, in such situations, to call Lifeline.

I reiterate: Lifeline does not receive any funding from New South Wales Health despite this obvious example of cost shedding by this government agency. There is on-going community debate about the adequacy and level of support for those suffering mental illness in our community. I believe the experience of Lifeline at Gordon is further proof that the State Government is not meeting the needs of people who are suffering mental illness. Lifeline is required to gather its funds through events such as the book fair, its shops and clothing bins and the support of service groups, individuals and some businesses. It runs on a hand-to-mouth existence, yet if offers an invaluable service.

To me, the experience of Lifeline again demonstrates that too often the important things in our lives are denied public funding and only exist because of the incredible efforts of its administrators and volunteers. Lifeline has identified a need it believes the State Government could help resolve. Its telephone counsellors need more support and greater supervision. Without this support telephone operators burn out and enormous effort is put into recruiting and training further volunteers to undertake the counselling work. These volunteer counsellors are well trained by Lifeline, a recognised training organisation, and it makes every effort to ensure that its volunteers are equipped to help those who phone in.

Lifeline believes that funding is required for two extra staff for each of its 17 centres to provide this additional support and supervision. Given that at centres such as Gordon it runs three shifts a day, seven days a week, the estimated cost of these staff after on-costs and administrative expenses are included is $150,000 per year. Across New South Wales that would represent a State Government commitment of just over $2 million to Lifeline's telephone counselling service. Last year New South Wales Health's total budget was $7.4 billion. The Lifeline request represents not 1 per cent of that budget, which would amount to $74 million, and not 0.1 per cent, which would amount to $7.4 million—but just 0.027 per cent of the total Health budget. It is such a small amount, but under the auspices of an organisation such as Lifeline it would be stretched to assist those in need of counselling services across our community. I urge the Government to agree to this request. The sad fact is that all governments raise money. The real tragedy is that a fraction of the money that is wasted by the Government in our community could, if provided to services like Lifeline, do so much good across our society. I urge action in this regard by the Government in its next budget.

OUR LADY OF THE ROSARY CATHOLIC SCHOOL, THE ENTRANCE, JUBILEE

Mr McBRIDE (The Entrance) [5.27 p.m.]: This week Our Lady of the Rosary Catholic School at The Entrance is celebrating its jubilee, that is, 50 years of Catholic primary school education. I had the honour of attending the jubilee week opening ceremony with the current school executive: the Principal, Mrs Frances Reynolds; the Assistant Principal, Mr David Fletcher; the Religious Education Co-ordinator, Mrs Yvette Owens; and the co-ordinator, Mrs Luisa Lawicki. Other special guests were Brother Tony Whelon, Director of Catholic Schools, Diocese of Broken Bay; Father Bill Stevens, Parish Priest of Our Lady of the Rosary, The Entrance; Sister Colleen Keeble, Pastoral Associate from 1983 to 1986; Sister Marie Carson, Principal from 1979 to 1984; and Sister Catherine Duggan, school music teacher from 1954 to 1957.

These are Sisters of St Joseph, who are also known as Brown Joeys, which is the order established by Mother Mary McKillop. Also present were Theresa Sheehan, the Seasons Program Co-ordinator, and Father Simon, who was the Chaplain at Reynolds Court. At the opening ceremony were current and past members of the school community, whom I had an opportunity to meet at the reception following the opening. The Entrance area has always had a strong sense of community independence, reflecting the Australian ethos of getting in and getting the job done. This attitude is also reflected in the history of Our Lady of the Rosary, The Entrance. I read onto the record the following excerpts from the script for yesterday's celebrations:

> It was the year 1946 and Australians, like the rest of the world, were keen to reshape their country following the devastation of the great depression and world war II … A key element for the [local Catholic community] would be the establishment of a convent school in the Entrance area.
>
> [Some 12 months later the first parish priest at The Entrance], Father Patrick Brennan took up his vocation and made his priority the building of a parish school.
>
> It would take another 3 years … before the construction began in 1950, thanks to monies from the previous five housie carnivals. A suitable builder was difficult to find and in keeping with the history of the nation at the time, a new Australian, Mr G. M. Pluim, took up the challenge—

I point out that today Pluim is the name of a major construction firm on the Central Coast—

> On a sunny Tuesday morning on the 29th January, 1952, Sisters Honorine and Noeline commenced teaching in the vacant part of the Church, and finally, after much community and parish support, the first Catholic school in the Entrance area had begun …
>
> The new school building was officially opened on Sunday November 16, 1952, by his eminence Cardinal Gilroy. The cost of the school – 11,000 pounds …
>
> With Sister Honorine as principal, assisted by 2 other teaching nuns, Sister Margaret Mary Daly and Sister Elizabeth Dowling, the 117 students occupied the new school the following day.
>
> Over the next decade, the school naturally outgrew the four original classrooms and in 1964 with Sister Pius as principal two new classrooms were added with more modern amenities. School life in the sixties was highlighted by the building of the new church, the annual swimming carnivals at the ocean baths and the acquisition of the school's first TV …
>
> In those years the students were guided by the Sisters of St Joseph, along with the school's first lay teacher in Brenda Baker. The 1970s began with Sister Marius at the helm. Other principles of the decade included Sister Patricia Snell and Sister Clair Kosh. Structurally, the school continued to make changes with the addition of a 2 storey building housing three new classrooms and a new library …
>
> In 1974, 5 acres of land at Shelly Beach were set aside for the new infants campus … officially opened on November 19, 1974, by Father Reynolds, it was the beginning of a new era.
>
> From Sister Marie Carson to Mr Garry Hansford and Sister Clare Keating, OLR was in good hands … 1986 saw the addition of 4 temporary classrooms to accommodate the school's growing population, and just 2 years later, with the help of the army, the infants and primary departments switched sites.
>
> In 1990 Mr Paul Davis became principal … 2 years later and forty years after OLR opened its doors, the first female lay principal was appointed, the late Mrs Loretta Clifton … From 1997 to the present day, Mrs Frances Reynolds has overseen 5 of the most crucial years in the school's history …
>
> On the 29th June, 1998, a fire gutted 4 classrooms on the Shelly Beach campus, a set back for our school but one which would accelerate the combining of both campuses. June 1999 was the beginning of a move to greener pastures … construction had begun on a new school that would see an extensive renovation of the old buildings and the addition of 6 new classrooms, an administration block and a multitude of new facilities … At 3:10pm on 24 November, 2000, the bells tolled at the Entrance campus for the final time. Just two and a half weeks before the end of the [2000] school year and a long held dream of many was finally realised. Both the infants and the primary students of Our Lady of The Rosary had finally united on the one campus.
>
> Bishop David Walker officially opened and blessed the new school on 4th February, 2001. Today, the school has some 449 students …
>
> Over the last 50 years Our Lady of the Rosary … has always been a place that has strived for quality education, rewarded christian values and used every opportunity to celebrate community.

On behalf of the community I congratulate Our Lady of the Rosary, The Entrance, and wish it every success in the future.

MAIN ROAD 256

Ms HODGKINSON (Burrinjuck) [5.32 p.m.]: I draw the attention of honourable members to the editorial in last weekend's *Sunday Telegraph*, which under the heading "A Question of substance" stated:

> The community is concerned about rising crime levels, the safety of their families, the standard of education, transport and health systems. No amount of political spin can deny the Carr Government has not delivered in these areas.

This is as true for the electorate of Burrinjuck as it is for the rest of New South Wales. I could raise the very real concerns of my constituents about the Government's failure to address these problems, but today I will restrict myself to the Carr Labor Government's breach of faith with the users of Main Road 256. In 1994 Dr Burgmann gave a commitment on behalf of the Labor Party to seal the Goulburn to Oberon road, Main Road 256. The Goulburn to Oberon road travels north from Goulburn through Taralga to Richlands. At this locality the sealed section finishes and the road becomes narrow and winding as it moves down to the Abercrombie River and then up to the vicinity of Porter's Retreat, where the bitumen starts again.

This road is the only major route between the Goulburn and Canberra regions and the tourist areas around Oberon and Lithgow. The only alternative to travel on this road is to detour via Sydney or through Crookwell to Bathurst. Both of these alternate routes require almost double the distance to be travelled. The Goulburn to Oberon road is also the most direct route to several major tourist attractions, including the Wombeyan Caves and the Jenolan Caves. It carries more than 200 vehicles a day and has seen several fatal accidents.

The road also carries a significant amount of timber traffic. This brings to mind another broken promise by the Carr Labor Government—the Premier's 1997 promise to spend an additional $6 million a year for 10 years on roads in the operating area of the Visy Pulp and Paper Mill at Tumut. That promise was subsequently rebirthed as a promise to maintain existing levels of funding. This Government does not have a good track record when it comes to keeping promises about timber roads. Estimates by Oberon Council and Mulwaree Shire Council put the total cost of sealing the 39.5 kilometres of gravel road at about $9 million. The cost to the taxpayers of New South Wales would have been considerably less if Labor had kept its promise seven years ago. The cost to road users is also considerable. The local panelbeaters and the NRMA depot report that they attend accidents and breakdowns caused by road conditions at least once a week.

Recently a constituent advised me of his drive to Jenolan Caves on this road. Just north of Abercrombie River the corrugations on the road were so severe that they literally shook the rotor arm off the distributor in his car. When the road is dry drivers have to contend with severe corrugations, potholes and bulldust; it turns to slippery mud when it rains. On 24 May 1995 my colleague in the Legislative Council the Hon. Duncan Gay asked the Treasurer—in fact, the same Treasurer who will be handing down the Government's budget next week—whether the Carr Government would honour all of its election promises. In reply, Mr Egan stated, "This Government will keep faith with the people of New South Wales."

In the case of the users of the Oberon to Goulburn road, that faith lies as broken and decaying as a piece of road kill alongside the unsealed sections of this dangerous and frequently travelled road. On 11 May this year 308 people attended a public meeting at the Oberon RSL Club in the Bathurst electorate to discuss their very real concerns about this dangerous road. They want action from a government that has repeatedly ignored their concerns and refused to honour its promise. The National Party was represented by the chairman of the Bathurst branch, the Australian Democrats were represented by Dr Chesterfield-Evans and the Australian Labor Party was represented by the local member for Bathurst. When the people at the meeting asked why Labor's 1994 election promise to seal the road was not kept, the member for Bathurst stated that he could not "defend the indefensible". I commend the honourable member for his honesty.

But what a stunning indictment of the Government's promises! What a stunning indictment of the Treasurer who, on several occasions, informed the Legislative Council that "this Government will keep faith with the people of New South Wales". The residents of Oberon shire have been waiting for more than seven years for this promise to be kept. The residents of my electorate and those who live in the Australian Capital Territory and travel this road are aware that this promise has not just been broken; it has been absolutely shattered. Next week in this House Mr Egan will bring down another budget. It is his one last chance before the State election to keep the faith with the people of New South Wales and with those who use Main Road 256 in particular. I urge the Treasurer to take this opportunity to keep Labor's promise to seal the Goulburn to Oberon road.

BLUE ORCHIDS

Mr BARTLETT (Port Stephens) [5.37 p.m.]: I acknowledge the organisation called the Blue Orchids, which presently operates out of the ex-services club at Mayfield. The RAAF base at Williamtown in the electorate of Port Stephens was established in 1942. Over the years it has grown, and today it is the premier fighter base for Australia, having a number of Hornet squadrons as well as the Hawke lead-in fighter as a trainer. At present about 2,600 personnel work at the base, and their families and friends live in the local area. Over many years many people settled in the Port Stephens electorate, as well as the surrounding Hunter region, because of the beauty of the area.

The suburbs of Medowie, Soldiers Point, Salamander Bay and the Tilligerry are home to many retired workers from the Williamtown RAAF base. Blue Orchids is the name given in fun by the other services, the Army and the Navy to members of the RAAF. The name reflects the delicate and fragile nature of those men and women, as well as the pretty blue uniforms they wore. Like the nomenclature Rats of Tobruk, Blue Orchids adopted their name with pride and wore it as a mark of respect. They remain as delicate and fragile as they ever were, but the steel was there when it was required and they knew it.

In 1972 Ralph Drelincourt, Ian McGrath, Merton Morrison and Brian Kelaher formed a group that officially took the name Blue Orchids in September 1974 and started organising reunions for people in the Hunter. The first reunion dinner in 1972—our last dinner marked the group's thirtieth anniversary—was attended by 12 men: Ralph Drelincourt, Merton Morrison, Brian Kelaher, now deceased, Ian McGrath, Tom Mitchell, Norm Rodgers, Ray Stibbard, Len Turner, now deceased, Dick Jeans, George Sowter, Les Condron and John Riddell. The largest attendance of the group was at Newcastle Leagues Club in 1975 when 328 members attended. Chairmen over the years have included Ralph Drelincourt, Gordon Bottrill, Alan Richardson, Mick Kemp and Ray Keys.

Ian McGrath, the present chairman of the group, has been the major force behind the Blue Orchids since 1974. He has organised most of the events and has been the only person to attend all 60 dinners since 1974. Traditionally, the dinners are held on the first Friday in May and November each year. The group currently meets at the Mayfield Ex Services Club. For the past couple of years, since my service in 26 Squadron at the Williamtown RAAF Base was completed, I have also attended the dinners. I congratulate the group on staying together and continuing their mateship. No joining fee is associated with the group. Representatives from every part of Australia, except central Australia, have attended the meetings at some time or other. The Blue Orchids form an important part of the camaraderie and ongoing mateship of those who serve not only at Williamtown but overseas and on other bases in Australia. It is a pleasure to be a part of the organisation. On behalf of all the members of the Blue Orchids I pass on to Ian McGrath our appreciation for his efforts in everything he does for us.

ALBURY BASE HOSPITAL ANAESTHETIST DISPUTE

Mr GLACHAN (Albury) [5.42 p.m.]: I draw to the attention of the House an ongoing dispute between some Albury anaesthetists and the Greater Murray Area Health Service that has now become so serious that it is interfering with the proper operation of the Albury Base Hospital. For a long time attempts have been made to develop a contract between the Greater Murray Area Health Service and the anaesthetists in Albury. Some of the anaesthetists have signed the contract, but others who were not happy with its terms were reluctant to sign it. As a result they have been excluded from working at the Albury Base Hospital and for some weeks the work of the hospital has been markedly interrupted. The intensive care unit has been closed, and patients have had to be transferred to other hospitals at enormous cost.

A few weeks ago a number of people were killed and a number of others were gravely injured in a serious bus accident near Splitters Creek on the road to Howlong, which is just west of Albury. To their credit the anaesthetists, although they were in dispute with the Greater Murray Area Health Service, rushed to the hospital and volunteered their services to help deal with those who were seriously injured. Because the intensive care unit was closed some of them were transferred to Canberra, some were transferred to Melbourne and some were even transferred to Sydney. The disruption of the work at Albury Base Hospital has been so severe that it has resulted in extra work at Wodonga District Hospital, which is now so busy that it has had to cancel elective surgery. Its budget has totally blown out due to the overflow of patients who should have been treated at Albury. This problem is now affecting two States and two cities.

Those who need the services of an anaesthetist are distressed when they have to be transferred to other hospitals. I have heard of extremely ill people in need of immediate care who were sent to places like

Melbourne by air ambulance at huge cost. I have been told that the transfer cost for one such patient is something like $5,000. If the anaesthetists had been working at Albury that cost would not have been incurred. The Greater Murray Area Health Service is advertising for anaesthetists outside the area. It is trying to bring in anaesthetists from New Zealand, Sydney and other parts of Australia to work at the Albury Base Hospital. So far one person has come from outside the area and has begun work there. Today I heard that operations are being carried out at the Albury Base Hospital after midnight. The situation is totally unsatisfactory.

There are always two sides to every dispute, but I am concerned about the wellbeing of the people I represent, particularly the people of my district who have to be transferred to other places. I am concerned about the cost involved. I am also concerned about patients' relatives. What happens when someone from Albury has a seriously ill relative in need of specialist care who has to go to Wangaratta, for example, for an operation? How does the family deal with that? The other day I heard from a constituent who was faced with that very problem. His wife is unable to drive for health reasons. He had to be transferred to Wangaratta for an operation and he may have to stay there for two weeks; he is isolated from his family. I appeal to the Minister to somehow settle this matter. The anaesthetists are concerned because their fellow anaesthetists in Victoria are being paid more than they are. They believe they are also entitled to the extra money. For the sake of the people in the Albury area, I hope the Minister will intervene and that this matter can be solved quickly.

HUNTER INSTITUTE PUBLIC EDUCATION DAY AWARDS

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.47 p.m.]: Last Thursday was Public Education Day, an Australiawide celebration of the contribution of public education to the social and economic fabric of Australia. I had the great pleasure of representing the Minister for Education and Training, John Watkins, at the annual awards ceremony of the Hunter Institute. On that day presentations are made to staff and students in recognition of their outstanding achievements.

This was a high-profile event, attended by guests from government, industry and community organisations. It highlighted the institute's continuing contribution to the economic and social development of particularly the Hunter region. More than 300 staff and students, along with community and industry representatives, were at the institute awards function. A broad range of services are provided by the Hunter Institute throughout the Hunter Valley and the Central Coast. Given the strong links formed between TAFE, business and industry, and the flexible nature of TAFE programs, over the years the institute has responded to changes in industry and training needs in the Hunter to meet our society's demands for life-long learning.

The annual awards ceremony provides award-winning students with a forum that recognises their efforts, enhances the profile of TAFE and the Hunter Institute, and fosters the development of alliances between industry and TAFE. The latter was very much in evidence on the day with the involvement of industry leaders in the presentations and in industry's sponsorship of TAFE awards. Gaye Hart, the institute director, in her opening address, congratulated the teachers on their outstanding efforts and commended students for their enormous performances over the year. The institute itself was the recipient of the 2001 New South Wales Training Award for large training providers.

Some of the figures show the influence of the institute. There were 53,512 students in 2001, which was a 16 per cent increase over four years. One in 10 people in the 15 to 64 age group in the region is a TAFE student, and there has been a 30 per cent increase in traineeship enrolments. In 2001, 29 of the 37 regional apprenticeship and training awards went to TAFE. In the regional WorldSkills competition, 24 of the 28 gold medal winners were from the TAFE institutes. They are the leading provider of TAFE VET courses, with about 2,500 students. I had the pleasure of presenting eight students with the TAFE New South Wales State Medals for students who attained the highest average marks in New South Wales in approved courses in 2001.

I mention Isaac Court in Certificate IV in Business Studies; Joanne Flynn, Certificate IV in Information Technology (Network Management); Carmel Foster, Advanced Diploma in Property Valuation; Wayne McPhan, Advanced Diploma of Electrical Engineering; Katherine Morrison-Rice, Diploma of Community Services (Children's Services) Out of School Hours Care; Brett Pelham, Certificate IV in Management -Team Leadership; Svetlana Purlija, Diploma of Community Services (Children's Services) Centre Based Care; and Emily Turnbull, Certificate IV in Hospitality (Accommodation Services Supervision). The list of award winners itself indicates the depth and breadth of TAFE training in the Hunter and its importance to the development of industry and business in our area.

It was great to be there when Lord Mayor John Tate presented Graeme Hawley with the Institute Medal for outstanding student on all Hunter and Central Coast TAFE institute campuses. Graeme was also awarded the

Faculty Medal for Information and Communications Technology. As well, he received the overall outstanding student award. I was most impressed by his acceptance speech, in which he paid tribute to his fellow students for their capacity and ability in undertaking the courses, and commended his TAFE teachers for their dedication to the TAFE system and to the students in the system.

Ms NORI (Port Jackson—Minister for Small Business, and Minister for Tourism) [5.52 p.m.]: I want to respond to the comments made by the honourable member for Newcastle because I am aware that another medal winner was in a faculty relevant to my portfolio—the winner of the Faculty Medal, Tourism and Hospitality, and the Ken Allen Award. I should read to the House this woman's story on why she became involved in tourism. She probably speaks for so many, and that may explain why she won the medal. She spoke about starting off as a receptionist and moving on to be a personal assistant. However, she wanted to go further and seek a management career, but also desired to travel.

Realising that her personal attributes were more suited to the tourism and hospitality industry, she did the right thing and undertook a full-time education course in TAFE. She is currently completing flexible delivery subjects. Her aim is to lead a successful team within a medium sized tourism and hospitality organisation that provides opportunities both locally and internationally. She is completing a Diploma in Hotel Management and a Certificate IV in Marketing. Her career choice and goals are exactly what the tourism industry can offer a young person—an opportunity to have a career in which it is possible to work locally and internationally. This woman, who started out as a receptionist, could end up managing a five-star hotel with about 400 or 500 employees—not a bad career! I remind the House that average weekly earnings in tourism, rather surprisingly, are higher than those in manufacturing. For any young person who likes travelling and has people skills, tourism is a fine choice of career.

CENTRAL WEST NRMA CAREFLIGHT HELICOPTER BASES

Mr R. W. TURNER (Orange) [5.54 p.m.]: Tonight I speak of two auspicious events in my electorate, both involving the NRMA CareFlight Tenix helicopter. On Thursday 2 May 2002 the local community opened a helipad for this CareFlight helicopter in Canowindra. This project was undertaken by Apex and other community members' fundraising activities. Some $6,500 was raised, which, together with voluntary work, goods in kind, et cetera, resulted in the establishment of a helipad worth about $13,000 at the hospital itself. The helipad enables the helicopter to operate in all weathers to transport patients to the hospital or the nearby ambulance station. This has been a fine effort by all in the community. I congratulate Chris Weaver from the Canowindra ambulance station, Geoff Harris from Apex, and all in the community who helped make this helipad possible. As was said on the day, they hope they never need the helicopter but at least they now know that it can land in all weathers if that is necessary.

Saturday 11 May marked the official opening of the complex on Bathurst Road, Orange, of a helicopter base and the launch of the Agusta A119 "Koala" helicopter, worth $4.5 million. This is a tremendous asset for the whole of the Central West. The helipad complex was opened by honourable member for Heathcote, Ian McManus. Hundreds of people gathered there to celebrate the launch of this fabulous facility. Mr McManus acknowledged donations from the community, small and large, from individuals and the corporate sector. It certainly was a wonderful occasion.

This helicopter is one of the most modern in the world, and it is based in Orange to service the whole of the Central West. It will retrieve people who could otherwise die on the side of the road or in the bush. It will transport them to hospital more quickly than is possible by road ambulance, hence either saving their lives or reducing the risk of long-term injury, whether that be to the body or more specially to the brain. There was enormous competition within the community as to where the base should be established.

Bathurst lobbied strongly for it, as did Dubbo. But as Orange Base Hospital has a strong specialist retrieval team already in place, is located in the middle of the Central West and offers attractive facilities, ultimately commonsense prevailed on the location of this helicopter base. I acknowledge the assistance of Orange City Council in donating the land and other services. Its contribution of $300,000 was acknowledged on the day. As a former member of Orange City Council, I acknowledge the contribution of the ratepayers, because it is their funds that were given through the council. They recognise the value of that service in Orange. It is hoped that down the track a new visitors centre will be built on adjoining land.

When that centre is in operation the Careflight base will also be a tremendous tourist attraction. One of the extra services is a mechanical facility so that Careflight helicopters based at Orange and elsewhere, and

other helicopters, can be serviced at the base. The Careflight team will save an enormous amount in rental facilities when repairs or general maintenance have to be carried out. In the past Careflight hired facilities at Bankstown or at other Sydney locations. Now a helicopter is based and can be serviced at this wonderful facility in Orange. The Careflight helicopter will service all accidents and hospitals in the area and already it has saved lives and reduced the seriousness of an enormous amount of accidents.

CABLEMAKERS WORK PRACTICES

Mr LYNCH (Liverpool) [5.59 p.m.]: I previously spoke in this place of the work practices historically pursued in the Cablemakers factory in Liverpool. I spoke of the experiences there of Peter Fraser and specifically of his concern that there was a link between the work practices and the incidence of death from cancer of those who had worked there. I stressed then and reiterate today that those work practices are largely historical and that Cablemakers no longer operates a plant at Liverpool. The plant that is currently being operated is run by a different company. Since first raising the concerns of Mr Fraser a significant number of people have spoken to me about their experiences at Cablemakers, or, more usually, the experiences of their now deceased relatives. Some had very simple stories.

Olha Mikitiuk told me that her husband, Wasyl, was employed by Cablemakers from 1950 until 1983. He died in 1987, having been diagnosed with lung cancer. This couple had a friend, Ann Nadolsky, to whom I have also spoken. She worked for Cablemakers in 1955 for only 10 months. As she said, 10 months was enough for her. She had to work in the braiding room with asbestos and acetone. She was provided with no protective clothing at all. At the end of her shifts she would be covered head to toe in asbestos fibres. Asbestos was often around some of the cables with which she had to work. A pressure hose was used to blow asbestos off those cables, which caused asbestos to fly around the workplace and cascade around other co-workers. She, thankfully, has been spared any health consequences, but her description of the work practices is genuinely horrifying.

Another person who has spoken to me is Sue Bishop. Ms Bishop had a number of relatives who worked at Cablemakers. Her father, Michael Raso, worked at Cablemakers for 30 years, commencing in 1960. He died in November 2001 from a ferocious form of cancer. Michael Raso did cable salvage. Much of his work involved exposure to asbestos. He told his daughter that at one stage clouds of asbestos would envelope him. This occurred when he was working within the factory where there was inadequate ventilation. The company eventually changed this operation by moving it outside and placing workers on a roster system to limit the amount of exposure sustained by each individual. This was obviously a welcome move, but just as obviously an admission that the earlier work process was a very real concern. Mr Raso's work doing cable salvage involved stripping cables, which exposed Mr Raso to lead and copper.

Mr Raso's brother Frank also worked at Cablemakers for most of his working life. Frank Raso was diagnosed as suffering from bladder cancer whilst still working at Cablemakers. He died in the mid-1990s, aged 63. His work was in the foam division and the cable division. He was exposed to many different chemical substances. Often he worked night shifts, which involved burning off various, including toxic, chemicals at night. There was no history of cancer in this family. It is extraordinary that both brothers should die through cancer. But, of course, both brothers worked at Cablemakers. Frank's wife, Nella Raso, worked at Cablemakers from 1963 to 1968 and also for five months in 1969. She returned in the late 1980s and early 1990s and worked as a process worker, stripping cables to expose the wires. Cables were put in acetone to soak the paper or foil. There was also extensive exposure to asbestos.

The asbestos, in particular, worried her. Asbestos fibres would cause her to itch and to develop rashes. She was provided with no protective equipment. To try to restrict the impact of the asbestos fibres and the development of rashes she put brown paper across her chest as a form of protection. The acetone also caused her considerable problems. She would lose her voice each afternoon, and her face would be flushed and her nose blocked. She suffered from headaches, nausea and stomach problems. These and other health problems have stayed with her and have worsened. Her family believes that exposure at Cablemakers may well be the cause of these conditions. The family is also aware of a number of other workers at Cablemakers who have since died.

Brian Bloser is another constituent of mine who has spoken to me. His father, Sidney Bloser, worked at Cablemakers in the 1960s. Whilst working there he displayed symptoms of a condition which was diagnosed as cancer. He died aged 52 from a rapidly growing form of lung cancer. He worked at Cablemakers as a maintenance fitter, which meant that he worked throughout the whole factory. He told his family that there was a lot of dust and dirt in the factory. He said that the dust constantly enveloped him. Subsequent to his father's death, Brian Bloser had occasion to visit the factory. He had been a boilermaker, but subsequently became an inspector to witness the performance of various products.

In that capacity he visited the Cablemakers plant in the late 1970s and early 1980s. When so doing, naturally, he had a good look around. He noticed that there were a lot of dangerous substances there. He also noted that there was no ceiling, just a roof to the factory, which allowed dust from various substances to collect in the girders and periodically fall down. The roof was not cleaned or painted. These are very serious stories about the history of Liverpool. It is important to the people concerned and their families to have them placed on the record and to have what has occurred acknowledged. It is also important they be told to serve as a lesson that these sorts of practices never happen again. There can, with respect, never be enough attention given to the dangers of inadequate standards of occupational health and safety. If nothing else, the ventilation of these stories should hopefully add to a much greater awareness of the dangers of occupational health and safety.

BEROWRA ROTARY CLUB TWENTY-FIFTH ANNIVERSARY

Mrs HOPWOOD (Hornsby) [6.04 p.m.]: This evening I am pleased to speak about the twenty-fifth anniversary of the Rotary Club of Berowra. I was in attendance with 150 people to celebrate the occasion on Wednesday 22 May at the Asquith Golf Club. Recently I was made an honorary member of the Rotary Club of Berowra in recognition of my long association with the club and also my recent election as the parliamentary representative of the seat of Hornsby. My husband, Stephen, was a member of Berowra Rotary a number of years ago and has just rejoined. In the interim there have been a great many changes, the main change being the ability of women to become full members. Nicola Willis-Jones was the first woman to be admitted to the club in 1993. Women, or rather partners, have been integral to the functioning of Berowra Rotary. Until the decision to accept females, partners worked side by side with male members on a vast array of projects. Dare I say that they were known as Rotary Annes.

The current President, Keith Carson, and his team excelled in the preparation of the evening. The club was originally organised to begin on 20 March 1977 and admitted to Rotary International on 10 May that same year, with the initial membership of 27 people. The club was formally chartered on 25 May 1977 and has been a viable and hard-working group of people since those early days. Like all clubs, it has had ebbs and flows in membership and activity, but the basic core of hard work and community involvement has always been there. The first president was Lew Kempthorne, from 1977 to 1979, and there have been 26 presidents up to and including today. The first female president was Jan Childs, who immediately preceded the current office holder. This year the club began with 19 active members and it now has 28. Four clubs transferred their meetings to Berowra for the special twenty-fifth anniversary celebration. Those clubs are Hornsby—the sponsor club of 1977—Galston, Beecroft and Thornleigh.

Other interesting attendees at the anniversary celebration were the President of Wahroonga Rotary Club, John Welch; the District Governor, Barry Philps, and his wife, Jennifer; the District Governor-elect, Harold Sharp, and his wife, Gina; the District Governor nominee, Danny Low; the Hornsby Rotary President for 1976-77; Ken Rogers, and his wife, Beverley; Berowra charter member Bill Wilson and his wife, Marie; Connie Kempthorne, widow of charter president Lew Kempthorne; past District Governor Les Whitcroft, who presented the charter in 1977; past members and guests; and the Master of Ceremonies, Ella James.

The Rotary Club of Berowra has been involved in many activities. Some of those activities include fundraising projects, such as an annual art and craft show, two plant sales per year, participation in a community chest car raffle and assistance with the Berowra Bush Bash, which is a local fun run. As to community projects, Berowra Rotary is involved in U-turn the Wheel, a young driver awareness program for year 11 high school students, Bowelscan, assisting with school fetes and the Red Shield Appeal, school citizenship awards, community service awards and donations to many other worthy causes, including Berowra Rural Fire Brigade, the Hornsby State Emergency Services, Berowra Guides and Hornsby hospital.

In relation to vocational projects there were awards for pride of workmanship, apprenticeship trainee of the year, district vocational excellence and workplace visits. In relation to youth projects, the club sponsors participants in Rotary youth leadership awards, summer science and engineering schools, model United Nations assembly, Operation Hope and inbound and outbound exchange students. Currently there is an exchange student from France, and Kate Fairlie is an exchange student in Thailand. On the international scene, the club has supported education in East Africa through the East Africa Fund and organised donations in kind for shipment overseas, including school magazines and used spectacles. The club is delighted to have 20 Paul Harris Fellows, the supreme award of Rotary, in recognition of exemplary contributions. I congratulate the Rotary Club of Berowra on a wonderful 25 years. Since 1977 it has grown into a vibrant and healthy club. It does many good things for the community and its members enjoy a strong spirit of fellowship and fun.

LEGAL PROFESSION CONDUCT

Mr TORBAY (Northern Tablelands) [6.09 p.m.]: I feel constrained to bring to the attention of the House the unethical conduct of certain members of the legal profession who are milking the insurance cow for all it is worth to the detriment of the client whose interests they are supposed to protect. Never have I felt so frustrated in representing my constituents as I have in my dealings with Geoffrey Meadows from Bailey Meadows, solicitors—now amalgamated with Shaw McDonald Pty Ltd, solicitors—and the legal firm Hunt and Hunt. Wendy Smith, of Merton Villa, Tenterfield, was seriously injured in a car accident in 1996. On 7 July 2000, nearly two years ago, she was awarded $245,720 by His Honour Judge Phegan. Disbursements approximating $30,000 were paid out and $50,000 was paid to Mrs Smith pending a frivolous appeal from Hunt and Hunt, for the defendant. The appeal was eventually struck out as Hunt and Hunt failed to prosecute its own appeal.

This matter was resolved at the end of June 2001. Since that date Mrs Smith has received only a further $10,000 from her solicitors, Shaw McDonald, and a further $4,191 directly from the Health Insurance Commission. Despite numerous pleas from Wendy and John Smith, and my best efforts on their behalf, to date Wendy Smith has only received $64,191 since the judgment awarding her $245,720. To date, Bailey Meadows has paid itself a total of $67,600. I am advised that legal costs totalling $149,361 are under dispute whilst Hunt and Hunt continue to exploit the processing system and not negotiate settlement of costs. On 21 June 2001 Mrs Smith was advised in writing that she could expect the bulk of the money when the appeal was resolved. The appeal was resolved at the end of June 2001. Mrs Smith was grudgingly paid $10,000 from the trust account on 4 July 2001. I quote from the letter to John Smith on that date:

> This is not to say that I am not sympathetic to your financial situation. In the interests of compromise and goodwill I propose to release to you the sum of $10,000. Having said that, this firm has worked extremely hard on your wife's matters and is entitled to be paid for its services, which has resulted in a much better result for you than anyone anticipated.

Perusal of the trust statement of account shows that on 5 July 2001 Bailey Meadows part-paid itself $20,000. It gets worse. Bailey Meadows received the balance of $142,364 on 28 December 2001 from CTP Allianz. The very first disbursement was to Bailey Meadows' office account of $47,000 on 31 December 2001. There were a number of other disbursements on this date—mainly for legal expenses—which reduced the trust account balance from $142,364 to $27,122. No payments were made to the victim, Mrs Smith. The current balance of the trust account stands at $25,602 and there has been no further action on the trust account since 6 February 2002. Last week on 22 May I asked Shaw McDonald, through the Legal Services Commissioner's office, why the balance in the trust account could not be paid immediately to Mrs Smith. I am informed that the response on 24 May was:

> Mr Meadows will have a look at it and see if there are any further disbursements to be made and then see what can be paid to Mrs Smith.

That is totally outrageous. Why was this not done on 31 December 2001, when all the legal parties were paid? Why is it only being looked at now, despite many phone calls from Mr Smith and my representations on 7 March and 15 April 2002? The legal parties involved in this case are trading on the desperate circumstances of my constituents and effectively coercing them into accepting less than their entitlement. I must emphasise that the situation of John and Wendy Smith is critical. I have major concerns for their welfare. Since Wendy Smith's accident she has been unable to work. Because of her condition and the amount of personal assistance required of her husband, his earning capacity has been severely reduced.

They have three children who are currently being educated through school and university. They are mortgaged to the hilt and can no longer rely on the goodwill of their many creditors. They have no further capacity to borrow and face the very real prospect of selling their rural property and hence losing their livelihood in order to survive. The delays and processes are greatly impacting on the health of all members of the family. Shaw McDonald has provided me with a copy of a file note dated 5 June 2001 from Bailey Meadows admitting that it had overlooked sending her a retainer agreement in relation to the motor vehicle accident and appeal. Since June 2001 Bailey Meadows has continued to add to Wendy's stress in relation to the matter of costs.

My principal objective in this speech is to get urgently needed funds to Mrs Smith as quickly as possible. I call on the Attorney General, who, I am delighted to say, is in the House, to immediately take whatever action is necessary to at least free up funds in excess of the disputed legal costs. Hunt and Hunt's abuse of process to extract maximum costs to increase revenue is scandalous. Not only has it created personal hardship for Wendy Smith but also additional costs to the insurance company, which will reflect in higher premiums for the rest of the community. I strongly recommend that the community be very circumspect in choosing practitioners from the above mentioned legal practices.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [6.14 p.m.]: I acknowledge the apparently serious matters raised by the honourable member for Northern Tablelands. As a consequence, I am more than happy to undertake to refer this matter as a matter of urgency to both the Legal Services Commissioner and to the Law Society for their consideration.

Private members' statements noted.

[*Madam Acting-Speaker(Ms Beamer) left the chair at 6.15 p.m. The House resumed at 7.30 p.m.*]

LOCAL GOVERNMENT AMENDMENT (MISCELLANEOUS) BILL

Bill introduced and read a first time.

Second Reading

Mr WOODS (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [7.32 p.m.]: I move:

That this bill be now read a second time.

This bill reflects the Government's continuing commitment to providing an appropriate and effective legislative framework for the administration of local government in New South Wales. The Government is committed to ensuring that improvements in local government are ongoing, and that new provisions are responsible and workable. The practical experiences of councils, residents and ratepayers also demonstrate the need for further amendments to ensure the responsiveness of the legislation. The amendments contained in this package will continue the process of improving the legislation that empowers this important level of government. The bill amends the Local Government Act 1993 in relation to council meetings, plans of management for community land, council ward boundaries, fees for councillors, water supply, sewerage and stormwater drainage works by councils, and other matters.

I will first review the amendments contained in the package that relate to the management of community land. Many people in the community are vitally interested in the management of public land. Land such as bushland, escarpment, foreshore, parks or sportsgrounds is commonly designated as community land. Another important type of community land is land that is of Aboriginal, historical or cultural significance. Community land is public land owned or controlled by the council and has been classified as community land under the Local Government Act. Once classified, community land is protected from sale or long-term lease for the benefit of the whole community. An area of community land which comprises the habitat of endangered or threatened species has special protections under the current Act. A council which is responsible for community land must take particular steps to manage the land, including developing a plan of management for the land, in consultation with the local community.

The Local Government (Community Land Management) Amendment Act 1998 made significant amendments to the community land provisions. The amendments proposed in this bill will refine those earlier amendments and improve the ways in which local councils manage community land. Local councils must categorise community land in one of the set categories, including as a natural area, sportsground, park, area of cultural significance or general community use. Land which is a natural area must be further categorised as bushland, wetland, an escarpment, a watercourse or foreshore. Categorisation of land is a key factor in determining the uses of the land.

Councils are required by the Act to hold a public hearing in respect of a proposed plan of management for community land to ensure that communities have input into the use of public land. The amendment in this package clarifies when a public hearing is required in relation to a draft plan of management. A public hearing must be held if a draft plan of management has the effect of categorising, or altering the categorisation of, community land. However, a public hearing is not required where the categorisation, or new categorisation, relates only to the further categorisation that is required for natural areas, which I have already mentioned.

Additionally, if , following a public hearing for a draft plan of management, the council decides to amend the plan by altering the categorisation of community land, another public hearing must be held in relation to the draft plan of management. These amendments will ensure that in any case where it is proposed to change the key determinant of the use of public land, the local community has a chance to have its say on the management of the land. Public land is a vital environmental, social and cultural resource and it is critical that local councils listen to the views of their communities when categorising community land.

A number of local councils work closely with Aboriginal communities in relation to the management of sites of significance to Aboriginal people on community land. Those councils have listened to the Aboriginal communities and have taken account of their concerns. Significant sites, such as rock paintings and middens, should be adequately protected from accidental or intentional misuse or destruction, for the benefit of us all. At the same time it is important to retain public access to community land. A council may resolve to keep confidential, within the plan of management for community land, the nature and location of a place or an item of Aboriginal significance. A council may also close part of its meeting to discuss information concerning the nature and location of a place or an item of Aboriginal significance on community land.

The plan of management will contain a note stating that the plan is affected by the resolution of confidentiality, so that people may know that a place is being protected under the provision. Any Aboriginal person associated with the public land concerned may apply to the local council for protection of the confidentiality of the nature and location of the place or item, or a council may resolve to do so of its own volition. However, in either case the council must consult with the appropriate Aboriginal community regarding public access to and use of information concerning sites of Aboriginal significance on community land. Therefore, while councils must deal with important Aboriginal sites within a plan of management for community land, public access to the land is maintained and the nature and location of a place or site of significance to Aboriginal people can be kept confidential in order to protect Aboriginal history and culture.

A final amendment relating to the management of community land concerns the granting of an easement over community land to a landowner. A private landowner may require the installation of a wholly underground pipe for drainage purposes from private land, under community land to a drainage facility, or other appropriate facility. Currently, the Act requires a council to expressly authorise the grant of an easement over community land in a plan of management for community land because the easement may affect the public land.

The Act also requires that the easement be consistent with the core objectives of the relevant category of community land. Meeting these legislative standards can be very difficult indeed. However, there is no public interest in effectively neutralising the value of a property, or substantially impeding its use, by refusing to grant an easement for necessary utility pipes. Further, the grant of an easement for underground pipes would not hinder the use of the community land by the public. Accordingly, an amendment is proposed that will enable councils to grant an easement for wholly underground pipes for the purpose of connecting a premises adjoining community land to a facility of the council or other public utility provider. This amendment eases the administrative restrictions on the granting of easements by local councils so that they may allow landowners to fully enjoy the use of their property, without interruption to the enjoyment of community land by the public.

This bill also provides for council employees, or other persons authorised by council, to enter any premises other than national parks and wildlife reserves to carry out such water supply work, sewerage work or stormwater drainage work that the council is otherwise authorised to carry out. The bill also clarifies that ownership of such works rests with the local council that installed them. In New South Wales all local councils are responsible for the provision of stormwater control works in their local areas. About 120 councils outside the Sydney, Wollongong, Central Coast and Newcastle areas are also responsible for water and sewerage under the Local Government Act.

Unlike its predecessor, the current Local Government Act only empowers councils to enter premises to inspect such works. It does not allow them to enter premises to construct, repair or replace such works. To do so, councils have had to purchase easements by agreement or by compulsory acquisition. The cost of obtaining easements to enable councils to fulfil their community obligations is far beyond the financial resources available to them. The total cost to councils to acquire easements for water and sewerage works is estimated at $1.275 billion. This estimate does not include the costs of acquiring easements for stormwater drainage or flood mitigation works. This expense is a major disincentive to councils to carry out maintenance and repair works. Any delay caused by landowner objection would also lead to further disadvantage of the wider community.

This bill also addresses practical anomalies illustrated by the powers exercised by Gosford and Wyong councils, which are both designated as water supply authorities under the Water Management Act 2000. As councils operating under that Act, they have the benefit of the powers of entry provided to them under that Act, whereas if they were to provide the same services under the Local Government Act they would not have those powers. The provision to councils of the powers that are the subject of this bill is equitable. It addresses the anomaly that similar powers are now enjoyed by other authorities, such as private irrigation boards, private drainage boards, Sydney Water, Hunter Water, and State authorities operating under the Public Works Act 1912. Where the powers of entry are utilised by a council to undertake water supply work, sewerage work or stormwater drainage work that the council is authorised to carry out, private property owners would receive adequate compensation for any damage caused by the work.

I have spoken before in this place about increasing the accountability of councillors to their local communities. At the local government elections every four years some 1,700 councillors are elected to the 172 councils throughout the State. In holding civic office, those people have certain duties and responsibilities they must perform satisfactorily. For the most part, the councillors who volunteer their abilities, time and efforts for the good of their communities undertake their work admirably and with significant benefits for their areas. Councillors must represent the views and the aspirations of residents and ratepayers, and a critical part of this is attendance and contribution at council meetings. Councillors are paid an annual fee, determined each year by the Local Government Remuneration Tribunal, in recognition of, and as compensation for, the voluntary nature of the office of councillor.

However, local communities are legitimately concerned when elected councillors do not attend council meetings, particularly when this becomes a regular occurrence or habit. Councils are able to grant a leave of absence to a councillor, and there are many cases in which this will be entirely appropriate. For example, a councillor may suffer from an illness, may need to care for a family member, or may be required to travel for employment or business reasons. In all these cases, the local community would be likely to regard the grant of a leave of absence as necessary and satisfactory. An amendment in this bill will clarify the meaning of the leave provisions under the Act to make it clear that a councillor may seek leave either prior to the meeting from which the councillor is seeking leave, or at that meeting.

There are legitimate circumstances that may prevent a councillor from attending a meeting and it may not always be possible to seek that leave at an earlier meeting of council, given that there will often be a period of up to one month before the leave is required. Procedures relating to the attendance of councillors at council meetings enhance public confidence in local government as well as increase accountability to the community. For those reasons this clarifying amendment is considered to be necessary. Another issue that is addressed in this bill is the case of a councillor taking a period of leave and receiving fees for that period.

The Government considers that if a councillor, for whatever reason, does not attend a council meeting for a long time, that councillor should not receive the proportion of the annual fee that relates to the time the councillor was absent. Councils may presently withhold councillors' annual fees by resolution of the council for any period for which the councillor is absent from council meetings, whether leave has been granted or not. This provides the discretion for a council to continue to pay councillor fees to a councillor who is on an extended period of leave.

Under the Act, there is also a limit to the number of council meetings a councillor may miss without obtaining the prior leave of the council before the civic office is declared vacant and a by-election is called. After missing three consecutive ordinary meetings of the council without prior leave, the position is automatically declared vacant and a by-election must be held. This was the case at Queanbeyan City Council, where, following the grant of leave for almost eight months for which the councillor fees were paid, former Councillor Carol Atkins missed three meetings, and a by-election was held to replace her.

Accountability to ratepayers in spending public moneys, and the voluntary nature of a councillor's service to the local community, have led the Government to determine that the payment of fees should cease if a councillor remains on leave after three months absence from council meetings, with or without the permission of the council. There may well be circumstances in which it is appropriate to grant leave to councillors, but councillors on extended leave should not receive fees for that period, as they are not able to fulfil the duties of civic office that are required of them in their capacity as councillors.

The amendment contained in this package will help to ensure that ratepayers are effectively and diligently represented on council, and that fees for councillors should depend upon participation in the meetings of council. The theme of increasing accountability to residents and ratepayers is continued in a further amendment in this bill relating to meeting procedures of councils. The Act allows councils to close part of a meeting to the public in very limited circumstances, including discussion of commercial information of a confidential nature, advice concerning litigation, the personal hardship of any resident or ratepayer, and personnel matters concerning particular individuals.

The time spent in closed session must be minimised and the grounds for closure of the meeting must be specified in the minutes of the meeting. These provisions recognise that councils need to consider some matters confidentially but give paramount importance to the principle of open meetings and transparency in the exercise of council's functions. This is a principle that is found throughout the Act and should guide the transaction of council business. In relation to the closure of council meetings to discuss personnel matters concerning

particular individuals, there is knowledge of instances in which the provision has been relied upon to close meetings to discuss matters concerning councillors, such as the payment of travel claims or the council's fees and expenses policy.

This was not the intention of the Act. It is an entirely inappropriate practice and the Government is proposing action to prevent it from occurring. Councillors are not employees of the council. They are publicly-elected officials whose behaviour and decisions should properly be the subject of the scrutiny of the local community through the open meeting process. To ensure the transparency of council decisions, the Government has proposes an amendment in this bill to make it clear that councillors are not personnel of the council for the purposes of closing a council meeting. Therefore, personnel matters concerning particular councillors must be discussed in an open meeting.

Another matter the Government is addressing in this bill relates to the broader accountability of councils as the governing body to function effectively in the day-to-day administration of local government in its area. Under the Act an administrator may be appointed when the Governor declares that the council is non-functioning, without the need for a public inquiry. A council may be non-functioning because an ordinary rate has not been made or levied, the council has not exercised its functions for six months or more, or there are not enough councillors for a quorum to be reached at council meetings. As an alternative to the appointment of an administrator in circumstances relating to the failure to obtain a quorum, the Governor may appoint a number of councillors so that a quorum may be reached and maintained.

The Act also provides that the Governor may declare vacant all civic offices in a council if a public inquiry concerning the council has been held and, after considering the results of the inquiry, the Minister has recommended that the Governor dismiss the council. The Governor is required to appoint an administrator to exercise all the functions of the council for a specified term, or to order the holding of a fresh election, and may make such further orders as the Minister recommends are necessary in the circumstances.

The circumstances that may result, and have in the past resulted, in a declaration being made that the civic offices of a council are vacant include serious councillor misbehaviour, maladministration, or loss of public confidence in the council. I remind honourable members that the Maitland and Bega Valley councils were such serious cases in which recommendations to remove the councillors had to be made. In the usual course of local government, councillors who have been democratically elected by their communities should be allowed to fulfil their terms of office. However, when the interests of the residents and ratepayers in the good administration of a council are so deeply and detrimentally affected by misbehaviour, maladministration, a loss of community confidence or some other circumstance as may arise, interference with the primacy of the elected body is warranted.

A state of affairs may eventuate whereby a council has been dismissed following a public inquiry, an administrator has been appointed and his or her term has been completed, and fresh elections held for new councillors, yet the general issues that resulted in the initial dismissal of the council continue despite the earlier process. Entrenched divisions between groups of councillors, between the councillors and staff, or between the council and the community, may persist after fresh elections. This may occur regardless of whether some or all of the previously dismissed councillors are re-elected at the fresh elections.

While some particular issues may have been resolved by the administrator during his or her term, for example, in relation to a contentious development application, other more general issues may persist and seriously hinder the effective day-to-day administration of local government in the area. It is also possible that an additional range of issues may arise shortly following fresh elections for the council. These issues may be substantially the same as the grounds for making the initial declaration of vacancy of the civic offices of the council, or may be substantially of the same nature as those grounds. In either case, the difficulties experienced by residents and ratepayers in the area, as well as council's other clients and stakeholders, will be of such a magnitude as to demand a satisfactory and comprehensive resolution.

Under the Act currently, a second dismissal of the governing body of the council in these serious circumstances would require the holding of a further public inquiry. This would be a negative step for the local community, which would suffer continuing disruption to the functioning of the local council while the inquiry took place. Moreover, the further public inquiry is likely to consider substantially the same issues as those that resulted in the initial dismissal of the council. It is unlikely that the heightened atmosphere of another public inquiry would assist in the resolution of problems for the benefit of the community. A second public inquiry and report process also represents a significant cost to the public, both in terms of money expended on the inquiry and the time for that process to be completed.

It is not appropriate for the Government to ignore serious failings of a council and to leave the residents and ratepayers of the area without effective day-to-day administration. The State Government therefore considers that legislative amendment is necessary to provide for a satisfactory measure in cases in which a previous council has been dismissed and the problems blighting the council persist. It is not proposed to amend the current provisions with regard to the dismissal of a council for the first time, either after a public inquiry or when the council is declared to be non-functioning. The amendment is in addition to the current provisions and operates only subsequent to their application.

The Government's intention in relation to this amendment is to ensure that residents and ratepayers can enjoy the proper and effective administration of local government in their area. The Government is also mindful of the need to give fulfillment to the voters' wishes in electing councillors for a full term, and by providing checks and balances on the dismissal powers we will ensure that a declaration for the vacancy of civic offices of a council is made only in serious and appropriate circumstances.

The amendment provides that the Governor may, by proclamation, declare that all civic offices in relation to the council are vacant, without the necessity of a public inquiry. The provision allows an administrator to be appointed when a council has previously been dismissed on the basis of a public inquiry, an administrator appointed and that term completed, and fresh elections held for a new council. The power to dismiss a council without a public inquiry will be limited to the first 12 months following the election of a new council. After this period, another public inquiry would be required. This check on the power will ensure that the option of dismissing a council is utilised only in appropriate cases.

Because the dismissal of a council is so serious, the Minister may recommend that a council be dismissed only if a departmental investigation has been conducted into the matters of concern at the council, and the departmental representative recommends in the report of that investigation that such a declaration be made. Additionally, the Minister must be satisfied that there are reasonable grounds for making a declaration in relation to the dismissal of the council. The Minister must also be satisfied that those grounds include grounds that are substantially the same, or are substantially of the same nature, as all or some of the grounds for making the previous declaration of vacancy of the civic offices of the council.

The Government's proposal ensures that natural justice is afforded to the councillors and other affected persons. In the course of the departmental investigation, the departmental representative will be required to give each of the councillors, as well as any employee of council and any other person whose actions the investigator intends to refer to adversely in the investigation report, an opportunity to comment on the parts of the report that refer to them, before the final report is submitted to the director-general of the department and the Minister. The Minister and the Governor are required to consider the report and any submissions by those affected persons before taking any action to dismiss the council.

A council's annual management plan is one of the key ways that a council can consult with its community and establish a strategic plan for the council's work, activities and revenue policy. A council must give public notice of its management plan and must exhibit the plan for not fewer than 28 days. The council is required to consider submissions made to it by members of the public, and the council must adopt the plan after submissions from the public have been considered. Once adopted, these plans are available to the community for inspection, which of itself assists in providing accountability of the council to its stakeholders. A number of matters are required by legislation to be included in the management plan, including a statement of the principal activities that the council proposes to conduct, and performance targets for each of those principal activities.

Because annual management plans are such a key resource of the council and determine its work and activities in the community for the forthcoming year, the Government has determined that the adoption of management plans should not be able to be delegated to any other person or body. The Act provides that certain council functions should not be delegated. The making of a rate or a charge, the borrowing of money, the compulsory acquisition of land, and the acceptance of tenders are examples in this category of functions that cannot be delegated by the council. Perhaps the most obvious matter that should not be delegated by the governing body is the voting of money for expenditure on works, services or operations. These functions are considered to be critical to the operation of a council and are of such a nature that proper accountability demands that the functions and powers be exercised by the council itself.

The amendment in this bill clarifies that the adoption of the council's annual management plan is not a function that can be delegated. However, other kinds of management plans, such as privacy and equal employment opportunity plans, may continue to be delegated by council to the general manager. Further, it is

also proposed to expand the range of matters which a council should include in its management plan, so as to include any activities prescribed in the regulations as principal activities. For example, councils may be required to include in management plans statements relating to social, community and cultural matters. This provision will increase flexibility in setting out additional matters which are of such importance to the operation of the council that they should be incorporated in an annual management plan. The amendment will not unnecessarily burden councils with planning, but will genuinely further the processes of open government in the community by allowing the community to have a say on important issues. Public planning is an excellent method of enhancing councils' communication with the community and responsiveness to the needs of the local area.

A local council may seek the approval of its community, by way of a constitutional referendum, to divide its area into wards. Wards then have an equal number of councillors, although the councillors continue to represent the entire area. Many local councils have divided their areas into wards, to maintain local communities of interest and geographic cohesion, and to assist in an understanding of associations that may be important when planning or implementing council's services. Wards are therefore an important feature of local government representation and provide further opportunities for direct involvement in local government processes for residents and ratepayers. The Act, by requiring a constitutional referendum to divide an area into wards or to abolish wards in an area, provides the framework for community consultation in relation to wards.

Additionally, the Act requires councils to keep their ward boundaries under review, and to consult with the Australian Statistician and the State Electoral Commissioner in relation to making changes to ward boundaries. However, the Act does not currently provide a legislative mechanism for councils to consult with the local community when considering altering the ward boundaries or changing the number of wards. There are many reasons why a council would wish to make such changes, including changes in local demographics, to take into account new communities of interest, or developments that have altered the nature of the area or the nature of council's functions in the area. The Government considers that it is appropriate to provide additional guidance to councils on the manner of altering ward boundaries or the number of wards, to provide proper accountability to the local community and transparency in council decision making. Consultation on ward boundaries gives councils the opportunity to understand associations that may be important when exercising a council's functions.

The amendment in this bill requires councils to provide 28 days public notice of a proposal to change the number of wards or to alter ward boundaries, and to allow 42 days for the lodgment of written submissions by members of the public in relation to the proposal. This scheme is consistent with the public notification and consultation provisions under the Act for other purposes. Councils will still be required to consult with the Australian Statistician and State Electoral Commissioner to ensure that the proposed boundaries of its wards correspond to the boundaries of appropriate parliamentary subdivisions and census districts. Similar to the need for community consultation concerning wards and ward boundaries, the principles of democratic representation demand that all wards contain approximately the same number of electors. The Act provides that the division of a council's area into wards, or a change to the boundaries of a ward, must not result in a variation of more than 10 per cent between the number of electors in each ward in the area. The integrity of the ward system depends upon an appropriate boundary being made, which maintains communities of interest and geographic associations, and provides that wards are basically equal in the number of electors that the ward contains.

While the introduction of a ward system in an area, or a change to the boundaries of the wards in an area, must not result in a variation of more than 10 per cent between the numbers of electors in the wards, there is no requirement under the Act to rectify an imbalance in the number of electors in each ward if a variation of more than 10 per cent arises. An amendment is therefore proposed to address this deficiency and to support the system of wards where they have been introduced. If, during a council's term of office, the council becomes aware that the number of electors in one ward in its area differs by more than 10 per cent from the number of electors in any other ward in its area, and that difference remains at the end of the first year of the following term, the council must alter the ward boundaries in a manner that will result in each ward containing a number of electors that does not differ by more than 10 per cent from each other ward in the area.

This amendment will ensure that the proper effectiveness of the ward system can be achieved and maintained by local councils throughout New South Wales. The requirements of the community consultation amendment contained in this bill will also apply to changes to ward boundaries or the number of wards that must be made by virtue of the operation of the 10 per cent variation rule. In conclusion, the reforms contained in this bill to the Local Government Act reflect the Government's broad commitment to increasing the effectiveness of the local government legislative framework, and to responding in a timely way to the concerns of local councils and the community about the operation and accountability of local government. The current

proposals maintain and promote the values of open and accountable decision-making, and will assist councils in providing good and effective local administration for the benefit of communities in this State. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

CRIMES (FORENSIC PROCEDURES) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [8.06 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Crimes (Forensic Procedures) Amendment Bill, which contains various amendments to the Crimes (Forensic Procedures) Act 2000 in order to improve the operation of that Act. The bill also makes a related amendment to the Police Service Act 1990. The Crimes (Forensic Procedures) Act 2000 commenced operation on 1 January 2001. The Act regulates the way in which police can conduct forensic procedures on suspects, persons convicted of serious indictable offences, and volunteers. Since the Act commenced last year, DNA profiling of serious indictable offenders has proceeded, with over 7,000 samples taken from inmates in New South Wales. The Act has been subject to a number of reviews, including a review by the Standing Committee on Law and Justice and a review by the Ombudsman.

As a result of the report published by the standing committee in February 2002 and discussions between officers of the Attorney General's Department, New South Wales police and other stakeholders as to the operation of the Act, it has become clear that a number of amendments are warranted. I propose to outline the important features of the bill which will be of interest to honourable members. I will deal, first, with the amendments to the Crimes (Forensic Procedures) Act 2000 which are contained in schedule 1 to the bill.

An important amendment in this bill relates to part 8 of the Act concerning volunteers. Part 8 deals with persons other than a suspect who volunteered to police to undergo a forensic procedure. Part 8 was not proclaimed along with the rest of the Act due to concerns that the definition of the term "volunteer" used in the Act might also apply to a person who is a victim of a crime. The volunteer provisions in part 8 were mainly designed to regulate the testing of volunteers in mass screening situations, such as the mass screening that occurred in Wee Waa in 2000. The provisions were not originally proposed to apply to victims of personal violence offences.

There are formal procedural requirements in part 8 that are inappropriate for victims of personal violence offences, such as a sexual assault, who may be traumatised at the time they are asked to undergo a forensic procedure. An example of this is the requirement in section 57 of the Act that forensic procedures be electronically recorded. Requiring police to comply with all of the provisions of part 8 whenever they deal with a victim of crime would also create an unnecessary administrative and legal burden for police.

There is also concern that the volunteer provisions of part 8 as presently drafted may pose difficulties for police in the investigation of property offences. The fingerprinting of owners or occupiers of property at the scene of a property offence such as a break and enter offence is a common tool of investigation. These fingerprints are taken for the purpose of isolating the alleged offender's fingerprints at the scene of the crime and eliminating the prints of persons legitimately at the scene. I am advised that there are likely to be in the order of 100,000 of these types of crime scene fingerprints taken each year in New South Wales. Again, requiring police to treat all of these people as volunteers under part 8 of the Act will create an enormous and unnecessary administrative burden.

Items [31] and [32] of schedule 1 to the bill address this problem by amending the definition of "volunteers" to exclude from the operation of part 8 victims of offences against the person as found in part 3 and subdivision 2 of division 1 of part 4 of the Crimes Act 1900, and persons who volunteer to provide a sample of their fingerprints for elimination purposes in relation to property offences. These are sensible changes.

My department is presently working with the NSW Police, the Department of Women and the Department of Health to produce a protocol to provide protection for victims of personal violence offences

when they are requested to undergo a forensic procedure. The requirements under the protocol will be less formal than the provisions of part 8 but will still ensure that the victim's rights are properly observed by police officers. For example, the protocol will include all of the information that must be given to victims before they provide a sample for DNA testing, including what will happen to the sample. In addition, item [37] of schedule 1 provides that the fingerprint sample taken from persons for elimination purposes in property offences must be destroyed or returned to the person as soon as practicable after the sample has been used to eliminate the person from inquiries in relation to the offence. Part 8 of the Act will be proclaimed to commence at the same time as the provisions of this bill commence.

Another important amendment in the bill relates to the missing persons index on the DNA database. Part 11 of the Act deals with the DNA database. It provides that the DNA database shall contain a number of indexes including a missing persons index. The missing persons index is defined in section 90 of the Act as "an index of DNA profiles derived from forensic material of persons who are missing and of their blood relatives". DNA profiles on the missing persons index can be matched against all of the other indexes on the DNA database. Unrestricted matching of these profiles is essential given the variety of circumstances that a missing person may be identified using the DNA database.

Concerns have been raised, however, that section 93 of the Act permits DNA profiles obtained from relatives of missing persons to be matched against samples from scenes of unsolved crime. It could be argued that by volunteering samples relatives of missing persons put themselves at risk of being implicated in other crimes. The problem can best be explained by way of example. A woman whose son is missing provides a sample for inclusion on the missing persons index for the purpose of finding her missing son. Her DNA profile can then be matched against any other DNA profile on the crime scene index, including forensic material found at the scene of another crime. As a result the woman may then be implicated in that other crime. There is presently no requirement in the Act that she be warned of that possibility before agreeing to provide the sample.

The amendments in items [33] and [34] of schedule 1 to the bill are intended to address these concerns. Item [33] provides that a person giving a sample for the purposes of the missing persons index must first be told that his or her DNA profile may be matched against all of the other indexes on the database. Item [34] provides that information about a match between that person's profile and any other DNA profile on the database cannot be used in proceedings against that person. If there is a match that implicates the person in the commission of another offence police must carry out a fresh forensic procedure under the provisions of the Act dealing with suspects in parts 3 to 6 of the Act in order to obtain an admissible sample.

This amendment will apply to samples that have already been provided under the Act. Item [43] provides for a person whose profile is placed on the missing persons index to be informed if his or her DNA profile or that of his or her missing relative on the missing persons index matches any other profile on the database. The other amendments in schedule 1 to the bill are intended to clarify some sections of the Act, correct some drafting anomalies in the Act and simplify some aspects of the Act. These amendments will ensure that the Act continues to be an effective tool in the investigation and prosecution of criminal offences.

The Act provides for authorised applicants to make applications to magistrates for an interim, final or second order for the carrying out of a forensic procedure. The class of people who are authorised applicants for an order for the carrying out of a forensic procedure on a suspect include an investigating police officer in relation to an offence. At present the term "investigating police officer" is defined as "the officer in charge of the investigation of the offence". This definition has proved to be too restrictive in practice. It does not recognise the operational realities associated with the conduct of police investigations. In the early stages of an investigation there may not be a designated officer in charge. There may be more than one officer in charge of a large, complex or urgent investigation. Item [2] addresses this problem by extending the definition of "investigating police officer" to include any police officer involved in the investigation of the relevant offence.

The Act provides for a person to act as an interview friend of a suspect or serious indictable offender for the purposes of various provisions of the Act, including when a police officer asks a suspect who is an Aboriginal person or a Torres Strait Islander to consent to a forensic procedure. Section 10 (9) of the Act presently permits police to exclude an interview friend if the interview friend unreasonably interferes with or obstructs the police officer. Item [7] amends section 10 and gives police an additional basis on which they can exclude an interview friend, namely if they believe, based on reasonable grounds, that the interview friend may be a co-offender of the suspect or may be involved in some other way with the suspect in the commission of the alleged offence. Item [7] also provides that if police exclude an interview friend the suspect may then choose another interview friend. If the suspect does not choose another and does not waive his or her right to an interview friend police may arrange for any of the persons referred to in the definition of "interview friend" in section 4 of the Act to attend.

Item [9] extends the circumstances in which a magistrate may make a second order for the carrying out of a forensic procedure to include the situation where the forensic material has been lost or is for any other reason not available for analysis and the carrying out of the forensic procedure for a second time is justified in all the circumstances.

Section 32 of the Act provides for the making of an interim order authorising the carrying out of a forensic procedure on a suspect where such an order is urgently required. An interim order operates until a magistrate, at a hearing, confirms the interim order or disallows the interim order. The amendments contained in items [10] to [20] of schedule 1 to the bill are intended to improve the provisions in the Act dealing with applications for interim orders for forensic procedures.

Item [10] clarifies the effect of a person's consent on an interim order for the carrying out of a forensic procedure on that person. Item [11] clarifies the conditions to be met before an interim order can be confirmed by a magistrate. Item [12] makes it clear that it is only an authorised applicant who may apply for an interim order. Item [14] requires that applications for interim orders should be made in person unless impracticable, in which case it must be made by facsimile or, if that is not available, by other means of communication. Item [13] removes the requirement to support an application for an interim order by evidence on oath or affidavit in the case where an application is by any means other than in person. Item [15] provides that in such cases the application must be supported by evidence on oath or by affidavit as soon as practicable after the making of the application and before the making of any final order.

The amendments in items [16] to [20] of schedule 1 simplify the recording requirements for the making of interim orders. The amendments also make special provision for the recording of applications and interim orders where the application is not made in person or reduced to writing. Item [22] makes it an offence for persons to give information that they know is to be false or misleading in an application for an order to carry out a forensic procedure. This amendment will protect the integrity of the application process. Section 44 (a) of the Act provides that a forensic procedure should not be carried out in the presence or view of a person who is of the opposite sex to the suspect, except as permitted by the Act. This requirement, however, is quite unnecessary in cases where the suspect self-administers a buccal swab to the mouth. Item [23] therefore exempts self-administered buccal swabs from this requirement.

Section 89 of the Act provides that evidence relating to a forensic procedure found by a court to be inadmissible must be destroyed as soon as practicable. Item [38] of schedule 1 amends section 89 of the Act and provides that this evidence should not be destroyed until after the end of all of the relevant proceedings, including any appeal period or any retrial—for example, following a hung jury or appeal. Item [42] simplifies procedures under the Act by permitting police to use a telephone interpreter service where they are required to use an interpreter under the Act. Items [5], [6], [24], [25], [28], [35], [36], [40] and [41] of schedule 1 contain a number of amendments intended to correct some drafting anomalies and clarify some sections in the Act.

The final important amendment in schedule 1 to the bill relates to the Ombudsman's review of the Act. Under section 121 of the Act the Ombudsman is required to report upon the exercise of functions conferred on police officers under the Act. That requirement expires on 5 July 2002. Item [46] extends the period in which the Ombudsman must monitor the exercise of police powers under the Act for a period of a further 18 months from the date of the commencement of part 8.

Schedule 2 to the bill contains an amendment to the Police Service Act 1990 and a consequential amendment to the Crimes (Forensic Procedure) Act 2000. At present it is the practice of New South Wales police to take fingerprints and palm prints from persons who apply to be police officers. This is done in order to check their criminal history and determine their suitability for employment. This information is then placed on the New South Wales police operations database and the national automated fingerprint identifications system. There is some concern that this practice may also be caught by the volunteer provisions in part 8 of the Act. Schedule 2 addresses this concern by exempting this practice from the operation of part 8 of the Act. Schedule 2 also amends the Police Service Act 1990 and authorises the Commissioner of Police to require an applicant for appointment as a police officer to provide a fingerprint or handprint before an application is accepted. Before the print is taken from the applicant, the applicant must be informed that the print may be retained and used for law enforcement purposes. The print must be destroyed if the applicant is not appointed a police officer. A person who stops being a police officer may ask that his or her prints be destroyed.

The amendments in the bill address a number of the concerns raised in the report of the Standing Committee on Law and Justice on the Act, published in February this year. My department is presently

conducting a review of the entire Crimes (Forensic Procedures) Act 2000. That review is being conducted pursuant to section 122 of that Act. The report in relation to that review must be tabled in both Houses of Parliament no later than 5 January 2003. The amendments in the bill will improve the operation of the Act. They will ensure that the Act continues to provide police with an effective investigative tool, as well as provide adequate safeguards to individuals who may be subjected to a forensic procedure under the Act. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

JUSTICES OF THE PEACE BILL

Bill introduced and read a first time.

Second Reading

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [8.24 p.m.]: I move:

That this bill be now read a second time.

The method of appointment and regulation of the office of Justice of the Peace in New South Wales has remained relatively unchanged since the late nineteenth century. Presently, justices of the peace are appointed for an indefinite term on an ad hoc basis by me as the New South Wales Attorney General, often to fulfil the requirement of a particular job or community need. It is estimated that currently there are between 100,000 and 200,000 justices of the peace in New South Wales. This number is only an estimate because records of justices of the peace appointed prior to the introduction of the current record-keeping system in 1992 are not complete. A discussion paper released in February 1998 by the Attorney General's Department concerning the role of Justices of the Peace proposed legislative reforms. The draft Justices of the Peace Exposure Bill 2001 was developed in light of the many submissions received, the majority of which supported the proposals outlined in the paper.

On 20 September 2001 I tabled in Parliament a draft exposure bill, in conjunction with the Justices Act reform package, the reform package affecting the Local Court of New South Wales. Under the reform package, which will commence operation at the end of this year, all court duties formerly performed by court staff as justices of the peace will be performed by those officers in their roles as registrars or deputy registrars. The key features of the bill are that lifetime appointments will be abolished and replaced with five-year renewable terms; a public registry will be established to improve access to justices' services; the functions of community justices of the peace will be clearly defined; the Governor may remove a justice of the peace from office at any time, including for bankruptcy, mental incompetence, or criminal convictions; and the proposal to introduce an administration fee has been removed. I shall deal with each of these matters in turn.

The bill provides that appointments to the office will be limited to five years. After five years the appointment will lapse. Prior to the appointment lapsing, justices of the peace can apply for a renewal of the appointment by demonstrating that they continue to meet the eligibility requirements. Existing justices of the peace will have a grace period of three years from the commencement of the legislation to apply for a new commission, before their current commission expires. Limiting the term of appointment will ensure that records are accurate and that current justices of the peace are eligible to continue performing the functions of the office. The majority of justice of the peace respondents during the consultation process had no objection to this proposal. Dates for making recommendations to the Attorney General and appointments by the Attorney General will be scheduled at six-monthly intervals, except for cases where urgency can be demonstrated.

The current system of nomination by members of Parliament is retained. The regulations and guidelines will prescribe the criteria for appointment as a justice of the peace and will reflect the current criteria with the exception of the age restrictions. The Anti-Discrimination Board advises that the current 21 to 75 year age range is discriminatory on the basis of age. The eligibility requirement will be changed to a lower limit of 18 years or over, and will be renewable whilst the appointee continues to meet the eligibility criteria and is capable of carrying out the inherent requirements of the position. Despite the large number of justices of the peace in New South Wales—there are approximately 3,000 new commissions each year—it is a common complaint that members of the public cannot locate a justice of the peace as there is no formal mechanism to put members of the public in direct contact with one. The department has not provided contact details to the public as this would require the informed consent of each justice of the peace. Under the bill it will be a condition of appointment

and continuation in the office that justices of the peace consent to the publication of nominated contact details in a public register in accordance with the Privacy and Personal Information Protection Act 1998. The contact address may be a business address.

The public register would be available for public inspection at locations nominated by the department. Section 58 (2) of the Privacy and Personal Information Protection Act 1998 provides for the suppression of information where the safety or wellbeing of any person would be affected. Some submissions indicated concern about providing private residential details. Section 58 (2) combined with the option of supplying a nominated business address rather than a residential address would provide sufficient protection. Advice sought from Privacy New South Wales indicated that it had no objections to the bill in its current form. The public register will enable the community to ascertain the whereabouts of a convenient justice of the peace, and can be used to identify whether there are sufficient justices of the peace available in particular localities to meet community needs.

The repeal of the Justices Act 1902, which is proposed to commence on 1 January 2003, means that the functions of justices of the peace need to defined. The duties once performed by court staff as authorised justices or justices of the peace employed by the Attorney General's Department will now be performed by registrars of the Local Court. The functions of community justices of the peace will be limited to administering oaths, affirmations and declarations, principally under the Oaths Act 1900. Strict guidelines for correct attestation of documents clearly identifying the justice of the peace will be made under the legislation. Presently, a justice of the peace's appointment can be revoked by the Governor where the justice of the peace is convicted of an offence or where the justice of the peace engages in conduct which is unbecoming to the office, for example, by being made bankrupt. The bill will provide that the Governor may remove a justice of the peace from office at any time, including for bankruptcy or insolvency, mental incapacity or conviction of certain offences or on other grounds specified in the regulations.

Justices of the peace will be obliged to notify the Attorney General of any matter that may cause them to cease to satisfy the eligibility requirements or which may satisfy these grounds for being removed from office. The requirement for justices of the peace to advise the Attorney General's Department of their continued eligibility and to renew their commission will provide a better system for supervision of the office. Each matter will continue to be considered on its merits and the justice of the peace will be given an opportunity to show cause as to why his or her appointment should not be revoked. justices of the peace who fail to apply for renewal of their commission at the expiration of the five-year term will cease to hold office.

As the focus of concern in relation to the exposure draft bill was in relation to the introduction of a registration fee, it is proposed that there will be no new administrative fee. A standard certificate notifying applicants of their registration number will be supplied to all justices of the peace. However, it will be open to justices of the peace to also purchase an official decorative certificate, if they so desire. Given that many justices of the peace have not kept their addresses up to date, any attempt to individually notify justices of the peace of these proposed changes will be extremely difficult. An advertising campaign will be launched to bring the new requirements to the attention of justices of the peace and a dedicated phone line will be established for 12 months to enable the Attorney General's Department to respond to inquiries from justices of the peace. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

COMPENSATION COURT REPEAL BILL

Bill introduced and read a first time.

Second Reading

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [8.34 p.m.]: I move:

That this bill be now read a second time.

This bill is necessitated by the amendments to the workers compensation legislation that were made by the Government last year. A key element of those changes was the establishment of the Workers Compensation Commission, which commenced operation in relation to all disputes arising from new workers compensation claims from January 2002. Since 1 April 2002 there have been no disputes filed with the Compensation Court

arising from workers compensation claims. As at 1 April the Compensation Court had a pending caseload of 30,894 matters. It is estimated that it will take the court until December 2003 to work through its present pending case load. Accordingly, this bill repeals the Compensation Court Act 1984 and disestablishes the Compensation Court with effect from the end of 31 December 2003.

All judges of the Compensation Court who are with the court at that date will be appointed, by operation of the legislation, as judges of the District Court with their current seniority and status preserved. As the members of the Dust Diseases Tribunal are also judges of the Compensation Court, these provisions of the legislation will also operate to transfer their appointments to the District Court, but the Dust Diseases Tribunal will be otherwise unaffected. The bill also makes provision for the present Chief Judge of the Compensation Court, the Hon. Justice Michael Campbell, to stay with the court as an acting judge, if he so chooses, from the date of his compulsory retirement at age 72 until 31 December 2003. I am very grateful to the chief judge for his willingness to stay on with the court and help it through this difficult transition time.

If there are pending matters in the Compensation Court on the repeal date, the bill provides that any pending workers compensation matters—other than those relating to coalminers—will be transferred to the Workers Compensation Commission, where they will be dealt with in accordance with the new procedures applicable in the commission. However, a regulation-making power is included to enable alternative arrangements to be made in this regard. Any other pending matters in the court on the repeal date, including compensation matters relating to coalminers, will be transferred to the District Court and dealt with in accordance with currently applicable procedures. The Compensation Court presently has jurisdiction in relation to a number of miscellaneous matters that are not the province of the Workers Compensation Commission. Jurisdiction in relation to all these residual areas, including workers compensation claims for coalminers, will be transferred to the District Court.

The position in relation to disputes arising in relation to coalminers has been the subject of discussions between WorkCover, the Minerals Council and the Construction, Forestry, Mining and Energy Union [CFMEU]. There are a number of issues of mutual concern to the CFMEU and the Minerals Council in relation to the provision of funding by coalmines insurance to the District Court; administrative matters relating to the handling of issues within the District Court; and, finally, whether strategies will be put in place to ensure that there is not a loss of expertise in relation to coalmining matters. WorkCover, the Attorney General's Department and the District Court will continue to have discussions with these bodies over the next 18 months to ensure that these concerns are addressed. These discussions will include consideration of alternative options to the transfer of matters to the District Court, although it is recognised that the District Court option will proceed if an alternative option satisfactory to all the parties cannot be agreed upon.

Another aspect of the Compensation Court's jurisdiction includes "hurt on duty" applications under the Police Regulation (Superannuation) Act 1906. While the bill also provides for the transfer of these matters to the District Court, WorkCover will be contacting the New South Wales Police Association to discuss available options. The schedule to the bill makes consequential amendments to other legislation that contains references to the Compensation Court. The demise of the Compensation Court is an inevitable outcome of the restructuring and reform of the WorkCover scheme.

I would very much like to thank the chief judge, the judges, the commissioners, the registrar and in particular all the staff of the Compensation Court for the extraordinary efforts they have made to accommodate the legislative changes that have been made. They have coped with an unprecedented number of filings in the last few months, and I have every faith that this dedicated band of people will continue to rise to the challenge of change over the coming months. The registrar of the Compensation Court will be working very hard with the Attorney General's Department to find new and challenging opportunities for staff as the time for closure of the court approaches. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

LAND AND ENVIRONMENT COURT AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [8.42 p.m.]: I move:

That this bill be now read a second time.

The Land and Environment Court Amendment Bill seeks to amend the Land and Environment Court Act 1979 and the Environmental Planning and Assessment Act 1979, to implement reforms arising out of the report of the Land and Environment Court working party, released in September last year. The report was prepared by an independent working party that was chaired by the Hon J. S. Cripps, QC. It was asked to examine the legislative basis upon which decisions in relation to development applications are currently reviewed by the Land and Environment Court, including the most appropriate manner in which to review the decisions of local councils in relation to development applications; the constitution of the Land and Environment Court in reviewing the decisions of local councils, including whether the court should be constituted by more than one judge or commissioner or by commissioners possessing specified qualifications or expertise; whether the court should have regard to any additional matters in reviewing a council decision in relation to a development application; ways in which to streamline the manner in which development applications are processed by councils and the Department of Planning, so as to reduce the incidence of appeals; and whether greater reliance could be placed upon alternative dispute resolution mechanisms in resolving disputes in relation to development applications.

In conducting its review, the working party received more than 300 submissions from interested parties, as well as comments and advice from a range of relevant experts and stakeholders. The report of the Land and Environment Court working party noted that less than 1 per cent of development applications are determined by the Land and Environment Court, and that these are generally dealt with in a timely way. However, litigating a matter in the court is still expensive, and may cost parties tens of thousands of dollars. For this reason, the report recommended there be a new, streamlined, less-formal process for matters that involve relatively inexpensive developments that do not raise wider issues of public interest. The Land and Environment Court Amendment Bill will amend the Land and Environment Court Act to provide two new procedures for dealing with appeals relating to development applications brought under section 97 of the Environmental Planning and Assessment Act.

The first of these will see certain appeals—termed "on-site hearing matters"—being heard and disposed of by way of a conference held on the site of the proposed development and presided over by a commissioner of the court. Appeals to be dealt with by this procedure will be those involving developments that are valued at less than half the median sale price for dwellings in the local government area, where the developments would have little or no impact beyond neighbouring properties and which do not involve any significant issue of public interest. The new on-site conference procedure is expected to take in a large proportion of the court's work. Of all appeals against council decisions, 63 per cent involve projects valued between $50,000 and $500,000—in other words, mostly minor extensions and new homes. The new procedure is designed to help minimise formality and the role of lawyers, and to bring the court closer to the communities affected by its decisions. It also has the potential to make the court process more accessible by reducing costs and disposal times.

The second new procedure to be introduced by this bill will apply to appeals brought under section 97 of the Environmental Planning and Assessment Act which are not on-site hearing matters. These are termed "court hearing matters" in the bill. Court hearing matters may be determined by a judge, a commissioner or a multimember panel, at the direction of the chief judge. Panels will be convened if the chief judge considers that the hearing of a matter is likely to be lengthy, that there are a substantial number of issues in dispute, or that the site of the proposed development, or the development itself, is publicly controversial; or if the chief judge otherwise considers that a panel should be convened. Panels will comprise two or more commissioners, or a judge and one or more than one commissioner. In choosing panel members, the chief judge will be required to have regard to the relevance of individuals' expertise in and experience with the subject matter of the appeal. In dealing with court hearing matters, the court will be required to inspect the site of the proposed development, unless the parties to the appeal agree otherwise. The new court hearing procedure will cater for appeals involving important public interests and/or developments of substantial monetary value. It will allow the court to focus appropriate expertise on these appeals and ensure its decisions are, and are seen to be, of the highest possible quality.

In a nutshell, these reforms are designed to make the court less legalistic and less daunting for the average family or small business wanting to appeal against a council decision rejecting a minor extension—for example, to a home, a shopfront or a carport—while improving the checks and balances for major and publicly controversial developments. The bill will also amend the Land and Environment Court Act to add "urban design" and "heritage" to the list of fields of expertise that may qualify a person for appointment as a commissioner, and provide for commissioners to be appointed on a part-time basis, in the same way as part-time magistrates are appointed. The purpose of these amendments is to widen the pool of available candidates for appointment, enhance the opportunities for suitably qualified men and women who wish to work part time, and ultimately to broaden the expertise available to the court.

The bill will also give the court the power to impose easements over land in certain circumstances, similar to the power vested in the Supreme Court by section 88K of the Conveyancing Act. It is anticipated that the Land and Environment Court will adopt much the same approach to applications for easements as that adopted by the Supreme Court. However, a person will only be able to apply to the Land and Environment Court for an order imposing an easement over land in proceedings where that person has been granted a development consent on appeal, and the court is satisfied, in addition to the types of matters set out in section 88K, that the easement is reasonably necessary for the person's development to be carried out in accordance with the consent.

The bill will also make several amendments to the Environmental Planning and Assessment Act. First, it will extend the period of time within which a local council may review its determination of a development application under section 82A of that Act from 28 days up to one year or, if the application is the subject of an appeal, up to the time when the court hands down its decision. The proposed amendments will also clarify that an applicant may make minor modifications to the application for the purposes of the review. The bill provides that, if any modifications are made, they should be publicly notified in the same way as an application for the modification of a development consent. These amendments are designed to encourage councils to take advantage of the power to review determinations, and to remove the need for appeals to the Land and Environment Court—or for consent orders—where a negotiated settlement is reached between the council and the applicant after an initial determination has been made.

The bill will also give local councils the power to modify development consents granted by the Land and Environment Court. However, the exercise of this power will be subject to important safeguards. In addition to fulfilling any other advertising or notification requirements, the council will be required to make reasonable attempts to notify any person who made a submission in respect of the original development application that an application to modify the consent has been received. If the council determines to grant the modification, any person who lodged an objection to it may seek leave to appeal to the Land and Environment Court against the determination. This amendment is intended to streamline the modification process provided by section 96 by removing the need for an applicant who obtained development consent on appeal to go back to the court to have the consent modified. It is also expected to reduce the court's workload. All in all, this bill will improve the appeals process for development applications by further adapting the procedures of the Land and Environment Court to suit the subject matter of planning appeals, and it will improve council processes by providing greater flexibility in relation to reviews of council determinations and the modification of consents granted by the court.

These reforms represent another stage in the State Government's program to improve the quality of planning decisions. In addition to the reforms set out in the Land and Environment Court Amendment Bill, the Government has commissioned a taskforce, made up of the chief executive officers of the Department of Local Government, the Department of Planning and the Attorney General's Department, to prepare a strategy for the implementation of a wide range of non-legislative reforms proposed by the Land and Environment Court working party. These reforms are of a practical and procedural nature, and relate to both the development assessment processes of local councils and the way in which appeals are dealt with by the Land and Environment Court. For example, the working party recommended training for local councillors as well as judges and commissioners of the Land and Environment Court, a change to the court's practice in awarding costs, and greater use of alternative dispute resolution at all stages of the development assessment process. I commend this important bill to the House.

Debate adjourned on motion by Mr Fraser.

NATIONAL SORRY DAY

Matter of Public Importance

Mr LYNCH (Liverpool) [8.54 p.m.]: I ask the House to note as a matter of public importance that Sunday 26 May was National Sorry Day, a day that developed out of the report of the Human Rights Commission into the separation of Aboriginal and Torres Strait Islander children from their families. The report by Sir Ronald Wilson is better known by the title "Bringing them home" and told the story of the stolen generation. National Sorry Day is part of the journey of healing; it is about expressing sorrow for the stolen generation. It is part of the process of reconciliation. "Bringing them home" revealed a tragic and awful history which, of course, was well-known to the Aboriginal community but not recognised in any broad or real sense by the non-Aboriginal community.

On any view the experiences of the stolen generation were absolutely horrific. The feelings now experienced by members of the stolen generation are of ongoing pain and anguish. The childhood of many of

the stolen generation was defined by tears, displacement and isolation. Many of them have suffered, in a very real sense, permanent scars. The pain they suffered echoes down through their children and their grandchildren and right across their communities. Clearly, there have been attempts to overcome the continuing sense of devastation caused by those past injustices, and part of the process of National Sorry Day is to come to terms with those injustices.

"Bringing them home" describes a series of government policies to eradicate aboriginality and Aboriginal culture. In addition to those policies of separation and removal, atrocities and abuse were inflicted upon those who were separated. The clear aim of the policies and the legislation was to cause the removed children to cease being Aboriginal. The Ronald Wilson report concluded, correctly in my view, that this constituted genocide as defined in the United Nations Convention on Genocide, especially Article 2(e). That convention was adopted by Australia in 1949.

As is well known, there has been much discussion and dispute about this. I have benefited from reading the booklet by Colin Tatz entitled "Genocide in Australia" and a book by Henry Reynolds entitled *An Indelible Stain*. On balance, I think that the charge of genocide is probably made out. While that is the subject of a serious and important national and public debate it should not move the focus away from the individuals who constitute the stolen generation. The horrors and atrocities that they suffered are very real and, in a sense, can be overwhelmed by major public debate.

The point about the impact on individuals is graphically made by an exhibition currently on display at Liverpool museum. The exhibition is entitled "Aunty Nance" and is about Nancy de Vries, a well-known figure in Liverpool who has been active in a wide range of community activities and is a constituent of mine. She is a member of the stolen generation. Born in 1932, she was taken from her mother as a 14-months-old baby, and was not reunited with her mother for 53 years. She was moved between countless foster homes, missions and institutions. In June 1997 Nancy addressed this House about the horrors and atrocities involved in the removal of Aboriginal children.

Nancy was the first non-elected woman since Elizabeth II to address a special sitting of State Parliament. A video of her presentation to this House features as part of the exhibition at Liverpool museum. That exhibition was officially opened on Saturday 9 March by the Deputy Premier, and Minister for Aboriginal Affairs, the Hon. Andrew Refshauge. He was joined at that event by me and my colleagues the honourable member for Wollongong, who is the Parliamentary Secretary for Aboriginal Affairs, and the honourable member for Menai. On Sunday a National Sorry Day event was held at Liverpool museum and the event concluded with a tour of the "Aunty Nance" exhibition.

The exhibition preserves the truth of the experience of Nancy de Vries and, in a sense, is representative of the experience of so many. The event included a number of speakers. The first speaker, and organiser of the event, was Jackie Bedford, the Aboriginal Projects Worker with Liverpool City Council. Jackie was also a victim of the stolen generation. The event was particularly poignant. Comparatively recently, Jackie had discovered her sister, Carol Kendall. Jackie was attending a course and by accident discovered that she was Carol's sister. Carol had not been aware of her Aboriginal heritage until she was about 20 years of age.

Carol had been instrumental in the development of National Sorry Day. She represented the stolen generation's working group and was a Chair of the National Sorry Day committee. Carol and her husband, Bruce, lived in Liverpool. Tragically both have recently passed away. At the event on Sunday Jackie Bedford delivered the eulogy to both of them, a eulogy that was obviously heartfelt. Carol and Jackie were both victims of the stolen generation. Another speaker, Marie Melito, is the President of the Aboriginal organisation called Link-Up. She is another member of the stolen generation. Marie spoke quite movingly of only recently finding her 84-year-old mother, from whom she was separated when she was very young. Another person who spoke at the event was Fred Malone, the chairperson of the Gandangara Aboriginal Land Council, which is located at Liverpool. Fred spoke of being reunited with his sister after 37 years.

In addition to those speeches, there were a number of other contributions. One of the most moving and, in a sense, horrifying aspects of the speeches was not only the rediscovery of family members after such a long period but the fact that, because of their ages, so many of them were dying. Having rediscovered relatives from whom they had been separated decades ago, they then lost them again. That seemed to add a particular intensity to the feelings of these victims of the stolen generation. The event to which I have referred also saw the dedication of a plaque by Jackie Bedford which includes some poetry from Carol Kendall.

The practices and policies that created the stolen generation came in a particular context. There was an invasion and dispossession and the primacy for two centuries of the doctrine of terra nullius. There were

dispersals, otherwise known as massacres, which I guess are now referred to as genocidal moments by some writers. It has always been a terrifying thought that punitive expeditions or massacres occurred in this country as recently as 1926 at Forest River and 1928 at Coniston. There was, of course, resistance—Pemulwuy, Jundamurra and Jimmy Governor, for example—and there were also European humanitarians arguing against the trend. But the resistance was not victorious and the humanitarians did not decide policy. Those of us who raise these issues are sometimes accused of somehow unfairly perpetrating a black armband view of history. The writer Richard Hall sensibly responded to that criticism in his book *Black Armband Days* by arguing that "You can't move on without looking back."

For our society to move forward we need to acknowledge and understand what has happened in this land in the past. In a sense, that is critical to National Sorry Day and to the process of reconciliation. To ignore the reality of the stolen generation is simply to deny the truth. It is not a particularly radical position; basically, it is commonsense. Another aspect of this is to say that Aboriginal and non-Aboriginal people in Australia have a shared or joint history. To get a true and realistic view of our past, we need to hear all those histories, not only the history of the victors. That is a prerequisite for any meaningful reconciliation. We cannot progress in the future without knowing what was in the past, and at times that can be quite confronting.

I have always been fascinated by the fact that great heroes of liberation from Ireland came from the other side of the world to the colony of New South Wales and became oppressors. The Irish peasantry who resisted English invaders both as convicts and settlers then dispossessed the indigenous inhabitants of Australia. Thomas Kenneally wrote in *The Great Shame* of hard men who become hard users. That is a perceptive way of putting it. However, going through that process, while confronting, is nonetheless critical for our health as a society.

The event at Liverpool Museum on Sunday was exquisitely located. The museum is in a prominent location which gives a majestic view over the Georges River and the surrounding area. It was an area of great significance for the original indigenous inhabitants. It is also the site of Collingwood House, which was originally owned by one of the original European settlers in Liverpool, Eber Bunker. Bunker was an American whaler and a significant figure in early colonial history. He placed his house in this prominent position, which was a place of great significance to the Aboriginal inhabitants. Dispossession in that sense is seen in the microcosm of this particular site.

As the honourable member for Liverpool I have spoken this evening about an event in Liverpool, but many other events occurred at other locations throughout the State. The honourable member for Wollongong will speak of some events that he attended. There have been other events. For example, a gathering of survivors from the infamous Kinchela Boys Home at Kempsey occurred on Sunday at Parramatta Park. Kinchela closed in 1971 after 47 years with several hundred young Aboriginals having passed through its horrors after being separated from their families. They were victims of a strategy to "breed out their colour". There were other National Sorry Day events around the country, including a Sorry Day address at Sydney Opera House. Through these events comes an extraordinary resilience by Aboriginal people. Some simply say that they survive, and that of itself is an achievement. However, it seems that they go way beyond just surviving. It was a pleasure and an honour to be associated with National Sorry Day events this year.

Mr HAZZARD (Wakehurst) [9.04 p.m.]: The Opposition supports the matter of public importance raised by the honourable member for Liverpool. It is noteworthy that we reflect on a day that is highly significant for indigenous Australians. This day has been designated as National Sorry Day; it is part of a week in which community groups throughout New South Wales have the opportunity to reflect on the contribution of Aboriginal people to what we are today. As I have said in this House before, it would be wonderful if the Australian psyche could be forged and based on an understanding of 60,000 years of Aboriginal contribution to Australia. On a day like National Sorry Day and during a week when we reflect upon the contribution of Aboriginal Australians to Australia, it is appropriate to express the hope that, whether it is indigenous or non-indigenous Australians who are considering their point of view on what it is to be Australian, we look to the history of what Aboriginal people have contributed to this great country.

Australia has had just over 200 years of European history, but that sits only on the tip of what Aboriginal people made this country in the preceding 60,000 years. The Opposition is undoubtedly happy to participate in this debate. We should reflect on some of the individuals, as the honourable member for Liverpool did. Nancy de Vries has been a major contributor to the reconciliation debate and to debates about what Australia needs in terms of recognition of its Aboriginal heritage and the role that Aboriginal heritage should play in the development of Australia's future. As was noted, Nancy de Vries addressed this House. I well

remember that. It was a moving day for all members of Parliament who heard Nancy tell us about how she was taken away from her family and brought up in circumstances that, with the benefit of hindsight, were not the most desirable.

There are many other great Aboriginal Australians, but I do not intend to name them all. Constantly I meet Aboriginal people whose greatness of spirit never fails to impress me. I know it is not necessarily politic to reflect on people in other political parties, but in this debate perhaps my parliamentary colleagues might excuse me if I mention people like Aden Ridgeway, the Deputy Leader of the Australian Democrats, who played a major role in the New South Wales Aboriginal Land Council. Aden is a great leader in the Aboriginal community. He is also a nice fellow, apart from anything else. He and his wife, Stephanie, play a major role in simply keeping alive what we need to be told about Aboriginal heritage and the way forward for Aboriginal people.

On Saturday night I attended the first reconciliation Australian Rules game, along with the honourable member for Wollongong and the honourable member for Lane Cove. The match was disappointing in the sense that the Sydney Swans lost by two points to the Essendon Bombers. Nevertheless, it was a great night in a sense that it was an opportunity to reflect on Aboriginal sportsmen, Aboriginal culture and the Aboriginal contribution to Australia. Michael O'Loughlin was not at his fiery best that night—his kicking was a bit off—but he is a role model for other indigenous Australians. Other people whom we see regularly were also there that night: people like Faith Bandler, a great woman who tends to be the driving force in so many aspects of the reconciliation debate, and Kevin Cook at Tranby College, who has been working away for years. I know that Kevin and I do not exactly share common political philosophies—

Mr Markham: Not at all.

Mr HAZZARD: Not at all, as the honourable member for Wollongong said. Nevertheless, he continues to drive the agenda for Aboriginal people to ensure that they are given every opportunity through Tranby. Jack Beetson is another person at Tranby college who works hard for Aboriginal people. So many great Aboriginal Australians are at the forefront of ensuring that the rest of Australia sees their valuable and wonderful contribution. It would be remiss of me if I did not say that the Coalition parties in New South Wales are very disappointed that, after the best part of a decade of Labor Government, we have gone backwards in the way we deal with some of the difficult issues for Aboriginal people.

Aden Ridgeway, who is not backward in criticising governments of any political persuasion, pointed out only a few months ago that hanging points in gaols continue to be a major problem. It is nearly 11 years since the Royal Commission into Aboriginal Deaths in Custody, but still the Department of Corrective Services in New South Wales has not got it right. On 7 March 2000 the *Illawarra Mercury* reported that 34-year-old Andrew Petrie was found hanging in his cell at the Goulburn Correctional Centre. I was quoted in that article as noting that it was a problem the Carr Government seemed incapable of addressing. I said:

> To top it off, the Carr Government has failed to give right of entry to the NSW Prisoners and Family Support Service.

That reminds me of another great Aboriginal person, Ray Jackson, who has been at the forefront of looking after prisoners. He and others have been going into police cells across New South Wales when they are allowed—although it is possible that at the moment Ray is not allowed in. They are the people who are trying to keep this Government focused on things like removing hanging points and ensuring that mentors are available for young Aboriginal people in New South Wales gaols. Even now, in the year 2002, the Premier might like to talk about social justice. There are people within his party, a couple of whom are sitting in this Chamber tonight, who genuinely wear social justice badges on their suits as badges of honour and who genuinely go in to fight on behalf of those who are in need of social justice, but the Premier is definitely not one of them.

After nearly 10 years in government the Premier cannot point to anything that either he or, regrettably, his Government has done in any great proportion to make it more equitable or reasonable for those who are in need of social justice and assistance. Obviously, there are a host of other issues such as Aboriginal people leaving school far too early, appearing in courts and prisons far too frequently, and not achieving the right health outcomes. If I had more time I could refer to each of those in detail. The Premier must take note of what the unions were saying to him on the weekend: it is time he got a social justice agenda going. It is time he took his responsibilities as Premier seriously and started looking after the big issues for Aboriginal people in New South Wales.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [9.14 p.m.]: It gives me great pleasure to support my comrade the honourable member for Liverpool in this very important recognition of National Sorry

Day. This day is the result of a very important investigation into why children were taken away from their Aboriginal and Torres Strait Islander parents. The inaugural National Sorry Day was held on 26 May 1998, one year after the tabling in Federal Parliament of the report on the removal of Aboriginal and Torres Strait Islander children from their families, entitled "Bringing them home". Sir Ronald Wilson was the royal commissioner who reported on those very disturbing circumstances, of which this country should be ashamed. During the course of his report he called on the Prime Minister of this country and leaders throughout the States and Territories to offer a formal apology to the families of children who were forcibly taken away.

Bob Carr was the first Premier in this country to make such an apology. We are still waiting for the Prime Minister to do it, but that means nothing. We have moved on so far in recognition of what has happened that the Prime Minister's apology will mean nothing when, or if ever, it comes. But we must remember that many people have worked and continue to work hard for this country to recognise that there is still a long dark history of what happened in this country. I have often said, and the shadow Minister has heard me say it at functions, that this country has a history that only some people have been told about. Thankfully, young people today are starting to learn the true history of this country. Recently I was talking to some people about white history and how I, as a young person going to school, was told how Blaxland, Wentworth and Lawson found the route across the Blue Mountains from Sydney to Bathurst.

Why did it take Blaxland, Wentworth and Lawson so long to find it? Because they did not consult with the Aboriginal people. Yet they knew that trading was going on between Aboriginal people on the other side of the Great Dividing Range and people on the eastern seaboard, the saltwater people. It was not until they consulted with Aboriginal people that they found a way across the Blue Mountains. What I was told, what the honourable member for Liverpool was told and what everyone else in this Chamber was told at school was an absolute fabrication. Blaxland, Wentworth and Lawson found that trail and blazed it because they were walking along the trail that had been used by Aborigines for thousands and thousands of years to trade between the western part of New South Wales as we know it now and the seaboard. We were not told that. But young people are being told about it now because it is the truth.

There are many great Australians of indigenous background. A great Australian died last week, and I will give his name because of my respect for him: Guboo Ted Thomas, a respected elder of the Yuin nation. He was absolutely supportive of Aboriginal advancement. National Sorry Day, even though it is set aside as a special day—we celebrated it a couple of days ago—is the start of Reconciliation Week. The first day of Reconciliation Week, 27 May, is the day the referendum was carried; the last day of Reconciliation Week, 3 June, will be the tenth anniversary of the Mabo decision. The Parliament should recognise that as well, and I am more than happy to do so on behalf of all honourable members. The Reconciliation Council in this State will hold a function this Saturday night. I invite all members of this Parliament to come and pay their respects to Aboriginal people in this country through that particular event. [*Time expired.*]

Mr LYNCH (Liverpool) [9.19 p.m.], in reply: I thank the honourable member for Wakehurst and the honourable member for Wollongong for their contributions to the debate. This is one of those comparatively pleasant and rare occasions in this place when there is a fair degree of common ground on all of the substantive issues. Whilst the honourable member for Wakehurst and I would disagree on a whole range of things, on these sorts of issues he and I are usually not all that far apart. That has traditionally been the way that both the Government and the Opposition in this place have performed on this issue, and that is frankly to everyone's credit.

The honourable member for Wakehurst talked about the greatness of spirit of some Aboriginal people whom he has dealt with. That is, I think, quite an appropriate phrase. In a sense, it was a phrase that I was struggling to recall when I began to speak and talked about the feeling I got from talking to Aboriginal people at the Sorry Day ceremony. As I said, whilst some simply celebrate the survival, there is something a great deal more than that, something a great deal more impressive in survivors of the Stolen Generation to whom I have spoken. On the other hand, this Chamber being the place that it is, the honourable member for Wakehurst made a few partisan comments as well. I do not propose to go into those at any great length, except to say that he did speak about an 11-year period. Whatever sins there might be on this side of the House, we have not been in government for the entirety of those 11 years.

It is also worth reiterating another point made by the honourable member for Wollongong. He said that if we are going to start being partisan on this issue, there are a fairly significant number of adverse comments we could make about the Prime Minister. I do not propose to dwell on that. I simply make that brief reference to the point made earlier by the honourable member for Wollongong. One of the very useful comments he made

related to the histories that were taught and the things we were all told. I can remember being taught that Captain Cook discovered Australia—as if it had somehow been lost! That was an extraordinarily Eurocentric view about our society, this land and the people who live in it. It is not being radical to say that that teaching was wrong. It is commonsense to say it is wrong.

History is a number of things that have happened—not one exclusive, unique and elite version of events. It is the sum total of everyone's experiences. That is really the significance of Sorry Day; it is about acceptance and concentration upon part of our history. Whilst the Aboriginal community knew all about that part of our history, it was not acknowledged and it was not discussed in the non-Aboriginal community. National Sorry Day is about getting that balance right. It is about assessing our history properly. It is not about being particularly radical, but about bringing commonsense to bear on the issue. Some of the histrionics we sometimes get in this debate are frankly out of place. It is monumentally commonsense to recognise what has happened and come to terms with it.

One of the most interesting examples of that was Ronald Wilson himself. That process commenced in 1995, and the institution of National Sorry Day came directly from that process. Ronald Wilson was a High Court judge with an impressive and, I am sure he would not mind me saying, very conservative legal background. He certainly did not come from my side of politics. He had been moderator of the Presbyterian Church in Western Australia, which then ran a home in which stolen children grew up. He said, in response to that reality:

> I was proud of the home, with its system of cottage families. Imagine my pain when I discovered during this inquiry that children were sexually abused in these cottages.

The fact that someone like Ronald Wilson produced the report that has given rise to National Sorry Day underlines its significance and importance. Ronald Wilson also said:

> The inquiry changed a hard-boiled lawyer like me, and it can change our nation.

Such comments from people in positions like his emphasise how important National Sorry Day is, how important bringing home the stolen generation was, and goes to the very core of how we see ourselves as a society. As I have said, you cannot go forward unless you look back. It is the essence of reconciliation to be able to recognise, acknowledge and accept what has happened and try to make things better. I was delighted to be able to participate in National Sorry Day. I congratulate in particular the people of Liverpool to whom I earlier referred. I look forward to participating with them in events in the future.

Discussion concluded.

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL

SUMMARY OFFENCES AMENDMENT (PLACES OF DETENTION) BILL

Second Reading

Debate resumed from 9 May.

Mr RICHARDSON (The Hills) [9.25 p.m.]: I say at the outset that the Opposition will not oppose these bills. But, as is usual with legislation that this Government brings before this place, the Opposition has concerns with some aspects of the bills. The objects of the principal bill are: to provide that a police officer who captures an escaped inmate is to take the inmate before an authorised justice to be dealt with according to law, and a correctional officer who captures an escaped inmate is to take the inmate to a police officer or before an authorised justice to be dealt with according to law; to enable regulations to be made providing for the seizure, forfeiture and disposal of property unlawfully brought into a correctional centre; to remove the requirement that a victim of a serious offence must have the approval of the Parole Board in order to make an oral submission about the possible release of the offender on parole; and to extend the exemption from personal liability for correctional officers to correctional officers exercising their functions in respect of searching persons in or in the immediate vicinity of a place of detention.

The amendment proposed to section 39 of the Crimes (Administration of Sentences) Act is required because of what happened in the case of Paul Etienne. Honourable members would recall that Paul Etienne rather notoriously escaped from the Downing Street Local Court in November last year by crashing through a

glass door. He was recaptured some three hours later and taken to hospital to have his wounds attended to. He was not then taken to court to be charged with escaping from lawful custody; he was taken back to gaol. A month later he was released from gaol. He was released, the Minister said, because there remained no warrant on which to hold him, even though Paul Etienne was on remand on a charge of attempted murder. In fact, he allegedly put a bullet into somebody's brain.

I really do not know that the legislation before the House by itself will deal with situations like that. Here we are talking about making the procedures provided for in the Crimes (Administration of Sentences) Act following the arrest of an escaped prisoner consistent with section 352AA of the Crimes Act. So, in future, a prisoner will have to be brought before a magistrate, and police will not have any discretion in this matter. Of course, in November last year police could have brought Etienne before a magistrate, and he could have been charged with escaping from lawful custody. That was provided for under the Crimes Act. I had a conversation with the Minister's staff about this matter, and I thank them for the briefing, but they could not clearly explain why that did not happen in Etienne's case and why as a consequence Etienne was released. Something of a clue was given in this passage from the Minister's second reading speech:

> This amendment to section 39 is one of a number of steps being taken by the Government to reduce the likelihood of another erroneous release. Already, administrative procedures relating to the discharge of inmates from custody have been revised, particularly in relation to inmates who have pending court appearances. Procedures have also been strengthened to ensure that an inmate's warrant file clearly documents that all sentence administration details have been properly investigated and verified prior to an inmate's release.
>
> Under the new procedures, a senior commissioned correctional officer will have ultimate responsibility for authorising an inmate's release. In addition, when an inmate's file contains an order requiring a court appearance subsequent to his date of release, the relevant court will be contacted at the earliest possible opportunity—and no later than the day before the scheduled discharge. The court will be advised of the inmate's impending release, and asked if it is intended that the court issue an order which authorises the inmate's continued detention beyond his or her date of release.

All of this could have been done without legislative change. Clearly, there was an administrative stuff-up, and I have no reason to believe that this will not happen in the future. Recently there have been an extraordinary number of escapes that could have been avoided easily. They occurred because prison officers did not pay attention, procedures were not followed and rules were not obeyed. Honourable members will remember the escape last month by Wayne Pinder from Long Bay gaol. He hopped in a car that was being spray-painted, turned on the ignition and drove out of Long Bay gaol. I understand that security was so lax at the institution that Pinder, as he made his escape, queued up at the gate and was waved through by a prison officer. That escape represents an appalling state of affairs, but it gets worse. On 23 April Elie El-Yousef was being taken from Silverwater prison to Westmead hospital in a Toyota Tarago, not a prison van. He was sitting, not handcuffed, in the front seat of the Toyota Tarago. He produced a makeshift knife, held it to the driver's throat, threw the driver out of the van and drove off into the sunset.

I know that the honourable member for Bathurst will take particular interest in this matter: Michael James Joseph Hughes escaped from Kirkconnell soon after lunch on Friday 10 May by cutting through a wire fence. Michael Hughes had escaped from lawful custody four times previously. When he escaped from Silverwater prison he carried out six break and enter offences and two armed robberies. During one of those robberies he held a gun to the head of one of his victims and assaulted him. Hughes is still at large. He was classified as a serious offender but the Serious Offenders Review Council had reclassified him C1 to a minimum security institution. It eludes me how that could have happened, given his history of escapes and the fact that he was previously an E classification prisoner. Hughes is still at large. One wonders how he will survive unless he commits further crimes.

Just yesterday a prisoner from Junee who had injured himself was at Wagga Wagga Base hospital with two prison guards. He had also escaped from gaol previously. One of the prison officers left to have a meal and the other officer sat with the prisoner in a ward. The prison officer left the room briefly. Perhaps he had to answer a call of nature. He claims that he handcuffed the prisoner to the bed. When he came back the prisoner was gone. I do not believe that the bed vanished with the prisoner, although it is possible because he is the sort of person who would want to hock the bed so that he could get some dollars.

Such escapes should not happen. Like the early release of Etienne, they show a pattern of behaviour within the New South Wales Corrective Services which is alarming. It is alarming to me and to the Opposition, and it is certainly alarming to members of the public, whose safety is compromised. It is alarming to the police who have to divert valuable resources to try to recapture these prisoners. We have learnt that Etienne was one of 12 prisoners who had been released early from our easy-come-easy-go gaol system in New South Wales. Over the past 14 months they have been released at the rate of one per month. Etienne was the most notable case

because he remained at large much longer than any of the other prisoners. I note that one of the prisoners in the list was released on 23 December, was away for 17 days, and returned to custody on 9 January 2002. He presumably enjoyed his Christmas and New Year at home with his relatives and friends.

Another prisoner got out in time for Australia Day. He was released on 24 January and returned to custody on 30 January. These occurrences simply should not happen. That is why the most important part of the Minister's second reaching speech relates not to the legislation but to the changes to the procedures that are being adopted by the Department of Corrective Services. I have shown clearly that these events are far too commonplace within the New South Wales prison system.

The Government's mismanagement of the New South Wales prison system extends to its policy of racial segregation within gaols. Two reports have been handed to Commissioner Ron Woodham and, I assume, the Minister, relating to this issue. One report, prepared by Lawrence Goodstone, strategic policy adviser, is entitled "Gangs in the New South Wales Correctional System—Clarifying the Assertion" and dated November 2001. Again, I am concerned about this report. Not only does it give a detailed exposé of the problems facing the New South Wales correctional system as a consequence of gang formation, it also provides a list of recommendations and solutions which could have been put in place. Those recommendations were not put in place. On 4 April Lawrence Goodstone provided a paper to Commissioner Ron Woodham on Goulburn Correctional Centre. Very shortly afterwards, a riot occurred at that centre in which seven prison officers were bashed, one of them within an inch of his life.

I do not say that necessarily all violence in gaols could have been averted by implementing the recommendations. But I am saying, clearly, that if more attention had been paid to Mr Goodstone's reports and recommendations, much less serious injury may have been sustained and Corrective Services may have averted the confrontations at Goulburn and Lithgow. Once again I am not left with any feeling of confidence that the Government clearly understands this issue or is prepared to address it. I have in my possession a confidential briefing note on racial clustering, which states:

- Approximately four years ago, following a series of extremely violent incidents in correctional centres involving assaults by inmates upon other inmates, the Department of Corrective Services decided to separate the members of certain ethnic groups from each other and from the remainder of the inmate population.

- Ethnicity was a significant factor in bonding warring groups and the separation strategy has proven to be successful.

I suppose it depends on how one measures success. Certainly it is successful if it is measured in the context of violence being wrought by prisoner upon prisoner. I understand that the main victim of the Goulburn riot is still in a serious condition in hospital. We understand that he has been making some progress, and we are thankful for that. The Government still does not want to come clean on the cause of the riots at Goulburn and the whole issue of racial clustering. Because the Government will not come to grips with that issue within the prison system it is putting the lives of the hardworking Corrective Services officers at risk. If the Minister considers that is worthwhile, I suspect he does not deserve to be in office.

The second foreshadowed amendment will allow the Department of Corrective Services to confiscate, seize and dispose of property—primarily cameras—brought into a prison. Under the current regulation visitors are prohibited from taking photographs of, or operate video or audio recording equipment at, a correctional centre without the prior approval of the governor. The maximum penalty for so doing is 20 penalty points—$2,200. The governor has the right to confiscate any photograph, film, tape or other recording taken or made by a person in contravention of this clause and to destroy any part of a confiscated photograph, film, tape or recording which might prejudice the security of the prison or place anyone's personal safety at risk. It seems unusual, but the governor may get the film processed and may charge the person for payment of costs incurred in the processing or developing.

The Minister believed that was not sufficient deterrent for serial offenders. There is no doubt that photographs and videos can pose a security risk within gaols. Of course, visitors who smuggle in a camera may unwittingly provide information that could aid and abet an escape. We certainly have no problem with that provision. It is proposed that the camera can be confiscated—that would usually be in the context of a serial offender. I wonder whether that is aimed more at preventing the media from photographing things behind bars that the Government does not want the public to see than at preventing visitors from taking happy snaps of their loved ones. Most cameras that are brought into gaols by visitors are cheap disposable or compact cameras rather than James Bond-type cameras or expensive single lens reflex cameras. I do not know that that is much of a deterrent.

I was mildly encouraged to hear the Minister say in his second reading speech that correctional officers would not unnecessarily seize or dispose of a camera or other property inadvertently brought into a correctional centre. But there is a world of difference between the Minister's words and what might happen in practice. We do not want to encourage escapes, and obviously we prefer prisoners to stay behind bars until they complete their terms of imprisonment. Many studies have shown that the family and friends of inmates are absolutely essential to the rehabilitation of inmates once they have done their time, and, equally, we do not think they should be punished unnecessarily. Would the Minister say—other than what he said in his second reading speech—what safeguards he proposes to ensure that cameras will not be seized as a matter of punishment for a prisoner who has been recalcitrant or a prisoner that the prison officers do not like and have it in for?

The third foreshadowed amendment relates to the right of a victim to make an oral statement to the Parole Board. At the moment he or she can only do that with the approval of the Parole Board. We certainly do not have a problem with that. However, Mr Ken Marslew, from the Enough is Enough organisation, said to me that the problem was that the Parole Board probably would not listen. I guess we cannot force the Parole Board to listen, but, quite frankly, if an oral statement carries no weight whatsoever with the Parole Board, this legislation is just window dressing and will not provide a real benefit to the victims of crime.

The fourth and most controversial amendment relates to changes to the Summary Offences Act and is designed to allow prison officers to intercept drugs and other contraband outside a gaol. It effectively gives them many of the powers of police officers. In his second reading speech the Minister said:

> The Government is committed to the prevention of illegal drug use and the harm caused by illegal drugs in correctional centres. Illegal drugs in correctional centres debilitate the health of inmate drug users, who become unable to participate effectively in inmate development programs. They can also potentially lead to standover tactics, inmate power structures, an underground economy, needle-stick injuries, assaults and corruption. However, contraband is not restricted to illegal drugs. It also includes syringes and other implements of drug use, offensive weapons, alcohol, and money. Contraband also includes other unauthorised items such as mobile phones, which … are being intercepted in increasing numbers.

One has to ask how mobile phones get into gaols, given that there is a detailed screening process through which visitors have to go before they enter a gaol. I wonder why they are not getting picked up during that screening process. I leave that with the House to conjecture. I am sure that the Minister has his own ideas but he does not seem too keen on dealing with the real conduit by which this contraband is getting into the gaols.

Currently, prison officers have the power to scan gaol visitors with a metal detector, require them to empty their pockets and bags, screen visitors with a sniffer dog and arrest anyone carrying contraband into a gaol. But if a visitor refuses to be screened or elicits a positive reaction from the sniffer dog, the officer can only refuse that person entry to the gaol. He cannot force the visitor to remain until a police officer arrives to conduct a search. The visitor can be excluded from the gaol on that occasion and on future visits but cannot be arrested and charged with an offence.

We think it is eminently reasonable that people who are trying to smuggle contraband into gaols should suffer the full weight of the law. We also understand that it is not possible for police officers to be at all gaols at all times of the day when visitors might be attending. With some caveats, we do not oppose the measures proposed in the bill. The safeguards proposed under new section 27J of the Summary Offences Amendment (Places of Detention) Bill are as follows:

> (1) A correctional officer who detains a person in the exercise of a power under section 27F must not detain the person any longer than is reasonably necessary for the purpose, and in any event for no longer than 4 hours.
>
> (2) A correctional officer must, before exercising a power to detain, search or arrest a person under section 27F, or as soon as is reasonably practicable after exercising the power, provide the person subject to the exercise of the power with the following:
>
> (a) evidence that the correctional officer is a correctional officer,
>
> (b) the name of the correctional officer,
>
> (c) the reason for the exercise of the power,
>
> (d) a warning that failure or refusal to comply with a request or direction of the correctional officer, in the exercise of the power, is an offence.
>
> (3) Subsection (2) extends to a direction given by a correctional officer to a person in the exercise of a power to stop, detain and search a vehicle.

(4) A correctional officer is not required to comply with subsection (2) if the correctional officer believes on reasonable grounds that:

(a) the circumstances are of such urgency that complying with subsection (2) would render a search ineffective, or

(b) it is not reasonably possible to comply with subsection (2).

Those are not detailed safeguards. The Opposition is concerned about the words "in the immediate vicinity of", which are not defined in the legislation. This might lead to a prison officer stopping a vehicle some kilometres from a country gaol, for example, and searching the vehicle even though the vehicle might not be going to attend the gaol. The Opposition is concerned that prison officers may not abide by the spirit of the Act. I have written to the Minister about this but he has not yet responded. I ask him to provide an adequate definition of "in the immediate vicinity of a prison" because there is always the possibility that the legislation could be abused.

I ask whether the Government is fair dinkum about keeping drugs out of gaols. Only on 14 May, two weeks ago, an inmate of Long Bay gaol overdosed in the drug and alcohol wing of the Metropolitan Special Programs Centre. Other inmates were also caught with drugs in an area that was supposed to assist addicted inmates. A series of blunders occurred after the incident. There was no Narcan in the wing to revive the inmate, and prison officers could not call an ambulance because there were no external phone lines in the wing. They rang the front gate but the people there failed to make the 000 call immediately. When the ambulance arrived at the centre it was kept waiting outside the gate. When it finally arrived at the wing it was delayed further while a stretcher was brought over from another wing, despite each wing being required to have a stretcher on hand. This sounds like Keystone cops stuff, but this is a very serious state of affairs. The inmate subsequently died.

According to the annual report of the Department of Corrective Services for the year 2000-01, only one prisoner died of a drug overdose in that year, yet this year—in a little over four months—there has been one drug overdose already. What happened is reprehensible. This fellow overdosed in the drug and alcohol wing, which did not have adequate safeguards. The litany of errors that ensued was also reprehensible. An estimated 70 per cent of all inmates are in gaol for alcohol or drug-related crime, and well over half of those received into custody require assistance with detoxification or withdrawal. Preventing entry of drugs into centres is the first priority of the department's alcohol and other drugs strategy. The second priority is harm minimisation. The third priority is reducing the desire to use.

Harm minimisation includes the methadone program behind bars. One in five of all prisoners behind bars are on methadone. Methadone is a substance that acts as a currency within the gaols. Even though prisoners are supposed to take their methadone by swallowing it, many prisoners concoct ingenious ways of getting the methadone, or at least part of it, out of the clinic and using it as currency within the gaols. I am concerned that the methadone program is a maintenance program rather than a reduction program. If the Minister were really fair dinkum about keeping drugs out of gaols, he would operate a reduction program within prisons. Instead of talking to the high-fliers within the Department of Corrective Services he should go out to the gaols and talk to the prison officers. He might then understand why many of them are not as enthusiastic about the methadone program as the Government appears to be. The Government's third priority should be to reduce the desire to use drugs and to place greater emphasis on rehabilitation than on maintenance of a drug habit. Is the Government really doing enough to cut the supply of drugs into gaols, and is it really fair dinkum about keeping drugs out of gaols? The Opposition does not oppose the bills. However, I ask the Minister to kindly address the concerns that I have raised.

Mr MARTIN (Bathurst) [9.56 p.m.]: If that is the best the Opposition can offer from the front bench in this portfolio, one can understand its problems. The shadow Minister commented on the extraordinary number of escapes from our correctional centres. Currently, the rate of escapes is half what it was under the former Coalition Government. So much for this so-called epidemic! Morale under Coalition Minister Michael Yabsley was extremely low because of his draconian policies on prisons. The shadow Minister attacked prison officers, the workers. More than 405 prison officers live in my electorate and I will let them know next week exactly what the shadow Minister said tonight. Throughout his long rambling speech, in which he eventually said he supported the legislation, he demeaned and attacked prison officers. I am very conscious of the good work done by the many officers of the Department of Corrective Services in my electorate.

I have four correctional centres in my electorate. There are 185 officers employed at the historic Bathurst gaol, 50 at Kirkconnell, and 145 at the Lithgow maximum security facility, and there are 40 local jobs for prison officers, overseers and inmate development staff at Oberon, or Shooters Hill, as it is known locally. They have a demanding job. They work hard and they do not deserve to be denigrated. In addition to positions at the correctional centres, 13 jobs are attached to the Bathurst office of the Probation and Parole Service and a

further four jobs to the Lithgow office. The department also provides 16 people to carry out court escort duties and court cell work. These people do excellent work and do not deserve to be attacked as they were by the shadow Minister throughout his diatribe.

I am aware that officers of the department often operate in challenging conditions with people who have the potential to be difficult. We are not talking about Mr and Mrs Average. That is why the Government has taken this opportunity to give officers and staff of the department the necessary powers to carry out their jobs efficiently, to provide the wider community with maximum confidence in the system that administers the sentences of offenders. It must be remembered that there are 7,000 prisoners in the system. The honourable member for The Hills referred to a number of cases that have been highlighted in the papers. Sure there will be slip-ups in the system, but the bill addresses what is really a gap in administrative procedures provided by police, the court system and the Department of Corrective Services. Unlike the Opposition, the Minister has recognised the problem, and that is why changes to the Summary Offences Act in particular have been brought before the Parliament. The Opposition's long and boring diatribe prompts me to suggest a change in standing orders to address the boredom factor when, despite being given unlimited time, the Opposition fails to deal with substantive issues.

Amendments to the Summary Offences Act 1988 will assist correctional officers to prevent illegal drugs and other contraband from being introduced into correctional centres and correctional complexes. Not even the Minister for Corrective Services, as competent as he is, can give an absolute guarantee of eradication; nor can anyone else. Under section 27B and section 27E of the Summary Offences Act 1988, correctional officers have certain powers, in particular powers to arrest a person who is trafficking in contraband in a correctional centre or other place of detention. Under provision 93 of the Crimes (Administration of Sentences) Regulation 2001 correctional officers also currently have the power to search visitors to correctional centres, but only as a condition of entry into a correctional centre.

If a visitor refuses to be searched and a correctional officer has no reason other than that to suspect that the person may be attempting to bring in contraband, the officer cannot arrest the visitor and must allow the visitor to depart. Obviously that set of circumstances has a negative impact on the morale of officers who in many cases know that the visitors are bringing in contraband. The honourable member for The Hills referred to the visitors being friends and relatives of the prisoners and suggested that they should not be subjected to suspicion. Unpalatable though it may be for the honourable member opposite, who obviously has led a sheltered life, the facts of the matter are that many of the people who visit prisoners are not desirable people. In many cases the prisoners hold sway over the visitors and because the prisoners have an addiction, they persuade, force or coerce their visitors to become very cunning and innovative in trying all sorts of methods to bring contraband into prisons.

This Government is making sure that prison officers and corrective services officers are given powers to flush out the trade in contraband and take preventive measures instead of being merely reactive. That lies at the heart of the purpose underpinning the legislation—a factor that has either been lost or ignored by the Opposition. Honourable members are not dealing with civil liberties issues in discussing this legislation. I know that the Lithgow Correctional Centre houses hard-core prisoners and is on a par with the Goulburn Correctional Centre in the provision of maximum security imprisonment. Because the worst of the worst criminal elements are incarcerated at Lithgow it is incumbent upon this Government to provide correctional officers with the utmost assistance by empowering them to deal with prisoners who trade in contraband. Government members know that people who are visiting these prisoners will use every available measure to assist and support them. It is not a matter of introducing legislation to attack prisoners' friends and relatives.

The honourable member for The Hills used the red herring of disposable cameras and what constitutes the confines of a gaol to suggest that prison officers and correctional officers will be stopping and searching cars several kilometres from the precincts of a gaol. That will certainly not be the case. The commonsense exhibited by the Minister, senior staff and more than 400 prison officers who serve in my electorate will prevail. Prison officers will not have all the search powers exercised by police officers, but their protocols are responsible and will be effective. A search conducted by a correctional officer must be conducted with due regard to the dignity and self-respect of the person and by an officer of the same sex as the person being searched. A correctional officer cannot conduct a frisk search or a strip search of a person or direct a person to remove any item of clothing other than a hat, gloves, coat, jacket or shoes. The protocols that are in place are meaningful. They are substantial changes that elevate the powers exercised by prison officers when dealing with very serious problems.

I reiterate that this legislation is not dealing with Mr and Mrs Average but rather is designed to deal with criminal elements. Prisoners who have an addiction will devise innovative ways to get contraband into

correctional centres. They will not stop at using family and friends, and they will use their influence over their relatives to achieve their own ends. This Minister has proposed amendments to the Summary Offences Act to seriously address problems associated with contraband in prisons. This action lies in marked contrast to the tactics of the Opposition of engaging in innuendo and suspicion by suggesting that prison officers are part of the problem. I suggest that prison officers and correctional officers should be given appropriate powers and support as part of recognising the difficult conditions under which they work. In my view, they are almost without exception very dedicated officers and they want to make a difference. They need enhanced administrative and search powers to be able to do their job effectively, and that is what this legislation is all about. People should forget about the red herrings used by the Opposition to deflect attention from the important purpose of the bill.

I am sure the Minister will deal in his reply with the spurious arguments advanced by the shadow Minister, the honourable member for The Hills. The intelligence gathered by the Department of Corrective Services shows that many inmates continually seek to have contraband smuggled to them and that they will use any device to achieve their aims. This legislation deals with people who are in gaol for very good reasons. Honourable members are not particularly happy about the increase in prison populations, but we must recognise that the Government has faced up to the realities. This legislation is designed to deal effectively with problems in prisons. Members opposite should forget about their rhetoric and red herrings and instead address the issues and support the Minister. The essence of what we have heard from the Opposition is an attack on the workers in the system, the prison officers, who in my electorate and in my experience are excellent public servants. They are doing a great job in difficult circumstances.

Ms HARRISON (Parramatta) [10.06 p.m.]: I support the Crimes (Administration of Sentences) Amendment Bill. As the Minister stated in his second reading speech, these amendments will correct a number of minor deficiencies that have been identified by both management and staff within the Department of Corrective Services. There are nearly 200 staff employed by the Department of Corrective Services in my electorate of Parramatta—136 within the Parramatta Correctional Centre, 13 in the periodic detention centre, eight attached to the Parramatta Transitional Centre, three at the Norma Parker Centre, and 26 with the Probation and Parole Service. In addition to these staff, the department also provides court escorts to the busy Parramatta Local Court and District Court and, in roles employing a further 18 officers, staffs the Parramatta court watch-house 24 hours a day, seven days a week.

In carrying out all those duties, the department works with professionalism and diligence in what are often very difficult circumstances and with people who are often difficult to manage. It is pleasing to note that despite an increase in the overall gaol population from approximately 6,000 in 1992-93 to the current total of nearly 8,000, the department has managed to keep the number of inmates who have escaped from lawful custody to a relatively low number. The shadow Minister made a very disappointing and miserable contribution to the debate—miserable in his lack of support for prison officers, and disappointing because he spoke in cliches when referring to individual cases and drew dumb conclusions about general numbers of escapees. The position is made obvious by the statistics which show that under the previous Coalition Government there were 130 escapes whereas under the Labor Government there have been 70 or 80.

However, in dealing further with the bill—unlike the shadow Minister who resorted to cliches instead of dealing with the issues—I point out that the amendments to section 39 of the Crimes (Administration of Sentences) Act will fill two gaps in the law relating to the manner in which escaped inmates are dealt with by enforcement officers. The gaps became apparent only following the erroneous release of Paul Etienne on 21 December 2001. When enacted, the provisions will mean that an escaped inmate, when recaptured, will have to be taken before an authorised justice. That will usually mean that the escapee will face a court on a charge of escaping from lawful custody. At present there is only a requirement that a recaptured escapee be returned to gaol.

The gap in the law was illustrated by the case of Etienne, who, while appearing at Central Local Court on 15 November 2001, escaped from custody by crashing through glass doors, severely injuring himself in the process. He was recaptured later that day at Five Dock and taken by police to hospital for treatment. He was then taken by police to the Metropolitan Remand and Reception Centre [MRRC] at Silverwater in accordance with the current wording of section 39. In accepting Etienne from police at the MRRC the Department of Corrective Services acted on the understanding that he could be accepted back into custody prior to any charges being laid in relation to the escape, provided the department had a live legal detainer. This proviso was satisfied by Etienne's existing custodial sentence. In the period between 15 November and 21 December 2001—Etienne's scheduled release date under his existing sentence—no charge of escape from lawful custody was laid against him. The amendments to section 39 are intended to fix this oversight if similar circumstances arise in the future.

The amendments also require that a recaptured escapee be committed to the custody of the person from whose custody the inmate had escaped. This requirement in new section 39 (4) fixes the other gap in the law exposed by the Etienne case. Because Etienne escaped before his court matter was disposed of, the court did not issue a warrant of adjournment, bail refused, as it would normally have done. Under the Bail Act 1978 and the Justices Act 1902 a warrant can be issued only in the presence of the defendant unless it is a warrant for failure to appear. New section 39 (4) is intended to overcome the Etienne situation so that if an inmate escapes from a courtroom prior to the disposal of his or her matter, upon recapture he or she must be committed to the custody of the court—which means that the inmate will be taken back to court for the matter to be completed, and for any new charges to be dealt with. I commend the Minister for these bills and reiterate my disappointment at the contribution of the shadow Minister.

Mr ANDERSON (Londonderry) [10.11 p.m.]: I support the Crimes (Administration of Sentences) Amendment Bill and cognate bill, the Summary Offences (Places of Detention) Bill. Like other Labor members who have spoken in this debate, I acknowledge the great work of corrective services officers, especially those at the John Moroney Correctional Centre in my electorate. The centre employs more than 190 staff—a number that is set to increase greatly. Construction has begun in my electorate on the Dillwynia Correctional Centre, a multiclassification facility that will accommodate about 200 female inmates and employ more than 80 additional officers.

At the outset I commend the good work of Ms Martha Jabour from the Homicide Victims Support Group. She has had significant input into the two aspects of the Crimes (Administration of Sentences) Amendment Bill to which I shall refer tonight. The amendments to sections 147 and 190 of the Crimes (Administration of Sentences) Act 1999 will give victims of crimes committed by serious offenders the right to have a more personal say at parole hearings. At present people listed on the victims register can make written submissions to the Parole Board and may make oral submissions with the approval of the board. The proposed amendments will ensure that victims of serious offenders have a statutory right to make oral submissions at parole hearings where they can give the board information concerning their feelings about the impending release of the offender.

Two constituents who were the victims of crime have made strong representations to me about their wish to have their say at Parole Board meetings. They feel strongly about offenders who are eligible for parole and are about to appear before the board and they want to put their feelings on the record. These proposed amendments will guarantee that right in the future, and I can only commend them. The amendments introduce an important change that will benefit the victims of serious offenders. By making oral submissions victims can often demonstrate their concerns much better than in a written submission. However, victims will still be able to make a written submission if they prefer to do so.

The Parole Board is an independent quasi-judicial body and retains the discretion whether to make a parole order, what conditions to include in a parole order and what weight to attach to a victim's submission. The Government recognises that it is important for victims to have their say. The Department of Corrective Services and the Victims of Crime Bureau have jointly published an information package to assist victims contemplating making a submission to the Parole Board or the Serious Offenders Review Council. The booklet, entitled "Submissions Concerning Offenders in Custody", provides easily understandable information about the relative roles and responsibilities of the Department of Corrective Services and the Parole Board in respect of parole, and canvasses what type of information should be included in a submission.

The Government has also decided to establish the position of victims support officer to develop and run information sessions for victims of crime to help them understand the processes and procedures involved in victims rights and parole considerations and to give victims advice about the relevance of material that they wish to present to the Parole Board. The amendments to the Crimes (Administration of Sentences) Act 1999 complement other Government initiatives, and I commend them to the House.

Mr MOSS (Canterbury—Parliamentary Secretary) [10.16 p.m.]: I am pleased to speak to the Crimes (Administration of Sentences) Amendment Bill and cognate bill, the Summary Offences Amendment (Places of Detention) Bill, because the more I read about them the more I realise that every measure in this legislation interests me greatly. These bills are good examples of this Government's preparedness to get tough on crime while assisting the victims of crime. The principal bill will amend section 39 of the Crimes (Administration of Sentences) Act 1999 to require police to take an escaped inmate to court before returning that inmate to prison.

We all know that this change is the result of Paul Etienne's escape from Central Local Court in November last year before the disposal of his court matter. Upon his recapture, the police returned him directly

to gaol, where he was held to complete a previous sentence. However, when he had served that sentence, the Department of Corrective Services had no further warrant on which to hold him. A loophole in the law was uncovered. I dare say that a similar incident may not happen again, but it could and we must amend the law to ensure that it does not. The amendments will make sure that future escapees are taken directly before a judge upon their recapture and charged with the offence of escaping custody before being returned to prison.

The bill also enables regulations to be made for the forfeiture and disposal of property brought into correctional centres unlawfully. This legislation will ensure that people who bring illegal property into prisons in the future will not just be stopped and have their goods confiscated. There is a likelihood that goods will be seized and disposed of. As the Minister said in his second reading speech, that will not happen to all goods, but it is most likely that dangerous weapons would be seized and disposed of. That provision, which will curb the practice of bringing illegal goods into gaols, is a good addition to this legislation.

Under the Crimes (Administration of Sentences) Act victims of serious offences now have a statutory right to make an oral submission to the Parole Board—a beneficial change for victims of crime. As I said earlier, the process has been reversed. In the past the Parole Board had the right to determine whether or not victims of crime could make such a submission. A victim now has a right to say to the Parole Board, "Irrespective of your views, I have the right to give oral evidence." Victims of crime can make oral submissions in the future. If I were a victim, I would feel more comfortable if I were able, fully and adequately, to explain myself verbally rather than just put my argument in writing, particularly if I had suffered an injustice.

This measure will protect the Parole Board from any criticism that it might have received in the past from victims of crime who argued that the board might have been tougher if they had been given an opportunity to say their piece. The Parole Board will now be in a position to say, "We made our decision based on all the facts, including oral evidence that was given by the victim." The credibility of the Parole Board will thus be protected through this measure. The amendments to part 4A of the Summary Offences Act deal with smuggling goods or attempting to smuggle goods into correctional centres—an issue that should not be taken lightly. We tend to think about people bringing drugs into prisons to pass on to prisoners for recreational purposes, but this issue is much more serious.

The Minister rightly pointed out in his second reading speech that this sort of practice can also potentially lead to standover tactics, inmate power structures and an underground economy, needle-stick injuries, assaults and corruption—which demonstrate the seriousness of this sort of practice. Prison officers already have the power to prevent contraband from coming into prisons. This legislation is really all about giving prison officers the power to search those whom they reasonably suspect of engaging in that practice. The Summary Offences Act did not give a correctional officer the power to stop, detain and search a person attempting to smuggle goods into prison but, as I have said, those provisions have now been changed.

The Summary Offences Act already gives correctional officers the power to arrest a person who is loitering about or near any correctional centre. In the past they did not have the power to stop, detain and search those persons. This bill will enable them to detain and search anybody loitering outside a prison. The bill contains important safeguards to prevent any encroachment on the civil liberties of those being searched. If a correctional officer is strip searching a person, that strip search must be conducted by a person of the same sex. Searches of minors or those who are mentally incapacitated must be conducted in the presence of an adult or a non-correctional member of staff.

All in all, this package of legislation contains a number of well-thought-out measures. This Government is getting tough on escapees. It is introducing measures to dispose of unlawful goods that are brought into correctional centres. It is also ensuring that prison officers have authority to stop, detain and search those who are suspected of smuggling goods into prisons or loitering outside prisons. Finally, the Government is giving greater rights to victims of crime. For that reason the bill, which has my full support, should have the support of all honourable members.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [10.25 p.m.], in reply: I thank all those honourable members who contributed to the debate on these bills. The honourable member for Canterbury outlined the provisions that get tough on crime, that assist victims of crime and that deal with stolen goods. I thank the honourable member for Londonderry for his support for the bills. He referred in his contribution to the fact that the Government will soon be building Dillwynia women's prison in his electorate. He acknowledged the good work being done by prison officers at the John Moroney correctional centre, and he referred also to Ms Martha Jabour from the Homicide Victims Support Group—a major contributor to some of the provisions in this legislation.

The honourable member for Parramatta referred to the good work being done by prison officers in her electorate. In my former job as a police officer I was involved in many industrial disputes and I attended gaols for many reasons in the 1970s and 1980s. I had plenty of opportunities to see first-hand the work of prison officers at Parramatta gaol. The commissioner rightly said on television the other day that prison officers often walk the toughest beat of all—an appropriate recognition of their good work. The honourable member for Bathurst said earlier that more than 400 prison officers were working in his electorate. I acknowledge his support and the support of his community for prison officers in Bathurst, who I am sure are aware of that support.

The honourable member for Bathurst made comments similar to those I would like to make in response to the contribution of the shadow Minister, the honourable member for The Hills. I thank the Opposition for its support for the bills. The honourable member for Bathurst highlighted some inaccuracies in speeches made by the honourable member for The Hills in this House and in the public domain. The honourable member for The Hills referred to the extraordinary rate of escapes under this Government. After listening to his contribution one could be forgiven for thinking that, under a Coalition government, there had been no escapes, no drugs and no violence in gaols. But that was just not the case. I am pleased to say that, under this Government, the incidence of such offences has reduced dramatically.

At a time when the prison population has increased by 2,000 the escape rate has been reduced. On average it is about one or two a week, or 70 to 80 a year over the past few years. Under the former Coalition Government there were between two and three escapes a week. The honourable member referred to assaults, and he inappropriately attacked the professionalism of prison officers—for which he was justifiably criticised by other speakers in this debate. I support their rejection of his claims.

Escape statistics are constantly reviewed by this Government—an issue referred to regularly in the media by the honourable member for The Hills. It is easy for anyone with the benefit of hindsight to say, "If the Government had done certain things, these prisoners might not have escaped." But that is not the way in which our prison system operates. Of course, we assess the circumstances of all escapes and put in place procedures, practices and, in this case, changes to legislation that we hope will resolve the problems. I place on record my strong support for prison officers. I recognise, as other members on the Government side of the House have recognised in this debate, the role prison officers play in very difficult circumstances. I thank all members for their support for the bills, which I commend to the House.

Motion agreed to.

Bills read a second time and passed through remaining stages.

The House adjourned at 10.30 p.m.