

LEGISLATIVE ASSEMBLY

Tuesday 4 June 2002

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

Mr Speaker offered the Prayer.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

- (1) That, further to the resolution of the House on Thursday 9 May relating to the introduction of the Appropriation Bill and cognate bills, standing and sessional orders be suspended to allow at 4.00 p.m. this day the interruption of the business then before the House for the introduction by the Premier, and progress up to and including the second reading speech of the following bills, notice of which was given this day for tomorrow:

Appropriation Bill
 Appropriation (Parliament) Bill
 Appropriation (Special Offices) Bill
 General Government Liability Management Fund Bill
 Protection of the Environment Operations Amendment (Tradeable Emission Schemes Fund) Bill
 Public Finance and Audit Amendment (Budgeting and Financial Reporting) Bill
 State Revenue Legislation Amendment (Budget) Bill; and

- (2) That standing and sessional orders be suspended to:
- (a) provide that, during the Budget sitting, unless otherwise ordered, the speaking time of "Any other Member" on the Appropriation Bill and cognate bills be limited to 20 minutes, with an extension of 10 minutes; and
 - (b) permit debate on the Appropriation Bill and cognate bills being resumed at this or any subsequent sitting.

PETITIONS

North Head Quarantine Station

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

Bank Services

Petition asking the House to make banks provide a basic service for all and to make arrangements for the aged and the disabled, received from **Ms Andrews**.

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**.

National Parks and Wildlife Service Prosecutions

Petition asking that the National Parks and Wildlife Service be directed to redress the injustice suffered by the Bacic family and to ensure that future prosecutions under the National Parks and Wildlife Act are properly and responsibly based, received from **Mr Rozzoli**.

Freedom of Religion

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

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**.

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 **Ms Hodgkinson**.

School Bus Safety

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

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 oppose 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**.

Queenscliff Geographical Names Board Classification

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

Old-growth Forests Protection

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

Northbridge Primary School

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

Septic Tank Inspection Fees

Petition requesting a review of legislation for registration and inspection fees for septic tanks, received from **Ms Hodgkinson**.

White City Site Rezoning Proposal

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

Casino Policing

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

Albury Electorate Policing

Petition asking for increased police presence in Henty, Culcairn, Walla Walla and surrounding areas, received from **Mr Glachan**.

Warragamba Police Station Closure

Petition asking that the decision to close Warragamba Police Station be reversed, received from **Dr Kernohan**.

Cronulla Police Station Upgrading

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

Illawarra Policing

Petition requesting provision of increased police resources in the Illawarra region, received from **Mr Markham**.

Surry Hills Policing

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

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**.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE**Reports**

Mr Campbell, as Chairman, tabled the following reports of the committee's inquiry into the use of prescription drugs and over-the-counter medications in children and young people:

Issues Paper No. 1—Background Issues, dated May 2002

Issues Paper No. 2—Administration of Prescribed Drugs and Over-the-counter Medications to Children and Young People by Non-parental Carers and Self-administration, dated May 2002

Issues Paper No. 3—Children and Young People and the Misuse and Abuse of Prescription Drugs and Over-the-counter Medications, dated May 2002

Issues Paper No. 4—The Use by Children and Young People of Prescription Drugs and Over-the-counter Medications Developed for Adults, dated May 2002

Issues Paper No. 5—The Use of Prescription Drugs as a Mental Health Strategy for Children and Young People, dated May 2002

Issues Paper No. 6—Alternatives to the Use of Prescription Drugs and Over-the-Counter Medications by Children and Young People, dated May 2002

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

NEW PRISON SITE

Mr BROGDEN: My question is directed to the Premier. Now that the honourable member for South Coast has rejected the economic benefit of building and operating a gaol in Nowra, does he stand by his statement, and the Treasurer's confirmation of it, that Nowra is on the Government's short list as a site for a new gaol?

Mr CARR: No decision has been made about the location of a third or a fourth gaol. I did receive strong representations from the honourable member for South Coast about this matter.

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

Mr CARR: I will be listening to those representations.

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

Mr CARR: I will be taking them very seriously.

Mr SPEAKER: Order! I call the honourable member for The Hills to order. I call the honourable member for Vacluse to order.

Mr CARR: If I were the Leader of the Opposition I would be worried about seats on his side of the House, not seats on this side of the House.

PUBLIC LIABILITY INSURANCE

Mr BLACK: My question is to the Premier. What is the latest information on public liability insurance and its impact on rural and regional communities?

Mr CARR: "As a society we have been encouraged by government, civil libertarians, the legal profession and others to be less responsible for our own actions. We somehow or other believed the golden pot at the end of the rainbow would stay full for ever. We now know it is virtually empty."

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

Mr CARR: Fine words. I would have been proud to have uttered them myself. I take the quote from the *Central Western Daily* of 3 June 2002. They are the words of the honourable member for Orange, representing that grand old political party, the Nationals. I would think he would know, as we know, that if the bill before the upper House is not passed headlines such as these will continue: "Horse riding in jeopardy", *Central Western Daily*; "Public liability a scourge on land", Grafton's *Daily Examiner*; "Artsfest hits liability limbo", again, the Grafton *Daily Examiner*; "Insurance premiums threaten concert", Lismore's *Northern Star*; "Call for help: Lifesaving clubs threaten to cease beach services", *Coffs Harbour Advocate*.

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

Mr CARR: This headline appeared in the *Yass Tribune*, "Insurance impacts on village halls". I could reel off headlines like those all day.

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

Mr CARR: The warning I gave at the Shires Association conference today stands.

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

Mr CARR: The Opposition has been led into an alliance with plaintiff lawyers. That much was made clear on the front page of yesterday's *Sydney Morning Herald*. And what about that quaint little email that the Herald reported in full yesterday giving the game away? It went out to all the solicitors in New South Wales from the head of the Australian Plaintiff Lawyers Association.

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

Mr CARR: It stated that the member for Southern Highlands had organised for them to get in to see the Leader of the Opposition—

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

Mr CARR:—and to tie up the Opposition's support for an amendment to effectively neuter the legislation in the upper House. There it is!

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

Mr CARR: If Opposition members do not believe me they should believe the Prime Minister. They should believe Helen Coonan. They should believe the leader of the Northern Territory Country Liberal Party, Denis Burke, or they should believe, if they like, Wilson Tuckey. He was interviewed on this very subject today as he left the Shires Association conference that I had addressed. He said that he believed the reforms of the Carr Government of New South Wales are "entirely proper"—they are his words. Then he said, "I think the New South Wales Government has given the most positive effort of anyone on this issue." Then a journalist said to him, "There is a suggestion"—the journalist should have been stronger; there has been an announcement because the plaintiff lawyers went to them—"that the Coalition amendment will remove the backdating provisions in the upper House."

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

Mr CARR: Wilson Tuckey then said, "I will be very critical of them if they do."

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

Mr CARR: He said, "It's not retrospective and, as I said, that is a common process". That is, if I may interpose, it is common to backdate legislation to the day the Government announced its intentions. I announced here on 20 March that this is what we were going to do. I said that the legislation, when it is introduced, will have force back to 20 March. Wilson Tuckey defends that. But this is the provision of the legislation the Opposition, manipulated by the plaintiffs' lawyers, is going to remove in the upper House. Wilson Tuckey says, referring to my speech to the shires conference, "In circumstances of this nature, of course, you do this. It is a common process and the Treasurer—of whatever political colour—over the decades does exactly that." That is, the Treasurer backdates the effect of legislation to the day of the announcement. There you have it: he is the latest Coalition Minister to express support for the commonsense leadership position we are taking. I have spelt out before the implications for our reform if the plaintiff lawyers, introduced by the honourable member for Southern Highlands, manipulate the crossbenchers to back the Coalition's amendment.

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

Mr CARR: When these events—and I said this to the Shires Association today—are cancelled in the future, when a country town loses a major tourism activity, when a fair is cancelled, when a sporting event is cancelled, when an agricultural show cannot go ahead, there will hang the sign, "Cancelled. Banned by decision of the National Party". We will report to the people of New South Wales, especially the country communities, when the legislation is amended—as I assume it will be, because the plaintiff lawyers are saying they have the numbers—that we tried to reform the law but perhaps its most important provision was removed in the upper House. It is a commonsense provision that Wilson Tuckey, the Prime Minister and Senator Helen Coonan have all gone on record supporting. Without that provision that crisis in Country New South Wales will continue—cancellations, "Insurance premiums threaten concert", "Cost kills fair", "Call for help". I could go on.

Mr J. H. Turner: What about stage two?

Mr CARR: You are opposed to stage one. What a clown!

Mr SPEAKER: Order! The honourable member for Wakehurst will resume his seat. If he becomes the Opposition Whip I will allow him to wander around the Chamber. However, for as long as he is a shadow Minister his job is to sit on the front bench.

Mr CARR: It might be said that I have some experience as a political salesman. I can tell you that country New South Wales is going to hear the full story on this. If Coalition members go for this element of the legislation in the upper House, every corner of country New South Wales will get the message that the National Party sided with plaintiff lawyers and not with the sports clubs—not with the show societies, not with country local government, not with the surf clubs, not with the coastal councils but with the plaintiff lawyers to protect their incomes. That message will go out wide and clear.

[Interruption]

I hope my good friend the member for Lismore would take a stand on this. Wouldn't you think that he would be against the plaintiff lawyers and for reform of public liability? What about the honourable member for Coffs Harbour, the honourable member for Ballina and honourable member for Barwon showing some leadership?

What about the honourable member for Lachlan; a raft of events have been cancelled in his electorate. We are relying on him to show some leadership. I will invite the leaders of community groups in some of those electorates to meet me and get a direct briefing on what our legislation would have meant. I will rally rural New South Wales to protect its rights and its way of life against the selfishness of plaintiff lawyers. Right around non-metropolitan New South Wales we will have petitions, appeals and official New South Wales Government-sponsored seminars to brief the community on what our legislation would have meant, had it been passed in its entirety.

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

Mr CARR: On an occasion like this one would think that National Party members, not only in this House but also in another place, the oldest legislature in Australia, now face their greatest test. National Party members in the Legislative Council, the Hon. Rick Colless, the Hon. Jennifer Gardiner—I do not know these people, but I am told they exist—the Hon. Duncan Gay and the Hon. Doug Moppett—is he still around?

Mr Scully: I thought he had gone.

Mr CARR: I don't know. We wouldn't know, from one day to the next. If the Hon. Doug Moppett were Banquo's ghost, I would appeal to him. The National Party has lost any claim to support people in country New South Wales because it has let them down on this issue. They wanted the support of the National Party, but it has gone off and backed the plaintiff lawyers and not country communities across New South Wales. Last week I was forced to mention the leaked email and share knowledge of its existence with the House—its validity has been confirmed, thank God. No less a newspaper than Dubbo's *Daily Liberal* has this news, "Letter warns Libs of McGrane win." It brings me little satisfaction. I would rather have a Labor member for Dubbo.

The person who wrote the letter, Ben Shields, the local Liberal Gauleiter, was unable to explain how the Premier got hold of his correspondence. He fired a broadside at Premier Carr, but I would not have known about that, because it went way off track. They use rough language in Dubbo; it must be because of their proximity to the zoo. He accused the Premier of grubbiness and eavesdropping on mail. Talking about mail, how interesting are the wonders of telecommunications? The newspaper asked the honourable member for Dubbo for a comment and the member thanked Councillor Shields for the remarks, which he described as heartening. The Leader of the National Party looks sad. He is looking at the three empty seats, once bastions of the National Party, and I am now including Port Macquarie in that for reasons that I cannot share with the House. The Leader of the National Party is thinking that he is not able to win back those seats, because before he can prise anything off Labor he will not be able to—

[Interruption]

No, Manly is not a National Party seat. I am referring to what we politicalsiders refer to as National Party seats. The Leader of the National Party looks at those seats and before he can make an attack on any of my colleagues he cannot prise them back. The honourable member for Dubbo went on to say, "It was a surprise", referring to the revelation in the House last week about Liberal thinking on Dubbo. He continued "but, with due modesty, I have been working very hard in the electorate." In reference to my revelation in the House he said it was, a bolt out of the blue. He always was a wordsmith! When he heard, in this House, the contents of the letter, he said, "I couldn't believe it." The honourable member for Dubbo said that he had not spoken with Councillor Shields for a couple of years. Shields is a live wire, isn't he? The honourable member for Dubbo knew nothing about the letter prior to the Premier bringing it up in Parliament. So, the lesson is: Always take notice of the Premier—and take notice of him on the urgency of this reform in the State upper House.

COUNTRY RAIL FREIGHT SERVICES

Mr SOURIS: My question is directed to the Minister for Transport. What evidence does the Minister have that the \$118 million taxpayer investment in Project Broadacre will translate into lower dollars per tonne on rail branch lines? On the Coonamble rail line, freight rates increased overnight from \$31 to \$34.50 per tonne, with the possible result that up to 60 per cent of grain could be forced onto local shire roads.

Mr SCULLY: The Coalition has the gall to ask the Government about rail and integrated transport. The House might recall that the member for Orange was the last bloke to ask me about the Government's commitment to rail. We are the first Government in about 30 years to not close one railway line. I happen to have this list with me, and I will be happy to answer a supplementary question on this tomorrow. The former Coalition Government closed about 20 rail lines in its seven years in office. If hypocrisy were a crime the Leader of the National Party would have been arrested and put in Long Bay. The hypocrisy of the Opposition is gobsmacking. The Opposition closed rail line after rail line, yet it has the nerve to ask what this Government is doing about rail transport and road transport. The honourable member for Bathurst will know about the Government's good record. We opened the Kandos to Gulgong line, which the former Coalition Government closed. The Government gave a commitment to open the line from Cowra to Blayney, as the honourable member for Lachlan would know, and we opened it.

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

Mr SCULLY: I am very disappointed. Yesterday I was in Lithgow and radio station 2BS asked me whether I would do an interview on Bathurst radio, which I did from the mayor's office at Lithgow City Council chambers. The interviewer said, "I am glad you came on the radio, we have just done an interview with George Souris. He has been very critical of the Government and said that it has engaged in wanton expenditure." It is breathtaking that the bloke who spent \$50 million on Luna Park, just for fun, has the gall to criticise this Government's record on expenditure and responsible budgets. Honourable members will hear more about that later.

I am happy to defend Project Broadacre. The sale of FreightCorp and the sale of National Rail has meant that what was once a less-integrated approach to logistics is now one major entity supplying seamless transport products to people who need it across Australia. We have one owner of FreightCorp and National Rail in partnership with Patricks, Chris Corrigan's entity, and Paul Little's toll company. I am very disappointed in the Leader of the National Party engaging in extreme hypocrisy. We have committed \$285 million per annum over the next five years to ensure that those lines properly serve the grain silos, which is what he is talking about. Our record speaks for itself. A huge commitment came out of the process of the sale of FreightCorp to service the grain industry and those silos. The record of the Leader of the Opposition is nothing short of absolutely shameful.

DOG ATTACKS

Mr WEST: My question without notice is to the Minister for Local Government. What is the Government's response to an independent report on banning certain breeds of dog?

Mr SPEAKER: Order! I remind the honourable member for Coffs Harbour that he is on one call to order.

Mr WOODS: Everyone in this House would recall the tragic dog attack on Hadyn McIntyre, a three-year-old boy who was viciously mauled by a neighbour's dog in Waterloo on 26 February. Although dog attacks

are rare, they do happen, and the ferocity of the attack on Hadyn certainly caused anger in the community. Earlier this year we saw a spate of dog attacks that focused public attention on the need for more responsible pet ownership. It is important to note that dangerous dogs represent a small percentage of the total dog population, which is estimated to be about one million.

Dogs that have been declared dangerous represent less than 1 per cent of dogs recorded on the New South Wales companion animals register. That is the good news. And only half of those were involved in an attack on a person. The Companion Animals Act has a range of tough penalties on owners of dangerous dogs and dogs that attack. The penalties include permanent disqualification from owning a dog, that is, for allowing a dog that has been declared dangerous to attack a person, and a fine can be imposed of up to \$22,000 and up to two years gaol for negligent owners of dangerous dogs. These penalties are the toughest anywhere in Australia. Strict conditions on owners of dangerous dogs also apply, including on owners of restricted breeds such as pit bulls.

Following the attacks there were calls for certain breeds of dogs to be banned. At the time I expressed concerns about how that could work in practice. On 28 February I said I would examine whether banning specific breeds could work. Consequently, the Department of Local Government commissioned an independent report. We wanted to hear from an expert on the matter. Dr Kersti Seksel, a veterinary surgeon and an internationally renowned animal behaviourist who has undertaken considerable research in this area, carried out the report, which I can release today. Dr Seksel concluded that in other countries, such as the United States, the United Kingdom, Canada and Germany, banning specific breeds of dogs has not reduced the number of dog attacks or dog bites.

Dr Seksel concluded that the breed alone is a poor indicator of whether a dog will be aggressive towards humans. And there is a danger that banning or restricting specific breeds would lull people into a false sense of security because they would think that only those breeds of dogs attack. The most important issue is identification, about which I spoke at length with Dr Seksel when I met her recently. No DNA test is available to differentiate between breeds, and it seems unlikely that one will be developed within the next 50 to 100 years. Therefore it is not possible to be certain that a dog is of a specific breed from its physical characteristics alone.

Reports from Britain are that its legislation has clogged the courts with cases where the breed of the dog is in dispute. Therefore, at this stage I am not considering the banning of specific breeds. However, if more evidence comes to light that such a move would reduce the incidence of dog attacks then I would reconsider it. Changing the attitude of the public to the responsibilities of dog ownership would have by far the greatest impact on reducing the incidence of dangerous dog attacks. Dr Seksel concluded:

The New South Wales legislation in this area is very comprehensive and provides the basis for very effective management of companion animal issues.

She continued:

The Act itself is in fact more comprehensive than any other Act in other jurisdictions in Australia and overseas as far as I am aware.

We can thank the former Minister, the honourable member for Coogee, for that legislation. Dr Seksel made a number of recommendations in the report, including a formalised system for gathering information on all dog attacks, and requiring a dangerous dog to be examined by a veterinary surgeon to determine whether there are underlying medical causes for its behaviour. In the light of Dr Seksel's recommendations and other issues arising from the dog attacks in February and March, we will introduce a number of measures. The measures will include amending the Companion Animals Regulation to require Local Courts to notify councils when they declare a dog dangerous, and to require local councils to comply with guidelines for declaring and enforcing dangerous dog declarations. We will also develop a resource package for local councils, including new guidelines for councils, and we will review the way we carry out our annual dog attack survey. We will also set up a task force with other agencies to co-ordinate our strategy for the prevention of dog attacks. The comprehensive five-year review of the Companion Animals Act will take place next year. Issues such as whether current provisions and penalties need to be changed will be considered in the context of that review.

ABORIGINAL HERITAGE

Mr MARKHAM: My question without notice is to the Minister for the Environment. What is the Government doing to recognise Aboriginal heritage?

Mr DEBUS: As the House knows, the honourable member for Wollongong is a strong advocate for the interests of Aboriginal people and their heritage. I am pleased to provide the House with an update of the

Government's Aboriginal Place Program. The National Parks and Wildlife Service has established the Aboriginal Place Program to give formal recognition and protection to significant sites in Aboriginal culture. Aboriginal places are a practical outcome for the process of reconciliation because they bring together Aboriginal and non-Aboriginal communities in towns where declarations are made. The program formally recognises the significance of the site to local Aboriginal people that could be of educational value for present and future generations of Aboriginal and non-Aboriginal people.

To date 39 Aboriginal places have been declared across the State. Five more are being finalised at Loftus, Tabulam, Taree, Dubbo and Weilmoringle in the far north-west of the State. These can be sites with culturally important plant species, a former mission, or a place identified in an Aboriginal Dreamtime story that contains an Aboriginal burial site. One such burial site is Hannibal Hamilton's Aboriginal Place, one of the State's recently declared sites. It is under an old elm tree on the side of the Snowy Mountains Highway outside Tumut. It is the burial site of an Aboriginal man named Hannibal Hamilton and embodies a spirit of partnership that was largely ahead of its time.

Hannibal Hamilton was born in 1810 at Parramatta. His father was the guide to the explorer Hamilton Hume, to whom he taught bushcraft. Hamilton became famous and respected by both Aboriginal and non-Aboriginal communities for his ability to solve cultural conflicts. He was recorded as helping in many situations including tracking, as a guide and, most famously, as a mediator between Aboriginal and non-Aboriginal communities. In the spring, when many Aboriginal groups in the Snowy area travelled to places within the high country following the Bogong moth, there could be up to 800 people gathered at the place called Yellowin near Tumut where Blowering Dam is today. Hamilton negotiated with land-holders for animals to feed the large mobs and in turn Hamilton ensured that other animals would not be taken. In contrast, other groups travelling to the high country found much less conciliatory attitudes and were shot at for trying to travel along the routes that their people had travelled for thousands of years. However, things were different in Tumut.

Hannibal Hamilton earned a place in local and regional history. The level of respect given him was epitomised in July 1865 by the planting of an elm tree at his grave to mark the passing of a respected member of the Tumut community. His story is important because it captures some positive aspects of interaction of Aboriginal and non-Aboriginal people at the time of white contact. The identification and promotion of his story and the declaration of the site as an Aboriginal place fosters the education and promotion of Aboriginal heritage to the local community, but more broadly also. It provides an example of the integral role Aboriginal people played in the establishment of industries and towns—from the guides who showed white explorers their country to the Aboriginal people who worked for cattle and sheep farmers in the high country. These stories are invaluable in the ongoing process of reconciliation. It is with great appreciation that I thank the Tumut Brungle community, the land-holders and the National Parks and Wildlife Service for their work in ensuring that the Hannibal Hamilton site will be preserved after all.

RUGBY UNION WORLD CUP VENUES

Mr MERTON: My question is directed to the Minister for Sport and Recreation. Having confirmed that New South Wales taxpayers contributed \$6 million to assist the Australian Rugby Union to run a successful Rugby World Cup, what efforts has the Minister made to ensure that at least one game is played at both Parramatta Stadium and Marathon Stadium in Newcastle?

Mr IEMMA: As the honourable member for Baulkham Hills well knows, the scheduling of games for the Rugby World Cup is one for the Australian Rugby Union. It is disappointing that at this present time rugby union has not seen fit to schedule some matches at Parramatta Stadium or in Newcastle. This topic was discussed on Saturday during the Australia A-Canada match in the presence of officials from the Parramatta rugby league club and some members of the Parramatta Trust. Certainly, I encourage the rugby union and those responsible for organising and scheduling the games for next year's Rugby Union World Cup to listen to the claims of the Parramatta Trust members and the Parramatta rugby league club, and the representatives of the Newcastle Knights. They have been making approaches to the Australian Rugby Union to have some games held at Parramatta Stadium and Marathon Stadium. I encourage the honourable member for Baulkham Hills to assist the honourable member for Parramatta, and members of the trust and Parramatta rugby league, to convince the Australian Rugby Union to schedule games at Parramatta Stadium, and then to join us to see some games at this great facility.

HAZARD REDUCTION BURNING

Mr STONER: My question is directed to the Minister for Emergency Services. How do the Minister and the Rural Fire Services Commissioner reconcile their statements that hazard reduction would have made little difference to the Christmas bushfires with the evidence of State Forests and experienced frontline firefighters who say it would have been a significant advantage and that fuel loads are armpit deep in some areas?

Mr DEBUS: The honourable member for Oxley has been trying desperately for months to demonstrate that somehow or other the response of the Rural Fire Services to the Christmas fires was a failure. He seems to think that there is something we should be ashamed of or need to explain away. The fact is that they were the worst and longest fire conditions recorded in 50 years, and they resulted in half the property loss that occurred in the 1994 fires, less bush loss, and the amazing circumstance that no lives were lost.

Mr SPEAKER: Order! I place the honourable member for Oxley to order for the third time.

Mr DEBUS: There has never been a more successful response to a fire crisis, the sort of crisis that has arisen every 10 or 12 years in this State since time immemorial.

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

Mr DEBUS: The strategic hazard reduction that is carried out by every major land managing agency in this State is accepted as appropriate by all those who know anything about firefighting. It is simply extraordinary in the face of the best response we have ever seen that the honourable member should suggest that somehow or other there was a failure. I repeat: not only was less property lost and there was no loss of life, but in those fires, which represented a longer period of extreme fire danger than previously recorded, we actually lost less bush than the Opposition lost in 1994!

WOMEN IN SMALL BUSINESS

Ms BEAMER: My question without notice is to the Minister for Small Business. How is the Government recognising the contribution of women in the New South Wales small business sector?

Ms NORI: I appreciate the opportunity to update the House and detail the role and profile of women in small business. New South Wales always has had the largest small business sector in the country and in the last couple of years this has grown to over 372,500 small businesses. Nearly 31 per cent of the 500,000-plus people who operate a small business in this State are women. We now have about 159,000 women in this State operating a small business. The number of women business operators increased by 20,000 between 1999 and 2001, representing an annual growth rate of 8.9 per cent.

Of the women who run businesses, nearly two-thirds are between the ages of 30 and 50. They are clustered in the services sector, with something like 83 per cent of women in small business operating in the services sector. It will come as no surprise to the females in this Chamber that the typical small business woman is likely to be married, with small children, but she is still responsible for the bulk of the housework and the child care. In fact, it never ceases to amaze me that no matter what position a woman has in life, no matter what level of responsibility she may have in an organisation, no matter how many hours she ploughs into her business, if she is partnered to a bloke she still has to do her unfair share of the housework and child care.

Mrs Chikarovski: Point of order: there are female members of the House who would like to hear this and I ask you to call the Chamber to order.

Mr SPEAKER: Order! As I said last Thursday, the Chair will always acknowledge genuine points of order. I uphold the point of order.

Ms NORI: It is good to see this place divided on gender lines rather than on party lines. So I say to you, gentlemen, on all sides—whether National, Liberal, Independent, Labor, or Country Labor—it is about time that men understood the invaluable contribution that women make to the economy. Let us get behind them and support them instead of expecting them to juggle two and three jobs at a time. In fact, in New South Wales women are more likely to start their own business precisely because it makes managing work and family a lot easier. The Australian Bureau of Statistics found that this was the reason for 29 per cent of women starting their own business, whereas only 9 per cent of men turned to small business for family reasons.

I will continue with the profile. Female-owned businesses are predominantly in the microbusiness sector—95 per cent for women and 91 per cent for men. Women also tend to operate their businesses from home, with 62.6 per cent of female business operators running their businesses from a family address. From a public policy point of view, the continuing trend that sees women as a major force in small business requires that our programs and services address the potential these businesses offer. Women in small businesses are seriously time poor, much more so than their male counterparts.

Women know that they need to find time to work on their business not just simply in their business. Being time poor may also explain why they do not get as involved in business networks as men. Nearly 31 per cent of small business operators in New South Wales are female. However, they represent only 10 per cent of membership of all business associations. We know that networking can be a key strategy for any business person wanting to grow his or her enterprise and it can be particularly useful for those wanting to overcome isolation, either because they work from home, are sole operators or are located in a small regional area. Another factor impacting on women starting and growing a small business is confidence about their skill levels and having access to mentors. That is where the Government steps in. During 2002 there will be 10 Women in Business mentor programs, two regional programs and 17 growth strategy workshops. These programs are available right across regional New South Wales.

Mr Fraser: Go and wash up.

Ms NORI: That kind of interjection only confirms what I have always suspected. I am sure that the reason the boys are so happy and laughing today is that deep down they stand guilty as accused. In the greater Sydney metropolitan region there will be six mentor programs and eight workshops. Also, four mentor programs, two regional programs and nine workshops will be available to women operating small businesses in regional areas. Mentor programs will be available in Dubbo, Tamworth, Albury and Newcastle, and women in the Northern Rivers region and on the South Coast will be able to join our regional program. To complete the picture of our regional coverage, three workshops for businesswomen are available in Wollongong, Mudgee, Armidale, Coffs Harbour, Port Macquarie, Bowral, Lithgow and Newcastle. This year we expect about 1,200 to participate, which is a 15 per cent increase on last year. I thank the females.

MID NORTH COAST INVESTMENT

Mr BARTLETT: My question without notice is to the Minister for Public Works and Services. What is the latest information regarding jobs on government projects on the Mid North Coast?

[Interruption]

Mr IEMMA: The honourable member for Baulkham Hills should listen to this answer because it will detail much greater success than his support for his former Leader, but I will come to that a bit later. I am pleased to report to the House progress on the Government's efforts to create jobs and investment on the North Coast. The first major project we are undertaking to create jobs is the Kempsey Correctional Centre. I am pleased to report to the House that that \$77 million construction project—\$98 million all up—is currently under way and has already created 140 jobs. More important, 122 of the 140 jobs are regionally based. Some of the companies that have won work on the job include Kempsey-based New Mix Concrete and T and P Concrete. Of the 122 regionally based jobs, I am also pleased to report—and I am sure that the honourable member for Oxley would concur—that 59 of that 140 jobs are from businesses based in Kempsey, and that is an outstanding achievement.

What makes this project so special is that it is a joint venture between one of Australia's biggest construction companies, John Holland Construction and Engineering Pty Ltd, and a locally based construction company, Laheys Constructions, based in Kempsey. This is a great example of a local company competing and beating some of the biggest construction companies in this country, which were defeated in the tender process for the project. Another great feature of the gaol project is that it not only involves 400 construction jobs over the next two years—many of which will be regionally based—it will involve a 12-year maintenance contract, which will generate an additional 100 jobs over those 12 years. They, too, will be locally or regionally based.

That is an important addition to the store of jobs in Kempsey and the mid North Coast, which I am sure the honourable member for Oxley would support. That project is one of a number of projects on the mid North Coast that the Government is using to create jobs. All up, some \$204 million worth of investment is taking place in infrastructure and capital works on the mid North Coast, creating more than 1,200 jobs. I am sure that the honourable member for Coffs Harbour supports the water project that is under way on the mid North Coast. I am also pleased to report that contracts worth \$40 million from a total of \$100 million have already been let and, as with the Coffs Harbour hospital project, many of those contracts and jobs will be filled by mid North Coast companies and workers.

SOUTH COAST CHARCOAL PLANT

Mr HUMPHERSON: My question is directed to the Minister for Planning. What communications have passed between the Minister, his office and his former adviser Mr Sean Macken, who now works for

Hawker Britton and is part of the lobby team for the Mogo charcoal plant project? Why was Mr Macken told that approval was guaranteed?

Dr REFSHAUGE: None, and he was not.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Tribute to Godfrey Eugene "Rusty" Priest, AM

Mr McMANUS (Heathcote—Parliamentary Secretary) [3.20 p.m.]: My motion should be debated urgently because all honourable members know of Rusty Priest, the former New South Wales President of the Returned and Services League of Australia, who retired recently. It is time for the House to acknowledge his work on behalf of the veterans of this country and this State.

Sutherland Shire Policing

Mr KERR (Cronulla) [3.21 p.m.]: My motion is urgent because the House should hear about the state of policing in my electorate. In the early 1980s 12 detectives worked in Cronulla and were supported by detectives at Miranda, Sutherland and Engadine. A police division that encompassed the shire and the Royal National Park had the capacity to call on 50 police at short notice to work on any special operation. At that time the Police Service had the resources to saturate a problem area and deal effectively with serious crimes and antisocial behaviour. Cronulla, Sutherland, Miranda and Engadine police stations were charging stations where, before computerised charging, it took less than 15 minutes to charge an offender.

This motion is urgent because each of the political candidates in the Sutherland shire—Kevin Schreiber, Peter Vermeer and Brett Thomas—have given undertakings that they will work to upgrade local police stations to ensure that they are able to control crime adequately in the shire. This motion is urgent because in June last year the honourable member for Menai drew the attention of the House to the issue of police dogs and their effect on Menai police station. A significant amount of time has passed since then and honourable members are entitled to know the condition and the status of Menai police station and how it differs now from June last year.

This motion is urgent because the House needs to know that the local area police command system does not encourage the free flow of information aimed at obtaining results. Local police generally deal with local issues. If this motion is declared urgent honourable members will hear how police have no time to investigate complaints and instead simply react to incidents as they occur. Honourable members must debate fully whether we need a proactive police presence in the area, including police patrolling the mall on foot, a combination of mobile and beat police at beaches and parking areas and police tasked to target trouble spots proactively. The House must debate whether there is a strategic plan aimed at getting knives, guns and antisocial behaviour off our streets. This motion should be debated urgently to allow honourable members to hear about the role of police when there was locally based policing at former station commands.

I cannot debate these issues now as I can speak only to the reasons why this motion should be declared urgent. Police in the Sutherland shire are working very hard and it does not help when the Minister for Police removes officers from the local area. Even the pro-Labor local mayor is on record as criticising the Minister for Police for allowing that to occur. We must debate this motion urgently because honourable members must understand that the current establishment treats police like schoolchildren, stifling any attempt to report honestly the facts about police response times, resource difficulties and morale. We must debate these issues. If this motion were declared urgent, I could relate how Geoff Schuberg, who advises the Minister for Police, spoke to the father of a serving policewoman who returns home every night and breaks down crying because of the pressure of her heavy workload. I could also talk about the way in which locally led—*[Time expired.]*

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

TRIBUTE TO GODFREY EUGENE "RUSTY" PRIEST, AM**Urgent Motion**

Mr McMANUS (Heathcote—Parliamentary Secretary) [3.26 p.m.]: I move:

That this House:

- (1) notes the important role of the Returned and Services League of Australia in representing ex-service personnel and their families;
- (2) recognises the outstanding contribution of Mr Godfrey Eugene "Rusty" Priest to the RSL movement and his proud record as its leader upon his retirement last month; and
- (3) welcomes the election of Mr Keith Hall, the first Vietnam veteran appointed to the position.

I first met Rusty Priest soon after his appointment as New South Wales President of the Returned and Services League of Australia in 1993. As a Vietnam veteran, a member of the New South Wales Parliament and a club patron, I often found myself in the company of Rusty at remembrance ceremonies and memorial dedications as well as RSL and State Government functions. As a consequence, I quickly formed a personal relationship with the RSL boss. Always a straight shooter, Rusty worked tirelessly for the movement and for veterans. I consider Rusty to be a former comrade in arms, a good friend and a mentor on veterans issues. His dedication to duty is beyond reproach. His diligence and personal feelings regarding our proud Anzac history are nothing short of inspiring.

In the tradition of our Anzac legend, age has not wearied Rusty Priest, who at 73 has shown no signs of slowing down. I am happy to report that, even though he is handing over the State presidency, Rusty Priest is still on active service. He remains Chairman of the Kokoda Track Memorial Walkway Committee. He will also continue to hold the position of Deputy Chairman of the Anzac Health Research Foundation and will keep a close eye on activities at Concord hospital, which continues to provide first-class health services to veterans. With men like Rusty Priest and Keith Hall at the helm of an organisation that does so much for veterans and active servicemen alike, I am sure that the high level of education and awareness currently enjoyed by the community will continue for many generations to come.

One has only to look to Anzac Cove in Gallipoli, which is the site of what has become an annual pilgrimage for young Australian travellers every 25 April. So many people are drawn to that location every year because of the feelings of pride and relevance instilled in the community by men and women of the Returned and Services League. I pay tribute today to a man who has served both his country and the State of New South Wales, the retired RSL State President, Godfrey Eugene Priest—known to you and I as Rusty.

Born in June 1927 in Melbourne, Rusty first put on a slouch hat in 1945 after joining the 2nd Australian Imperial Force at the age of 19. He later served in the 22nd Line Maintenance Section in post-war Japan. Rusty wore his country's uniform for 22 years before shifting his attention to the Returned and Services League, but not before being awarded the meritorious service, long service and good conduct medals. Rusty Priest approached the RSL with the same enthusiasm, professionalism and dedication he displayed during his time with the Australian Army. We should all be familiar with some of Rusty Priest's achievements during his decade-long stint as the New South Wales State President of the RSL.

Perhaps his greatest achievement has been the heightened sense of community pride, awareness and involvement in Anzac Day. We have all looked on in pride at the thousands of people who now gather in our streets to pay tribute to our Anzac heroes. Hundreds of flag-waving youngsters are drawn to the street marches, not only in Sydney but right around the State. When Rusty took on the presidency in 1993 his major aim was to ensure that the RSL remained relevant and the significance of Anzac Day was not forgotten by the younger members of the community. To Rusty Priest I am happy to say, "Mate, mission accomplished." His hard work did not end there. At the opening of the Anzac Bridge and the erection of a four-metre bronze statue of a digger guarding one of the approaches, in a gesture typical of Rusty's commitment to history and the Anzac legend, he placed a small jar of sand from Anzac Cove in the soldier's left boot. He also fought to ensure that the wannabes—the imposters who march on Anzac Day posing as veterans—receive harsh fines. He was quoted in one newspaper as saying:

It causes grave concern that there are people wearing campaign medals they are not entitled to, but other veterans have fought for and in many cases died for.

On 24 May Rusty, at the helm of the RSL, helped to bring the State together for one minute's silence to remember and pay tribute to Alec Campbell, aged 103, our last remaining Anzac who passed away in Hobart. He pushed to have the flags at all State buildings flown at half-mast during the funeral. He also staged a campaign against the merger of Anzac Day and Australia Day. It was a victory for Rusty, who believed our national day of celebration should not be combined with a national day of remembrance and respect. It has not just been heroes of the past that Mr Priest has concentrated on. With the war on terror being beamed into our loungerooms every night the RSL was working behind the scenes to ensure that Australian servicemen on active duty and in harm's way, in trouble spots around the globe, received care packages from home, thanks to the RSL Australian Forces Overseas Fund.

I have personally worked with the RSL President during a high-profile campaign to protect the graves of some 61 Australian servicemen who paid the ultimate sacrifice in the battlefields of France during the First World War. The graves, located at Fouquescourt, Meharicourt and Bouchoir cemeteries, had been earmarked as a possible location for the third Paris airport. Determined not to let these heroes be buried beneath a layer of reinforced concrete, we initiated a Statewide petition. To date the petition has been extensively supported by the RSL, my parliamentary colleagues and members of the public—so much so the French Government has now indicated it will re-examine plans for a new airport. Both the former State President and I consider this a great victory.

While remembering Rusty's efforts, we must now also congratulate his successor, Mr Keith Hall. Keith's appointment to the State's top RSL post has come at the end of both a distinguished military career and a long association with the Returned and Services League. Keith Hall is the first Vietnam veteran to hold the President's job. As a veteran of the Vietnam conflict I would like to proudly and officially welcome him to his new post. He is a highly decorated veteran of that campaign and he proudly wears the Returned from Active Service badge. After 17 years in the Australian Army Keith began his active association with the RSL in 1980. Since joining he has held a variety of high-ranking and executive positions and is well equipped to take over the role from Rusty Priest. In the very near future I will be travelling to Cootamundra and I look forward to officially meeting Keith on a personal basis and congratulating him personally on behalf of this House.

Mr Armstrong: And meeting the local member as well.

Mr McMANUS: And meeting the local member. I intend to meet with Mr Hall and personally congratulate him on his efforts on becoming the President. I am sure this House will applaud the efforts of a great man, the outgoing State RSL President, Rusty Priest, and wish all the very best to the incoming President, Keith Hall.

Mr COLLINS (Willoughby) [3.34 p.m.]: The Opposition supports the motion moved by the honourable member for Heathcote this afternoon and warmly congratulates Rusty Priest on his outstanding service to the people of New South Wales and Australia during his term as President of the RSL. Last Saturday week I had the privilege of representing the Opposition at the launch of the latest Anzac frigate, HMAS *Ballarat*, at Williamstown in Victoria and there I was speaking to Bruce Ruxton, the retiring President of the Victorian RSL, himself a colourful and charismatic figure. Just how colourful and charismatic was brought home to me after the launch of the latest Anzac frigate when Bruce Ruxton and I walked through an honour guard of Air League cadets and they all snapped to attention—certainly not for me as a visiting member of Parliament, but for Bruce Ruxton, who took the greeting of these young Australians very well indeed.

He also received the applause of ordinary citizens of Victoria who were there attending the launch. It is that position that Rusty Priest enjoys in the community in New South Wales. He is liked by all sides, by everyone. I think he is someone of whom it could be said that he does not have a single enemy. He has done his job with exceptional proficiency after an extraordinary career representing the RSL for the last couple of decades. Rusty Priest's curriculum vitae shows that there is hardly a position in the RSL, or in any of those organisations which represents returned service men and women, that Rusty Priest has not at some stage filled. You name it, he has done it. Not only that, he has done it with great distinction and dignity.

Both Rusty Priest and his Victorian counterpart have been of extremely high profile and have at times been very deliberately brought into controversy. The honourable member for Heathcote has outlined a number of campaigns that Rusty Priest has been involved in. Certainly we would support the comments made by the mover of this motion about the need to keep Australia Day and Anzac Day quite separate. They are entirely separate national days with completely different historical overtones. They are both part of being Australian, but they commemorate two very different chapters in our history.

This motion is an opportunity to recognise the work done more broadly by the Returned and Services League of Australia and to talk a little bit about its future—not that there is that much time to dwell on it. As some members in this House would know, I have a strong and long interest in the military, naval and aviation history of this country and I believe that it is something that the RSL is particularly positioned to preserve and enshrine. Part of the role of the RSL is to take the history of ordinary Australians in times of conflict representing this nation as they are today so that Australians of all generations and all backgrounds understand the sacrifice that these men and women made on our behalf. It is a crucial role because if we ever forget the lessons that they learned the hard way, we have only the most dire consequences to consider as a nation.

The role of the RSL in educating Australians is quite crucial and something that needs the support of government from time to time. That support was there when the Glebe Island Bridge was dedicated as the Anzac Bridge and the statue of a digger was erected, after the intervention and support of Rusty Priest. That is the kind of ongoing role that the RSL can so constructively play in educating Australians. I hope the Australian community understands that this is not a role that dies out when the last digger who saw active service dies. In recent weeks there has been a lot of concentration on the death of the last Australian to serve at Gallipoli. This in no way should be deemed to be closure on that part of our history. It is a part of our history that must be relived in the minds of all generations of Australians. The RSL has a crucial, ongoing educational and cultural role to play in achieving precisely that.

I turn to Keith Hall, the successor of Rusty Priest. On behalf of the Opposition—I know I will be supported in this by my colleague the honourable member for Lachlan—we wish Keith Hall the very best in the job ahead of him. It is his job now to pick up where Rusty Priest has left off. We are sure that he will do a great job, that he will want to do at least as well as Rusty Priest. The torch has been passed to a new generation in the RSL, which could not be symbolised better than by the fact that Keith Hall is a Vietnam veteran. The mover of the motion is also a Vietnam veteran. Part of the healing process for Vietnam veterans, who suffered greatly in the years immediately following the war, will be in the hands of the new RSL President, who will be able to do so much to explain the role of those who served this country with just as much dedication in the Vietnam war as their predecessors did in Malaysia, Malaya, Korea, the Second World War, the First World War and all other conflicts.

Speaking to this motion provides a suitable time to remember that even now Australian service men and women are committed abroad in the defence interests of this country. Now the war is a war against terror, a vastly different war from the war in which Rusty Priest served as a member of the occupation forces in Japan at the end of the Second World War—as indeed my own father did in the Royal Australian Air Force contingent which flew to Iwakuni in Japan at the cessation of hostilities in 1945. The world may have changed, the nature of warfare may have changed, but the role of the RSL goes on. The legacy left by Rusty Priest is a proud one that will be built on by Keith Hall and by those who follow. It is a crucial role which every member of this Parliament, especially those engaged in this debate, obviously support to the hilt. We believe that the RSL is a crucial cultural determinant in Australia and we are confident that it always will be. With those words I commend the motion to the House.

Mr COLLIER (Miranda) [3.44 p.m.]: It is only fitting that this House acknowledge the leadership, achievements and outstanding contribution of Godfrey Eugene "Rusty" Priest to the RSL movement. Mr Priest was the New South Wales State President of the Returned and Services League from 1993 until his retirement last month. Perhaps no-one is more closely identified with the RSL than Mr Priest: a man of integrity who is deeply committed to the ideals of the RSL movement and is held in the highest esteem by community leaders and RSL members.

In February this year at the Miranda RSL I was present when Mr Priest addressed the gathering to commemorate the sixtieth anniversary of the tragic events of Banka Island. His address left me in no doubt that Mr Priest was a grass-roots RSL President, well attuned to the needs and aspirations of his members. Rusty Priest's achievements as RSL President are many, but two readily come to mind. One is the naming of the Anzac Bridge, with its memorial statue on the city approach. The second is the establishment of the Kokoda Track Memorial Walkway near Concord Repatriation Hospital. Like many, including my own father, Mr Priest enlisted in the services as soon as he was of age. And, like my dad, he served in the British Commonwealth occupation forces in Japan. This was the beginning of a proud and distinguished 22-year military career for Mr Priest.

Mr Priest, we congratulate you on your distinguished service as State President. We thank you for your commitment to RSL members and to our community and we wish you all the very best in your retirement. I join with the honourable member for Heathcote in congratulating Mr Keith Hall on his election as New South Wales

President of the RSL. Mr Hall is the first Vietnam veteran to be appointed to this esteemed position, and I know that all members of the House will join me in wishing him well as the State leader of this wonderful movement. Rusty Priest said at his last official function as State President, "I'm leaving with the great satisfaction of knowing that the RSL today is looked upon in New South Wales as an organisation that is strong and has remained relevant." I could not agree more.

I see that strength and relevance in the growing numbers at the Anzac dawn service conducted by the Miranda RSL sub-branch. This year at Miranda more than 3,000 people, including a large number of schoolchildren, gathered at the memorial in Central Avenue to commemorate and remember the fallen and all who served in all wars and conflicts. After the service—one of the largest in the State—the RSL club provided breakfast for 1,050 people. To paraphrase Rusty Priest's words, RSL clubs such as Miranda sub-branch are increasingly seen by our community as having a key role as "the virtual guardians of commemoration and remembrance".

But I also see the strength and relevance of which Mr Priest spoke in the commitment of the Miranda RSL sub-branch and its members to the welfare of local ex-service men and women and their families and its commitment to the people of Miranda and the Sutherland shire. Miranda RSL sub-branch was formed in 1935 by a group of World War I Diggers, and veterans of the shire have met and socialised at the club for more than 66 years. The club has been headquarters for their commitment to veterans and the community. I can give the House many examples of that commitment. The club has a welfare bus, for example, that is used to transport the aged and infirm on outings from local nursing homes, day-care centres, Miranda Neighbour Aid, seniors and youth club members.

The Captain Cook Club, founded by sub-branch members, caters for veterans, their families and members of the public. Its volunteers take more than 70 aged and infirm residents on outings, letting them experience days out and activities suitable to their years. The sub-branch contributes substantially to the Miranda RSL Youth Club, providing healthy activities for more than 300 local children. The sub-branch contributes substantial donations to Sutherland Hospital, Legacy and the President's Shield, which supports veterans in need. Other local organisations and charities too numerous to mention are supported by the Miranda RSL sub-branch. In particular, the sub-branch supports 17 local schools in its charter area with an Australian poetry competition, a history symposium and the presentation of books donated and placed on the war memorial at the Anzac dawn service.

In Miranda RSL we have a sub-branch and a club that respond quickly to the needs of the community. For example, in the early hours of Monday 11 September 2000 a fire broke out under a block of units in Karimbla Road, Miranda. The club opened its doors at extremely short notice, providing shelter, warmth and comfort for more than 100 evacuees, many of whom were still in night attire. The club also worked with emergency services personnel. The Miranda RSL sub-branch and club are an integral part of my community and the Sutherland shire—committed to working unselfishly and in the best interests of veterans, their families and the community. I commend the RSL sub-branch members, the executive and its volunteers, past and present. I thank sub-branch president Mr Mike Paris, vice-president Mr Cliff Raatz, secretary Jim Lowe, women's auxiliary president Mrs Marge Wood, and women's auxiliary vice-president Mrs Dawn Newman, as well as the club president Mr Mario Debjak, for their leadership of this wonderful organisation that contributes so much to my community.

Mr ARMSTRONG (Lachlan) [3.49 p.m.]: One of the difficulties in speaking to a motion such as this is that it can be difficult not to speak as though it is an obituary. But one thing that is an absolute certainty is that nobody is more alive than Rusty Priest. If we were asked to draw or describe a quintessentially Australian male we would probably end up with someone looking and sounding like Rusty Priest. Rusty Priest epitomises the average Australian and that is one of the reasons why he was so successful as the President of the New South Wales RSL. He is the sort of person that every woman wanted to marry, that every son would like to be able to call Dad, and that every club or church would like to have as a guest at their annual dinner. Rusty Priest has a universal appeal, and that is one of the reasons why Australian Diggers have gained universal respect throughout the various campaigns that Australia has participated in, even from most of their enemies over generations.

Rusty Priest managed to weld the community together and did a marvellous public relations exercise in promoting the RSL and ensuring it remained an integral and pivotal part of Anzac Day marches in the smallest of country towns and the cities. He ensured that the RSL movement was reflective of the spirit of new arrivals and of the evolution of our communities. He managed to also integrate the generational change. In the past few weeks the last of our Anzacs have died. In recent years, more and more young people have participated in Anzac Day marches, wearing their father's or uncle's medals on their right breast.

Rusty Priest encouraged and fostered the evolutionary process of the RSL and the Anzac movement. I say to Rusty, good luck for his future because I am darned sure he will be about for some time with his hand on the tiller of the RSL and ensuring that the good work he has done is carried on by his successor. I have the honour of being the parliamentary representative of Rusty's successor, Mr Keith Hall from Cootamundra. I know him quite well and was one of the guests of honour at this year's Anzac Day march and luncheon in Cootamundra. That is a most hospitable RSL branch, and I am pleased that I left before dinner, because it may have been too hospitable.

There is no doubt that Keith Hall has many attributes. As members said earlier, he is the first Vietnam veteran to have achieved this distinction. It appeals to me that he is a countryman from that great electorate of Lachlan, and he has a managerial record—he has just about all the right requirements for the job. I have no doubt that the future of the RSL is in good hands. As evidenced today he has the support of both sides of this House to carry on the good work and traditions of the RSL. It is not easy in today's changing community to maintain popularity. The community is not wedded to anything much at all: not to churches, unions or political parties. It is a mobile, free-thinking, free-living community; but it is wedded to Anzac Day.

I agree with honourable members who said earlier that Anzac Day is not our national day, but it is a national day in spirit. It must always be a stand-alone day, because one of its great strengths is that it recognises our history while incorporating our future. That is something we have managed to mould over the years, and something we must never lose. Very few societies have been able to recognise their past while guaranteeing their future with an organisation that is bipartisan and respected by all, from its earliest founders to its latest arrivals. I join with other honourable members in saying, "Thanks, Rusty. Welcome Keith, you can look forward to our support." And I say to Rusty, "We might have a quiet one when I see you next."

Mr NEWELL (Tweed) [3.53 p.m.]: I join my colleagues on both sides of the House in endorsing the motion moved by the honourable member for Heathcote. I pay tribute to the retiring president, Mr Rusty Priest, and the incoming president, Mr Keith Hall. As the honourable member for Lachlan said, a sea change is certainly occurring within the RSL movement in the passing of the baton to another generation of Australians to endorse and carry on the good work of the RSL. Mr Rusty Priest took up the challenge of being its leader and he took the RSL to the community in a way that had not been done for quite some time.

Rusty Priest captured the imagination and support of the community in his endeavours to make the RSL more appealing to modern youth. For that we pay tribute to him. I acknowledge the role of the RSL in handing over the baton to Mr Keith Hall as the first Vietnam veteran, and his acceptance of that challenge. I look forward to seeing how the RSL and the community support that new generation of leadership. As many members have pointed out, Rusty Priest had a distinguished army record and a distinguished record of service to the ex-services community. I do not need to repeat some of the kind words by members from both sides of the House about his record. I am sure he will endeavour to keep Anzac Day a special day for Australia.

I pay tribute also to some of the organisations and people who work on a similar but local level within my electorate of Tweed. It is certainly at the grassroots level that organisations such as the RSL get their support. That support has ensured that the RSL and other organisations have national significance. As the honourable member for Miranda said, RSL clubs are responsible for a number of things and that includes the Anzac Day celebrations. I should like to pay tribute to a number of organisations within my electorate. The Murwillumbah RSL sub-branch organises wonderful Anzac Day and 11 November Remembrance Day celebrations and a number of other functions throughout the year to recognise the achievements and endeavours of ex-service personnel. I thank especially the president, Mr Derek Simms, who has held that office for quite some time. I also thank the secretary, Mr Kevin Cheetham, for his work.

My electorate has a number of RSL sub-branches. Kingscliff RSL sub-branch does great work and for that I pay tribute to its president, Joe Peoples. Recently I had the pleasure of sending Joe a fiftieth wedding anniversary congratulatory letter. I wish him well. The work he has put in at Kingscliff is recognised by all and sundry. Probably one of the largest RSL sub-branches in New South Wales is the Tweed-Coolangatta sub-branch, located in the north of my electorate. Its president, Peter Blake, has just taken over the reins. He does a fantastic job and is ably assisted by the secretary, Ellen Turner, an energetic young lady who has done a great job.

Three other organisations I pay tribute to are the War Widows Guild at Murwillumbah and its president, Margaret Harris, and its treasurer, Betty Bracey; the War Widows Guild at Tweed Heads and its secretary, Shirley Pigram, and its president, Avice Wells; and the Tweed War Widows Association and its

secretary, Dee Patchett, and president, Noela Nunan. They all do a tremendous job. It is amazing to go to the annual general meetings of those organisations, which are attended by no less than 100 members—*[Time expired.]*

Mr McMANUS (Heathcote—Parliamentary Secretary) [3.58 p.m.], in reply: I thank my parliamentary colleagues the honourable member for Willoughby, the honourable member for Miranda, the honourable member for Lachlan and the honourable member for Tweed for their contribution to the debate on this important motion. Today history has been made again: the presidency of the RSL has passed from Rusty Priest to his colleague Keith Hall from Cootamundra. I would love to be as popular as Rusty when I retire, as most of us would. Today acknowledged Rusty's actions not only on behalf of the New South Wales Parliament but also on behalf of all of the RSL sub-branches throughout New South Wales.

A great number of Vietnam veterans in this State appreciate the fact that a Vietnam veteran, Keith Hall, now stands at the head of the New South Wales RSL. I look forward to meeting Keith. I am from the Navy and he is from the Army, but I am sure he will not hold that against me when decisions are being made on behalf of veterans in this State and, indeed, the whole of Australia. I again thank Rusty Priest on behalf of the New South Wales Parliament. I have no doubt that in the future he will not be silent. He will be arguing as much as he can wherever and whenever he can. I thank him for everything he has done for this State.

Motion agreed to.

Pursuant to resolution business interrupted.

APPROPRIATION BILL

APPROPRIATION (PARLIAMENT) BILL

APPROPRIATION (SPECIAL OFFICES) BILL

GENERAL GOVERNMENT LIABILITY MANAGEMENT FUND BILL

PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (TRADEABLE EMISSION SCHEMES FUND) BILL

PUBLIC FINANCE AND AUDIT AMENDMENT (BUDGETING AND FINANCIAL REPORTING) BILL

STATE REVENUE LEGISLATION AMENDMENT (BUDGET) BILL

Mr Speaker laid upon the table a copy of the Budget Estimates 2002-03, volumes 1 and 2 of Budget Paper No. 3.

Ordered to be printed.

Bills introduced and read a first time.

Second Reading

Mr CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [4.05 p.m.]: I move:

That these bills be now read a second time.

Pursuant to resolution debate adjourned.

BUDGET SPEECH

[The Hon. Michael Egan was conducted by the Sergeant-at-Arms onto the floor of the Chamber.]

The Hon. MICHAEL EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [4.07 p.m.]: Just three weeks ago Peter Costello presented the Howard Government's seventh Budget.

Today it is my honour to present the Carr Government's eighth Budget.

Both governments, of course, have to grapple with similar kinds of problems—difficult financial, environmental and social problems in an increasingly complex, fast-changing and often uncertain world.

But that is where the similarity ends.

The Costello Budget despairs of the future and tries to frighten people about their future.

Our Budget, like the seven that preceded it, prepares for the future—for its difficulties, its challenges, and its unbounded opportunities.

The success of this nation of ours, 214 years after its bedraggled beginnings as a convict settlement, is surely testimony, not just to the power of redemption but also to the value of optimism and steady purpose.

The Howard-Costello approach tries to soften us up for a blighted and shrivelled future.

We reject that, and we declare our optimism and our steady and steadfast resolve to make things better, step by step, year after year, decade after decade.

Theirs, of course, is a Liberal-National Party Government with Liberal and National Party blinkers.

Ours is a Labor Government with contemporary and modern methods and a century-old ethos of fairness and social improvement permeating every bone in our bodies.

Their Budget targets for the harshest treatment people who are sick, people who are old, and people who are disabled.

Our Budget tries to help those who need a helping hand.

The Howard-Costello budgets lurch from one extreme to another.

They are profligate with one, mean-spirited with the next.

Our purpose, our optimism and our resolve remains consistent, steady and steadfast.

There is another great difference too, and that is in our investment in social and economic infrastructure for our future.

Today I will be announcing the biggest-ever investment by any State Government in new schools, new hospitals, new roads and public transport, and other public works and investments.

But with a Budget five times larger than ours, with revenue five times larger than ours, the Federal Government's net capital investment in the coming year is a negative \$725 million.

In other words, the Federal Government's stock of assets is depreciating faster than they are adding to it.

It is little wonder they are so bleak about Australia's future.

The difference between the Howard-Costello Budget and ours is the difference between chalk and cheese, or night and day.

The Budget I present today achieves the trifecta of improved government services, lower taxes and, unlike the Costello Budget, remains in surplus.

It is a budget from a Government that is experienced, optimistic, steady and steadfast.

Getting Ahead

Getting ahead, the importance of saving and preparing for the future, is something almost every Australian family understands and strives for.

Getting ahead is just as important for a State or nation as it is for an individual or family.

Getting ahead has been the central aim of our financial strategy for seven years. And it is already paying big dividends.

Five years ago, \$14 in every \$100 we spent was required to service our debts and liabilities.

Now it is down to less than \$9 in every \$100, which means we have \$1.6 billion more each year for better services and lower tax rates.

Our strategy for getting ahead is really quite straightforward. It is to reduce our general government debts and liabilities, and increase our assets and investments.

Today, I re-affirm the commitment made in our first Budget in 1995 to completely eliminate general government net debt by 2020.

This debt-free legacy is a Labor commitment to the next generation.

When we took office in 1995 general government net debt stood at \$12 billion or 7.3 per cent of gross state product.

It has now been reduced by \$7 billion to 2 per cent of GSP.

During the same period our total net financial liabilities in the general government sector have fallen from 19.8 per cent to 8.8 per cent of GSP and for the total State sector from 26.6 per cent to 15.1 per cent.

The key to this success was the decision taken very early in our Government's term to tear up the credit card which the previous Coalition Government used to fund their Budgets.

Instead we began to pay our way and each year put something aside for the future.

As a result of this steadfast determination we became the first Government in the State's recorded financial history to achieve two successive surpluses, then three, then four, then five, then six, and now we are aiming for seven.

The estimated budget surplus for 2002-03 is a modest but healthy \$168 million.

I should point out that there are three measures of the Budget result.

One measure is the cash result. It simply tells you by how much the year's operations have added to or reduced your debt.

It is the measure now preferred by the Federal Government, but it is a very limited measure.

Any mug can achieve a cash surplus by either ignoring or deferring payment of their accruing liabilities or by running down their stock of assets. That is how Mr Costello fudges it.

The other measures are the net lending result and the operating result.

The net lending result, which the Commonwealth calls the fiscal balance, is the measure New South Wales regards as the main result for the general government sector. It tells you how much the year's operations have contributed to an increase or decrease in net financial liabilities.

The operating result, which is akin to a company's profit or loss, tells you whether the year's operations have added to or reduced your net worth.

In 2002-03, New South Wales and Tasmania are likely to be the only Australian governments to budget for a surplus on all three measures.

In other words, New South Wales and Tasmania are the only Australian governments whose general government budget operations for the year are reducing debt, reducing liabilities and increasing net worth.

It is called getting ahead.

EXPENDITURE

I now turn to the Government's expenditures.

Operating Expenses

General government expenses in the current financial year are expected to be an actual increase of 3.7 per cent over the previous year.

In 2002-03 expenses are estimated to increase by 2.1 per cent over expected actuals in 2001-02 and 5.6 per cent over the 2001-02 Budget estimates.

New Public Works and Investments

A strong public works program not only provides jobs now, but also bolsters our prospects for a strong economy and a strong society into the future.

Between 1949 and 1974 Australia built the great Snowy Mountains Scheme.

Over those 25 years it cost \$820 million, or \$8.5 billion in current dollars.

Today I announce a \$26 billion four-year program for new public works and investments.

In other words, we will be investing three times more over four years than Australia spent on the Snowy Mountains Scheme over 25 years.

No previous State Government has ever undertaken a public works program of this magnitude.

It represents an increase of \$5.4 billion, or 26 per cent, on the \$20.7 billion spent in the last four years, which of course included all of the expenditure on the Olympic venues and infrastructure.

In 2002-03 alone the total State asset acquisition program will total \$6.4 billion—sustaining approximately 96,000 direct and indirect jobs.

This investment represents an increase of \$794 million, or 14 per cent on last year's Budget.

In the general government sector \$3 billion is being allocated to non-income earning, but nevertheless vital social and economic infrastructure, such as new schools, new hospitals, new roads and public transport improvements.

I will provide further details of the public works program when dealing with major portfolio areas later in the Budget speech.

Like the Olympic venues and infrastructure, we plan to pay for all these new public works in cash up front without a single cent of debt.

In addition to the general government public works program, our government-owned business enterprises will undertake \$3.3 billion of new income earning investments, mainly in electricity, transport, water and housing.

These investments will be financed approximately 80 per cent by grants and the businesses' own cash flows and financial assets, and 20 per cent from commercial borrowings.

Health and Hospitals

In 2002-03 the Health Budget will receive \$554 million more than last year's allocation, bringing total health spending to almost \$8.9 billion.

The allocation for the annual expenses of running our 206 general hospitals, our 280 community health centres and 500 early childhood centres will rise by \$579 million, from \$7.8 billion in 2001-02 to almost \$8.4 billion in 2002-03.

This enormous funding increase will enable numerous improvements to recurrent health services, full details of which are provided in the Budget Papers. However, there are a few that I would like to highlight. These include:

- ◆ \$35 million new funding for rural health initiatives;
- ◆ further funding for an additional 226 mental health beds, in addition to the 150 beds previously announced;
- ◆ an additional \$16 million for dental health services to provide an additional 85,000 services per year, an additional 4,000 denture services to older people, and new services in rural areas;
- ◆ a \$2 million, or 40 per cent increase, in funding for podiatry services, enabling an additional 55,000 services per year to be provided to older people; and
- ◆ the provision by the Government of medical indemnity insurance for doctors treating public patients in public hospitals.

In addition to the annual expenses of running our health system, we are also massively investing in new health infrastructure.

Over the next four years, we will invest a further \$1,938 million on new or refurbished hospital and health facilities, with \$504 million being allocated in 2002-03.

Earlier this year on morning radio, the honourable member for North Shore generously praised the Government. She said, "Royal North Shore is the only teaching hospital in New South Wales not to have had a major upgrade."

High praise indeed! In only seven years, every teaching hospital upgraded bar one.

But from here on, there is no more need for any caveat or qualification to her praise.

Today I announce the commencement in 2002-03 of a \$452 million, eight-year redevelopment of the Royal North Shore Hospital, including \$45 million of current works in progress, with \$20 million being allocated in 2002-03.

Work will also start this year:

- ◆ on new and upgraded rural hospitals and health services at Bourke, Hay, Kyogle and Henty, with an estimated total cost of \$40.8 million;
- ◆ on the construction of new obstetrics, paediatrics and emergency service facilities at Hornsby Ku-ring-gai Hospital at an estimated total cost of \$16.4 million;
- ◆ on redevelopment of Nepean Hospital emergency service facilities at an estimated total cost of \$8.6 million;
- ◆ on expansion of Liverpool Hospital's emergency/trauma facilities at an estimated total cost of \$9.1 million;
- ◆ on expansion of Shellharbour Hospital's emergency department at an estimated total cost of \$5 million;
- ◆ on redevelopment of the Blue Mountains Hospital at an estimated total cost of \$6 million;
- ◆ on redevelopment of Milton-Ulladulla Hospital at an estimated total cost of \$4.4 million; and

- ◆ on other major new works with an estimated total cost of \$20 million.

Minor miscellaneous works throughout the State will cost \$112 million in 2002-03.

Meanwhile, \$352 million is being allocated in 2002-03 towards the completion of major works commenced in previous years.

In the next twelve months we will see the completion and opening of many major new or redeveloped facilities including:

- ◆ the new St Vincent's Hospital;
- ◆ the new Royal Prince Alfred Hospital; and
- ◆ the new Kempsey mental health unit.

The \$83 million redevelopment of Sutherland Hospital, on which we will be spending \$31 million in 2002-03 and which will be completed in 2004, has a special interest for me.

I was there when Premier Joe Cahill laid its foundation stone in 1955.

I was there also at its opening in 1958 by health Minister, Bill Sheahan, and I can still remember Mrs Partridge singing *Bless this House*.

I also remember telling Mr Sheahan that I wanted one day to become a Labor member of Parliament.

Mr Sheahan was the first of only two politicians to ever pat me on the head, and the only one I remember fondly for it.

And I also remember that it was a Labor Government that built Sutherland Hospital, it was another Labor Government in the early eighties that gave it its first and only major extensions, and now it is another Labor Government completely redeveloping it.

It is a point, I hope, that will not be lost on the honourable member for Miranda or the honourable member for Cronulla.

Drug Summit

Following the Drug Summit in 1999 the Government allocated \$176 million to implement its Drug Action Plan. More than \$52 million will be provided for this purpose in 2002-03.

This includes \$18 million to expand and improve drug and alcohol treatment and intensive support for addicts, and a further \$4.3 million for drug education.

There is also \$4.6 million for the Cabramatta anti-drug strategy in 2002-03.

Safer Communities

The Police portfolio will receive an additional \$153 million in 2002-03, bringing its total allocation to \$1.8 billion.

There will be an increased focus on visible front-line policing and the Government is well on track to increase front-line police numbers by 2,110 by December 2003.

Each and every year we have provided the Police Force with a record budget and record numbers.

Getting crime levels down is an increasingly difficult task both here and around the world.

That is why we have given the police more resources, and why we have given them a range of sensible new powers.

It is also why we have a range of programs to try to divert first offenders or vulnerable young people from a life of crime.

The Budget allocates \$8.6 million over four years for the Better Futures Program, with \$1.3 million in 2002-03 for communities where young people are more vulnerable.

Another \$40 million will be allocated over four years for our Community Solutions and Crime Prevention initiatives so that we can provide innovative responses to economic, social and crime problems in local communities.

But while the difficulties facing our police should not be underestimated, nor should their success.

We now have 7,800 people behind bars. It is not an aspect of our society that we should celebrate, but it is testimony to the fact that our police are catching and locking up more criminals than ever before.

The Police estimate that over 80 per cent of crime is committed by repeat offenders.

That is why we are asking the Parliament to make it harder for repeat offenders to obtain bail.

In 2002-03, the Department of Corrective Services will receive \$83 million more than its allocation in 2001-02 in order to respond to changes to the bail laws, and a general increase in inmate numbers and the number of offenders under community supervision.

Changes to the bail laws are estimated to increase the number of repeat offenders held in remand by 800 over the next two years, requiring an additional operating allocation of \$17 million in 2002-03, rising to \$48 million in 2004-05.

The Budget also allocates \$117 million in 2002-03 for new gaols and correctional facilities, including \$91 million for major works in progress, and \$11 million for the start-up costs of 11 major new projects.

In 2002-03, \$8 million will be allocated towards a \$24 million project providing 40 new beds in a Mental Health Assessment Unit at the Metropolitan Remand Centre, and a similar 10-bed unit for women at the Mulawa Correctional Centre.

Safer communities, of course, means not only protection from crime, but also from fires and floods, and other natural disasters.

Time and time again our emergency service personnel, both full time and volunteer, have shown they are without peer.

The Government is especially proud that our emergency services are the best-resourced, best-trained and best-equipped in Australia.

When we came to office the total allocation for the New South Wales Fire Brigades, the Rural Fire Service and the State Emergency Service was \$308 million. This Budget allocates a total of \$565 million—an increase of 83 per cent over the last seven years. It is no wonder we were so well prepared for the bushfires last Christmas.

For the New South Wales Fire Brigades, the Budget provides \$407 million including:

- ◆ \$18 million for new firefighting appliances and pumps;
- ◆ \$13.3 million for new fire stations; and
- ◆ \$6.1 million for upgrading the Brigades' communication and telecommunications networks.

The Rural Fire Service will receive \$127 million including:

- ◆ \$32 million for the purchase of new and used tankers;
- ◆ \$1.4 million for the purchase of geographical information systems hardware to more accurately plot fire perimeter movements; and

- ◆ \$4.5 million a year to employ 53 new staff to conduct hazard reduction and fire control activities across the State.

The State Emergency Service will receive almost \$30 million in 2002-03 including:

- ◆ almost \$300,000 for initial Hepatitis B vaccinations of all 9,000 SES volunteers;
- ◆ \$950,000 for new divisional headquarters in Dubbo and Wollongong;
- ◆ \$1.3 million for emergency rescue equipment; and
- ◆ \$2.4 million for new radio systems for the Lachlan, Lower Hunter, Murrumbidgee and Richmond-Tweed Divisions.

Education and Training

I said last year that our new schools were the best in the world and that we would be embarking on a 10-year Schools Improvement Plan to bring our old schools up to new school standards.

But it is not just our new schools that are the world's best.

So too, it seems, are our teachers and students as the recent OECD report shows.

This year's allocation for the education portfolio will total \$8.1 billion—an increase of \$494 million over last year's and an increase of more than \$2.3 billion since we came to office.

Key initiatives this year include:

- ◆ nearly \$500 million over four years for the further expansion of the State Literacy and Numeracy Plan;
- ◆ \$88.5 million over the next four years for initiatives to enhance the quality of teachers, and to ensure an adequate supply of teachers in key learning areas;
- ◆ \$40 million over the next four years for targeted assistance to schools with special problems and needs;
- ◆ \$10 million over two years for pilot programs, including a pilot on reduced class sizes in designated schools for kindergarten to year 3, to be independently monitored and evaluated;
- ◆ \$47.5 million over four years for a wider range of placement and support options for disruptive students; and
- ◆ a school maintenance program of approximately \$600 million over the next four years, including almost \$180 million in 2002-03.

Professor Tony Vinson recently briefed me on the progress of his current inquiry.

He told me about his visit to Chatswood Public School and his wonderment as little children were using their computers and the Internet to prepare and give power point presentations—something, I regret to say, that the New South Wales Treasurer is still unable to do.

But I am very proud that the enormous investment in our technology-in-schools program is giving our youngsters the technological skills they will need not just for jobs in the new economy, but more and more for any job.

Today I announce that \$823 million will be provided over the next four years for technology initiatives in education, including:

- ◆ \$567 million to continue the Computers in Schools Program, including additional technology support in schools;

- ◆ \$157 million to provide for the progressive upgrade of bandwidth in schools and TAFE colleges;
- ◆ \$82 million for e-learning accounts for staff and students in schools and TAFE; and
- ◆ \$17 million for technology training for teachers.

In addition, a further \$140 million over three years will be allocated for capital projects to assist these initiatives, particularly the expansion of network bandwidth.

The total allocation for school capital investments in 2002-03 will reach \$300 million, \$42 million more than last year's allocation.

Work will continue in this coming year on nearly 60 major projects commenced in previous years, and 41 major new works will be commenced with an estimated total cost of \$140 million.

New schools or major new school upgrades will commence in 2002-03 at Alford's Point, Anna Bay, Auburn, Bankstown, Blakehurst, Blue Haven, Boambee, Brisbane Water, Callaghan College, Canley Vale, Clarence Town, Cooma North, Denistone East, Dulwich Hill, Eastwood Heights, Fairfield Heights, Frederickton, Glenbrook, Granville, Helensburgh, Holsworthy, Broadmeadow, Jerrabomberra, Kendall, Lightning Ridge, Marrickville, Merimbula, Milton, Mullumbimby, Seven Hills, Harbord, San Remo, Pennant Hills, Penrith, Sefton, Soldiers Point, Strathfield, Kogarah, Tuggerah Lakes and Tweed Heads South.

A further \$72 million will be invested in TAFE capital works, including \$32 million on major works in progress, and \$24 million for the commencement of major new or upgraded facilities at Albury, Armidale, Cootamundra, Dapto, Dubbo, Glendale, Gosford, Goulburn, Grafton, Granville, Gympie, Lightning Ridge, Liverpool, Meadowbank, Newcastle, Ryde, Shellharbour, Kogarah, Wagga Wagga, Wetherill Park and Wyong.

Helping People in Need

In 2002-03 the total allocation for the community, aged and disability portfolio will increase by over \$90 million to almost \$1.9 billion.

Since our election to office this allocation has almost doubled—clear proof that people in need can count on a Labor Government to give them a helping hand.

Major features in 2002-03 include:

- ◆ \$131 million—a 8.3 per cent increase—for the protection of children from abuse and neglect;
- ◆ \$186 million—an increase of \$20 million or 12 per cent for adoption services and out-of-home and foster care for about 14,000 children and young people;
- ◆ \$346 million—an increase of \$28 million or almost 9 per cent for home and community care services; and
- ◆ \$443 million, an increase of \$28 million or 7 per cent for the disability services program.

A good early start to life is absolutely critical to success in later life. Not every child gets it because, regrettably, not every parent is able, without help, to provide it.

With a variety of practical services, including home visits by nurses, family workers and volunteers, our Families First Program tries to improve parenting skills and help families raise healthy, well-adjusted children.

This year funding for Families First will increase by \$6.4 million to \$22.9 million—including \$18.1 million allocated to the Department of Community Services.

In 2002-03, the Government's \$632 million Housing Assistance Program will also be providing housing support to about 500,000 people, 20,000 more than last year.

Transport and Roads

In 2002-03 the total allocation for the Transport and Roads portfolio will approach \$5.2 billion—an increase of around 50 per cent since we came to office.

The provision of an efficient road network and safe and reliable public transport is a massive undertaking—almost 21,000 kilometres of road for around four million vehicles, a rail network of 8,700 kilometres, and around 500 million passenger journeys on Government services each year.

In the rail and public transport area, funding commitments in 2002-03 will include:

- ◆ \$186 million for the purchase of an additional 141 millennium train rail cars, and 41 new outer-suburban cars;
- ◆ \$770 million for train and track maintenance across New South Wales;
- ◆ \$30 million on new signalling and other safety works;
- ◆ \$222 million to commence construction of the Epping to Chatswood rail link;
- ◆ almost \$40 million for easy access upgrades currently in progress at 16 locations, as well as five new locations at Cabramatta, Granville, Guildford, Kings Cross and Miranda;
- ◆ \$3.6 million for project development of the Cronulla-Sutherland line amplification and of the Bondi turnback for the Illawarra line;
- ◆ \$24 million for commuter parking and interchange facility upgrades; and
- ◆ almost \$20 million for the purchase of 65 new buses for Sydney and Newcastle. All new buses will be accessible by wheelchair, increasing the total number of wheelchair accessible buses to 530 out of a total fleet of 1,940.

The Total Roads Program in 2002-03 is \$2.6 billion—an increase of 7 per cent on last year's program. I do not intend to read the enormous list of project locations.

Mr Scully: Why not?

The Hon. MICHAEL EGAN: If you want me to, I will do so. They include Lane Cove, Baulkham Hills, Kings Langley, Kellyville, Vineyard, Ingleside, Sydney, Leichhardt, Arncliffe, Cabramatta West, Leppington, Linden, Woodforde, Lawson, Katoomba, Medlow Bath, Blackheath, Green Square, Bangor, Menai, Cecil Park, Hoxton Park, Bossley Park, Fairfield, Miranda, Kareela, Calga, Linedale, Taralga, Cessnock, Beresfield, Salt Ash, Mayfield, Wyoming, Wyong, Erina, Kincumber, Bulli, Dunmore, Kiama, Pambula, Mittagong, Albury, Bowenfels, Little Hartley, Kurri Kurri, Black Mountain, Armidale, Bulahdelah, Napiac, Jones Island, Coopernook, Moorland, Kew, Kempsey, Macksville, Bonville, Coffs Harbour, Woolgoolga, Halfway Creek, Ballina, Billinudgel, Parkes, Moree, Kings Plains, Wallerawang, Grafton, Wiangaree, Cowra, Euston, Echuca and Nowra.

At \$2.6 billion, this is the biggest roads program in the State's history. Further details of that enormous list of project in both city and country are contained in Budget Papers 3 and 4. There are a number of projects at many of the locations I read out.

Regional and Country New South Wales

This Budget will help country New South Wales get ahead with record spending on hospitals, roads, schools and police.

Some \$3.6 billion will be spent on capital works and road maintenance outside urban areas in the coming year.

Forty-two per cent of the State's population lives outside Sydney. This Budget provides them with 50 per cent of the State's capital works and roads maintenance budget.

This \$3.6 billion investment will sustain around 53,000 jobs.

And the 28 per cent of people living outside Sydney, Wollongong, Newcastle and the Central Coast will receive almost 36 per cent, or \$2.6 billion of State spending to build and buy new public assets and repair roads.

Some \$2.4 billion will be spent on providing health care to country and regional communities, a 75 per cent increase in funding for country and regional health services since the Government took office in 1995.

More than 60 per cent of the road capital and maintenance budget, some \$1.3 billion, will be spent in country and regional areas.

Country rail track will receive its largest ever share of the Budget. More than \$286 million will be spent to maintain and upgrade track outside Sydney and the Hunter Valley with work at Broken Hill, Coonamble, Casino, Albury, Walgett, Moree and North Star, and elsewhere. This is an \$80 million increase over last year's allocation.

A further \$71.6 million has been provided to support country passenger services.

IT and Biotechnology

Part of getting ahead is making use of the best tools and techniques.

The Government is making an ever-increasing investment in information technology to improve the services we provide and the way we provide them.

Nearly \$530 million will be spent this year in the general government sector on IT, an increase of 55 per cent in two years.

Most of this investment will be in schools and TAFE colleges, hospitals and police facilities.

Including government businesses, IT spending in 2002-03 will reach \$863 million, a 36 per cent increase over two years.

Getting ahead means seizing opportunities.

With just over 0.3 percent of the world's population, Australia produces 2.7 per cent of global medical research.

The biotechnology industry in New South Wales is growing by 20 per cent a year.

The challenge is to get our world-class research into the marketplace as new products.

Last year the Government announced the five-year, \$64 million Bio First plan to make the industry stronger, more competitive and more export focused.

This year's Budget provides \$14.2 million for Bio First initiatives including \$5 million to establish a research and biotechnology precinct at St Vincent's Hospital and \$1 million for the Millennium Research Hub at Westmead Hospital.

Australia leads the world in agricultural practice. We want to lead the world in agricultural research.

This year \$1.8 million will be spent to establish a \$7.3 million Agricultural Genomics Centre at a number of locations in New South Wales. The centre will identify promising genes in wheat, rice, barley, cotton, canola, grain legumes and other crops, and protect them through patenting.

We will also spend \$600,000 over five years to establish a register of genetic material for use by Australian researchers.

Environment and Natural Resources

I said last year that New South Wales had the greenest government in Australia.

Notwithstanding welcome changes of government in other jurisdictions, I can still justly claim that New South Wales has the greenest government in Australia.

Getting ahead environmentally is just as important for a community as getting ahead financially and socially.

Every government, every generation has an obligation to pass to the next a bigger and brighter jewel.

That is why we are undertaking far-reaching reform on greenhouse, salinity, water and forestry.

The Budget supplies the battle against salinity with a further \$23 million under our \$198 million, six-year salinity plan.

In addition, in partnership with the Federal Government, we will begin a seven-year reafforestation program worth up to \$100 million.

Some \$15 million is allocated this year to save the Snowy River from terminal degradation.

The National Parks and Wildlife Service will receive a record \$334 million to protect the State's natural and cultural heritage.

The Environment Protection Authority will receive \$178 million to crack down on polluters, reduce air and noise emissions, and other activities.

Nearly \$45 million will be spent to reduce waste and continue the fight against illegal dumping and littering.

New South Wales leads the nation in tackling greenhouse emissions, introducing enforceable greenhouse benchmarks on electricity retailers.

Our plans will reduce greenhouse emissions by giving green energy a larger share of the market and reducing the rate of growth in demand for electricity.

The Insurance Crisis

There can be little doubt that Australia is a very successful society and very successful economy. There are some people, not very intelligent people, who see a strong economy and a strong society as competing, almost mutually exclusive, goals.

The truth is, of course, that it is very difficult, if not impossible, to have one without the other.

Our success in recent decades has been due to our willingness to recognise problems and fix them.

Difficult decisions were made, often unpopular and poorly understood at the time, by governments, Federal and State, and on both sides of the political fence, which have transformed the Australian economy into one of the strongest in the world—a low-inflation, open, outward-looking, competitive, investment-winning and job-creating economy.

The States generally have played an important role in this transformation, by restoring their budgets and balance sheets to health and undertaking the difficult task of reforming their utilities and the competitive framework in which they operate. Here in New South Wales we have completed major reforms in rail freight, ports, electricity, gas and water. We have also undertaken difficult but essential reforms in motor vehicle third party and workers compensation.

The latest problem to come our way is insurance, the costs of which are threatening our community life and business life.

A modern society and a modern economy cannot function well unless insurance is both available and affordable.

The September 11 attacks on the World Trade Centre and the collapse of HIH have exacerbated the problem, but it is a problem which has been emerging for some time.

It is clear that the Commonwealth Government, which has the constitutional responsibility for insurance regulation, has to revamp its regulatory regime.

But it is also clear that the States have to play their part in the reform of the level of court-awarded damages, ambulance-chasing legal behaviour, and the law of negligence.

In recent decades courts around the world, it seems, have extended the law of negligence to ridiculous extremes that defy commonsense.

As a result, on an almost daily basis, judges are making, and are often required by legal precedent to make, judgements that are just plain stupid.

As well, the culture of litigation, originating in the United States, is now spreading like a fungus throughout Australia.

The New South Wales Government is prepared to work co-operatively with the other State and Commonwealth governments but we will not be held up or delayed by them.

We have one package of legislation before the Parliament now dealing with damages and legal behaviour, and in September we will be introducing legislation that makes fundamental and sensible changes to the law of negligence.

We are determined that business, indeed life generally in New South Wales, will be protected from becoming a debilitating nightmare of bankrupting litigation.

Revenue and Taxes

I now turn to the Government's revenues.

Total general government revenues in the current financial year are estimated to rise by a strong 4.4 per cent mainly due to strength in the property market.

In 2002-03 we expect only small revenue growth of 0.5 per cent, reflecting an expected decline of \$330 million in contracts and conveyance duty, the full year impact of the abolition of debits duty from 1 January last and further tax cuts from 1 July this year.

According to the most recent data from the Australian Bureau of Statistics, our revenue per person in New South Wales is the third lowest of all eight States and Territories.

There is also another interesting statistic.

For every dollar New South Wales taxpayers pay to State Treasury, they pay more than five to the Commonwealth Treasury.

Even after Federal grants to the States are taken into account, the State receives only one dollar for every two New South Wales tax dollars received by the Commonwealth. They get two, we get one.

Yet it is the States, not the Commonwealth, which provide most of the infrastructure and services—the schools, the hospitals, the police, the fire brigades, the roads, the trains and buses, and the community, environmental, recreational and cultural services—on which our citizens and families depend.

In the case of New South Wales this imbalance is made worse by being short changed in our share of Commonwealth grants to the States.

New South Wales accounts for 34 per cent of the nation's population, contributes 36 per cent of Commonwealth taxation, yet receives only 32 per cent of all Commonwealth grants to the States.

Compared with what we contribute, New South Wales taxpayers are subsidising other States by some \$2.3 billion—enough, for example, to slash all of our stamp duties by half.

Compared to an equal per capita share of Commonwealth GST grants, we subsidise the other States by some \$1.2 billion each year.

In the coming years, New South Wales is being further slugged by the Commonwealth's decision in March to ship off another \$203 million per annum of our taxes to other States, and by a further \$43 million in 2002-03, rising to \$102 million in 2005-06, as a result of Peter Costello's recent unilateral and dishonest breach of the GST agreement.

The Government calls on the Opposition, the crossbench members and every community organisation and business in New South Wales to join our continuing efforts to remedy the injustice to New South Wales taxpayers.

I turn now to our tax changes for 2002-03.

No other Government in New South Wales has achieved two surpluses, let alone seven.

And no other Government in New South Wales has ever reduced taxes in five successive budgets.

The tax changes for 2002-03 include:

- ◆ the complete abolition of payroll tax on the wages of apprentices from 1 July;
- ◆ the reduction of payroll tax from 6.2 per cent to 6 per cent on 1 July;
- ◆ the broadening of the payroll tax base so that fringe benefits and eligible termination payments will be treated in exactly the same way as the income of ordinary wage and salary earners; and
- ◆ from 1 August the halving of the stamp duty rate on all general insurance, including public liability insurance, from 10 per cent to 5 per cent, giving New South Wales by far the lowest insurance stamp duty rates in Australia.

The net cost of these measures is \$215 million in a full year.

Taxation is the price we pay for civilisation, but the Carr Government is determined to make sure it is not too high a price.

That is why we are the first Government in anyone's memory—perhaps the first Australian Government ever—to reduce tax rates in five successive budgets.

And these cuts to tax rates now amount to a cumulative \$1.4 billion a year—\$1.4 billion a year put back into taxpayers' pockets. That is 11 per cent of the total State tax revenue. No other Government in this country has ever reduced their tax revenues over a four-year period by almost 11 per cent.

There is an interesting table on page 3-10 of Budget Paper No 2. I urge all honourable members to read it, because it has a very interesting pattern—under Liberal and National Governments, tax rates up and way up, under Labor, down and way down.

There is another interesting graph on page five of the Overview in Budget Paper No 2. Under the Liberals and Nationals, deficit after huge deficit. Under Labor, surplus after surplus.

Only a very inexperienced leader would appoint as his shadow Treasurer a former finance Minister who presided over the second-biggest deficit in the State's history and one of the biggest tax hikes in the State's history—a shadow Treasurer, by the way, who has not learnt from his Luna Park fiasco and only two weeks ago was still urging that taxpayers should guarantee the commercial borrowings of a private company. The Leader of the National Party once wore the Treasury guernsey, and he missed every tackle and he muffed every try.

No Budget can meet every need or every demand. We will never reach the point where governments or societies have run out of things to do or things to improve.

I think that is what Chifley meant by "the light on the hill".

What we can do though is keep on trying and keep on improving, step by step, year by year, steady and steadfast all the way.

Like the seven budgets before it, this is another big bold Labor Budget.

It is a Budget that helps New South Wales get ahead, a Budget that puts wind in our sails.

And like all fair dinkum Labor budgets, it is socially responsive and financially responsible.

I look forward to returning next year.

FINANCIAL STATEMENTS

Copies of the Budget Speech, the Budget Statement, and the State Asset Acquisition Program tabled and order to be printed.

PRIVATE MEMBERS' STATEMENTS

Private member's statements, by leave, taken forthwith.

BLUE MOUNTAINS ACCESS ROAD STUDY

Mr MARTIN (Bathurst) [4.57 p.m.]: I raise a very important issue for my electorate. Yesterday the Minister for Transport, and Minister for Roads visited Lithgow to make an important announcement on funding for what is regarded as the Bells Line of Road project. For many years communities west of the mountains have campaigned for a second crossing of the Blue Mountains similar to the Bells Line of Road, which was surveyed originally by the honourable Mr Bell in the 1820s—such was his vision aforethought. A number of studies have been undertaken regarding the benefits of an alternative route to the Great Western Highway. I should add that this Government has a first-class record in upgrading that highway, having allocated \$500 million as part of that ongoing program, together with \$100 million from the Federal Government.

Consequently, that funding has enabled the Great Western Highway to be made faster and safer, but the problem is that this fast highway access road is also an urban road as it passes through the Blue Mountains. Therefore, the only alternative route is the Bells Line of Road. Yesterday Minister Scully announced that this Government will provide \$1 million over the next two years to undertake the next stage of the study to examine engineering, geotechnical, geological and environmental problems associated with upgrading the Bells Line of Road. The Minister yesterday challenged John Anderson to match his rhetoric on this subject by also providing \$1 million to speed up the process, thus giving a strong signal that the Federal Government is interested in the project. A tri-government group of people, which includes the honourable member for Lachlan, from both sides of local, State and Federal governments has been lobbying on this project for some time.

Meetings have been held with Minister Anderson, but to date no commitment has been given. The recent Federal budget will show that the Federal Government reneged on its Roads to Recovery Program, which was a four-year program announced last year to help country councils make up the backlog of road improvements. This might explain the absence of funds for this important project in the current Federal Government budget. A couple of years ago the Western Research Institute, which is anchored at Charles Sturt University at Bathurst, undertook a study on behalf of the Central West Regional Organisation of Councils [CENTROC] to examine the benefits of upgraded access over the Blue Mountains via a four-lane divided highway.

Based on conservative assumptions, that study showed that the benefits of such a road to the CENTROC region, which is the central west of New South Wales, was estimated to be a one-off increase of, say, 5,500 new jobs, \$140 million in annual household income and over \$200 million in annual gross regional product. It was a fairly conservative estimate, but it set the framework for the argument seeking support from the Government and its Ministers. If you are to convince a Minister as responsible as the New South Wales Minister for Transport, and Minister for Roads of the need for such a project, you have to do your research and put forward good logical arguments. Improved quicker and safer access to west of the mountains will result also in tourism benefits in that area. This project has demonstrated clearly that there will be great economic advantages.

The Minister for Transport has put up the money to take the project to the next step. One matter that must be further investigated is funding options. We must realise that the study will not promise funding, but it will lay the framework for a decision on funding. It is estimated, depending on whom you talk to, that the

project will cost anywhere from \$800 million to \$900 million to \$2 billion. Any responsible government must know what it faces and be aware of all options when making funding decisions. This is an important landmark decision by the Minister and is well regarded by all of the councils in CENTROC and to the west, and also by the people of the Blue Mountains. We look forward to the Federal Government taking the lead from the New South Wales Minister and matching the funding.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [5.02 p.m.]: I would like to congratulate the honourable member for Bathurst on leading the tri-government delegation and effectively representing both sides of politics, both parliaments and the local community. It was a productive meeting held here several months ago and I thank him for the role that he and other people played and for their bipartisanship and co-operation. I said yesterday when we made the announcement that I believe John Anderson will approach this matter in a bipartisan and co-operative way. I know that the honourable member for Lachlan has approached the matter that way. We all seek to benefit the Central West, Lithgow and the Blue Mountains.

The Government has spent hundreds of millions of dollars upgrading the Great Western Highway. This vastly improved road should be compared to the goat track we inherited back in March 1995. The expansion, widening and realignment has made the road dramatically safer and more accessible for the folk of the Central West and the Blue Mountains than it was when Labor came to government seven years ago. We need to plan for the future. The Bells Line of Road provides an alternative access for the Central West and for the upper Blue Mountains.

As we progress towards rebuilding the Great Western Highway we need to look to the future at the Bells Line of Road. Over the next two years \$1 million has been allocated towards looking at all the options on how to build it, how to realign it, environmental constraints, getting consultants on site, pegging out surveys, checking out problems and advising the Government on costs and solutions for doing what should become the next access road across the Blue Mountains. I look forward to Federal Government support and I thank the honourable member for Bathurst for putting a strong and robust case to me on behalf of his community and the Central West of this State.

KU-RING-GAI ELECTORATE RAILWAY STATION ACCESS

Mr O'FARRELL (Ku-ring-gai) [5.04 p.m.]: I raise an important issue to Ku-ring-gai residents, namely, access problems at local railway stations. I recognise that this issue has wider application across the entire CityRail network but I intend to restrict myself to comment about the North Shore line generally and my local stations in particular. The electorate of Ku-ring-gai, which I have the privilege to represent, takes in eight railway stations: Roseville, Lindfield, Killara, Gordon, Pymble, Turramurra, Warrawee and Wahroonga. Ku-ring-gai is one of those communities that has historically supported rail travel, as evidenced by the 1996 census data indicating that 22 per cent of journeys to work were made using trains. In comparison, 57 per cent were made by car. Our figure of 22 per cent compares with a Sydneywide average of just 12 per cent. Demonstrably, Ku-ring-gai residents like their trains.

As in other parts of Sydney, if people live close to a railway station they are more likely to use trains to travel to and from work. For instance, the modal split in percentage terms for rail and car usage for people living up to 1.5 kilometres from a station is 24:69, dropping to 18:77 for those who live further away. Latest available figures for weekly ticket sales demonstrate the usage of local stations. From largest to smallest they reveal that at Gordon 10,453 tickets are sold each week; Turramurra, 7,288; Lindfield, 6,509; Roseville, 5,778; Pymble, 5,229; Killara, 4,230; Wahroonga, 3,999; and Warrawee, 1,495.

In my view the local usage of trains could be boosted with greater investment in areas like all-weather canopies, parking stations at suitable stations, more regular feeder bus services and a reduction in peak hour overcrowding. But today I want to highlight a major issue for most categories of users of North Shore rail services, that is, accessibility. It is an issue that I have received complaints about from aged and disabled residents, parents with young children and, especially in the wet weather, able-bodied commuters, who quickly discover how treacherous steps at stations like Gordon and Turramurra become in wet weather.

It is a factor in some people simply turning their backs on the rail system and using buses and cars instead. Although one might argue that bus travel is also environmentally and socially beneficial, the fact is that it still adds to the traffic on our roads. I firmly believe that improved rail transport can, and indeed must, in future reduce the volume of traffic on local streets and roads like the Pacific Highway, the Commemora Parkway, Lady Game Drive and the eastern arterial road. Rather than this goal being achieved by trying to penalise or restrict motorists—an approach I categorically reject—it will only occur with significant improvements to the existing rail network and, to me, access is the greatest priority.

I have raised previously the failure of the Carr Government over seven years to include a single station in my electorate in CityRail's Easy Access program, a program that improves station access through the addition of escalators and elevators according to local needs. I have pointed out that Turrumurra railway station warrants inclusion in this program. Turrumurra meets every one of CityRail's criteria for the program. It serves a significant senior population, yet it continues to be neglected. From St Leonards to Hornsby, a length of the North Shore rail line that takes in 12 railway stations over a distance of some 20 kilometres, there is not a lift or escalator to be found. In 2002 that situation is a disgrace. It speaks volumes about the Carr Government's lack of commitment to, and strategic planning for, public transport.

Even recognising the difficulties of bringing all stations up to modern accessibility standards at the same time, a staged program should be implemented to ensure that stations like Chatswood, Lindfield, Gordon and Turrumurra are included. This would at least ensure that communities experiencing problems with accessibility would not have to travel too far to gain improved access to the rail system. These are all major stations. They are comparable to stations across the rest of the CityRail system, which have been upgraded under the Easy Access Program.

I acknowledge that if the Epping to Chatswood rail link is ever built there are planned improvements for Chatswood, but if the Carr Government thinks that one accessible station between St Leonards and Hornsby is satisfactory, then it is sadly mistaken. Local communities want improved access. They have paid in advance for such improvements. After all, local rail fares have increased, on average, by 50 per cent since Labor came to office. Equally, we are reminded today in the Treasurer's Budget Speech of the enormous boost to State revenues over the past eight years from stamp duty receipts. Dare I suggest that a significant amount of that revenue is generated from my area and communities up and down the North Shore line.

Better access is needed at railway stations along this rail line and I urge the Government to announce plans to start that work. To not do so will be to continue to condemn the upper North Shore to increasing traffic on main roads and residential streets. In conclusion, it was disappointing to hear the Treasurer try to take some credit and kudos for the Carr Government in his Budget Speech by announcing a further six railway stations to be included in the Easy Access program. I make the point that not one of those are on the North Shore. More important, there are something like 180 railway stations across the Sydney system. With that sort of progress we will all be long dead and buried before accessibility across the CityRail system comes up to scratch.

BLACKTOWN CITY FESTIVAL

Mr GIBSON (Blacktown) [5.09 p.m.]: The Blacktown City Festival is a yearly highlight in my electorate. It began in 1975, and every year it grows bigger. Although the weather was against us somewhat and crowds were down slightly, more than 80,000 people turned out on Saturday for the festival parade and 2,000 people attended the concert at Rooty Hill on Sunday night in bitterly cold weather. The festival was a great success and congratulations must go to the Mayor of Blacktown City Council, Alan Pendleton, councillors and staff who organised this full week of entertainment. Pete Graham from radio station 101.7 WSFM compered the street parade day and the crowd was officially welcomed by Aboriginal elders from the Dharug tribe Mavis Halvorson and June Workman.

The guest of honour for the day was Australian test and one-day cricketer Gavin Robertson, who will coach Blacktown's cricket team next season when it moves into the first grade competition for the first time. It was great to see him at the festival. Another highlight of the day was the flyover by three ex-Soviet Union military training planes, YAK 52s—and it was good to see them in a friendly mood. The festival began on Sunday 26 May with Free Flicks at the drive-in. During the week there was bush poetry, Dreamtime storytelling, art exhibitions and stage performances from many groups, including the Hooley Dooleys, that were very much appreciated by all.

The festival was attended by a delegation of councillors from our sister city in New Zealand, Porirua City, led by Mayor Jenny Brash. I am certain that they had a great time and enjoyed the week's entertainment. The festival had seven performance stages, more than 100 visual and performing arts groups, more than 350 street stalls and free amusement rides. Some 60 floats took part in the parade on Saturday, which was watched by nearly 80,000 people. The parade embraced extremely well the festival's theme, Year of the Outback. Radio station 101.7 WSFM did a great job on the day and contributed to the entertainment all week.

On Sunday there was a four-kilometre fun run and a 10-kilometre mayoral walk, which attracted more than 500 entrants, and free entertainment at the afternoon concert that followed. BabyCino entertained crowds

with variations of children's nursery rhymes, and a special appearance by the world's first solo pop star, Scott Cain, was another highlight of the week. Sunday afternoon activities, designed around the Year of the Outback theme, were aimed at families. These included rides, kite workshops, skydivers, sheep shearing, animal adventure trails, boomerang throwing and sheepdog trials. I am sure that everyone who attended had a great time.

The climax of the day was a collaborative work between the University of Western Sydney and Blacktown City Council. They composed an insightful piece celebrating members of the community, such as firefighters and our multicultural community, involving a performance from a Polynesian crier and a marching band of bagpipes and drums. The contemporary piece was a musical extravaganza involving Harley Davidsons, marching bands and gymnastics. The night ended with a bang: a breathtaking fireworks display combined with a sound and lighting performance from the fire trucks.

Members of just about every community group in Blacktown attended and participated in the parade, including the boy scouts, girl guides, dance groups, horse riding clubs, the local member of Parliament, church groups, clowns and business houses. They all marched to the sounds of the Blacktown Pipe Band, the Salvation Army Pipe Band and various other school bands. It was great to see rural firefighters and SES volunteers out in strength and participating as they do every year. It was great to see a community come together on such an important day. Even though the weather was against us on Saturday, we still managed to attract more than 80,000 people to the festival parade, which augurs well for the future of the community and the council. Mayor Alan Pendleton deserves a big pat on the back.

DUCK CREEK BRIDGE

Mr GEORGE (Lismore) [5.14 p.m.]: Tonight I want to raise awareness about a bridge in my electorate that needs urgent repairs. It is situated on the Clarence Way, which is the only route available for traffic travelling between Bonalbo and Woodenbong as there is no alternative crossing of Duck Creek in the vicinity and the nearest detour for wide roads is via Summerland Way through Casino and Kyogle. The volume of traffic on the road—which connects Tabulam and Woodenbong—is about 500 vehicles per day, approximately 40 per cent of which are heavy vehicles. The road is essential for ongoing commercial, agricultural, industrial and social activities and tourism in the region west of the Richmond Range.

As I have said, the bridge is located on the Clarence Way, which is a tourist route from Queensland extending from Woodenbong in the north to Grafton in the south. It is also the principal route servicing rural villages such as Bonalbo, Urbenville, Woodenbong and Old Bonalbo and industries such as beef and dairy cattle, fodder crops, forestry and sawmilling. The bridge was built in 1934 and is constructed of timber, with a length of 35.3 metres and a road width of 4.9 metres. Constant traffic flow—particularly heavy agricultural machinery, cattle transport trucks, milk tankers and general carriers—as well as local and tourism traffic associated with the growing ecotourism and four-wheel drive parks in the area has had a wearing effect never envisaged by the original builders.

Following a safety inspection by Kyogle Council late last year, Bailey Bridge supports were installed in November to stabilise the timber bridge, thereby maintaining it in a usable condition for normal traffic flows. The council has had to install signs at Sandilands on the Clarence Way-BruXner Highway T-junction and at Woodenbong warning of the narrow bridge. This detours traffic from the area, which is a major concern to these little towns. I have received preliminary advice from council of ballpark costs of \$500,000 for replacement and \$250,000 for repair of the bridge. We have sought a meeting with the Minister for Transport, and Minister for Roads to discuss the problem, which is affecting everyday business west of the range and along the Clarence Way.

Oversize vehicles are now forced to travel via Summerland Way, and heavy agricultural and earthmoving equipment, such as headers and bulldozers, cannot cross the bridge. The harvesting of crops and general farming practices are thereby adversely affected. The measurement of single-decker cattle transport vehicles reveals that there is only five centimetres, or two inches, clearance either side. Logging trucks, caravans and other traffic that use the road face similar problems. Tourist traffic, particularly motorhomes and vehicles towing caravans, are choosing to travel via alternative routes because of the possibility of damage. Clearance is uncertain for a caravan of a typical width with rear vision mirrors, so drivers take the alternative route.

The reduction in both commercial and tourist traffic is having an adverse financial effect on the village of Old Bonalbo—which comprises one general store/post office—Bonalbo, Urbenville and Woodenbong. The

Old Bonalbo store is the only source of groceries and essential mail and communication services for village and district residents. There are grave implications for the local economy and local traffic. Clarence Way also joins the Woodenbong to Legume road. The Minister recently visited Tenterfield and allocated \$500,000 to Tenterfield council on a dollar-for-dollar basis to upgrade the Mount Lindesay Road north of Liston and for a road realignment two kilometres east of Legume. This will certainly help that section of the road. However, I am now asking the Parliamentary Secretary if the Minister can have an urgent look at funding this bridge at Duck Creek, because the whole community and the viability of that area west of the ranges are suffering because of it.

Ms NORI (Port Jackson—Minister for Small Business, and Minister for Tourism) [5.19 p.m.]: I have noted the member's concerns and I shall certainly pass them on to the Minister.

RINGROSE PUBLIC SCHOOL FORTIETH ANNIVERSARY

Ms ALLAN (Wentworthville) [5.19 p.m.]: On Sunday 26 May I attended the fortieth birthday celebrations of Ringrose Public School in my electorate, which featured a gala day and a series of presentations. I would like to pay tribute to the Ringrose Public School 40th Birthday Committee and the current staff, students and teachers' association of that school. Although it was very wet the day before, the actual day was fine and the celebrations were delightful. I took my daughter with me and we had a great time—although we did lose a little bit of money on the chocolate wheel.

Sue Palmer is the current Principal of Ringrose Public School. Helping to commemorate the occasion were the past principal of the school, Mr Robert Hutchinson—who is now a principal in the western Sydney area—the current school captains, Rebecca Elliot and Daniel Barry, and former students and captains Amy Marfleet, Rachel Elliot, Danielle Deutscher and Peter Thompson. All these people spoke eloquently about the achievements of Ringrose Public School. It is a special school that has an enrolment of 200 students, although when it was first established, and for many years after, it had an enrolment of close to 1,000.

Although it is on the periphery of my electorate it has been a very important school within the community. It was opened in 1963—a year after the first students had been received in the school—by the former member for Wentworthville, the Hon. Ernie Quinn, who was the member for Wentworthville for 26 years. It was rather sad that Ernie is now deceased and was not able to join the school's fortieth birthday celebrations. Prior to the function I looked at some of the speeches he made in this House to see what he had to say about the school at that time. Certainly when it was established in 1962 it was a new acquisition for his electorate, in 1963 he officially opened the school, and less than a year later he was signalling that the school was already outgrowing its premises.

I was very pleased to see he had been the official opener of the school and that there is quite a charming memorial to him there. Ernie was of course joined in 1963 by numerous public service representatives. I would like to thank the Parliamentary Library. Ernie had the foresight to provide all the relevant original information that the Department of Public Education had given him for the occasion, including the speech that had been provided—I think it was quite a dull speech but I am sure Ernie would have improvised—and other relevant material. That was all within the Parliamentary Library and although it was not readily available to the school I have since passed it on to the school.

There was a delightful program on the day the school was opened in 1963 and I referred to this in my speech at the school. The infants choir, for example, sang three songs in 1963 but unfortunately at least two of them would no longer be considered politically correct. They sang "Mr Nobody", "Little Aborigine" and "The Kookaburra". I do not think I need to take a survey of the room to find out which were the politically incorrect ones. I am delighted to say that "Mr Nobody" and "Little Aborigine" no longer seem to be sung in school infants departments, although I still continue to hear "The Kookaburra" at various school presentations and performances.

The New South Wales Police Band played *Advance Australia Fair*, which I think is probably more politically correct than we would think for that time. I am delighted that I was invited to participate in this celebration. I congratulate Mrs Sue Palmer, the current principal, all her staff and also the senior school assistant, Mrs Kaye Harrison, who did so much work to ensure the day was a success. I should like to mention the current staff at the school: Mrs Sue Palmer, Miss Bronwyn Meese, Mrs Lianne Woods, Mrs Ene Dioguardi, Miss Dianne Cunneen, Ms Daria Ivanek, Miss Karen Brewster, Miss Helen Ducie, Miss Sue Waterman, Mrs Ange Denis and Mr Peter Foley. They were all ably assisted by a number of other relief and specialised teachers.

CRONULLA ELECTORATE PUBLIC SAFETY

Mr KERR (Cronulla) [5.24 p.m.]: I am concerned about public safety in the Cronulla electorate, both on the water and on the roads. I am very pleased to inform the House that the Rescue of the Year Award by the Sydney branch of the Surf Lifesaving movement has been awarded for work performed over the Christmas 2001 bushfires in which the offshore rescue boat was manned by the Rural Fire Service for 24 hours a day, seven days a week to take care of Bundeena and Maianbar and the hamlets in the Royal National Park. Road access to Bundeena and Maianbar was cut off because of the fires. The offshore rescue boat undertook evacuations and transportations. The New South Wales Ambulance Service had a paramedic on board the whole of the time. I am happy to inform the House that only a few weeks ago, together with the honourable member for Oxley, who is the shadow Minister for Emergency Services, I visited the Cronulla Sutherland offshore rescue boat and observed their activities.

The Chairman of the Cronulla Sutherland offshore rescue boat is Mr Warren Young and he informed us that a section of an Act of Parliament—designed many years ago to assist lifesavers—has for many years stopped the group from tapping into much-needed funding. I have drawn this to the attention of the House and the Government several times and I do so again. The House would agree with the shadow Minister for Emergency Services when he said:

The Cronulla Sutherland Offshore Rescue Boat provides a unique and valuable rescue service, especially in situations where rescue must come from the direction of the water, rather than the land. These dedicated and highly trained volunteers complement other rescue services in responding to a wide range of emergencies including boating accidents, cliff falls, fishing accidents, surfing rescues and evacuations from less accessible areas, and deserve our assistance.

Turning to road safety, today I received a letter from a resident of Kurnell who drew my attention to an incident that occurred on 2 May 2002. She was driving a vehicle towards Kurnell on Captain Cook Drive near the sewage treatment plant turn-off when the windscreen of her vehicle was struck by a rock that was flung from the lower region of a truck. She said that a number of other people have had their windscreens smashed in similar circumstances. She was told it was the responsibility of council. She said that two days later, on 4 May, she was driving home to Kurnell along the Captain Cook Drive and she saw half a house brick that had fallen into the centre of the road.

Travelling along that road, one sees a considerable amount of debris and rubbish, which is the responsibility of the council to remove. Kurnell is the birthplace of modern Australia and I believe that the residents who each year voluntarily undertake to clean up the roadside are entitled to have the council remove that rubbish, because it can create a danger if it gets onto the road. I have forwarded a copy of that letter to the mayor of Sutherland shire and I hope that she acts on it and that the council removes the rubbish on a daily basis. While on the subject of community safety, with which Sutherland Hospital is vitally concerned, I am very grateful for the cheerio message about Sutherland Hospital from the Treasurer during the Budget Speech. I wish he had made funds available to implement the plans of former Minister for Health Ron Phillips in 1995. Nevertheless, in 2002 we are grateful for the funding. I am happy to go with the Treasurer to introduce him to nurses in the hope that he will make funding available to them in their vital work and also for equipment for the hospital. Help is as close as the telephone for the Treasurer.

ANZAC DAY TWO-UP

Mr McBRIDE (The Entrance) [5.29 p.m.]: Today I speak in support of the actions of a former member for Wyong, Harry Moore, OAM. On 4 April 1989 in a private member's statement to this House he reported that the secretary-manager of the Toukley RSL club, Mr Marks, received a message from Gosford licensing police advising that two-up was not to be played on or around the club on Anzac Day that year. He also was advised that any club that runs illegal gambling on its premises will be prosecuted and that police would be enforcing the law on Anzac Day. Mr Moore wrote to the Minister for Police and Emergency Services asking that he investigate the matters he raised. I have a copy of Mr Moore's private member's statement. He said:

What I am about to say is not political: it has to do with a tradition of this country, namely, the game of two-up. Two-up is a game that has long been practised extensively in Australia. It is sometimes described as our national game, though its playing is illegal other than in licensed casinos. It is commonly called swy. The game of two-up was played in the 1919 Australian film *The Sentimental Bloke*, which is an indication of how highly the game was regarded at that time. The game really became prominent during World War I when the Australian diggers introduced it wherever our brave servicemen served in defence of our country. It has been played nationally every Anzac Day by people who have never gambled at any other time. As a member of the infantry during World War II I witnessed the game being played at first hand. During the Pacific campaign it was played whenever the troops were withdrawn for a rest period. Because of the steaming, humid conditions of the jungle, playing cards were quite useless as they would stick together. Therefore, as the troops rested their weary bodies, two-up was played for recreation.

Mr Moore then gave his reasons for raising the issue:

I said that this is not a political speech, but it does affect all members. About four years ago police from Bourke stopped a game of two-up played in a Returned Services League club in the Broken Hill electorate. However, no further action was taken. It came to my attention at a meeting of the local subbranch of the RSL that on 10 March 1989 the secretary-manager, Mr R. E. Marks, wrote to the honorary secretary, Mr K. G. Townsend, advising that the club probably would be prosecuted if the game of two-up was played on the premises or in the immediate surrounds of the Toukley RSL club. Further inquiries have led me to believe that the Ourimba and the Long Jetty RSL clubs also received the same advice.

Mr Moore wrote to the chief superintendent of police at Gosford, who was in charge of police on the Central Coast. He said that each year the profit from two-up on the day went to Brisbane Water Legacy. He also asked whether, if police were going to enforce the advice, they would give Brisbane Water Legacy the amount of money that two-up generated each year. About 20 minutes after he delivered his speech he received a call from the Deputy Commissioner of Police and was asked why he had not raised the question directly with him. Mr Moore knew him to say hello to, and told him of the letters he had written to the Minister and the chief of Gosford police that had not been replied to.

To quote Mr Moore, "Well, that started something." At that time Labor was in opposition. The Liberal-Country Coalition could see the great publicity that would flow from it legalising two-up on Anzac Day and it rushed a bill into the Parliament on 19 April 1989, six days prior to Anzac Day. Of course, Mr Moore spoke in debate on the bill that made the playing of two-up legal on Anzac Day in New South Wales. Mr Moore told all and sundry that he had not been aware of the controversy his speech would cause, and which resulted in the introduction of legislation in Parliament just a few weeks later. Mr Moore later travelled to other States and spoke to other members of Parliament about having the game made legal on Anzac Day. He also enlisted the help of prominent citizens in other States to lobby for the legislation in their States. To quote Mr Moore:

Funny thing—it was never acknowledged by the RSL that it was due to my efforts that the game became legal on Anzac Day due to that speech on 4 April 1989.

That is something that he is very proud of.

PUBLIC LIABILITY INSURANCE

Mr R. W. TURNER (Orange) [5.34 p.m.]: This afternoon I once again refer to public liability insurance because this week there has come to light another way in which the public liability crisis is affecting community groups. For 15 years I have been a proud member of the Rotary Club of Orange. Every Sunday morning Rotary conducts a market in the K-Mart car park. The only time the market is not held is on Easter Sunday and when Christmas falls on a Sunday. The 50 or 60 stallholders pay a \$5 fee for a car space. Customers pay 40 cents, or more if they wish, to enter. Most stallholders were under the impression that Rotary's insurance covered them as well, but Rotary has been advised by its insurance company that, while members of the public are covered in the more public areas, the stallholders in their little car space need to have their own insurance.

I understand that 60 to 70 per cent of the stallholders—the larger, regular stallholders—do have public liability insurance cover. However, some stallholders might operate only once or twice a year. Some people might clear out a bit of junk from their back shed. Young people might clean out their bedroom and get rid of some of the treasures they had when they were eight or 10 years old. They may be about to go overseas and want to sell some books to raise funds. They might do this once in a lifetime, so they could not be expected to have public liability insurance. Rotary is concerned that because of the public liability scare, these types of people will stop taking stalls. This also applies to other community events such as the small Manildra show or the Koorawatha show.

There may be professional sideshows et cetera with their own insurance, but small community groups may want to advertise or promote their activities. They are not selling anything or generating income; they are just there as a service to the community or to get people to join the group. They cannot be expected to have public liability insurance; it just would not be worthwhile. If those groups do not come to the events, some of the attraction is lost. Whilst the Rotary clubs and the Manildra shows of the world need the big events, they also need the small stallholders that are of interest to the community. If Rotary loses 20 per cent of its stalls, that is 20 per cent of the money that it traditionally raises that will not go back into the community.

For instance, last year Rotary gave \$32,000 to the Orange community transport group to buy a new bus so the group could pick up, at a subsidised rate, people who do not have a vehicle, especially the elderly, and take them shopping, to the doctor, et cetera. Those types of operations are being affected. If clubs such as Rotary

do not raise funds, they cannot distribute it to the more needy within the community. I call on the Government to bring forward the stage two reforms, to give all community groups an assurance that they are covered, or to give a guarantee that they cannot be sued for simply helping their communities and those who are more in need than most of us.

Ms NORI (Port Jackson—Minister for Small Business, and Minister for Tourism) [5.39 p.m.]: If ever there were a reason to question the sincerity of a member of this Parliament it would have to be that contribution by the honourable member for Orange. Obviously he cares about his area and tourism implications, because that is what he has been talking about—all the events in regional New South Wales, day in and day out, week in and week out, that bring tourism dollars to local areas. Of course, events also enable communities to have a good time. As the honourable member for Orange so rightly pointed out, these events help to create a fundraising environment for worthy causes within the area.

But for the life of me I do not understand why the National Party, of all parties represented in this Chamber, has fallen for the three-card trick of its Liberal Coalition partners. I can understand the inexperience of the Leader of the Opposition, but surely the Leader of the National Party should have been able to persuade the Liberals and their young leader that the efforts of the honourable member for Orange in trying to unravel stage one is nothing short of lunacy, not only for his constituents but for the all the regions of New South Wales.

Generally speaking, I would concede that members of the National Party and Country Labor care about their regional constituencies, but on this occasion the attitude and words of the honourable member for Orange are absolutely inexplicable. If he cared one zot for the implications of the public liability crisis we are facing he would categorically support stage one and not try to unravel it. The main reason he does not want to support stage one is because of the retrospectivity provisions. I have news for him: every time new legislation is enacted it has to have a starting date. It starts on the day of assent of the bill, and whenever it starts, the law changes. [*Time expired.*]

DEATH OF Mrs ELWYN GLEDHILL RANDELL, OAM, JP, BA

Mr ANDERSON (Londonderry) [5.41 p.m.]: I bring to the attention of the House the passing of a highly esteemed member of our community, Elwyn Gledhill Randell, OAM, JP, BA. Elwyn Gledhill Randell was known in our community as Billy Randell, a lady of great substance who gave greatly to our people. Billy was born in Newcastle in 1918 and lived in the Hunter Valley region for many years before moving to St Marys. Billy and her husband, Alf, got themselves involved in our local community at a very early stage and they continued to contribute until Billy's death. Today Alf still contributes to the wellbeing of the St Marys community.

My first experience with Billy Randell was in 1987, when I was a member of a resident action group that was attempting to raise funds for some programs with which it was involved. The St Marys Spring Festival was running at that time and we wanted to have a stall to raise funds. I turned up with an application, met Billy Randell, and she asked straight out, "What party do you belong to?" I answered, "This is not a political stunt, this is a community group. We need to raise funds because we want to do particular things." She said, "That's all right with me. We will find a spot for you." We turned up on the morning of the festival and Billy was there to wave us on. She said, "I've got the spot just for you, right beside the stage, where all the people tend to congregate." She said, "I'm putting a waste bin beside you, because as well as raising money from your sausage sizzle you will get extra money from the aluminium cans." She was right, she was spot on. We made \$370 from the sausage sizzle and \$47 from the aluminium cans.

Later Billy had an even more profound effect on me. When nominations were called for preselection within the Labor Party movement for the State seat of St Marys I went doorknocking. One of the first people I contacted was Alf Randell, who was a member of the St Marys branch. I was met at the door by Billy and she gave me a heck of a grilling to find out what I was about, where I was going and what I had to offer. At the end of our question and answer session she said, "Ring Alf later and he will tell you what he is doing. He will tell you whether he will support you."

So I did. I rang very late that afternoon and Alf answered the phone and said, "Yes, we are going to support you. Billy says that you are all right." That demonstrates the impact that she had. The next morning when I went out doorknocking again I went to see Brian King and a number of other people in the local area. They all said that Billy Randell had been on the phone to them and that she reckoned I was the right fellow for the job, so they would support me. That is the sort of person Billy Randell was. Whenever she took to someone she certainly gave them loyalty and complete support.

After I was elected to the State seat of State Marys I met up with Billy and Alf on a number of occasions. They were part of the foundation group of the St Marys Development Committee. That committee ran a number of things in the city, not the least of which was the St Marys Spring Festival. They gave their lives to it. The festival committee has been operational for 26 years and Billy was its secretary for the first 25 years. She was too ill to attend the last festival prior to her death. Although she did not organise it, she attended and supported it with all the vigour she had shown during the previous 25 years. That is the sort of person Billy Randell was. She was highly regarded in the community and is missed greatly by her husband, Alf, and her community of St Marys.

TRIBUTE TO Mr MAX BOLTON

Mrs HOPWOOD (Hornsby) [5.46 p.m.]: In the electorate of Hornsby many people stand out as exemplary citizens and give a great deal back to their community in many ways. Max Bolton is one of those committed individuals without whom the area would miss out on valuable and irreplaceable services. I came to know Max through my campaign for the Hornsby by-election, when I went with the honourable member for Epping to visit the New South Wales Rural Fire Service Muogamarra Volunteer Brigade to discuss its need to acquire another canteen truck for use in fires and other disasters. Max Bolton, ED—that is the Efficiency Decoration given to officers in the Citizen Military Forces [CMF]—is the senior captain of the brigade, having joined in 1972 and been promoted to captain in 1979.

The canteen provides food and drink for those fighting bushfires or dealing with other emergencies. It serves some 225 meals at a time, but the current truck is at the end of its days. The canteen has an Arnotts Biscuits truck that has a worn-out motor and an oil leak that cannot be fixed and the legislative requirements concerning the preparation and serving of food, as Max said, rules the old girl out. So it was a pleasure to meet and speak with Max and some members of his fire crew. He leads a great team of people who are passionate about the brigade, as was evidenced by our visit to the fire station in Cowan. There has been some fundraising by the brigade towards the purchase of a new canteen truck, but it cannot raise all the money that is needed.

The New South Wales Rural Fire Service was established by an Act of Parliament, the Rural Fires Act, on 1 September 1997. The service is simply the successor, in a more formal sense, of an organisation that has been around for 100 years and is most popularly known as the New South Wales Bush Fire Brigade. The fire control centre for the area is located in Galston Road, Hornsby. The Muogamarra Volunteer Brigade came into being in 1970-71 after an amalgamation of two brigades, the Halstrom Brigade, which was responsible for fire protection in the southern end of the Muogamarra Reserve, and John Tipper's Muogamarra Brigade in the north. It has an active membership of 20 coming from Berowra down to North Rocks and Epping. I have already mentioned its diversity of response, attending many incidents including motor vehicle accidents, train accidents, plane crashes, storm damage, flood damage as well as fires. One of the original founders was John Duncan Tipper, a man of vision to whom we all owe a debt of gratitude for his early work to set up a firefighting force. Men like Max Bolton carry on the mantle.

Max has another hat. As a member of the Hornsby Rifle Club and a supervisor of cadets who attend the club to learn about the safe handling and use of a range of weapons, he spends many hours of his time with young men and women in a very constructive way. I had the privilege to be asked to present trophies to the club's competition winners, as well as the person who came last. I could tell by the participation of the cadets that they loved Max and valued his input and their opportunity to be part of something special. That day Max also bestowed upon me the honour of presenting him with his Anniversary of National Service Medal 1951 to 1972. This medal is both a physical reminder of his service to Australia and an enduring remembrance of the appreciation felt for the valuable service given.

The National Service Act came into being in 1951. Max reported for full-time training under the National Service Act in April 1952 for a continuous period of 14 weeks at 12 National Service Training Battalion at new Holsworthy. His total military training liability was completed on 6 July 1954 and his national service obligation was completed on 23 April 1957. However, Army life was in his blood and he remained in the CMF working his way through the ranks until retiring as an officer in 1975. He is a wonderful role model for the hundreds of cadets who come through the rifle club for their weapons experience. He also assists police officers in their weapons training. Men of Max's calibre are scarce and should be highly respected. I look forward to working with and learning from Max in whatever capacity he provides service to the community. Hornsby is all the more richer for his presence. I am sure there is much more to Max's story and I am endeavouring to find out other areas in which he contributes. In the meantime I am working hard to try to gather the money needed for the canteen truck.

PORT MACQUARIE SPORTING FACILITIES

Mr OAKESHOTT (Port Macquarie) [5.51 p.m.]: A group has been meeting on regular occasions in my office with a view to trying to raise awareness about the need for better sporting facilities in our local area on the mid North Coast. At last we have finalised terms of reference for the group as follows. First, to lobby to establish a formal Hastings Council sporting body, second, to lobby for playing fields and improved sporting infrastructure, third, to lobby for grants, fourth, to assist with and initiate elite visits and events, fifth, to increase community involvement in sport and talent development, and sixth, to raise awareness of risk management, liability and injury prevention issues. All of these issues are vitally important on the mid North Coast, all require a great deal more work at the various levels of government, and all deserve the support of both the government and the community.

The group comprises cricket development officers, Australian football league development officers, members of the North Coast Academy of Sport, representatives of fitness centres, businesses, and the netball community. They all have a strong voice and very good hands-on experience with problems they face daily. The group has written to Hastings Council to try to get the Hastings Council sporting body or advisory committee up and running. I hope that letter is received favourably because there are similar examples throughout the State and that voice is desperately needed at a local level. The Touch Football State Cup, which is one of many fantastic events held in our area, epitomises that sport is tourism, Port Macquarie is tourism, and, therefore, sport and Port Macquarie are good bedfellows.

Our local area has much talent yet we seem to get so little government support. I believe that the advisory committee could do fantastic work promoting that talent and pushing for more playing fields. At present our junior cricket and soccer games have to be played during the week because playing fields are not available at the weekend. We have so much growth in our local area that facilities are not keeping pace. If ever there was an example of the pressing need for a regional stadium at the Port Macquarie regional sports field, it was two weeks ago when I saw the Port Macquarie Sharks take on Macksville. Rain poured down in the first minute of the game, and all the umbrellas went up. Everyone was forced to go under cover at the canteen and, therefore, no-one could see the game through all the umbrellas.

Local and State governments desperately need to address why a fantastic playing field has such poor spectator facilities. Our basketball facilities need attention also. We have so much growth in our area that tournaments such as the Pacific Coast Slam attract groups from far and wide, including Victoria, to participate, but we have only a couple of courts and we need a bigger and better facility. We missed out on funding for the Koala Street playing fields. We want to know why that happened and how we can make sure we do not miss out again in the next round of funding. Cricket is screaming for facilities. The premier ground, Oxley Oval, requires an upgrade so that we can hold ING cricket matches, challenge cup matches and premier events to attract many cricket followers to the area. The group has been discussing surf lifesaving and funding to initiate and assist a program that promotes visits by elite athletes to be based out of Port Macquarie.

Community involvement in sport and talent development has increased. One great example last year was the Ski Good Schoolgirl Breakfast with the Stars, which was held in Port Macquarie by Wyndham Sport. That was a fantastic event and we are hoping that the Hastings and Macleay North Coast Academy of Sport will be the lead agency for that program again this year. Finally, the Hastings Macleay Sports Injury Prevention task force is involved in the risk management program, and seminars are to be held in the near future. Given the insurance crisis, a prevention program is the best approach, and I hope that all community and sporting groups get behind it. [*Time expired.*]

Private members' statements noted.

[*Mr Acting-Speaker (Mr Lynch) left the chair at 5.56 p.m. The House resumed at 7.30 p.m.*]

NEW PRISON SITE

Matter of Public Importance

Mr W. D. SMITH (South Coast) [7.30 p.m.]: It gives me no real pleasure to ask the House to note as a matter of public importance the concerns in my electorate about a proposed prison at Campbelltown or on the South Coast. The Government is certainly tough on crime and the causes of crime. There are record numbers of police officers on the beat, improved policing, higher penalties, longer and stiffer sentences, prison time for offenders who breach community service and periodic detention and orders and changes to the bail arrangements, including the removal of the presumption in favour of bail for repeat offenders. Consequently, more people are being taken off our streets and put behind bars. Our criminal element is being controlled and harnessed to a much greater extent.

However, different communities have different requirements. They have different specific features and different images. The community of the South Coast does not want a prison in the electorate. For a long time the South Coast has worked hard to create an image of beautiful beaches, clean waterways, great bushland and friendly people. A gaol does not fit in with that positive image. Neither the community nor I support the idea. Tourists would be turned off visiting the electorate if they knew there was a gaol there. It would be peculiar to talk about the wonders of dolphins and fishing on the one hand and the possibility of visiting criminals in gaol on the other. A gaol is inconsistent with the lifestyle, philosophy and feelings of the people on the South Coast.

The Opposition's support for the proposal is indicative of how little it knows about the South Coast. Where would such a gaol be built? Would it be built at Sussex Inlet, Mollymook, Callala, North Nowra or perhaps at Huskisson on the shores of Jervis Bay to give the prisoners a lovely view of the bay? I acknowledge that some communities have a long association with these types of institutions, and that is great for those communities. I am sure that a number of communities across New South Wales, particularly those in western New South Wales, would be desirous of having a gaol built in their area. But that is not so for the people of the South Coast; it does not fit with their ethos.

The image of the South Coast and its ability to create jobs comes from three sources. The first is tourism, and I shall speak at length about that later. The second is the vibrant manufacturing industry. Innovative job programs like the Illawarra Advantage Fund, a \$10 million funding source, provides businesses with the capital they need to expand and create jobs. A large share of that funding pool has gone to the South Coast. For example, the Ocean and Earth factory at Sussex Inlet, which employs 60 or 70 people, got a nice little bonus from the Illawarra Advantage Fund. Solar Sailor, an innovative solar-powered ferry organised by my community, uses state-of-the-art technology. Its huge solar wings power the vessel. Innovative technology was used to construct a lighter engine to power the ferry. People may recall the wonderful vision during the Olympics of this vessel ferrying people around Sydney Harbour.

They are only a few examples of the manufacturing industry and innovative ideas on the South Coast. Probiotec, an innovative regional company in Bomaderry, produces a range of natural pharmaceuticals from chemicals occurring in living organisms in marine environments. With assistance from the Government, the company is able to employ 42 people in the Shoalhaven. I am concerned that our image as a good manufacturing and innovative area will be threatened by the proposed gaol. I also cite the \$1.5 million that was allocated in last year's budget for a world-class marine science centre of excellence at Jervis Bay. That is the sort of innovation and scientific research that we are promoting on the South Coast: excellence and education. The notion of a gaol in the area does not fit in with that at all.

I draw the attention of honourable members to a famous photograph taken by Max Dupain in 1937 that most people think was taken on Bondi Beach. However, it was in fact taken at a place called Culburra in my electorate. From those early years, way back in the late 1930s, the image of the South Coast was strongly linked to tourism and natural beauty. Apart from the magnificent Jervis Bay, two-thirds of Shoalhaven is State forests, national parks and Crown land. Recently, a focus group found that Sydneysiders like to go to the Shoalhaven because they can throw some stuff in an overnight bag, jump in their cars and be down on the South Coast within two hours, enjoying any number of our charming villages. The South Coast hosts 2.4 million domestic visitors each year, and it generates more than \$880 million in annual tourism. The threat of a gaol on the South Coast will certainly turn people away. I do not want to do that at all.

The Ulladulla Blessing of the Fleet festival secured \$90,000 funding over three years from the Government. Some 60,000 people come down to Ulladulla on the Easter weekend to watch the Blessing of the Fleet. That positive message has spread to the broader community of New South Wales, and it is that positive message that should continue. The Touring by Car campaign generated \$37 million worth of expenditure, with estimated benefits to the South Coast of more than \$21 million. The campaign received more than 43,000 responses. In 2000, 35 per cent of those who inquired took holidays on the South Coast within 10 weeks of their initial inquiry.

We want to maintain that positive image, and not tarnish it by building a gaol. The Nowra Animal Park has fantastic kangaroos, wombats, reptiles, koalas, parrots and so on. People come to the electorate to see those sorts of attractions. The Government has put something like \$180,000 into the fabulous Lady Denman complex at Huskisson. It has a wonderful maritime museum on site, a giant fish pond with the largest species of flathead, snapper and blackfish. It is a positive and attractive part of our community. Laddy Timbery makes Aboriginal artefacts on that site, so the area has indigenous tourism as well. Recently the Shoalhaven Riverfest was held to showcase the wonderful Shoalhaven River. The community participated wholeheartedly in that nine-day

spectacular. The entire festival was a huge success for the region. On the last day 7,500 people attended the shores of the Shoalhaven River to participate in the various events and witness the activities. To top that off, \$12,000 was raised on that day for the Shoalhaven District Memorial Hospital.

A festival called See Change is being held at the present time. It is organised by the Jervis Bay and Basin Winter Arts Festival Organisation. That festival highlights a range of activities in the community from sculpture, painting, poetry to a range of art forms. It is sponsored by many people in the community, including the Shoalhaven Arts Board, Regional ArtsNSW, the Manildra Group, Holiday Haven Tourist Parks and others, who came together to make this event such a wonderful success. I conclude by saying that we on the South Coast are about encouraging a family atmosphere. We are about encouraging people to enjoy themselves, to spend their money and to have a great vacation. We are not about incarceration.

Mr RICHARDSON (The Hills) [7.40 p.m.]: What an extraordinary performance from the honourable member for South Coast! He has not been in this place for long and clearly he will not be here for much longer. I was startled to read his reported comments in the *South Coast Register* yesterday, when he was quoted as saying what he has just said in this Chamber. That is, he is strongly opposed to a gaol in Nowra, despite the fact that his Government is seriously considering the proposal. We know that for sure. He is at loggerheads with his Premier on this one, which I find extraordinary.

Mr W. D. Smith: Point of order: The honourable member is misleading the House. There are no circumstances in which I am at loggerheads with my Premier. In fact, the press release—

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for South Coast has a right of reply. There is no point of order. The honourable member for The Hills may continue.

Mr RICHARDSON: The honourable member for South Coast is at loggerheads with his Federal member for Gilmore, Joanna Gash. She became a member of Parliament in 1996 and has turned the electorate of Gilmore into a safe Coalition seat because of her genuine support for her electorate. The honourable member for South Coast is at loggerheads with the Shoalhaven mayor, Greg Watson, who says that his main concern about the proposal is finding a suitable location. The honourable member for South Coast said there were no suitable sites for a gaol. In a strange interview that he gave on ABC radio Nowra yesterday at 9.15 a.m. today he talked about the possibility that the gaol might be located on the shores of Huskisson so that the prisoners could view Jervis Bay. That is absolute nonsense. He does not understand the concept of a gaol: prisoners would not look out over the tranquil waters of Jervis Bay. There is no reason whatsoever for a gaol to be located on prime real estate.

Dr Kernohan: Or adjacent to homes.

Mr RICHARDSON: Or adjacent to homes, as the honourable member for Camden reminds me. That is simply not an issue. I understand that Councillor Watson has identified a number of suitable locations that are not prime beachfront blocks with water views. The gaol proposal provides tremendous opportunities to bring jobs, investment and income to the Shoalhaven. These are things that the honourable member for South Coast opposes. A 400-bed remand and reception centre at Nowra would bring benefits to the local economy. During the construction phase it would create 400 local jobs. Ultimately the gaol would inject \$80 million into the local economy, create ongoing employment for 160 people, inject \$8 million a year into the local economy in recurrent investment and inject \$12 million a year in wage packets. That is a total of \$20 million a year on an ongoing basis in an area which, as the honourable member for South Coast would acknowledge, has a high level of unemployment.

The honourable member for South Coast has an opportunity to take a positive lead on this issue and bring jobs to his electorate. However, from what he has said in this debate, from what he told the *South Coast Register* yesterday and from what he said on ABC radio Nowra it is clear that he does not want to do that. He does not care about jobs or his community. He does not care about the dollars that would flow into his electorate or the multiplier effect. Frankly, some of his comments astound me, especially the nonsense about what a gaol will do for his local community. The honourable member for Gilmore spent many years living near Berrima gaol, which has been operating since 1836. She never had any problem with the gaol. In fact, the honourable member for Southern Highlands attests to the fact that the greatest concern of the people of Berrima when that gaol was converted to a women-only facility was that the prisoners would not continue to do their work in the local main street and local community. However, they found that the women do a better job than the men.

Dr Kernohan: That is not surprising.

Mr RICHARDSON: The honourable member for Camden says it is not surprising that the women do a better job than the men. There are no problems associated with having the gaol at Berrima, which is a tourist centre. Although the gaol has been there for 166 years—166 years of tradition and 166 years of the gaol blending in with the local community—that is not good enough for the honourable member for South Coast. He is beating up a fear campaign. Given the Government's record on gaol escapes and the management of the present system as a whole, I can understand why he might harbour some concerns. However, all jokes aside, the construction of gaols in country communities is to be welcomed. They bring jobs and investment. Honourable members would have heard the Minister for Corrective Services speak last week about country towns vying with one another in a bidding war for a new gaol. Unlike the honourable member for South Coast, they understand clearly the benefits that the gaol would bring to the community. Kempsey is on the coast, is it not?

Dr Kernohan: Yes, close to the coast.

Mr RICHARDSON: I believe they do not have any problems at Kempsey with tourism. The honourable member for Coffs Harbour and the honourable member for Oxley have never complained to me that the construction of the gaol at Kempsey is interfering with the tourist trade in the area. In fact, the community welcomes the gaol because of the jobs and investment it will bring to the community. Nothing that the honourable member for South Coast has said in this debate, in the *South Coast Register* or on local radio rings true. If he is fair dinkum about representing his community he will fight to get a gaol in his electorate.

The extraordinary thing is that we know that the Government is considering Nowra as a possible gaol site. An article in this weekend's edition of the *Sun-Herald* discussed three site options: Campbelltown, Wollongong and Nowra. The honourable member for Wollongong is at the table; perhaps he will fight for a gaol for his community. I do not know. The honourable member for Campbelltown is also in the Chamber. He has indicated that he is against the siting of a gaol in his electorate. It seems that Labor members are fighting amongst themselves to see who does not get a gaol in their area.

The concern of Country Labor members about jobs and investment in their electorates is fairly shallow; it always has been. The proof of the pudding is in the eating, as this issue demonstrates. It is no surprise to me that the honourable member for South Coast sits on a margin of 0.5 per cent and the Federal member for Gilmore sits on a margin of 13.7 per cent. She understands her community: she knows what her constituents want and she sticks up for that and fights for it. The honourable member for South Coast does not do the same. Judging from the material that he brought to the House tonight, he is living in some sort of time warp. We are living in the twenty-first century. We must provide jobs in rural communities. This proposal presents a tremendous opportunity to create many jobs and bring enormous investment to the South Coast. It about time the honourable member for South Coast got his act together and boarded the right train.

Mr WEST (Campbelltown) [7.50 p.m.]: I wish to highlight community concerns about the proposal to build a prison at Campbelltown. Like many people, I passed last Sunday doing odd jobs and spending time with the family at the park. Aside from the cold, it was a fairly good day to be in Campbelltown and the surrounding area. We stopped to pick up the Sunday papers, as I do every week. When I eventually sat down to read them I noticed that the front page of the *Sun-Herald* carried a headline about prisons. I even joked to my wife, Tanya, "They had better not have put Campbelltown on the list!" Imagine my mood and that of others throughout the area when we read that the Department of Corrective Services has shortlisted Campbelltown as a possible site for a prison.

Campbelltown is a young and growing area, with many families starting out or settling down to enjoy the region. We have one of the youngest populations in the State and, I believe, one of the most generous communities. We want good schools for our children, who want good jobs when they leave school. Safety is vital: we must give our kids somewhere to play, to meet other kids and to enjoy life in safety. We have fought hard to bring jobs to our area. We took small steps at first—a manufacturing plant here and a service industry there—but now we are home to some of the world's best high-tech manufacturing and design companies, world-class service centres and cutting-edge environmental technologies. We want more of those sorts of jobs.

The recent Western Sydney Industry Awards recognised several local companies, including Macarthur Engineering, winner in the Business and Corporate Services category, which is a global leader in paper manufacturing technology; First Find Personnel, a leader in employment services; Paul Wakeling Motors, which offers world-class systems for motor car sales and service; South West Graphics, which promotes our region through a most innovative arts enterprise; David Azzopardi Manufacturing, which exports auto parts for classic and vintage cars around the world; and Foamco Industries, which employs more than 60 people at the cutting edge of advanced manufacturing technology. They are just some of the firms that are setting the standard and creating the jobs that we want and need locally.

We have worked hard as a town to make Campbelltown the great community it is today. We believe that we—not faceless public servants in the Department of Corrective Services—should have a say in the future direction of our area. In many ways Campbelltown is the gateway to the city of Sydney, and I do not think a prison gate is what we had in mind as an entry to our city. I spoke to Campbelltown Mayor Russell Matheson, whose reaction to the proposed gaol was the same as mine: "We don't want it." I also spoke to a number of other councillors, including Jim Kremmer and Meg Oates, who shared similar views and objected strenuously to even the suggestion of a prison for Campbelltown. This is not the type of development that Campbelltown needs at this time. We are a reasonable community, generous to those who need a hand. We are home to many agencies devoted to getting people back on their feet. We have a periodic detention centre and a juvenile justice facility that enhance community safety and rehabilitate kids and adults.

I am pleased that the Premier is listening to our concerns. His office has advised me that the Government is still only considering options for the siting of a fourth prison—if indeed one is needed—and has not picked a location. The prison population has increased as a result of the sound steps that the Government has taken to improve community safety. Those steps include improved policing, higher criminal penalties, tougher sentences, the sending to prison of offenders who breach community service orders and periodic detention orders, and changes to the Bail Act, including removing the presumption in favour of bail for repeat offenders. The Premier understands what we and other communities are looking for: consultation before suggestions are made regarding sites. Campbelltown expects to be part of the process; we do not expect to have projects, such as this prison proposal, foisted upon us. Talk to us and work with us. To the section from Corrective Services that touted our area as the site for a prison, I say: "Get one of those big, red textas—the big, fat marker types—and where you have listed Campbelltown as the site for a prison, put a line through it. Cross it out. We don't want it."

Mr W. D. SMITH (South Coast) [7.55 p.m.], in reply: I thank the honourable member for Campbelltown and the honourable member for The Hills for their contributions to this debate. I shall respond to several points raised by the honourable member for The Hills, who appeared to believe I am at loggerheads with everyone on the planet. I will clarify that point at the outset. I am not at loggerheads with the Premier. He suggested in his press release of two days ago that a fourth gaol might be required but he did not mention where it might be located. I am not at loggerheads with the local Federal Liberal member of Parliament, Joanna Gash. In fact, we work quite well together. I cite Main Road 92 as an example of our co-operation: she got \$34 million from the Federal Government for that road and I got \$34 million from the State Government. There is no doubt that the mayor and I have our differences from time to time—and I say that with some pride.

With the State election roughly 10 months away, it is interesting that both Mrs Gash and Mr Watson have rallied to support the Opposition and its desire to site a gaol in Nowra. We do not want it, and even to suggest it demonstrates the Opposition's lack of understanding of the people in my electorate. I fight tirelessly to attract investment to the South Coast and to create jobs, but I do not agree with Opposition members about how those jobs should be created. Jobs are created on the South Coast by manufacturing and, primarily, by tourism. I referred to Probiotec and Ocean and Earth as examples of terrific, innovative manufacturing industries on the South Coast. I also cited the fact that the Department of Local Government is relocating to the South Coast, which will generate 60 extra pay packets.

If a gaol were located on the South Coast, over time it would have a negative effect on job creation as people would be put off visiting our area. Berrima gaol has been there for 166 years. I acknowledged in my speech that some communities have a long link with penal institutions: they accept them quite happily. The people of Berrima have obviously been happy about their gaol for 166 years. However, residents of the South Coast will be most unhappy if the gaol proposal for Nowra goes ahead as the Opposition wishes. Opposition members simply do not understand what drives the economy of my electorate. The South Coast economy relies primarily on tourism and manufacturing, and siting a gaol in the area would throw a spanner in the works.

The honourable member for The Hills also referred to a bidding war for gaols. I acknowledge that many communities in western New South Wales would welcome a gaol to stimulate and drive their economies. I do not dispute that point and I do not dispute that a gaol would have a positive effect on their economies. It would not be a positive move for the economy of the South Coast. In his press release relating to the gaol, the shadow Minister, the honourable member for The Hills, is also in the right place strategically. There is a gap in the network of prisons across the State between Macarthur and the Shoalhaven which this new bill would fill.

I wonder if the Opposition constructs its policies by getting out a map, looking at where the gaols are, and throwing darts so that it looks pretty and the gaols are evenly distributed across the State. That is not the

criteria the Government uses to determine the location of a new gaol. It must be a little more sophisticated than just getting out a map and saying, "That looks good there because of the geographical location of public gaols across the State". The South Coast has the potential for a multimillion-dollar whale watching industry; tourism operators have created many attractive signs showing people where to go to watch the whales. People of the South Coast do not want the blight of a gaol hanging over our heads.

Discussion concluded.

OPTOMETRISTS BILL

Second Reading

Debate resumed from 8 May.

Mr FRASER (Coffs Harbour) [8.01 p.m.]: I speak tonight on this legislation but I am not leading for the Opposition. I note that the Parliamentary Secretary for Health, who is at the table, led the debate on this bill. He was most upset that the Minister set him up to do this because there were many words like "optometrists" that he could not pronounce. As the House is no doubt aware, when this bill was introduced by the Government there were concerns within the industry that it did not meet its requirements and that the Minister had not properly consulted with the industry. To her credit the shadow Minister, the honourable member for North Shore, advised the Minister that the industry was not happy with the legislation. The Minister was good enough to let the bill lay upon the table, pull it out again for public discussion and discussion with the optometrists and ophthalmologists, and it has now come back in a form that I believe is possibly acceptable to the industry.

I am wearing a pair of \$29 glasses, having left my good glasses in my unit. The optometrist I go to is Alan Burrow—a country optometrist—who has studied in South Africa and England: he is highly qualified. He raised concerns about how this legislation would affect optometrists in country areas, because often the first port of call for people is the local doctor, who then refers them to the optometrist, who may—and in many cases does—diagnose a serious eye disease such as glaucoma. On that basis there was some argument as to who would be able to prescribe medication for particular eye diseases. In fact the whole industry was quite frightened by this legislation at the time Alan raised these concerns with me. But I believe the industry as a whole now accepts it and commends both the Opposition and the Government for their attention to detail.

It was the honourable member for North Shore—who has finally arrived in the Chamber—who put the pressure on the Government to reconsider this legislation and take it back to the industry. The second reading speech by the Parliamentary Secretary, the honourable member for Heathcote, was, as the honourable member for Ku-ring-gai says, a beautifully read speech except, as I said, he did have problems with words such as "optometrist", "ophthalmologist" and "physician". The Opposition does not oppose the bill; it supports it. I would hope that the Parliamentary Secretary would acknowledge that the Opposition played a very vital role in ensuring that the legislation actually suited the industry. If it were not for the honourable member for North Shore consulting with those industries, we would have had legislation that would have offended a lot of people—a lot of patients and a lot of professionals in the industry. I commend her for her efforts and for listening to what was said. The bill has now come back to the House in a form that is acceptable. I commend the bill to the House.

Mrs SKINNER (North Shore) [8.06 p.m.]: The honourable member for Coffs Harbour has alluded to the great deal of work that was done to correct the flaws in the original bill introduced by the Parliamentary Secretary. In fact this is the second bill relating to the governance of health professionals that this has happened to, and I do not blame the Parliamentary Secretary, to be perfectly honest. He has come into this Chamber with a speech which states that all parties have been consulted and they all agree. That is clearly not the case. I do not think he deliberately did that, but it very soon became evident that it certainly was not the case in regard to this bill. I sent a copy of the bill and the second reading speech of the Parliamentary Secretary to the interested and key stakeholders; in this case the optometrists, the ophthalmologists and others, and it soon became evident that people had very grave concerns about what was a very serious flaw in this bill, and that was that there was a risk not only to the sight but indeed maybe to the life of patients.

I have told all the industry groups that have been to see me that the prime motivator for me in relation to this bill was the best interest of the patients. It was very clear from the comments and feedback I received that this was not the case. From the beginning the Coalition indicated to the Optometrists Association and others that we were very happy to support the extension of the use of drugs for therapeutic purposes to optometrists but that

we were concerned about how it was going to be put in place. In fact, I was alarmed at the active letter-writing campaign by optometrists who, through their letters, revealed that they believed they would be able to go much further than even their association was suggesting in terms of the conditions they could treat. I telephoned the Minister and we had a face-to-face meeting. I think even he was surprised at some of the provisions of the bill, particularly that governing the competencies relating to the use of these therapeutic drugs. The body that was going to both describe and monitor the competencies did not have anybody with medical training.

As a result of that meeting it was suggested that the bill be discussed again with all the key stakeholders and be returned to this place only when all parties were in agreement. That is a positive and constructive way to go. I am very proud of the part that I played on behalf of the Coalition to make that happen. I congratulate the key industry groups, the Optometrists Association and the ophthalmologists association on the work that they have done in the meantime. The present bill is a great step forward. All parties can be satisfied that gains have been made but there are protections in place that serve the public. That has always been my motivation.

The bill in its present form deals with the governance of optometry, regulation, the use of accreditation, recognition of qualifications, submission of annual returns, establishment of continuing competence and good character, notification of convictions of sexual and violent offences, definition of unsatisfactory professional conduct and professional misconduct and a process for dealing with complaints, skills testing and impairment. Those provisions are pretty well pro forma for all medical professional bills. The bill also allows optometrists to use therapeutic drugs. In line with the concerns that I have raised and that now have been addressed, an expert committee will be established comprising the chief health officer, an optometrist, an ophthalmologist, a physician and a clinical pharmacologist to determine which drugs may be prescribed, the competency standards required and the conditions which may be treated.

I am very pleased that all of the parties I have consulted and who have responded in relation to those matters are in agreement. For the public record I should state that there is still quite violent disagreement on the part of some parties but it is not in relation to clinical matters; it is in relation to commercial matters. There is objection to the fact that, contrary to the recommendations in the discussion paper circulated some months ago, there are still restrictions on ownership of pharmacies, and the recommendation that orthoptists be able to prescribe lenses is not included. The bill has been reviewed in the context of competition provisions. However, my major concern, as I have always said, has been about the clinical aspects of these kinds of bills. I note the objection but do not intend to go further with that.

I thank very much those who have worked very closely with me on this matter—my parliamentary colleagues, particularly the honourable member for Hornsby, who will also speak to the bill, and the associations. I have had numerous meetings with a number of them including the Optometrists Association and the ophthalmologists. I will read onto the record a letter from Paul Beaumont from the ophthalmology association. He was the person in the first instance who raised with me alarms about the potential for real damage to patients. On 28 May he wrote:

Dear Jillian

Thank you for the prompt and effective way you organised the coalition to address the problems with the original Optometry Bill. You stood firm in the face of a volume of abusive and threatening correspondence, insisting that public safety was of overriding importance. Congratulations!

He acknowledged that the Minister responded and then went on to say:

From my point of view it has been very interesting to see how the parliamentary system works and how important it is to have a good opposition and a responsible set of cross benches. You have all worked together with the incumbent government to make sure that the proper checks and balances are in place when drugs are prescribed in our community.

That is a very important aspect of review of this kind of legislation. I remind the Parliament that it is always necessary, particularly with legislation dealing with the health of people, that deals with their lives, their medications and so on and all aspects of their well-being. I say that also in the context of future legislation which may come up and the possibility that the Government may wish to try to speed up the process whereby a Coalition has to respond to its second reading. It is not in the best interests of the public to change the standing orders of this Parliament to disallow a proper period of consultation with key stakeholders. If we needed an example of that, this bill is one. This bill is supported by the Coalition only in this second form in which the Government has introduced it because there was opportunity to remove the flaws. If the first bill had been proceeded with patients may well have been blinded or had their lives put at risk. I commend the bill to the House.

Mrs HOPWOOD (Hornsby) [8.15 p.m.]: In speaking to the Optometrists Bill I give due recognition to the comments of the honourable member for North Shore. The bill repeals the Optometrists Act 1930 and is designed to protect the health and safety of members of the public by providing mechanisms to ensure that optometrists are fit to practice. The bill is the result of the review of legislation to consider public benefit issues required by the National Competition Principles Agreement. It introduces the same provisions as those introduced in other recently revised legislation governing the practice of health professionals such as psychologists, chiropractors, osteopaths and dentists. These provisions relate to accreditation, recognition of qualifications, the requirement for submission of annual returns establishing continuing competence and good character, notification of convictions, definitions of unsatisfactory professional conduct and professional misconduct and a process for dealing with complaints, skills testing and impairment.

The last time the bill was presented there were contentious issues relating to the definition of optometry but mostly relating to the use of therapeutic drugs. After a long and exhausting process, to which the Coalition contribution was great, the bill has now been re-presented. I fully support the comments of the honourable member for North Shore. Having been the executive director of the Australian Podiatry Association, I have been on the other side, being part of consultation processes, which are extremely frustrating and exhausting. Andrew McKinnon, the Executive Director of the Optometrists Association, who is present in the gallery this evening, must be relieved to see the bill in its current form.

I recognise that a very important component of the bill is that it allows optometrists to use therapeutic drugs. An expert committee has been set up to oversee that. The object of the bill is to provide for the registration of optometrists. As I have mentioned, it re-enacts the Optometrists Act 1930 with the following modifications. Additional mechanisms are provided for the accreditation and recognition of qualifications entitling a person to registration as an optometrist. Competence becomes an express requirement for this registration and the Optometrists Registration Board is given power to inquire into competence. There is a mechanism for establishing a code of professional conduct. The operation of the code is clarified.

Registered optometrists are required to submit an annual return to the board detailing matters that establish their continuing competence and good character. Registered optometrists are required to notify the board of convictions and criminal findings—that is, findings of guilt without proceeding to a conviction—for various offences, and courts are required to notify the board of certain convictions and criminal findings against registered optometrists. Definitions of unsatisfactory professional conduct and professional misconduct are introduced. A complaint against an optometrist can be made and dealt with even if the optometrist has ceased to be registered.

The Optometry Care Assessment Committee is to be established to inquire into less serious complaints about optometrists and to make recommendations to the board with respect to the determination of these complaints. Determination of complaints by professional standards committees will be replaced with determination by a hearing of the board. The make-up of the board is set out in specific details. I reiterate that decisions in relation to bills such as this are difficult, and what is best for the interest of the patient is always of paramount importance. I commend the bill to the House.

Mr McMANUS (Heathcote—Parliamentary Secretary), on behalf of Mr Knowles [8.20 p.m.], in reply: I thank honourable members representing the electorates of North Shore, Coffs Harbour and Hornsby. I place on record the Minister's thanks for the co-operation of the Optometrists Association of Australia, New South Wales Branch, and the Royal Australian and New Zealand College of Ophthalmologists, the work by Iain Martin from the Department of Health and Aaron Rule from the Minister's office. I thank all those involved in the debate.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LICENSING AND REGISTRATION (UNIFORM PROCEDURES) BILL

Second Reading

Debate resumed from 8 May.

Mr O'FARRELL (Ku-ring-gai) [8.22 p.m.]: On behalf of the Leader of the Opposition, who is also shadow Minister for Innovation and Reform of Government, which covers information and communication

technology [ICT], I indicate that the Opposition will not oppose this bill. The Opposition recognises the need for this legislation, given the condition of the Government's online services. The Coalition acknowledges that the bill aims to amend legislation covering licensing and registration processes as the first step towards introducing online licensing in the public sector; providing an online entry point to government licensing services; avoiding potential expenditure on government information technology, and thereby saving taxpayers up to \$70 million; enabling online licence applications with an agency to be completed and paid in one session; enabling online verification of information within applications by accessing source databases; and providing the capability to introduce photo licences, where appropriate.

The Coalition also acknowledges that the bill aims to deliver benefits to the people of New South Wales by supporting projects that aim to deliver greater choice and convenience through the introduction of online services; greater flexibility through the introduction of one, three and five-year terms on licences and registration; reductions in application processing times; and access to up-to-date information via an enhanced business licence information service. The Government's Information Management and Technology Blueprint identified that need for the service as long ago as 1997. Now, five years later, we finally see action.

Only now, five years on, are we seeing the beginning of work to address what is required to bring New South Wales up to date with other States in the provision of e-government. The Kennett Government was elected in Victoria nearly 10 years ago. Within two years it had a system such as this operating to the great benefit of its citizens and, more particularly, to those people engaged in business in Victoria. Whilst this legislation is supported and its benefits are undoubted to those members of the public and those who do business in New South Wales, it has been a long time coming. That indicates that whatever good intentions the current Minister has and the previous Minister had, under the Carr Government this area is not given the priority it deserves.

New South Wales, as a market leader in government services in this country, does not leverage that into benefits for its citizens. This legislation might finally set New South Wales on the path to achieving the standard of service delivery available to people in other States. As I said, Victoria is years ahead on the delivery of online services. The Liberal and National parties believe that more action is required to deliver New South Wales government services online. The Coalition recognises the need for this legislation as legislation that genuinely seeks to achieve more efficient services for the people.

The Coalition recognises that it genuinely plans to provide services that support individuals, families and businesses in their activities, rather than hampering the aspirations of the people of New South Wales as do many of the current processes of the Government. This legislation is long overdue. The Government's commitment to online services is hollow. I challenge the honourable member for Wallsend, who is in the chair, as a powerful Government backbencher, to access the Government's web site and endeavour to access the media releases of the Carr Government's Ministers. I went looking for the Minister for Transport's latest reannouncement of the Parramatta transport interchange.

Ms Seaton: How many times is that?

Mr O'FARRELL: As the honourable member for Southern Highlands asked, how many times has that been announced? It does not matter how many times it is announced, but the latest available press release on the Minister's web site relates to 20 March. As I know better than most, a lot has happened since 20 March but still Government Ministers, and the Premier, are not prepared to use ICT to the betterment of the community to either inform them about Government decision making, positions and policy, or in this case to assist them to do business in this State.

The Carr Government is notorious for running the State by media release but it is afraid to share those releases with the State online in an attempt to lift its accountability. There is no doubt that part of the ICT revolution in this country and around the world is about the opportunities it provides for greater transparency and accountability, particularly in the public sector and in representative democracies. That is one of the great strengths and that is why the Opposition has no problem in supporting legislation of this type. That is one reason why the Government's commitment to ICT ought to go further than currently proposed.

The Government has taken its time, literally years, to make advances in this area. It is also clear that the legislation will make the process of obtaining licences and registration easier, removing much of the administrative burden that the Government has been extraordinarily slow to remove. In seven years of Labor government, and eight Labor budgets, this Government has been very slow to remove a bureaucratic and

overregulated licensing system. This legislation, by doing that online, will seek to make some improvements. But even without this legislation, even without the application in technology, improvements could have been made earlier if the Government were committed to small business.

I will never forget that when the 1999 election was over—an election I well remember—the Premier went to Newcastle and said that he was going to reinvent the Labor Party as the party for small business. He has singularly failed, not just in the industrial area but on business licensing. Nothing in this legislation reduces some of the incredible levels of regulatory burden imposed by that licensing regime. This legislation is good because one of the benefits of licensing online is that people engaged in commerce, and employees currently wanting to become business operators, can apply for a licence. They can fill out the registration form and pay for it over the telecommunication system at a time that suits them.

I well remember that following Victoria's introduction of a single business entry point eight years ago, a survey showed that most of the transactions were actually done outside business hours. That demonstrates again just how inconvenient government can be if it does not make use of this sort of technology. The Government has often demonstrated that the real issues at the heart of this licensing system remain unresolved because of a lack of clear commitment. This legislation, among other Acts, will also apply to the Home Building Act 1989, which covers the licensing of contracts to perform residential building work.

It would be remiss of me not to refer to the application of this legislation upon that Act, because it is somewhat ironic that the Government is focused on simplifying the licensing process for a licence involving contractors performing residential building work but it does nothing to guarantee the bona fides of the builder and does not address the underlying issue of business licences and home warranty insurance, the source of so much concern amongst small business people throughout the State. It is an indication that the Government is committed to incremental reform on a piecemeal basis. It has no clear vision and no depth of understanding about all the things that small business and the people of this State expect of both government and the application of technology to government. The Opposition supports the bill, but calls for further action to deliver the choice and benefits of online delivery of government services.

Mr ORKOPOULOS (Swansea) [8.29 p.m.]: What a negative, carping speech by the honourable member for Ku-ring-gai. He said that the Kennett Government was elected 10 years ago. The Carr Government has been in office for only part of that time, and that means that when the honourable member for Ku-ring-gai was an adviser to the Greiner Government that Government did nothing at all. Finally, this Government is getting it together and the Licensing and Registration (Uniform Procedures) Bill is about modernising the way business and individuals deal with government.

Mr O'Farrell: Point of order: I remind my honourable friend, for whom I actually have some regard, that the Internet was not actually invented until the year the Greiner Government left office.

Mr ACTING-SPEAKER (Mr Mills): Order! There is no point of order.

Mr ORKOPOULOS: It is yet another example of how our Government is using information technology [IT] to improve the economic and social wellbeing of New South Wales. The Government recognises that the community increasingly expects to be able to interact electronically with friends and family, businesses and financial institutions, and government. This bill paves the way for an innovative whole-of-government—I really appreciate that term because its acronym is wog!—online business licensing system. One object of the bill that interests me is object (c), which states:

by enacting common registration procedures (proposed Part 4) that are adopted (pursuant to amendments effected by Part 3 of Schedule 4) in relation to certain registration schemes affecting health professionals.

Schedule 3 provides that chiropractors, dental technicians, optical dispensers, optometrists, osteopaths, physiotherapists, psychologists and podiatrists will be able to access this licensing and registration system. The bill will enable up to 200 licensing and registration systems to be accessed electronically whilst still providing the option for processing through more traditional offline methods. The benefits to business are clear. The system provides a single entry point that will deliver a more efficient, convenient, customer-focused way for business to interact with government. But the new business licensing system provides benefits beyond business. It will also increase consumer protection.

The bill will facilitate a more secure system for verification of information provided by people applying for and renewing licences or registration. I understand that currently only a couple of licensing authorities can

check information provided by applicants against source databases such as education and training providers and criminal history databases. This gives an opportunity for a dishonest person to provide an authority with a fraudulent paper document that might describe a qualification that the person does not have, or allow a person to claim a right to a licence for which that person is not eligible.

The bill provides the opportunity for the development of third-party verification using technology to allow agencies to check information provided against source databases to ensure that the information provided by applicants is accurate. This will help to ensure that licences are only issued to people who are entitled to them, and that dishonest and inaccurate applications are detected and dealt with. Consumers will be able to more easily verify, and therefore have increased confidence in, the accuracy of the licences of those they are dealing with. The purpose of a licensing and registration system is to ensure that the community enjoys a decent standard of service, safety and accountability.

The new business licensing system, and this bill, retain a central role for the licensing agencies that have the expertise and experience to best determine these standards and to identify the relevant qualifications to achieve them. The bill in no way interferes with their role in determining what types of licences should be issued and who should be eligible to hold them. Rather, it will facilitate an innovative technological solution to enable them to do their job better and to make it easier for businesses and individuals to interact with them.

Finally, the Government recognises the right to privacy of all citizens. A privacy impact assessment has been undertaken to ensure compliance with the relevant legislation. In addition, Privacy New South Wales was involved in the consultation process that took place prior to the introduction of the bill, and the Government licensing project team will continue to consult with the Privacy Commissioner as the systems are developed and implemented. The Licensing and Registration (Uniform Procedures) Bill will facilitate the modernisation of the New South Wales licensing system, which will deliver significant benefits for government, business and consumers. I am pleased to support the bill and I commend our excellent Minister for Information Technology on yet another example of leadership in the use of IT to make government more efficient, effective and accessible.

Ms SEATON (Southern Highlands) [8.34 p.m.]: I join my colleagues in supporting the Licensing and Registration (Uniform Procedures) Bill and take this opportunity to ask the Minister to look at a very interesting issue that I was made aware of—as I am sure many other members were—via an email from a gentleman who, for a variety of reasons not of his own making, is unable to participate in what is effectively a revolutionary change in our lives and businesses through information technology [IT]. The honourable member for Swansea spoke of the need for standards of service, safety and accountability and about the ease with which businesses and individuals can interact with government on licensing procedures. Those things are great and need as much effort as possible to be implemented in the community.

However, the gentleman who emailed me and others—I know one Government member and another Opposition member who have responded to him—has outlined a situation where he falls through the cracks of the system. He finds it difficult to interact on any of these high-tech platforms or, indeed, in many other business transactions that he faces daily. He was born in Queensland and has been living in New South Wales since 1993. He suffers from epilepsy and, as a result, chooses not to drive a car and, therefore, has never sought to get a photo licence. Of course, photo licences are necessary for a range of transactions unrelated to driving. He outlined a number of cases in which his lack of a photo licence caused problems for him. He said he needs photo identification when he deals with most government departments and when he tries to open and close bank accounts. When he purchases an e-ticket and then goes to pick it up at the airport, he needs to produce some sort of photo identification.

He was even placed in the unfortunate situation of being listed as a missing person for a weekend because of some miscommunication. His family was unsure if he had used his ticket and the Qantas computer had no details, so Qantas told NSW Police and he was listed as a missing person for a couple of days. This must have been a distressing experience for him and his family. He talks about going to collect prebooked show tickets and being unable to prove who he is. Whilst we all welcome in many ways the benefits the IT platform provides and the things we are trying to achieve in making government more accessible, a number of people, for many practical reasons, simply fall through the cracks and find these things difficult. I have not met the gentleman except over the Internet, but I would like us all to take note of cases like this and try to find ways to solve day-to-day practical problems for people in these situations.

Mr HICKEY (Cessnock) [8.38 p.m.]: The Licensing and Registration (Uniform Procedures) Bill is the first legislative step in a significant government initiative to provide business and occupational licensing online.

Currently there are 1.5 million business and professional licences held in New South Wales, and each year around 600,000 people apply for or renew licences by post or over the counter. By providing a systems approach to licensing regimes across New South Wales this bill lays the foundation for the implementation of the Government's \$32 million connecting dot business project. This major government initiative aims to provide an online one-stop shop for businesses and occupational licensing in New South Wales. This is good news for business, particularly for small businesses and businesses in rural and regional New South Wales.

Owner-operators will have more time to run their businesses. Take an individual home building contractor, for example. A typical contractor might need to hold a combination of sublicences, such as for general building, roof tiling, bricklaying, formwork construction, carpentry and joinery, frame and truss erection, and wall cladding, as well as ensuring he has proper compliance with WorkCover, workers compensation and industrial relations regulations. When the new business licensing system is operational, business operators will be able to conduct licence transactions over the Internet. That will save money, cut red tape, improve convenience, and result in substantial time savings, particularly when dealing with one or more agency.

In the past, most businesses would have to visit multiple offices or write several letters to conduct their business with the Government. In contrast, the new system will enable them to renew their licence or business name, or advise of changes in the particulars online from their home or office at any time, day or night. This is particularly good news for rural and regional businesses. This is a huge undertaking, a four-year project, but users will start to enjoy the benefits sooner rather than later. Online business name renewals will be available to the State's 1.5 million business and professional licence holders by next February. In addition, 9,500 licence holders in specific trades will be able to start renewing their licences.

Motor dealers, employment agents, travel agents, pawnbrokers and second-hand merchants will be able to renew their licences over the Internet by early next year. Possibly the largest group of potential users will be the State's 1,488 travel agents, who already conduct much of their business online. Another potentially big user group in the initial phase is motor dealers, who can have multiple licences for the eight different types of activity they are permitted to undertake. For instance, a proprietor who holds licences as an auto dismantler, parts reconstructor and wholesaler will benefit by being able to transact all of those licences online. This is an exciting initiative with real benefits for small business. I am pleased to support the bill, which is fundamental to the implementation of the project.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [8.42 p.m.]: I am pleased to support the bill, and I commend the Minister for his continued commitment to using information technology to make the Government more efficient, effective and accessible. There is no doubt that right across New South Wales, whether in the Sydney central business district, Newcastle, or regional or isolated rural New South Wales, the use of information technology is becoming more and more important in the conduct of business and the economic and social connection between people. The Licensing and Registration (Uniform Procedures) Bill is a very important initiative, and I congratulate the Minister on it. It will enable a single IT system to be developed to manage the licensing procedures, business and occupational licences in New South Wales.

The system is the result of the New South Wales Government licensing project, which planned and developed a single system to manage approximately 200 different licence types that are managed by 28 licensing agencies. They are currently administered under separate legislation, which provides different requirements across the various licence types for processes such as applications. Much of the legislation contains provisions that would prevent transactions from being conducted online, such as requirements for two signatures or statutory declarations. In introducing the legislation, the Minister is streamlining the whole process, giving people much better access, and giving businesses the opportunity to involve themselves in the transactions. He is also meeting the requirements of government in a very much more efficient system that diminishes the use of red tape, and facilitates not only commerce but the connection between various licensing agencies and the business community.

The bill will remove barriers to online transactions, which may be inherent in existing licensing legislation. It will provide a consistent legislative framework to enable the development of a generic IT solution, which will provide improvement and consistency in customer service across government. It will also facilitate future changes. For example, the administrative procedures and the system will already be in place for new licences. It is very much an important part of the Government's approach to facilitate business, make connections between business and government much more efficient and provide a faster more efficient service to business across New South Wales. I certainly commend the Minister for bringing this matter to the House. It involved an enormous amount of planning and co-ordination to bring all government departments and agencies online. Some years ago I participated in a review of the Threatened Species Conservation Act.

Mr Fraser: So did I.

Mr GAUDRY: One of the things that struck me at that time, and I know it would have struck the honourable member for Coffs Harbour opposite, was that an enormous mass of information was available across government departments and the business community, but there was no real mechanism to bring it together, to facilitate the interchange or co-ordination of material. As part of his responsibility for information technology, the Minister has taken great steps to facilitate that transfer of information. I congratulate the Minister on his efforts, and I am sure the honourable member for Coffs Harbour joins me in that. The Minister is aware of the need for the regional and rural business community of New South Wales to have access to, and the ability to transfer, that information to remit licences quickly. The Minister is doing that.

Mr Fraser: But he won't guarantee timber supplies to the timber industry.

Mr GAUDRY: I notice that the honourable member for Coffs Harbour continues to rail against the very effective administration by this Minister of not only information technology but also forestry. He has expended an enormous effort, and been successful, in bringing into the twenty-first century the conservation and security of the timber supply. It is another example of the good governance of this State, facilitated by the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney. I commend the bill to the House.

Mr McBRIDE (The Entrance) [8.48 p.m.]: I also support the Licensing and Registration (Uniform Procedures) Bill. The Government has approved the development of a New South Wales licensing system that will provide a single IT system to administer licensing processes across New South Wales government agencies, to augment existing mail and counter processes with an online means to apply for, renew and pay for licences, to obtain information about licence holders held in licensing registers, and to apply consistent processes in the way that licences are administered and enforced, so far as possible, in the interests of good practice and to the benefit of customers.

In another life, when I was Parliamentary Secretary to the Minister for Public Works, we tried to introduce an IT system across the whole administration of the New South Wales Government. Although I commend the Minister, there was a silo mentality within each Government organisation; they wanted to isolate themselves and not have an integrated system. I am not sure of the reasons, but it goes with the territory of public servant mandarins: they like to keep their organisations separate. They do not like crossovers into their organisation by other organisations, government instrumentalities or departments.

There was enormous conflict in regard to trying to push what the Minister has managed to achieve among New South Wales government departments. It was interesting to note that when we visited Canberra we found that the Federal departments had bigger problems with respect to uniformity of information technology systems within their departments. Every government department was isolated: the Foreign Affairs department could not communicate with Treasury, which could not communicate with Commerce, which could not communicate with the Attorney-General's Department. The Federal Government set up an information technology division and wrote a blueprint to try to achieve the outcomes that are part of this legislation.

I saw from those discussions how difficult it was to achieve this outcome. Notwithstanding that, each individual organisation endorses the goals of the legislation because it allows people to go to a kiosk and from there use the information technology equipment and access whatever information they need throughout the government system. This is important legislation for the consumer, that is, the user of the information outside the public service. Often when people are seeking information within government organisations it becomes a nightmare to transfer information from one organisation to another because the information technology equipment, the systems or the software are incompatible.

The Government has recognised all of this and has further decided that the licensing system will be introduced in phases, and that is appropriate. With information technology, problems will result when systems are implemented all at once. This proved to be the case with the introduction of information technology and radio communications systems in the emergency services, police and other emergency organisations. Information technology systems must be introduced phase by phase. This bill, which deals with phase one, provides that the online lodgment of renewals for the following licences administered by the Department of Fair Trading will be implemented by the enhancement of legacy systems: business names, motor dealers, pawnbrokers and second-hand dealers, employment agents, and travel agents.

These days almost all business done by travel agents is online, and I know from my own inquiries that people can access almost any information. However, the public must have access to this information and they

need a compatible system. During phase two, the new licensing system, which will incorporate consistent processes, will be introduced initially for all licences administered by the Department of Fair Trading, and subsequently in a staged manner for licences administered by the Department of Gaming and Racing, Health Professionals Registration Boards, the New South Wales National Parks and Wildlife Service and the WorkCover Authority. The licensing system will then be implemented in the 23 remaining licensing agencies following an analysis of their functionality requirements against the system.

In conclusion, I commend the Minister for what he has done with information technology. It is a challenging area that changes every day. I have a young son who is writing software for new programs and it is moving at hyperspeed all the time. That is why phasing in the implementation is so important. If implementation is not phased in, we will end up with old technology and without the processes to update as new technologies come on line.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [8.55 p.m.], in reply: I thank honourable members representing the electorates of Swansea, Cessnock, Newcastle, The Entrance, Ku-ring-gai and Southern Highlands for their contributions to this interesting debate. At least members on this side of the House knew what they were talking about, in stark contrast to the contributions by Opposition members. The honourable member for Ku-ring-gai indicated that the Opposition is not opposing the bill. One assumes that means the Opposition is in support of it. However, the honourable member for Ku-ring-gai waxed lyrical for some time about Multimedia Victoria or at least what occurred in Victoria under the Kennett Government, and said it was far more advanced than our system in New South Wales.

That shows a lack of understanding by the honourable member for Ku-ring-gai in that this initiative under the Licensing and Registration (Uniform Procedures) Bill is way beyond anything that Multimedia Victoria did under Premier Kennett. Multimedia Victoria at that time was not within a bull's roar of what is occurring here. Multimedia Victoria under the then Treasurer and Minister for Multimedia, Alan Stockdale, certainly put some transactions on the Internet—and I acknowledge that they did that reasonably early. However, we like to take the view in New South Wales that we are at the leading edge rather than at the bleeding edge, and that is exactly what occurred in Victoria. Alan Stockdale put in place a system through a consultant—for want of a better term, he outsourced the project—and Multimedia Victoria at that time under Jeff Kennett paid a motser for the front-end delivery of services that at the end of the day were not all that great.

We in New South Wales adopted a similar approach to ensure that our citizens could access the Internet and via that access a whole range of government services, but we did it by and large within government—and it did not cost us anywhere near the amount of money it cost Multimedia Victoria at that time under Premier Kennett. We said we would have all appropriate services online by the end of 2001, and I am delighted to say that we did that. There are some 1,700 services that the citizens of New South Wales can access via the Internet when seeking information from the New South Wales Government. We did that at a fraction of what it cost Multimedia Victoria under Jeff Kennett.

The honourable member for Ku-ring-gai said that our electronic service delivery program was hollow. I do not know how he can say that when we have 1,700 services online involving a rich array of services dealing with the New South Wales Government. Indeed, the New South Wales Government is at the forefront or equal to any other government in this country with respect to electronic service delivery. The underlying concept of the bill is very exciting indeed. Originally we put information on the Internet, as many providers or participants were doing, as part of phase one. Phase two involves more substantive transactions in which people can come online and undertake more interaction with the Government, make payments, and receive service delivery online. Phase three, which is the most challenging stage, is to remodel processes in order to ensure efficient delivery of services over the Internet.

Those first two phases were about creating a front end for what could be regarded as traditional government services. We are now moving with this program into the innovative area of remodelling—or "re-engineering" as it is called in the industry—the back end. This is a four-year program that offers both a great challenge to the Government and a great benefit to the people of New South Wales. Not only will people be able to go online and interact with the Government when applying for and renewing licences in a whole range of areas, but we will re-engineer the back end to create more efficient and effective government. That is the exciting underpinning to this bill and the future for this type of area in the twenty-first century.

This approach contrasts starkly with that of the Opposition, which has no understanding of this issue—as members opposite demonstrated in the Chamber tonight. For example, the honourable member for Southern

Highlands referred to the problems that people will have identifying themselves to various institutions and agencies if they do not hold a driver's licence. That is certainly a valid issue, but it does not turn on this bill in particular or on technology generally. That matter must be dealt with more widely in terms of people's ability to identify themselves effectively; it is not a technology issue.

The honourable member for Ku-ring-gai added to the dearth of knowledge on the Opposition side by remarking to a Labor member as he left the Chamber that the Internet was not invented until the Greiner Government left office. I am afraid that he is incorrect in that statement. The Internet was invented in the 1960s in the United States of America when the US defence agency sought to create a circular network that would continue to communicate if any portion was knocked out. I think the honourable member for Ku-ring-gai was referring to the worldwide web, which emerged in the late 1990s—about 1996—as a new way of accessing the Internet by using hypertext mark-up language that allowed information to be posted in a generic manner that was platform neutral for computers. This innovation allowed the world wide web and its physical infrastructure, the Internet, to operate in a new and important manner and launched the world information revolution.

The New South Wales Government certainly stays at the forefront of that information revolution, despite the recent dot com shake-out, or tech wreck, as a result of falling share prices on the NASDAQ. That is a minor aberration caused by people becoming too excited and overinvesting in that area initially. However, the roll-out of the information revolution continues unabated and will change our lives in unprecedented ways in the immediate future. This Government is not ignoring these changes. Unlike the Opposition, it is not hiding and pretending that this technology does not exist. The New South Wales Government stands proudly with leading participants and alongside any other government in the world that is at the forefront of the information revolution. The Licensing and Registration (Uniform Procedures) Bill will ensure that we stay at the leading edge, not the bleeding edge, of the information revolution. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Aquilina agreed to:

That standing and sessional orders be suspended to permit 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:

Western Lands Amendment Bill
Financial Services Reform (Consequential Amendments) Bill
Young Offenders Amendment Bill 2002

WESTERN LANDS AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AQUILINA (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading) [9.06 p.m.]: I move:

That this bill be now read a second time.

The Western Lands Amendment Bill represents the most important and historic package of reforms to the management of the Western Division to come before this Parliament in the more than 100 years since the enactment of the Western Lands Act in 1901. The bill will enable a system of legal roads to be established, together with legal access to all rural properties. It will replace the outmoded rental system with a new scheme that is more equitable and simpler to administer. It will establish a broadly based advisory council to advise the Minister on matters affecting the Western Division. In addition, the bill contains many other reforms that will introduce greater efficiency and flexibility into dealings with, and management of, western lands leases.

In the past century the Western Division has changed a great deal, but the legislation underpinning its management has lagged behind. The result has been that social and economic opportunities for western lands residents and visitors have been unnecessarily restricted. This bill is designed to remedy that situation. The

Western Division is that part of the State situated to the west of a line running from the Victorian border near Balranald to Mungindi in the north, and covers 42 per cent of New South Wales. The division is special in many ways and its people have a distinct identity. It is sparsely populated, with few towns and cities. Rainfall tends to be low and unreliable. Scientists classify much of it as rangeland, but its semi-arid ecosystems have important biodiversity and other conservation values. A significant portion in the north-west, known as the unincorporated area, does not have sufficient population to support its own local government.

The principal land use since the area was opened to European settlement in the nineteenth century has been sheep grazing. No region has been more sensitive to the vicissitudes of wool prices, which, I am pleased to say, have recovered after many years of serious depression. However, the long-term trend for wool, like most other community prices, will probably continue to be downward. Economic development in the division has tended to occur in other farming activities, and in tourism and recreation. In recent years there has been increased use of dryland and irrigated agriculture, particularly along the rivers, in the north-east and along the eastern and southern margins of the division.

The differences in climate and landscape across the division are reflected in the range of average rural property sizes. It ranges from 5,000 hectares in the Wentworth and Carrathool local government areas to 54,000 hectares in the unincorporated area. The total area of grazing leases is approximately 30 million hectares, which includes 883,000 hectares of land where cultivation permits are in force. The total area of agricultural leases is approximately 337,000 hectares. Another special feature of the Western Division is land tenure. Like rangelands in other States and overseas, 95 per cent of the division has been retained as Crown land with pastoralists holding leases in perpetuity rather than freehold title. These lands have been administered since 1901 under the Western Lands Act.

This bill will give effect to proposals arising from the Western Lands Review undertaken by a team led by the Honourable John Kerin between 1998 and 2000. My predecessor, the Hon. Richard Amery, announced the independent review of Western Division legislation and administration on 11 March 1998. The review team, chaired by the Hon. John Kerin and assisted by consultants, undertook an extensive public consultation process over an 18-month period. The first round of public consultation identified issues impacting on long-term sustainable management of the Western Division. The outcomes of this consultation resulted in the review team preparing an options paper, "Improving the Western Division: Have Your Say", published in August 1999. Drawing on the public responses to the options paper, six independent consultancy reports and meetings with more than 400 stakeholders, the review team prepared its Western Lands Review Final Report. The report, which was released in March 2000 for a five-month feedback period, made 57 recommendations, and attracted a total of 216 submissions.

This bill gives effect to many of the final report's recommendations. It will be clear to honourable members familiar with the final report that the Government has not adopted all of Mr Kerin's recommendations. For example, we did not see sufficient merit in the proposal for wholesale legislative and institutional change. The bill's key elements include new modern objects; measures to facilitate the progressive establishment of a public legal road network; the creation of legal access to all rural landholdings through a system of easements; the establishment of a broadly-based Western Lands Advisory Council; a new system for setting rents for western lands leases; the repeal of redundant, archaic and overly restrictive provisions; the removal of the current bar on the conversion to freehold of leases for agriculture and similar leases; measures to enable greater flexibility in tenure and lease purpose arrangements, including sub-leasing; introduction of licence and lease forfeiture provisions consistent with those of the Crown Lands Act; and an extension of the powers of delegation that may be exercised by the Minister and the Western Lands Commissioner under the Act.

Clause 3 of the bill is a formal provision giving effect to the amendments to the Western Lands Act 1901 set out in schedules 1, 2, 3 and 4. The principal focus of the bill is putting the legal infrastructure in place to improve legal access across the Western Division. This is the most critical issue for most stakeholders. The bill will amend the Western Lands Act to enable cost-effective implementation of a legal road and easement access network. The need for this bill cannot be understood without reference to the history of access arrangements in the Western Division. From the time of the commencement of the Crown Lands Alienation Act 1861, the former Department of Lands adopted a policy, when subdividing Crown lands for sale or lease in the Eastern and Central Division, of ensuring that each parcel intended for separate occupation would as far as practicable be serviced by land reserved as a road. However, this policy was not routinely followed in the Western Division, and settlers used a series of undefined tracks to provide a practicable means of access through the division.

In many cases these tracks remain in use today, although most have never been formally opened by the Crown as public roads or dedicated to the public. Currently, few roads within the division have been properly

established by being formally removed from leases and gazetted as public roads. This applies even to main transport routes such as sections of the Silver City Highway. No legal access has been created for the great majority of the 5,000 rural leases within the division. The current system of access is far from satisfactory for a number of reasons. First, there is uncertainty about the public's right of access through leases and to places of interest. This acts as a break on the development of the tourism and recreation industries. Second, there is the problem of legal liability should a road accident occur. Third, many lessees can only reach their properties by crossing neighbouring properties, and there is the potential for access to be obstructed when disputes between neighbours arise. Fourth, in the absence of an official legal system of roads, land-holders have little control over who enters and crosses their land, a situation that threatened the safety and security of their families.

Western lands lessees and other interested parties have quite reasonably expressed dissatisfaction at a system of access that they consider as uncertain, unsafe and associated with unknown legal liability. This was reflected in the findings of the Western Lands Review. Schedule 1 makes amendments to the Act to provide for the establishment of public roads and rights of way. It would be possible to create legal roads and easements using existing legislation. This would entail acquisition of roads under the Roads Act, pursuant to the Land Acquisition (Just Terms Compensation) Act 1991. However, because the task entails the provision of roads and easements for some 1,500 individual land-holdings comprising approximately 5,000 leases, proceeding under existing legislation and processes would be an administrative task of enormous proportions.

To illustrate the size and complexity of this task, the 271 kilometres of the Cobb Highway between Wilcannia to Booligal passes through 30 leases. It is estimated that the administrative and legal costs associated with using existing legislation would be in the order of \$10 million. This bill contains an alternative legislative scheme that empowers the Minister to compulsorily acquire land needed for roads without complying with the pre-acquisition provisions of the Land Acquisition (Just Terms Compensation) Act and without the payment of compensation. The estimated administrative costs for this scheme are only a quarter of those that would be involved if the existing legislation were relied upon. It would not be appropriate for compensation to be paid to land-holders affected by the creation of roads. The roads already exist in a physical sense, and lessees will be net beneficiaries of the creation of a legal roads system.

As a matter of administrative policy, decisions to designate routes as public roads will be made only after consultation with local government, lessees, the Roads and Traffic Authority [RTA] and other interested parties. It is proposed to identify those routes that provide essential linkages between towns and other popular locations and create them as public roads. Maintaining the roads will become the responsibility of local government, where they lie within a local government area, or the RTA, where the roads lie within the unincorporated area. It is not anticipated that new roads will be physically created.

These thoroughfares are already in use, and it is only the legal entities that will be created. The vast bulk of roads to be dedicated are already maintained by either the RTA or councils. Land-locked land-holdings are properties that have no road access and where current access is through other properties. The most cost-effective way to provide clear legal access to them is to create a system of easements. The creation of an easement rather than a road has advantages for both western lands lessees and the State. Only those people who are authorised under the terms of the easement, that is, the lessees and the lessees' licensees and invitees, are entitled to use the easement. The land, and improvements thereon, remains with the lease and consequently no severance or loss of property occurs. The State does not become liable for the maintenance of the road or for compensation. And the cost of survey and recording the easement title is significantly less than the cost of creating a public road.

The creation of an easement out of the leasehold interest will not affect any native title rights and interests. In the case of the easements, compensation would certainly not be appropriate, as easements will be created only with land-holders' agreement, and land-holders will be the principal beneficiaries. In implementing this scheme the Government will endeavour to maximise the creation of easements to deal with lease access issues. This will have the advantage of minimising the burden on local government councils, which do not have the resources to maintain a more extensive road network. The legislation also provides that where lessees are in dispute over the creation of an easement the parties may take the issue to the local land board for mediation. Tracks that are not required to serve public or lessee access requirements will become private routes accessible to the land-holder only. As public roads and easements are gazetted, the current "open access" provisions in the Act and in western lands leases will be progressively withdrawn.

Proposed section 35U enables a dispute over a proposal to create or release an easement to be referred to a local land board for mediation. Participation in mediation proceedings is to be voluntary. The parties to the

proceedings are to bear their own costs. Evidence in the proceedings is to be inadmissible in other proceedings, and the local land board and the parties are to have the same protections and immunities as apply to civil proceedings before a Local Court. Schedule 2 deals with the proposed Western Lands Advisory Council. Although the Government decided not to adopt the more radical institutional changes proposed by the western lands review, it did support the recommendation that the Minister should be advised by a broadly based statutory advisory body.

The proposed Western Lands Advisory Council [WLAC] is similar in its functions and breadth of membership to existing advisory bodies established under the Water Management Act 2000 and the Native Vegetation Conservation Act 1997. It will replace the administratively created Western Lands Advisory Board. The bill establishes a Western Lands Advisory Council comprising specified individuals and representatives of groups who have an interest in the Western Division. It sets out the principal functions of the Western Lands Advisory Council, which are: to advise the Minister on matters relevant to the objects of the Act, and to advise the Minister on matters affecting the administration of the Western Division, and to consult with persons and bodies having an interest in any matter affecting the administration of the Western Division.

Further provisions relating to the constitution and procedure of the Western Lands Advisory Council are set out in proposed schedule 5. The 14 members comprise: an independent chairperson; four people representing lessees in the Western Division, with two to be nominated by NSW Farmers Western Division Council, one to represent Pastoralists of West Darling, and one to be non-aligned; a person representing the interests of environment protection groups; two people representing local councils; a person representing catchment management boards; two people representing the interests of Aboriginal people, the Western Lands Commissioner; a person representing the Minister for the Environment; and a person representing the Minister for Agriculture.

As recommended in the western lands review, the bill establishes a completely new system for setting and periodically adjusting rents. The existing rental system is anomalous, subjective, inequitable and out of date. The inequity is demonstrated by the fact that some land-holders are paying up to 30 times as much rent as their neighbours for the same land use on similar land. These anomalies arise, in part, from a system that sets rent on leases for agriculture and leases for grazing in different ways. For example, rent on leases for agriculture is set at 2.5 per cent of "capital value", which is about 1.5 per cent of land value per annum. By contrast, rent on leases for grazing is related to the sheep-carrying capacity of the lease, and the average rent on a grazing lease is equivalent to only 0.6 per cent of land value per annum.

Nevertheless, the holder of a grazing lease may, for a fee, obtain a cultivation permit that allows the farmer to undertake similar activities to those undertaken by holders of an agricultural lease, yet for a much lower rent. An alternative system has therefore been devised. I am pleased to report that it has been developed in conjunction with, and is supported by, the NSW Farmers Association and other pastoral and local government interests in the Western Division. Under the new system, rent will be set by a formula that reflects both the environmental impact, and the profitability of different land uses, and will be calculated on an enterprise basis, rather than on individual leases. It will achieve this outcome by basing rent on both land use and land area.

I will now briefly outline how rents will be calculated. There will be a base rent applying to the entire land-holding, regardless of land use. The base rent will be set on a sliding scale so that a lower weighted average per hectare charge applies to larger land-holdings. This is in recognition that many of the largest grazing properties are on the least productive land in the north-west of the division. Where lessees use some or all of their farms for cultivation and/or intensive agriculture, then additional higher charges would apply to these areas. The unit charges for these land uses would be higher than the base rent. These charges would represent premiums for land uses that impose greater "wear and tear" on the environment.

In cases where a portion of a land-holding is specifically managed to achieve a positive environmental outcome, then a "managed rehabilitation rebate" would apply. The rebate would be set at a level equivalent to the cultivation rate. Eligibility for the managed rehabilitation rebate would be determined by the Western Lands Commissioner, in accordance with principles prepared by the Western Lands Advisory Council and approved by the Minister. To cover the costs of lease administration a minimum rent for each enterprise will apply. Rents will be adjusted annually, based on 50 per cent of the movement in the Australian consumer price index. Overall, the new rental system will be revenue neutral. The total revenue generated in the first year by the new rental regime will approximate the total rebated rental revenue under current arrangements. This, in effect, continues the 50 per cent rebate that has applied since its introduction in 1994 by the former Government.

I turn now to modernisation and miscellaneous amendments. Schedule 3 contains miscellaneous amendments. A modern objects clause, based on the principles of ecologically sustainable development, is

proposed to be inserted into the Act. The proposed objects of the Act are to establish an appropriate system of land tenure for the Western Division; to regulate the manner in which land in the Western Division may be dealt with; to provide for the establishment of a formal access network, by means of roads and rights of way, in the Western Division; to establish the rights and responsibilities of lessees and other persons with respect to the use of land in the Western Division; to ensure that land in the Western Division is used in accordance with the principles of ecologically sustainable development referred to in section 6 (2) of the Protection of the Environment Administration Act 1991; to promote the social, economic and environmental interests of the Western Division; and to make other provision for the effective integration of land administration and natural resource management in the Western Division.

It is proposed to extend the delegation powers of the Minister and the Western Lands Commissioner so as to enable them to delegate their functions to public and local authorities. This power will allow the Western Lands Commissioner to transfer the administration and rental income of urban and residential leases to a local council with its consent. This is in line with the western lands review recommendation that urban leases and planning functions should be transferred to local government. Also consistent with the recommendation of the western lands review, the Government has adopted a policy of encouraging the holders of residential and business western lands leases within urban areas to convert their leases to freehold. This policy is designed to free the Western Lands Commissioner and the Department of Land and Water Conservation from the burden of administering urban leases that provide little income and are in public ownership for historic reasons only.

I now turn to reforms in land tenure and lease purpose. The bill includes measures to relax unnecessary restrictions that currently apply to transfers and other dealings with respect to lands held under a western lands lease, and to enable greater flexibility of lease purpose arrangements. It is proposed to amend the Act to streamline the process for sub-leasing, consistent with the purpose of the lease. The new section prohibits the transfer of land held under a western lands lease except with the consent of the Minister, but for small residential and commercial blocks, the Minister can waive this requirement. Currently, the Minister's consent is needed for all dealings in respect of land held under a western lands lease.

The bill provides for the Act's lease forfeiture provisions to be simplified and consistent with those of the Crown Lands Act 1989. This will be effected by amending schedule B so as to adopt the provisions of the Crown Lands Act 1989 with respect to the forfeiture of leases. Consequential amendments are made by schedule 3, including the substitution of section 18 in a simplified form. Currently, the holder of a western lands lease can convert the lease to a purchase only if the land is used for residential, business, motel or similar purposes.

The bill will amend the Western Lands Act to allow applications for conversion to freehold title of leases for agriculture, and similar leases, to be considered on a case-by-case basis, and where the proposal is ecologically sustainable and there is a clear public and economic benefit. Native title is not a barrier to conversion with leases for agriculture created before 1996, as the Commonwealth Native Title Act 1993 recognises that this type of lease has extinguished native title. The bill amends section 28BB so as to extend the range of purposes to include agricultural and community purposes, subject to appropriate protection of native title interests, so that the only land not able to be converted in this manner will be land the subject of a lease for grazing or pastoral purposes.

A similar amendment is made to schedule B in relation to the purposes for which land in the Western Division may be sold pursuant to the adopted provisions of the Crown Lands Act 1989. The bill amends schedules B and D, which relate to the conversion of leasehold land, to ensure that the sale or conversion will proceed only if the Minister is satisfied that the use of the land concerned for the purchaser's proposed purpose is ecologically sustainable. The bill makes provision for the creation of licences for public purposes such as telecommunications and other infrastructure.

The provisions are similar to those contained in the Crown Lands Act. Currently, the maximum area of land that can be withdrawn from a lease for public purposes is 80 hectares. It is proposed to amend section 43B so as to remove this limit, which is arbitrary and may not be sufficient for pipelines, communications facilities, and similar infrastructure. It is further proposed to amend schedule B so as to enable the Minister to grant a licence over land the subject of a western lands lease pursuant to the adopted provisions of the Crown Lands Act 1989, but only with the consent of the holder of the lease.

Other minor amendments include an amendment to section 35N so as to extend the range of matters for which the Minister can enter into an agreement under that section; an amendment to schedule A so as to update certain references relating to noxious weeds; an amendment to schedule B so as to extend the operation of the

adopted provisions of the Crown Lands Act 1989 with respect to easements over Torrens title land and land the subject of a lease in perpetuity; and an amendment to schedule D enabling a more flexible approach to be taken to payments made in relation to land being purchased. This will facilitate the conversion of urban and business leases.

The bill also amends schedule C so as to enable regulations of a savings or transitional nature to be made in connection with the proposed Act, and enacts specific savings and transitional provisions in connection with the proposed Act. Schedule 4 makes amendments by way of statute law revision. The proposals outlined in the bill represent an historic package of reforms that will bring up to date many aspects of western lands management and administration. The improved flexibility and efficiencies that this legislation will achieve will have a marked positive impact on the rural communities of western New South Wales.

They will modernise the Western Lands Act and make it more flexible to enable the Minister and commissioner to deal with needs and socioeconomic changes that were not foreseen when the Act was drafted more than a century ago. Rural communities are keen to see resolution of access issues in the Western Division. The proposed access measures will increase family security, particularly families living in isolated homesteads in western lands leases. The formalisation of public roads and easements will give lessees a greater capacity to regulate public access to and across leases. The uncertainty regarding legal liability for motor vehicle accidents on public roads will also be resolved.

The new rental system will be more equitable and flexible for land-holders, and simpler and cheaper to administer. It breaks away from the cumbersome complexities and inequities of the current model, and sensibly links rents to the environmental impacts of land uses. The bill will remove or reduce government ownership and control of land when this is no longer in the public interest, such as with residential and business properties in urban areas, and in the case of sustainable agricultural leases. The bill will also allow greater flexibility in dealings involving leased Crown lands, including sub-leasing, licensing and in the provision of public infrastructure.

Finally, the bill will establish a broadly based body to advise the Minister, and remove a number of archaic and redundant features of the Act. This is a worthwhile and well-balanced reform package that will be welcomed by the Western Division community. I thank all those who participated in the public consultation of the drawing up of this bill. I thank particularly the honourable member for Murray-Darling for his singular contribution to bringing this bill into being. I commend the bill to the House.

Debate adjourned on motion by Mr D. L. Page.

FINANCIAL SERVICES REFORM (CONSEQUENTIAL AMENDMENTS) 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) [9.39 p.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to amend State Acts and regulations which are affected by changes made to the securities and futures industry provisions in the Commonwealth corporations legislation by the Commonwealth Financial Services Reform Act 2001 and Financial Services Reform (Consequential Provisions) Act 2001. Honourable members will recall that last year New South Wales and other States referred powers to the Commonwealth which enabled the Commonwealth to enact national corporations legislation. The referral of powers overcame difficulties which had arisen as a result of certain legal challenges and High Court decisions in 1999 and 2000. The enactment of national corporations legislation has given Australia an effective, uniform system of corporate regulation.

Prior to enacting national corporations legislation, the Commonwealth had been developing a package of reforms in relation to the regulation of financial services in Australia. Introduction of these reforms was delayed pending finalisation of negotiations on the referral of power and the enactment of national corporations legislation. Last year, with the agreement of the States and the Northern Territory, the Commonwealth enacted the Financial Services Reform Act 2001 and the Financial Services Reform (Consequential Provisions)

Act 2001. These Acts commenced on 11 March 2002 and reformed the regulation of financial services in Australia by introducing a harmonised regulatory regime for market integrity and consumer protection across the financial services industry.

The financial services reform Acts introduced a single licensing system for all financial sales and advice, and for financial markets and clearing and settlement facilities. The single licensing system covers a wide range of financial products including shares and debentures, derivatives, managed investment products, general and life insurance products—other than health insurance—superannuation products and retirement savings accounts but not credit or consumer credit. A person who carries on a financial services business is required to hold an Australian financial services licence covering all products or a more limited class of products.

In practical terms, the financial services reform Acts substituted a new chapter 7 dealing with financial services and markets, for the previous chapters 7 and 8 of the Corporations Act. The previous chapter 7 contained provisions relating to the acquisition of securities—principally shares and debentures—and the regulation and operation of the securities industry in Australia. It licensed and regulated participants in the securities industry such as dealers, investment advisers and operators of managed investment schemes. It contained also provisions in relation to title to, and transfer of, securities. The previous chapter 8 provided for the regulation of the futures market in Australia and dealt with the approval and regulation of futures exchanges and participants in that industry.

It is necessary to amend references in State Acts and regulations to the old chapters 7 or 8 of the Corporations Act and expressions and concepts that are no longer consistent with the new regulatory regime. For instance, the term "stock exchange" is replaced by "financial market", licensed dealers and investment advisers are "financial services licensees" and insurance agents who were authorised under the repealed Insurance (Agents and Brokers) Act 1984 of the Commonwealth will have to be licensed under the Corporations Act. The necessary changes to State Acts and Regulations are contained in schedules 2 and 3 to the bill. Schedule 2 also contains amendments to the Minors (Property and Contracts) Act 1970 and the Property (Relationships) Act 1984 to make it clear that legal practitioners are not required to give financial advice for which they would need to be licensed under the corporations legislation when they give certificates under those Acts.

As I mentioned earlier, a limited regulation-making power has been included in the Corporations (Ancillary Provisions) Act 2001. This power will be used to make regulations which specify how references in State Acts to provisions of, or terms, concepts or expressions used in the Commonwealth corporations legislation are to be construed when they are amended by the Commonwealth; and to amend references in regulations to such amended provisions, terms, concepts or expressions. This provision recognises the fact that the Commonwealth will continue to amend the corporations legislation and that such amendments may have an effect on the construction of various State Acts and regulations. The regulation-making power enables any necessary consequential amendments to be made by regulation. In conclusion, the amendments made by this bill are technical and are largely consequential on the amendments made by the financial services reform Acts. The Government remains committed to ensuring that Australia has a national uniform and constitutionally secure corporations law. I commend the bill to the House.

Debate adjourned on motion by Mr Hartcher.

YOUNG OFFENDERS AMENDMENT BILL 2002

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) [9.46 p.m.]: I move:

That this bill be now read a second time.

The Young Offenders Act 1997 establishes a scheme that provides an alternative process to court proceedings for dealing with juveniles who commit certain offences through the use of warnings, cautions and youth justice conferences. The Act recognises that underlying social factors contribute to juvenile offending, that children require different treatment by the justice system to adults, that children should generally be imprisoned only as a

measure of last resort, and that children who commit offences should bear responsibility for their actions but require guidance and assistance because of their state of dependency and immaturity.

Under the Act, a child is entitled to be dealt with by way of a warning, caution or youth justice conference if he or she meets the relevant criteria under the Act. For example, the offence must be one that is covered by the Act, and in the case of cautions and conferences, the young offender must admit the offence and consent to being cautioned or conferenced. Very serious matters such as murder, manslaughter, sexual assault and drug trafficking offences cannot be dealt with under the Act and must be prosecuted before a court. Where a juvenile commits a serious offence or repeatedly offends, they should be dealt with the appropriate degree of severity under the law.

A number of studies have provided a strong endorsement of the approach the Government has taken under the Young Offenders Act. As honourable members are aware, the Bureau of Crime Statistics and Research [BOCSAR] recently released a report entitled "Reducing Juvenile Crime: Conferencing Versus Court". The report shows that conferencing can be considerably more effective than the court process in reducing reoffending and in increasing the crime-free period for those juveniles who do reoffend. The report found that the risk of reoffending was almost 28 per cent lower for juveniles who were conferenced than for those who went to court.

Another report released by BOCSAR in 2000 found that young offenders and victims who participated in the conferencing process experienced high levels of satisfaction. More than 80 per cent of victims surveyed as part of the study said they were satisfied with the outcome of the conference and with the way their case was handled by the justice system. The report also found that young offenders who attended conferences accepted responsibility for their offence, felt that the offence they had committed was wrong, understood what it felt like for those affected by their actions, and understood the harm they had caused to the victim. These findings stand as irrefutable evidence of the success of the Young Offenders Act.

However, the Government recognises there are things that can be done to improve the effectiveness of the Act and this is why we are introducing the Young Offenders Amendment Bill 2002. The bill contains a number of important reforms to improve and enhance the current scheme and I will deal with each of them in turn. First, the bill limits to three the number of times a young offender can be cautioned under the Act. If a young offender has already received three cautions, a specialist youth officer will determine, in consultation with the investigating officer, whether the offender should be referred to a youth justice conference or whether the matter should proceed to court.

While young offenders should be given sufficient opportunity to mend their ways, it is recognised that three cautions are sufficient and a more intensive form of intervention may be needed. Given the proven success of conferencing in reducing reoffending, there are cases where conferencing a young offender will produce a better outcome than issuing further cautions. In other cases, prosecuting the young offender before the court rather than further cautions or conferencing will be the most appropriate way to deal with a matter. I am aware that there is a perception among some members of the public that juveniles who repeatedly offend are being treated too leniently under the Act. While the Government does not believe there is strong evidence to support this perception, limiting the number of cautions a young offender can receive should address some community concerns in this regard.

The second reform contained in the bill is a requirement for specialist youth officers, conference administrators and the Director of Public Prosecutions to consult with the investigating officer when deciding whether a young offender should be conferenced. Investigating police officers have first-hand knowledge of the circumstances of the case and it is appropriate that they be consulted. The reform recognises the realities of policing by providing that investigating officers must be consulted unless it is impracticable to do so. Matters should not be unduly delayed because investigating officers are on leave, have transferred or resigned, or are otherwise not available or easily contactable.

The third reform contained in the bill provides that if a conference convenor considers it appropriate, he or she may invite a representative of the young offender's school to attend a youth justice conference. This reform implements a commitment made by the Government arising out of the community, parents and police forum, which was convened by the Minister for Education and Training and the Minister for Police in April. The reform recognises that in certain cases, members of a young offender's school community can make a positive contribution to the conferencing process and the outcome of a conference.

The fourth reform contained in the bill is a requirement for consideration to be given to a young offender's participation in an appropriate program when an outcome plan is being developed at a youth justice

conference. The Young Offenders Act presently provides that an outcome plan developed at a conference may include matters such as the offender making an apology to the victim, the offender making reparation to the victim or the community, the offender participating in an appropriate program, and actions aimed at re-integrating the offender into the community. There are many programs offered by government agencies, community organisations and educational institutions that would benefit young offenders. These programs include counselling programs, drug and alcohol rehabilitation programs, educational and other programs aimed at improving a young offender's prospects, and programs offered through organisations such as a police and community youth clubs.

The Government wants to ensure that young offenders who are conferenced are able to access programs that will help them overcome their offending behaviour. The final reform contained in the bill gives each victim who personally attends a youth justice conference a right to veto any outcome plan proposed at the conference. This Government has a strong record of introducing reforms to recognise and enhance the rights of victims in the criminal justice system. As a result of the reforms introduced by the Government, victims are no longer invisible in the criminal justice system. The youth justice conferencing process gives victims a voice, victims are given the opportunity to explain how the crime has impacted on them and they also have a say in how the young offender should make amends for the harm they have caused.

It is important for victims to be satisfied with the outcome plan proposed at a conference, and for victims to have a right to veto a plan if they consider aspects of it to be unsatisfactory. It is equally important for the young offender to agree to the terms of an outcome plan. Securing the young offender's agreement will mean that the offender is more committed to complying with the plan. The reforms I have outlined are important measures that will increase the effectiveness of the Young Offenders Act and build on the positive results the Act has achieved so far. I anticipate that the Government will propose further amendments to enhance the Act following the completion of a review of the Act by my department. I commend the bill to the House.

Debate adjourned on motion by Mr Hartcher.

COMPENSATION COURT REPEAL BILL

Second Reading

Debate resumed from 28 May.

Mr HARTCHER (Gosford—Deputy Leader of the Opposition) [9.56 p.m.]: The Compensation Court Repeal Bill follows the changes to compensation the Government put through this Parliament in 2001 as part of its stated objective of reducing the cost of workers compensation premiums in this State. When the premiums go out in a few weeks we will see how successful the Government has been in that stated objective. We will continue to watch what happens to premiums for workers compensation, which are a heavy impost on long-suffering small businesses. Changes entrenched in the State Constitution after the referendum held with the State election of 1995 make it impossible for the Government to abolish a court without undertaking a certain process. In a sense, that process ensures that judges remain judges even if their court is abolished.

Accordingly, when the Government took away the Compensation Court through a series of workers compensation legislation enactments the Government was obliged, to comply with the Constitution, to make suitable arrangements for judges of the Compensation Court. It was unable to do what the Hawke Labor Government did in so cynical a fashion in Canberra: when it wanted to get rid of a certain judge it simply abolished the whole court and made no provision for the future of any of its judges. The Australian Labor Party always talks about the separation of powers and the integrity of the judiciary, but acts in a contrary fashion when it suits it to do so. The Hawke Government's exercise was probably the most cynical ever undertaken. That option was not available to the Carr Government. It could not throw the Compensation Court judges out on the street. It had to make arrangements for them. Accordingly, it made arrangements to transfer them to the District Court.

I pay tribute to the Compensation Court judges, who have served this State so well and so impartially over such a long time. They have upheld high standards of integrity and judicial impartiality in the discharge of their functions as Compensation Court judges. The Compensation Court has had a number of names since its establishment under the first workers compensation legislation passed in the 1920s. When I was first admitted as a solicitor the court was called the Workers Compensation Court. Then it became known as the Compensation Court. But it has always been well regarded as a body that dispensed justice fairly while complying with the

objective of the Act, which was to ensure that workers who were injured in actions arising in or out of the course of their employment were fairly and properly compensated in accordance with the regime laid down by the Act.

Those judges are no more. There is only one judicial officer, the Hon. Justice Terry Sheahan, who earns more than the President of the Court of Appeal and more than any other judge in the State, other than the Chief Justice. The other judges are essentially non-judicial. The judicial function and the right to a judicial hearing, which claimants under compensation legislation had for 70-odd years, have all gone by the wayside under the changes introduced by this Labor Government. However, we will not go down the track of re-enacting the great events of June 2001, when, under a shield of police, most Labor members were shepherded into this Parliament so that they would not have to confront the people whom they are supposed to represent—the trade union movement of this State.

I will not recall the great day when the Premier of this State scurried like a rat through the cellars to get into this Parliament, there to stand on the steps of the Parliament and give the two-fingered salute to the trade union movement of this State. They are the people whom he believes he represents and whom he said at annual conferences should have 60 per cent of the vote. Yet when the chips are down he is prepared to treat them with contempt as he did that day in June 2001 when he stood on the steps of the Parliament—after showing such great courage in coming through the tunnels unable and unwilling to even walk past the line of police into his own Parliament. I will not recall that but simply note it on the record.

In acknowledging the work done by the Compensation Court over so many years I will not recall any of the great and famous names—and members opposite know them. They are people who overwhelmingly discharged a fairly difficult job and discharged it with great compassion and great integrity. Now they are simply to be transferred to the District Court irrespective of whether they want to be District Court judges, or whether the District Court jurisdiction is one in which they have any particular experience or knowledge. I have no doubt that their intellectual skills and training as lawyers will equip them well and they will discharge well the job that is given to them in the District Court. But how cynical it is to appoint them to the Compensation Court, which is a highly specialised jurisdiction, then suddenly tell them without any warning or consultation that the court is to be abolished and they are to become District Court judges.

It is a tribute to them that they did not resign in protest, go on strike or take any other form of action, which many other employees of the Crown in similar circumstances would do. They accepted their fate as determined by this Parliament, and accepted it with grace and dignity. It reflects well on them but it is no reflection on this Government, whose idea of reform is simply to deny people the legal right to a judicial hearing and make sure that they cannot get a reasonable range of damages for the injuries they suffer. That is reform à la Carr Government in 2001-02. We wait to see how these reforms demonstrate themselves in reduced premiums in workers compensation, civil liability, health care liability and motor accidents liability insurance.

This Government's idea of keeping premiums down is simply to enter into cosy relationships with insurance companies to bash lawyers and abolish the courts. So much for the once great Labor Party and its ideal of the rights of the injured to a fair go and the rights of all citizens to approach the courts for a determination of their disputes! Accordingly, I indicate that our position on this issue has been consistent and we will not obstruct legislation which has as its stated objective to reduce the cost of premiums. We reserve our right to comment upon the legislation. We reserve our right to ask for the material and the data upon which that legislation is based. We are not interested in standing in its way.

This is the Government; let it govern. It is the body that has been entrusted by the people of this State with the responsibility for ensuring that insurance premiums are affordable; let the Government make them affordable. This is the Government entrusted by the people of this State with the responsibility of protecting the injured, the weak, the lame and the halt; let it demonstrate how it is doing so and let the people judge on 22 March 2002 how the Government has discharged those responsibilities and in what way.

Accordingly, the Opposition will seek neither to oppose this bill nor do I anticipate that we will seek to amend it, as I have said on quite a number of previous occasions. We reserve our rights when the bill comes before the Legislative Council simply because there is, as always, inadequate consultation by this Government. This legislation was introduced late last Thursday afternoon. It was second read, handed out and away we went. There was no opportunity for us to engage in any proper consultation with interested parties. If any matter comes to our notice between now and the time it is debated in the Legislative Council, where it cannot be rammed through so quickly, we will exercise our rights in the Legislative Council. The Opposition will not oppose the bill in the Legislative Assembly.

With regard to subsequent legislation, I also mention the Dust Diseases Tribunal, which continues, I know. I am impressed constantly with the work of that tribunal and the standing and integrity of the judges. I count one, in particular, a personal friend and I have a high regard for him. I know that the honourable member for Cronulla, who is present in the Chamber, will speak about him and his work. I also have a high regard for the devotion to duty shown by the judges of the Dust Diseases Tribunal. They attend the bedside of people who are sick and, in many cases, dying. They care for them and try to ensure that justice is done in each individual case, which is a tribute to them. It must be one of the most rewarding, though tragic, ways in which a judge could discharge judicial duty. They are greatly admired and respected by all who know them. I conclude by indicating that while we do not oppose the bill in this House, we certainly reserve our rights in another place.

Mr KERR (Cronulla) [10.08 p.m.]: This bill is the final act in a tragedy, and the victims of that tragedy are the workers of New South Wales. In 1926 a workers compensation system was put in place in New South Wales which operated very well under governments both Labor and non-Labor. I am certain that Bill McKell would have been shocked by the actions of this Government. Initially, most industrial accidents were self-evident. Employers sought to make payouts as quickly as possible if there was no dispute about the facts or the law. Where there was a dispute about the facts or the law, the matter was best dealt with by a court. That was our legal system, and that applied to workers compensation very successfully. However, in the early 1980s, because of the irresponsibility of the Wran administration, the table of maims was allowed to expand.

However, in order to win votes, there was no corresponding increase in premiums. As devotees of Charles Dickens, such as the Premier, will know, if expenditure does not equate with income, the result is misery. That is what happened in this case. When income did not keep pace with expenditure, premiums started to increase and the Unsworth Government moved to reduce benefits to workers. The Greiner Government restored those benefits and there was a surplus during the Greiner-Fahey years. We now have this legislation, which, as the Deputy Leader of the Opposition said, is part of a scheme. He paid tribute to the decades of work by the court, which has served this State well.

He also mentioned the Dust Diseases Tribunal. I am aware professionally of people such as Judge Johns and Judge O'Meally. The honourable member for Liverpool nods in agreement. The tribunal performs difficult work, such as holding bedside hearings, and I am glad that it is to continue. The tribunal deals with much anguish and suffering but it blends compassion with the law in expediting its hearings. I think all honourable members wish for its work to continue and are happy to pay tribute to the judicial officers who facilitate the tribunal's work. I think there is a coalition between the honourable member for Liverpool and me in that regard.

Mr Hartcher: And the honourable member for Gosford; it is a troika.

Mr KERR: No, the honourable member for Liverpool gets agitated at any mention of troikas.

Mr Lynch: Not agitated, just amused.

Mr KERR: We do not want a trip down memory lane with regard to the honourable member's ideological journey. I will not prolong this debate. This is a significant occasion. I do not believe the desired objective will be achieved, but history and the honourable member for Liverpool will be the judges of that.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [10.12 p.m.], in reply: I thank Opposition members for their contribution to this debate. The House will be aware that major changes to the workers compensation scheme commenced on 1 January 2002. Those changes included the establishment of the Workers Compensation Commission to determine disputed workers compensation matters. The commission will deal only with new claims. The Compensation Court will continue to deal with existing claims as well as coalminers' claims and applications under miscellaneous statutes. The changes to the workers compensation scheme do not apply to coalminers' claims.

The Compensation Court retains its review and appellate jurisdiction under a range of statutes, including the Police Regulation (Superannuation) Act 1906, the Workers Compensation (Dust Diseases) Act 1942 and the Sporting Injuries Insurance Act 1978. The court also has jurisdiction in relation to other statutes, such as the Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987. As at 1 April 2002 the Compensation Court had slightly more than 30,000 existing claims remaining to be resolved. It is anticipated that the court will be able to dispose of the bulk of those matters by the end of 2003. Any claim still pending at

that time will be transferred to the commission or to the District Court, as appropriate. A regulation-making power has been included so that the exact distribution can be finetuned closer to the time, when the extent of any residual workload can be better assessed.

Compensation Court judges will be placed appropriately upon the demise of the court. All judges of the Compensation Court who are with the court on 31 December 2003 will be appointed, by operation of the legislation, as judges of the District Court with their present seniority and status preserved. Their associates will go with them. As 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. I emphasise that the Dust Diseases Tribunal will be otherwise unaffected.

Similarly, the Government will ensure that the needs of Compensation Court staff are attended to properly. At present 166 people work at the Compensation Court and the Dust Diseases Tribunal. The court's management and the department's human resources professionals have been working in consultation with staff to ensure an orderly and phased redeployment of people from the court to other positions. The Attorney General's Department anticipates that many existing staff will find alternative employment within other courts and tribunals. An active education and support program has been put in place to help staff gain skills appropriate to new roles.

As at 31 May 2002, approximately 28,500 existing claims remained to be processed by the court. As I have said, it is expected that the bulk of those claims will be disposed of by the end of 2003. The high pending caseload is the result of the rush of new applications that were filed in the months and days preceding the last day for filing such matters with the court, namely 31 March 2002. In the period from December 2001 to March 2002 alone, 23,357 new claims were filed, including 11,830 in March. By contrast, 5,947 new claims were filed during the same four-month period in the previous year. Nevertheless, the Compensation Court has a well-earned reputation for the efficient disposal of its workload, with an annual clearance rate in the order of 100 per cent—which means that in the past it disposed of as many matters as it received each year. I expect that the court will continue to operate to high levels of efficiency during its final 19 months of existence.

I have the utmost admiration for and pay the most profound tribute to Justice Michael Campbell, Chief Judge of the Compensation Court, and his fellow judges and commissioners who have, like the court staff, operated with high levels of administrative and forensic efficiency in past years. I am sure that they will continue to do so during their remaining time with the court. Despite the obvious stresses and traumas often experienced in circumstances such as those facing the people who work at the Compensation Court, the goodwill of the Government and the operation of this bill's provisions guarantee those staff a secure future and a continuing opportunity to serve the law with the same distinction beyond the demise of the court. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES (FORENSIC PROCEDURES) AMENDMENT BILL

Second Reading

Debate resumed from 28 May.

Mr HARTCHER (Gosford—Deputy Leader of the Opposition) [10.20 p.m.]: The Crimes (Forensic Procedures) Amendment Bill follows on from the Forensic Procedures Act 2000, which essentially introduced the system of DNA testing into New South Wales. That legislation was warmly welcomed and supported by the Coalition. The Coalition did seek to strengthen the bill, as it then was, and moved an amendment in the Legislative Council for it to come back after a period of time so that it could be strengthened. The Government jumped up and down and pretended that the Opposition was somehow opposing the bill, but that was a typical and total misrepresentation of the Coalition's position. Now, in June 2002, the Government itself is bringing the bill back to the House.

The Government claims that the amendments follow on from the report of the Standing Committee on Law and Justice published in February this year. The Government also states that in accordance with the review procedure laid down by section 122 of the Act, it is conducting its own review and that the report is to be tabled

no later than 5 January 2003. However, the report of the Standing Committee on Law and Justice—which is a Standing Committee of the Legislative Council—is ill reflected in this bill. There is very little of it in this amending bill. The Attorney General said in his second reading speech, "The amendments in the bill address a number of the concerns raised in the report." It is really stretching the point for the Attorney to pretend that.

He does not claim that he is actually carrying out the recommendations in the report or implementing them; he says he is addressing the concerns—which is a very vague expression. That is right in this case, because he is not actually implementing the report or carrying it out; he is simply carrying out a number of amendments which he and his department think are worthwhile. In the Coalition's view the major amendments relate to increasing the number of police officers who can order a forensic procedure. That is important. It is important that the police who are involved in the actual investigation—rather than the officer in charge at the police station—determine whether or not a DNA test should be undertaken.

That is certainly a civil libertarian concern and one can understand why it was probably drafted in that way. One can see how it would be obstructive to effective policing if a decision as to a test had to wait for the arrival of the officer in charge, who will not always be there. Secondly, the Coalition believes the amendments relating to persons who may be present at an interview are sensible and necessary. It is quite inappropriate that a person who is suspected of an offence or of being a co-offender should attend at an interview. It is certainly inappropriate that a person who attends the interview as a friend should be allowed to act in an obstructive manner as though they were some form of engaged legal practitioner at the interview. Those matters have the support of the Coalition.

The Coalition has had its own relationship with the police, and many officers of the New South Wales Police Service, while strongly supportive of the DNA process, are very critical of the failure of the Government to effectively implement it. I acknowledge the presence of the Leader of the Opposition in the Legislative Council in the Speaker's Gallery. It is rare that such distinguished visitors attend this Chamber. When the honourable member for Davidson was Shadow Minister for Corrective Services he made a number of very telling points, both in this House and in the media, on the failure of the Government to adequately use DNA testing. His revelations were in fact quite embarrassing: that only one person had been charged as a result of DNA testing being carried out through the prison system, and that DNA testing through the prison system had been stalled, inadequately prepared for and poorly carried out.

That was unknown until the revelations of the honourable member for Davidson. He should be given credit for revealing the enormous inadequacies of the Carr Labor Government on what is a very valuable tool in fighting crime in this State. Once again it was the honourable member for Barwon, Mr Ian Slack-Smith, who led the campaign for the voluntary testing of the people of Wee Waa that revealed the rapist of the elderly woman. That was resisted by the Government. It was dragged screaming to the table by the people of Wee Waa and by the honourable member for Barwon. Yet the Attorney, in his second reading speech, particularly acknowledged the role of volunteers and volunteer testing, and expressly mentioned what happened at Wee Waa.

Miss Burton: You should pronounce it correctly.

Mr HARTCHER: You are excited. It might be Wee Waa to you, but it is whatever I choose to call it.

Miss Burton: It is the most interesting part of your speech.

Mr HARTCHER: It is good to see the honourable member for Kogarah is awake at certain times, not like the honourable member for East Hills.

Miss Burton: Rarely by one of your speeches.

Mr HARTCHER: Always by one of my speeches. The honourable member for Kogarah is wondering what I am going to say; what little relics from the past I might dredge up, but we will not go into that. We will not go into some of the things she has been associated with in this Parliament because it is 2002 and we are all nice to people. The past is the past. Let the honourable member for Kogarah wait for the 2003 election and the odd pamphlet that will turn up in Kogarah. I return to the leave of the bill. The success of the volunteer testing program in Wee Waa is reflected now in this legislation. This is a valuable tool in fighting crime. Its failure to be a really effective tool has been a failure of this Government.

The New South Wales police have not been given the resources; they have not been given the system of training; they have not been given the incentive, the encouragement and the legal framework with which to

make forensic procedures or DNA testing a really powerful tool in the fight against crime. As so many of us said when this legislation was first introduced in this Parliament—including the Leader of the Opposition in the Legislative Council—this is the fingerprinting of the twenty-first century. Just as fingerprinting was to have such a massive impact in crime fighting in the twentieth century, so DNA testing has that capacity in the twenty-first century. That a lot more people have not been detected and brought to account by the criminal justice system because of DNA testing is a sad reflection upon this Government.

We do not oppose this bill but we do expect to see a lot more effective use of DNA. We await the review by the Attorney General's Department to be filed or tabled by 5 January 2003 and we expect that the people of New South Wales will get some benefit from DNA testing and that it will not have to languish—as it did in the corrective services system—until the inadequacies of the Government were so well exposed by the honourable member for Davidson.

[Debate interrupted.]

BUSINESS OF THE HOUSE

Extension of Sitting: Suspension of Standing and Sessional Orders

Motion by Mr Debus agreed to:

That standing and session orders be suspended to vary the resolution of the House on days and hours of sitting to permit the House to sit beyond 10.30 p.m. at this sitting.

CRIMES (FORENSIC PROCEDURES) AMENDMENT BILL

Second Reading

[Debate resumed.]

Miss BURTON (Kogarah) [10.30 p.m.]: The Crimes (Forensic Procedures) Act 2000 gives police the power to conduct forensic procedures upon suspects, serious indictable offenders and volunteers. The Act, which commenced in January last year, replaced sections 353A (3A) and (3B) of the Crimes Act 1900 with a more extensive regime for the collection of forensic evidence from individuals. The types of forensic procedures provided for by the Act are not limited to collecting DNA samples. An example of another type of forensic procedure that can be conducted under the Act is the testing of a suspect's hands for gunshot residue. Nevertheless, the provisions of the Act dealing with DNA evidence are usually regarded as the most significant. This is because DNA evidence is a valuable tool in law enforcement not only in prosecuting criminals but also in eliminating an innocent person from the suspicion of having committed a crime and freeing up police to focus their investigation into other suspects.

An important feature of the Act is that it confers upon police the power to collect DNA samples from serious indictable offenders and have their DNA profiles retained on the DNA database system. The Act has been in operation for only a relatively short time, yet over 7,000 samples have been taken from inmates. The Act has been the subject of review by the Standing Committee on Law and Justice. As a result of that committee's report and suggestions made by NSW Police and other stakeholders, it is proposed to make a number of amendments in order to improve the operation of the Act. The amendments in the bill do not address all the recommendations of the standing committee. This is because the Act is presently the subject of a statutory review by the Attorney General's Department. That review will conclude at the end of this year and its report must be tabled in both Houses of Parliament.

The first important amendment in the bill relates to the definition of "volunteers" in part 8 of the Act. Part 8 of the Act deals with people who volunteer to police to undergo a forensic procedure. The provisions in part 8 are mainly designed to regulate mass screenings, and part 8 has not been proclaimed because of concerns that the provisions in part 8 might apply to victims of crime. There are procedural requirements in part 8 that are inappropriate for victims of personal violence offences and that would create an unnecessary burden for police officers in dealing with victims of crime. The amendments in the bill, however, will address this problem.

Another important amendment in the bill relates to the missing persons index on the DNA database. DNA profiles on the missing persons index of the DNA database can be matched against evidence found at unsolved crime scenes. This means the profile of relatives of a missing person could potentially be used to implicate them as offenders in another crime. As a matter of fairness, people should be warned about this before they decide to provide a sample. The amendments in the bill address this problem.

The amendments also provide that if a match were to occur linking the relative to a crime scene, the evidence would not be admissible against the relative. However, this will not prevent an investigation of the relative. Police will still be able to obtain a sample from the relative and use DNA evidence if criminal proceedings are initiated against the relative. However, they will have to obtain a fresh sample using parts 3 to 6 of the Act, which regulate dealings with suspects. This is a fair approach to the problem. It balances the needs of law enforcement against the rights of an individual and the need to ensure that people are not deterred from volunteering samples for the missing persons index, which, after all, is a very worthy exercise.

The rest of the amendments in schedule 1 to the bill may appear to be minor. Nevertheless, all the amendments are intended to introduce sensible and practical changes to ensure that the Act continues to operate in an effective way. The remaining amendments in schedule 1 are intended to clarify some sections, correct some drafting anomalies in some sections and, where possible, simplify some aspects of the Act. While some of the amendments may appear to be rather technical, the rationale for all the amendments is to ensure that the Act continues to provide an effective investigative tool. I commend the bill to the House.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [10.36 p.m.], in reply: In thanking those who have contributed to the debate I should say that this bill introduces a number of amendments that can be dealt with with dispatch, both by way of present consideration and indeed the drafting of a bill; but many matters of substance, many key issues concerning the operation of the Act, will be dealt with during the statutory review that has been referred to in this debate. They include many of the recommendations of the Standing Committee on Law and Justice. I have had conversations with the chair of the committee, the Hon. Ron Dyer, and he has understood and accepted that position. Many of the recommendations of the standing committee will be considered as part of the statutory review that will continue during the rest of this year. Nonetheless, seven of the standing committee's recommendations are pursued in this bill.

Since the Act commenced last year, DNA profiling has proceeded apace and a number of controls have been put in place. The DNA oversight committee, which includes representatives from scientific, police, legal and medical fields, and from supervisory bodies, operates to monitor the processes of testing, storage, use and destruction of DNA. It is an independent custodian of the New South Wales DNA database and it audits the operation of the laboratory. The laboratory, which is part of NSW Health, has been expanded. An interdepartmental committee comprising officers from various agencies, including NSW Police, the Department of Health, the Department of Corrective Services, the Attorney General's Department, the Office of the Director of Public Prosecutions and the Ombudsman have met regularly over the past year to look at operational issues arising from the implementation of the Act.

It is obvious that we are dealing here with an evolving area of the law, and an exceedingly sophisticated one at that. It is only to be expected that changes should be proposed as that evolution continues, a process that the Government has been entirely anxious to embrace. New South Wales was, after all, one of the first jurisdictions to act in this area, and the Government will certainly be working into the future with all of those interested parties that I have mentioned to ensure that this work is increasingly effective.

The amendments will exclude from the operation of part 8 of the Act victims of personal violence offences and persons who provide fingerprint samples for elimination purposes in connection with the investigation of property offences. The amendments will improve the way the Act applies to relatives of missing persons who volunteer to provide a DNA sample to police, so their DNA profile may be included on the missing persons index of the DNA database. The amendments provide that evidence ruled to be inadmissible must not be destroyed until after all the court proceedings in connection with an offence, including any appeal or retrial, have been finalised and will extend by 18 months the period under which the Ombudsman is to keep the Act under review.

The amendments will clarify a number of provisions correcting drafting anomalies and will simplify some aspects of the Act. The bill makes a related amendment to the Police Service Act 1990 to authorise the Commissioner of Police to require an applicant for appointment as a police officer to provide a fingerprint or handprint, and requires NSW Police to destroy the prints of anyone who does not ultimately become a police officer. The amendments, as I said earlier, implement seven recommendations of the Standing Committee on Law and Justice, and implement a number of suggestions made by NSW Police and other stakeholders who have an interest in improving the efficiency of the way the law works in this area. The Crimes (Forensic Procedures) Act 2000 is important legislation. The amendments provided by this bill will improve the way in which the Act operates and will ensure that DNA evidence will become an increasingly valuable tool in law enforcement. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

JUSTICES OF THE PEACE BILL

Second Reading

Debate resumed from 28 May.

Mr HARTCHER (Gosford—Deputy Leader of the Opposition) [10.43 p.m.]: The Justices of the Peace Bill follows the Government's exposure draft that was put to Parliament last year. I commend the Attorney General and the Government for the way these reforms to the justice system have been handled, with good opportunity for examining the bill and for consultation. The reforms and restructuring of the justices of the peace system were long overdue, but it behoves us all to pay tribute to the 100,000 or so citizens of this State who exercise the office of justice of the peace. It is with great seriousness, purpose and pride that they carry out their statutory and common law duties.

In our time those duties are principally the witnessing and attesting of documents. That is an important role that involves verifying that the person who signed the document is the person who claims to be the rightful person authorised to sign the document. The ancient office of justice of the peace involved more than the attesting and witnessing of documents. It dates from at least the thirteenth century, when the Crown appointed justices to enforce the King's peace throughout the realm. Traditionally justices came from the landed gentry and were always honorary officers of the Crown. They wielded great power, including, at certain times, power to call out the troops.

For example, in the eighteenth century the justices called out the troops to enforce the riot Act when riots and tumultuous assemblies were a threat to the public order. The justices were empowered to hold what was essentially a summary court at common law and heard matters that would now be heard by a magistrate. The justices exercised wide powers including corporal punishment and imprisonment. As part of the established order, the justices were anxious to maintain that order.

The system of justices of the peace was introduced early into the Australian colony, soon after the military regime ceased. They exercised great power over the convict class and the emancipist class. One famous justice of the peace was the Reverend Samuel Marsden, who was noted for his cruelty and use of the lash. He is celebrated now as a great Australian, but anyone who reads about him would learn that he simply sought to advance the views of his church and his class at the expense of those not in his church or his class. He used the whip freely.

Mr Ashton: Unity tickets.

Mr HARTCHER: There is no unity ticket, at all. That is just a matter of historical fact.

Mr Debus: But there are many other historical facts that you seem unable to recognise.

Mr HARTCHER: Is that so, Mr Attorney? In New South Wales the justices continued to exercise that unpaid office, especially in summary jurisdictions. The office was finally codified by a comprehensive enactment in 1902. It became clear that justices lacking legal training were not suited to handle many matters as their complexity grew. Subsequently, the office of stipendiary magistrate was created, and filled by legally trained personnel. They were not necessarily legally qualified but they were trained through the court system as clerks of the court. They were experienced in court matters and in the law.

In about 1964 the then Labor Government imposed the requirement that future magistrates were to have a legal qualification. The office of justice of the peace, which had exercised such wide powers, gradually fell into a more narrow stream, that of attesting and witnessing documents. It became one of the proud responsibilities of a member of Parliament in this State to nominate people to become a justice of the peace. All members of this House would like that practice to continue, and I am glad that this bill provides for its continuation. People can go to their local member of Parliament and seek his or her approval and good grace to be nominated for that office.

A number of improvements have been made to the system. In the early 1990s a former Minister for Justice, the Hon. Terry Griffiths, was responsible for tightening up the process of references by introducing a more formalised system of seeking information from applicants, a recommendation system and a checking system. There has been corollary development of a voluntary association of justices in this State devoted to

maintaining the high standards of the justice system and for education among justices: the New South Wales Justices Association. I pay tribute to that group of people. They have a great respect for the legal system and a desire to participate in it.

Along with juries, justices of the peace form an important part in involving the community in the legal system of our country, and in a voluntary capacity. Juries are vital in involving the community in the criminal justice system. Even though their functions may be narrow, justices of the peace are a vital and important way of involving the wider community in the administration of the legal system. They may no longer be involved in the administration of justice, but they are certainly involved in the administration of the legal system. It is important in a democratic society that as many people as possible be involved in the processes through which the community governs and operates. That is what the justice system does. I was interested to note that the powers of appointment are exercised by the Governor pursuant to the Imperial Acts Application Act 1969. The Governor, being the sovereign's representative, exercises those powers on the advice of his or her Ministers—in this case the responsible Minister is the Attorney General.

The Coalition has a misgiving about this bill. I have indicated to the Leader of the House and I now place on the formal record that we will seek to move an amendment in the Legislative Council to vary the period of time after which justices must seek reappointment. The bill proposes that justices will hold office for a period of five years, which varies the present system whereby, once appointed, a justice of the peace holds office for life or at the Queen's pleasure. The Coalition proposes to change that to 10 years by moving an amendment in the Legislative Council. We believe that five years imposes a quite unnecessary administrative burden and cost on the running of government and also imposes an unnecessary burden on the justices.

The Act contains sufficient safeguards: if a justice fails to meet the criteria the Attorney has the power and resources, especially through computers and the registration process, to know what justices are doing. Until now no record was kept once justices were appointed, and all knowledge of them was lost in the community. That no longer will be the case. Through modern technology governments have such power to gather information about people that now we have a real need for privacy protection. I am pleased that in the clauses of the bill dealing with the public register the Government has recognised that need for privacy and has acknowledged some appropriate safeguards to make sure the public register cannot or should not be used—and there are limitations on its use—by people of evil intent.

Justices can be protected by simply providing their business address. That concern was raised in our party room, especially the fact that some women might fear being stalked through the public register. Just as the Electoral Act provides for people to have silent registration, perhaps the Attorney should consider some form of silent registration in this Act. One needs only to consider the number of people who have taken out apprehended violence orders as an example of those who need protection. It would be wrong if this register, which is set up for a utilitarian purpose, could be misused as an instrument of stalking or personal vengeance. I believe that the Government has made a reasonable effort to overcome that problem through this quite reasonable presentation of legislation.

As I said earlier, I commend the Attorney for the way the consultation process was handled. I commend him also for removing the fee that was imposed under the original Act. The imposition of such a fee caused some concern because, after all, justices of the peace carry out their duties voluntarily. They do not receive any emolument; they are not entitled to seek any payment for their services. They are called upon at inconvenient times and perform their duties for the good of the community in the legal system. It was therefore quite inappropriate to impose a fee upon them. I realise this was basically an administrative fee, but nonetheless it should be borne by the community and not by those who seek to serve the community. Quite properly the Government has abolished it.

The Coalition does not want to be obstructive or difficult about changing the length of office to 10 years; we believe it is an improvement and will move the amendment in that spirit. If the Government does not wish to adopt it, I understand. However, I ask the Government to consider our amendment in the spirit of goodwill; it is simply designed to try to improve things for both sides of the administration: for the administration of the Attorney General's Department and for the convenience of members of our community who give up their time to become justices. Accordingly, on behalf of the Coalition I again pay tribute to the Justices Association. On a parochial note, I acknowledge the Central Coast branch of the New South Wales Justices Association as a fine body of men and women. I have met with them on a number of occasions. I am sure other Central Coast members have had the pleasure of meeting with them also.

They are always happy and anxious to discuss legal matters to keep themselves informed of legal changes in our society and, as supporters of the legal system, pass that knowledge on to friends and relatives. I pay tribute to them for their voluntary work and for the happy and co-operative way they undertake their duties. Their duties are important; they are important people in our society. I am glad this legislation gives them proper recognition, places their office on an appropriate statutory footing, and ensures that that office will always be for people of good character. To hold the proud office of justice of the peace is in itself an attestation that one is a person of good character and that these people give of themselves to support our democratic way of life and the legal system which underpins it.

Mr LYNCH (Liverpool) [10.56 p.m.]: I support the Justices of the Peace Bill, which has emerged from an extensive consultation process. The Attorney General's Department released a discussion paper in February 1998, and a draft exposure bill was tabled in September 2001, from which this bill was developed. My community has shown a great degree of interest in this legislation. Once I received the discussion paper I advised my local community through the media that it was available from my office. A vast number of people, mostly current justices of peace, approached my office to obtain a copy. I was left in absolutely no doubt as to my community's interest in this topic. Last night I attended a meeting of a community-based organisations. About 10 people were present, of which at least half were justices of the peace. Certainly there was significant interest in the issues that are the subject of this bill.

The end result of the consultation process is good. The most immediate problem I guess is that very little has been done to alter much of the process for appointing and administering justices of the peace for about 100 years or so. As a result, the number of justices of the peace is uncertain, but the estimate is somewhere between 100,000 and 200,000. Because appointments of justices of the peace were for life, there was no registration procedure and, therefore, there can be no knowledge of the actual number of justices. Because there is no indication of current addresses, there can be no determination as to whether there are sufficient numbers of justices in any location.

This fairly chaotic approach will be remedied through this legislation, as lifetime appointments will be abolished. Instead, appointments will be for five years, and can be renewed. Prior to the lapse of an appointment, a renewal application can be made. The requirement for renewal is to demonstrate that a justice of the peace continues to be eligible or continues to meet the eligibility requirements. Current justices have three years from the commencement of this legislation to apply for a new commission. There were discussions and proposals at the consultation phase to impose various fees upon some stages of appointment. I am delighted that those proposals do not seem to be pursued in this bill. The legislation proposes no new administration fee.

The legislation also has the advantage of clearly defining the functions of community justices of the peace. They are limited to administering oaths, affirmations and decorations. These are largely, but not exclusively, done under the Oaths Act. Granted the historical background of the office and some of the functions previously performed by justices, this is a welcome provision. The legislation also allows the Minister to issue guidelines in relation to the exercise of specified functions by justices of the peace. One of the welcome additions in the legislation is the development of a Register of Justices of the Peace, which will be available for inspection by the public. The register will make it considerably easier for members of the public to access justices when they need to.

The bill is an improvement over earlier drafts, about which privacy concerns were raised. The register will be operated in accordance with the Privacy and Personal Information Protection Act. I record the extraordinary circumstance that the Deputy Leader of the Opposition and I agree on something, and that is his comments about Samuel Marsden. It is rare that the honourable member for Gosford and I agree, but on this occasion he got Samuel Marsden absolutely right.

Mr FRASER (Coffs Harbour) [11.00 p.m.]: I support the legislation, but I want to pose a few questions and make some general comments in relation to it. Justices of the peace are a little like police officers: you can never find one when you need one. If the offices of other members of this House are anything like mine, they probably see four or five applications a week. But when someone needs a justice of the peace—they are normally bank officers or insurance officers, et cetera—they are hard to find. I commend the legislation for taking away the \$56 fee. I reiterate the words of the Deputy Leader of the Opposition, who said that these people perform this function as a service to the community, normally on behalf of a group or in a work situation. These days most forms, whether they are insurance claims forms or change of address forms for pension payments, must be witnessed by a justice of the peace.

The removal of the fee provides an opportunity for more people in the community to become justices of the peace. They want to carry out the duties of a justice of the peace but may not have applied because they

could not afford the fee. A problem I see constantly in my office is that, although people have glowing references, they do not contain the words "fit and proper". If they are sent to the Attorney General's Department they are sent back because the correct wording has not been used. I know that when a person was admitted to practice as a solicitor or when someone applied to study law that person had to produce a reference saying he or she was a fit and proper person to become a member of the legal profession. Somehow that wording has slipped in here. Many of the references, even though they do not contain those words, apply to people in the community who are held in the highest regard. If the Minister could insert that stipulation somewhere in the guidelines, it would save a great deal of time for many people.

The legislation provides for a five-year term, but I suggest that 10 years is probably more realistic. Over the years many people in the community who have become justices of the peace would probably be unaware of this legislation. I would like the department to make some attempt to notify those justices of the peace that within three years they will need to reapply to have their appointments renewed. What would happen to a justice of the peace who had acted in that role for many years but did not know about the changes to the Act, failed to reapply and witnessed documents that were questioned in court? The authority of that justice of the peace would have lapsed because no application had been made after that three-year period. I seek an absolute commitment from the Government that it will try to contact those justices of the peace and advise them of the need for them to reapply. Clause 10, which is headed "Notification of matters to Minister", provides in part:

- (1) A justice of the peace must notify the Minister in writing of the following:
 - (a) any matter that may cause the justice of the peace to cease to satisfy the prescribed criteria for appointment as a justice of the peace.

I doubt whether someone in gaol would notify the Minister. There should be a link so that if someone is convicted of a criminal offence the Attorney General's Department is notified that the person fails to meet the criteria set out in the bill. As other speakers have said, many people who hold the position of justice of the peace are held in high esteem. In recent years one fellow in my electorate has been given an Order of Australia medal. When he writes to me I note that he continues to sign his name Fred Myles, JP, OAM. He is from the old school and he has been a justice of the peace for many years. He wears it as a badge of honour. He is a fit and proper person to hold that office. He is the type of person I want to ensure continues to act as a justice of the peace after three years if he is not aware that he has to reapply. I would like to have an extensive advertising campaign to ensure that such people do not suffer the embarrassment of witnessing forms and then finding out that, because of this bill, they are no longer justices of the peace.

Mr Debus: There will be an advertising campaign.

Mr FRASER: I thank the Minister for that response. I commend the bill to the House.

Mr MILLS (Wallsend) [11.06 p.m.]: I support the Justices of the Peace Bill and add my appreciation and thanks to the justices of the peace in New South Wales, who number between 100,000 and 200,000. They carry out an important community service that is of great assistance to our legal system. The voluntary service they provide is much appreciated by the community. They deserve our thanks. Many people who live in the Wallsend electorate contacted me when the discussion paper came out; it was of considerable interest. As the Attorney General indicated in his second reading speech, the principal concern was the proposed fee, particularly when juxtaposed against the voluntary service justices of the peace perform. Many of them are pensioners and retired people who no longer have incomes. I therefore commend and thank the Government and the Attorney General for removing the fee from the initial proposals put forward late last year.

The key features of the bill are that lifetime appointments are to be abolished and replaced with five-year terms, and that a public registry is to be established to improve access to the services provided by justices of the peace. The second aspect of concern in the original proposal to justices of the peace in the Wallsend electorate was the potential for the invasion of privacy. People were concerned about how the registry would be set up. I will send copies of the Attorney's second reading speech to many people throughout my electorate to inform them of the procedure. The clear indication in the Attorney General's second reading speech is that people will be able to preserve their privacy to the extent that they wish to do so. The bill also provides that the functions of community justices of the peace will be clearly defined and the Governor may remove a justice of the peace from office at any time, including for bankruptcy, mental incompetence or criminal convictions.

Justices of the peace will have a three-year period of grace from the date of commencement of the legislation to apply for a new commission before their current commission expires. It will be a condition of

appointment and continuation of office that justices of the peace consent to the publication of nominated contact details in a public register. The contact address may be a business address. Earlier I said that privacy aspects are a matter of concern, and I have had considerable contact with the Northern Federation of Justices of the Peace Inc., particularly the Newcastle branch. There are five justice of the peace organisations in New South Wales and the shadow Attorney General referred to one on the Central Coast. There is also a northern association of justices of the peace based in the Hunter region.

The association gave me six points that I submitted to the Attorney General and they have pretty much all been accounted for in the legislation. The association volunteered its permission note and suggested to the Attorney General ways in which each individual justice of the peace might give permission for their details to be included in the public register. Most of the association's submission related to fees and payment whereas some other constituents, such as Mr Tracey, Mr Guihot, Ms Begley and Mr Blanch, supported essentially the position taken by the Northern Federation of Justices of the Peace Inc.

In conclusion I wish to address a concern that has come to my attention during my term as a member of Parliament. I believe that statutory declarations are required far too often in our community. There has been a proliferation of requirements for statutory declarations associated with all types of forms and documents in the public and private sectors. It seems to me that many of those requirements are unnecessary. I remember many years ago a TAFE teacher claiming itemised and pre-approved expenses incurred while teaching classes in a town other than where he was usually employed. He needed a statutory declaration to claim those expenses. I compare that to my own experience as a worker in private industry: When I performed work in another town, my signature was good enough for me to claim expenses from BHP. At that time in the TAFE system that employee had to provide a statutory declaration.

To my mind, that process unnecessarily burdens justices of the peace. A review of statutory declaration requirements is needed. I note that the Attorney General advises that he intends to endeavour to have his department examine the matter when regulations are developed in conjunction with the legislation to administer the procedures. I look forward to the results of that review. Having made those comments, I commend the bill to the House.

Mrs HOPWOOD (Hornsby) [11.12 p.m.]: It is with pleasure that I contribute to the debate on the Justices of the Peace Bill. I commend the Attorney General on the work that has been involved in the preparation of the bill. The bill provides for the appointment of justices of the peace and sets out their functions. It is a result of recommendations contained in a discussion paper which was released by the Attorney General's Department in 1998. I participate in this debate because I became a justice of the peace in 1996 when I commenced working for the Hon. Philip Ruddock, the Minister for Immigration and Multicultural Affairs. I did so because I regarded the service provided by a justice of the peace as one that a parliamentary officer should provide. I worked hard to provide people with access to the services of a justice of the peace.

Those services extended to many of the companies in the area when it became known that there was a justice of the peace in the Minister's office. The NRMA and other organisations sought the services of the justice of the peace. The bill addresses the incomplete records relating to the location of justices of the peace. It is true that when people need a justice of the peace, they can scarcely ever find one. In my office Joy Saly was the justice of the peace. However, she recently left, and Christine Collins is applying to become a justice of the peace. It is extremely important to have the services of a justice of the peace in a parliamentary office. The provisions of the bill will assist in making it known where a justice of the peace can be found because their services are often required.

I agree with the comments made by the Deputy Leader of the Opposition, who said that appointing a justice of the peace for 10 years will be better than appointing a justice of the peace for five years. I believe that the longer term will be more convenient and that reappointment should continue if a person meets the eligibility requirements. It is an advantage to provide that a person over the age of 18 years will be eligible for appointment, without the previous age limits applying. The waiving of the fee will also be beneficial. I paid the original fee, and I can confirm from first-hand experience that waiving of the fee will be an advantage. I reiterate that although it is a large and expensive administrative task, records should be kept of justices of the peace to ensure that they are able to be located. I commend the bill to the House.

Mr ASHTON (East Hills) [11.15 p.m.]: During my speech I will focus on just one aspect of the bill: the establishment of a register of justices of the peace. By establishing a public register of justices of the peace, this bill addresses a longstanding complaint that, despite commissioning more than 3,000 justices of the peace

per annum, the public cannot locate a justice when necessary. That has been pointed out by most speakers in this debate. Under the current legislative regime, the Attorney General's department cannot supply the public with contact details of justices of the peace. While the current justice of the peace application form contains a clause allowing the Attorney General's department to place a justice's name and address on a public roll, Privacy NSW has provided advice that this is an insufficient waiver. For that reason the Government has not to date created a public roll of justices of the peace, along the lines of the Justices Association's "Find a Justice of the Peace in New South Wales" service.

Under the terms of the bill, the Government will create a publicly accessible registry. 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 register will enable the public 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 areas to meet community needs. Justices will be required to provide contact details, but privacy will be protected by providing a business or community telephone number and address where justices may be reached. The Deputy Leader of the Opposition mentioned some concerns he had about that, and I am confident that a way will be found around those problems.

There will be no requirement that a residential address be provided. In addition, 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 may be affected. The register will be available for public inspection at locations nominated by the department. In addition, the register will be available on the department's web site with a breakdown by area. It is proposed that the web directory would place on the site only details that are safe, that is, a public location—such as a bank, post office, pharmacy—a mobile phone number, or even, as some honourable members said, the office of a member of Parliament.

The idea is to ensure that details of the private residence of a justices of the peace are not accessible—unless, of course, the justice of the peace wants that information to be made public. In the course of preparing the regulations that detail the information to be provided on the public register, the department will also consider whether justices of the peace who are appointed solely for the internal purposes of their employment may have an annotation to this effect and not be required to give contact details, and whether it would be sufficient to indicate a suburb or a town as a location and provide a telephone contact. Advice sought from Privacy NSW indicates that it has no objections to the bill in its current form. I commend the Justices of the Peace Bill to the House.

Mr CRITTENDEN (Wyang—Parliamentary Secretary) [11.18 p.m.]: On half of my constituents who are interested in this legislation I congratulate the Attorney General. It is fair to say that my constituents appreciate that fact that the legislation has undergone an extensive consultation process which began with an exposure draft. The bill exceeds their expectations. Many of my constituents are members of the Tuggerah Lakes District Justices Association and play an important role in the Wyong Shire Council. It is fair to say that the Tuggerah Lakes District Justices Association is a strong group with volunteers who staff booths in shopping centres at Lake Haven, Tuggerah and The Entrance to witness documents for members of the public, provided that the necessary preconditions are met.

I shall place on the record the genesis of the office of justice of the peace. It was first established in England by enactment of a series of statutes in the fourteenth century. In 1327 conservators of the peace were appointed in each county. In the following year conservators of the peace were given the power to punish offenders. In 1344 they were empowered to hear and determine felonies and trespasses, now known as misdemeanours. In 1361 four or five persons, including one lord, were appointed in each county to keep the peace, to arrest and imprison offenders, to imprison or take surety of suspected persons, and to hear and determine felonies and trespasses done in the county. In 1363 these persons were directed to hold court hearings with a jury four times a year. It was around this time that the title "justice of the peace" first began to be used. I put that on the record for historical accuracy, because the honourable member for Gosford referred to the thirteenth century when, in fact, it was the fourteenth century. I quote as my source report No. 54 of the Queensland Law Reform Commission entitled "The Role of Justices of the Peace in Queensland", dated December 1999.

Justices of the peace have operated in this country since European colonisation in 1788. We all know that justices of the peace are auspiced under State legislation. There is no national justice of the peace, as is the case in England. Each State and Territory has its own legislation regulating the appointment of justices of the

peace, designating their powers. The functions and powers of justices of the peace differ markedly from State to State. For example, in Queensland it is possible for a justice of the peace to exercise certain judicial functions whereas in Victoria, the Australian Capital Territory and New South Wales a justice of the peace is generally able to carry out functions such as witnessing documents. However, in all jurisdictions the role of justice of the peace is voluntary and unpaid. I thank those voluntary, unpaid people in my electorate who do such an excellent job in discharging their functions as justices of the peace.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [11.22 p.m.], in reply: As the honourable member for Wyong said, there has been quite a striking level of interest in this bill, especially from those who are justices of the peace. It has been extraordinary to see how many existing justices of the peace have been anxious to ensure that the system we are wishing to renovate is, from their point of view, appropriate. Under the system proposed by the Justices of the Peace Bill, justices of the peace would be required to reapply for their appointments every five years. By instituting five-year appointments my department will be able to perform regular criminal and other probity checks to ensure that justices remain fit and proper persons to hold that office.

At present there is no charge for justices of the peace to apply for their commission. However, justices of the peace must pay a fee for swearing their oaths of office before a magistrate or judge. That service attracts a charge of \$58 from the Local Court. Under the terms of this bill justices who reapply for their appointments will be required to re-swear their oaths of office. However, I emphasise that they will not, in that circumstance, have to pay the Local Court fee for that second swearing in. Present justices will have three years from the commencement of this bill to reapply for their appointments. Again, it is important to emphasise that the Attorney General's Department will be conducting a substantial advertising campaign to make contact with justices of the peace. That is necessary because it is presently not clear exactly how many justices exist.

On the basis of the current record system it is estimated that there may be 100,000 justices of the peace in New South Wales. However, that number includes thousands of justices of the peace who have left New South Wales, who have ceased to be eligible for appointment, who have died, or who have stopped serving in that office but have not brought that fact to the attention of the Attorney General's Department. Indeed, one of the reasons for reviewing the appointment and registration of justices of the peace in this State is the fact that at present the department is unable to ascertain the number of people holding and/or able to continue holding a justice of the peace commission. It is my belief that those who hold commissions as justices of the peace, and who wish to provide genuine service to their communities, would welcome the initiatives presently being considered.

Indeed, it is clear that bearers of this office do welcome the initiatives that we are embracing in this bill. An up-to-date, rigorously maintained public register will ensure public access to justices of the peace. Several honourable members have reminded us that it is necessary to improve the system by which justices of the peace may be available to the public. In addition, the regular criminal and other probity checks of commission holders will promote public confidence in the office of justice of the peace. Keeping justices of the peace informed of relevant legislative and procedural changes, as well as opportunities for training, are also aims of this new system, which, generally speaking, is much welcomed by those who presently hold office.

It is for this reason that I feel inclined to stay with the five-year renewal period. I will give more thought to the proposal by several Opposition members, who gave informal notice of an upper House amendment, that the bill institute a 10-year period for registration. However, generally it seems to me preferable for the establishment or maintenance of a system that will remain up to date that we stay with the presently intended five-year requirement. I state in response to questions raised in debate that justices will be required to provide contact details for the register, but privacy can be protected by providing a business or community telephone number or address where they may be reached. There will be no requirement for a residential address to be provided.

Under section 58 (2) of the Privacy and Personal Information Protection Act 1998 there is provision for the suppression of information where the safety or wellbeing of any person will be affected. That in turn would permit the sort of silent registration that was suggested by, amongst other members, the honourable member for Gosford, in situations where an apprehended violence order was in place and a justice of the peace was in fear of a stalker. In any event, the Government will address privacy concerns in the regulations that will be drawn up to accompany the bill when it becomes legislation.

Those regulations will determine what details are to be entered on the public register. During the drafting of those regulations the Government will give consideration to the exact nature of the references that

will be required for those wishing to become commissioned as a justice of the peace. In particular, I undertake to look at the words "fit and proper", which were mentioned by the honourable member for Coffs Harbour. I reiterate that this bill is a serious and genuine effort to reform the office of justice of the peace, which essentially has remained unchanged since the nineteenth century. The proposed features of the new system are long overdue. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BILL RETURNED

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

Local Government Amendment (Graffiti) Bill

PUBLIC BODIES REVIEW COMMITTEE

Membership

Motion, by leave, by Mr Whelan agreed to:

That Russell Harold Lester Smith be appointed to serve on the Public Bodies Review Committee in place of Michael John Richardson, discharged.

PRINTING OF PAPERS

Motion, by leave, by Mr Whelan agreed to:

That the following papers be printed:

Report of the Trustees of the ANZAC Memorial Building for 2001
Report of Charles Sturt University for 2001
Report of the Department of Education and Training for 2001
Report on Forest Industry Restructuring Expenditure, pursuant to the Forestry Restructuring and Nature Conservation Act 1995, for the six months from 1 July to 31 December 2001
Report of the Hunter Waste Planning and Management Board for the year ended 30 June 2001
Report of Macquarie University for 2001
Variations of the Receipts and Payments Estimates and Appropriations for 2001-2002, 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
Variations of the Payments Estimates and Appropriations for 2001-2002, in terms of section 24 of the Public Finance and Audit Act 1983, flowing from the transfer of functions between the Department of Community Services and the Department of Sport and Recreation
Variations of the Payments Estimates and Appropriations for 2001-2002, in terms of section 24 of the Public Finance and Audit Act 1983, flowing from the transfer of functions between the Ministry of Energy and Utilities and the Department of Community Services
Report of Southern Cross University for 2001
Report of the Technical Education Trust Funds for 2001
Report by the Attorney General of those applications advised pursuant to section 26 of the Workplace Video Surveillance Act 1998 for 2000
Report by the Attorney General of those applications advised pursuant to section 26 of the Workplace Video Surveillance Act 1998 for 2001
Review of the Tweed River Entrance Sand Bypassing Act 1995 by the Department of Land and Water Conservation
Report of the University of Newcastle for 2001
Report of the University of New England for 2001
Report of the University of New South Wales for 2001
Report of the University of Sydney for 2001
Report of the University of Technology, Sydney for 2001
Report of the University of Western Sydney for 2001—Volumes One and Two
Report of the University of Wollongong for 2001

The House adjourned at 11.32 p.m.
