

LEGISLATIVE ASSEMBLY

Wednesday, 5 June 2002

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

Mr Speaker offered the Prayer.

DRUG SUMMIT LEGISLATIVE RESPONSE AMENDMENT (TRIAL PERIOD EXTENSION) BILL

Second Reading

Debate resumed from 8 May.

Mr KERR (Cronulla) [10.00 a.m.]: First I raise an important matter. When the Leader of the House introduced this bill, he said:

I can advise the House that the 12-month process report on the operations of the centre is expected to be available by 27 May 2002. It will be made available to all members of Parliament.

I am still waiting for a copy of that report. I do not know whether other members have received it. The honourable member for Bega said he has not received it, and I borrowed a copy from the honourable member for Willoughby. It is very serious when undertakings are given and they are breached. I draw the attention of the House to some of the contributions made by previous speakers. The honourable member for East Hills gave a revealing speech in which he said: "Some members on this side of Parliament"—the Government side—"in a conscience vote may vote against an extension of the trial, I do not know". That was an admission that even Government members have reservations. Referring to the people who frequent the shooting gallery, he said:

The figures show that the majority of those who go to the injecting room are unemployed, they are battlers, they are drug addicted, they are perhaps prostitutes or living on the streets. They are not people who cruise up and down in their black BMWs to get their drugs and then move on.

Some of my constituents have had their homes robbed and their vehicles stolen by drug addicts seeking to supply their habits. It is interesting that the Premier, back in 1997, talked about the "self-indulgent druggies" who are responsible for crime in our community. The Premier blamed the self-indulgent behaviour of junkies for the State's increased crime rate. The Government certainly uses the alibi defence: It is always somebody else's fault. The honourable member for Bligh in her contribution to the debate said, "By voting for this legislation members vote to send a message." Archbishop Pell certainly agreed that a message was being sent. Because my time is limited, the honourable member for Murrumbidgee will quote the Archbishop, who said that we are sending the wrong message by this legislation, and we ought to be looking at other ways of dealing with the drug problem.

Let us have a look at what people who know about it think. This legislation is in breach of international law. The United Nations Narcotic Control Board, in its 2001 report released a few months ago, made particular reference to the New South Wales shooting gallery. The report states that the proposed legislation is in breach of our treaty obligations. Paragraph 559 states:

The board regrets that local authorities in the Australian State of New South Wales have permitted the establishment of a drug injecting room, setting aside concerns expressed by the Board that the operation of such facilities, where addicts inject themselves with illicit substances, condones illicit drug use and drug trafficking and runs counter to the provisions of the international drug treaties. The Board notes that the national policy in Australia does not support the establishment of drug injecting rooms. The Board urges the Government to ensure that all its States comply fully with the provision of the international drug control treaties to which Australia is a party.

It is absolutely ridiculous to suggest that the Catholic Church and the United Nations are simply fronts for the National Party. In fact, the Premier has given some of the best arguments. In an article that appeared in the *Sydney Morning Herald* of 30 December 1989, the Premier wrote:

In the 1960s, doctors in Britain were able to prescribe daily maintenance prescriptions of pharmaceutical heroin with a licence from the Home Office. After 1968, their licences were administered by clinics. This policy did not contain the problem. Between 1961 and 1967, the rate of increase in British heroin addiction was four times the world average. More important, the black market in heroin thrived just streets away from the clinics that met the needs of registered addicts. The maintenance policy was abandoned by the mid-1970s. The clinics stopped prescribing heroin and started prescribing oral methadone.

This may have occurred under a Labour Government in Britain, which was elected in 1974. Not only was heroin administered to people in these clinics, they were supplied with it. They did not have to resort to a criminal act to obtain their heroin. Yet that experiment failed. The situation that has occurred here is interesting. Piers Akerman, in his article for the *Daily Telegraph* of 30 May 2002, wrote:

At a cost to taxpayers of \$5.6 million, the centre is unable to prove that it has cut drug overdose deaths as effectively as other states which have not caved in to media driven middle-class guilt.

If the shooting gallery could produce a \$5.6 million man or woman who had given up the addiction, that would be something, but it cannot, despite the expenditure of millions of dollars. Piers Akerman went on to say:

Another number which goes to the heart of the shooting gallery is 5170—that is the number of times advice was given to the centre's users on how to shoot up. Almost three times as many people (55 per cent) sought advice on how to be a junkie than the next most popular request (19 per cent) for information on common themes such as drug use, living skills, relationship and custody issues.

Oh, yes, the 252 given advice on actual drug treatment made up just 3 per cent of the centre's customers and the 162 who received drug and alcohol information constituted just 2 per cent of clients.

There is a much better way. The honourable member for Willoughby in his speech mentioned the contrast with Cabramatta. When the Government put resources into law enforcement at Cabramatta it said the amount of drug taking in that area was reduced. If the objective is drug reduction, the Cabramatta model, on the Government's evidence, provides a better outcome. However, I turn to what we should be doing. Any credible program for drug reduction must have prevention from an early age as its main objective. For whatever reason people take drugs—for kicks, group dreamworld or escape from reality—the illegal pharmaceutical producers have always managed to come up with a new sensation or a new enticement.

What drugs do we legalise? Do we start with heroin, cocaine, or ecstasy? As a black market emerges, do we legalise it? When are we going to admit what all reputable scientists insist, that all mind-altering drugs are harmful? Not even the honourable member for Bligh has said that drug taking is a good thing. Nobody says that heroin addiction is a good thing. It is horrendous. Ask the parents of drug addicts who have to sit and watch the slow and painful deaths of their children. Ask them whether we are dealing with harmful substances. Of course governments should continue their efforts at all levels to ban the importation, manufacture and distribution of illegal drugs. A health warning should be sufficient but we have an international treaty, and we are bound by it. Smugglers and pushers deserve the full force of the custodial law.

Nobody doubts that persons who go into this for profit and know exactly what they are doing should receive anything but the most severe punishment. But addicts represent a more complex and difficult problem. For them gaol, at least on its own, may be an aggravation, not a solution. Our aim is to reduce crime committed by addicts to get money to feed their addictions. Gaols are likely to increase their criminal skills and not deprive them of drug sources. One should look at the work that has been done by parliamentary committees in relation to drugs available in gaol. For a confirmed drug addict, as distinct from a smuggler or pusher, gaol offers no permanent deterrent or rehabilitation. While full prevention must be our major aim, genuine and adequate rehabilitation facilities must be made available and a real incentive provided for addicts to use them. This Government is prepared to spend millions on the shooting gallery yet says it lacks the funds to provide effective rehabilitation facilities.

Mr O'Farrell: The Government has spent \$50,000 on overseas travel by Ministers since the last election.

Mr KERR: There you go, they seem to be addicted. It costs much more to commit a person to gaol than to a fully functional rehabilitation centre. Gaols create recidivists. The centre offers some hope for return to society. Gaols are overcrowded with drug offenders and it is self-defeating to build more gaols instead of therapeutic centres. Building new centres may not be necessary. Several large public hospitals have a number of spare wards, fully equipped with appropriate accommodation, meals, medical examinations and specialised treatment, capable of providing security and at a per capita cost much less than gaols. For first offenders magistrates should be given the option of tailoring the length of the custodial sentence to the willingness of the offender to undertake a rehabilitation term and to genuinely co-operate in treatment. This could also apply in subsequent offences if appropriate.

Rehabilitation centres should have trained social workers and councillors with authority and responsibility to establish a detailed confidential file on the patient and the ability to contact family and friends

to assist in both physical and social recovery. The centres work in close contact with voluntary agencies, for example, the Salvation Army, Mission Australia, St Vincent de Paul and Odyssey House, et cetera. We talk about people getting counselling, but where do they get counselling? We have been provided with no information about the progress of that counselling, wherever it takes place. In past decades, under Labor administrations, New South Wales police had the power to take people deemed to be wandering at large into custody in a reception house, where they could be held for a limited period to receive diagnosis and preliminary treatment. If an extended period was required, a magistrate's authority was necessary.

At present, these people are picked up by voluntary agencies by securing the person's consent and taking them to overnight accommodation. Some attempt is made to establish their background, but they are free to go the next day to repeat the experience. These voluntary agencies do very valuable work but their funding, facilities and ability to hold any person, even for a brief period, is limited. The free food, bathing and sleeping quarters tend to keep alcoholics in pocket money, and the great experience of these voluntary organisations could be a valuable co-partnership with the rehabilitation centres.

It has been suggested to me, and I do not offer any personal opinion, that if police were given authority to take into temporary custody addicts deemed to be wandering at large and in danger of overdose or assault, they could take them to the nearest centre for medical examination and have a case profile established. It would be necessary to have the power to retain the addict for several days. We ought to be looking at creative ways of dealing with this problem. When millions of dollars are spent on a shooting gallery, one wonders. If honourable members really believe that an injecting room will save lives and they are going to vote for it, as they voted for it at the Drug Summit, will they vote for one at Sutherland or at Menai? Heroin addicts want their fix as quickly as possible, and if we are going to be serious, we have to make the facilities accessible. It is up to those members who are going to vote for injecting rooms to say where they want those injecting rooms.

Mr MILLS (Wallsend) [10.17 a.m.]: I am pleased to support the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill. I am particularly pleased to support the legislation because this is evidence-based policy making at its best. In the wake of the Drug Summit, the Government has to be commended for its evidence-based policy approach. If we try new things that are based on evidence in an effort to make a difference to people's lives, we can be certain that we are heading in the right direction. The Government has established a trial of the medically supervised injecting centre. Originally the trial was for 18 months. An expert evaluation committee is supervising the trial. The expert evaluation committee needs more time to compile its full report and has requested that. Consequently, the Government has proposed to extend the trial period. We are talking about an independent, rigorous and high-quality evaluation of what is going on. The House needs to hear who is on the committee.

The members are: Professor John Kaldor from the National Centre in HIV Epidemiology and Clinical Research at the University of New South Wales, Ms Helen Lapsley from the National Drug and Alcohol Research Centre at the University of New South Wales, Professor Richard Mattick from the School of Public Health and Community Medicine at the University of New South Wales, and Dr Don Weatherburn from the Bureau of Crime Statistics and Research in the New South Wales Attorney General's Department. The medically supervised injecting centre trial was a recommendation of the New South Wales Drug Summit. The legislation provides for only one trial. It is run under licence by UnitingCare NSW/ACT.

Because of evidence that lives are being saved, the Parliament has the choice of abandoning the trial while awaiting the evaluation, or retaining it during the evaluation on the basis of, first, the life-saving potential of the project and, second, the potential of the project to refer people into treatment. I favour the latter choice. Unlike the honourable member for Cronulla, who spoke before me, if I am interested in a topic I do not wait to be spoon-fed. The only spoon-feeding the honourable member for Cronulla has received is from the typically closed mind of journalist Piers Akerman. It is unfortunate that he has not made the effort to find out what is going on. I have made the effort to get a copy of the evaluation report. The executive summary shows what Akerman published was rubbish; he was making it up as he went along. The report states:

- During the 12 months of operation, 2,729 individuals were assessed and registered to use the services at the Medically Supervised Injecting Room
- Registered clients made 31,675 visits to the [centre]...
- On approximately one in every three visits, a health-care service was provided to the clients...
- Approximately one in 31 visits resulted in a referral for further assistance. Among the 1007 referrals for further assistance, 44% were for the treatment of drug dependence, 31% were to primary health-care facilities and 25% were to social welfare services.

I think that constitutes an excellent demonstration of the potential of the centre to refer addicted people on for health and other medical services. The facts cannot be denied.

Mr O'Farrell: Only if they turned up.

Mr MILLS: The executive summary of the report continues:

- Two hundred and fifty drug overdose incidents occurred at the [centre] requiring clinical management, a rate of 8 overdoses per 1000 visits. These were 184 heroin overdoses, 50 cases of cocaine-related toxicity and eight benzodiazepine overdoses and eight non-heroin opioid overdoses.

The honourable member for Northern Tablelands gave as one of the reasons for his opposition to the legislation that sufficient efforts had not been made to get addicted people into rehab. With respect, I think the honourable member got it wrong. The honourable member should read the report to find out the success that was achieved through the centre getting people into rehabilitation.

Mr O'Farrell: People who said they would go. There is no indication they turned up.

Mr Kerr: Where is your evidence?

Mr MILLS: The chatter that comes from the Opposition benches on this issue is interesting. In the years since the Drug Summit there has been a continual run of announcements of additional funding for drug rehabilitation services, the Drug Court and a wide range of measures that were recommended by the Drug Summit and taken up by the Government. Remember, the heart of the Drug Summit recommendations was that there is no magic bullet; we should try anything to help to save lives. We should try things that will help to get people back on track and out of their addiction. I am delighted that the home detox service is now being introduced. Many people, particularly parents, who suffer with addiction are unable to leave their families for long enough—they have young children to look after—to go into residential rehabilitation away from home. They can now undertake supervised detoxification and rehabilitation from their addiction at home. Not everybody is suitable for such programs but the option is available.

I challenge all the rural and regional members who have spoken in the debate to do what I did: seek a briefing from the local area health service on the drug and alcohol plans that are being adopted by the area health services. Only in that way will they know what is going on. If the honourable member for Ku-ring-gai and the honourable member for Cronulla, who have been interjecting, have not done that then they should be ashamed of themselves. They should go to their area health service and find out exactly what is happening. There have been many achievements and initiatives for regional and rural areas following the Drug Summit. Drug programs and services reflecting every aspect of the Government's plan of action are being implemented in regional areas. The Government's response to the Drug Summit specifically targeted rural and regional communities. For example, Drug Summit enhancements to regional area health services amount to \$30 million over the four years of the Government's plan of action.

The Government's emphasis has been on improving services and treatment options for regional people. All New South Wales area health services are adopting long-term drug and alcohol plans. Thirty additional rehabilitation beds have been funded in rural and regional areas, accommodating more than 260 patients each year. A 16-bed detox unit has opened at Lismore. This project had a capital cost of \$3.25 million and has a recurrent budget of approximately \$1.6 million. In May of this year a new 15-bed drug detoxification unit will open at Wyong Hospital, providing treatment for up to 900 patients a year. Eight new drug and alcohol counsellors have been employed in rural areas—Northern Rivers, New England, mid North Coast, Far West, Southern, Greater Murray, mid West and Macquarie. As a result an extra 250 people a month are receiving drug and alcohol counselling. Up to December 2001 these counsellors had logged 6,500 occasions of service, and at present they are seeing 2,789 clients.

I am giving this information because a number of people have argued that there are not sufficient rehab and detox opportunities available to people outside the metropolitan area to get off their addiction. That is not the case. The expansion of drug and alcohol services on the mid North Coast and New England areas has occurred in the form of multipurpose drug and alcohol treatment services, including integrated outpatient services. Home detoxification programs have been established in three rural areas—Greater Murray, Southern and Far West—and are operating from the multipurpose services in New England and the mid North Coast. The Government, in the last budget and in the current budget, is expanding methadone, buprenorphine and naltrexone treatment in all of New South Wales. Half of the 2,600 extra methadone places created since the Drug Summit are in country New South Wales.

Online training for methadone and buprenorphine prescribers has commenced. This provides special benefits for rural medical practitioners who cannot easily access metropolitan training courses. Eight new clinical drug and alcohol nurse consultants have been employed in rural areas. Eight people have been employed in rural areas to assist general practitioners to deal with drug-dependent patients. A new case management program for drug-dependent rural women has commenced a trial in the Northern Rivers Area Health Service. Outreach services have been expended in the Illawarra and Shoalhaven regions. So there is a great working partnership with the community.

The drugs and community action strategy project managers are working in rural and regional areas. Funds support the work of these six project managers and the implementation of projects which, by now, involves some 65 community drug action teams. Young people are being helped through youth treatment facilities that have opened in Coffs Harbour and Dubbo. In four regional locations the Getting it Together Program is helping young people particularly at risk of drug use by organising services such as housing, treatment and job seeking skills. There are improved options in the criminal justice system. New health services for court holding cells for intoxicated people are running in Dubbo and Moree.

The Correctional Centre Release Treatment Scheme—also known as the shared care program—links former inmates of correctional facilities with drug support services. It will operate in a number of areas, including western New South Wales. Drug offenders are being steered away from the criminal justice system through programs such as the Magistrates Early Referral into Treatment [MERIT] Program, which operates in the Northern Rivers Area Health Service, the Illawarra Area Health Service, the Mid Western Area Health Service, the Hunter Area Health Service, the Greater Murray Area Health Service, the Macquarie Area Health Service and the Central Coast Area Health Service.

Interestingly, in the past six weeks on nearly every court sitting day in Newcastle—I read a little article in the paper the following day—a person has been referred by the MERIT treatment program into drug rehabilitation and counselling. It is much better to get people into rehabilitation than to send them to gaol where they may not be rehabilitated. Under the Commonwealth-State National Illicit Drugs Agreement, the MERIT Program will commence in rural areas this year, and will cater for an estimated 1,816 clients. MERIT sites are scheduled to commence in the Mid North Coast Area Health Service, the Far Western Area Health Service, the Southern Area Health Service and the New England Area Health Service in the next few months.

Despite what has been said by other speakers who oppose this bill, I have demonstrated that the Government is making available plenty of opportunities outside the metropolitan area for drug addicted people to get into treatment. That argument is no excuse for not supporting this excellent legislation, which will continue the trial of the medically supervised injecting centre for a further 12 months. The injecting centre has the potential both to save lives and to refer people to treatment for their addiction. I commend the bill.

Mr STONER (Oxley) [10.32 a.m.]: The Drug Summit Legislative Response Amendment (Trial Period Extension) Bill seeks to extend the trial period for the medically supervised injecting centre, otherwise known as a heroin shooting gallery, from 18 months to 30 months. The genesis of this injecting centre was the Drug Summit in May 1999. The Drug Summit was perceived by many commentators to be a stacked summit—stacked in terms of harm minimisation ideologues, rather than those who would prefer to pursue a philosophy of zero tolerance of drugs. That opinion was expressed in the *Sunday Telegraph* of 17 October 1999, which stated:

The May drug summit was a sham. It was run by, and for, the pro-drug lobby. Those who have been articulate in their opposition to the legalisation of drugs were not invited.

The reality is that there is no successful model for the sort of shooting gallery that has been proposed for Sydney.

I am on the record as opposing this injecting centre from the start, going back to the Drug Summit, and my position has not changed one iota. We are now in a position where the trial should be evaluated. There has been quite a lot of commentary regarding the cost versus the outcomes—the cost-benefit analysis, I suppose—of this centre. The methodology that is proposed for the evaluation of the centre is somewhat flawed. Having the same people, the same agencies, involved in the establishment and running of the centre also involved in the evaluation of the centre is a flaw. The personal body to judge between two opposed contentions normally should not be selected from one of the contenders.

Whatever the apparent status of the one selected to judge, there will not be the appearance of or confidence in the independence by the opponents in the dispute, and therefore by the public generally. This is why, in the judicial system, one party to a dispute cannot nominate the judge. So there are some flaws in the

evaluation of the trial from the word go. The trial has been an expensive experiment by the Government. It has cost almost \$6 million over 12 months to run this facility by a government which has run up a white flag in the fight against drugs. Further, it is my contention that the evaluation is flawed on the basis of the criteria, or more particularly the lack thereof, in relation to this evaluation.

While the earlier bill was before Parliament, and since the Government has declined or neglected to state these criteria, in the public interest and to ensure public confidence in the trial process they should be stated to the House now. To date, the response to calls for the criteria used has been that the trial will be judged by an independent person or body nominated by the Government. However, it is a judgment of what the trial revealed that is required. The trial cannot be used as a basis for judgment unless the trial is used to reveal the merits and demerits of the permanent injecting room as a basis for that judgment.

This can only be done by way of the trial by defining and pronouncing the criteria directed to both possible merits and demerits of the permanent injecting room, and defining the procedures and statistics to be assembled so that they operate throughout the trial and are directed to both possible and claimed merits and demerits of a permanent injecting room. In the absence of this, the evaluation of relevant matters and some contentious matters will depend not on the trial but on opinion not the subject of the trial. The trial will be used as a false cloak for critical judgment—perhaps the most critical being the United Nations—not touched by the trial but dismissed on an opinion basis.

Therefore, the question is whether the trial is to be used to evaluate the expressed concerns of the United Nations and others as to why there should be no injecting rooms, experimental or otherwise. This is the adverse consequence that use of such injecting rooms will condone drug abuse and drug trafficking. Condonement means encouragement of use and trafficking, and hence increase. The concerns of the United Nations are the same as those expressed by many responsible persons and held by large sections of the community, that is, injecting rooms will send the wrong message. As well as what the United Nations says, this means encouragement in drug abuse and trafficking.

Indications are that this trial will simply be used to support injecting rooms on the narrow basis of what is advocated by their proponents, that is, that injectors will not die from an overdose. If the trial is limited in this way, as appears likely, it will be a phoney trial. My concern about this evaluation is that there appears to be no control aspect of the experiment; we do not have a comparison with another group of people who are using drugs. Neither do we have a comparison between before and after scenarios. Certainly, I would instance this by the fact that during the drug trial I visited parts of inner Sydney where drug use was prevalent.

At that time I noted that heroin users were being resuscitated by members of the metropolitan ambulance service, who did a terrific job of travelling on motor bikes to various places where heroin users were overdosing and then resuscitating them with narkan. What is the comparison between that scenario in terms of the people who are being resuscitated versus those who are overdosing, and the cost of delivering those services? I have seen no proposal to consider a comparison between one approach and another. I have argued all along that the concept of the injecting room is flawed. I would like to place on record the words of some people who are well regarded and experts in their field. Referring to the International Narcotics Control Board, on 27 February the *Sydney Morning Herald* stated:

In its 2001 annual report the United Nations-appointed International Narcotics Control Board condemned the opening of the medically supervised Kings Cross facility and called on the Federal Government it to bring its states into line.

The injecting room—and the governments which allowed it to open—condoned illicit drug taking and drug trafficking, the board said.

The board, a quasi-judicial body set up to enforce the 1961 United Nations Convention on drugs, said the room's potential for harm reduction to addicts was outweighed by its potential to damage the anti-drugs fight.

The board's president, Hamid Ghodse, said the board had gone public because its behind-the-scenes and diplomatic efforts had failed to convince NSW authorities to close the room.

Correspondence from the Australian Family Association dated 9 May stated:

Heroin used in the injecting rooms comes from criminal sources and is illegally brought into Australia by international drug criminals. This undermines the work of international, national and state law enforcement.

There is no evidence that the Kings Cross injecting room has diverted addicts into detoxification and rehabilitation.

There is no evidence that addicts that use the injecting room have stopped using illicit drugs.

The Kings Cross injecting room keeps addicts on drugs.

Heroin users should be diverted into detoxification followed by rehabilitation to get them drug-free.

We should not assist criminals but should help drug users.

We support—

More detoxification & rehabilitation programs to get a mix drug-free

Court order to detoxification & rehabilitation programs

Less addicts

Less drug pushers and drug-related crimes

On 20 May, in an article in the *Daily Telegraph*, Detective Superintendent Eva Brannmark, one of Sweden's highest-ranking police officers, was quoted as saying:

Sanctioning the use of illegal drugs through harm minimisation education policies, shooting galleries and prescribing heroin to addicts will only make the problem worse ...

Shooting galleries may afford addicts a relatively safe area to get their fix but also provide a contained customer base for street-level dealers to prosper.

Monsignor Dominique Rézeau, head of the delegation of the Holy See at the forty-fourth session of the Commission on Narcotic Drugs, held in Vienna between 20 and 29 March 2001, stated:

... we would like to stress that the question of drug injection rooms, where drug addicts may inject themselves with illicit substances, should be faced primarily from the point of view of the human person as such, because the human person is really at the centre of the problem of drug dependence.

On the basis of this fundamental principle we can say that drug dependence is against life itself, we can neither talk about a "freedom of taking drugs" nor about a "right for drugs", because a human person has no right to damage itself and cannot and should not renounce its personal dignity bestowed upon it by God alone. It is especially dangerous in the case of the young.

Having this in mind it seems clear that providing a "clean" environment for taking illicit drugs is not acceptable from an ethical point of view. It is in fact not aimed at treating addicts to free them to the extent possible from their habit. Therefore such initiatives seem to be inadequate and even unlawful in the approach to drug addicts. The right approach must have as its aim health care and the liberation of the person from conditions unworthy of a human being.

Correspondence from Major Brian Watters, of the Salvation Army, dated 24 October 1999, stated:

Every Member of Parliament should in good conscience answer the reasonable question "Will the removal of sanctions against the possession and use of narcotics, together with the removal of police powers to intervene, result in a reduction in the use and attendant harms of heroin, cocaine, amphetamine, and marijuana?" Can anyone seriously believe that such policies will protect young people from becoming involved in drug use? Will not these same policies send a message to our young people that drug use is acceptable to our society and not damaging to their health and wellbeing?

Whenever such policies have been tried in other countries the result has been increased drug use and this has been very difficult to reverse.

I have obtained opinions from numerous experts, including Cardinal Ratzinger, the head of the congregation in the Vatican, the Hon. Athol Moffitt, CMG, QC, Dr Joe Santamaria, the Conference of Commissioners of Police of Australasia and the South-western Pacific Region, and others. Another powerful group, Australian Cities against Drugs, opposes injecting rooms. It is a concern that the Government is trying to shift the evaluation of this centre until after the election. It is a concern that the outcomes of the evaluation, because of the absence of criteria and flaws in methodology, will indicate that this has been a successful trial.

Having said that, of course there are addicts in other parts of the State and the Government is likely to seek to open heroin injecting rooms in regional and rural areas. My view is that resources are tied up in an experiment which has questionable value from a cost-benefit point of view, and certainly has moral and ethical problems as pointed out by the people I have quoted. On those grounds I will oppose the bill. I will oppose an extension of the trial and will continue to seek more resources allocated to regional and rural areas for detoxification and rehabilitation. That has to be our primary aim. We should not assist people to stay on drugs but we should assist them to get off drugs. We should prevent people from becoming addicted to drugs in the first place.

In my electorate of Oxley there is the very successful but underresourced rehabilitation facility at Kundabung, which was established by Margaret McKay and the Hassela Group. That facility has operated with

minimal support from the Government. The facility at Mustard Seed Valley, near Hannamvale, has no support whatsoever. The people at those facilities are working at the ground level to assist people to live better lives, get off drugs, contribute to society, and really get back on track to live their lives with dignity.

Mr BARR (Manly) [10.47 a.m.]: Last year in Australia there were 725 deaths from drug overdoses and in New South Wales there were 249, and 90 per cent were in the 15 to 44 age group. The average age of death was 30.4 years, and 79 per cent of deaths were male. Those are the sad statistics that we have to deal with, and those statistics were not forthcoming from the opponents to the extension of the medically supervised injecting centre. I support the extension of the centre from 18 months to 30 months, because we have to find ways of dealing with people who are chronically addicted, living a life of sordid degradation, and not able to be reached by the conventional processes that we have tried to work through in society.

Many addicts are street people who sell their bodies on the street. They survive hand to mouth, day to day, in an effort to get a fix. Societies in all countries are having great difficulties trying to come to terms with the squalor, sordidness, sadness and medical deterioration that comes from that kind of lifestyle. The interim report indicates that 2,729 individuals have registered and there have been 31,675 visitations from registered clients. In reality, 31,675 injections have taken place in the clinic since it opened on 6 May last year. Had they not occurred in the clinic they would have occurred in back alleys or between cars, with people sharing dirty needles in circumstances that were far from optimum.

It should be borne in mind that we are talking not only about the health of these wretched people but about the prevention of cross-infection of the wider public. One of the big reasons for our success in fighting HIV-AIDS is our needle exchange program, which is not a feature in many countries. This is a health matter not only for the individuals concerned but for the wider community. Not one of the zero-tolerance people who will oppose this legislation has talked in terms of the wider public health ramifications. I also find it startling that those who espouse zero-tolerance values have a laissez-faire attitude to street people, about whom we are now talking. In other words, if we do not have a trial of an injecting room we will be leaving those people to their own devices, and that means they will resume injecting in the alleyways of Kings Cross and between cars.

This debate has come about because legal, social and police strategies have not been able to prevent some young people from using these appalling drugs and poisoning themselves—and in some cases killing themselves—by overdosing at a rate of two per day. Moralising emotions should not get in the way of assessing this public health problem in a scientific manner and engaging in trials, as occurs in any other area of medical endeavour. People who say they do not want a trial are totally blinkered. They close their eyes to what they do not want to see because it is not pleasant: it is ugly. We do not want to deal with drug addicts in our day-to-day activities because they are manipulative and the cause of social and criminal problems. Prisons are full of people who have committed drug-related crimes.

We need a multifaceted approach to deal with the drug issue. The injecting centre is not the answer at all but it does keep some people alive. Those people can then be introduced into our health, social and welfare systems so we can try to wean them from their addiction. If we do not do that we are simply saying we cannot do much about people dying on the streets or back alleys, which is not only a medical failure but a moral failure. If we find these people and what they are doing distasteful, that does not forgive us for not trying to help them. These wretched people have sunk so low that the only depth into which they can sink further is an overdose. If we do not try to reach them and assist them to move away from their sordid degradation and miserable lives, we will all fail. This matter has to be looked at not only from a public health dimension but also a moral dimension.

I have no time for the mealy-mouthed moralising that I hear from opponents who do not suggest an alternative, apart from platitudes. The real issue is that we are dealing with a hard core of people who have been virtually untreatable, and we have to find some way to reach them. The honourable member for Willoughby, for whom I have the utmost respect, was correct when he said that what has been done is a radical departure from international practice, but that does not mean we should not be doing it. In so many places these issues are swept under the carpet and no solution is found, so we have to try to find a way forward. The needle exchange program is very progressive and has had great success. The importance of this matter is that through controlling the way people inject themselves, and providing medical support where possible, we can also stop the spread of HIV-AIDS and hepatitis C into the wider community.

A couple of weeks ago I visited the centre. Of those who use the centre, 2 to 3 per cent—who it is thought are members of the gay community—are HIV positive. It is absolutely paramount that we do not allow cross-infection of the wider community because of people sharing needles. We have been more successful than

any other country in preventing the spread of HIV-AIDS because we have taken the hard-headed public health approach. Among the 2,729 registered users of the centre the hepatitis C infection rate is nearly 80 per cent. Hepatitis C is spread by needle sharing. It is fundamental to eliminate needle sharing, as much as possible. The interim study shows that approximately one in three users visit a health care service provided to them. It is important to assist where we can.

It is crucial to ultimately get chronic users off drugs and for them in the meantime to do minimum damage to themselves and—just as significantly, if not more so—the wider public. It is irresponsible not to address the fundamental issue of the risk to the wider public, which I have not heard the zero-tolerance people really address. There are 537 people killed on New South Wales roads per annum, which is roughly twice the number who die as a result of a drug overdose, but we have to mount the same type of campaign and put the same resources into trying to stop people dying from drug overdose as we do into preventing road deaths. When people die in either way we as a community are diminished.

We need a multifaceted approach. No-one would pretend that this is a solution, but we are trying to keep some people alive and get them into counselling and areas where they can be helped medically. It is also a way to try to stop the spread of HIV-AIDS into the wider community. We need a multifaceted approach based on education and tough policing and trying to catch more of the big-time drug pushers. We should have better and more efficient customs and quarantine interception so that we stop these drugs coming into the country. From all accounts there is about to be a boom in opium production in Afghanistan and Burma, which could mean a flood of heroin into this country, with its devastating consequences. We need to focus on treatment and rehabilitation and put more resources into them. The injecting room was set up as a trial to be scientifically evaluated. Other endeavours in research are done on a trial basis and the results are evaluated. I cannot see how people could oppose a trial like this. I support its continuation.

Mr PICCOLI (Murrumbidgee) [11.00 a.m.]: The honourable member for Manly referred to the moralising of people who are opposed to the injecting room at Kings Cross. I will vote against an extended trial period for the facility, and I make no apology for moralising about drug use and opposing the condoning of drug use through the injecting room. Everyone in this Parliament and in New South Wales opposes drug abuse and use, but we differ on where we draw the line in dealing with the problem. I oppose it because it sends the wrong message. Plenty of experts and religious and international organisations have already trialled this method of dealing with the drug problem, but it has not worked. That failure forms the basis of the United Nations criticism of the New South Wales facility.

I do not have any children, but when I do have them I would like to think that neither the State nor the Federal Government would condone the use of drugs, even in the limited form in which they are used in the injecting room. Undoubtedly, drugs are a significant problem but there are different ways of dealing with the problem. I take the hard line of zero tolerance in the sense of law enforcement and limiting supply. People who are drug dependent should be dealt with through rehabilitation, counselling and other types of social services. I would rather see the money that is spent on this facility being directed to education about, and deterring people from, drug use in the first instance. Usually, people use very heavy drugs such as heroin for significant reasons: depression, other types of drug abuse, family problems and the like. Young people are most vulnerable to drug abuse.

Let us put our resources into stopping people from using drugs in the first place rather than accepting that drug use is inevitable. We have reached a sorry and dangerous stage when the Parliament, or any government, has to condone drug use in some form. Many other illegal activities are not condoned. People who support the injecting room point to the number of injections and lives saved at the centre since last May. The number of injections is not the point. The point of opposition to the extension is that it sends the wrong message to our community, particularly our young people. In 1989 the Premier—he was then the Leader of the Opposition—wrote an article for the *Sydney Morning Herald* outlining his position on drug use in which he said:

To say use of these drugs is against the law is still an important and useful statement. If we were to remove that sanction, apart from anything else, we massively undercut all our anti-drug education.

Why would any school student believe official warnings about the deleterious effects of heroin when it is being handed out at government dispensaries?

Heroin is not handed out at government dispensaries, but its use is condoned at a government-funded and government-serviced facility. Even the Premier, when he was Leader of the Opposition 13 years ago, had doubts about the Government condoning drug use. Unfortunately, that is what the facility does and I am very concerned

about its longer-term impacts. A number of speakers quoted many eminent people who are opposed to the injecting centre. I have a statement from Archbishop Pell opposing it, but I will not read it out. Plenty of people have reviewed the evaluation that led to the decision to extend the trial. The United Nations also objects to the extension, but I will not quote that. I oppose the extension. I know that the majority of residents in my electorate oppose the injecting room and the condoning of drug use in any form. They certainly support dealing with drug abuse through rehabilitating, educating and diverting people from drug use in the first place.

Mr MOSS (Canterbury—Parliamentary Secretary) [11.06 a.m.]: I support the legislation. It is absolutely essential that we extend the trial of the medically supervised injection centre to enable the evaluation team to properly inquire, assess and report. In turn, their findings will be fully considered by the Government and the community at large. The initial plan for an 18-month trial was insufficient. The October 2002 deadline would not have given the evaluation team time to consider their work, let alone give the community time to assess the evaluation team's report. October 2003, the deadline proposed in the legislation, makes sense. If we were to cut it off in October 2002 we would no doubt be putting the cart before the horse. The terms of reference of the evaluation team are extensive and involve three major studies.

One study concerns the operation and service delivery of the centre, which is an on-going process that involves monthly reporting. It may be argued that the work of the evaluation team in this regard is not finalised, but it is certainly in hand. However, an impact study and economic evaluation of the centre will not be finalised until April 2003. These inquiries will not be finalised until the date on which the centre would have closed under the original legislation. In February the New South Wales Advisory Group on Drugs recognised that the Government should seriously consider extending the trial to allow community consultation and parliamentary debate. I will be very interested to read the report on the impact and economic evaluation of the trial. On what has transpired to date, it is clear that the medically supervised injection centre will be a great success story.

I am pleased about that because during the Drug Summit I supported the establishment of the trial for the very reasons that the statistics now reveal: a drop in overdose deaths in the Kings Cross area and a drop in ambulance call-outs. Also, in the first 11 months the centre referred approximately 400 people to drug treatment, which demonstrates that those people want help and are looking for help and that the medically supervised safe injecting centre was able to find treatment for them. Although there have been 200 overdoses, no deaths have occurred. Clearly that is because those using the centre are in a supervised clean and medically safe environment.

While my assumptions on the effectiveness of the centre with respect to treatment now are confirmed, I am also interested to see the impact of the economic evaluations of the centre. The impact evaluation has five components, which was emphasised by the Minister in his second reading speech. Those components take in the impact on public health, treatment and clients' health, the community, drug dealing and related crime, and assessing community attitudes. That is a pretty thorough and extensive inquiry. Therefore, the findings of that particular aspect of the evaluation team study will require time for Parliament and the community to consider and debate. For that reason I fully support the extension of time as outlined in this bill.

Mr O'FARRELL (Ku-ring-gai) [11.11 a.m.]: This is not a debate about the merits or otherwise of the medically supervised injecting room, which currently operates in Kings Cross. I note that I share that view with the honourable member for Liverpool, who spoke earlier in this debate. It cannot be a debate about that matter because, as the Special Minister of State said when announcing the trial's proposed extension and as the Leader of the House said when introducing the bill, the results of the trial are needed before any such conclusions can be drawn. However, in his next breath Mr Della Bosca pre-empted that statement by declaring, "There is no evidence of any adverse impact created by the centre," which to me at the very least undermines what is meant to be an independent assessment. The Minister should forgive me, but I prefer see the final report from the independent evaluation committee before I accept his word on that.

I expressed my views on the substantive issue of an injecting room when the matter was debated in this place on 17 November 1999 and I genuinely look forward to again debating the issue when the committee's report is available. This legislation takes the cynicism and calculation of the Carr Government to new heights. It is simply a device to put the issue of medically supervised injecting rooms beyond the scope of the next State election due on 22 March next year. Labor does not have the courage of its convictions to put its views on the future of the centre, and the likely establishment of similar centres elsewhere across Sydney and New South Wales, to the electorate at that election.

If Messrs Carr, Della Bosca and Whelan are genuine in their commitment to consulting the community on the issue, why not subject it to the major consultation with New South Wales citizens that occurs every four

years in this State, namely, a State election. If Mr Della Bosca's view prevails and the centre is to continue and its operations are to be expanded to other suburbs and towns, why not come clean with the citizens and tell them where other medically supervised injecting rooms will be established.

Already we have heard in this debate the honourable member for East Hills honestly acknowledge and nominate Cabramatta, Bankstown, Redfern and Manly as areas where heroin problems exist and where these types of services are needed. The Carr Government should come clean with residents in those suburbs. Voters in Cabramatta, Bankstown, Redfern and Manly should have an opportunity at the next State election to express their support or otherwise for Labor's plans to establish injecting rooms in their neighbourhoods. That would be the honest course of action. Instead, through this measure, Labor ensures that any decision on that matter will be made after the State election, thereby denying residents an opportunity to pass judgment until 2007.

In this debate we heard the observations of the honourable member for Port Macquarie about heroin and his community. He and I hold differing views on this matter. I note in passing that his views seem out of step with the views of those who attended the public meeting of residents in Port Macquarie organised by the indefatigable anti-drugs crusader Margaret McKay. It would have been more honest at the next State election to ask Port Macquarie residents their views about the possible establishment of a medically supervised injecting room in their town rather than have such a facility imposed upon them afterwards, should the Australian Labor Party be re-elected.

I am disappointed that by supporting Labor in this debate the honourable member for Port Macquarie will deny his residents that opportunity and, by his actions, however well-intentioned, he becomes complicit in Labor's conspiracy to deceive New South Wales electors over this matter at next year's poll. In response to matters raised by the honourable member for Port Macquarie I state the following. He is incorrect in claiming the Coalition had a closed mind at the Drug Summit or in caucus before the various debates and votes occurred. Liberal Party members of Parliament had a free vote at that 1999 Summit in all those matters and a survey of the proceedings and the division lists demonstrates the truth of my statement. Second, I assure him also that in this debate National Party members of Parliament are exercising a conscience vote. I know that because at least one of them complained to me that it was not allowed to be a party vote. They are having a conscience vote.

The fact is that it is still possible in a diverse, open liberal society for people to agree. Rather than being a negative, the fact that National Party members of Parliament have a similar view on this legislation is an indication of the philosophical and personal unity that exists within that party. All members of Parliament have a primary duty to deal honestly with their constituents, especially on an issue as sensitive and significant as the scourge of drugs within our society. I condemn the Labor Party for refusing to do so through this measure. Whether it is people in the areas Labor members have nominated in this debate or residents of Hurstville, Sutherland, Strathfield, Penrith, Maitland or indeed Chatswood or Hornsby in my own part of the world, I believe people have a right to know the plans of a future government in this policy area before the next election so that they can exercise their democratic right and pass judgment.

The Coalition has clearly stated its opposition to the centre and rules out establishing centres in other parts of the city and State. Labor refuses to reveal its plans. This legislation is politics at its worst. It is an attempt by Labor to deceive the community. It is aimed at keeping open all its options to establish such centres anywhere in Sydney and across the State if it succeeds in being re-elected for a third term. This legislation is exactly the type of measure that has made so many of our citizens cynical and disparaging of those who are engaged in the profession of politics. It is the latest example of the feet of clay of the Special Minister of State. It is an admission of yet another error by the former Sussex Street wunderkind and another example of his lack of political foresight and judgment.

It probably also explains why Marie Andrews is likely to remain the honourable member for Peats, and why the mantle of future leadership, for those who forlornly believe that members of the Legislative Council are up to the task, has now shifted to Michael Costa. When Mr Della Bosca introduced the Drug Summit legislation in 1999, legislation that gave legal sanction to this trial, he spoke at great length about the independent evaluation committee and its work. The complexity of the assessment was made clear and the timetable was announced.

In a media release in June 2001 releasing the committee's draft report on the centre's first month of operation Mr Della Bosca again restated the original timetable for the assessment. This would have seen the assessment report released later this year, at least four months ahead of next year's election. But suddenly, probably after Easter's eternal echo of crucifixion and death, plans were announced to extend the trial and assessment period by a further 12 months. This is an announcement devoid of any plausible justification, given Mr Della Bosca's repeated statements since 1999 reaffirming the original timetable.

I suspect that Mr Della Bosca's about-face was prompted by a realisation by those in Sussex Street or in the Premier's Office that the original timetable of the Special Minister of State would have forced Labor to be far more honest with the New South Wales electorate than it ever intended and, as a result, would have caused real political headaches in a number of crucial electorates. This is the most cynical and calculating Government in the 146-year history of responsible government in this State. It is cynical about issues on most days, but this legislation represents the latest and most audacious example of its handiwork. As I said earlier, this is not the place to debate the merits of the trial or the future of medically supervised injecting rooms. Instead, we deal today with a machinery bill designed to prevent such a debate occurring this year or before next year's election. It deserves to be defeated and I will be amongst those who vote against it.

Mr MAGUIRE (Wagga Wagga) [11.20 a.m.]: I commend my colleague for his contribution. This bill is the result of the Drug Summit, in which we all participated. Debate on the original Drug Summit legislation was one of the first in which I participated in this House. I could not support certain aspects of that bill and I cannot support this bill for the following reasons. I have read the bill and it is a very weak document. I have looked at the figures and in no way could one conclude that the injecting room trial has been successful. The indirect cost to establish the injecting room was \$1.3 million and the cost of running it was \$4.3 million.

I have done some mathematics from those figures and I put to the House that 30,000 registered visits to the centre cost \$143 per visit. There were 2,600 registrations at a cost of \$1,653.84 per registration. The report states that more than 400 referrals have been made to drug and treatment and drug counselling. That is \$10,750 per referral just to get these people, who are, unfortunately, addicted to drugs, to the door of a counselling or rehabilitation centre. The report does not record whether these people are being maintained on methadone or whether they have managed to obtain rehabilitation beds or the services they require. The Government will say in order for the shooting galleries, to which I am opposed, to be successful, they should be in every town, city or village within the State, because drug addicts are throughout the length and breadth of the State. Therefore, if this program has been so successful, it should be expanded right throughout the State.

If 250 centres were to be established and if only 50 drug addicts were to use those centres, the cost would be some \$20 million. On the figures given here, of the 2,600 registrations, 400 have been referred to other types of drug treatment, although the types of drug treatments are not specified. Working on 15 per cent of an estimated 50 clients in some 250 towns throughout the State, at a cost of \$10,750 each, it would cost \$20 million just to get people to the door of a rehabilitation centre and/or methadone service.

I have no doubt that all members of the House have genuine concerns about the scourge of drugs in the community and rightly seek to help those who suffer drug addiction, but the amount of money that is being poured into this trial is unjust. Although I acknowledge that some lives have been saved—and that is important—people right throughout the rest of the State are as badly hooked on drugs as those in the Kings Cross area. Also, it has not been suggested that crime rates have reduced because of the injecting room, and no explanation has been given as to where drug addicts are obtaining their drugs. That is one reason why I did not support the earlier bill. Also, no-one can guarantee the purity of the product.

Drug addicts often steal to maintain their habit. That is still happening and the injecting room is aiding and abetting these criminals by allowing them to inject this product into their veins. I would like to have heard some comment about crime and the fact that a percentage of the drug addicts still need to steal, break and enter, commit armed hold-ups, beat up pensioners, and so on, to fund their habit. That is not unique but it is happening throughout the State.

Yesterday the Treasurer announced an allocation of \$18 million for the expansion of methadone treatment programs. These people have nowhere else to go and some are being maintained in limbo land without sufficient access to rehabilitation facilities. Other speakers have spoken about various initiatives and programs for additional rehabilitation beds. I have worked hard with my community and I fully support the initiatives that have been put in place to provide adequate rehabilitation treatment and access to drug addicts. I am all for treatment, but I do not agree with assisting people to inject drugs.

The money being used for shooting galleries could be more wisely spent in Wagga Wagga. My community has worked hard to establish its rehabilitation unit. It was one of the first cabs off the rank because the community formed a working task force, put plans in place, and was ready to roll. All we need now is further funding and a commitment from the Government so that we can open the doors to allow more people to access the treatment. At any one time, only three out of 10 people access rehabilitation services—not counting those who are just being maintained in limbo land on methadone.

The increase of \$18 million is basically an admission by the Government that more people will be maintained in limbo land and will not receive access to rehabilitation to enable them to put their lives back in order and allow them to return to mainstream society. More money must be directed into rehabilitation. Wagga Wagga services the entire south of the region and, therefore, needs a permanent rehabilitation centre. We could do with \$1 million to enable the centre to provide more access to people seeking rehabilitation. People are knocking on the doors of the centre seeking access. We are applying to increase from 10 to 15 the number of people assisted, because that is desperately needed, but, more important, we need a permanent home for the rehabilitation centre.

I do not condone the use of injecting rooms, for the reasons that I have stated and more. However, time for this debate is limited and we will consider this issue again. I am prepared to consider any initiatives with an open mind. However, I believe the Government will concoct a story and tell the public that this trial has been a great success and has cost only \$6 million. I agree that it has saved some lives, which is pleasing, but at what cost? There must be a better way to provide rehabilitation and other services in this State to get people off drugs and to educate young people against drug taking. Not a lot has been said in this debate about those who peddle death and destruction: the pushers. I would like even tougher penalties to be imposed on such people. We will revisit this issue and I predict that, in time, there will be a push to establish shooting galleries throughout the State.

Mr MERTON (Baulkham Hills) [11.31 a.m.]: The Carr Government has brought the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill before Parliament in an attempt to defer making a long-term decision about the future of the drug injecting room at Kings Cross until after the next State election, which is due on the fourth Saturday in March next year. It is a blatant attempt to delay for political purposes the decision as to whether New South Wales should have permanent injecting rooms where people can inject poisonous substances, such as heroin and cocaine, into their bloodstreams. The Opposition believes this legislation is not only an attempt to delay a long-term decision about the future of the existing injecting room at Kings Cross but a possible means of introducing drug injecting rooms across Sydney following the State election. That is cause for grave concern.

The so-called safe injecting room was established as a result of the Drug Summit. I opposed the safe injecting room proposal at the time because I believe the term to be contradictory: it is not safe. Anywhere that people can inject into their veins poisonous substances from which they will ultimately die cannot be regarded as safe under any circumstances. I opposed the proposal then and I oppose it today. This bill seeks to extend the trial period from 18 to 30 months to allow the centre to remain operating until the final report of the Independent Evaluation Committee is delivered.

The notion of drug injecting rooms certainly provokes much discussion in the community. I am the first to acknowledge that drug addiction is a tragedy not only for its victims but for their families, friends and acquaintances. If there were an honest, simple solution to this problem we would grab it. However, there is no simple solution to drug addiction. Many people have opposing views on the subject. I do not doubt their sincerity for one moment because they firmly believe they are correct. This issues encourages differing opinions. My opinion, which is shared by many Opposition members, is that so-called safe injecting rooms do not work. We believe there should be greater emphasis on drug rehabilitation and treatment. To put it simply and in terms that we all understand, I believe making available a facility where people believe they can inject drugs safely is no different from giving an alcoholic a slab of beer or a bottle of Scotch every Friday night.

Many people argue that there is nothing more sad, appalling and wasteful than some poor wretch dying in the gutter of a back alley of Kings Cross, Western Sydney or any other part of New South Wales or the world because he or she did not receive treatment for a drug overdose. I understand that argument. However, I believe we must take a stand and decide whether we will surrender the fight—wave the white flag—and say that people can continue to take drugs and that feeding their habit and providing some means of harm minimisation is the correct course. Many on both sides of politics sincerely hold that view. I do not. I believe we must focus on rehabilitation and education. My deeply held conviction is that feeding the habit will not cure the problem—and it is all about curing the problem. Feeding the habit simply maintains the problem.

If passed by this Parliament, this legislation will extend the Kings Cross injecting room trial period from 18 to 30 months. I oppose that proposition because I believe the injecting room should not have been established in the first place. Some may claim that mine is just a voice in the wilderness and that my views are not supported by others. However, let us consider some additional opinions on this subject. A United Nations report has criticised Australian States for attempting to establish a heroin injecting room in defiance of the Federal Government. A report in the *Sydney Morning Herald* of 21 February stated:

The report, to be released today by the UN's International Narcotics Control Board, said "spreading heroin use" in Australia had led to a rising death toll. The report said harm reduction should be part of a strategy to deal with the problem, but the real focus for Australia should be on measures to reduce the number of heroin abusers.

"Harm reduction should not become a goal in itself or be adopted at the expense of a strong commitment to reduce both the supply of and demand for illicit drugs," the report said.

The report continued:

"Some States unfortunately challenge the policy of the Federal Government and choose to support policies that run counter to the treaty obligation limiting the use of drugs to medical and scientific purposes only, by establishing heroin injecting rooms where illicitly obtained drugs can be injected under supervision."

Every person who uses a drug injecting room has obtained heroin illegally. I do not know how much heroin costs, but it would be certainly more than the price of a Mars bar or a milkshake. Heroin costs a great deal because it is bought on the black market. Where do addicts get the money to buy it? It is a known fact that many resort to crime and deceit to feed their drug habit. Make no mistake, I feel nothing but compassion, sympathy, sorrow and despair for those people and the dilemma they face. However, it is a fact of life that all heroin used under supervision in what people believe to be a safe, Government-controlled injecting room is obtained illegally. The report in the *Sydney Morning Herald* continued:

The report noted that heroin prices had fallen and purity increased while heroin-related arrests had also risen since 1997. A UN spokeswoman said the board believed that by opening heroin injecting rooms the States would not help to reduce the number of heroin abusers.

I refer now to statements made in an editorial in the *Daily Telegraph* on 11 August 2001, which was headed "Surrender on heroin a betrayal." The editorial read:

The battle against heroin addiction and the criminal importation of heroin and other drugs is a fight that is worth the effort and the millions of taxpayer dollars it costs per year.

That means the fight against drug addiction and the supply of drugs is worth the money that is spent on it. The most telling remark in the editorial is:

The alternative does not bear contemplation: whereby a community acquiesces, declares heroin a legal drug, and condemns a generation to drug—and welfare—dependence.

That says it all. The editorial also stated:

The work of the Australian Federal Police and other agencies has resulted in a market shortage of heroin since last November.

In Cabramatta this shortage—in addition to increased police surveillance—has resulted in the number of overdoses dropping from 77 last November to two in April.

The Cabramatta Drug Information Service dispensed only 15,767 needles to addicts last May compared to 53,526 in November.

In Victoria, heroin deaths have been reduced from 200 this time last year, to 27.

I certainly agree with the next statement:

Heroin trials cannot reduce addiction: they aim to maintain addiction while diminishing criminality.

The Opposition simply says that the injecting rooms do not reduce addiction; they help to maintain addiction because people feel they are safe. The editorial continued:

Rehabilitation cannot be achieved while addiction is maintained

That makes sense. How can addicts be rehabilitated when their addiction to the substance that will ultimately kill them is continued and maintained? We believe that the Kings Cross injecting room could well lead people to believe that what they are doing is legitimate. It lulls people into a false sense of security: they believe they will not come to any harm provided they are in the sterile and sanitised atmosphere of the drug injecting room. If the Government is returned to office after the next election and decides on a further heroin trial and more injecting rooms, the last thing I would like to see is injecting rooms in Blacktown, Parramatta, Penrith, Campbelltown, Liverpool, Bankstown and other parts of Western Sydney. We do not know what will happen in that regard.

The Opposition believes that instead of heroin trials there should be a greater demand for rehabilitation beds. The sad fact is that there are insufficient rehabilitation beds to cope with the demand. I and many other

members of the Opposition believe that the Government should devote its energy and the \$8 million, \$9 million, \$10 million, or \$11 million—whatever it has spent so far in Kings Cross—towards providing addicts with education, rehabilitation and detox centres. Drug addiction will not go away overnight. Unfortunately, dealing with drug addiction takes years of struggle and disappointment for those who are involved and their families.

The funding should be spent on trying to overcome the problem rather than feeding the drug habit. For that reason the Opposition does not support the so-called drug injecting room. By helping the addicts cure the habit rather than feed the problem we will secure a better future not only for the addicts but for all Australians. At the end of the day we all become victims of the drug tragedy. The community pays the price of break-ins, burglaries and thefts from cars. As I said, the Opposition believes we should not feed the habit; we should try to cure the problem. We believe this legislation will not achieve that.

Mr RICHARDSON (The Hills) [11.46 a.m.]: It is clear to me that the introduction of this bill means that the Government wants to make the injecting room at Kings Cross permanent. If that is the case there is no doubt that other injecting rooms will be established throughout the State. The extension by 12 months of the trial period will mean that the final results will not be known until after the next election. For the Government that means that the problem will effectively be swept under the carpet; the injecting room will not cause the Government any political grief. If that is not so, one has to ask why the Government would bother. What new insights will the Government come up with? What new data will be collected that will prove useful in making a final decision on whether to retain the injecting room?

Unlike the honourable member for Cronulla, I was able to obtain a copy of the injecting room report by Professor Kaldor et al—not, I might add, from the Special Minister of State but from another source. It is a singularly unconvincing document. The statistics do not add up. They do not make a convincing case for extending the period of trial of the injecting room. As I understand it, the local community is not supportive of what is happening in Kings Cross. In the *Australian* of 4 May the President of the Kings Cross Chamber of Commerce, Paul Hagar, was quoted as saying:

All in all from the chamber's point of view the injecting room has been a real problem for our members. Unfortunately it brings pretty unsavoury people into the Cross

Many of us warned of that likelihood three years ago when this trial was first proposed. It is one of the reasons I was opposed to the trial then and why am still opposed to it. If it is accepted that the State will sanction people injecting illegal substances into their bodies and will assist them to do so, why stop there? Why was the Government opposed to the heroin trial, which was one of the suggestions made at the Drug Summit? After a prescription heroin trial, perhaps we could go to a cocaine prescription, as there are almost as many people injecting cocaine at the injecting room as there are injecting heroin.

Indeed, as other speakers in this debate have noted, there is a range of other drugs— amphetamines, et cetera—that might be injected and a range of drugs that may be developed in the future. We simply do not know what the consequence of their introduction into our society might be. It seems to me absolutely axiomatic, given that we are talking about substances of unknown quantity and purity and that have an unknown effect on the human body, that the last thing the State would want to do would be to encourage the injection of those substances and send the message out to the community that the State condones this and one day, some time in the future after we have helped them inject, we hope they will get over their problem. That is not solving the problem; that is creating problems. Nothing has changed because this injecting room has been up and running for some time.

It was always a quasi-scientific trial. There was no control group. We were not looking at the impact on drug users and on the community independently of other factors. One of the other factors has been the heroin drought of the past 12 months. Heroin has been much less freely available so there has been a reduction in the number of overdose deaths throughout the State. We have not looked at the alleged success or failure of the trial in isolation from that other factor that may well have led to fewer drug overdoses in the Kings Cross area. The report shows that registered clients made 31,675 visits to the injecting room, during which the injection of drugs was supervised. The majority of the clients were male, 71 per cent, and less than one-third were female, 28 per cent. Male clients accounted for 61 per cent of visits. Heroin was the drug most frequently used. It was injected on 50 per cent of the visits. Heroin was closely followed by cocaine, which was injected on 42 per cent of the visits.

Clients made an average of 12 visits in the 12 months. That is an average of one per month. So it is fairly clear that these people are injecting drugs frequently outside the supervised injecting room. What really

concerns me about what is happening in Kings Cross is that only one in 31 visits resulted in a referral for further assistance—around 430 to 440 in all. No follow-up was done on these people. There was no analysis of whether the referral to treatment resulted in a successful outcome, whether those people had entered into a rehabilitation program and were getting clean of their habit. That did not seem to be an important consideration in this trial.

There were 250 drug overdose incidents at the injecting room that required clinical management. People might think that is terrific: it saved lives. But, of course, people inject anywhere. When they score they want to shoot up immediately. So we do not know whether those people died subsequently. We know that 46 per cent of those people had overdosed previously—that is not an uncommon occurrence—and they had survived that experience. So we do not know—and we can have no way of knowing—whether the injecting room saved lives. All we know is that they overdosed there and that they were given treatment. Of 223 ambulance callouts to overdoses in Kings Cross last year, roughly half occurred after the injecting room opened last May. Thirteen of the 24 overdose deaths last year happened after the centre opened. The number of overdoses was down. As I said before, that is probably due to extraneous factors. It is certainly not due to the injecting room being in place.

A substantial number of overdoses are still taking place in Kings Cross outside the injecting room. That is not so surprising: the injecting room is open for only eight hours a day. A hundred and twenty people used the facility, which is only a fraction of the number of intravenous drug users in Kings Cross—an estimated 2 per cent to 3 per cent. According to the director of the injecting room, Ingrid van Beek, most people inject at home, where there may be nobody else present to save them if they overdose. Despite the advent of this injecting room, that is an ongoing phenomenon. If, instead of assisting people to commit an illegal act, Ingrid van Beek and her team were there to assist them to kick their habit the injecting room would be worth supporting. But, as I said before, only 430 to 440 have been referred for treatment, and we do not know how successful those referrals were.

It amazes me that the *Sydney Morning Herald* could run an article headed "Injecting room gets clean bill of health". It depends on your interpretation of a clean bill of health, the criteria used. Harm minimisationists agree with the concept of a supervised injecting room but if you genuinely want to get people off drugs, if you think that is the way for society to go and if you do not want to help those people maintain their habit but want them to get their lives in order, you would say that the money spent on the injecting room would be better spent on treatment.

The injecting room has cost \$4.3 million to date and will have cost \$6.7 million by the time the trial has ended. I do not think anybody else in this debate has referred to the cost of each injection. Every time someone walks up the stairs and sticks a needle in his or her arm it is costing taxpayers \$135. That is about five times the cost of a visit to a local GP who bulk bills. This gives a clear indication of how outrageously expensive this trial is. Not only that, if only 430 to 440 have been referred for treatment, the cost of a referral—not the treatment—is \$10,000. We could treat a lot of people for \$10,000. That does not seem to matter to the Government and to the sponsors of this trial. They think that a \$10,000 referral represents value for money. They think that spending \$135 to assist somebody to stick a needle in a vein is value for money.

The injecting room was also designed to have an effect on the crime rate in Kings Cross. According to the report, there is no indication that the injecting room had any effect on either theft or violent acquisitive offences in the Kings Cross local command area. The number of theft offences recorded in the Kings Cross local area command decreased after the injecting room opened but the cause of this decrease is unclear and is not likely to be a result of the injecting room. Once again, the heroin drought would have had a major impact. *[Extension of time agreed to.]*

Dr George Pell, when he was the Catholic Archbishop of Melbourne, said:

The Catholic Church teaches that taking drugs is wrong, because it harms the body, dulls the mind, diminishes self-control and ultimately it can and does kill.

We cannot risk sending a message to society generally, and young people in particular, that seems to give a green light to drug abuse.

There is a host of practical problems surrounding the proposal. We need more than band-aid solutions. We need more places in detox programs, more halfway houses for those leaving such programs, more help for the families involved and better prevention strategies. Effective compassion will cost money and involve much greater efforts.

Only a limited number of addicts will use the injecting rooms. We should not encourage governments to use this approach to avoid their wider and more costly responsibilities to discourage the drug culture and rehabilitate victims.

In relation to the injecting room, Archbishop Pell further said:

Of critical importance is the limited scope of these examinations, statistics or otherwise of the trial evaluation. It does not cover or attempt to set up a statistical method to evaluate the principal matter of concern about the injecting room and more so permanent injecting rooms in various locations throughout this State.

That is certainly true. Archbishop Pell made the point that if people who are running the injecting room feel that it is absolutely essential in order to save lives, there should not be a ban on its use by those aged under 18 years. The reason for that ban is that society simply would not condone the idea that the State should sanction minors climbing up those stairs and being assisted to inject drugs into their arms. The concept of the injecting room is essentially illogical. We have already heard that it is in breach of our international obligations, and the United Nations tells us that we should not continue with this injecting room and should close it. Quite apart from sending the wrong message to the community, the injecting room diverts funds from rehabilitation and treatment programs and is failing to divert a significant number of people into treatment. It has had absolutely no effect on crime rates in the area. On the basis of all those key performance indicators for the injecting room, it did not get a clean bill of health. It ended up with a fail mark, and that is why I and many members on this side of the House shall oppose the legislation.

Mr FRASER (Coffs Harbour) [12.02 p.m.]: I oppose the legislation and do so for a number of reasons.

Mr Black: What a surprise!

Mr FRASER: The honourable member for Murray-Darling said, "What a surprise", but I do not think it is. As chairman of the National Party Policy committee on drugs, and as I have said in this House previously, I started with an attitude that we should try to get rid of drug users: We do not need them, they are a problem. But in fact they are victims. I do not believe that the Government has put enough resources into assisting them in their rehabilitation and detoxification. I say that honestly and sincerely. The timing of the extension of the trial indicates that it is a matter that the Government wishes to push over until after the next election. This trial has cost taxpayers \$4.3 million but has not achieved what it set out to achieve.

It has not achieved any great things apart from appeasing a small section of the community, and a small section of the people who attended the Drug Summit. Victims of drugs and others who end up being victims of drug addicts—and there is a high crime rate associated with addicts feeding their habit—are crying out for more detoxification and rehabilitation facilities. In my electorate of Coffs Harbour we have been told on many occasions by the Minister for Health that the Government has put extra money into detoxification facilities for people affected by drugs, and that includes alcohol. Bellingen hospital still has only one bed open for detoxification. The psychiatric unit at Coffs Harbour hospital, which badly needs funding to treat drug-related psychiatric illnesses, has only 11 beds open out of 30; 19 beds are closed.

In the first 12 months of operation only 2,729 people have used the injecting room. There were a total of 31,675 visits, which equates to 11 visits per person. That means that clients visit only once a month. We all know that heroin addicts do not use heroin only once a month; normally they use once, or more than once, a day. The evaluation report states that there were 1,947 visits, which equates to 16 visits per person in 12 months. The figures clearly demonstrate that the trial is not working, it is not providing the facilities that people need. The report further states that 409 people were referred to detoxification and rehabilitation programs, including methadone maintenance. That is another story. I do not believe in methadone maintenance; I believe we should have methadone treatment that takes people off methadone. We do not have that in this State. Surely it would have been better to put the money into that treatment.

Depending on which figures are used, about 21 per cent, or 14 per cent, of the total number of people who visited that facility have been referred for further treatment. In itself that shows that this social experiment—and that is all it is—is not working. If the Government were serious it should put the money into rehabilitation and detoxification services. The report states that in 12 months 250 drug overdoses occurred with 163 clients. The report states that a large number of clients overdosed on more than one occasion. Surely when people overdose we should consider sentencing them—and I use that term advisedly—to a rehabilitation or detoxification program. But that did not happen. There were 409 referrals. The figures do not add up.

The facility runs a needle dispensing program and 17,937 needles and syringes were dispensed on 2,175 occasions. That is an admission that the facility is not meeting the requirements, per se, of the community. If that many needles are dispensed on that many occasions, it is obvious that people are not choosing to use the injecting room on a regular basis to inject themselves with illegal drugs. I suggest that the Government produced

this report in a hurry in an attempt to justify its decision to conduct the injecting room. Page 19 of the report lists the number and type of inquiries made in 12 months, divided into percentages. A number sought information on the medically supervised injecting centre [MSIC], including seeking or waiting for MSIC clients, complimenting staff regarding the MSIC, wishing to tour the MSIC, seeking referrals, and other inquiries. The total number of those inquiries, 880, are broken down into the following percentages: 44 per cent, 17 per cent, 9 per cent, 3 per cent, 10 per cent, 8 per cent and 13 per cent.

If one were to do some very rudimentary maths on this, one would realise that those figures should read 44.6 per cent, 14.5 per cent, 8.75 per cent, 8.75 per cent, 7.7 per cent, 2.8 per cent and 13 per cent. Whoever has done the calculation has not even been accurate. The report put forward by the Government and the table that shows the number of visits for whatever reason is inaccurate. The report basically states that there was no increase in crime. The report states that levels of offences in either Kings Cross or Waverley recorded by police in Kings Cross were not affected by the opening of the MSIC. Indeed, a decrease in the number of thefts was recorded by police. I suggest that is selective reporting.

The report states that counts in front of the MSIC indicated an increase in the total number of loiterers following the opening of the MSIC. That is a pretty plain statement. It goes on to state that the increase is unlikely to have been the result of increased drug-related activity in the area because there was no corresponding increase in the number of loiterers adjudged to be drug related. I am sure honourable members are familiar with the old saying, "lies, damned lies and statistics". I suggest that these findings would fall into the "damned lies" category. The statistics show an increase in loitering, but police have not reported any increased incidence of drug-related activity among loiterers.

But what they do not tell us is that under the original legislation police were given the opportunity to use discretion. Those who are loitering as such have only to say to a police officer or any other person who stops them that they are going in to use the facility and no offence is recorded. The Government's position, by suggesting that even though there was an increase in loitering it was not drug related, is nothing more than a smokescreen. I suggest that the report has been designed purely and simply to enable the Government to get an 18-month extension for the facility, which will put it past the March 2003 election.

The report does not, in any way, shape or form, support the extension of the facility. No scientific evidence has been produced about how or why it is being used, or how successful it has been. No parameters were set in the first place to try to provide information that would convince me, as a member of Parliament, or my community that the facility is working and has been successful. Only 409 people were referred to programs, and that is not good enough. As a member of Parliament and a responsible citizen of New South Wales, I spoke to drug addicts prior to the Drug Summit. I sat in the streets of Kings Cross and talked to those kids. I spoke to kids in my electorate who had been affected.

One thing I learned was that most of them are hooked on heroin and other drugs well before the age of 18. Yet a person under the age of 18 cannot enter the facility. What happens to those kids? Are they included anywhere in their statistics? No, they are not. We are not doing anything for them, and this facility does not help. The other thing I learned was that users of heroin and other illegal drugs normally get support only from their peers. It becomes a merry-go-round. People remain on that merry-go-round because when they are taken to hospital after having overdosed—and even at the injecting centre—they are asked to answer the questions, "Do you wish us to notify your next of kin or a relative?" and, "Do you wish to go into a detoxification program?" by placing a tick in a box. They answer "No" to both questions.

Sometimes the only way to help these people is to act firmly. When a child misbehaves, or tries to put a pen into a power point, we smack the child on the hand. We should sentence these people—and again I use the word advisedly—to detoxification and rehabilitation. We should support these victims, and if we do that we will be supporting society. Our support will reduce the need for people to break into homes. It will reduce public angst about drug users, who are painted fairly badly because they are not in control of their actions. It will give us an opportunity to try to positively assist these people.

The \$4.3 million that has been spent on the program would be far better spent in providing extra detoxification and rehabilitation facilities. Worldwide experience shows that injecting centres and the legalisation of drugs are not the answer. I cannot support the extension. At Port Macquarie 1,200 people attended a meeting and declared that city drug free. More than 500 people attended a similar meeting in Coffs Harbour. They very strongly registered their disagreement with injecting centres. However, they agree with detoxification and rehabilitation. I implore the Government, instead of playing politics, to increase funding to programs that can and will assist and close down this failure of an experiment.

Ms HODGKINSON (Burrinjuck) [12.15 p.m.]: I oppose the extension of the trial period for the heroin injection room. I congratulate the Leader of the National Party on his speech, in which he stated that the National Party in its entirety will vote against the bill. I feel a bit sorry for some members of the Labor Party who will not be afforded that opportunity because I know that some of its conservative members would like to vote against the bill. The National Party's strong stance on drugs is one of the reasons that I joined the party many years ago. The National Party has a very good reputation for opposing drugs. Drug use should never be condoned. I am very pleased that the National Party has remained strong on this issue.

Recently the International Narcotics Control Board called on Australia to close down the injection gallery. I place a great deal of store in the fact that an international body of this calibre made such a call. A press release stated that the members of the board had reached their wits' end trying to deal in a low-key way with the New South Wales Government to try to stop the shooting gallery from going ahead. Members of the board became so desperate that they issued a press release to say how dreadful it would be. I am very concerned about the message that the facility sends to young people. The United Nations body said that the injection room and a government that allowed it to open would be seen as condoning illicit drug trafficking. I agree with that observation, and I am very concerned about it.

I grew up in the electorate of Burrinjuck. I also spent quite a bit of time in Canberra, which borders on my electorate. We have a lot of cross-border issues. I was a student in Canberra. When the Australian Capital Territory Government was debating the legalisation of marijuana in that Territory it was remarkable how many students at the time believed that legislation had been passed to make marijuana legal, and that it would be okay to use it. Many older students told younger students that it was okay, and asked them had they not heard on the radio that marijuana was now legal. These are the sorts of mixed messages that teenagers pick up that enable them to exploit younger children. Many teenagers are very easily influenced by an older age group, and it is usually the older age group that pushes drugs in schools.

It is important that we are clear in our message to young people that we in no way, shape or form condone the use of illicit drugs. It is not too late for our society; we still have a chance to try to reduce the use of illicit drugs. I would love to see it reduced to a nil level and I will keep that idea in my mind as I continue throughout my life to work towards reducing the level of illicit drug use in our society. It is very important that we send out the right message to teenagers and young people that the New South Wales Parliament opposes illicit drug use. That is not what we are seeing from this Government.

Introducing this bill to extend the use of the shooting gallery for 18 months is sending a bad message that it is okay to use heroin so long as it is in the right place, and that we are extending this trial because it has been such a raging success. My goodness, what a disaster it has been! The sum of money being spent on the shooting gallery is quite phenomenal. Rather, it should be spent on rehabilitation, detoxification and prevention measures. I have spoken with people who use drugs, who are caught up in the drugs spiral. They want to get off drugs. They tell me that there are not enough rehabilitation beds available in New South Wales or in the towns in which they live to encourage them to get off drugs.

A lot of people do want to get off drugs and it is unfortunate that the Government is spending money on providing a room for them in which to take those drugs instead of spending it on rehabilitation—particularly in country areas—detoxification and prevention measures for students. Drug use is a big problem in country areas. Something like \$4 million is being spent on extending the shooting gallery's use yet less than \$4 per student is spent on drugs education. That is quite extraordinary. I refer to an article by Piers Akerman in the *Daily Telegraph* on 30 May entitled "Damned lies and a study of junkies". He said:

The reality is that the shooting gallery's much touted 12-month performance evaluation just does not stand up to scrutiny.

At a cost to taxpayers of \$5.6 million, the centre is unable to prove that it has cut drug overdose deaths as effectively as other states which have not caved into media-driven middle-class guilt.

Further in the article he continued:

Over the 12-month period of operation, the Kings Cross crew recorded what it called 250 drug overdoses among 163 of its 2729 registered users. Its statement that not a life was lost at the shooting gallery has been trumpeted by its media supporters—but that is a meaningless statistic too, as ambulances whisked the seven people who needed major intervention to hospital for treatment.

A more meaningful number might be 17,937—that is the number of needles and syringes given away on 2175 occasions (an average of 8.25 per customer), which would surely indicate that the shooting gallery is a very poor last choice of destination for the majority of junkies who prefer to shoot-up where they want, when they want.

Congratulations, Piers Akerman. You have hit the nail on the head! That is a damning indictment of the shooting gallery as it currently stands—a shooting gallery to which the National Party is so opposed. More opportunities have been wasted with the money that has gone into the shooting gallery and will go towards its extension. That money should be spent on prevention measures, detoxification, rehabilitation and drug use prevention strategies. As the honourable member for Coffs Harbour said, this is nothing more than a social experiment. I refer also to a story published in the *Canberra Times* on Monday 6 May entitled "Injectors young as 12: study". This relates to my comments about education in Canberra and attending school there. The front-page article by Peter Clack states:

Almost 5 per cent of Canberra's 27,800 secondary students, some as young as 12, have admitted in a Health Department survey to using needles to inject heroin or cocaine.

At least 15 per cent of students sampled said they had used illicit drugs the previous week and 2 per cent admitted to sharing needles.

Mr Campbell: This is the New South Wales Parliament.

Ms HODGKINSON: It is New South Wales, but it should be remembered that the Australian Capital Territory is surrounded by New South Wales. Anything that comes into effect in New South Wales becomes a cross-border issue. The Australian Capital Territory is right in the middle of it. Students travel from New South Wales into the Australian Capital Territory every day. This is a very current issue in the Australian Capital Territory. If the State Government does not care about what happens to students in the Australian Capital Territory it might as well say it does not care about what happens to students in New South Wales, because many students travel from New South Wales to the Australian Capital Territory every day to attend school, and this legislation certainly affects them. The way the Carr Labor Government is condoning this legislation certainly affects those students. So the honourable member should not say to me that the Australian Capital Territory does not count. I know he does not care about cross-border anomalies, but coming from an electorate that borders on the Australian Capital Territory, I can say that this is very relevant and very important to us.

Mr ACTING-SPEAKER (Mr Mills): Order! There is too much interjection from the honourable member for Keira, the honourable member for Lane Cove and the honourable member for Coffs Harbour.

Ms HODGKINSON: New South Wales regions are severely lacking in detoxification and rehabilitation facilities. I call on this Government to spend more money on rehabilitation and detoxification programs in regional and rural areas where they are needed. For too long the Government has ignored country areas. It does not recognise that there is a drug problem in regional and rural areas because it concentrates all its time and money on a shooting gallery in Kings Cross, which will service only a limited number of people. What about the real problem? What about the broader problem?

What about addressing issues as a State Government should—at a State level rather than always concentrating on Kings Cross and the centre of Sydney? These are important issues in country areas and the Government has ignored them for far too long. On the front page of the *Goulburn Post* on Wednesday 29 May is the headline "Curiosity leads to drug use". Once again it is a story about young people being induced through curiosity into using drugs. Where are the drug programs that are going to stop young people becoming involved in drugs in the first place? The State Government has failed absolutely in this issue, and is a disgrace. Once again I voice my opposition to the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill.

Mrs CHIKAROVSKI (Lane Cove) [12.26 p.m.]: This is probably one of the saddest debates we have had in this House for some time, for a number of reasons. First and foremost, all of us, whatever we think of this bill, would agree that those caught up in drug addiction are some of the most desperate people within our society. They are desperate within themselves, because their families are torn apart and we as a community are torn apart. Crime and insurance problems are related to the drug problem as well as a host of other reasons. People involved in drug addiction are causing an enormous amount of grief in our community.

The Government's response to that grief is to allow people caught up in drug addiction to continue in that addiction. Is that an appropriate response? Let me say at the outset that I believe we need to deal with compassion with people addicted to heroin, cocaine and other drugs. But is it really compassionate to allow them to continue to stick a needle in their arm? Is it really compassionate to allow them to continue their drug addiction and criminal lifestyle, affecting their families and the communities in the way we allow them to by making it easier for them? That is what we are doing with this injecting room. We are facilitating continued drug use; we are allowing people who are addicted to a lifestyle of drug use to continue to use those drugs instead of encouraging them to get off them.

Those who support the injecting room talk about, for example, the number of people who have been referred from it to drug treatment. But let us look at the statistics. Of the 31,675 visits to the injecting room in the 12 months of its operation there have been only 443 occasions on which people have been referred to further drug treatment programs—that is referrals, not people actually going into drug assistance programs. That means for every 71 times that people have gone to the injecting room, on 70 occasions they have left the injecting room without any assistance and without any referral to a drug treatment program. It means that for every drug referral through that injecting room it has cost taxpayers of this State \$18,000, because the cost of running the injecting room—confirmed by the Minister's office, I am advised—is not \$5.6 million but \$8 million.

If we are serious about getting people off drugs, we need to get them into rehabilitation, and \$8 million would provide 941 treatment beds. That means that 941 people who want to kick the habit would have the opportunity to have treatment if that \$8 million were available. We are told that only one in three people who want treatment are accessing it. In spite of the Government's rhetoric about implementing programs out of the Drug Summit, the overwhelming majority of people who need drug treatment are not receiving it. However, at the same time \$8 million is being spent helping people to stick needles in their arms. I am sorry if that sounds dramatic or over the top but that is the reality.

I remain concerned about the Government's attitude that facilitating drug use somehow stops people being involved. Again we should consider the statistics. There were 31,675 visits and 2,729 clients. We have heard in debate today that that represents a small proportion of the people involved in illicit drug use, and that is true. We do not know the statistics for the number of people who, having used that facility, no longer use drugs. We have been told about referrals but we have not been told the number of people who have gone to the injecting room and kicked the habit. I would suggest the reason we do not know that is because the overwhelming majority of people who use the injecting room do so in order to continue using drugs without any fear of being stopped, not because they have any real desire to break their habit. I want the prominent view in my community and my family to be that the use of illicit drugs is wrong. I do not want people to think that it is okay to go to Kings Cross, stick a needle in their arm, and continue on with life. That is not acceptable.

I remain concerned also about comments in the report about loitering. According to the report we are told that loitering in the area has not increased. The local chamber of commerce has informed me that the loitering survey is a complete farce because the survey was conducted outside the injecting room itself. I visited the area some months ago with a member of staff and it was an interesting experience. The people who hang around the injecting room are not necessarily the people who are using it; in fact, they happen to be the suppliers, the dealers. However, they don't hang around the front of the injecting room, they hang around across the road.

I went up there with a member of staff, who I think they thought was a policeman, because when we arrived they disappeared. About 10 or 15 minutes later we wandered back up and they had returned. They scattered again. I wandered off and talked to a few businesspeople and eventually I came back. They must have realised that a huge number of police were not going to suddenly arrive, and they actually stayed and I spoke to a few of them. I asked what they were doing and they said they were just hanging around, because it was a good place to hang around. They were not loitering for any purpose other than to supply drugs to the people going into the injecting room.

Business owners in Kings Cross know that the dealers are loitering, thought not outside the centre, so the statistics in the evaluation report are meaningless. The dealers are loitering across the road where kids catch the trains, tourists come to Kings Cross, and legitimate businesses are trying to operate. To suggest there has been no increase in that sort of activity is wrong. It has just shifted; it has moved from the Springfield Mall down to the station across the road from the injecting room. The chamber of commerce informs me that the business community is not happy about the injecting room and wants it closed.

Drug issues must be considered with great compassion. I agree that people caught up in drug addiction need help. However, I do not agree that we are helping them by facilitating the continued use of drugs. We were told at the Drug Summit—and I have been told subsequently by many involved in drug addiction—that drug addicts must get to such a low point in their lives that the only thing they can do is get off the drugs. They must reach such desperation that they say, "No more." If we continue to allow people to go into a so-called safe facility and so-called "safely" stick needles in their arms, we will never get them to the point of saying, "Enough is enough." We will never get them to realise how desperate their lives have become. They are not just my words; that is evidenced from the figures from the injecting room evaluation, which demonstrate that only 443 out of 31,675 visits resulted in a referral—not treatment, but a referral.

Drugs are an increasing scourge on our community. We need to treat drug addicts but we need to do so by saying that we will not tolerate drug use as the norm in our community. We must come down heavily on those who deal drugs and those who sell drugs, and be compassionate with those who need treatment. However, let us use the \$8 million that is being spent on this sort of facility to ensure that people who want or need rehabilitation receive it. I do not believe that what we are doing at the moment is in any way compassionate. All it does is ensure that addicts continue in their deprivation of addiction.

Mr BROGDEN (Pittwater—Leader of the Opposition) [12.36 p.m.]: Firstly, I would like to state that the Coalition has made a decision to address the matter via a conscience vote. Clearly, I believe it is a matter of great strength that the Coalition parties can address a matter such as this in a mature way. Individual members have had the opportunity to form their own decisions on what, in my view, can best be described as a matter of conscience, indeed a matter of the heart. Members of the Liberal and National parties have chosen to undertake their own research, to visit the injecting room, to hold their own meetings and to move forward in their own good time, based on their own moral conclusions. I think it is healthy for the Liberal and National parties to have pursued that approach.

I do not resile from the fact that in this debate different views have been expressed by members of the Liberal and National parties. I see that as healthy. It is a virtue that the Liberal and National parties hold strongly against the Australian Labor Party. I am strong in my view that there are members of the Australian Labor Party who would not have supported this bill freely if given the opportunity, but because they were forced into supporting it by caucus, they have followed that decision without the opportunity to demur. It is a virtue that the Liberal and National parties have allowed a conscience vote on this matter. It shows our strength that, as a parliamentary party, we can disagree on matters of conscience but agree on the broad sweep of policy.

Why did we take this decision to take a conscience vote on this bill? We did so to ensure that members would not be tied to a certain position, and we have seen that in debate on this bill in recent days. My position on this legislation and this project has not changed. The extension will continue. It is clear that the Government has the support of both Houses to continue the extension beyond the next few months. I have looked closely at the report and I share some of the concerns of honourable members who oppose the legislation.

I am particularly concerned about the cost. It is an enormously expensive project, and that has been a reasonable concern raised by a number of Coalition members. Last week when the report was released I took the opportunity to visit the injecting room, during a closed period, of course. I also met with the local area commander of the Kings Cross patrol and a station officer at Paddington ambulance station, the station that actually deals with most overdoses in Kings Cross. I have also spoken informally to members of the King's Cross Chamber of Commerce. As honourable members can see, I sought a broad range of views on this matter. I will not stand in the way of the trial continuing. I support it to the extent that the evidence concludes that it has saved lives.

However, I take this opportunity to strongly record my views, which have been distorted by the Premier from time to time. I do not support the use of illicit drugs. I will never support the decriminalisation of drugs, and I have never said I would. I have been very disappointed, and indeed very angry, when the Premier has used Parliament to put that position in the past, and I have made it quite clear that the Premier has actively misled Parliament on that point.

My view is very simple: we should consider opportunities to divert drug addiction where possible. I share the concerns of honourable members who have said that not enough people are getting off drugs and into diversionary programs as a result of the injecting rooms. That should be a key indicator of this project's success when it is assessed at the end of this trial period. We need to know how many people are being strongly advised in the injecting rooms to get off drugs and into rehabilitation and how many move on with their lives as a consequence. I repeat: I do not support the decriminalisation of drugs and I will never support an extension of the injecting room program beyond this trial in Kings Cross. The matter will be reviewed, I understand, later in the new year. That will give all honourable members and the new Liberal-National State Government the opportunity to decide the future of the injecting room program in New South Wales. I understand the controversy surrounding this issue, but to the extent that it is saving some lives I believe the trial should continue.

Mr WHELAN (Strathfield—Parliamentary Secretary) [12.41 p.m.], in reply: I thank honourable members for their contributions to this debate. The discussion has been wide ranging and I will take this opportunity to reply to a few key statements made by various honourable members. First, the timetable for finalising the comprehensive evaluation report in April 2003 has been set by the Independent Evaluation Committee, not the Government.

Mr Fraser: I don't believe it.

Mr WHELAN: I think honourable members will be making a very serious mistake if they suggest that Professor John Kaldor, Professor Richard Mattick, Dr Don Weatherburn and Dr Helen Lapsley are toadies of the Government. The timetable is based on the committee's best estimate of the time required to collect, analyse and scientifically evaluate all the data associated with the complete evaluation of the trial.

The purpose of this bill is to allow the medically supervised injecting centre trial to continue until the final report has been received by the Government and to allow time for community consultation and parliamentary debate. A number of honourable members will have now read the 12-month process evaluation report released on 24 May this year by the Independent Evaluation Committee. I remind honourable members, as I did a moment ago, that the eminent research and academic experts who constitute that committee are Professor Kaldor from the National Centre in HIV Epidemiology and Clinical Research, University of New South Wales; Professor Richard Mattick, Director of the National Drug and Alcohol Research Centre; Dr Don Weatherburn, Director of the Bureau of Crime Statistics and Research; and Dr Helen Lapsley, from the School of Public Health and Community Medicine, who is also an expert on health economics.

I also point out that the report was never supposed to be conclusive or definitive. It reports on the 12-month operational data of the centre and some loitering and crime statistics. Only the final report will deal with all crime and health statistics, in addition to more general statistics about community amenity, crime, health, and overdose data for the area. The 12-month report indicates that the centre is operating without major incident or impact on the Kings Cross community and that injecting drug users are being managed carefully through the centre. However, I stress that the Government will await the receipt of the final comprehensive evaluation report before drawing any conclusions about whether the centre meets the objectives of the trial.

The shadow Minister made the allegation—which he referred to as anecdotal—that, while there had been no deaths in the injecting centre itself, a death may have occurred following a visit to the centre. That is a serious claim. I am advised that the Government has received no report, anecdotal or otherwise, of any such incident. As honourable members are aware, police are called to all overdose deaths and would have reported any such occurrence. I also make it clear that no funds have been diverted from drug treatment or rehabilitation for the trial or its extension. The necessary funds are sourced from the Confiscated Proceeds of Crime account.

The Carr Government has spent half a billion dollars on drug programs over four years. Just a few of the key drug treatment initiatives arising from Drug Summit initiatives include the opening of three new detoxification centres that will have the capacity to provide up to 3,000 additional detoxifications each year; 62 residential rehabilitation beds funded through non-government organisations that treat an additional 523 people per annum; a further 70 dedicated rehabilitation treatment beds to support the Magistrates Early Referral Into Treatment program, which will be available in 12 months, with places for an extra 280 people; more than 2,800 extra places funded for methadone and buprenorphine treatment; and an extra 2,000 people receiving detoxification treatments at home or as outpatients.

The Leader of the National Party and other honourable members mentioned the importance of rural drug programs and services. The Government has specifically targeted rural and regional New South Wales in rolling out a wide range of drug programs and services since the Drug Summit. More than \$30 million in new drug program funding has been made available under the Drug Summit budget to rural and regional area health services alone.

The honourable member for Lismore launched a rather extraordinary attack on the work of the community drug action teams. Hundreds of individuals around the State are working in a volunteer capacity to take positive action on drug issues in their communities. These teams comprise people from all walks of life. The teams are all different, with different priorities and different ways of taking action. To suggest that they work to some Government agenda is simply untrue and an insult to their hard work and innovative ideas. Finally, let me make it clear: the Government does not condone drug use. We are tackling the drug problem on all fronts, from prevention and education to treatment and, of course, enforcement. This trial is but one of some 400 Drug Summit projects. I commend the bill to the House.

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

The House divided.

[In division]

Mr Fraser: Point of order: I am informed that members have been delayed because of difficulties with the lifts. I ask you to ring the bells again.

Mr SPEAKER: Order! I will have the doors opened and the bells rung again.

Ayes, 60

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

Noes, 28

Mr Armstrong	Mr Maguire	Mr Stoner
Mrs Chikarovski	Mr Merton	Mr Tink
Mr Cull	Mr O'Farrell	Mr Torbay
Mr Debnam	Mr D. L. Page	Mr J. H. Turner
Mr George	Mr Piccoli	Mr R. W. Turner
Mr Glachan	Mr Richardson	Mr Webb
Ms Hodgkinson	Ms Seaton	
Dr Kernohan	Mrs Skinner	<i>Tellers</i>
Mr Kerr	Mr Slack-Smith	Mr Fraser
Mr McGrane	Mr Souris	Mr R. H. L. Smith

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[Mr Speaker left the chair at 12.58 p.m. The House resumed at 2.15 p.m.]

BUSINESS OF THE HOUSE

Precedence of Business: Suspension of Standing and Sessional Orders

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

That standing and sessional orders be suspended to allow Government business to have precedence over general business on Thursday 6 June, provided that at 10.30 a.m. the business then under consideration shall be interrupted to allow the Leader of the Opposition to address the House on the Appropriation Bill, and cognate bills.

Honourable members are aware of the legislative program. Important bills are before the House. I take this opportunity to thank honourable members who contributed to the now-completed debate on the Drug Summit

Legislative Response Amendment (Trial Period Extension) Bill. The Government has an increasing number of important bills, including those of which notice was given in the past couple of days and of which notice will be given today and tomorrow. It is essential that we deal with our program this week because a change in the sessional orders in the upper House requires all legislation introduced by a Minister in the upper House or emanating from the lower House to be in Her Majesty's upper House by 18 June. That effectively means that all bills to be passed in this session have to be cleared through this Chamber this week. Therefore, with great reluctance, I advise the House that it will be necessary for Government business to have priority tomorrow. I remind honourable members that Friday will be a Government business sitting day as well.

Mr TINK (Epping) [2.18 p.m.]: On behalf of all private members I again say how disappointing and objectionable it is that private members' day, which is set aside for the consideration of private members' business, including a number of bills, is being cancelled. The Leader of the Opposition would like the opportunity to demonstrate how Bob the Builder is in fact Robert the Wrecker when it comes to home owners warranty insurance. That is our case: Bob the Builder is Robert the Wrecker for all the people involved in home owners building insurance. The way Bob the Builder was depicted in today's *Daily Telegraph* he looked more like the magic pudding. That is the reality of the Government's budget: it is a magic pudding budget. It has about as much fiction in it as Norman Lindsay's *The Magic Pudding*. The Premier looked like the magic pudding. We maintain that we should have a private members' day. We are being denied the opportunity to debate matters on behalf of the public that the Government does not want to face. It is using its numbers to avoid facing, not least, Bob the Builder morphing into Robert the Wrecker.

Motion agreed to.

PETITIONS

Bank Services

Petitions 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** and **Mr W. D. Smith**.

Stem Cell Research

Petition praying that the House support adult stem cell research and oppose the creation and use of embryos for stem cell extraction, received from **Mr E. T. Page**.

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**.

Freedom of Religion

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

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**.

Brothel Regulation

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

Lane Cove Tunnel Works

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

Cammeray Traffic Arrangements

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

Avoca Drive Upgrading

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

Oallen Ford Road Upgrading

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

Wallsend Bus Services

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

School Bus Safety

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

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**.

Northbridge Primary School

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

Casino Policing

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

Warragamba Police Station Closure

Petition asking that the 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**.

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**.

Monaro Policing

Petition asking that a police officer be appointed to frequently patrol rural areas of the Monaro and surrounding regions, received from **Mr Webb**.

QUESTIONS WITHOUT NOTICE

DEPARTMENT OF COMMUNITY SERVICES WORK PRACTICES

Mr BROGDEN: My question without notice is to the Premier. With more than 40 children dying after being notified to the Department of Community Services [DOCS] as being at risk while the Premier reaped \$3 billion in additional revenue in just two years, how does he justify bargaining with children's lives by demanding changed work practices before he will fund more than a pathetic 43 additional DOCS staff?

Mr CARR: There is no bargaining about changed work practices in respect of the 43 staff. The Government is saying, entirely reasonably, that increases in DOCS staff numbers above that figure should be subject to agreement that we will get decent flexibility with work practices. This is taxpayers' money: if we are going to increase staff on top of the \$90 million extra we are giving to DOCS that increase ought to be accompanied by flexibility in work practices so that the kids in danger can be protected. What a disgraceful position for the Leader of the Opposition to take, claiming that the Government is not entitled to ask for workplace flexibility to ensure that additional resources can make a difference.

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

Mr CARR: The current employment arrangements in DOCS for caseworkers mean that new employees are normally able to enter the department at the bottom of grade three and progress to grade seven level without any real assessment of their merit or skills. We say that ought to be changed. Two staff can currently work side by side in the same office on similar cases but with as much as a 38 per cent difference in their pay. We say that ought to be revised. Which former Liberal leader is the great adviser to the Leader of the Opposition? Nick Greiner! What did he do when he was running DOCS? He slashed 1,000 positions. He is still shaping Liberal policy. The message is simple: we will increase beyond 40 additional staff numbers for DOCS, but only on the condition that we can use those people where they are needed to protect children—not sitting in offices tied down with procedures and paperwork, but working outside saving kids.

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

Mr CARR: In other words, we are doing what any responsible Government would do: use extra resources with targeting and flexibility to make a difference in the achievement of public objectives.

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

STATE BUDGET

Mr BLACK: I direct my question without notice to the Premier. What has been the response to the 2002 budget and other initiatives to assist New South Wales families and businesses, and related matters?

Mr CARR: Since the honourable member for the great electorate of Murray-Darling has been a member of this House, he has always been the first on his feet after a budget to ask, "What does this mean for the people of western New South Wales?" Today's performance was particularly athletic. I take a keen interest in what the rural media says about this and other matters. The *Barrier Daily Truth* lives up to its name today, the truth: "Record Far West Health funding", "Barrier Highway wins new funding" and "Boosts for mining".

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

Mr CARR: As much as one might be inclined to take credit oneself, one must share that credit with a diligent local representative. Across the State today the media is saying that the budget looks after the disadvantaged, it is fiscally responsible, it cuts taxes on insurance and apprenticeships, and it provides the biggest capital works budget in history since the New Deal—up by 14 per cent. It looks to the future in funding for medical research and in broadbanding schools and hospitals. Above all—and this is the great theme—it looks after rural and regional New South Wales when, on insurance reform, it has been deserted by the National Party.

Mr SPEAKER: Order! The honourable member for Lismore will cease interjecting.

Mr CARR: I note in passing that the Leader of the National Party is shadow Treasurer. While I was able to read in the *Australian Financial Review* what the honourable member for Vaucluse had to say about the budget—and the Minister for Transport was quoted on all manner of budget material—the Leader of the National Party succeeded in attracting only a very small piece of publicity. The shadow Treasurer got an inch at a time. A journey of a million miles begins with a single step. The front page of the Grafton *Daily Examiner* says, "Bridging finance: red letter day for Grafton". It goes on to say, "'Record' Budget for Northern Rivers". The editorial says:

For what we are about to receive in the NSW budget, let us to be thankful.

We know from those emails I quoted from yesterday that the Independent member for Dubbo is immune to Coalition opposition in the next election. The Dubbo *Daily Liberal* says—

Mr J. H. Turner: Point of order: The daily news says that there is nothing in the State budget for the bypass and that Mr Newell needs to start hiding from the bypass. Get your own side in order!

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

Mr CARR: The Dubbo *Daily Liberal*—note the name of the paper—says, "Budget boost for the bush: funding for rural roads" and "Senior services expanded". Then one's attention wanders to the *Port Macquarie News* and the headline—a seven word summary of the lot—"Tax down as works spend hits record". Taxes down and capital works spending at a record level.

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

Mr CARR: He raises roads funding, but I think that has been answered in the *Port Macquarie News*, which notes, "\$400 million highway funds in Budget".

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

Mr CARR: They have a good subeditor up there and an equally sharp local member, who correctly pointed out that the Budget is good news for the people of the mid North Coast.

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

Mr CARR: With these endorsements from a former National Party member who now sits as an Independent member we feel fairly confident. The front page of the Lismore *Northern Star* notes "Ballina bypass gets 12.2m". Here is a nice one from the *Armidale Express*, "Budget blues for crims as city police numbers boosted". We come to our old friends in the Hunter and the Illawarra. The *Newcastle Herald* devoted 26 pages to coverage of the budget. The front page says, "Pay day: Tax cuts, record spending and more to come". It goes on to say, "Egan wields tax axe", "'Treasure trove' sets Hunter Health record" and "Train and bus funding make jobs a winner". The *Illawarra Mercury* reports, "Illawarra health services get a \$256 million shot in the arm" and "Region's schools will get a major spending boost".

I have not forgotten the Sydney newspapers. I turn to my great supporters at Fairfax: "Bob the Builder rides boom". It is hard to get away from that theme. I think the *Sydney Morning Herald* thought it was referring to Menzies. The *Daily Telegraph* was on the scent. It said, "Bob the Builder: budget's \$6.4 billion capital works spending spree"—a badge of honour I proudly wear. The *Australian* also got it right when it said, "Egan rolls out the barrel for bush". That is spot on. It then refers to our love affair with western Sydney. The *Sydney Morning Herald* headline was "Timely boost to health dollars in west". If the Minister for Health gets a word in edgewise during this question time he might want to talk more—hint, hint—about reactions to health spending

in the Budget. We are unabashedly a pro-business Government because investment means jobs. The Chief Executive of the State Chamber of Commerce, Margy Osmond, said that the Budget delivered more for business than the chamber had expected. She said:

I think it's a reasonable budget.

I think business will be very pleased with it from an insurance perspective.

We are very pleased to see a continuation of the surpluses.

Our members will be delighted with the stamp duty concessions.

That is from the State Chamber of Commerce. She added on behalf of the chamber of commerce, a business organisation in Sydney:

The removal of payroll tax for apprentices is a welcome initiative.

Why would it not be? A builder with three apprentices benefits to the extent of \$1,500 a year from this pro-jobs initiative.

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

Mr CARR: What do other business organisations have to say? I will be glad to tell you. Australian Business Ltd chief, Mark Bethwaite, said:

Our move to slash stamp duty on insurance in half would provide much needed relief from skyrocketing insurance premiums.

As will our civil liability bill, which the Opposition insists on mangling in the upper House. Sydney is a great finance centre and it is appropriate that we quote what the banks say about our budget. The Commonwealth Bank said:

Prudent policy in tact. The New South Wales budget retains a prudent approach to the fiscal policy. While providing for increases in expenditure across a range of areas, the balance sheet position of the New South Wales Government remains sound.

That is good, is it not? Sound, prudent budgeting. It is interesting to get the reaction of the New South Wales Farmers. Mal Peters, the New South Wales Farmers Association president said:

Measures in the State budget to improve health, road and rail infrastructure and services are welcome, especially the focus on extending these programs beyond Sydney. The \$2.6 billion in infrastructure spending will create rural jobs and support farmers in generating export revenue for the State.

He particularly liked the increased funding for the Rural Fire Service. He said it will help to protect people better. I suppose the most welcome endorsement of all is that from organisations like the Australian Medical Association [AMA]—not an affiliated union of the Australian Labor Party. The New South Wales president said they have not found "any sort of glaring gaps in the health budget". Rural doctors said:

This is the first time we have seen a New South Wales Government commit themselves to more than \$2 billion worth of funding in health for rural New South Wales.

The Combined Pensioners and Superannuants Association, whose assessment we always value, said of our \$5 million for dentistry and \$2 million for podiatry:

It's certainly good news for older people.

The New South Wales Government's response is most welcome especially as the Federal Government has disregarded its obligations in these two areas.

The nicest praise of all is that from our parliamentary colleagues opposite. For example, when you have the honourable member for Albury say, "It was a positive budget outcome for Albury", including the \$4.2 million for capital works at Riverina TAFE, you know you are on a good thing. The honourable member for Tamworth said he is "very pleased to see the allocation to the New England Health Service has been increased". The honourable member for Wagga Wagga gratefully acknowledged that Wagga Wagga had received "some delicious goodies out of the budget bag". Isn't that nice? He has a way with adjectives—delicious goodies out of the budget bag! Those opposite are very cunning, because when you get that kind of praise you are inclined to look after them with the next budget!

[*Interruption*]

Which of you remembers the cheerful optimistic Jillian who entered this Parliament it seems only a few short years ago? Bitterness is a terribly corrosive thing! This next comment is very interesting from the Acting Leader of the National Party, Mark Vaile, who is not a natural supporter of this Government. He virtually indicted us for being so pro-country. He said:

I know and get on well with the State Treasurer Michael Egan and I am pleased that at the State-level he has been able to deliver extra funds to onwards a number of major big-ticket initiatives in the Oxley and Myall Lakes State electorates.

It leaves those opposite a bit stranded! That is terrific, but it does not stop there. I know I said earlier that the Leader of the New South Wales National Party, whose role is shadow Treasurer, had very little to say about the budget, but it seems what he did say— that teensy weensy little paragraph— was indeed an absolute gem. He said the budget was "very welcome as far as Muswellbrook is concerned". In regard to our \$13 million greenhouse-funding boost to Liddell power station, he observed correctly, "Liddell power station has an extended future". Perhaps a more extended future than the State Leader of the National Party! I come now to Bob Askin's successor, the honourable member for Pittwater, the Leader of the Opposition, who said this morning on Phillip Clark's program, when referring to the biggest capital works budget in New South Wales history:

We welcome that expenditure.

When asked if our seventh surplus was responsible, he gave this devastating riposte:

Oh it is.

And this next comment is the most interesting revelation. When asked if he would cut stamp duty on property purchases he said:

No. No.

In other words, he reserved the right to say, "We don't like that taxation," but when asked the question, "Would you cut it?" He answered, "No. No."

Mr Brogden: Just a misquote.

Mr CARR: It is a bit hard to argue misquote when it is your own voice on radio! The truth is that the Egan budget—or as we should better call it, the Carr-Egan budget number eight—is fair, generous, responsible, successful and, I must say, as this perusal confirms, widely endorsed.

PAYROLL TAX RATE

Mr SOURIS: My question is directed to the Premier. On coming to office in 1995 the Premier said:

Our priority in tax relief is payroll tax rather than any other State tax and Queensland's at 5 per cent. That is how far we've got to go.

Why has the Premier failed to honour that commitment and instead applied a 6 per cent payroll tax and broadened the collection base?

Mr CARR: What was payroll tax under the Greiner Government? Trivia quiz: What did it get up to under the Greiner Government? It was 8 per cent! We have brought it down to 6 per cent and abolished it for apprentices. I would have thought in a generous frame of mind the Leader of the National Party would have said, "Well done."

INTERNATIONAL TRANSFER OF PRISONERS ACT

Mr LYNCH: My question without notice is to the Attorney General. How is the State Government working in partnership with the Commonwealth Government to assist New South Wales families with relatives of overseas prisoners through the International Transfer of Prisoners Act?

Mr DEBUS: Prison, in any country, can be an extremely tough experience, but the purpose of prison is not only to punish offenders but also to rehabilitate them. Allowing inmates to receive visits from family

members is obviously an important part of that process and it goes some way to helping an offender's family, innocent people caught up in the wake of crime. Australian nationals serving a sentence in a foreign gaol are, however, obviously cut off from family contact. The Department of Foreign Affairs advises that as at 31 December 2001 there were 215 Australians in overseas prisons and a significant number of them are likely to have community ties in this State. That is why the government in Australia has been working together to establish repatriation protocols with other nations.

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

Mr DEBUS: Governments on both sides of politics have been working on the international transfer of prisoners since July 1992. Until the scheme commences we will not know how many of the overseas prisoners will want to come back to New South Wales to serve the balance of their sentences.

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

Mr DEBUS: However, up to 200 prisoners would be eligible to transfer from New South Wales. It is the firm intention of the Government that New South Wales taxpayers will not be unnecessarily burdened as a result of the proposed scheme. Last month the release of the convicted Sydney drug dealer Lyle Doniger highlighted the issue of Australians serving prison sentences overseas. Doniger was granted a pardon by the King of Thailand. Attention now turns to other Australian nationals like the Sydney people Deborah Spinner and Jane McKenzie, who are now serving 50-year sentences in the Klong Prem prison in Bangkok. They are both drug smugglers, who were caught in March 1996 attempting to smuggle heroin. But they are both parents as well and their children, who bear no responsibility for their crimes, have not seen them in six years.

Each case has to be assessed on its merits. However, it is certainly arguable that in some cases offenders such as these may pay for their crimes by serving the rest of their time in an Australian gaol. That potentially applies to all of the 215 Australians in gaols across the world. As at 31 December 2001, there were 39 in the United States of America, 15 in Greece, 15 in the United Kingdom, 13 in China, 12 in Thailand, 8 in Hungary and 6 in Germany. The rest are serving time in more than 41 other nations. Some of them, of course, have committed extremely serious crimes and they are in no sense at all model citizens. However, in many cases an argument can be mounted that the interests of justice will not suffer if the inmates are able to serve their sentence nearer to their families, and the interests of their families, particularly their children, will clearly be enhanced.

I understand that the office of the Federal Minister for Justice and Customs, Chris Ellison, is seeking advice on the implication for nations with the death penalty. My clear view is that anyone given a capital sentence overseas should be given the opportunity to have that sentence commuted to life, to be served out in an Australian gaol. I now provide other details of the scheme. The overseas country involved, Australia and the prisoner, must agree to all transfers; the prisoner's conviction must not be subject to appeal; the offence committed overseas must also be an offence in Australia; and there are a number of other commonsense conditions that will apply to the scheme.

Participating in the scheme requires a country entering into a formal agreement with Australia. I am pleased to advise that such an agreement was signed between Australia and Thailand on 26 July last year. I understand that the Commonwealth will shortly be able to finalise international arrangements with Thailand. It is also likely that the Commonwealth will soon be able to accede to a similar agreement that has been entered into with the Council of Europe Convention to which the United Kingdom, most European nations, the United States and Canada are parties. It involves around 50 people. However, these agreements are two-way streets because they allow us to repatriate foreign prisoners.

The Department of Corrective Services advises that at least 400 prisoners born in Thailand and countries likely to be covered under the Council of Europe Convention are presently serving time in Australian gaols. We shall not export prisoners convicted in New South Wales courts if there is any likelihood that they will be let off serving their sentences. I remind the House that this scheme is separate from deporting criminals after their sentences are completed. In April the Premier advised the House that 700 foreign-born prisoners were deported from New South Wales in the six years up until May last year. The repatriation of Australian prisoners is a humane policy that will bring families back together and enhance the chances of rehabilitation. I congratulate the Federal Government on showing leadership and working with the State Government on this difficult issue.

DISABILITY SERVICES

Mr HAZZARD: My question is to the Minister for Community Services. As disability groups have today condemned the Government's failure to provide new supports for children with disabilities and their families, or for people trapped in institutions waiting to live in the community, or for people in long-term crisis who have waited years for services, how can she justify her failure as Minister to get on with the job of delivering services to people with disabilities?

Mrs LO PO': This is a very important question. Disability funding under our administration has increased 2½ times since the Coalition was in office. I will read the figures from the budget papers. There is a total of \$282.2 million for community and accommodation support services and \$17 million for the Adult Training, Learning and Support program [ATLAS]. When Labor took office, ATLAS had \$4 million but under this Government it has a total of \$54 million. There is an additional \$1.5 million for people living in boarding houses; \$5.5 million for one-off funding for immediate assistance for people with disability to find appropriate accommodation and support; continued funding of \$8.3 million for respite services; \$2 million for new equipment for children with disability through the Provision of Aid with a Disability program, administered by the Department of Health; \$3.5 million for the Attendant Care program; and \$5 million for early intervention and prevention assistance to support families with young children with a disability. We have nothing to be ashamed of. We have a record budget. Had the Coalition been in government these people would have had absolutely nothing.

TEACHERS PROFESSIONAL DEVELOPMENT PROGRAMS

Mr NEWELL: My question without notice is to the Minister for Education and Training. What is the Government's response to the Ramsey review into teacher quality and supply?

Mr WATKINS: I thank the honourable member for The Tweed, who I am sure by this stage will have given the good news to the Tweed River High School about its \$3 million upgrade, for his question. In the twenty-first century education systems across the western world face particular challenges such as recruiting enough teachers, making sure the teachers we have are retrained, especially retraining them for hard-to-staff subjects and hard-to-staff areas of New South Wales. Yesterday's budget was a major leap forward to meeting these challenges in New South Wales. Not only will teachers receive a 9 per cent pay rise in the coming year but yesterday's budget set aside \$88.5 million as part of a four-year \$425 million plan to improve teacher quality, supply and professional development. A key plank of this is the Government's response to Gregor Ramsey's review of teacher education in New South Wales.

The Ramsey review is the most comprehensive review of teacher education in the past 30 years. It began in 1999 and Dr Ramsey reported at the end of 2000. During 2001 a task force on which all key educational partners were represented consulted with the profession about how to progress this review. The task force—whose members I now acknowledge and thank—made seven recommendations, all of which the Government will support. Improving the status of teachers in our community was a key recommendation of the Ramsey review and also of Tony Vinson's report, the first part of which was released two weeks ago. Quality teaching is the cornerstone of an effective education system and is central to improving the status of teachers. That is why a key element of the Government's response to the Ramsey review will be the establishment of an interim committee for a New South Wales institute of teachers under the leadership of Professor Alan Hayes.

Professor Hayes is the head of the Australian Centre for Educational Studies at Macquarie University. That committee will comprise teachers, educationalists and community members from the government and non-government sectors. It will have three major tasks: first, to consult about the establishment of an institute of teachers; second, to establish a framework of professional standards to help guide teachers' professional development at all stages of their career; and, third, to develop accreditation processes explicitly to recognise the teaching excellence currently evident in our school system.

Many teachers will want to know what professional standards will mean for them. In short, it will mean that the profession will have a say in describing the knowledge, teaching approaches, classroom management and student assessment methods, and the ethical practices necessary for effective teaching. The profession should have its say about these standards. Higher standards will provide direction for teachers' professional growth. The standards will set out the knowledge, skills and understanding needed for educational leadership. The standards and accreditation processes will also provide a powerful means of improving the quality of teacher education programs in our universities. They will ensure that professional development for teachers is relevant and reflects teachers' own understanding of what is required in modern teaching. I will release today the interim committee's full terms of reference and its membership.

Another key initiative is the establishment of a New South Wales joint committee for quality teacher provision. This group of experts will provide comprehensive and strategic advice about the long-term, statewide need for quality teachers, and draw up plans to ensure their future supply. For the first time we will undertake an overarching review of our aims regarding teacher numbers and of future pressure points. The committee will have a range of ongoing initiatives at its disposal. These include accelerated teacher training programs; opportunities for existing teachers to retrain in especially difficult to staff subjects, such as mathematics and science; and pre-service teacher education scholarships to provide specialist teachers in areas of curriculum shortage. Other initiatives will also be developed by the committee to be led by Jan McClelland, the Deputy Director-General, Corporate Services, Department of Education and Training.

This package also deals with beginning teachers who require mentoring. Teachers who are new to the profession often find their early years of teaching very difficult. This is especially true of teachers who begin their careers in demanding schools—and many new teachers end up in those schools in country New South Wales or in certain parts of Sydney. The Government's new Leaders in Teaching initiative will begin to address these issues. Beginning in 2003, 50 mentor teachers will be appointed to support new teachers. They will supplement the existing school leadership provided by principals and school executive staff by providing help and advice to new teachers. The way a community treats its teachers is a measure of the health of that community. No caring or forward-thinking community can afford to ignore the issues of teacher quality and supply. These are complex issues, and this package of initiatives marks a new beginning for teachers in New South Wales. It will be welcomed by the profession and by everyone who values our education system.

PRIMARY SCHOOL CLASS SIZES

Mr R. W. TURNER: My question is directed to the Premier. How is it possible that, after seven years in office and a revenue windfall of \$3 billion in the past two years alone, New South Wales continues to lag behind all other States in the area of primary class sizes and the Premier's best effort to improve class sizes for New South Wales students is a \$5-million pilot scheme from an education budget totalling \$8 billion?

Mr CARR: The question begins with a reference to State revenue, so I shall deal with that part first. The interview that the Leader of the Opposition did yesterday afternoon—I have just received a transcript of it—is hilarious. During his program on Tuesday 4 June, Phillip Clark asked, "So you would cut the stamp duty on property purchases?" and the Leader of the Opposition replied, "No, no, no, no [*inaudible*]." Clark, the interviewer, then asked, "So you're going to have an inquiry?" The Leader of the Opposition answered, "We'll have an inquiry because we need to balance all the taxes." He wants not to cut taxes but to balance or recalibrate them in some way: more here and less there. The Leader of the Opposition has not committed himself even to cutting the total tax take, he is simply saying that they will be redistributed. An incredulous Clark then hit him with this question: "Hang on, so you're calling on the Government to do this but you're not going to do it yourselves?" I would have thought that was a reasonable question.

Never has the dishonesty of an Opposition been revealed as blatantly as in this interview. The Leader of the Opposition says, "The Government ought to give more revenue away"—although we have given away 11 per cent of our revenue in tax cuts over the past three years. Yet when the Leader of the Opposition was asked whether he would do that, he replied "No, we'll have an inquiry that won't even make a commitment to cutting taxes; it will simply look at rebalancing it." That is an extraordinary position for an Opposition to take at any time, let alone so close to an electoral contest.

Turning to education, what State topped the tables for literacy among 15-year-olds in an examination run by the Organisation for Economic Co-operation and Development? It was New South Wales. Why? First, it is because of our excellent teachers; and, secondly, it is because we assisted them with literacy programs. When it comes to education, the great theme struck by me and by a previous Minister for Education and Training was nothing other than a commitment to the basics in schooling: literacy above all else. We receive feedback as a result of our commitment. The Government is saying that there is mixed data about where lower class sizes make a difference. We will fund the pilot in order to ensure—I return to the theme that I struck in my first answer during question time today—that we put the resources where they will have an optimal impact and get better outcomes for the people of New South Wales.

HOSPITAL REBUILDING PROGRAM

Mr McMANUS: My question without notice is to the Minister for Health. What is the latest information on the Government's comprehensive hospital rebuilding program?

Mr KNOWLES: The health budget is terrific news! It now consumes more than 25 per cent, a full quarter, of all State recurrent expenditure. It is a big budget and a very big building program. I will pick up where the Premier left off earlier. The Premier quoted Sue Page, the President of the Rural Doctors Association. On ABC Western Plains radio this morning, Sue Page said:

... it's really heartening to see that we've got a government who's actually prepared to put their money where their mouth is and start catching up on that gap.

She was referring to rural health services. In a letter to me Dr Sue Page stated:

I was delighted to hear the wonderful news about the health budget last night ...

As you are aware, a group of rural clinicians have been working to put together one of the most significant plans of recent times to benefit the people of rural NSW.

That is a great tribute to their work—and of course that of Country Labor right around rural New South Wales, making sure the bush is looked after—by the Rural Doctors Association, a union that is not affiliated with the Labor Party. The mayor of Henty said, in a very nice note, that "the community at large is excited and delighted" about the \$5 million they were to receive for the redevelopment of Henty hospital. Dr Steven Pooley, chief of the medical staff council of the Blue Mountains Hospital said:

We're very pleased at the commitment of funds in this budget to the Blue Mountains Hospital.

It goes a long way to ensuring the hospital's future.

A terrific letter from the Wentworth Area Health Service signed jointly by the Area Director, Emergency Department Services, the Nurse Unit Manager of the Emergency Department and the Area Director Critical Care, stated:

Dear Minister,

We are writing to congratulate you on the outstanding result of the NSW Health Budget. From your visits to our department, you are well aware of our need for a major redevelopment. Due to your efforts this will now occur. With this improved facility, Emergency Department services in the Wentworth Area Health Service will be significantly enhanced.

Our patients and their families will be the beneficiaries.

That was from the men and women in the emergency department saying, "Thanks for a terrific health budget". Professor Ken Hillman, Director, Division of Critical Care, Liverpool Health Service wrote:

I am writing to congratulate you on the expertise and commitment you have brought to the Health portfolio ...

I would like to add that the staff of the whole of South Western Sydney Area Health Service, and in particular Liverpool Hospital, are grateful to you for your commitment to the redevelopment of the Liverpool Hospital Emergency Department.

A big upgrade for Liverpool Hospital. Hugh Dickson, the Conjoint Professor of Aged Care and Rehabilitation and Acting Co-Director of the Division of Medicine at Liverpool, said that he is not surprised about the health budget. He wrote:

There are no surprises in the health budget for clinicians. This is due to the reform of the public health system undertaken in 2000 by the present Minister for Health who asked for, received, and acted on advice from the clinicians. We now have a three-year budgetary cycle, which provides for stable planned growth in health services. As regards South Western Sydney, we will benefit enormously from the expansion of Liverpool Hospital Emergency Department and Trauma Services.

He went on to say just how valuable that \$9.1 million investment will be to provide services to the people of south-western Sydney. The Council of Social Service of New South Wales [NCOSS] thanked the Government for its focus on dental, podiatry and mental health services. Those announcements are largely reflected in a letter from the Combined Pensioners and Superannuants Association of New South Wales. The Premier referred to the failure of the Howard Government in gutting the national dental program, which this Government picks up in this budget.

Telstra Child Flight wrote thanking us for the terrific investment of funds in Western Sydney for a new helicopter pad and dedicated facilities at Westmead so that children can be picked up and flown to the big paediatric hospitals like Sydney Children's Hospital or Westmead Hospital. I have received letters from NETS, the neonatal trauma service, the Australian Medical Association, and the list goes on. The ones I really liked—

and this is why the honourable member for North Shore is so narky—are the testimonials we have received from the northern Sydney area. The champagne corks were popping there this morning. My colleague the Parliamentary Secretary Assisting the Minister for Health was over there celebrating with the staff at Royal North Shore Hospital.

Mrs Skinner: Point of order: The Minister has referred to many letters. I refer to the report condemning the hospital because it was dangerous, and ask the Minister to please provide a balanced view and congratulate me and the Coalition on getting funds for Royal North Shore Hospital.

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

Mr KNOWLES: It is only Labor governments that rebuild North Shore hospital. They have never been on the Opposition's list. It is only a Labor Government that would go into your heartland and build a hospital to the tune of \$452 million.

Mrs Skinner: Point of order—

Mr SPEAKER: Order! The honourable member for North Shore has the call to take a point of order. However, I hope it will not be as spurious as her last point of order.

Mr KNOWLES: Jillian should apologise.

Mrs Skinner: Only my friends may call me Jillian. I draw your attention to the standing orders of this place, which provide that neither the Premier nor the Minister are entitled to do so. I am the member for North Shore.

Mr KNOWLES: The Leader of the Opposition says "Call me John". If it is good enough for him it should be good enough for the honourable member for North Shore. If it is good enough for John it is good enough for Jillian.

Mr SPEAKER: Order! The Minister will resume his seat. The Chair implements the standing orders, which require that members be referred to by the electorates they represent. The Minister has the call.

Mr KNOWLES: I am happy to do so because there is an exquisite link between the honourable member for North Shore and our announcement about a Labor Government building the North Shore hospital. Before I refer to North Shore let me read the views of the people in another northern Sydney hospital, Hornsby Ku-ring-gai Hospital. Remember the policy confusion over the Manly-Mona Vale hospital? The Leader of the Opposition wants two hospitals, and the Liberal preselection candidate, Jean Hay, wants one. The editorial in the *Manly Daily* states:

Trouble is, the Liberals only declared Manly candidate is surprised and puzzled by Mr Brogden's policy.

No policy—wrong again! Members of the Opposition do not like it when we move into their heartland and do the things that they could never do. No wonder there is an expanding number of Independents. Remember Ted Mack and Robyn Read? I think the current member for North Shore might be headed the same way. Dr Elliot Roach, the Chairman of the medical staff council of Hornsby Ku-Ring-Gai Hospital stated in a press release:

The staff and management of the Hornsby Kuringai Hospital were ecstatic at the announcement by Health Minister Mr Craig Knowles, in the state budget last night, to provide 16.4 million dollars for the upgrade of the Accident and Emergency Department and the Maternity and paediatric Wards of the hospital.

Organisations representing drug and alcohol agencies have also expressed their thanks. Let us now come to North Shore. The research community at Royal North Shore Hospital thanked us for our efforts to include the redevelopment of the research facilities on that campus. Professor Carol Pollock said:

It is fantastic that the State Government has recognised that a consolidated focus of research is integral to the campus redevelopment.

That goes not only to North Shore, it goes to our efforts in biotechnology, championed by the Premier, with a \$68 million announcement as part of our overall strategy in the biotechnology sector. Two transcripts of radio interviews this morning say it all. The first is an interview with the head of intensive care at Royal North Shore

Hospital, Professor Malcolm Fisher, who is arguably the most eminent intensivist in this country. He established and led the international symposium on intensive care at Darling Harbour with more than 3,000 intensivists from around the world. On 2SM radio this morning he said in part:

... you know, there have been a lot of absolutely tremendous things happen to health care in the last three years and people ... you know, people are much happier and much more positive about it from the general despondency that existed [before] ... two or three people I met on my way into work said, "Gee, isn't this a nice day?" And, you know, I mean, this is a blue ribbon safe [Liberal] seat. The Labor Government have put money into it, which I think is fantastic.

Anyone who knows Malcolm Fisher knows that he writes a column—and has done for 20 or so years—called "The Retractor" in the AMA journal. He proudly described himself as a medical terrorist, and here he is describing our efforts as fantastic and something only a Labor government would ever do. On ABC radio this morning Professor Bruce Robinson, head of medicine at Royal North Shore Hospital, said:

... there are a lot of very, very happy people here this morning. There's no doubt about that and I imagine a lot of very happy patients who live in this part of ... Sydney.

I guess Jillian was not on the north shore this morning. She is one of the few people who live in that area who would not be happy. She now has to recognise that every time she walks through the portals of the Royal North Shore Hospital she can say a quiet little prayer of thanks to a Labor Government for redeveloping the hospital. Professor Robinson made the point that this should be:

... seen as part of a grander project to build ... to boost the hospital systems throughout Sydney. As you are aware, the Minister has in the last couple of years been involved, clinicians increasingly, in the planning and development of health services in New South Wales and this is part of a grand plan in that regard.

That is the policy underpinning this: working with clinicians, whether it is in Liverpool or Royal North Shore, putting in policy underpinnings and making sure that the services are delivered on a fair and equitable basis—something the Coalition could never do. There are always issues to deal with in health, such as international pressures on work force—that is well known to everybody—but the one thing that cannot be denied is our efforts, recognised by these testimonials.

Record budgets in recurrent expenditure and capital expenditure have been well regarded as part of a sensible and planned approach to policy development in health—a far cry from what honourable members opposite do. The challenge is now for them to come up with policies that would match these testimonials. Just one would do. Their web site has only a one-page printout—four points of platitudes and no detail. The honourable member for North Shore is really angry. She cannot cop this. We have delivered yet again a 25 per cent of total recurrent expenditure health budget in this State, and we have done it in a fair way, spreading the resources equitably right around the State.

HOSPITAL EMERGENCY DEPARTMENTS PATIENT ACCESS

Mrs SKINNER: My question is directed to the Minister for Health. Given that last night alone five ambulances were banked up outside the emergency department at Bankstown hospital, three at Liverpool, two at Fairfield and one at Auburn, does the Minister seriously expect the crisis in our emergency departments to be fixed when he is appointing only 56 extra staff to treat the 18,000 additional emergency patients expected next year?

Mr KNOWLES: When the emergency department at Liverpool is redeveloped it will be one of the best trauma units in the nation. Of course, ambulances have to go on diversion from time to time—about 1 per cent of the time in the total hours our emergency departments are open. It is part of a commonsense approach to managing people who need transport and service. What the honourable member for North Shore will not cop is that it is this Government, which has over the past three years spread the money around more fairly so places that traditionally have been underresourced, such as Bankstown, Fairfield and Liverpool—they have always been shortchanged by governments like hers—get a fair share. Redevelopment of the emergency departments in those areas and redevelopment of the hospitals at Campbelltown, Bankstown, Liverpool, Fairfield and Nepean will enable those places to carry the load of the population living in their areas. For too long those services have not been available. It has been this Government that has demonstrated our commitment to providing an equitable and fair share of health dollars, wherever people live.

Mrs SKINNER: I ask a supplementary question. Given the Minister's previous answer, will he guarantee that no ambulances will be tied up in future outside blocked emergency departments?

Mr KNOWLES: The only thing that needs to be tied up is you, Jillian.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Western Sydney Government Initiatives

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [3.27 p.m.]: It is urgent that this Parliament discuss what the Carr Labor Government is doing for the great region of Western Sydney—a very important region. Indeed, it is the third largest economy in Australia outside of the Sydney central business district and Melbourne. Therefore, it is critical to this nation's economic health. The annual turnover of Western Sydney is in the order of \$58 billion. That figure alone indicates that the region is extraordinarily important economically not simply to this State but to the nation generally. It accommodates about 10 per cent of the State's population. The Carr Labor Government has recognised the importance of Western Sydney and its people to the State and the nation. It is urgent that people understand what the Carr Labor Government is doing to support the people and the economy of Western Sydney.

Police Budget Allocation

Mr TINK (Epping) [3.29 p.m.]: My motion is urgent because not only the people of Western Sydney but also the people of the rest of New South Wales need to understand that the Labor Government is cutting the police budget that targets organised crime. My motion is urgent because in Western Sydney, particularly south-western Sydney, which is bedevilled by gang and organised crime activity, it is important for people to understand that the number of experienced detectives and other police working in crime agencies to target those sorts of organised criminals are having their budgets cut. It is important for my motion to be debated because the people of Western Sydney and the rest of New South Wales need to understand that this Government's budget increase in policing is in the area of revenue collection, speed camera operation, red light camera operation and other matters that involve the enforcement of traffic rules—in many cases more for revenue than for road safety.

My motion is urgent because the police budget has been increased in the revenue-raising area by a whopping 47 per cent, which has to be compared to the actual cuts that have taken place in the police budget for those who fight organised crime and gang-related activities. It is extraordinary that the budget for police is flat lining, with no increase whatever in that huge program item called community support, which covers the overwhelming percentage of sworn police working in uniform in local area commands. Police in local area commands in Western Sydney, south-western Sydney and across the State are getting no increase whatsoever in the budget allocation for front-line policing, beat policing, community policing or any other sort of uniform policing. The budget is flat lining in that respect.

That aspect of the budget should be granted priority over the Minister's focus on Western Sydney, which conveniently overlooked the way in which the budget will negatively impact, from a police point of view, on Western Sydney. Another program area of policing that should be looked at urgently is judicial support, that is, police involved in safety and custody of alleged offenders. Again there has been a whopping budget increase in that program area. What makes this so appalling, and urgent to debate, is that one of the most important promises made by the Government in the policing portfolio before the last election was to get police out of the time-wasting business of having to be taxidrivens for prisoners across the State, and give that work to Corrective Services personnel.

Ms Hodgkinson: Hear! Hear!

Mr TINK: The honourable member for Burrinjuck, whose electorate includes the Goulburn area, expressed her support for my motion. My motion is urgent because one of the most astonishing and continuing outcomes for this Government against that promise is that in the Burrinjuck area there are more Corrective Services officers than anywhere else, but the police are still ferrying prisoners around. It is an absolute disgrace that at a time of rising and record crime rates the Government puts a priority into police who are going to continue to be doing taxidriver work, particularly in the areas of the State that have some of the highest concentrations of Corrective Services officers.

The problem is acute across the State and I dare say it is also a problem in Western Sydney. In Western Sydney and the rest of the State, the areas of the police budget that matter—namely front-line uniform policing, beat policing and the like—are flat lining. In areas relating to the investigation of organised crime, gang-related activity, rackets, extortion, kidnapping, homicide, and all the most serious crimes, there has been a 5 per cent budget decrease in the current budget. That is an absolute and unmitigated disgrace. That is why it is urgent to

debate these matters. The Government's priority is to give a 47 per cent budget increase to police behind radar guns, red light cameras and other revenue-raising branches of the State Debt Recovery Office and the Office of State Revenue.

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

WESTERN SYDNEY GOVERNMENT INITIATIVES

Urgent Motion

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [3.34 p.m.]: I move:

That this House notes the State Government's support and funding initiatives for Western Sydney.

The strength and growth of Western Sydney is vital for the strength and growth of New South Wales and, indeed, Australia. Western Sydney is Australia's third largest economy and is forecast to grow to \$80 billion over the next 10 years. Western Sydney produces 20 per cent of the total output of the New South Wales economy. The region's businesses are growing by meeting the strong demand in the region, and they are exporting to the world. Of this nation's top 500 companies, 45 per cent are based in Sydney. That is one reason why Sydney is recognised as Australia's premier global city, yet it is important to recognise that two-thirds of those companies are based in Western Sydney.

These globally competitive companies are part of a regional economy that is generating more than \$52 billion each year and employing some 600,000 people. Some people think of Sydney as Australia's centre for international finance, and that is true. But, to put the size of Sydney's finance sector into perspective, Western Sydney creates twice the number of jobs and 40 per cent more turnover than the entire financial sector of Australia. Western Sydney is growing rapidly. The number of people living there is expected to increase from the present 1.8 million to more than 2 million in the next 10 years.

The Government will ensure that the growth of Western Sydney is fair, and, as importantly, sustainable. That is why the Government is removing long-term debt from the public accounts, and at the same time delivering the schools, hospitals, transport infrastructure, and business support services that are vital for Australia's fastest-growing region. This year the Carr Government is continuing to deliver better services for the growing number of people of Western Sydney. In the next 12 months it will continue to spend more money on projects and initiatives that help to create jobs for the growing number of people living in Western Sydney.

The Government will spend an extra \$1.2 billion in Western Sydney on the amount reported last year. All up, projects and services worth more than \$5.7 billion will be delivered to the people of Western Sydney in the next 12 months. For the people of Western Sydney the Government will spend \$2 billion for better schools and educational services, \$1.4 billion for better health services, \$785 million for better public transport and roads, and \$557 million for police and other public safety initiatives. The people of Penrith will get better health services at Nepean Hospital through a \$8.6 million upgrade in this record-spending budget for Western Sydney.

The people of Cabramatta will get better police services with \$8.7 million allocated to complete the building of the Cabramatta police station. I am delighted that \$7.8 million has been allocated for the upgrade of TAFEs, including the Granville TAFE in my electorate, and TAFEs at Liverpool, Miller and Wetherill Park. Students in schools in Western Sydney have received more than \$43.7 million worth of computer equipment under the Carr Government. In the next 12 months \$11 million will be spent on the Computers for Schools Program in Western Sydney. Western Sydney is getting the support that it needs and deserves.

The Government is helping to make Western Sydney Australia's first knowledge region, a cleaner and green region and one that is fair for all. People of the region are getting not only a record \$5.7 billion in programs and services but also a boost in jobs from the Government's massive investment in capital expenditure. For example, the Government is investing \$12.1 billion on new and upgraded roads and rail, schools, hospitals, correctional facilities, water and sewerage infrastructure, community facilities, and more.

This investment will provide approximately 3,000 jobs per year for four years in the construction sector alone and, complemented by private sector investment, will sustain jobs growth in the region. The Carr Labor Government has delivered the goods for the people of western Sydney. In contrast, what has the Opposition

done? After one week in the job the Leader of the Opposition presented his first major policy initiative for Western Sydney. He not only dumped Wayne Merton as shadow Minister for Western Sydney but also dumped the Western Sydney portfolio in its entirety. He got rid of it altogether. The people of Western Sydney have a stark and clear choice: a government that is delivering a record budget for Western Sydney or an Opposition that does not rate the region anywhere on the radar.

The Opposition does not rate Western Sydney as important. It has downgraded Western Sydney from a shadow Cabinet portfolio position to a shadow parliamentary secretary position, which is indicative of how the Opposition regards the people of Western Sydney. If the people of Western Sydney think they will ever get attention, a fair go, or a fair distribution of resources, they should think again. The people on the other side of this Chamber, the New South Wales Opposition, cannot even maintain Western Sydney as a portfolio position. How could they not do that when Western Sydney is the third-largest regional economy not just in this State but in the country? In the very near future Western Sydney will have two million people. But the Opposition gives it no standing at all. It is astounding that a region that is worth so much to this nation is not recognised by the Opposition.

Mr MERTON (Baulkham Hills) [3.41 p.m.]: This year's budget deserves condemnation not because of what it contains but, more importantly, because of what it omits. The budget is the desperate act of a Government that finds itself on the run. I agree with the Minister that Western Sydney is a major part of the New South Wales economy. There is absolutely no doubt that it is the third-largest regional economy and generates \$58 billion of income. This is also the same area that, for many years, the Carr Labor Government and previous Federal governments took for granted. Last November the pigeons came home to roost when the people of Western Sydney deserted the Australian Labor Party, like the passengers tried to leave the *Titanic* so many years ago. On the basis of the Federal election figures, if a State election had been held at the same time the Labor Party would have lost something like six Western Sydney seats: Riverstone, Penrith, Londonderry, Parramatta, Blue Mountains, Mulgoa—and there's more, as the Demtel man said.

Ms Beamer: That's rubbish!

Mr MERTON: On the Federal figures, they would have been lost.

Ms Beamer: That's rubbish!

Mr MERTON: The honourable member may well say that it is rubbish, but she will learn the truth on the fourth Saturday of March 2003, when she will succumb to a similar fate. It is unbelievable that the Government would sing its own praises in this House, because it is the same government that, only a few weeks ago, released a real little gem from the world of Alice in Wonderland. I refer to a document headed "TOP 30 Carr Government achievements in Western Sydney" which purports to boast about Government achievements that in actual fact the Government has failed to deliver.

It referred to the Western Sydney Orbital, a \$1.3 billion motorway connecting the M4, M5 and M2 motorways. Everyone supports that because it would bypass 56 sets of traffic lights, have 39 kilometres of cycleway and reduce travel time by up to 60 minutes. It would make a tremendous difference to the area. But how much money are the champions of Western Sydney putting into this project? The answer is zilch, nothing, absolutely not one cent. Yet it has the gall to claim it as one of its top 30 achievements in Western Sydney.

One could be forgiven for assuming that such statements put the credibility of the Government at risk. The Government claims fame for the Parramatta to Chatswood rail link, which was supposed to be completed by 2008. But that link simply does not exist, because the Government now proposes to build the Epping to Chatswood rail link. There is absolutely no starting time and, obviously, no finishing time for the Parramatta to Chatswood link. The Government is talking about something that does not exist. Sure, the Government might have approval for the development application, but that is like going to the council and having house plans approved. It does not mean that work will start the next day.

The Government is misleading the people of Western Sydney when it talks about a Parramatta to Chatswood rail link. It is a disgrace that the Carr Labor Government should be so desperate that it has to resort to these sorts of tactics. But the people of Western Sydney are not stupid. They know exactly what is happening and they know what side their bread is buttered on. Federally, the people of Western Sydney have left the Labor Party in droves, and they will do the same thing on the fourth Saturday of March 2003.

I can remember when that great man, the Minister for Transport, stood in this Chamber and said, "I have a dream about bus transitways." At that time he was quite correctly referred to as a very pathetic imitation

of Martin Luther King. His dream was a planned network of rapid bus-only transitways, which would include 90 kilometres of rapid bus-only transitways in Western Sydney connecting Liverpool, Parramatta, Blacktown and Castle Hill, to be completed by 2010.

Mr Richardson: It has become a nightmare.

Mr MERTON: As the honourable member for The Hills said, the dream has turned into a nightmare shattered on the rocks of reality and political expediency that dictated a statement with no real commitment and no resources to fulfil it. Yesterday, hot off the press, there is still a commitment to build a 90-kilometre transitway network to link north and south-western Sydney, but it is looking very shaky. They are building two: the Liverpool to Parramatta link, and there is talk about the Parramatta to Mungerie Park link. But what about the others? How much money did the champions of Western Sydney allocate to build the five bus transitways? It has allocated \$7 million to build five bus transitways, all of which will be finished by 2010.

[Interruption]

The honourable member for Londonderry is a decent bloke, but in this instance I suggest that he be quiet; otherwise he will get even further into the mire. Honourable members opposite would be right to think that bus transitways are big ticket items. I understand that. So let us look at an item that is not quite so big ticket. In the last budget \$60 million was allocated for road maintenance and safety in Western Sydney. But these champions of Western Sydney could not or would not spend the \$60 million; they had \$10 million left.

People who live in Western Sydney travel on apologies for roads on their way to work, captives of their motor cars, because there is no public transport. They are forced to use their cars on substandard roads. Yet the Government held back \$10 million from its roads budget. In 1998 my area was promised the great north-west transport link. It was going to be built to Castle Hill by 2010 at a cost of \$350 million and funded by Treasury. Last year the Government made another announcement. The transport link was changed. It is now going from Epping to Rouse Hill at a cost of \$1.2 or \$1.4 billion. There is no start date, no completion date and no funding.

Let us look at what the Government has done by way of providing support and funding initiatives for Western Sydney. No funding has been provided, and no starting date or completion date has been given for the north-west rail link. If that is not bad enough, the hidden message is that extra lanes are needed on the Harbour Bridge. I do not know about the need for extra lanes, but apparently they are necessary if the link is to be built. If you think that is bad enough, the decision is dependent also on the Chatswood to Parramatta rail link, and I have spoken about it. There is to be an Epping to Chatswood rail line but no Parramatta to Epping line.

Do these people in government really have a commitment to Western Sydney? No. Yet, this self-gratifying Government notes its support and funding initiatives for Western Sydney. What an absolute sham! I cannot understand why this Minister, whom I like, should choose to follow such a dangerous path by talking about those things in the House. The people of Western Sydney can read Government members like a book. They realise they have been taken for granted and at the first opportunity they will rebel. They rebelled federally in November last year and they will do the same again on 22 March next year. The Government will leave the people of Western Sydney a legacy of broken promises and ideals that have been shattered on the rocks of political expediency. That is not good enough.

Of course we commend the improvements this year's budget makes, because they are urgently needed, but there are still problems with not enough police on the beat and completely unsatisfactory hospital waiting lists. The budget does not address some of the major issues. I do not think there is any substance in this motion whatsoever. The Minister would do better to speak again to his Cabinet colleagues about the important measures that are badly needed for the people of Western Sydney.

Ms BEAMER (Mulgoa) [3.51 p.m.]: As the Premier said when outlining some of the responses to the budget contained in newspaper articles, this Government continues its love affair with Western Sydney and the people of Western Sydney share that love. There is no better example than the Minister for Western Sydney and his work, which is supported by the responses we have received. The comment has been made that what hurts is what is not in the budget. The trouble is that the things that are not in the budget cannot be found. Members opposite talked about issues being planned, but plans cover a period of time and members opposite are well aware of that.

A particular issue in this year's budget is protection of the environment in Western Sydney. By the end of the next decade two million people will live in greater Western Sydney, and we are concerned that this rapid

growth will put pressure on our natural environment. We know that Western Sydney is one of the fastest-growing economies in Australia and that economic growth is good for jobs and investment, but it is vital that economic growth is balanced with our natural heritage. We know what happens if we do not have a sustainable environment, which is why this year the New South Wales Government will spend a record \$403 million on the environment in Western Sydney. That represents a monumental \$95 million increase on last year's spending for the region's environment, for which I am sure the people of Western Sydney will be very grateful.

More than \$160 million will be spent on water and sewerage infrastructure programs in Western Sydney, of which \$11 million will be spent in my electorate. The people from the small rural villages of Wallacia and Mulgoa will be absolutely ecstatic that they will no longer have a pump-out system with overflow into the Mulgoa Creek and then into the Nepean River. They are pleased that this initiative will result in money being spent not just in their area but throughout Western Sydney to help improve the Nepean River. This initiative means that finally those residents will be rid of the pump-out system, which was run at very minimal cost to taxpayers in our area. We decided we would fund it and not recover the expense from ratepayers—an excellent decision.

Capital works in Western Sydney will receive an investment of \$95 million from Integral Energy to help reduce the impact on the Western Sydney environment; \$37 million will be spent on a waste water strategy for the Georges River; and the Environment Protection Authority will spend \$17.2 million this financial year, which is almost \$2 million more than last year. More than \$5 million will be committed to regional and national parks throughout Western Sydney by the National Parks and Wildlife Service. In a private member's statement I spoke about the great work done in my area by Landcare and its commitment to keeping places such as Mulgoa Nature Reserve as pristine as possible.

This record level of spending for the Western Sydney environment is a clear demonstration of the New South Wales Government's commitment to the environment. It demonstrates the importance of Western Sydney as a region in its own right. These programs will help clear the air in Western Sydney as well as our waterways. They will go a long way to holding the spread of pollution in our waterways and providing residents with clear and safer water services. The programs will help reduce algal blooms in the Nepean-Hawkesbury rivers system and improve the water quality of the Georges River catchment by reducing sewage overflow and promoting the use of recycled water to industry.

New South Wales Government spending on the environment and Western Sydney shows a greater commitment to our region's rivers and bushland, as well as to air quality and waste management. Today is World Environment Day and what better day to recognise this record level of environmental spending in Western Sydney. Of course, the Minister for Western Sydney has launched Western Sydney's fourth Environment Week. This year more than 130 activities and environmental initiatives will be staged throughout Western Sydney, making it the biggest green event in the country. That is a clear sign of our commitment to Western Sydney and a clear sign of the Minister's commitment to Western Sydney and environmental initiatives in the region. I congratulate the Minister and the Government on those initiatives.

Mr RICHARDSON (The Hills) [3.56 p.m.]: The honourable member for Mulgoa talked about clearing the air in Western Sydney. No doubt we need to clear the air about the Government's support for Western Sydney. The Minister talked about the \$5.7 billion in programs and services the Government is pumping into Western Sydney. The extraordinary thing was that he could not even speak for 10 minutes on this portfolio area. He stopped short at 7½ minutes, of which he spent a minute bagging the Opposition. I would not say he is not across his portfolio, but he is struggling to think of positive initiatives that the Government is putting into Western Sydney.

Some problems I see after reading the Western Sydney budget statement include the upgrading of the correctional facilities at Windsor and Parklea, at a cost of \$34.5 million. One thing the Minister has conveniently left out of this paper is that the Government has squandered the cost of two existing prisons projects, which resulted in \$65.5 million in blow-outs. Every single prisons project this Government has initiated is up to 18 months behind schedule. The original budget estimate for Parklea Metropolitan Remand Centre, which is close to my electorate, was costed at \$36.6 million, but is currently budgeted at \$42.2 million, representing an increase of \$3.6 million to cover the 200 bed increase in the remand centre. That project is 12 months behind schedule.

The original budget for the Winmalee Women's Prison at south Windsor was \$33.6 million and the current budget is \$53.6 million—a \$20 million increase—and the delivery of that project is 12 months late. It

seems to me that the Carr Government is trying to make a virtue out of its incompetence. But the problem does not end there. The honourable member for Baulkham Hills said that \$80.8 million is to be spent on the Liverpool to Parramatta transitway and \$21 million on the development and construction of other transitways.

That means that those transitways are likely to go the way of the Epping to Castle Hill rail link and the much vaunted Epping to Parramatta rail link. Only \$2 million has been allocated in the budget for investigation of the Epping to Castle Hill rail link—do not spend it all at once! Just like all the other projects that the Minister for Transport has flagged over a sustained period of time, indeed since 1999, it will not happen. Not one single sleeper has been laid on the Parramatta to Chatswood line, but because an election is looming, \$220 million has been allocated for the Epping to Chatswood section of that rail link. However, no indication has been given about funding for the Western Sydney section of that rail link, from Epping to Parramatta. The Epping to Castle Hill line, which was supposed to service my electorate, is so far off into the never-never that a starting date has not even been set for construction.

Earlier the Minister for Health spoke at great length about the wonderful work of the Government with regard to hospitals. I note that the Western Sydney document refers to money being pumped into Westmead Hospital. It is not uncommon to find up to five ambulances lined up outside the accident and emergency department of Westmead Hospital. Those ambulances have to queue because there are insufficient beds for the patients, and the ambulances are used as a substitute. That is a disgraceful state of affairs. The Government is not delivering on services for the people of Western Sydney. It talks big but it simply cannot deliver, as depicted in almost every aspect of this Western Sydney budget statement. It is a disgrace and it is not surprising that the Minister could only speak for about 7½ minutes.

Mr ANDERSON (Londonderry) [4.01 p.m.]: First, I congratulate the honourable member for Baulkham Hills. He spoke with conviction about something that he clearly does not believe. He does not believe one word of what he said today, because he knows that the Carr Government is committed to the people of Western Sydney. He attends the same functions and industry awards that I attend. He knows what business thinks of Western Sydney. He enters into the spirit of those functions, so he is to be commended for giving a 10-minute dissertation on something that he did not believe.

One of the fundamental goals of this Government is the creation of jobs: smart jobs, jobs for now, and jobs for our children in the future. Half of Sydney, or one in 10 Australians, lives in Western Sydney, and we are very proud of that. It is the third largest region in Australia after the rest of Sydney and Melbourne. It is also the fastest-growing region in the country. The population of Western Sydney will be more than two million by 2010. In fact, we will need 100,000 new jobs in the next 10 years just to keep up with the population growth. The Government is working with industry to make sure there are enough jobs in Western Sydney for our young people in the future.

Our post-Olympics jobs plan, for example, has generated more than 17 major job creation projects worth a total of \$24 billion. That is an indication of the private sector and public sector working together and investing in our future. It is creating more than 130,000 jobs across the State, but we need to do more. We need to ensure that New South Wales industries are world class, world competitive and world leaders. That is why the Carr Government is supporting the growth of the fastest growing industries in Western Sydney, the wealth-creating industries, industries that build on the skills, knowledge and innovation of our people. These will be twenty-first century industries where New South Wales has a natural advantage, such as advanced manufacturing, information technology and biotechnology.

Western Sydney has a cluster of advanced manufacturing businesses that turn over some \$30 billion per year. These include toolmakers, metal fabricators, telecommunication workers, transport workers, information technology professionals, defence and aerospace business industries. The manufacturers in Western Sydney trade with the world and bring into the State each year more than \$2.2 billion in wealth from overseas. These manufacturers compete against global countries and they are winning. The Carr Government has established the Western Sydney industry awards, information technology in industry conferences, and the largest information technology cluster in Australia, which includes more than 100 participating companies.

Corporate Partners for Change, the training program for unemployed people, has helped more than 270 unemployed people into apprenticeships, traineeships and jobs. These are major successes which have helped create jobs and investment, and brought prosperity to our region. Western Sydney is important because it is the home of the largest cluster of biotechnology research, education and industry in this nation. Westmead Hospital is the largest multidisciplinary health care and medical research precinct not just in Australia but in the Southern

Hemisphere. Westmead Hospital and the Children's Hospital employ thousands of nurses, orderlies, doctors and other medical professionals—people who are saving lives every day. But Westmead Hospital is also known for creating employment for some 600 medical researchers, world experts in cancer, immunology, cardiac disorders, infectious diseases and children's clinical research. Also, 230 biotechnology firms are based in Western Sydney.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [4.06 p.m.], in reply: I thank all honourable members who have contributed to the debate. I agree with the comments of the honourable member for Londonderry, who said it was a tough brief for the honourable member for Baulkham Hills to speak in this debate, because we often bump into him out in the field.

Mr Orkopoulos: He's lost.

Mr YEADON: Yes, sometimes he might be a bit lost, but he knows the sorts of activities that are going on and the work that the Government is doing in the region. To his credit, he is enthusiastic and does not believe anything he has said in this debate because he has seen the information technology cluster the Government has put together and the way we have worked with the information technology industry generally. Certainly, the North Sydney to Ryde corridor has important information technology companies that are welcomed by the State. Invariably they are large multinational corporations, but they are working with small to medium information technology enterprises in Western Sydney, an advantage being that they are home-grown Australian companies. Information technology is not the only sector.

The Government is working stridently with elaborate and advanced manufacturing industry groups, and Western Sydney has great prospects for the continuing development of that industry into the future. It is a significant industry with a \$30 billion turnover. We are also working with the biomedical area and we have a natural advantage in that we have the great facility of Westmead Hospital, which is the largest medical precinct in the Southern Hemisphere.

The great thing about that facility is not just its expertise and great work but the various satellite companies and activities related to it, including pharmaceutical companies and medical instrument makers—the list is endless. In the interests of time, I have talked about the big ticket items or general areas and the money allocated to them. I thank the honourable member for Baulkham Hills for providing the details of funding allocations for particular items. I am sure that *Hansard* will show that he acknowledged a range of big ticket items that this Government is funding in Western Sydney, including railway lines, bus-only transit lanes, hospitals and other health, school and TAFE facilities.

The honourable member for Mulgoa concentrated on the environment, which is not surprising given that she represents an electorate situated on the edge of urban Western Sydney to which the natural environment is important. She pointed out correctly that today is World Environment Day and that this is Western Sydney Environment Week, which I had the pleasure of launching in the beautiful, heritage-listed Blue Mountains on Monday with the Minister for the Environment, who is also the local member. This is the fourth annual Western Sydney Environment Week, and the honourable member for Mulgoa pointed out that 130 activities will be held across greater Western Sydney in celebration of our natural heritage and environment. The Government recognises that, while we require investment to generate a healthier economy and create the 100,000 jobs that will be needed to accommodate population growth in the area over the next decade or so, it is vital to maintain the natural environment and ensure a good quality of life for the people of Western Sydney. So in that sense the Carr Government has all bases covered.

Motion agreed to.

WATER MANAGEMENT PLANS

Matter of Public Importance

Mr D. L. PAGE (Ballina) [4.12 p.m.]: Water reform in New South Wales is a matter of public importance as there is much concern in regional communities about the way in which the Carr Government is handling the issue and the implications that this has for the long-term viability of many rural communities. In recent times I have received numerous complaints from water users about the lack of socioeconomic impact statements, insufficient time in which to consider draft water management plans properly, the late referral of the

State water management outcomes plan to committees for consideration, the fact that performance indicators are still being finalised, the absence of any long-term property rights, the lack of this scientific data upon which to base decisions—the list continues.

A couple of weeks ago more than 2,000 people protested at Gunnedah about the Carr Government's water management agenda and its inadequate response to overallocation problems in the Namoi Valley. An alliance of widespread interests, including the Local Government and Shires Associations, the Australian Bankers Association [ABA], Cotton Australia, the New South Wales Irrigators Council, the Ricegrowers Association and the New South Wales Farmers Association, recently expressed grave concerns about how the Carr Government is handling water reform and the property rights issue. In the *Australian Financial Review* of 13 May, ABA spokesman David Bell was quoted as saying:

Banks need to be confident about the validity of water property rights if they were to accept them as security for lending.

Later in the same article Mr Bell was quoted as saying:

Banks are concerned that reduced water allocations could affect farmers abilities to service loan commitments.

With 34 draft water management plans that determine water-sharing arrangements for the next 10 years currently circulating in the community, it is absolutely crucial that the Government gets them right. Failure to do so could be catastrophic for some rural communities. Irrigation is a big wealth creator and water is central to the health of regional New South Wales. It is a nationally recognised imperative that we continue the process of water management reform. The sustainable use of water is important not only for the long-term survival of the resource but for the survival of agriculture and rural communities.

At least three issues are central to achieving long-term, sustainable outcomes for water use: first, water property rights; secondly, justifiable, sustainable goals and their monitoring—I stress the latter—and, thirdly, community participation. The property rights debate is about not just compensation for loss of entitlement but providing equity, asset security and the confidence to invest in future development for rural communities. This includes investing in the latest technology to ensure that we conserve and use water efficiently. Developing a comprehensive property right must be a priority if water users are to have any long-term security and if changes to water entitlements are to be managed equitably over time.

The introduction of a clearly defined water property right is now recognised as vital to the process of developing sustainable water management policies. For example, the Council of Australian Governments [COAG] meeting of 5 April reaffirmed the importance of water property rights in dealing with the nation's salinity and water quality problems. It noted that there may be a lack of information in the community about the nature of property rights, including the responsibilities of water users. It stated that there must be consideration of the implications of changes to water property rights for investment and the impact of changes on water users, particularly farmers. To clarify these issues, the States agreed to report to COAG by September 2002 on opportunities and impediments in order to better define and implement water property rights regimes, including water trading markets and, where appropriate, the responsibilities of water users. The States have also been asked to report on how they are addressing uncertainties.

On 12 April the Murray-Darling Basin Ministerial Council meeting noted the importance of establishing water trading arrangements for the efficient allocation of the scarce water resources in the basin. It acknowledged that the effectiveness of such arrangements will depend significantly upon a clear definition of water property rights. The Carr Government has a poor track record in providing security and clear property rights for water users in New South Wales. With regard to security, the Carr Government's white paper specifically excluded compensation ever being paid to users who lose water as a result of Government decisions. In response to the Coalition's position that some water rights were essential to our support of the Water Management Act, the final Act includes a compensable water right for the period of a 10-year water management plan.

While we achieved some significant amendments to the Water Management Act to secure a compensable water right for water users, the Act still does not go far enough in delivering a comprehensive property right for water users in New South Wales. Of particular note is its failure to provide security beyond the 10-year plan. When water management plans are reviewed in year five, unless there is a good reason to change the plans I believe it should be presumed that the plans will roll over for a further 10 years. Unless this kind of security is provided in years seven, eight and nine of the current 10-year plan, banks will be reluctant to lend on what will be a very insecure water entitlement indeed.

The proposed Catchment Management Amendment Bill, which was brought before the House last year, contained no provision for a property right and it was unclear what impact it would have on the limited right that is in the Water Management Act. Indeed, it stated that, to the extent that there were any differences between the catchment management and water management plans, catchment management plans would prevail. This threatens the security that currently exists during the life of a water management plan. The relationship between catchment plans, native vegetation plans and water management must be defined clearly and must not undermine the limited property right in the Water Management Act.

The Prime Minister's announcement last week that the Commonwealth and New South Wales governments have finalised the details of the National Action Plan [NAP] for Salinity has increased the importance of including a property right in the proposed Catchment Management Amendment Bill. Regional catchment management boards and their catchment blueprints are the designated bodies through which the New South Wales NAP will function, and it is vital that they are not used to destabilise property rights in New South Wales. An ideal opportunity exists in the upcoming Catchment Management Amendment Bill to incorporate a meaningful property right for resource management generally. As I said earlier, property rights are not just about compensation. However, a significant source of long-term funding is required to underpin property rights and ensure that sustainable outcomes are achieved.

There is a lot of buck passing between the State and the Commonwealth about who pays and how much. There are also several suggestions as to how revenue could be raised. The bottom line is that the States have a constitutional responsibility for natural resource management. In the next four years it is estimated that New South Wales will receive about \$1 billion in national competition policy payments—not to mention the funds that this State has received already under the national competition policy. This is more than any other State will receive in coming years. If New South Wales is to receive approximately \$250 million per annum from the Commonwealth to implement reform over the next four years, that money—or at least part of it—should underpin that reform and not be swallowed by the black hole of Treasury's Consolidated Fund.

I suspect one of the main reasons the Carr Government has not embraced a genuine property right in resource management is that it is worried about the potential cost. I point out to the Government that if it undertook proper socioeconomic impact statements, it would know the likely cost of property rights. I urge the Government to undertake these socioeconomic studies as a high priority because they will help to determine the potential liability of a property right. In the final analysis, it is likely that the economic loss to our regional communities through a continuation of a management regime without property rights, and with the uncertainty associated with it, will be far greater than the cost of implementing a comprehensive property right. We must be mindful of the fact that successive State Governments, not the irrigators, have allowed the over-allocation of water, where that has occurred.

Notwithstanding the limited property right in the Water Management Act, the Carr Labor Government needs to stop dragging the chain on implementing secure property rights in New South Wales in natural resource management generally. It has an ideal opportunity to develop a property right for presentation to the Commonwealth at the Council of Australian Governments meeting in September, when the States are required to report on what they are doing to address uncertainties in natural resource management.

In relation to goals for water reform, we must be clear about what we want to achieve. We need to develop a framework that considers all the costs and benefits—economic, environmental and social. If governments create pain, they must be able to demonstrate gain. That gain needs to be measurable and understood by the community. In doing that, the State Government must address two issues. The first is the provision of a transparent public benefits test encompassing environmental, economic and social impacts before new legislation or regulations are implemented. Second, where necessary it must develop structural adjustment packages to manage any negative effects of proposed water reform identified by the public benefits test.

Recently Neil Byron of the Productivity Commission stated that in Australia, at both Commonwealth and State levels, between \$4 billion and \$15 billion is being spent on the environment. He noted that it is a significant flaw in our approach to reform that we do not know what we are actually spending on the environment, let alone whether it is effective. We need to ensure that our spending is identifiable, targeted and much more effective. We must have a structure in place to monitor the effects of reform. The more information we gather over the coming years, the better equipped we will be to implement more effective solutions. If thorough socioeconomic impact studies are undertaken, the Government should know in advance of its decisions what the impact will be and it will be able to respond accordingly.

The burden of environmental repair can no longer fall solely on the shoulders of New South Wales water users. It must be recognised that, whilst rural communities accept the need to develop sustainable water

management, they will be the ones who will be required to make changes. Communities must be supported during this period of change. With the new proposed water sharing arrangements, it will be critical that the decisions made in the next few months are right because they will be in place for the next ten years. Some valleys have negotiated the development of their water management plans with less angst than others. Some have more community support than others. There are many issues that need to be dealt with, but at this stage time prevents me from going into them. I merely send a signal to the Government that water management reform is an important issue and it must take the time to get it right rather than rush it.

Mr AQUILINA (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading) [4.22 p.m.]: One of the problems in dealing with water sharing is that one needs to pay as much attention to the process as to the outcome. I, for one, am trying to ensure that as much attention is being paid to the process as to the detail. That is why I am wasting no time in engaging with those around the State who are the primary users of water in all aspects. I am talking to them about the process of the implementation of water sharing plans as well as the anticipated outcomes. It goes without saying that water is a precious resource. Australia is the driest populated continent on earth and New South Wales is using as much water as all other States and territories combined. Healthy rivers and ground water aquifers mean healthy productivity for present and future generations of farming families, and the farmers themselves are the first ones to point this out.

About 75 per cent of New South Wales total rainfall occurs in coastal catchments compared to 25 per cent inland. Yet 80 per cent of water extraction occurs in inland New South Wales. Drought is a natural recurring feature of the Australian environment. Based on past records, it is expected that across Australia in any single century 21 years are likely to be free of major droughts, 62 years will have a drought which covers less than 20 per cent of the continent, 15 years will have a drought covering 20 per cent to 40 per cent of the continent, and two years will have a drought covering more than 40 per cent of the continent. As an example of the comparative extent of irrigation water use versus urban water use, the town of Moree, which has a population of 10,000, uses approximately 3,500 megalitres of water per year. That is equivalent to the annual water use from only three surrounding cotton farms.

Ground water use in New South Wales increased by 217 percent in just 13 years. Of ground water use in New South Wales in 1996 and 1997, irrigation used 63 per cent, urban industry used 16 per cent and rural areas used 20 per cent. Even the Opposition recognised the need to reduce water use. The honourable member for Tamworth is in the Chamber and will no doubt contribute to this debate. I remind him that only a matter of three weeks ago he was quoted in the *Northern Daily Leader* as saying, "There is no doubt the State Government has to make cuts to the consumption of irrigation water." I am pleased that that is an acknowledged fact.

The importance of water to development and economic growth of New South Wales is not underestimated by the Government. A significant amount of the rural economy is dependent on continued access to these overused water resources. Irrigated agriculture represents around half of the production value of pastures and grasses. Water sharing arrangements prior to the Water Management Act were inadequate. Sharing arrangements did not provide clearly for water sources, dependent ecosystems and ecological processes. The arrangements did not provide for clearly defined entitlements to water for basic land-holder rights and licensed water users, nor did the arrangements provide water for non-extractive uses such as Aboriginal custom or heritage, recreation or research.

All of our main inland rivers now have one, two or three major rural dams and between 25 per cent and 35 per cent of the average flows are extracted causing major changes in rural flow volumes and patterns. In the inland valleys up to 80 per cent of natural flows of some rivers are now controlled and normal flows at the end of these regulated river systems have been reduced by between 60 per cent and 80 per cent. Natural wetlands associated with our river systems are declining. Flooding in the main area of the Gwydir wetland, an internationally recognised wetland, has reduced by 70 per cent over the last 25 years. Native fish numbers are dropping and many species are now listed as endangered or vulnerable. It is estimated that there has been a 70 per cent to 90 per cent decline in the Murray River populations of silver perch and golden perch.

Algal blooms and high salinity levels in our water are becoming commonplace. Nutrient levels continue to exceed recommended national water quality guidelines in a number of coastal and inland waterways. In areas such as the Namoi, ground water use now exceeds the sustainable yield of the aquifers. If that continues it could lead to total depletion and destruction of the ground water storage. The Namoi provides particular challenges; I suppose it encapsulates what the Government is attempting to achieve through the statewide water

sharing plans. At this point it is appropriate to acknowledge that despite the fact that 37 water sharing plans are out for public comment, there are major issues in relation to how to resolve problems in certain areas. The Namoi, of course, is one of those.

When I inherited this portfolio I found that some generalisations were being made in relation to the whole of the Namoi ground water area. An attempt was made to reduce the total amount of water required—something like 40,000 megalitres—by averaging out the water usage across the whole of the ground water district. I found that to be an inadequate response. With 13 aquifers stretched over 12 zones—many of those aquifers are not even being interconnected—to try to average the cuts in water so as to achieve a 40,000 megalitre reduction was an inappropriate way of doing it. That is why over the past six months we have worked intensively with the local irrigators and analysed, in a sense, virtually every farm in the Namoi area that is supplied, that is, all 813 irrigators. We have been able to identify precisely the level of water usage. We already had the records of water entitlements, and we are now able to come up with challenging but workable proposals that are exciting in terms of the yield that will result. The Government is committed to turning the situation around and it has broad community support for that. In 2000 Newspan found that more than 95 per cent of respondents to a survey in regional New South Wales regarded river health as a high-priority issue.

Many of them would have been farmers. Preparation of the draft water sharing plans represents a true partnership. I again emphasise that, as much as possible, we have attempted to work hand-in-hand. This has been the case with members of the committee, and my department has worked hand-in-hand with local irrigators and farmers. That is true partnership between the community and government and also a real attempt to bring a diverse range of often-conflicting interests and opinions to the table. One of the things that has impressed and pleased me in all of this is the willingness of people to find solutions despite their diverse and conflicting interests. Everyone wants a solution, everyone is willing to provide ideas towards finding a solution and everyone is coming up with meaningful suggestions.

The water management committees have representatives from right across the board—irrigators, farming groups, Aboriginal communities, environmental groups, local government and a range of State government agencies. Over the past year some 400 community people have been involved in these committees working on the development of the 37 draft water sharing plans. I again emphasise that that is augmented by many hundreds of others—irrigators and farmers as well as community representatives—having their say. These plans are now out for public comment. I invite people to look at the plans and make comments. The draft sharing plans provide for water for stock and domestic basic land-holder rights, water for native title basic land-holder rights, a total yearly entitlement to water for access licences, and also for water trading. If time allowed I could go into some of the details of how water trading has dramatically changed the whole water use issue. What was regarded as a resource that everyone had an entitlement to has become a very valuable tradable resource.

Issues have been raised in relation to water sharing plans and how we are dealing with them. I make the point that water sharing plans provide security of use for a period of 10 years, but with flexibility. I emphasise that. There is some feeling that once these plans are in place there will be a 10-year straitjacket and they cannot be changed for 10 years. That is not so at all. They will provide security for 10 years but, as more information becomes available and as we are able to provide more detail and we have more knowledge about water and its usages, we will be able to adapt those plans so that at the end of the 10-year period there will be, as envisaged by the honourable member for Ballina, a more orderly changeover for the subsequent period rather than a hiatus at that stage. [*Time expired.*]

Mr CULL (Tamworth) [4.32 p.m.]: I am pleased to have the opportunity to speak on this matter of public importance. Natural resource management, including water reform, is one of the biggest issues confronting rural and regional New South Wales and has a crucial role in protecting the viability and sustainability of the New South Wales rural economy. The current reform process ignores the social and economic impacts and is creating a great deal of frustration and concern throughout rural communities. Natural resource management under the Carr Government has become confused and disjointed, being driven by city bureaucrats devoid of concern for farming families and the communities they live in.

The current dissatisfaction was highlighted by a public rally held in Gunnedah, where 2,000 farmers and community people expressed their anger and frustration about the handling by the New South Wales Government of the proposed water sharing plans and natural resource management. The fact that such a large crowd gathered in Gunnedah indicated how dedicated the farming community is to achieving equitable outcomes for their communities. It also indicates the failure of the Labor Government to achieve reforms without imposing massive structural adjustments and creating economic and social dislocation throughout the regions.

It was disappointing to note that there was not one representative from Country Labor at this important water rally. The rally had the support of not only the farming communities but a coalition of agricultural, banking and local government associations committed to achieving better outcomes from the reform process. The rally called on the New South Wales Government to provide water property rights that deliver long-term security and compensation if entitlements are reduced. Meaningful property rights are necessary to allow businesses and communities to invest with confidence. I call upon the Government to recognise the rights of farmers and the farming communities and to work together to achieve sustainable outcomes which will provide security for our agricultural sector.

Natural resource reforms that do not include a comprehensive property right, or do not pay due regard for the social and economic impact of reform, have the potential to cause major dislocation in our rural communities. To illustrate the impact of the current water reform policy, let us look at a practical example. The reform process is not just about reducing water entitlements. To understand the implications for individual farmers we need to consider the total capital investment made by farmers in establishing an irrigation farm. Water is only a small part of that total investment. When farmers purchase an irrigation property they pay a premium for the land because of the capital and structural improvements developed for the purpose of irrigation. They also require a great deal of expensive, specialist machinery to operate the irrigation farm.

These people invested in irrigation properties on the understanding that their capital investments would be protected because of the water licence attached to the property. They improve and develop their properties, injecting large amounts of capital to improve their productivity and achieve a reasonable rate of return on the money invested. If the Government reduces the water allocation to individual farmers, not only will it affect their viability; they will suffer a large capital loss on their overall investment. Labor's failure to heed the recommendation of the Namoi Valley ground water task force is evidence of its flawed approach to water reform and its inability to understand the impacts of water reform on rural communities.

The task force recommended a \$120 million package over 10 years, with \$40 million each to be contributed by the State and Federal governments and \$40 million from the ground water users. No-one disagrees that cuts need to be made in relation to water licensing. What we disagree on is inclusion of a compensation package as part of the process. The so-called community consultative process is currently being hijacked by the various government agencies involved in the committees that provide academic outcomes devoid of practical solutions. The endangered species Act, the Water Management Act, the native vegetation Act and the Wilderness Act all give little consideration to the social and economic impact on rural communities.

If the Government is to change any of the natural resource management policies, part of the change must be an acknowledgment that each farmer has a right to be compensated for the loss of use of his property. All farmers are demanding is that they get fair compensation for loss of the privileges they presently enjoy. The Government may think that it can get away with making changes to those Acts without adequately compensating the farming community, but that would be a crime.

[Debate interrupted.]

BUSINESS OF THE HOUSE

Matter of Public Importance: Suspension of Standing and Sessional Orders

Motion by Mr Gaudry agreed to:

That standing and sessional orders be suspended to allow the honourable member for Murray-Darling and the honourable member for Lachlan to contribute to the discussion for five minutes each.

WATER MANAGEMENT PLANS

Matter of Public Importance

[Debate resumed.]

Mr BLACK (Murray-Darling) [4.38 p.m.]: Once again Country Labor is happy to support city Labor, especially the Minister for Land and Water Conservation, and Minister for Fair Trading. That again underscores that the only coalition that is working in this Parliament is on this side of the House. The honourable member for Ballina said that the Carr Government was dragging the chain in this matter. I find it an extraordinary statement

given that today we have announced a \$550,000 injection for the Buronga salt interception scheme in the Wentworth shire. It is singularly inappropriate in view of what happened over the United States Farm Bill in recent days, Roads to Recovery, public liability insurance increases and the dud national highway program proposal.

New South Wales has been in the process of reshaping its water industry since 1995. When the Government came to office it was faced with significant water management issues. New South Wales consumes far more water per capita than any other State, and total water consumption almost doubled from the mid-1980s to the 1990s. New South Wales was at the limits of its available water resources in most areas of the State. A recent report from the Murray-Darling Basin Commission found that reduced flow had led to increased surface water salinity and was a threat to agricultural production. Where salinity rises the use of sprinklers will burn leaves and reduce production, and this will likely occur in the lower Darling River this summer. Town water supplies will exceed World Health Organisation maximum limits for salinity. This will often mean that they will be unfit for drinking, and will impact on urban infrastructure and water use industries.

The reduced flow, together with high nutrients, will cause more frequent blue-green algal blooms that are toxic and could potentially destroy tourism and our international reputation for clean, green produce. In the face of those findings, surely the Government cannot be criticised for taking action. However, at the same time the Government recognised that there is a major rural sector that depends on continued access to the stretched water industry. New South Wales irrigation alone is a \$2 billion industry that requires secure water supplies. I emphasise that the electorate of Murray-Darling is a major contributor to that industry, through cotton and rice.

New South Wales water reforms have embraced all the Council of Australian Governments [COAG] areas, and New South Wales has been assessed by the National Competition Council to comply. We have also built on the work of the Murray-Darling Basin Ministerial Council, which required water extractions to be capped. It is important to note that while the Murray-Darling basin cap was a first step in drawing a line in the sand on water extractions, it was obvious that we needed to look specifically at how much and at what times water use was required for ecological needs. Water management committees were established in 1996 to recommend and review the environmental flow rules for the regulated rivers.

This process of water reform has been an evolving one and culminated in the passage of new water legislation, the Water Management Act 2000. I digress to say that this did not occur without extensive consultation. It has been acknowledged by those opposite that the meeting which was convened to form the Irrigators Council of New South Wales took place in the Broken Hill Trades Hall at the irrigators' request. The objects of the Act are to provide for the protection, conservation and ecologically sustainable development of the water sources of the State for present and future generations. Specifically, the new Act provides for the first time for the management of the entire water source from the catchment to the sea, and gives clear directions on how water is to be shared between users and the environment.

The new Act clearly gives priority to protecting the fundamental health of the water and our river systems. This is consistent with the COAG requirement that specific water allocations be made to the environment. At the same time, the provisions of the Water Management Act provide better defined rights and security to access water for New South Wales water users than ever existed in the past, or than occurs in other States. The Act also provides for fully tradable water licences. The irrigation industry has continually called for property rights to water. This issue needs further thought and discussion. Water is a community-owned resource, a concept that is enshrined in the Australian Constitution. In that way it is fundamentally different from land. The so-called property right for water is really an access right to water. The New South Wales reforms have been moving to considerably strengthen that right.

As the Minister said, under the Water Management Act private irrigation licences will be issued for 15 years instead of the five years provided under previous legislation. Licences will be clearly separate from the water use on land and water supply works. The water sharing plans, drafts of which are now going through the public display and submission phase, are the main vehicles through which improved water rights for licensed water users will be delivered. Once gazetted, those plans will be in effect for 10 years. Another call from the irrigation and farming industries has been for compensable rights, and the legislation now provides for compensation.

Mr ARMSTRONG (Lachlan) [4.43 p.m.]: I appreciate this opportunity to speak about water, and will talk specifically about the Lachlan River system. The Lachlan system commences at Young, on the southern side, and rises back into the Fish River. The major reservoir on the Lachlan River is Wyangala Dam, which was

built in the 1930s. The enabling legislation that was passed by Parliament clearly stated that Wyangala Dam is an irrigation facility. It was to have five weirs constructed down that river to facilitate the valley as its irrigation development was undertaken. Only two weirs were constructed and history will demonstrate that various governments have been deficient in not complying with that enabling legislation. The Lachlan River, whilst it is geographically in the Murray-Darling basin, does not contribute to the Darling or Murray rivers. Twice in 102 years—

Mr Black: Three times.

Mr ARMSTRONG: I will accept that interjection from the honourable member for Murray-Darling; three times the Lachlan River has accessed the Murray River, because it disappears in the great Quambone swamp. Further, the Government has applied translucent flows to the Lachlan system and that means that the environment will always take precedence over any other water users, apart from domestic and stock users. Therefore, unless we get a major rainfall between now and the end of spring there will be zero water available for next year. Consultants engaged by the Water Users Association came up with some figures just 48 hours ago which indicate that there will be a loss of \$27 million in income to the valley unless we get big rains in the next few weeks.

If we have zero water for next year, economic losses will exceed \$200 million. Many communities do not understand that that means fewer jobs in the canning, lucerne and horticultural industries. As a society we have to make up our minds whether we want to have sustainable agriculture, which will give some sustainability in agricultural performance, and which in turn will give a profitable performance and allow us to husband the land in a proper sense. It is all very well to talk about environmental management, but we cannot have environmental management of a responsible nature without profitable and sustainable agriculture.

Water is integral to that, and governments of various persuasions have encouraged irrigation farmers up and down the river, through tax concessions and direct incentives. The Jemalong scheme was a World War II leasehold scheme. People were specifically put on small blocks to produce irrigation rights. If they have no water allocation next year, many will be severely affected and it could be the end of their operation. There is a lot of folly in the Government's policy regarding translucent flow. Unless there is a realisation that nature has overtaken the process we will face serious major economic disaster in the valley, as well as an environmental disaster.

If we do not have an irrigation allocation next year many farmers will be unable to afford proper weed control and management, and that will affect the environment. I make a plea to members of the Government to go to the Minister and to Cabinet to make the point that nature is currently overriding the Government's policy. The translucent flow is simply impractical at this stage, and maybe in the future. With current conditions in the Lachlan Valley a translucent flow is impractical and will result in the loss of jobs in the towns, a loss in land values, and a lack of performance in properly managing the environment. That will defeat the Government's green credentials that the Treasurer spoke about in this House yesterday.

There is no time to fiddle about. Currently more than half the State is in drought, and that includes a good part of the lower Lachlan. Many farms are out of water and farmers have had to send their stock away. Today in the gallery are farmers from The Bland, which is a major contributor to the Lachlan River system. They know how they are affected by this ridiculous policy that the Government has decided to apply this year. *[Time expired.]*

Mr D. L. PAGE (Ballina) [4.48 p.m.], in reply: I thank all members who have participated in this debate. I thank the Minister for Land and Water Conservation, and honourable members representing the electorates of Tamworth, Lachlan and Murray-Darling. I admire the way the honourable member for Tamworth is supporting his community in the Namoi Valley, which is dealing with a difficult issue. He has supported the local people and has highlighted the total inadequacy of the Carr Government's package. The original task force recommended a \$40 million contribution from the Commonwealth, \$40 million from the State and \$40 million from the irrigators. That was agreed to by all parties except the State Government, which subsequently announced that it would contribute only \$15 million. That is some \$25 million less than what is required to see a proper adjustment package put in place.

I commend the honourable member for Tamworth for his comments. If honourable members want to see how important property rights are to water management, they should see the Namoi Valley. Recently I had the privilege of visiting the electorate of the honourable member for Lachlan. I hope that government advisers

and the Minister took on board his significant point about translucent dams. Current indications are that, as a result of the translucent dams policy in the Lachlan, the allocation for irrigation next year will be zero. It is significant for the economic health of the valley. A translucent dams policy means that you go as far as possible to revert to natural flows as opposed to flows that are generated as a result of man's intervention.

The problem with the translucent dams policy is that it does not properly consider climatic variations from year to year. The honourable member for Murray-Darling, as always, was colourful. I thank him for his contribution. I was not suggesting that the reform process had not started some time ago; I acknowledge that it started in 1995. But the Government has been dragging the chain on property rights generally for resource management. There is some sort of property right in the Water Management Act thanks to the efforts of the Coalition, which insisted that it be a condition consequent on any support we provided for the water management legislation.

The Government's white paper stated specifically that there would be no compensation for loss of water entitlement, yet we had to go to the Minister of the day, the Hon. Richard Amery, and say, "If you want our support you will have to include a compensable water right for at least 10 years." That is exactly how it happened. If the honourable member were to read *Hansard* he would realise that Minister Amery patted me on the back for making such a wonderful contribution to the debate and, in particular, for my contribution and the National Party's contribution in obtaining a compensable water right for a 10-year water management plan. Those are the facts.

For the last five years the State Government has been taking \$250 million a year from the Commonwealth under national competition policy payments. It is getting \$1 billion over the next four years. Some of that money should come back to underpin a water property right, or property rights generally in resource management. The Government has the money. It has GST revenue from the Commonwealth. The whole lot of it is going to the States and New South Wales is getting more than any other State, in the same way that it is getting more from the national competition policy payments than any other State. The Government cannot say that it does not have the money. It is flush with money. It has stamp duty revenue coming out of its ears. The least it could do is underpin a property right with a compensable element.

Water users do not want the money; they want the water. They want to be able to use it. But there must be a property right with the potential for compensability because that is the only way that bureaucrats will look at a decision that might be an alternative to paying out money. If they do not want to pay out the money they say that there may be another way to solve the problem. It is very important, on regulated rivers in particular, that we do not get the idea that simply by cutting water allocations across the board or by putting lugs of water downstream at a particular time we will solve all of our environmental problems. It is a lot more sophisticated than that. In many cases we have lost the smartness about management that we, as Australians, have traditionally had. Australians are ingenious at solving problems. We are great inventors. We have created a committee system where the lowest common denominator prevails. A lot of the decisions are not made on a scientific basis. We must rely on science if we are to minimise the impact on rural communities. [*Time expired.*]

Discussion concluded.

BIRTH OF THOMAS EDWARD GRAHAM

Mr WHELAN: I am sure honourable members will be pleased to know that Helen Noyes, who works for the Minister for Education and Training and was formerly a member of my staff, today gave birth to a bouncing baby boy, Thomas Edward Graham, weighing eight pounds five ounces and measuring 53 centimetres. Mother and baby are doing well. I am sure honourable members will be overjoyed to hear that news.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow the resumption of the adjourned second reading debate on the Greyhound Racing Bill, and cognate bill, forthwith.

GREYHOUND RACING BILL**HARNESS RACING BILL****Second Reading****Debate resumed from 31 May.**

Mr ARMSTRONG (Lachlan) [4.54 p.m.]: I thank the Minister and his staff for their briefings on this matter. As the new shadow Minister, I look forward to working with him. The greyhound industry and the harness racing industry are difficult industries because there are many vested interests within them. There is no doubt that they are essential industries to many country towns. They provide an enormous amount of employment, they generate an enormous amount of local income and they provide a great degree of pleasure to those who are directly involved and those who may, from time to time, decide to have a wager or become involved in investments in either the dogs or the horses that participate.

The Opposition will not oppose the bills. In 1998, following the privatisation of the TAB, both the Greyhound Racing Act and the Harness Racing Act New South Wales Act were amended to separate the commercial and regulatory functions of the boards of the Greyhound Racing Authority and Harness Racing New South Wales respectively. Greater racing industry and participant representation was one of the objectives of restructure of the board at that time. The restructured boards commenced their three-year terms in 1999. A review of the board's operations, which was carried out last year, made it clear that both codes of racing were keen to encourage moves towards adopting greater commercial autonomy.

Both the Greyhound Racing Authority and Harness Racing New South Wales indicated to the Opposition that they are satisfied with the general thrust of the proposed legislation, and welcome the move towards placing both codes of racing on a greater commercial footing. It is acknowledged, however, that the granting of greater commercial autonomy will most likely necessitate some hard commercial decisions for the racing industry. Some decisions made on a purely commercial basis may adversely affect racing clubs in country areas. The Opposition is aware of the threat posed to smaller country clubs, and will move amendments in another place that seek to ensure that country racing interests will be represented on commercial boards of both codes.

The bill alters the current composition and structure of the Greyhound Racing Authority and Harness Racing New South Wales to provide for a separate regulatory board, and an independent commercial board for the greyhound and harness racing codes. The commercial boards, to be referred to as Harness Racing New South Wales [HRNSW] and Greyhound Racing New South Wales [GRNSW], will largely follow the structure of the commercial component of the existing boards and will consist of five members, including an independent chair. The independent chair must be a person with appropriate high-level business skills. That person will be selected by other board members after a recruitment process conducted by external consultants.

Other members of the commercial boards are to be representative of industry, and participant groups must include representatives from major clubs, TAB and non-TAB clubs and industry participants. The commercial boards will be responsible for the registration of race clubs, the allocation of race dates, the distribution of TAB payments in accordance with the racing distribution agreement, the development and review of policy in relation to breeding and grading or handicapping of race animals, and strategic development and business governance for each code. The three-person regulatory boards, to be known as the Harness Racing Authority and the Greyhound Racing Authority, will be appointed by the Minister with at least one person having legal qualifications and the other two having experience in areas such as management or administration, regulation or policing, having veterinary qualifications, or having a working knowledge of the racing and wagering industry.

The term of appointment for each board is to be three years. The responsibilities of regulatory boards will include registering racing animals and devices to persons, administering the relevant rules of racing, ensuring the integrity of racing and associated wagering, and testing for drugs. The Minister has indicated to the House that he proposes to examine the feasibility of amalgamating the two new regulatory boards, but he has given an assurance that any proposed amalgamation will not occur if it is to be at the expense of the integrity of racing regulation. There are two other matters that the Opposition does not intend challenging, but believes ought to be raised for discussion.

A number of concerns have been expressed by industry representatives and stakeholders that the chairperson of GRNSW or HRNSW ought not be able to hold the position of chief executive officer

concurrently. It has been suggested that it would be inadvisable to appoint one person to the two positions. Although it may not be the intention or, indeed, the preference of the boards to follow this practice, the existence of this option has caused considerable anxiety among racing industry participants. In view of the concern expressed, the Minister may wish to consider whether this particular provision is essential to the bill. I ask him to address that in his reply.

The proposed constitution of the industry participants advisory committee appears to have disfranchised a number of industry stakeholders who are members of the existing industry advisory board. I understand that both the New South Wales Trotters Association and the United Harness Racing Association have sought assurances that they will continue to have representation on the Harness Racing Industry Participants Advisory Committee. The bill establishes that the advisory committees are to consist of five members, with four being nominated by industry bodies to represent owners, breeders, licensed trainers and licensed bookmakers. The Minister may care to clarify the situation with regard to representation of existing advisory board members during his summation of the bills.

As shadow spokesperson on these matters I have received a considerable amount of correspondence from various members of the greyhound racing industry and the harness racing industry. Some correspondence is from former board members, some from larger breeders and owners of racing animals and some from the odd battler. No doubt this process will be under review by many people involved in the industry. I make it clear that if, in the opinion of the responsible people in the industry, it is not working to satisfy the industry that it is making progress and is advanced by this mechanism, I will be the first to come into this place and ask for the legislation to be amended. Bearing in mind that the election will be held in March next year, I make it clear that the Opposition has one purpose only in participating in this debate: that is, to hopefully advance and make those two industries more attractive to the participants and the public.

I make the point also that in regard to TAB income, it is my understanding that the greyhound racing contribution has grown at a faster rate than that from either harness racing or thoroughbred racing. Therefore, the income from greyhound racing has been quite a considerable growth factor for the TAB, followed by the income from harness racing. They are both popular sports and, of course, are universal through their geographic distribution. Approximately 25 non-TAB clubs in rural New South Wales are finding it tough. That is one of the reasons I said at the outset that the Opposition will move in the Legislative Council to ensure that if these bills are passed, there will be at least one country representative on each committee. Country areas will not be disadvantaged by this legislation. I ask the Government to accept our amendments in another place and give full consideration to the geographic disadvantage from which some country people suffer.

I understand that the Government wishes to move various amendments, particularly in light of the provision for the registration of bookmakers. Legislation of this nature was passed through this Parliament unopposed. Once again, I indicate that the Opposition would accept those amendments in the spirit of the legislation and also in the knowledge that this is special legislation. Bookmaking is an important part of both the greyhound racing and harness racing industries; it is the colour and tradition of the industry and provides jobs, particularly in smaller country communities. I unashamedly support any legislation that will enhance racing in country areas and also enhance the industry. However, we will be vehement critics and police to ensure that the industry prospers as a result of this measure and does not in any way find itself under economic, social or industry pressure.

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [5.03 p.m.]: I endorse the comments of the honourable member for Lachlan. Greyhound racing is a pastime in many country areas. Indeed, I fondly recall that many years ago I owned a greyhound and was a member of the Cessnock Greyhound Owners and Breeders Association. I attended greyhound races many times not only at Cessnock but throughout country New South Wales. Greyhound racing is a way of life for many people because it is a sport and a hobby; it helps to keep many country towns together. We do not see much greyhound racing in the city. Therefore, I endorse representation for greyhound racing as part of the proposed changes to the advisory boards. I note that the honourable member for Lachlan has suggested that at least one member of the greyhound and harness racing board should be a person nominated as a representative of country racing.

Greyhound and harness racing have their foundations in country New South Wales, so it is only fair and reasonable that they should have representation on the board. I take this opportunity to express my disappointment with the amount of harness racing that is conducted in my electorate—it occurs only a couple of times a year. Unfortunately, because of problems at Taree showground, harness racing events have been forced to cease because the alternative suggestion of racing at the Tuncurry racecourse was not accepted by the Harness

Racing Authority. However, that is a topic outside the leave of this bill. It is important that country New South Wales is represented on these proposed boards. Greyhound racing and harness racing are traditional country sports and are enjoyed by many people in country regions.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.05 p.m.], in reply: I thank honourable members for their contributions to the debate on these two cognate bills. The proposed legislation provides for the opportunity to reconstitute the current composition and structure of the controlling bodies of harness racing and greyhound racing to provide for a separate regulatory body and independent commercial board for each of the harness and greyhound racing codes. Each commercial board is to exercise the strategic and commercial governance of the relevant code, and is to be independent of government and will not represent the Crown. Each such board is to have an independent chairperson.

The restructure proposal represents a significant major reform for the harness racing and greyhound racing industries. This will provide them with the opportunity of securing a viable future on their own merits and in accordance with the business and strategic acumen of people drawn from or appointed by the two industries. While the priority for reform is a commercial aspect, it is not to be at the expense of the regulatory functions of controlling bodies for the harness and greyhound racing industries. Indeed, the statutory basis for the two regulatory boards has been reinvigorated particularly with regard to the further management of conflicts of interest and also by prescribing qualifications for board members.

The honourable member for Lachlan raised a number of issues that have been doing the rounds. Most of those issues result from people being uneasy about change, which is quite understandable. The apprehension is: better the devil we know than the devil we do not know. Let me again assure everyone concerned that the reforms proposed in these bills give the harness and greyhound racing industries the opportunity to take charge of their future free of government interference, which is something they have always wanted, and in accordance with the best strategic and business planning they can bring to bear on the task. The cost of the proposal has been the subject of considerable misinformed speculation. To put such speculation to rest it must be noted that apart from some initial start-up matters, the bill contains many significant measures to ensure that all boards operate at optimum efficiency.

For example, each bill provides that the commercial board may, if it wishes to do so, appoint the same person as an independent chairperson and chief executive officer. Further, such a commercial board may determine, after it assesses its functions, that it does not need the chief executive officer and may recruit appropriate executive staff at a more modest level. Such staffing decisions are a matter for each commercial board to determine according to its priorities and vision and, of course, the ability of the industry to afford such measures. That has been a constant problem whilst I have been the Minister. The authorities want to be independent, but they want to come to the Minister when things do not suit them. Of course, Ministers have never had control.

Another important cost control measure is the cap on borrowings by each commercial board. The bills provide that individual loans, or the total in a 12-month period, which exceed \$1 million are subject to ministerial approval. The threshold can be varied by regulation if considered necessary. The budgets of both regulatory boards must be approved by the Minister before industry funding is released for that purpose. This ensures adequate scrutiny of the economy of the expenditures of the two statutory bodies and also that adequate funding is provided to ensure the integrity of harness and greyhound racing and associated wagering. Further, close consideration will be given to avoiding duplication of common services to both boards in each code of racing. Such common business centres, for example, accounting, human resources and information technology, wherever possible should remain with the regulatory board and be subject to service level agreements between a commercial board and a regulatory board.

There is no need to have two accounts centres, two information technology centres, two human resource centres, and so on. Such services can be appropriately provided by one organisation to the other without compromising the integrity of the separation of the commercial and regulatory functions. Such an approach is also aimed at maximising the operational efficiency of each organisation and minimising disruption to staff employment. There has also been some confusion as to the amalgamation of the two new regulatory boards. Let me put that confusion to rest as well. The second stage of the proposal involves examining the possibility of amalgamating the two new regulatory boards, that is, the Harness Racing Authority and Greyhound Racing Authority.

The press release announcing the Government's decision to restructure the present control and regulation arrangements for the harness racing industry and the greyhound racing industry indicates that such

action must be preceded by a feasibility study, which is to report back to Cabinet. Some people are trying to make mischief out of that. Such a feasibility study will closely scrutinise the possibility of efficiencies—and what is wrong with that—to be gained from economies of scale and the benefits in terms of staff recruitment, training and career development. However, I emphasise that amalgamation will not be at the expense of the integrity of racing regulation.

If savings can be made, their benefits will be applied to the racing industry by, for example, increasing prize money—something that is monotonously asked for. Again, the proposed changes are of a structural nature, designed to improve the commercial and regulatory governance of harness and greyhound racing. They will also, by the way, improve the bottom line in terms of the administration costs of the industry and, therefore, provide the possibility of more funds to be distributed to industry participants—that is, once again, something we hear about all the time. Another concern is that certain sectors of each industry, such as country clubs or industry participants, will lose their representation on the new boards. The fact is that the future representation of these two groups will continue at their current levels. That is to say, each board now has a country club or non-TAB representative as well as an industry participant representative. They will have the same on the new commercial boards.

Also, the claim has been made that the new commercial boards are not answerable to anyone. I have never heard so much rubbish in all my life. While it is true to say that they will be totally independent of the Government, that does not mean they are not accountable. The first and most significant measure of accountability is that they are accountable to the industry group that nominated them to the board. They are also under a statutory duty to act in the best interests of the industry and the public interest. Each bill imposes that duty on its commercial boards. They are also under a duty to act in accordance with the racing distribution agreements between the racing industry and TAB Ltd, the aim of which is the commercial success of the racing and wagering industries.

I have a letter from Laurie Wicks and J. Roma Wicks—which has been sent to almost all members of Parliament—in which they seek to form a union. I suggest they do something about it because some people in the greyhound racing industry are continually calling for increased representation on the controlling authority. Even if I were of a mind to agree to such an approach, it would be difficult because there are no recognised organisations or associations to represent these people other than the Greyhound Breeders, Owners and Trainers Association, which also operates as a racing club. Repeatedly my officers and I have implored participants to form a proper association that could represent their views and objectives. To date they have failed to do so. Accordingly, we have only ever received mixed and varied views from different individuals in the greyhound industry. Therefore, I again suggest that a proper representative organisation be formed so that their views can be properly and collectively considered by the Government and two new boards.

In addition, the association could then select an industry representative for the commercial board. The greyhound racing industry is not a happy one and the problems they face are largely a reflection of their lack of agreement. The honourable member for Lachlan referred to a loss of representation among some groups, but those comments were unwarranted. It is not necessary to explicitly identify a particular type of standard-bred horse, such as trotters, to provide the basis for appropriate industry participation on the advisory committee established under the bill. The proposed arrangements do not inhibit the representation of any particular group. They can participate in the Harness Racing Industry Participants Advisory Committee by way of membership of one of the other generic participant groups, that is, as owners, breeders, trainers, drivers, et cetera., unlike the greyhound racing industry. They can also provide advice to the board directly, as the need arises.

The proposed arrangements reflect the structure that has operated under the Thoroughbred Racing Board Act. It is designed to give a wide and appropriate voice to participants in industry, which I encourage, and is also a means by which the industry boards can conduct structured consultation. It is my earnest hope that the respective harness and greyhound racing industries recognise that this is an opportunity for them to demonstrate maturity and business acumen appropriate to the needs of securing the future viability of their industries. It is no longer acceptable to have an each-way bet when things do not go their way, that is, to either blame the Government for being interventionist or blame those who do not share their views or opinions. It is time for these industries to take responsibility for their economic future.

Also, in the interests of securing appropriate financial returns, discussions have taken place about the possibility of varying the arrangements by which owners and trainers provide racing animals for racing. Any such proposals would be a matter for the new commercial boards to consider in the usual way of assessing business proposals. It is an industry management issue; it is not a Government matter.

I have noted the comments of the honourable member for Lachlan and I have no problem with the amendments to be moved in the other place, which will achieve the same end that the Government intends and are representative of the country view. The Government will monitor the legislation because we want it to work. I hope against hope that the greyhound racing industry understands that this is one of its last chances. When I first became the Minister I replaced the board. Within six months that was not acceptable. I then structured another board, but that also was not acceptable. I just hope that in six to nine months the same situation does not arise. The Government will move some amendments in Committee, but with those few comments I commend the bills to the House.

Motion agreed to.

Bills read a second time.

BUSINESS OF THE HOUSE

Private Members' Statements: Suspension of Standing and Sessional Orders

Motion by Mr Face agreed to:

That standing and sessional orders be suspended to postpone private members' statements until the conclusion of the debate on the Greyhound Racing Bill, and cognate bill.

GREYHOUND RACING BILL

HARNESS RACING BILL

In Committee

The TEMPORARY CHAIRMAN (Ms Beamer): Order! The Committee will deal first with the Greyhound Racing Bill.

Clauses 1 to 21 agreed to.

New Clause 22

Amendment by Mr Face agreed to:

Page 11. Insert after line 16:

22 Registration of bookmakers

- (1) An application for registration as a bookmaker may be made:
 - (a) by a natural person of or over the age of 18 years, or
 - (b) by a proprietary company.
- (2) Despite section 21 (2), the Authority must refuse to grant an application for registration of a proprietary company as a bookmaker unless satisfied that the company is an eligible company.
- (3) For the purposes of this section, an *eligible company* means a proprietary company that is taken to be registered in New South Wales for the purposes of the *Corporations Act 2001* of the Commonwealth and in which:
 - (a) each director, shareholder and person concerned in the management of the company is of or over the age of 18 years, and
 - (b) each director is registered as an individual as a bookmaker under this Act, and
 - (c) each director is a shareholder and person concerned in the management of the company, and
 - (d) each shareholder who is not a director is a close family member of a director, and

- (e) each shareholder or person concerned in the management of the company who is not a director is, in the opinion of the Authority, a fit and proper person to be registered as an individual as a bookmaker under this Act, and
 - (f) subject to the regulations, no person (other than a shareholder) has any interest in the shares or assets of the company.
- (4) It is a condition of a company's registration as a bookmaker that:
- (a) the company continues to be an eligible company, and
 - (b) no shareholder or person concerned in the management of the company, other than a director, is registered as an individual as a bookmaker under this Act, and
 - (c) no director, shareholder or person concerned in the management of the company:
 - (i) carries on the business of a bookmaker, otherwise than on behalf of the company, in relation to any greyhound, horse or harness race, at a meeting for greyhound racing in New South Wales, or
 - (ii) carries on the business of an authorised sports betting bookmaker, otherwise than on behalf of the company, at a racecourse licensed for greyhound racing, or
 - (iii) is a director, shareholder or person concerned in the management of, or is an employee or agent of, any other company that is registered as a bookmaker under this Act, or
 - (iv) has a financial interest in any business of a bookmaker that is carried on by any such other company under the authority of its registration under this Act, and
 - (d) no director, shareholder or person concerned in the management of the company:
 - (i) is registered or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, in another Australian State or Territory, or
 - (ii) is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is registered or otherwise authorised to carry on, or that carries on, any such business in another Australian State or Territory, or
 - (iii) is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or
 - (iv) has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, that is authorised to be carried on or is carried on in another Australian State or Territory, and
 - (e) no director, shareholder or person concerned in the management of the company:
 - (i) is registered or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, in another country, or
 - (ii) is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is registered or otherwise authorised to carry on, or that carries on, any such business in another country, or
 - (iii) is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or
 - (iv) has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, that is authorised to be carried on or is carried on in another country.
- (5) In subsection (4) (c), (d) and (e), a reference to carrying on the business of a bookmaker, or the business of a bookmaker's clerk or turf commission agent, includes a reference to acting as a bookmaker, or a bookmaker's clerk or turf commission agent.
- (6) The condition set out in subsection (4) (d) does not extend to a person who is a director of a company that is registered as a bookmaker under this Act if:
- (a) the person is the sole director of the company, and
 - (b) the relevant matters referred to in subsection (4) (d) (i), (ii), (iii) or (iv) are disclosed in writing to the Authority at the time the company applies for registration as a bookmaker under this Act or, if they do not occur until after that time, within 2 working days after they occur.

- (7) The Authority may suspend or cancel the registration of a company as a bookmaker if satisfied that any condition referred to in subsection (4) is contravened in respect of the company. This does not limit the powers of the Authority to suspend or cancel the registration of a company as a bookmaker under section 23.
- (8) Any debt that is incurred by a company in carrying on business as a bookmaker registered under this Act is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred (whether or not they are directors at the time the debt is sought to be enforced).
- (9) In this section:
- authorised sports betting bookmaker* has the same meaning as in section 4 of the *Racing Administration Act 1998*.
- close family member of a director* means:
- (a) a spouse, de facto partner, parent, child, brother or sister of the director, or
 - (b) a person who has a relationship with the director that is prescribed by the regulations for the purposes of this definition.
- financial interest* in a bookmaking business means an entitlement to receive any of the income from the business.
- meeting for greyhound racing* has the same meaning as in section 4 of the *Racing Administration Act 1998*.
- racecourse licensed for greyhound racing* means a racecourse in respect of which a licence for meetings for greyhound racing granted under section 7 of the *Racing Administration Act 1998* is in force.

New clause 22 agreed to.

Clauses 22 to 62 agreed to.

Schedules 1 to 6 agreed to.

The TEMPORARY CHAIRMAN (Ms Beamer): Order! The Committee will now deal with the Harness Racing Bill.

Clauses 1 to 24 agreed to.

New clause 25

Amendment by Mr Face agreed to:

Page 12. Insert after line 15:

25 Registration of bookmakers

- (1) An application for registration as a bookmaker may be made:
 - (a) by a natural person of or over the age of 18 years, or
 - (b) by a proprietary company.
- (2) Despite section 24 (2), the Authority must refuse to grant an application for registration of a proprietary company as a bookmaker unless satisfied that the company is an eligible company.
- (3) For the purposes of this section, an *eligible company* means a proprietary company that is taken to be registered in New South Wales for the purposes of the *Corporations Act 2001* of the Commonwealth and in which:
 - (a) each director, shareholder and person concerned in the management of the company is of or over the age of 18 years, and
 - (b) each director is registered as an individual as a bookmaker under this Act, and
 - (c) each director is a shareholder and person concerned in the management of the company, and
 - (d) each shareholder who is not a director is a close family member of a director, and

- (e) each shareholder or person concerned in the management of the company who is not a director is, in the opinion of the Authority, a fit and proper person to be registered as an individual as a bookmaker under this Act, and
 - (f) subject to the regulations, no person (other than a shareholder) has any interest in the shares or assets of the company.
- (4) It is a condition of a company's registration as a bookmaker that:
- (a) the company continues to be an eligible company, and
 - (b) no shareholder or person concerned in the management of the company, other than a director, is registered as an individual as a bookmaker under this Act, and
 - (c) no director, shareholder or person concerned in the management of the company:
 - (i) carries on the business of a bookmaker, otherwise than on behalf of the company, in relation to any harness, horse or greyhound race, at a meeting for harness racing in New South Wales, or
 - (ii) carries on the business of an authorised sports betting bookmaker, otherwise than on behalf of the company, at a racecourse licensed for harness racing, or
 - (iii) is a director, shareholder or person concerned in the management of, or is an employee or agent of, any other company that is registered as a bookmaker under this Act, or
 - (iv) has a financial interest in any business of a bookmaker that is carried on by any such other company under the authority of its registration under this Act, and
 - (d) no director, shareholder or person concerned in the management of the company:
 - (i) is registered or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, in another Australian State or Territory, or
 - (ii) is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is registered or otherwise authorised to carry on, or that carries on, any such business in another Australian State or Territory, or
 - (iii) is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or
 - (iv) has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, that is authorised to be carried on or is carried on in another Australian State or Territory, and
 - (e) no director, shareholder or person concerned in the management of the company:
 - (i) is registered or otherwise authorised as an individual to carry on, or carries on, the business of a bookmaker, bookmaker's clerk or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, in another country, or
 - (ii) is a director, shareholder or person concerned in the management of a corporation, or is a member of a partnership, that is registered or otherwise authorised to carry on, or that carries on, any such business in another country, or
 - (iii) is an employee or agent of any individual, partnership or corporation referred to in the preceding subparagraphs, or
 - (iv) has a financial interest in the business of a bookmaker or turf commission agent, or a totalizator business, or any other kind of betting, wagering, gambling or gaming business, that is authorised to be carried on or is carried on in another country.
- (5) In subsection (4) (c), (d) and (e), a reference to carrying on the business of a bookmaker, or the business of a bookmaker's clerk or turf commission agent, includes a reference to acting as a bookmaker, or a bookmaker's clerk or turf commission agent.
- (6) The condition set out in subsection (4) (d) does not extend to a person who is a director of a company that is registered as a bookmaker under this Act if:
- (a) the person is the sole director of the company, and
 - (b) the relevant matters referred to in subsection (4) (d) (i), (ii), (iii) or (iv) are disclosed in writing to the Authority at the time the company applies for registration as a bookmaker under this Act or, if they do not occur until after that time, within 2 working days after they occur.

- (7) The Authority may suspend or cancel the registration of a company as a bookmaker if satisfied that any condition referred to in subsection (4) is contravened in respect of the company. This does not limit the powers of the Authority to suspend or cancel the registration of a company as a bookmaker under section 26.
- (8) Any debt that is incurred by a company in carrying on business as a bookmaker registered under this Act is enforceable jointly and severally against all persons who are directors of the company at the time the debt is incurred (whether or not they are directors at the time the debt is sought to be enforced).

- (9) In this section:

authorised sports betting bookmaker has the same meaning as in section 4 of the *Racing Administration Act 1998*.

close family member of a director means:

- (a) a spouse, de facto partner, parent, child, brother or sister of the director, or
- (b) a person who has a relationship with the director that is prescribed by the regulations for the purposes of this definition.

financial interest in a bookmaking business means an entitlement to receive any of the income from the business.

meeting for harness racing has the same meaning as in section 4 of the *Racing Administration Act 1998*.

racecourse licensed for harness racing means a racecourse in respect of which a licence for meetings for harness racing granted under section 7 of the *Racing Administration Act 1998* is in force.

New clause 25 agreed to.

Clauses 25 to 65 agreed to.

Schedules 1 to 6 agreed to.

Bills reported from Committee with amendments and passed through remaining stages.

Pursuant to resolution business interrupted.

PRIVATE MEMBERS' STATEMENTS

SOUTHERN HIGHLANDS TOURIST ATTRACTIONS

Ms SEATON (Southern Highlands) [5.22 p.m.]: Tonight I shall bring honourable members up to date about some exciting developments concerning three key tourism attractions in the Southern Highlands: the Bradman Museum, the Warrimbirra Sanctuary and Harper's Mansion at Berrima. I am sure all honourable members are familiar with the Bradman Museum in Bowral, which is one of the jewels in the crown of Southern Highlands tourism. It is a national icon, and it is a great honour for the people of Bowral and the Southern Highlands to be custodians of the Bradman tradition that we all hold dear.

The first anniversary of Sir Donald's death in February was marked at the Bradman Museum with the unveiling of a very special sculpture of Sir Donald. I urge all honourable members to take the opportunity to revisit the Bradman Museum to see this life-size statue of Sir Donald, which takes pride of place in the museum courtyard. If one enters the museum's main entrance and proceeds past the white picket fence, one will find a fountain that is designed to represent a cricket pitch. At the other end of the fountain stands the statue of Sir Donald. The sculptor, Tanya Bartlett, did a wonderful job. She was joined at the unveiling ceremony by museum director Richard Mulvaney, John Fahey, the many volunteers who work tirelessly showing visitors around the museum, Chairman Ian Craig and journalist Mike Coward, who spoke about Sir Donald and his continuing relevance to today's game.

The statue was unveiled by Australia's oldest surviving test player and Sir Don's team mate, Bill Brown, and it was lovely to see him participate in that ceremony. Rather than depicting Sir Don in the pose in which he is traditionally captured, the statue shows Bradman walking, doffing his baggy green cap and slightly raising his bat. I recommend that everyone visit the Bradman Museum to see this wonderful statue.

Two other attractions in my area, Wirrimbirra Sanctuary and Harper's Mansion—both of which are National Trust sites—have been listed on the State Heritage Register, which is extremely important to those who preserve our heritage. Wirrimbirra Sanctuary is situated on the Hume Highway near Bargo and is part of the original Bargo Brush, which is an intact area of remnant native vegetation. This parcel of land at Bargo was established by the Stead family and the Wirrimbirra Sanctuary perpetuates the memory of a woman who did much to initiate and pioneer conservation in Australia as a whole, and in the Southern Highlands in particular. Wirrimbirra has a visitors centre and is the home of the white waratah, which is the symbol of Wollondilly. It has an animal sanctuary and a wonderful native plant nursery and is also the site of environmental field studies conducted by wonderful volunteers such as Robert Sloss and Joy Hafee.

Harper's Mansion is one of the pre-eminent buildings in Berrima and is probably the first building one sees as one drives into the town on the Mittagong to Berrima road. It is situated on a slight rise to the right of the road that continues to the Berrima correctional facility, which is a much-visited tourist attraction in its own right. It is a working correctional facility with a visitor's centre and the Berrima courthouse next door. Harper's Mansion is one of at least 15 other heritage-listed sites in Berrima. The two-storey Georgian mansion, which overlooks the town of Berrima, was built in 1934 for James Harper and is one of the finest examples of its simple but striking architectural design. I recommend that everyone visit the Southern Highlands to see the new developments at these three existing attractions. I am sure that all will be impressed by the custodianship of the people of the Southern Highlands, Wollondilly and Wingecarribee shires of these sites that are so important to our heritage.

WEST WALLSEND HIGH SCHOOL

Mr HUNTER (Lake Macquarie) [5.27 p.m.]: On Tuesday 14 May I had the pleasure of visiting West Wallsend High School at the invitation of the school council. I was greeted by the president of the school council, Andrew MacPherson, Principal Bob Twible and school captains Jenna Hall and Adam Tiananga. I also met a number of staff and concerned community members and addressed some 40 students from the year 10 leaderships scheme, which was a very pleasurable experience. The students have agreed that I should visit the school again later this month when they will put to me a number of proposals that they believe will enhance the school.

I preface my following remarks by stating that West Wallsend High School is a very good school that is held in high regard throughout the Lake Macquarie community. It has a dedicated group of teachers and staff, who really care about the students. That was evident during my visit to the school. West Wallsend High School is achieving good educational outcomes, but facilities at the school could be enhanced further. Today I bring to the attention of the House and the Minister for Education and Training a number of issues of concern to the school community and seek some action in this regard from the Department of Education and Training. Following my visit, I received a letter from the school council president, Andrew MacPherson, who wrote:

Hello Jeff,

On behalf of the School Council of West Wallsend High may I thank you for your participation in the discussions regarding numerous concerns, which are having a significant impact on our school environment.

The School Council is concerned that the issues discussed may not be resolved adequately and promptly ...

He continued:

It is in this field that your assistance would be greatly appreciated.

During the morning visit there were several items which were highlighted as needing attention, these being major drainage issues, ie flooding, in particular between the canteen and the IA Department; excessive high temperatures in the first story classroom during summer months despite the installation of whirlybirds, the number of days in which the temperature exceeds the low 40s has not diminished. This is not a good learning environment. Ventilation is almost non-existent. Air-conditioning is urgently required here. Plumbing inadequacies between the toilet and the canteen area leading to major odour and waste flow problems; in adequate library resources

He mentioned also the library being small. I believe the relocation of the library should be placed on the agenda for the Department of Education and Training. He continued:

Numerous facia around the school are in urgent need of repair and painting. Numerous large trees around the school buildings require urgent attention to dangerous overhanging and dead branches.

I must say that I think a number of those trees are completely dead and quite large. It is beyond the means of the school to remove them, so I hope the Department of Education and Training can assist. Mr MacPherson mentioned dangerous pathways that need modification, there having been a number of falls and injuries, so I

hope the department will be able to take those concerns on board. There are also some security issues. The installation of security systems in parts of the school additional to what is already installed would certainly be an advantage, as would security fencing. He also mentioned the footpath in front of the school and discussions with Lake Macquarie Council. I will raise those issues with the Road Safety/Traffic Facilities Committee and ask whether the Department of Education and Training can work with the council to improve the situation.

Vandalism is a problem for many schools throughout the State, and that is so in my electorate. In particular I would ask the Department of Education and Training Security Unit to look at that problem at West Wallsend High School. Car parking facilities also need to be improved at the school. The Department of Housing has some older housing units adjacent to the school, and the school has proposed that it swap some of its vacant land, on which new Department of Housing facilities could be built, for the department's land that is closer to the school, which could be used for additional car parking.

Mr MacPherson referred to Tempo Cleaning Services and how insufficient time is allowed for the cleaners to clean the school. That is a significant issue that I will be raising personally with the Minister for Education and Training. I hope he can intervene and ensure that extra cleaning time is allocated to West Wallsend High School so that adequate cleaning can be done. I ask the Minister for Education and Training to look carefully at these issues at West Wallsend High School. I will also be making written representations to him and asking that officers of the Department of Education and Training visit the school.

LIFELINE NORTHERN RIVERS

Mr D. L. PAGE (Ballina) [5.32 p.m.]: I would like to express my support and admiration for the wonderful work done by the volunteers who work for Lifeline, and particularly Lifeline Northern Rivers. I would like to explain to the House how Lifeline counsellors are under a great deal of pressure because of the increasing numbers of people who are presenting to them with mental health problems. Depression and mental health are often related, and mental health is a big problem in our community. It is not generally recognised, and I understand that as many as one in four people will at some stage in their lives suffer a mental health problem.

The Northern Rivers is not receiving its fair share of mental health funding from the State Government, and many mental health patients are seeking support from the Lifeline service. People do not realise that the extra pressure on the service is causing a lot of problems with burn-out of staff and counsellors, which is a major problem. I am told that for every 90 counsellors that are trained, only 30 counsellors are retained. A loss of two-thirds of counsellors represents a great waste of trained expertise. I know that the honourable member for Lismore would have been approached by the director of counselling for Lifeline Northern Rivers, Janet Gates, seeking support from the State Government to make sure it remains viable.

Lifeline is a non-government organisation that provides a framework for the community to help itself. Lifeline Northern Rivers is totally reliant on the sale of second-hand items out of Lifeline retail shops. It does not get any funding from the Government; it is only through its own activities that it is able to maintain its services. Across the State there are 17 centres, and they provide 24-hour telephone counselling. I am told that the centres take a total of 154,000 calls a year via 1,600 volunteer telephone counsellors. Statewide, I am led to believe that up to 60 per cent of callers have mental health problems and that those calls tend to be very complicated and frustrating for the counsellors. It is not uncommon for a client to call on several occasions, and for the client to be unaware that he or she spoke to that counsellor just 10 minutes earlier. This can be very stressful for the counsellors, notwithstanding that they are trained for the job.

A Statewide proposal was put to the Government, seeking some \$2.7 million in funding from the Health Department. I know that Lifeline Northern Rivers sought some funding from the Northern Rivers Area Health Service—I think it wants about \$150,000—and that there is a precedent for this on the South Coast, which no doubt the honourable member for Wollongong would be aware of. Lifeline South Coast, which is part of the Illawarra Area Health Service, was able to develop a mental health integrated project last June. That sounds like a very sensible thing for the local health service to support, because it seems to me that there are a lot of desperate people in the community, particularly those with mental health problems, who are professionally underserved and need some sort of support. Lifeline does appear to provide that safety net.

I have not had a chance to see whether there is anything in the budget for Lifeline Northern Rivers. I hope there is, and I give my support to what I believe is a very good submission. Lifeline would require about \$150,000 per centre across the State, a total of \$2.7 million. That is not a huge amount of money and it would

potentially provide considerable benefit to a lot of people. It is very important that Lifeline continue to provide its excellent services for everyone who needs that port-of-last-call help, particularly those who have mental health problems. As I said, this is a much more prevalent problem than many people realise. I support the submission and I hope the Government sees fit to accept it.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.37 p.m.]: I agree with the honourable member for Ballina because I have been involved with Lifeline in Wollongong ever since I became a member of Parliament some 14 years ago. I know the incredible work it does and I know it does that work under extreme circumstances because of a lack of funding. Recently with some of my parliamentary colleagues from the Illawarra I met with Graham Gould to discuss the very funding issues the honourable member for Ballina has raised tonight. I am concerned about these issues and I am more than happy to add my weight to his in asking the Government to sympathetically consider funding for this organisation. I know that it raises its money through opportunity shops and all sorts of other things and that its volunteers work 24 hours a day to assist people in absolutely distressed circumstances, something our society should be very thankful for.

A number of years ago when I was in Opposition I asked a question upon notice about what was being done to reduce the level of suicides and how to assist people to recognise someone who might be suicidal. Lifeline in the Illawarra has established a program and its counsellors are trained to talk with people who might think they are suicidal or that one of their loved ones is suicidal. That is very important. I was very disappointed that no-one could answer my question in this place, but at least Lifeline in the Illawarra is helping in this area, and that is a very important facet of what it does. I will support the honourable member for Ballina in approaching the Minister, if that is necessary.

TRIBUTE TO Mr FRED MOORE

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.39 p.m.]: I want to talk about Fred Moore, a champion of the working class. He worked in the coal industry all his life, and retired in 1982. On May Day this year, 4 May, a march and special ceremony were conducted in Wollongong. The ceremony honoured Fred Moore by renaming the South Coast Trades and Labour Council building Fred Moore House. Freddie Moore is the sort of guy who has his fingers on the pulse. He knows what is going on in Wollongong, especially in the mining industry. "Fred Moore House" has been painted above the entrance to the old Labour Council building and Fred Moore, because of his long association with the mining unions and unions generally, often visits that building.

For as long as I can recall, and beyond, Fred Moore has never missed a May Day march. But on this day, so that he would be surprised, he had to be kept away from the building until 10 o'clock when the march was to start. When he got out of the car outside the building he was fairly agitated because he had been driven around town and kept away from the building. A guard of honour was formed by trade unionists and supporters of the May Day march and Fred wanted to know what all the fuss was about. The chant went up, "Look up, Fred. Look up, Fred." In all the years I have known Freddie Moore I had never seen him lost for words, but he was then.

Fred Moore has dedicated his life to the trade union movement and the working class of this country, particularly the mining industry. A number of years ago Fred Moore was concerned that some of the history and great stories of the mining industry would be lost. With Ray Harrison and Paddy Gorman he wrote a book called *At the Coal Face—The Human Face of Coal Miners and their Communities*. The book was launched in this building a number of years ago by the Premier. The book has the stories of 12 individuals from the northern coalfields, Lithgow and the Illawarra who had worked in the industry. On 12 May this year Fred was the presenter and co-producer of the ABC Radio National program *Hindsight* when it dealt with the mining industry.

Freddie Moore has also been highly regarded and respected in the Aboriginal community throughout the State and nation. In the 1950s Freddie Moore and a number of others were at the forefront of the foundation of the Aboriginal Advancement League in the Illawarra. Out of respect for his efforts the Aboriginal people in the Nowra area and the Illawarra generally asked Fred to become an elder of the Jerringa tribe. Rarely is a non-indigenous person asked to become an elder and to sit on the council of the Jerringa people. That shows the kind of guy Freddie is. He is just as active today as he was when he retired 20 years ago. He works hard to make sure the voice of the underdog is heard. He makes sure that people who are worse off get a fair crack of the whip.

One of the great tributes to him at that May Day ceremony was the number of people who gathered. His wife, May, and his children and grandchildren were also there to celebrate with him the naming of Fred

Moore House. It will be there for a long time to come. Fred is very proud of it, but it is something that he did not want. Fred is a life member of the Miners Federation, a life member of the May Day committee, and a life member of all sorts of other organisations. He was the president of Nebodge for years. He was on the Central Council of the Miners Federation. He has held too many positions in the Miners Federation to recount here. I very much wish Freddie Moore well. Fred Moore House is a real tribute to a real human being.

ROAD OVERPASS SAFETY

Mr MERTON (Baulkham Hills) [5.44 p.m.]: Tonight I raise an important issue that concerns one of my constituents. Indeed, it could affect the majority of people in New South Wales: the potential for an accident or injury or, tragically, deaths to occur as a result of something being thrown from a motorway overpass. A constituent of mine, Mrs Anne Biggs of Winston Hills, wrote to me concerning an incident on the Cumberland Highway as follows:

I am writing to you today in regards to an incident that happened on Tuesday, 21 May 2002 at approximately 11.00 p.m.

My husband was driving along the Cumberland Highway at Smithfield near Victoria Street when two large rocks hit his car. The first rock shattered his windscreen and bounced off and hit his driver side window. The second rock, which was about the size of a house brick, went through the back window of his car and landed just behind his seat.

We can thank God that my husband was not injured or killed and was able to control the car to pull over and not cause an accident.

The reason I am writing this letter to you is in hope that you may be able to help to have something like this stopped from happening again. This could have been an elderly person driving or an inexperienced driver, i.e. a learner and they may not have been able to control their car as well. Also the rocks could have hit my husband and killed him.

I am angry because there are people out there who get kicks at throwing objects at cars. I think of what could have happened which makes me very annoyed that they get away with it.

There are also the costs that we have had to pay out of our own pocket because of these people. It has cost us \$1,600 to repair our car plus loss of wage because my husband is self-employed and he needs his car for work but instead lost a day's work having to get it repaired.

I reported the incident to Parramatta Police when he arrived home and told me about it unfortunately they said there was not a lot they could do but would pass it on to Fairfield Police to keep an eye out. I then phoned the RTA the next day to report it as I felt it need to be followed through and was told that unfortunately there is just not enough funding to put cages over all the overhead bridges and that they have covered all major freeway but not highway such as the Cumberland because of the cost. I am sorry but what price do we put on a human life.

If a driver does something wrong they get fined, but these people can use these walkways and attack drivers and get away with it.

This is a serious matter. I recall that a young man was killed when a large piece of concrete was thrown from an overpass at Menangle Park, south-west of Sydney, crashing through his windscreen. Three people were charged and duly convicted in court. Another case was reported in the *Daily Telegraph* of 15 June 2000. A young woman was lucky to escape serious injury after a concrete block the size of a mobile telephone was thrown through her car windscreen, striking her in the face. The incident took place four kilometres from where the truck driver I had previously mentioned was injured on the freeway near Campbelltown when a broken block was thrown from behind a sound barrier fence, punching a large hole through the windscreen.

This is a major problem. Everyone who uses roads with overpasses or other structures above the road is at risk. I am concerned about the Roads and Traffic Authority [RTA] response, which I do not believe is adequate. The RTA should be adequately discharging its duty of care to motorists. The injury that could be sustained to motorists should be reasonably foreseeable to the RTA and if the issue were tested in a court of law the RTA might find itself in a difficult situation. This matter should attract the attention of the relevant Minister. People may be injured, harmed or killed—as happened in the incident with the truck driver. The Minister should ensure that adequate cages are erected on all overhead bridges to prevent those who want to cause harm to others from doing so.

TWEED ELECTORATE SERVICE AWARDS

Mr NEWELL (Tweed) [5.49 p.m.]: Yesterday, 4 June, an annual awards presentation ceremony to police, emergency service workers, Ambulance Service personnel and civilians took place in the community hall at South Tweed. The awards were presented by Superintendent Neville Tarleton, the commander of the Tweed-Byron Local Area Command [LAC]. National medals for 10 years service were presented to Paramedic Station Officer Steven Flannagan, Ambulance Officer Tony Steedman and Ambulance Officer Eric Sam Wood. A first clasp for 25 years service was awarded to ambulance officer Robert Knight. They are all members of the Ambulance Service.

Members of the Police Service who received national medals were Senior Constables Anthony Bordin, Michael Pearce, Grant Bull and Alan Daffin. Senior Sergeant Jim Kain was awarded the first clasp for 25 years service. A certificate of service for 15 years service was awarded to Senior Constable Chris Kennedy. Chris has been in the Police Service for more than 20 years and has spent 15 years in a specialist group that undertakes quite dangerous work. He has been in the country special weapons and operations section, which is now part of the State protection support unit.

Northern Region Awards were presented to Senior Constable David Hurt, a highly motivated officer and an excellent example to other police. Senior Constable Stuart Crawford was awarded a Northern Region Award for excellent performance of duty, especially in his role as Crime Prevention Officer for Tweed-Byron LAC. Northern Region individual citations were awarded to Senior Constable Stephen Fuhrmann of the Highway Patrol. In his own time he redesigned the station's daybook operations to configure with the new computers. I understand that that reconfiguration has been taken up by other LACs.

At the ceremony four unit citations were presented by Superintendent Tarleton to the Bangalow, Brunswick Heads and Mullumbimby sections of the Tweed-Byron Highway Patrol. Individual citations were awarded to Constable Tim Young for an exceptional brief which was given in evidence. The brief also received the praise of the prosecutor and, unbelievably, the defence. Senior Constables Bruce Carmichael, Paul Bowmer, Dennis Ensore and Wayne King received citations for the arrest of an armed offender at Billinudgel who had committed an armed hold-up at Murwillumbah.

Senior Constable Tracey Apthorpe received an individual citation for her work in persuading a potentially suicidal person to refrain from jumping and harming or killing himself. Senior Constables Peter Watts, Donald Priest and Graham Childs received citations for their work in responding quickly to a suicide call that had been made to the Byron Bay police station. Constable Priest took the radio call and contacted Constables Watts and Childs when he realised that they knew the person involved. They responded quickly and located the person, who, unfortunately, had already taken some action. The constables' quick response in giving first aid and calling in ambulance support saved the person's life.

Senior Constable Marc Patten and Mr Clayton Cooper, a civilian, were awarded citations for their work in assisting in the arrest of three offenders. Constable Patten was off duty at the time and had seen security guards chasing three offenders at the Ocean Shores shopping centre. All three offenders were detained until duty police arrived and took the offenders away. Certificates in volunteering in policing were awarded to Karen Reed for more than 750 hours to the Police Service. Superintendent Tarleton presented a certificate of appreciation from the LAC to the Tweed District Rescue Squad for continued and highly valued support to police. That award was accepted on behalf of the Tweed District Rescue Squad by its commander, David Felton.

RETIREMENT VILLAGES LEGISLATION

Mr PICCOLI (Murrumbidgee) [5.54 p.m.]: Tonight I raise an important matter that has been brought to my attention by residents representing two organisations in Jerilderie. Mr Ian Sneddon, the Mayor of Jerilderie Shire and a trustee of the Legacy units in Jerilderie, and Mr Graham Read, a representative of the Balmaringa Senior Citizens Centre, have some concerns about the Retirement Villages Act. Those two voluntary organisations run retirement homes for senior citizens in Jerilderie. While the examples I will cite relate specifically to Jerilderie, I am aware that the same problem is being experienced by other communities in the western Riverina, including Deniliquin.

A problem arises because small retirement villages fall under the provisions of the Retirement Villages Act. The Act imposes fairly onerous reporting requirements on retirement homes. I am certain that the Government intended that the legislation should have an impact on larger retirement villages to weed out some of the dodgy organisations that have sprung up in recent years. I am sure the Act was not intended to have the adverse impact it now has on places such as Balmaringa and the Legacy units. The problem arises because those non-profit organisations are run by volunteers. To satisfy the requirements of the Act the organisations have to report quarterly on estimates of expenditure and income received, and give notices to tenants.

The homes are difficult enough to run efficiently to cover costs without that further imposition. I ask the Minister for Fair Trading and the Department of Fair Trading to look into this. I have written to the Minister for Planning, and Minister for Housing about this problem and asked what the State Government intended to do about small retirement villages. I am yet to receive a reply. I am sure the Government did not intend to inflict pain upon voluntary organisations, but, unfortunately, it has.

I would like to have a response from the Minister. Representatives of the Department of Fair Trading have told the representatives of Balmaringa and Legacy that they must comply or they will be prosecuted. I do not think that is an appropriate step to take. I am sure the State Government can work out some changes to the legislation by way of regulation to allow voluntary organisations to perform their important role in their communities. Mr Sneddon and Mr Read told me that if changes are not made and the legislative requirements are imposed upon retirement villages, the volunteers will no longer be able to run them.

The burden of providing these services will again fall on State and Federal governments. Volunteers do a great job and they should be supported. I understand the intent of the Retirement Villages Act in dealing with some of the larger retirement villages. They are the villages run by professionals who have the resources to satisfy all the requirements. Volunteer organisations do not have those resources. I would like a response from the Minister for Housing and the Minister for Fair Trading about whether these smaller organisations can be given a fair go. I understand that they would rather be dealt with under the provisions of the Residential Tenancies Act than the Retirement Villages Act. A number of provisions in the legislation could be changed to make their lives a little easier. Legacy has made representations to the two Ministers I have referred to. I hope they are able to take some steps to help out these important community organisations.

CARDIFF BOWLING CLUB FIFTIETH ANNIVERSARY

Mr MILLS (Wallsend) [5.59 p.m.]: I congratulate Cardiff Bowling Club on celebrating its fiftieth anniversary. The 10 days of celebrations ended yesterday. Bowls were played every day. The principal ceremonial day for the celebrations was last Sunday. The celebrations started at 1.00 p.m. with a game of mixed fours. One of the teams that took part consisted of the two patrons, Richard and John—the Hon. Richard Face, the honourable member for Charlestown, and me—who were accompanied by Bev and Dorothy. Although it took us a while to get going, we went down only narrowly. We were blessed with wonderful, fine and sunny weather after overnight and early morning rain. The high tea ceremony that followed was attended by the two patrons I have referred to and the third patron, Bonty Merriion, who comes from a family of bakers that has been based in Cardiff for a long time. The family has had a long association with the bowling club.

Also in attendance were the Lake Macquarie Mayor, John Kilpatrick, and his wife, Ellen; Councillor Bob Tsousis and Rosemary; the New South Wales Bowling Association Royal President, Terry Murphy; the Newcastle District Bowling President, Les Parrott; the Newcastle District Women's Bowling President, Cynthia Vlahos; and representatives of many visiting bowling clubs, including Ron Morley from Beresfield and Cardiff Women's Club President, Isobel Baillie, together with President Ken Minotti, Vice-President Steve Goodbun—the organiser of the Celebrations Committee—Secretary Jack McKim and other office-bearers. It was a great evening of celebration. Foundation members Barry Twyford and Eddie Winship, who have been with the club since day one, were also in attendance. One of the founders of the women's club, which is 48 years old, Marion Winship, was in attendance along with one of the club's star players, Peg Smith.

The members of the bowling club can be justly proud of their efforts over the past 50 years, both the founding members for their vision and enterprise and the current members, who maintain the club as a bowling club and ensure its prosperity through their collective spirit and generous volunteer service. Cardiff must have been a thriving and busy place in the late 1940s and early 1950s. One can imagine the scene of meetings at the Star Theatre, the Royal Hotel and elsewhere. A Cardiff Amenities Committee was formed to secure land from the Joint Coal Board to extend sporting facilities in the district. Queens Avenue and George Street were closed. The initial meetings relating to the formation of a bowling club on that land took place in 1951. I imagine that for the first time in many people's lives after the Depression, the war and the recovery there must have been some real leisure time available for personal pleasure and pursuits like bowls.

A great anniversary book with many historical details has been put together by Dennis Williamson. I congratulate him on an excellent publication. In the 1980s, when one of the greens was relaid, we rediscovered that Cardiff Bowling Club had been built on a swamp. Winding Creek was just that, extremely winding with lots of wetlands. In the old days the Great Northern Railway, which was on high trestles, went through that area. Old-timers speak of seeing platypuses in the creek when they were growing up. Cardiff was a mining village, like most early places in the Hunter. It is part of the great co-operative movement: a good idea never goes away. The Cardiff Bowling Club has survived and prospered. It has made a generous contribution to the local community. The President, Ken Minotti, in a message in the anniversary booklet said:

Throughout the 50 years the most important activity that has driven the club is a game of bowls, the competitiveness of our bowlers and the fact that the primary objective of the club has been to promote this great game.

There is a great deal of pride in what the club means to our local community and conversely what the community means to the club. Sporting bodies, charitable organisations, schools and churches have benefited from donations by Cardiff Bowling Club which has only been made possible by the support and patronage of our members and visitors.

Isobel Baillie, the president of the women's club, congratulated the men on reaching their fiftieth anniversary. She pointed out that the ladies will celebrate their golden anniversary in two years. The men's and ladies' clubs have worked in harmony, and she expects that to continue. I congratulate the club on being part of the identity of Cardiff. It has provided great spirit and sportsmanship and has made a great contribution to the community. Congratulations, Cardiff Bowling Club, on the fiftieth anniversary celebrations.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [6.04 p.m.]: I would like to add a few words of congratulations to Cardiff Bowling Club. I am a joint patron of the club, together with my colleague the honourable member for Wallsend. It was a favourite haunt of his predecessor, the late Ken Booth, who was a Minister for Sport and Recreation, and Treasurer. The club came into being prior to the introduction of poker machines in clubs. It is one of several clubs in the region that is enjoying its fiftieth anniversary at this time. These clubs were established in the post-war reconstruction period by those who wanted to enjoy themselves. At one time all of the clubs in the lower Hunter area had seeding money from the Joint Coal Board, which took the view that that was a useful way to spend money and enable people to recreate.

I congratulate Ken Minotti, the current president, and all the presidents who went before him. I also congratulate Isobel Baillie, the president of the ladies' club. Although women were not an integral part of many of the bowling clubs, especially those in the coalfields area, for some reason or another they became part of the Cardiff Bowling Club within two years of the men's club being formed. At that time there were no poker machines and no future. Tooth's brewery would certainly not supply the club. They were fairly hard days. The bowling club, which was constructed with voluntary labour, was a brave venture with all its inherent costs. It was a great day last Sunday. I enjoyed playing bowls with my colleague the honourable member for Wallsend, together with the State President, Terry Murphy, and the local district president, Les Parrott. A great day was had by all. Congratulations, Cardiff Bowling Club.

LISMORE ELECTORATE PRESCHOOL FUNDING

Mr GEORGE (Lismore) [6.06 p.m.]: I raise some concerns expressed by preschools in my area about the change in funding that will come into effect from 1 July. I will read from a letter sent to me by The Channon Children's Centre. The letter is signed by Katrina Shields and it sums up the centre's fears and concerns:

Dear Sir,

We are a group of parents of preschool children who have children attending The Channon Children's Centre in Northern NSW. We are very concerned that proposed changes to special needs funding, partly directed through preschools, will have a big impact on the viability of our community run preschool. While we agree with the principle of directing special needs money to parents of selected children to spend as they see fit for their individual child. Our concern is that this will amount to taking away \$11,000 of the preschools funding which will place the whole centre in jeopardy. We already do a lot of fundraising, working bees and voluntary work to keep the centre running. The centre was community initiated, built by parents and has been running successfully for 15 years. We have had to lower our fees recently to make it affordable for more parents to use the centre more than one day per week and to bring us in line with other centres. We know that to raise fees significantly would mean the numbers of children attending would decline significantly.

We believe that our preschool offers a richer educational experience than childcare centres and family day care (which are only available in other towns anyway) and that centres such as ours rely on the Department of Community Services funding to make up the operating expenses on top of fees and fundraising. The rural recession is hitting our town in so many ways and this just seems like another blow. How do you suggest we gather \$11,000 or more to keep the centre open? Would you be willing to follow up this issue on our behalf?

That sentiment is being expressed by all preschools in my area. I should like to highlight also that these small preschools are situated in small centres and keep those communities together. If a small community preschool such as the Channon preschool has to close, the children will have to be taken into the major centre at Lismore, which is kilometres away, and families just cannot afford to do that. The preschools agree with the change in funding, but community preschools in country areas are struggling. It is time the Government realised what is happening to these preschools. I have passed on to the Minister the fears those preschools have expressed to me. Part of the problem, which was pointed out to me, was that in the new contract preschools are required to put the \$6 cap on places for which they would normally charge more. The second point of the contract states:

The fee for families on incomes under \$20,355 is to be no more than \$6 per day where service is defined as a registered service under the Commonwealth Children's Benefits Scheme.

If the preschools comply with the requirement of the new contracts they will go broke. Those fears are being expressed not just by one preschool. I have visited most preschools within my electorate and they all express concern about future funding arrangements. Further to that, as I understand, funding top-up for special needs children will not happen until the preschool knows how many children it will have enrolled who require special needs funding.

The Channon preschool and those at Casino, Lismore, Kyogle or anywhere will not know how many children will require special needs funding until enrolments are completed next year. They will not be able to finalise the school's funding arrangements until the end of the first term. The teachers cannot be told at the end of this year whether work will be available for them next year. The preschools are totally confused about how they are to retain staff and handle these new contract problems. I asked the Minister if she could get the Department of Community Services to explain to the preschools in my electorate how they are to continue running a community-based preschool.

NRMA DEMUTUALISATION

Mr E. T. PAGE (Coogee) [6.11 p.m.]: Two years ago NRMA members were asked to vote on a proposal to demutualise their insurance company. The proposal was pushed by a group of directors, executives and consultants at a cost of \$130 million. We all know what happened with NRMA insurance premiums and services as a result. The sorry saga now continues with the NRMA road service. Last Thursday a massive fee increase was steamrolled through the board by the Members First Group, representing eight of the 14 directors. The six independent directors were ambushed at the board meeting with board papers detailing the increase being delivered to them only the night before.

This was despite the fact that the controlling Members First Group and senior executives had been planning the fee increase since September last year, when legal advice from Corrs Chambers Westgarth was sought. Their written advice dated 7 September 2001 was obtained, but never passed on to the board, even after directors requested a copy of it at last Thursday's board meeting. At issue was whether the fee increase would be legal, given what members had been promised when asked to vote on the demutualisation. The following information shows how two million NRMA members were conned by the information memorandum. I quote from section 1 on page 7. The question was put: What will happen to association membership fees, and road service rights and benefits? This was the answer that was given:

The proposal is designed to allow membership fees to be maintained without increase until 30 June 2001 (other than for the effect of the introduction of GST). Thereafter, it is expected that fees will be increased by using the consumer price index as a guide. The proposal is also designed to allow current road and related motoring and service levels to be maintained, if not improved. This will be due primarily to the strong financial position of the association if the proposal goes ahead.

I refer the House to section 129 on page 126, which shows how PricewaterhouseCoopers, the consulting actuaries, presented it. I quote the response with all its legalese:

We believe that the proposal will have a beneficial effect on Association members' interests in Association. The proposal provides for additional capital to be injected into Association... It should be noted that this additional capital is expected to allow Association to continue to provide member benefits at their current levels and member subscription rates to remain unchanged until 30 June 2001 (other than for the effect of GST) and thereafter only increasing these in line with the CPI.

Come-ons such as these were repeated again and again throughout the information memorandum. It is funny to compare what members were told back then with what their chief executive officer, Rob Carter, told them last week in the *Sydney Morning Herald*:

The most important thing in their (members') minds is the certainty... of knowing that their road service will go on in the future (without) deteriorating... We are not slugging the members to make a profit; we are trying to secure their road service.

So much for the promises made to members! From 1 November the standard \$55 annual membership fee, providing unlimited road service, goes up to \$75—an increase of 36 per cent. This is nowhere near the 3 per cent CPI figure members were promised. And 50-year members, who used to receive lifetime free membership, will now have to pay 50 per cent of the cost for that membership. This follows the cost of \$7.70 for the previously free accommodation guide. The directors opposed to these price hikes asked how many members could be expected to drop out as a result. They were told an estimated 150,000. The majority of these members will be pensioners and low income earners, who can least afford increases, and who need the road service the most. The reaction of one director from the Members First Group to the expected loss of members was, "We don't want these anyway... They cost us money." So much for the so-called H.E.L.P slogan.

From what I have raised previously in the House about the financial incompetence of this management, it is no wonder that the road service mutual is in dire financial trouble. I pointed out previously the \$5 million cost per year of top management, the loss of \$121 million on the ERG shareholding, the tens of millions of dollars spent on needless legal expenses, the donation of \$1.5 million to Saatchi and Saatchi, which provided funding for the Members First election campaign, and the loss of \$70 million on the sale of the Soul Pattinson and Brickworks Ltd shares, which were not sold until 16 months after the board decision to sell. The NRMA road service is an essential service and a virtual monopoly in this State. Its two million members have been misled and deceived.

The action that has been taken is in breach of the Trade Practices Act, the Australian Securities and Investments Commission Act, the Corporations Act and the Fair Trading Act. I therefore call upon Mr David Knott, Chairman of the Australian Securities and Investments Commission, Professor Allan Fels, Chairman of the Australian Competition and Consumer Commission, and the Minister for Fair Trading to investigate the fee increase announced by the NRMA, and the breach of representations made to its members in the information memorandum.

Mr McMANUS (Heathcote—Parliamentary Secretary) [6.16 p.m.]: I support the honourable member for Coogee on this issue because I have been a member of the NRMA road service for over 30 years and have paid my dues. The changes proposed over the last months are an absolute disgrace. I hope the honourable member is successful in having Mr Fels and others investigate this issue, not only for me but for people like me who have been a member of a well-known organisation for many years. I give him my support wherever I can.

INTERNATIONAL FARMING PRACTICES

Mr McGRANE (Dubbo) [6.17 p.m.]: I refer honourable members to an overseas trip I undertook with the honourable member for Londonderry and a member of the parliamentary staff for the Select Committee on Salinity. I will not speak on salinity because that will be covered in various reports on a later occasion, but I felt that this was an opportune time to bring to the attention of the House my impressions of farming in the United States of America and the United Kingdom. The trip was hectic, involving 17 air flights over 16 days. Of course, travelling in the United States these days is not easy because of the time taken to pass through security at the various airports. However, being a third-generation farmer I have always been interested in farming in other parts of the world. For the last 30 years I have looked at farming methods in the United States. One place of major interest that we visited in the four different States was the city of Fresno, which has a population of 400,000 to 500,000 people.

We visited the most prominent farmer in area, who this year had 170 acres of wheat under irrigation. Australia grows very little wheat under irrigation because of the cost of water. In order to provide a secondary industry for Fresno, this farmer gave land to the American Government for the construction of a new gaol. I hope to succeed in getting a new remand centre in Dubbo. In the past couple of days we have been told that New South Wales has 7,800 prisoners in its correctional centres. The Fresno gaol alone caters for 7,000 inmates and has created 3,000 jobs in the city of Fresno, but things are done on a large scale in America. Indeed, in America they grow 100 acres of carrots all in one block; that is a lot of carrots. I was also interested to learn that America is no longer building dams despite being the leader in water conservation. The only new dams being built in the world are those under construction in China.

From America we spent three days looking at farming in the United Kingdom. We spoke to people at Sainsbury, the third largest supermarket operator in the United Kingdom. In the farming areas three tonnes of wheat are grown per acre but the cost per acre in Australian dollars is \$12,000. Converting that to farming areas in my electorate, the land for growing wheat is 11 times higher than land values in Australia. That is good news for Australian wheat farmers because we are not protected in the same way that European Community farmers are protected. Also, 80 per cent of the European Community budget goes to farming, which represents a population of less than 5 per cent. All this demonstrates that Australia is at the forefront in producing food. Sainsbury referred to quality control as being necessary because its supermarkets are controlled by the shareholders and consumers. Farmers feel that the restrictions are too high but they must produce what consumers want, and that is the way food produce must go in Australia and throughout the world.

Private members' statements noted.

OLYMPIC CO-ORDINATION AUTHORITY DISSOLUTION BILL
SPORTING VENUES MANAGEMENT BILL

Second Reading

Debate resumed from 7 May.

Mr STONER (Oxley) [6.23 p.m.]: On behalf of the Coalition I indicate that these bills will not be opposed. However, I will move amendments in Committee with a view to improving the bills. The Olympic Co-ordination Authority Dissolution Bill and the Sporting Venues Management Bill are necessary pieces of legislation in that the arrangements made with respect to the co-ordination of the very successful 2000 Sydney Olympic Games and some of the sporting venues developed for those Games must be moved forward following the Games' completion.

The Olympic Co-ordination Authority Dissolution Bill is concerned with the machinery of the winding-up of the Olympic Co-ordination Authority and, therefore, is not overly contentious. Given that the Olympic Co-ordination Authority owned and managed several Olympic venues, including the Sydney International Shooting Centre, supplementary legislation is required in order to transfer ownership and make arrangements for the management of those venues. This is what the Sporting Venues Management Bill does in respect of the Sydney International Shooting Centre. The bill establishes the Minister as a corporation sole, the objects of the corporation being, first, to maintain and improve land vested in the corporation and, second, to encourage the use and enjoyment of the corporate lands by the public and such clubs, associations or other bodies as the corporation considers appropriate.

The functions of the corporation are: first, to manage and develop the corporate lands; second, to permit the use of the corporate lands for activities of a sporting or recreational nature; third, to ensure that proper asset management plans are in place and implemented for the corporate lands; and fourth, to enter into any contract or arrangement with any person for the purpose of promoting the objects of the corporation. The bill also provides for the vesting of the Sydney International Shooting Centre in the corporation and for the constitution of the Sydney International Shooting Centre Trust. The trust is to consist of nine trustees appointed by the Minister. Herein lies the problem with the bill as it stands, but I shall return to that point shortly. Clause 14 (1) of the Sporting Venues Management Bill states:

The function of the Trust is to care for, control and manage the Shooting Centre.

The Coalition does not oppose the concept of the establishment of the Minister as a corporation sole, the vesting of the Sydney International Shooting Centre in the corporation, or the establishment of a trust for the ongoing management of the Sydney International Shooting Centre. In relation to the composition of the trust the Government has, at best, been lazy in terms of consultation with key stakeholders or, at worst, deliberately sought to exclude some of the principal shooting organisations in this State. Firstly, the provision for nine members appointed by the Minister with only four from the shooting fraternity gives rise to concerns that the numbers will clearly favour the Minister of the day over those representing the sport of shooting. The wording of the bill gives huge scope for the Minister's five non-shooting appointees to be any person he or she wishes. Clause 13 (2) of the Sporting Venues Management Bill states:

- (e) at least 1 person who, in the Minister's opinion, represents local government, and
- (f) 1 person nominated by the Director-General of the Department of Sport and Recreation, and
- (g) at least 1 person who, in the Minister's opinion, has commercial and business management skills, and
- (h) an independent person as Chairperson of the Trust.

Only eight people are stipulated as members of the trust. Therefore, the ninth member could be a good old Labor mate or even a former crossbench upper House member. As to shooting representatives on the trust there are a couple of notable exclusions. When the Opposition contacted those groups they were completely in the dark about this legislation and about the future of the Sydney International Shooting Centre. I would like to quote from a letter dated 8 May from Roy Smith, Executive Director of the Sporting Shooters Association of Australia New South Wales Inc., who stated:

I was more than surprised by the "news" of the proposed trust. If the S.S.A.A. is not wanted on the S.I.S.C. Trust Board it suggests that the Dept of Sport and Recreation sees the S.S.A.A. as a competitor to S.I.S.C.

That is the Sydney International Shooting Centre. He continues:

If that is so, what of the promises made by the Department that S.I.S.C. would NOT compete with existing clubs.

Does Sport and Rec want to doom S.I.S.C. to certain failure???

The S.S.A.A. has a membership in Sydney of over 20,000. Many times more than all other clubs put together and it's our members that S.I.S.C. is most likely to draw upon BUT it will only happen with our support.

I can only describe the department's approach to the future management of S.I.S.C. as amateurish—in fact ludicrous. The only way S.I.S.C. will ever be viable is if it attracts "partners" such as the S.S.A.A. as opposed to trying to compete directly with us.

S.I.S.C. needs the S.S.A.A. far more than the S.S.A.A. needs S.I.S.C.

It is extraordinary that, while several smaller shooting organisations are represented on the trust, large representative organisations such as the Sporting Shooters Association of Australia (New South Wales) have not even been spoken to about this issue. The question is: Is this laziness or worse? I have been told that the SSAA, which has a range at St Marys, was excluded because there would be a conflict of interest if it were a member of the SISC trust. However, the shooting disciplines are largely mutually exclusive, consistent with the promises given to the SSAA prior to the Sydney Olympics when the Olympic Co-ordination Authority sought to develop the SISC. Those promises were to the effect that there would be no competition with the SSAA's existing range at St Marys. Therefore, the conflict of interest explanation does not stand up to scrutiny.

Another organisation not consulted, let alone represented on the trust, is the New South Wales Shooting Association Ltd, the acknowledged peak body in New South Wales that is affiliated with the Australian Shooting Association, the New South Wales Olympic Council and the New South Wales Commonwealth Games Association. It represents the largest range of clubs throughout the State and provides sponsorship and support to all disciplines within the sport of shooting. Its subsidiary body, the New South Wales Firearms Safety Awareness Council Ltd, has also been excluded. A letter from the New South Wales Shooting Association dated 17 May this year states:

The exclusion of either or both of these bodies from the Trust or a management role evidences a lack of understanding of the factors that will enable the Shooting Centre to exist as a viable entity independent of major government subsidy.

One can only wonder at the logic that excludes the Olympic shooting representative in the State from any role in the Olympic shooting venue.

We are deeply concerned that the management of this facility will not be appropriate.

The letter is signed by Gary Bryant, General Manager of the New South Wales Shooting Association. The Government has either forgotten about this very significant organisation representing the sport of shooting or it has indulged certain factions from the considerable political diversity of shooters at the expense of others. That said, the Coalition does not oppose either of the cognate bills per se, but will seek amendments aimed at ensuring that the composition of the trust is more representative of shooters generally, less political in terms of ministerial influence, and therefore more likely to assist the ongoing viability of the Sydney International Shooting Centre in the post-Olympic era.

[Mr Deputy-Speaker left the chair at 6.35 p.m. The House resumed at 7.30 p.m.]

Mr IEMMA (Lakemba—Minister for Public Works and Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Citizenship) [7.30 p.m.], in reply: I thank the shadow minister for his contribution and his indication of support for the bill. In doing so I foreshadow on behalf of the Government that I will not accept the amendment foreshadowed by the shadow minister. I appreciate the sentiments behind the reason why he is moving it, but it will not be acceptable to the Government for a number of reasons. I will also move two amendments on behalf of the Government to correct some drafting errors in the bill that have been brought to my attention since I delivered my second reading speech last week.

In response to the amendments of the shadow minister, the composition of the trust for the International Shooting Centre has been decided on the basis that the four representatives nominated by the clubs and associations represent a good cross-section of the shooting fraternity in Sydney and New South Wales. The other five trustees, including an independent chair, will be carefully selected to ensure that the trust has a wide cross-section of expertise for the successful management of the centre. That has proved to be the best model for trusts to work most effectively, and that is one of the reasons why we have structured it in this way. The Government believes that the four clubs and associations that represent the shooting fraternity represent a good cross-section.

I can understand the disappointment of the two groups that the shadow minister has sought to include, and there is no other reason why those associations will not be represented on the trust. The simple fact is that the trust already has nine members: four from shooting organisations, an independent chair, which is eminently reasonable, one from local government, one with a business background and so on. The five non-shooting association members on the trust will give a good broad cross-section of representation, and it simply is not possible to meet all the expectations of other bodies to be represented.

Any other party indicating an interest in using the centre will have an adequate opportunity to do so through discussions with the trust when it is established. I am confident, given the cross-section of people that will make up the trust, that members of all associations will have an ongoing opportunity to discuss issues and make representations to the trust on behalf of either their association or individuals.

I urge members to support the bill in its current form with the composition of the trust as it is. I foreshadow that I will move a technical amendment to include in the bill a number of other facilities that, purely because of a drafting error, were not originally included. They are the Dunk Gray velodrome at Bankstown, the Sydney Equestrian Centre at Horsley Park, the Ryde Aquatic Leisure Centre, and the Blacktown Olympic Centre. Administrative responsibility for those centres has been with the Department of Sport and Recreation since January this year and they should be included in the bill.

Mr Hartcher: Apologise.

Mr IEMMA: It was a drafting error and I apologise for the drafting error, in response to the Deputy Leader of the Opposition.

Motion agreed to.

Bills read a second time.

In Committee

The CHAIRMAN: Order! The Committee will deal first with the Olympic Co-ordination Authority Dissolution Bill.

Clauses 1 to 15 agreed to.

Schedule 1 agreed to.

The CHAIRMAN: Order! The Committee will now deal with the Sporting Venues Management Bill.

Clauses 1 to 5 agreed to.

Clause 6

Mr IEMMA (Lakemba—Minister for Public Works and Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Citizenship) [7.40 p.m.]: I move:

No. 1 Page 4, clause 6. Insert after line 8:

- (3) The Corporation may also exercise functions with respect to the management or operation of the following facilities:
 - (a) the Dunc Gray Velodrome at Bankstown,
 - (b) the Sydney International Equestrian Centre at Horsley Park,
 - (c) the Ryde Aquatic Leisure Centre,
 - (d) the Blacktown Olympic Centre.

Mr STONER (Oxley) [7.40 p.m.]: The Opposition does not oppose the amendment, which appears to deal with a drafting oversight. I understood from my briefing that these other venues were involved and when I

subsequently read the bill I thought it a little strange that they were not included. The amendment will fix the oversight and will not be opposed.

Amendment agreed to.

Clause 6 as amended agreed to.

Clauses 7 to 12 agreed to.

Clause 13

Mr STONER (Oxley) [7.41 p.m.]: I move:

Page 8, clause 13. Insert after line 5:

- (i) at least 1 person representing the Sporting Shooters Association of Australia (New South Wales) Inc; and
- (j) at least 1 person representing the New South Wales Shooting Association Limited.

I have moved this amendment with the aim of having a more representative group on the Sydney International Shooting Centre Trust, and having the numbers on the trust favour the sport of shooting as a whole. It will bring balance to the trust by countering the five members over which the Minister will have total discretion and establishing a majority of representatives from the sporting shooters community. Those two groups are significant associations representing the sport of shooting in this State. The Sporting Shooters Association of Australia (New South Wales) Inc [SSAA] is widely regarded as having one of the largest memberships of any sporting shooters groups in New South Wales.

In my speech during the second reading debate I referred to a letter from Roy Smith, the Executive Director of the Sporting Shooters Association of Australia (New South Wales) Inc, who said he was surprised by the news of the proposed trust. He suggested that if the SSAA was not wanted on the trust, perhaps the Minister and/or the department saw the SSAA as a competitor to the Sydney International Shooting Centre [SISC]. He asked, if that was so, what of the promises made by the department that the SISC would not compete with existing clubs.

When the Sydney International Shooting Centre was developed and established, a commitment was made, as reported to me, by the Department of Sport and Recreation and/or the Olympic Co-ordination Authority that the centre would not compete with the facility run by the SSAA at St Marys. The notion that there would be some sort of conflict of interest by having the SSAA on that trust is not valid because the types of shooting conducted at both centres were always intended to be mutually exclusive.

As I said, the SSAA is a very significant representative body to the sport of shooting. In fact it has a membership in Sydney of more than 20,000. According to Mr Smith, this is many times larger than the membership of all other shooting clubs put together. It is those members that the SISC is most likely to draw upon but it would only happen with the support of the SSAA. The Coalition wishes to have as many of the sporting shooters groups and disciplines as possible represented on the trust so the SISC has every chance of success, because without the patronage, without the events, and without the various disciplines using that facility it may well be doomed to be yet another white elephant, a legacy of the Olympic Games. I am sure the Government would like to see it live up to its full potential.

The second part of the amendment relates to New South Wales Shooting Association Limited. Again, the intention here is to be inclusive. We would like to see not a political solution, and not the exclusion of some groups at the expense of others. I must say that some members of the trust are not as representative as either of the groups referred to in the amendment. Some are individual clubs as opposed to umbrella clubs, which the groups in the amendment are.

New South Wales Shooting Association Limited has an affiliation with the Australian Shooting Association. It is a member of the New South Wales Olympic Council. It is a member of the Australian Commonwealth Games Association (New South Wales). It was the New South Wales Government appointee to the Holsworthy Olympic facility steering committee. It is affiliated with Union International de Tir or UIT, the Consiel International de la Chasse et de la Conservation du Gibier. A letter I received from Gary Bryant, General Manager of New South Wales Shooting Association Limited, states:

We are now aware that the Sporting Venues Management Bill has reached its second reading and that the Bill excludes this organisation from any oversight or management role of the Cecil Park shooting complex.

We can only assume that this is a bureaucratic oversight or that you have been poorly advised.

Any option that looks towards the long-term success of the venue must surely include a role for the peak body for the sport in NSW as well as its subsidiary, the NSW Firearms Safety Awareness Council. The credentials of these organisations are outlined below.

The NSW Shooting Association is the acknowledged peak body in NSW, with its affiliation to the Australian Shooting Association, the NSW Olympic Council and the NSW Commonwealth Games Association. It represents the largest range of clubs throughout the State. It provides sponsorship and support to all disciplines within the sport.

The NSW Firearms Safety Awareness Council is the government's contractor for the maintenance of a safety awareness program for all firearm users. This long-term program introduced by the Greiner government in 1991 has as its responsibility the enviable safety record currently enjoyed by the sport of shooting.

The exclusion of either or both of these bodies from the Trust or a management role evidences a lack of understanding of the factors that will enable the Shooting Centre to exist as a viable entity independent of major government subsidy.

One can only wonder at the logic that excludes the Olympic shooting representative in the State from any role in the Olympic shooting venue.

We are deeply concerned that the management of this facility will not be appropriate ...

The Coalition has moved the amendment so that representative sporting shooters bodies are involved in the management of the trust, and so that the viability of the centre is assured by having as many disciplines and as many members of the associations as possible using the facility. I understand that the Government will oppose these amendments; it will have to live with the consequences and explain to the shooting fraternity why some sections of the sport of shooting are not represented in the management of what has the potential to be a wonderful venue for the State. The Coalition will not call for a division on the amendment, but we reserve the right to move amendments in the other place.

Amendment negatived.

Amendment by Mr Iemma agreed to:

No. 2 Page 7, clause 13, line 24. Omit "Club". Insert "Association".

Clause 13 as amended agreed to.

Clauses 14 to 18 agreed to.

Schedules 1 and 2 agreed to.

Olympic Co-ordination Authority Dissolution Bill reported from Committee without amendment and Sporting Venues Management Bill reported with an amendment, and bills passed through remaining stages.

LAND AND ENVIRONMENT COURT AMENDMENT BILL

Second Reading

Debate resumed from 28 May.

Mr HARTCHER (Gosford—Deputy Leader of the Opposition) [7.54 p.m.]: This bill arises from the operations of a working party chaired by Mr Cripps, who is well regarded in this field, and implements a number of its recommendations. The Land and Environment Court is a well-respected court presided over by Chief Judge Mahla Pearlman. Despite complaints from some sections of the community the court has enjoyed community support in discharging the functions imposed upon it by statute. Its functions are to adjudicate and determine matters that arise largely from decisions by councils and other relevant authorities in the planning field.

The Coalition does not oppose the bill, but I will make one qualification later. The purpose of all court proceedings is to resolve disputes between citizens, between citizens and corporations, or between citizens and government. This bill relates to disputes between citizens and government agencies, that is, local councils and

other planning bodies that have decision-making powers. The planning process has become costly and quite elaborate. It is necessary from time to time to review that process to ensure that it is cost effective and that people with relatively small claims can exercise their rights of appeal without being burdened by excessive costs.

Accordingly, the proposals for the changes to on-site hearings, which can be heard and disposed of by way of conference held on the site, and the amendments regarding court hearing matters to be determined by a judge, commissioner or multi-member panel at the direction of the chief judge, look as if they will go a long way towards satisfying the desire of the community to have a cheaper means of resolving appeals affecting individuals in those cases. The Coalition has a concern about extending the time from 28 days to one year within which a local council may review its determination of a development application if the application is the subject of an appeal up to the time the court hands down its decision.

The Government has not made clear why that period is to be extended. The Minister's sole contribution on that point was the statement in his second reading speech that the Government would extend the time within which a local council may review its determination of a development application under section 82A of that Act from 28 days to one year, or, if the application is the subject of an appeal, until the court hands down its decision. That was it! The Minister did not State why that was to happen. The Minister further said that the proposed amendments would clarify the minor modifications that an applicant could make.

The extension from 28 days to one year is provided in the Act but no explanation was given in the Minister's second reading speech for it. An extension from one month to one year is a considerable period. I do not claim to be an authority, but I would hope that there is a reason for that; no explanation was given in the Minister's second reading speech. The whole idea of a second reading speech is to set out for the Parliament and the community what each section of a bill is to achieve.

The Coalition is reserving its position on that provision and if there is a good reason for it, obviously we will not oppose it. However, if there is no good reason we will have something to say in the Legislative Council. We will not hold up proceedings in this House tonight, because I simply do not know the reason. I invite those who advise the Attorney General, Minister for the Environment, and Minister for Emergency Services, to tell him the reason. The fourth paragraph of his second reading speech contained no explanation for what appears to be on the face of it a quite substantial change to procedure.

Some councils have said a great deal about the court. It has been the subject of strong community discussion, which is appropriate in any democratic community. In many respects the discussion was led by the present Lord Mayor of Sydney, Mr Sartor. It is appropriate for the Lord Mayor, who exercises jurisdiction over the council responsible for an important area like the Sydney central business district, to make his concerns known. It is important that his concerns, which were shared by a number of other councils, be addressed. That was the whole idea of the working party which Justice Cripps chaired. Some councils and critics of the court believed that it was too favourable to developers, but any reasonable person would realise that the court was fulfilling its responsibilities by adjudicating on matters brought before it according to law. If the law is defective, it is the law that needs to be changed. I do not think anyone can criticise the ability or integrity of the judges of the court.

Design is an important matter. Everyone wants a beautiful city, and Sydney is a beautiful city. The quality and design of buildings are an important part of making a city aesthetically pleasing and beautiful. The court had no power over design. I note that one of the amendments will ensure that the Act deals with urban design. Design will always be very much in the eye of the beholder. A good design in one generation can quickly become a bad design in a subsequent generation. What some people like about a design, others may dislike. Some years back the Prince of Wales, Prince Charles, said that the Luftwaffe had done a better job in trying to redesign London than a number of architectural firms. He dislikes much of modern design, and it was appropriate that he expressed his view. But people will always make individual decisions about design.

It is hard to ask a court exercising a legal function to also become an architectural panel and determine the most appropriate design. Taste, cost and function have to be taken into account. One of the replies to Prince Charles' criticism of modern design is that modern buildings are airconditioned, they use light in different ways, and they are often built to be energy efficient. They are built in different ways to traditional buildings and, therefore, they cannot have the same design as traditional buildings. A beautiful sandstone building does not encourage the efficient use of light, airconditioning or heating. The construction of modern buildings must reflect the demands of their users. I reserve the Coalition's position in respect of the amendment that extends the review power of a council from 28 days to one year. The Coalition does not oppose the bill.

Mr LYNCH (Liverpool) [8.03 p.m.]: I support the Land and Environment Court Amendment Bill, which proposes amendments to both the Environmental Planning and Assessment Act and the Land and Environment Court Act. Obviously, the Attorney will be in a better position to respond to the point raised by the Deputy Leader of the Opposition, but as I understand the Attorney's second reading speech, the position is clear. The point picked up by the Deputy Leader of the Opposition should be read in conjunction with the next point. I understand its aims. If the review period is not extended from 28 days to one year, a council will have no chance to review its decision at any time after the period of 28 days expires.

The entire point of the proposal is to allow the council to review a decision in conjunction with an applicant who might want to make some minor modifications to the application, so that when the minor modifications are made they are agreed to by the council. The process is likely to take a lot longer than 28 days. Unless the amendment is agreed to the council will not be able to issue a development consent. People will have to go to court to get consent orders, which is a much longer, more complicated and more expensive process than that proposed in the bill. With all due respect to the Deputy Leader of the Opposition and the Attorney, that is exactly what the Attorney says in his second reading speech. The Deputy Leader of the Opposition should read both parts of it in conjunction.

Mr Debus: An impressively accurate account.

Mr LYNCH: As I have had occasion to say previously, it always pleases me to be able to support the Attorney's legislation without qualification and to help explain it to the Opposition. The major issue in the legislation relates to changes in how the court deals with proceedings in class 1 of the court's jurisdiction that are brought under section 97 of the Environmental Planning and Assessment Act, that is, appeals by applicants against determinations of development applications. The intention of the change is to reduce the legalism, complexities and formalities, and to make the procedure less intimidating and more accessible to people who do not have a great deal of money and who do not have relatives who are Land and Environment Court legal specialists. Proceedings are divided into two categories: on-site matters and court hearing matters.

On-site matters are defined specifically. Everything that is not in that category is a court hearing matter. An on-site matter involves a proposed development that has an estimated value that is less than half the median sale price for the previous quarter for all dealings in the relevant local government area, and if carried out, would have little or no impact beyond the neighbouring properties, and does not involve any significant issue of public interest beyond any impact on neighbouring properties. Clearly, on-site matters are intended to deal with small-scale developments that are not massively expensive and can, as a matter of commonsense, be resolved much more quickly than they can by undertaking massive court battles.

Mr O'Farrell: There aren't many in my area.

Mr LYNCH: The honourable member for Ku-ring-gai interjects that there are not many in his area. That is because the value of properties is so high. The way the legislation is drafted, it does not relate to the absolute value of the property but to a comparison value: the value of the development compared to that of a neighbouring property. The benefit of the legislation will extend even to the electorate of Ku-ring-gai.

Mr Debus: However inadvertently.

Mr LYNCH: However inadvertently. On-site matters will be dealt with by a commissioner in conference rather than a hearing in a courtroom. Unless there is a distinct decision to the contrary, the conference will be held on site and the commissioner will be in a position, if he or she so chooses, to give a decision forthwith at the end of that conference. Court hearing matters can be decided by a judge, a single commissioner or a panel. The Chief Judge decides, as a result of the prospective length of the proceedings, the controversial nature of the site or the application or where there are a substantial number of issues, whether the panel is appropriate. The panel must also have an on-site inspection, unless all the parties agree otherwise. The aim of the changes is to have small-scale developments dealt with more informally with a reduction in costs and disposal time. Likewise, the provision I referred to earlier in relation to the Deputy Leader of the Opposition is also about trying to reduce the amount of time spent going to court.

The bill contains some other interesting elements to try to reduce the amount of legalism. Councils, for example, will have the power to modify court-issued consents subject to a range of safeguards. Hopefully, that will remove the need for an applicant to go back to court after consent has been issued to change comparatively minor conditions. Obviously, if aggrieved parties are unhappy with that they will still have the opportunity to go

back to the court themselves. One interesting provision which, in some ways, is somewhat dramatic in terms of how the English legal system has developed is that the court will be given the power to impose an easement over land if it has issued a development consent. Obviously, there is a plethora of conditions attached to that, as there should be. The granting of that easement cannot be inconsistent with the public interest.

The owner of the land that bears the burden of the easement must be able to be compensated. The applicant must have behaved in a reasonable manner to try to negotiate a result. An order can only be made by a judge. Those provisions are reasonable and sensible, but in terms of powers and courts they are a lot broader and wider than one would normally expect. I do not say that is a bad thing, but it goes a little further than our legislation traditionally has. In some parts of Sydney there is a fairly intense dislike of the Land and Environment Court. Part of that dislike stems from the fact that people think the court should be a council. But it is not. Decisions cannot be made on the basis of media releases. A number of contentious matters have been before the Land and Environment Court relating to my area and—some of my colleagues do not believe this—the community has been quite happy with the results. They have been controversial matters and the Land and Environment Court has made a decision on the merits of each case which accorded with precisely what the community wanted. Having regard to the odium and opprobrium that attaches to the court from time to time, it is perhaps appropriate to make those sorts of comments in this forum. I commend the bill to the House.

Mr O'FARRELL (Ku-ring-gai) [8.09 p.m.]: I take this opportunity to make a number of comments about the Land and Environment Court. I am somewhat reassured by the assurance of the honourable member for Liverpool about the way this legislation is intended to work, particularly his claim that it will open the court to more people in a less costly fashion. Contrary to the experience of his community, my community of Ku-ring-gai has an opposite view about the Land and Environment Court. It may be that that view has been fashioned because at present many of Ku-ring-gai's planning instruments are in a state of flux as the Minister for Planning seeks to use various statewide planning instruments to pull council into line in relation to high-density development across the municipality.

Perhaps that is the reason why there seems to be this contention within my electorate and local government area about the Land and Environment Court. However, it is still the case that many people within my community regard the court as a developer's court and not one that reflects the views of the community. Ku-ring-gai council was elected in 1999 on a clear platform of protecting the environmental and residential amenity of Ku-ring-gai and has endeavoured for the last three years to do that. Whilst it has had some success in the court, by and large many decisions, particularly about larger developments, have gone against it. So the experience of the honourable member for Liverpool and his community and myself and my community of Ku-ring-gai could not be more different.

The point I want to raise is, of course, the cost. Under the current tyranny of Planning NSW and the attempts by the Minister for Planning to foist inappropriate developments on Ku-ring-gai, individual landowners, Ku-ring-gai council and those seeking to bring development to the area have recourse to the Land and Environment Court more and more often. Someone has to pay for that and it is either the respondent or the person who is objecting to the development that has been taken to the Land and Environment Court. The legal bill of Ku-ring-gai council has gone through the roof. In my view that is not the fault of Ku-ring-gai council; it is the fault of the State Government, both because of the actions of the Minister for Planning and the costs associated with the Land and Environment Court.

Not a week goes by when I do not go across the road to buy a cup of coffee and run into constituents who are waiting either to appear before the Land and Environment Court or are having a cup of coffee during a break in court hearings, hearings that relate particularly to large State environmental planning policy [SEPP] 5 developments in North Turramurra. Notwithstanding the amendments contained in this legislation, I find it remarkable that the Government claims that SEPP 5 developments will not be undertaken in bushfire prone areas, and then disregards both that decision and the Land and Environment Court in relation to major SEPP 5 developments in North Turramurra, which is a bushfire-prone peninsula protruding into the Ku-ring-gai Chase National Park. That fills me with dread at the prospect of a terrible future fire season.

More importantly, my constituents are concerned about this bill. I simply reflect their concerns that the Land and Environment Court is not operating as they hope it would. As I say, that is in part due to the operations of Planning NSW, the way the court is structured, the costs faced by litigants and the inability or lack of capacity of those hearing cases to look at issues such as residential environmental amenity that have been a characteristic of Ku-ring-gai for a century. Whilst designs and fashion may change, that has still been a significant feature of the area I represent in this place.

Mr ASHTON (East Hills) [8.13 p.m.]: I appreciate the opportunity to speak on this bill because when I was first elected to Parliament, Bankstown council asked me to pass on a request to the Attorney General to consider investigating the operations of the Land and Environment Court. I am happy to place on record my appreciation of the introduction of this bill. Many local councils have argued that merit appeals should be abolished and that cases should be restricted to judicial review. Judicial review provides narrow grounds for overturning a decision, and questions of law are raised in about only 5 per cent of merit appeals. When councils say that merit appeals should be abolished, they are saying that the council decision should be final and not open to challenge. They are saying that people should not have access to an independent umpire.

Mr Debus: That is a frightening thought.

Mr ASHTON: It is a frightening thought. However, the opponents of merit appeals do not readily acknowledge that those who would be most affected by any winding back of appeal rights are not the developers at the big end of town such as Meriton, Australand and others. Australand is undertaking a development in my area and has been prepared to co-operate at length with the council. Winding back appeal rights will usually catch the small developer, someone who might be constructing three or four villas in an area where such a development would have been allowed to proceed because the zoning was right, the codes were right and the numbers all added up but a few residents were genuinely opposed to it because they never thought that someone would build on the vacant block next to them. They visit a few councillors and, under the democratic process, convince the councillors that the development should be opposed. I shall return to that subject because it is an essential part of this legislation.

No-one would deny that when councils deal with development applications they perform a difficult task; they are a little like members of Parliament. They apply a combination of their development control policies, which do not have the force of State planning laws, and at the same time take into account the views of their constituents. They may strongly disagree with those State planning laws or the development control policies or both. In my 14 years' experience as a councillor on Bankstown City Council I know that one is never always happy with the decisions of other councillors and often the Land and Environment Court is held out as a chance of further review.

Unfortunately, many councils have adopted an attitude, if not a policy, that it does not much matter what the council might do. They can oppose an application and the big developer has the money to go to the Land and Environment Court and may end up a winner. The problem is that the council has to pay to send the barrister along to the court to argue the case when there is no case except that half the street does not want the development. That makes it rather difficult for the council to win. Problems appear to arise most commonly when sensitive or controversial developments are involved. Such developments frequently attract intense community interest and councils may find constituents urging them to make decisions that they ought not make.

The Land and Environment Court working party heard claims that councils sometimes refuse a sensitive or controversial development application, irrespective of its merits, or fail to make any determination at all for fear of a political backlash that may follow a grant of development consent. In effect, the council shirks its responsibilities and forces the applicant to appeal to the court to avoid being blamed if and when consent is finally granted. That happened when I was on Bankstown council. Often we felt a certain case had a great deal of public opposition and it was too hard for us all to say we would support it. It must be remembered that when dealing with big developers councillors often have accusations thrown at them. If councillors readily approve a development application, they can be subject to all kinds of accusations—"Oh well, the council has rolled over for some big developer. It will go to the Land and Environment Court and become a judge's problem."

I can understand councillors being wary of what cases end up in the Land and Environment Court. I am pleased this review has taken place as it will improve that situation in many respects. Bankstown council is now much more aware; it is more honest with people when it is processing development applications. Its approach is to say, "Look, we could knock it back but it meets all the guidelines. It will go to the Land and Environment Court and it will be approved." In the past few years Bankstown council has undergone a sea change: a great deal more consideration is given to the merits of the application, rather than playing politics about who will get the blame. The blame game is no longer such an issue. This is not an isolated allegation. The working party found that this was the case with many councils not only in Sydney but also in country areas. Such behaviour is reprehensible and underscores the need for the merits of planning decisions by councils and other concerned authorities to be subject to a more independent and impartial review. That is where the Land and Environment Court comes into play.

By the same token, a review of the merits is not a punishment for council misbehaviour. Local councils are subject to exactly the same level of outside scrutiny as the planning decision makers. They are not the only

consent authorities whose decisions are subject to merit reviews or appeals, nor are they the only consent authorities who are elected to office. After all, State and Federal parliaments are subject to those processes. For example, when the Minister for Planning makes decisions about a development of State significance, those decisions are subject to merit reviews by the Land and Environment Court in the same way, unless there has been a formal commission of inquiry.

The bill gives councils and other consent authorities the opportunity to review the decisions about development applications up until the time the matter is finally determined by the court. That is an important innovation. In other words, a council can review its own decision before the court makes a final decision. That could save a great deal of time and cost. In many applications council bears the costs. If a council initially rejects an application and the applicant comes back two months later with an amended application that addresses the council's concerns, it will not be necessary for the applicant to submit a fresh development application or lodge an appeal for consent to be granted.

This reform will be of tremendous benefit to both councils and applicants and is likely to reduce the number of matters that need to be brought before the Land and Environment Court. Much of the criticisms by councils of the appeals process appears to be directed at the high cost of defending their decisions in the court. The Land and Environment Court working party made a wide range of recommendations aimed at reducing that cost without unfairly cutting off an applicant's appeal rights. All of the reforms proposed by the bill are intended to benefit councils as well as applicants by providing time and cost savings and ensuring the court's procedures are suitably adapted to the nature of its work. Local councils may not have got everything they wanted out of this review, but neither has the development industry. The bill is a well-balanced package of both legislative and non-legislative reforms that will improve the planning system as a whole. I commend the bill, which should receive the support of the House.

Mr COLLIER (Miranda) [8.22 p.m.]: The Land and Environment Court Amendment Bill implements a number of important legislative reforms recommended by the Land and Environment Court working party, which released its report in September last year. The report included 37 recommendations aimed at improving the assessment and appeals processes for development applications. The recommendations addressed both the practices of local councils and processes of the Land and Environment Court. They called for a variety of reforms, including greater emphasis on community education, wider use of alternative dispute resolution, reduced formality and adversarial practices in court proceedings, and different procedures for dealing with appeals relating to large-scale and small-scale developments. A number of recommendations called for legislative change while other recommendations did not require any legislative changes. I shall begin with those.

In focusing on the way development applications are dealt with by the Land and Environment Court the working party paid particular attention to whether there is scope for greater use of alternative dispute resolution mechanisms to avoid the need to litigate. Litigation, of course, is costly. The working party strongly endorsed the view that greater use should be made of alternative dispute resolution mechanisms at every stage of the development application and review process. It recommended that councils should consider making use of mediation and conflict management services as soon as a dispute is identified, as mediation is usually the most successful when it is conducted at the earliest possible stage. Indeed, the Mayor of Sutherland, Tracie Sonda, was quoted in the *St George and Sutherland Shire Leader* of 30 October 2001 as saying:

Sutherland Shire Council is very supportive of alternative dispute resolution processes. However, such processes should be utilised early in the application assessment process.

Clearly, she agrees with the import of the bill. The working party also recommended that councils consider establishing independent hearing and assessment panels modelled on those of Fairfield City Council and Liverpool City Council to provide a forum in which objectors and applicants may be heard in person, development applications can be independently assessed and recommendations can be made to councils as to how those applications should be determined. The report of the working party noted that in the year 2000 Liverpool City Council reported that the independent hearing and assessment panel dealt with 71 applications. Of those applications, only six appeals were lodged to the court against the decisions of the council. Of those six, four were appeals against the council's refusal to grant development consents consistent with the recommendation of the panel. None of those appeals was successful. That illustrates the potential that alternative dispute resolution offers to reduce the number of matters litigated and to reduce costs for ratepayers. Of course, alternative dispute resolution will not be successful in every case and, when it does not succeed, it is important that people have access to an independent referee to determine the matter. For disputes about development applications, the independent referee is the Land and Environment Court.

There are a number of important procedures in the way in which appeals are dealt with under section 97 on the Environmental Planning and Assessment Act 1979 following legislative changes suggested by the working party. Appeals relating to small-scale developments will be dealt with by way of a conference held on the site of the proposed development and presided over by a commissioner of the court. It is anticipated that this will help minimise formality and the role of lawyers, thereby reducing costs and disposal time. Appeals in relation to large-scale developments will be dealt with in the courtroom, with the Chief Judge having the discretion to convene a panel of commissioners or a judge and commissioners to determine the matters.

It is important to note that before disposing of such an appeal the court will be required to visit the site of the proposed development. The procedures for appeals relating to large-scale development will allow the court to focus appropriate expertise on those appeals to ensure that decisions are of the highest possible quality. Those provisions will ensure that whether a matter is dealt with by way of conciliation on site or dealt with by a commissioner and/or judges going to the site, the person conciliating or judging the matter is more in tune with the community's concern.

The bill also adds special knowledge and experience in urban design and heritage to the list of qualifications for appointment as a commissioner of the court. It will also provide for commissioners to be appointed on a part-time basis. In addition, the bill extends the period of time within which local councils may review their determination of development applications, with the aim of reducing the number of appeals to the Land and Environment Court, and give councils the power to modify consents granted by the court, with enhanced consultation requirements and a special right of appeal for objectors as a safeguard. One important innovation to reduce the costs of appeals is that the bill gives councils and the consent authorities the opportunity to review decisions relating to a development application up until the time the matter is determined by the court. That means that if a council initially rejects an application and the applicant comes back two months later with an amended application which addresses council's concerns, it will not be necessary for the applicant to submit a fresh application or lodge an appeal for consent to be granted.

This reform will be of tremendous benefit to both councils and applicants. It is likely to reduce the number of matters that come before the Land and Environment Court and reduce the costs of appeals. Appealing to the Land and Environment Court is costly for many councils. The *St George and Sutherland Shire Leader* stated on 18 October 2001 that in the two previous years Sutherland Shire Council spent \$2.15 million on legal costs associated with appeals to the Land and Environment Court. This bill has much to recommend it. It is good news for the little people who appeal against a council decision. It is good news for councils because it cuts down the costs of appeals. It is welcomed by my community and I commend it.

Mr WEBB (Monaro) [8.29 p.m.]: On this side of the House there is no great opposition to the Land and Environment Court Amendment Bill, and we support the reforms that the Government is putting in place. However, I shall address several issues specifically. I have learned from past experience with local councils that a contentious issue can often be resolved if those who object to and those who support a development can meet on site. I think the possibility of making changes that facilitate the development application in an expedient manner will be enhanced if the court is able to meet on the site in question. This process could certainly reduce the number of complaints about perceived problems and the time involved.

The provision that commissioners may be qualified in the fields of urban design and heritage is obviously important. Tallaganda Shire Council's plans to use government funds to build a conjoined regional transaction centre and community technology centre have stalled because a heritage officer has declared the area proposed for development an historic site and told the council that it cannot proceed until it formulates a heritage plan for the entire town. That is a nonsense. Under this bill, the council will be able to refer the matter to the Land and Environment Court and an on-site hearing or inspection would defuse the issue and allow that small council to get on with its work.

The Land and Environment Court is able to intervene when a council should be in control of the approvals process and conditions for developments in the local area. The cost of referrals to the court as a result of default or via another party could render a council inoperative with regard to a particular application. It could certainly drive a wedge between councillors and the various local planning authorities, so councils are happy to allow such matters to be resolved by the Land and Environment Court. That is fine if the matter is resolved quickly but the associated cost to ratepayers and to council is often prohibitive, and a particular burden on those councils with fewer financial resources.

The bill extends from 28 days to up to one year the time in which a local council may review its determination of a development application, if the application is the subject of an appeal and before the court

hands down its decision. Unfortunately, I have not had time to examine that provision closely or to consult with councils in my electorate to determine their position on this matter. There may be a problem with the definition. The extension of time may stall development approvals and subsequent work on site, which will lead to increased cost. I think in most instances 28 days is sufficient for a council to review its determination having regard to the advice available from the various government agencies that have considered the development application and the subsequent problems that may be encountered. It is not a difficult task, and I am concerned that this provision may delay the development process, causing developers to relocate happily to another council area. With those reservations, I support the bill.

Mr CAMPBELL (Keira) [8.34 p.m.]: Along with most honourable members who have spoken in this debate, I support the Land and Environment Court Amendment Bill. The main purpose of this bill is to amend the Land and Environment Court Act 1979 and the Environmental Planning and Assessment Act 1979 to implement reforms arising out of the recent independent working party review of the role of the Land and Environment Court in the State planning system. The report of this working party was published in September 2001 and included 37 recommendations aimed at improving the assessment and appeals processes for development applications. These recommendations addressed both the practices of local councils and the processes of the Land and Environment Court, and called for a variety of reforms, including greater emphasis on community education, the wider use of alternative dispute resolution, reduced formality and adversarial practices in court proceedings, and different procedures for dealing with appeals relating to large-scale and small-scale developments. A number of the recommendations called for legislative change.

The bill will introduce two new procedures for dealing with appeals brought under section 97 of the Environmental Planning and Assessment Act. Appeals relating to small-scale developments will be dealt with by way of a conference held on the site of the proposed development and presided over by a commissioner of the court. It is anticipated that this will help to minimise formality and the role of lawyers and reduce costs and disposal times. I particularly support this proposal. Appeals relating to large-scale developments will be dealt with in the courtroom, and the chief judge will have the discretion to convene a panel of commissioners or a judge and commissioners to determine the matter. Before disposing of any such appeal the court will be required to visit the site of the proposed development, which is entirely appropriate. The procedure for appeals relating to large-scale development will allow the court to focus appropriate expertise on these appeals and ensure that its decisions are of the highest quality possible.

The bill will also add urban design and heritage to the field of expertise capable of qualifying a person for appointment as a commissioner of the court, provide for commissioners to be appointed on a part-time basis and give the court the power to impose easements over land in certain circumstances. In addition, it will extend the period within which local councils may review the determination of development applications, with the aim of reducing the number of appeals to the Land and Environment Court, and give councils the power to modify consents granted by the court, with enhanced consultation requirements and a special right of appeal for objectors as safeguards. In short, this legislation will introduce contemporary processes to the court, including consultation, discussion and site inspections.

As a result of my experience in local government, I have long held the view that local councils should bite the bullet and take the hard decisions about planning matters. Too often councils have not been prepared to discuss matters fully with the local community, and allowed the court to take the tough decisions. I take this opportunity to encourage councils not to do that. I will cite a recent experience with a proposed medium-density townhouse development on a site in Reserve Street, west Wollongong. Everyone involved knew that the proposal complied with the local environmental plan and the development control plan but the neighbours objected. The council did not have the courage to approve the application so the developer took his case to the Land and Environment Court and won hands down. Everyone sitting around the council table knew that it would lose the case. It did, and it wasted \$40,000 on legal costs. That happens far too often in local government. On the other hand, developers often take their cases to the court far too soon because they will not listen to the local community and make minor amendments to their proposal. The process works both ways.

They are all comments that I would encourage people to take note of. I briefly refer to a matter that received a great deal of publicity during the Land and Environment Court review, namely, the allegation that the court, or at least some of its members, are biased in favour of developers. In its most sophisticated form this claim was expressed in terms of systemic bias, inheriting the appeals process for development applications, which tends to lead to results that are perceived to be contrary to the public interest. In response, the Land and Environment Court working party found it necessary—and quite rightly—to investigate these claims of bias thoroughly and in some depth. It referred to the court's own statistical records and invited those making the allegations to furnish examples of specific cases where a judge or a commissioner of the court demonstrated bias or gave a reasonable apprehension of bias in determining any planning appeal.

As members who have read the working party's report would be aware, it turned out that no specific examples of bias were provided and none could be found. In other words, there was not one shred of evidence to support the widely reported claim that the court is biased. In fact there was no evidence that even one of the judges or commissioners had demonstrated bias in even a single case. Likewise, the claim of systemic bias turned out to be entirely without foundation. Statistics compiled by the working party itself, with the aid of the court's registry staff, indicated that a large proportion of appeals—including those reported in the press and elsewhere as being upheld—were in fact settled prior to hearing, or upheld by consent of the parties. Of the cases adjudicated by the court at a defended hearing, roughly half were decided in favour of the appellant and half in favour of the respondent.

Whilst these figures clearly do not suggest any kind of bias at all, the working party was careful to point out that these statistics may be influenced by a range of complex factors and, despite what some had claimed, appellants' success rates are not reliable indicators of the Land and Environment Court's impartiality or otherwise. The better view is that the success rates measure the quality of opposing parties' legal advice. This is quite clearly a sustained campaign of completely unsubstantiated sledging apparently spearheaded from within the local government sector. It was a scurrilous attack on the court's reputation, designed to bring the court and its decisions into disrepute. Needless to say, I deplore this type of conduct and these kinds of tactics. They contribute nothing to the community's understanding of the planning system and they serve only to confuse the important public debate on how the system can be improved.

In my experience there is a real lack of understanding in the community on how the planning system works. In my experience people only come to have knowledge of or an interest in it when there is a particular proposal that is near to them. It is entirely appropriate and right that they would take part in a public debate about a particular proposal, but all too often people do not look at the policy aspects but rather let the heart rule the head. This is something about which I have made public comment many times at many public meetings. The real planning work is something that needs to take place at the development of local environmental studies, local environmental development control plans and the like. It does not come at the end when there is a particular proposal.

I have digressed a little from this bill to make those comments. I make the point that the unwarranted attacks have been directed at a court of law. My understanding is that the Land and Environment Court is equal to the Supreme Court. I appreciate the nod from the Attorney, who is at the table, to confirm that. It is all too often misunderstood by people in the community that we are talking about a court of law with the status of the Supreme Court. We are not talking about some little group of people who meet on a casual basis in a back corner somewhere; it is a very appropriate and important structure. These unwarranted attacks have been directed at a court of law whose members traditionally restrain themselves from entering into public debate in order to maintain their reputation for impartiality and independence.

Attacks so targeted may contribute to the wide erosion of confidence in our justice system. I am sure that all members of this House would agree that the integrity of our justice system is vital to our society. The Government supports the role of the Land and Environment Court in the New South Wales planning system and it will continue to play that role. The Land and Environment Court Amendment Bill is designed to reduce costs and delays in the appeals process for development applications and to further adapt the court procedure to the nature of its work. I believe that the amendments in this bill will make the court a more contemporary one and one that will be easier for people to understand, and for those reasons I believe that this bill deserves the support of the House.

Ms MOORE (Bligh) [8.47 p.m.]: The Land and Environment Court Amendment Bill broadly implements recommendations to the Land and Environment working party chaired by J. S. Cripps, QC, which was reported in September 2001. The reported aims of the bill are to make the court less daunting and costly for smaller appeals, while improving the quality of appeals on major and controversial developments. The bill amends the Land and Environment Court Act to define two types of hearings: on-site hearing matters, which are intended to keep small issues informal and minimise costs, and court hearing matters, with increased encouragement for the court to inspect the site and improved access to relevant expertise.

Other changes involve giving the court power to impose an easement, improving the likelihood that the review of a consent can be done by council rather than the court. The Minister, in his second reading speech, reported that additional changes will be made via a task force made up of the Local Government, Planning and Attorney General's departments. Issues to be dealt with in this way include training for local councillors and court officials, changes to costs awards of the court, and greater use of alternative dispute resolution. I ask that the Attorney keep Parliament informed about the progress of these vital reforms.

On 30 June 2000 I made a submission to the review of the Land and Environment Court on behalf of the Bligh community. In my inner-Sydney seat of Bligh the population is increasing and development is booming. A significant proportion of my representative work deals with assessing development applications, making submissions and speaking at council meetings, at the demand of increasingly affected and alarmed residents. The Government's urban consolidation policies have put increasing pressures on local amenity and the rights of existing residents for a reasonable standard of living. Applications for development that substantially exceeds community-endorsed development controls are too frequent.

There is a community perception that councils are powerless to stop all but the most excessive non-complying development and that the Land and Environment Court tends towards the legal rights to develop land. Residents often express to me their frustration about consultative council processes when they know that the court is able to veto the resultant decisions and they fear that councils will make a decision based on the possible cost of an inevitable court appeal. There is a belief that developers use the court to push ambit claims for denser, bigger developments. Court appeals come at a substantial cost, which translates into losses of local services and facilities for residents and ratepayers.

I am concerned that the proposed reform in this bill is severely restricted because the working party has recommended keeping the present system of full merit reviews. The changes do not deal with the major concerns that I raised in my submission, such as the perception that councils are powerless to stop non-complying developments as developers have access to the Land and Environment Court to push their ambit claims; the frustration that residents have that community-endorsed development standards will be vetoed in the court when council has made a decision in the interests of residents; the increasing potential for developers to exploit government and council preference for streamlined, flexible and interpretive planning controls. There is no increased protection for residents, such as rights to amenity, sunlight and quiet, or rights to comparable supports given to developers for the purpose of preparing an objection.

No limit has been placed on the ability of developers to present and get the approval from the court for substantial changes to plans that have not been subject to public notification, display or comment. The changes in this legislation might have some benefits relating to issues which I did raise in my submission to the review. There is an increased likelihood that the court will go to on-site meetings to see the local context of the development, although this important step can be skipped by agreement. I would have thought that would be very much part of the process. Certainly councils conduct regular inspections. The inclusion of urban design and heritage as possible areas of expertise for appointed commissioners may help address and prevent some disturbing court decisions. I would have thought that was the very least that could occur given the response from the former Prime Minister and the Premier to local residents about the nature of urban development. Also the strategies to keep review and modification of consents with elected councils are welcome and may prevent some developments being decided by the court.

The failures of this bill are largely the fault of the working party that seemed designed to maintain the status quo while making it look as though action was being taken. The working party's recommendations largely focused on maintaining the rights of developers at the expense of the rights of neighbours and the local community. Despite serious community concerns about the bias of the existing system, the working party recommended continuation of the systemic pro-development bias. The use of pre-lodgment discussions with developers was encouraged—this is something that has concerned me for a very long time—without similar assistance guaranteed for the broader community who are concerned about the impact on their environment.

Pre-lodgment discussions, particularly where the same council officer is subsequently involved in assessment of a development application, create a perception that the interests of the developer have captured the council. Similar support needs to be provided by councils for residents concerned about the impact a development would have on their rights and amenity. I am also concerned that continued and increased delegation of development approvals to council officers was supported, even though decisions made at that level are less transparent and accountable. A legal framework is needed to prevent decisions being made under delegated authority where there is an impact on neighbours, any variation of the local environmental plan or development control plan standards or any issue of public interest.

The working party supported retention of the court's powers to depart from the provisions of the development control plan that apply to State environmental planning policy No. 1, which permits an application to be approved on appeal without complying with relevant development standards. That is a very deep concern to me. I am also very concerned that the working party supported the court's ability to consider amended applications rather than requiring amended development applications to be reconsidered by council, where there is full public scrutiny and accountability. I will move an amendment in Committee to address that issue.

In conclusion, I am very disappointed that an opportunity for real reform has been lost. This bill will substantially maintain the status quo about which so many of us are concerned, which favours the rights of developers over the rights of local communities to control the environment through effective and enforceable planning and development controls. People are really upset about the bias towards development and against residents and their environment. The key issue needing extensive public consultation and legislative change is the continued ability of State environmental planning policy No. 1 to provide for substantial change without any limits. And, of course, we all know about Rockdale.

Miss BURTON (Kogarah) [8.52 p.m.]: I also support the Land and Environment Court Amendment Bill. Its objects are:

- (a) to amend the *Land and Environment Court Act 1979*:
 - (i) to facilitate the hearings of proceedings in Class 1 (environmental planning and protection appeals) of the jurisdiction of the Land and Environment Court ... that are brought under section 97 of the *Environmental Planning and Assessment Act 1979* by making a distinction between matters that are to be dealt with by way of a conference presided over by a single Commissioner (an *on-site hearing matter*) and matters that are to be heard by the Court or by a panel consisting either of two or more Commissioners or of a Judge and one or more Commissioners ...
 - (ii) to specify the arrangements by which on-site hearing matters and Court hearing matters are to be dealt with, and
 - (iii) to enable the appointment of part-time Commissioners of the Court as well as full-time Commissioners and to broaden the qualifications for appointment as a Commissioner, and
 - (iv) to enable the Court to grant an easement as an ancillary order to the grant of development consent, and
- (b) to amend the *Environmental Planning and Assessment Act 1979*:
 - (i) to enable an applicant for the review of a determination of a development application to make modifications to the development described in the original application, and
 - (ii) to enable the Court to modify a development consent granted by it, and
 - (iii) to enable a council to modify a development consent granted by a Court, and
- (c) to amend the *Statutory and Other Officers Remuneration Act 1975* by way of statute law revision.

I briefly raise a matter that the Land and Environment Court working party considered to be of some importance, and about which there appears to have been a considerable level of ignorance in certain quarters, and a need for education. That matter is the stop-the-clock provisions of the Environmental Planning and Assessment Regulation 2000. Development assessment by a local council or other consent authority must balance the need for a proper consideration of a proposal with a timely decision on whether it can go ahead. Councils and other authorities that assess development applications are given 40 to 60 days to determine them, depending on the type of development in question. After that time the applicant can request the Land and Environment Court to determine the application on appeal.

Having the right information about a proposal is critical to proper assessment of the application. Allowing the clock to be stopped for additional information requests—but only within certain periods—helps the consent authority to make a good decision on a development application while not unduly holding up the decision for the applicant. The Land and Environment Court working party considered that appropriate use of the stop-the-clock provisions will extend the time that councils have to consider development applications. This should reduce the number of appeals against deemed refusals.

The stop-the-clock provisions are included in clauses 54, 109 and 112 of the Environmental Planning and Assessment Regulation 2000. Under these provisions the council may request additional information from an applicant that it considers necessary for its proper consideration of the application and may specify a reasonable period within which the information must be provided. The assessment period clock stops only when the request is made by the council within 25 days from the day when the development application was lodged, and the council is required to notify the applicant of the effect of the request on the assessment period.

For most proposals, a council has 40 days in which to assess and determine a development application before it is deemed to be refused. The period is 60 days when the application is for designated or integrated development or development for which concurrence of a concurrence authority is required. When a council is able to stop the clock, the time taken by the applicant to provide the additional information is not included in the 40 or 60 days deemed refusal period. An applicant may appeal to the Land and Environment Court under section 97 of the Environmental Planning and Assessment Act 1979 against a deemed refusal.

The Land and Environment Court working party reported that the information available to it indicated many local councils did not use their power to stop the clock on development applications. This suggests they may simply be unaware of that ability, or they do not have appropriate procedures in place to ensure a preliminary assessment of applications can be made within the 25 days during which the power may be exercised, in order to determine whether any additional information is required. By contrast, the working party received statistics from the Environment Protection Authority on its use of the stop-the-clock provisions, which were considered to be very important to the maintenance of its excellent record of completing assessment work on time.

All of this indicated that there is room for improvement by councils in their handling of the assessment process, and that appropriate use of the stop-the-clock provisions of the Environmental Planning and Assessment Regulation 2000 would very likely lead to more development applications being determined within the statutory assessment periods, and consequently to fewer appeals to the Land and Environment Court. This is not a matter requiring legislation; it is a matter that I bring to the attention of this House in order to highlight the need for education in the community, and especially within local government. I commend the bill to the House.

Mr HUMPHERSON (Davidson) [8.59 p.m.]: In many respects the bill is aspirational but I do not believe it will significantly change the dynamics of the planning process and applications made within it. There will still be ongoing overdevelopment in many communities and urban consolidation at an unacceptable level will continue to be a problem for councils dealing with residents individually and collectively. In many cases the Land and Environment Court is not to blame. In some cases it has been made a scapegoat, unnecessarily. Most problems have been a consequence of conflicting State Government policies, which have overridden or facilitated the overriding of local planning instruments and development control plans. In many respects, State environmental planning policies [SEPP], particularly SEPP 5, and other changes facilitated through SEPP 53, have driven a greater degree of conflict and disappointment at the local community level. They have forced councils and councillors to take matters to the Land and Environment Court, whereas they may not have needed to get to that stage.

The Minister alluded to the possibility of the Government reviewing the matter of costs. In many respects this has been a timid approach to try to change the dynamics in which development applications are dealt with. There is scope to look at costs and I would be interested in the Minister, in his response, flagging what he has in mind, given the comments he made on introducing the bill. If that is not to be achieved by way of changes provided in this bill there is certainly scope for the Minister to indicate the Government's plans and to reflect on some of the suggestions which came out of the working party.

I refer now to the roles and obligations of councils and applicants. We are all very conscious of numerous examples of development applications which have complied in the main with local environment plans and councils' development control plans. However, because of a system that encourages objections or an expectation that an objection will lead to refusal, that sometimes results in councils' ignoring their obligations and allowing matters to go to court. That results in substantial delays for applicants and substantial costs for councils in lost staff time and resources, sometimes requiring external consultants to be engaged.

When councils have a development control plan or local environment plan in place, for which they have been responsible, and complying applications are received, the councils should not avoid their obligations; however, many do. Greater obligations need to be placed on applicants. There needs to be a winding back of the availability of applicants lodging applications that clearly do not comply with local environmental plans or development controls. Many put in non-complying applications and then go off to court seeking to make an ambit claim, and make an appeal on a deemed refusal after 40 days and then some minor concession in the court leads to an approval. The discretion available to the court has encouraged applications of that nature.

The bill does not meet the community's expectations. The community needs a system that is transparent and does not have the degree of discretion, the degree of non-compliance, which is seen all too frequently. The planning system should not be able to be overridden to the degree it currently is by State planning policies. Far too often most discontent at the local level has been facilitated by the Carr Government's urban consolidation through the regional environmental plans and State environmental planning policies. In many respects the planning system encourages conflict, and that is facilitated by conflicting development controls and responsibilities.

The ambit nature of many development applications that do not comply and the encouraging of objections will not be changed or ameliorated by this bill. The bill is not a panacea for development concerns.

The problems that are visible and have been ongoing for the past seven years will continue until the Government gets the message, withdraws, and allows communities a greater say in the development controls and the nature of controls within their communities. Until that happens that discontent will remain.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [9.05 p.m.], in reply: I thank honourable members who have contributed to what has been, generally, an extremely constructive debate on this bill. In reply to a number of issues raised I will first touch upon the question of merit review, which was a matter of considerable controversy in some of the debate that followed the report of the working party and preceded the drafting and introduction of the bill.

The Land and Environment Court working party gave considerable attention to the question of whether the court should continue to conduct merit review of councils' determinations of development applications. The truth is that the majority came down strongly in favour of retaining merit review, and I agree with them. The availability of merit review gives applicants for development the right to have their local councils' decisions scrutinised by an independent umpire. That right has existed in this State for at least 70 years and helps to ensure that local councils are accountable for their decisions and it helps to enhance the quality of those decisions by and large.

It has been suggested that the availability of merit review is antidemocratic, because it means that decisions made by elected representatives of local communities are made subject to review by an unelected individual, namely a judge or commissioner of the Land and Environment Court. That argument is frequently made, especially in the inner city. It is notable that those arguments come from the inner city and are noticeably absent in most parts of the State.

Ms Moore: Look where the development is happening.

Mr DEBUS: Development happens in many places, but in particular forms in different places, and therein lies the explanation for the inner city's eccentric view on these matters. The argument that there should not be a court reviewing the decision of elected representatives, entirely misunderstands the nature of decisions about development applications. Essentially they are administrative decisions, not legislative decisions. That is, they are decisions of a public authority, which directly determines the rights of individuals on a case-by-case basis. Since the 1970s there has been growing acceptance in this country that members of the public should have a right to have administrative decisions which affect them reviewed on their merits by an independent and impartial tribunal.

That happens everywhere and as a result of that acceptance today there is a wide-ranging system of administrative appeals in every Australian jurisdiction. The fact that a decision was made by a person who was elected to office makes no difference at all for the purposes of administrative law. Indeed, local councils are in no way the only elected people whose administrative decisions are subject to merit review on appeal. Many decisions of Ministers of the Crown or of their delegates are open to exactly the same scrutiny. Some of mine are. Those who argue that there should be judicial review only for council determination of development applications are effectively suggesting that outside scrutiny of those decisions should be entirely or severely curtailed, leaving only a very narrow and highly legalistic avenue of appeal.

That is likely to prove quite inaccessible to small-scale developers, such as home owners and business operators. Again, and this is a frequently misunderstood circumstance, small-scale developers are at present the majority of the appellants in the Land and Environment Court. That result would simply not be acceptable. Whatever else may be argued, that result would be quite unacceptable. Not many people in New South Wales would find it acceptable for local councils to make decisions of this nature and not be subject to appeal in any meaningful sense.

I turn now to a question raised by the Deputy Leader of the Opposition about proposed changes to section 82A on the Environmental Planning and Assessment Act concerning the review of a determination. That section allows a council to review its determination of a development application, provided the applicant makes a request within 28 days of the determination. That gives the council an opportunity to reconsider its decision. A review provides time for further negotiation before an applicant may decide to appeal to the Land and Environment Court. However, at present the council is able to consider only the original development application; it cannot consider alterations to it.

As the honourable member for Liverpool pointed out, the proposed changes will extend the time within which the local council may review its determination of a development application. That extension of time is

from 28 days up to one year or, if the application is subject to an appeal, up to the time that the court hands down the decision. The proposed changes will make it clear that an applicant may make minor modifications to the application for the purposes of the review. The council must be satisfied that the development remains substantially the same, but the bill provides that if any modifications are made they should be publicly notified in the same way as an application for the modification of a development consent. The notification requirements, therefore, will ensure that members of the public have an opportunity to comment on any modifications that might affect the potential impact of the development.

The amendments are designed to encourage councils to take advantage of the power to review determinations. Allowing some modification of the proposal will increase opportunities for issues between council and an applicant to be resolved. It is consistent, therefore, with the whole spirit of the changes to the legislation. This will facilitate the ease of resolution of issues that have arisen between council and an applicant. Extending the review period to one year will allow time for preparation and consideration of a revised proposal. The result should be to reduce the need for appeals to the court where a negotiated settlement is reached between council and the applicant after an initial determination has been made. I mention also some specific matters raised by the honourable member for Ku-ring-gai, who complained that Ku-ring-gai Municipal Council spends a rather large amount of ratepayers' money running cases in the Land and Environment Court.

In the Ku-ring-gai local government area there are frequently disputes about the operation of SEPP 5, which is designed to provide housing for older and disabled people. Ku-ring-gai council maintains, as it vociferously argues from time to time, that it is being called upon to approve a high volume of SEPP 5 housing, which appears to be a direct result of the unwillingness of the council to develop a sound housing strategy. Consequently, developers are left with very little opportunity to develop medium-density housing in that area, other than through the application of SEPP 5. If Ku-ring-gai council wishes more success in the Land and Environment Court, in fact to appear there less often, it should follow the suggestion of the Minister for Planning. It should develop a housing policy that can be approved under the Minister for Planning's existing arrangements as an appropriate substitute for the general operation of SEPP 5.

I turn to costs and the circumstance raised by a number of people, including the honourable member for East Hills, the honourable member for Keira and the honourable member for Davidson. Those who have been in local government, especially when they have left it again, are prepared to be very frank about the situation that often applies to a council decision about a particular development. Notwithstanding an application meeting the general requirements of existing planning arrangements the council has in place, if a particularly vociferous group oppose the application, or if it is politically difficult, just about everyone who has been in local government is prepared to admit that councils have the habit of refusing the application and letting it go to the court. They do that in the full knowledge that the court will, in turn, decide that the application is legitimate but that the court will receive whatever political opprobrium attaches to the decision.

The working party suggested that a new practice should be established in the rules of the court. The Government has commissioned a task force consisting of the chief executive officers of the Department of Local Government, the Department of Planning and the Department of the Attorney General to oversee the recommendation and a number of other non-legislative recommendations made by the working party. It is expected that the recommendation for the new rules will suggest that costs will be awarded against any party that puts the other party to unnecessary expense. If a party proceeds to the Land and Environment Court with a plainly spurious case or avoids a self-evident decision for a particular application, then subject to designing the precise details of the new rules for the court, the party is likely to bear the cost for the whole case.

A few awards of that nature will see councils following the advice given particularly eloquently by the honourable member for Keira. They will have to take responsibility for their own planning laws and implement them in a reasonable fashion rather than allow the court to implement planning laws for them at great expense to taxpayers and at quite unreasonable expense, from time to time, to the reputation of the court itself. The Land and Environment Court working party heard a lot of allegations to the effect that the court was biased and that certain members of the court were biased against applicants in favour of developers. There is an argument that there is a systemic bias inherent in appeals for a development application. The working party spent a lot of time examining these allegations but did not find one substantiated. None of those who made accusations of that sort during the hearings of the working party could show a single case where a reasonable apprehension of bias appeared to exist on the part of any member of the Land and Environment Court.

This is not an argument that I have to, as it were, show is true in every single case in the whole of history. But in the circumstances the application of bias appears generally to have been motivated by discontent

in some parts of local government that councils are not getting their way in planning appeals. I repeat that at least the significant majority of appeals to the Land and Environment Court are not by the big developers whose names are well known within the lounge rooms of the State. The great majority of appeals are actually brought by people who want to put an extension on their house, make alterations of some sort or erect a small building for the purposes of conducting a small business.

I should explain also why the working party has recommended that the court should retain the power to apply SEPP 1 and other State environmental planning policies. I do this particularly for the honourable member for Bligh, as I know she is now hanging upon my every word. When the court hears a planning appeal it takes on all the functions and discretions of the original consent authority in relation to the development application in question. Once the continuation of conducting merit appeals is supported, other consequences apply. The court takes on all those functions and discretions of the original consent authority; it steps into the shoes of the consent authority. For the purposes of an appeal it may apply SEPP 1 or any other SEPP in exactly the same way as the consent authority, which is generally what a local council could have done. You cannot support the proposition of a merit appeal without supporting these propositions as well.

The Land and Environment Court working party set out in its report the criteria to be considered by consent authorities and the court in determining whether to apply SEPP 1 to vary a development standard. It is unnecessary to go through those details now, but no evidence of misuse of SEPP 1 by the Land and Environment Court has been presented to me. Indeed, I am not convinced that there is any particular problem with the court's approach to it. I do note, however, that SEPP 1 was recently the subject of review by Planning New South Wales and that a number of proposed amendments to the policy itself may be exhibited.

Ms Moore: In relation to what councils?

Mr DEBUS: Generally. If those amendments to SEPP 1 are made, of course they will then apply to the decision of the court when it conducts a merit appeal. Finally, much controversy and misunderstanding has surrounded the ability of an applicant to make changes to the plans included in a development application after the local council has determined the application and either before or in the course of an appeal, against the determination, to the Land and Environment Court. It is important to understand, as the Land and Environment Court working party explained in its report, the court does have the jurisdiction to consider changes to plans, or amended plans as they are sometimes called. However the development application must, as a matter of law, remain substantially the same as the one originally lodged with the local council. That is important to some of the issues the honourable member for Bligh raised.

There has been a suggestion that there be a requirement that any changes to plans that an applicant proposes to make on appeal should be referred back to council for consideration before being considered by the court. I agree that the court should not consider changes to plans unless and until council has had an opportunity to consider those changes. This is another application of principle that will help us reduce the amount of time that litigants need to spend in court, but an Act of Parliament is not needed for this purpose. Instead, we will call on the rules committee of the Land and Environment Court to amend its rules so that changes to plans are considered by the court only when council has itself had an opportunity to consider them. That being said, I commend this quite significant legislation to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 5 agreed to.

Schedule 1

Ms MOORE (Bligh) [9.25 p.m.]: I move:

Page 9, schedule 1. Insert after line 29:

[11] Section 40A

Insert after section 40:

40A Restriction on granting development consents

- (1) In proceedings in Class 1 of the Court's jurisdiction relating to a matter under the *Environmental Planning and Assessment Act 1979*, the Court may not grant a development

consent that is based on development proposals that are substantially different from those submitted with the original development application.

- (2) In determining whether a development proposal is substantially different from a previous development proposal, the Court is to have regard to the following matters:
 - (a) whether the proposed floor space ratio or height of any buildings the subject of the development proposal has increased by more than 10 per cent,
 - (b) whether there are any changes to the development proposal that will result in any new environmental impacts on the surrounding neighbourhood (for example, increased overshadowing),
 - (c) whether there are any changes to the purposes for which the development is proposed (for example, a change from a proposed residential use to a commercial use),
 - (d) any other matter that the Court considers significantly changes the nature of the development proposal.

I move this amendment in order to require that a substantially altered development proposal be referred back to local council or any other consent authority as a new development application rather than being approved by the court. The community has an expectation that the Land and Environment Court will rule on the development application that was before the local council. However, the Land and Environment Court currently is able to consider a development proposal that is substantially altered from what was submitted originally to council. This creates an impression that the Land and Environment Court is used by some developers to make an ambit claim for more dense and bigger developments.

I point out to the Minister that the amendment is not intended to prevent minor variations being considered by the court that could genuinely improve the final development. I believe this is an important amendment. People have a right to have a say about their living environment. There is a great deal of concern in the city, as the Attorney alluded to in his reply to the second reading debate, about impacts of development on peoples' lives. I believe it is very important that people should have the security of knowing that development controls and planning instruments a council has put in place will be respected during the development application process. It is important also that people can have some security in knowing that their living environment and amenity are not going to be destroyed by a development approval that overrides planning instruments different from those council has democratically developed.

If developments are going to substantially change, as this amendment directly deals with, I believe that people should have a right to come back to council and be involved in the negotiations about whether the development should proceed in the local area. It may have a serious impact on their lives. This is an important issue for me as a city representative. I spend time during many dinner breaks of this Parliament at South Sydney council because residents are so distressed by the overdevelopment occurring in their area.

This amendment is one proposal that might prevent the destruction of people's urban environment and their amenity. It might enable residents—and businesses for that matter—to remain in the loop of the approval process. I urge the Attorney to seriously to take the amendment on board. It might relate particularly to the city area but, given the development boon that is occurring in the city, the densities, and the impact that development has on people's lives, their distress and the effect it has on their neighbourhoods, as well as their wish to continue to have a say in the environment in which they live, I ask that it be seriously considered.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [9.30 p.m.]: I remind the honourable member that I have already pointed out that the development application that is before the court must remain substantially the same as the one originally lodged with the local council. That is a matter of law. Even so, with respect to any changes to plans that an applicant proposes to make on appeal, there is a recommendation in the report of the task force that council should have the opportunity to consider those changes. I also point out that such an arrangement will be included in the rules of the Land and Environment Court that are being established.

At least some of the concerns raised by the honourable member are covered in the arrangements I have described. I also think that, to some degree, there is confusion between a concern about what the honourable member thinks to be overdevelopment and the planning law itself. In other words, the court must, by its inherent nature, consider the existing planning laws. It is a separate question as to whether one agrees or disagrees with them, but issues of disagreement with planning laws cannot be solved by trying to change the rules of the court. That kind of approach would only reinforce confusion about what we are doing here and, indeed, about what the court does.

The court can take into account the kinds of criteria that the honourable member is suggesting. The four criteria she has set out are certainly within the leave of the court to consider, but it is a contradiction of the nature of a merits appeal to suggest that the court can be restricted to only those four criteria. If we are to have real merits appeals, the court must be unfettered in the criteria it considers whilst, on the other hand, being confined by the arrangements I have just described that we will write into the rules concerning referral back to council—remembering, again, that a development application must, under the law, remain substantially the same as the one that was lodged with council in the first place.

In other words, we are talking here not about a court simply running out of control but about a court which, on the one hand, has the discretion to exercise its judgments as it thinks fit within the law—a law which, in turn, ensures that the development's central nature cannot be changed without the knowledge of the council. However, the honourable member may care to seek further advice. In the coming days she might wish to speak to members of my staff. If another amendment were amenable to her, a member of the Legislative Council might move it on her behalf. However, the Government does not accept this amendment.

Amendment negatived.

Schedule 1 agreed to.

Schedules 2 and 3 agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

RURAL FIRES AND ENVIRONMENTAL ASSESSMENT LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 30 May.

Mr STONER (Oxley) [9.36 p.m.]: At the outset I indicate that the Coalition will not oppose the Rural Fires and Environmental Assessment Legislation Amendment Bill in this House. It is regarded as a necessary piece of legislation following the Christmas 2001 bushfires. Although lives were not lost, the fires were particularly intense and destructive, not just because of the extreme weather conditions at the time but because of the high fuel loads in many New South Wales forests. The parliamentary inquiry that has been established to inquire into those bushfires has found that fuel loads, as reported by some witnesses, were up to armpit deep. Certainly, evidence given by expert firefighters, despite the Minister's contentions to the contrary, has been that hazard reduction is most effective in ameliorating the effects of bushfires in Australia and that not enough hazard reduction, particularly on public land, was carried out prior to those fires.

The presence of quite a large quantity of fuel in forests contributed to the crowning fires that were experienced during the bushfire crisis in the Christmas-New Year season just gone. In a bipartisan way we must do all we can to prevent such disastrous wildfires and to minimise risk to the lives of both residents and firefighters. During those fires, volunteer firefighters reported that their lives were at grave risk and in some instances they were saved only by the timely presence of aerial firefighting, such as helicopters. The Coalition acknowledges the magnificent work of firefighters and other volunteers during the recent crisis, when they fought particularly nasty fires. However, we should prevent unnecessarily intense fires wherever possible and thereby lessen the huge expense associated with the massive firefighting effort required and the risk to the lives of volunteers and firefighters.

The purpose of the bill is to amend the Rural Fires Act and the Environmental Planning and Assessment Act. First, it will require local government to record on maps within 12 months of the passage of the legislation land identified by the Rural Fire Service commissioner as bushfire prone. Second, the bill will prevent development consent for such land unless the consent authority is satisfied that the development meets bushfire protection standards, which are laid down in the "Planning For Bushfire Protection" document published in 2001, or that the commissioner has been consulted. Third, the bill will require bushfire-prone land to be shown on planning certificates under section 149 of the Environmental Planning and Assessment Act. Fourth, the bill will provide for the commissioner to conduct audits of bushfire risk management plans, for details of audits to be included in Rural Fire Service annual reports, and for management to make annual reports on bushfire risk management plans to the Bushfire Co-ordinating Committee.

Fifth, the bill will require local and public authorities to report to the commissioner about their hazard-reduction activities. Sixth, it will establish a procedure for complaints when an authority, landowner or occupier has not carried out hazard reduction work. Seventh, it will enhance the powers of the commissioner to carry out bushfire hazard reduction work. Eighth, the bill will require the authority of the commissioner for vulnerable developments, including retirement villages, aged accommodation, schools, child care centres, hospitals, homes for the disabled, tourist accommodation, including hotels and motels, and State environmental planning policy 5 developments—a particularly topical issue for the honourable member for Ku-ring-gai. Ninth, the bill will streamline approval processes for hazard reduction by issuing one certificate in place of numerous other existing approvals, subject to the work being done in accordance with the bushfire environmental assessment code. Tenth, it will provide for the commissioner to make bushfire danger period declarations and to issue fire permits. Last, the bill clarifies that emergency firefighting activities are not subject to various planning and licensing requirements.

This is a fairly extensive bill that the Government has described as a "package of measures". It has several facets about which I shall comment. The bill was introduced in quite a hurry following the release of several reports, including that of the interdepartmental committee that reviewed environmental assessment of bushfire hazard reduction, the bushfire disaster last summer and the subsequent inquiry, and reports of possible legal action by residents affected by the fires. The Government commissioned the report in 1999 and the committee reported in September 2001. After the most recent bushfire disaster the Government was criticised on the basis that insufficient hazard reduction was carried out in the years prior to the fires. Those criticisms are valid in that hazard reduction has suffered as a result of a complex process of approval involving environmental assessment, which has reduced hazard reduction work in national parks from almost 50,000 hectares per annum in 1993-94 to fewer than 7,000 hectares in 1999-2000.

According to the evidence of some witnesses who appeared before the inquiry and other commentators, this is due to the proliferation of green tape—a view that is borne out to some extent by the recommendations in the interdepartmental committee report. A number of fire victims from the Warragamba area recently announced their intention to sue the Government over inadequate hazard reduction in adjacent national parks. I mentioned the Joint Select Committee on Bushfires that inquired into the Christmas fires and is due to report shortly. I am sure that the Government is keen to be seen to be taking positive action to improve hazard reduction processes and to prevent development in fire-prone areas. The Government recently announced an additional \$4.5 million and 53 hazard reduction staff for the Rural Fire Service.

Significantly, I have received feedback from Rural Fire Service volunteers that, because of the attempted whitewash of the hazard reduction issue, they no longer hold the Government and the Rural Fire Service commissioner in high esteem. It has been claimed that the Minister for the Environment holds too many portfolios. He is also the Attorney General, the Minister for Emergency Services, and the Minister Assisting the Premier on the Arts. There seems to be a conflict between his Environment and the Emergency Services portfolios. I am sure that as Minister for the Environment he seeks to do everything he can to prevent any damage to biodiversity and listens to the Green lobby groups that are so prevalent today and so strongly oppose hazard reduction burning based on the misinformed notion that it leads to the loss of biodiversity.

In fact, the interdepartmental committee, which had input from the National Parks and Wildlife Service, the Department of Land and Water Conservation and other agencies, found that bushfire hazard reduction burning and other hazard reduction work contributed to the preservation of biodiversity. Those in rural and regional New South Wales with experience on the land—many for generations—will confirm that cool burning undertaken during the winter months under the right conditions is good for the environment. Australia's ecology has developed in the context of seasonal bushfires—indeed, our native flora and fauna not only survive but flourish under the right burning conditions. Some of the notions that have shaped bushfire policy and affected the amount of hazard reduction activity in this State have been proven not only wrong but disastrous.

As I said at the outset, the Coalition does not oppose this legislation. We argued before the Christmas 2001 bushfire disaster that greater priority should be given to hazard reduction. Therefore, any initiatives aimed at streamlining approvals and monitoring and enforcing hazard reduction work must be welcomed. It is a fact of life that we must take account of our unique landscape and weather conditions when making planning and development decisions. We particularly welcome the fact that the bill will make public lands subject to the same Rural Fire Service requirements as currently apply to private land under the Rural Fires Act. That said, we have several concerns about the bill that we ask the Minister to consider.

Firstly, the Rural Fire Service is given a substantial increase in powers, and I would expect that those powers will be exercised with some discretion. Certainly, bushfire-prone land receives some statutory authority

in the context of this bill, and the document "Planning for Bushfire Protection" now assumes a much greater significance. I hope that the Minister and his department will consult very closely with local government and developers on the implications of that document. Certainly in relation to land that may be declared to be fire prone—particularly privately held land—this legislation will have an impact on those landowners.

Private parcels of land may now be mapped by local government and may be subject to restrictions on developments and certain additional requirements in relation to development applications. There could be some substantial impact on the value of that land if, because the land is declared fire prone, it cannot be developed. I ask the Minister to consider that issue. There is certainly no provision for any compensation for land which, prior to this legislation may have been easily subdivided or developed, but now cannot. If the land is no longer easy to develop and that affects its value, that point ought to be considered. This legislation should not impose a blight on land without the impacts first being considered.

Alternatively, because of this bill, landowners who intend to develop land could rush to clear it. That would be another unintended consequence of the legislation. I am not sure the Minister has considered it. In an endeavour to have potentially bushfire-prone land not so declared prior to the 12-month mapping period, there could be wholesale clearing of land. That concern has been raised with me, and I hope the Minister does not trivialise it as he did before; I hope he takes it on board and considers its implications.

The requirement for councils to include bushfire prone land on maps within 12 months is regarded by local government as another unfunded mandate. Certainly there have been many instances in which this Government has by legislation created an additional workload for local government, without giving it additional resources yet imposing rate pegging and other restrictions on its revenues, particularly in regional and rural New South Wales. A letter from the Local Government and Shires Associations states:

The time given for our staff to briefly assess the bill was most inadequate, and perhaps more significantly meaningful consultation and feedback with local government has not occurred. We see this as a complete breach of the promise given by the Minister during the 24 January 2002 meeting that the Associations would be fully consulted on the content of material that would become Cabinet briefing papers on the agreed basis that prior support from local government would provide significant acceptance of the Government's proposals.

Mr Fraser: Weren't they consulted?

Mr STONER: No, the local governments were not consulted; they certainly did not have sufficient time to comment on this bill before it was introduced in a hurry into this place last week.

Mr Webb: Yet they have to pay for the plans?

Mr STONER: I have been assured by the Minister's office that if a council does not have the technology or the resources to develop these plans within the required time frame, the Rural Fire Service will assist it.

Mr Debus: That has already happened.

Mr STONER: That is good, Minister. I am pleased to hear that and I will hold you to that promise.

Mr Debus: The whole process has virtually finished.

Mr STONER: Well, that is good to hear also. But, Minister, if you had consulted properly and given sufficient time for local government to consider this bill it would not have raised these comments with me. One aspect of the bill around which the entire promise of streamlined hazard reduction approvals hinges is the Bushfire Environmental Assessment Code. At this stage there is no Bushfire Environmental Assessment Code, yet we are asked to take on trust the Minister saying, "We will streamline." We simply do not know what will and what will not be in that code: It could be better than the existing green tape that those seeking to implement hazard reduction suffer, or it could be worse. We simply do not know. The Minister is simply asking the Opposition, and indeed all communities throughout New South Wales, to trust him that the Bushfire Environmental Assessment Code will result in streamlined hazard reduction.

Certainly on the surface the process of one approval via local government is welcomed, but we need some assurance about what will be in the Bushfire Environmental Assessment Code, and that it will not simply be further green tape. I note that it will not be necessary to undertake an eight-part test under the Threatened Species Conservation Act, and that is welcomed. I also note that the code will be developed by the

Commissioner of the Rural Fire Service in consultation with the key stakeholders identified in the bill. A working group chaired by the Rural Fire Service will include representation from the New South Wales Fire Brigades, Planning New South Wales, New South Wales Fisheries, State Forests, the National Parks and Wildlife Service, the Nature Conservation Council of New South Wales, the Local Government and Shires Associations, New South Wales Farmers and the Department of Land and Water Conservation. I also note that prior to its finalisation the code will be publicly exhibited for 42 days and that submissions from the public will be considered.

Additionally, the Minister has stated that hazard reduction approval will not be required for routine agricultural activities such as stubble burning, burning diseased crops, orchard pruning and grazing. Certainly the National Party, which represents most of country New South Wales, welcomes that commitment from the Minister. There is a reasonable process for the development of the Bushfire Environmental Assessment Code to include stakeholders, and we will take on trust the Minister's assurance that there will be full and proper consultation on the code, with provision for public submissions, and that the process will be streamlined at the end of the day.

I am concerned that the bill includes the additional step of consultation with the Rural Fire Service Commissioner about development applications, not in all cases but only where there is doubt or where the development application is seen not to comply with the guidelines. The Opposition would seek some commitment from the Government that this additional step will not add significantly to the time taken for development applications which, in many cases, is already too long. I understand that service level agreements are in place between the Rural Fire Service and councils, and that it is intended that the turnaround period be in the order of two weeks when additional consultation is required.

I am assuming that declaration of bushfire danger periods and the issuing of fire permits will be done by local fire control officers and not the head office of the Rural Fire Service. It is vitally important that local factors are the primary consideration in these matters. There should also be a timely turnaround with fire permits. Usually there is a short window of opportunity when people can undertake burning of rubbish and the like.

Mr Fraser: Hear! Hear!

Mr STONER: It is often only a couple of days on the North Coast. The honourable member for Coffs Harbour interjects as usual. We experience variable weather conditions, particularly from spring on when there may be storms and then dry periods. So the time taken to assess the permits must be minimal and the response must be timely. I hope that the Minister will address those issues in his reply. The bill represents a diversion away from the real issues: the Government's failure as the largest land-holder of bushfire-prone land in New South Wales and the insufficient hazard reduction in national parks prior to the Christmas 2001 bushfire disaster. Unless the commissioner uses the powers contained in the bill against the National Parks and Wildlife Service the measures will only be at the margins.

The bill represents a continuation of Labor's too-little too-late approach to government. The Labor Government was warned of high fuel levels in forests by the Federal Government in 2000, and of problems with green tape over hazard reduction in its one interdepartmental committee report in September 2001. Why did the Minister not listen to Wilson Tuckey? He predicted the problems. The inquiry into the 1994 bushfire disaster recommended improvements to hazard reduction which were not fully adopted. Why has it taken a major bushfire disaster before Labor has acted on bushfire reduction?

Recently I was contacted by the New South Wales Farmers Association. It recommended two minor additions to the bill to amend the Rural Fires Act 1997. The first amendment relates to section 76 (6), which concerns notices to repair or restore dividing fences. The association, with the support of the Opposition, suggests that deleting this section from the Act would remove the current exemption that exists for public land managers. It would require public land managers to repair or restore the dividing fence at their expense if it was damaged by fire and if an owner has previously cleared his side of the fence and issued a notice which has not been acted upon. The provision already exists for private land-holders. Therefore, the amendment is another step to achieving equivalent accountability on hazard reduction between public land managers and private land-holders. This is certainly in line with the aims of the bill.

As a consequence of the deletion of section 76 (6), section 80, which relates to entry to certain lands to establish fire breaks, also ought to be deleted. This section, which allows land-holders to undertake bushfire

hazard reduction work on certain land, with exceptions, not more than six metres wide along the boundary of the land is no longer required if the aforementioned section 76 (6) is removed. The Opposition will seek to introduce those amendments in the other place. In conclusion, the Opposition does not oppose the bill.

Mr W. D. SMITH (South Coast) [10.05 p.m.]: I support the Rural Fires and Environmental Assessment Legislation Amendment Bill. I am pleased that the Opposition will not oppose it. I am fortunate to represent a community that is in one of the most beautiful areas in the State. Like residents in many other bushland communities in south-east Australia, residents of the South Coast know that the natural beauty of the bushland they value so highly is accompanied by the risk of fire. That risk has been a constant for our continent, and we have learned much about minimising the risk. On 23 December 2001 and in the days following we experienced what were to be the most ferocious fires in the Shoalhaven district in living memory. With flames leaping up to 30 metres, the fire burned through about 95,000 hectares of bushland, along the way jumping the substantial natural fire breaks of the Princes Highway, the Braidwood Road and Jervis Bay Road.

Tragically, properties were lost. In my electorate houses were lost at Falls Creek, Tomerong, Woollamia, Huskisson, Vincentia, Wandandian, Jerrawangala and Sussex Inlet. Overall, 52 residences were destroyed in the South Coast electorate. Of course, the losses could have been much worse had it not been for the courageous and tireless efforts of some 5,000 emergency service workers, both paid and volunteer, who left their homes and families and workplaces to assist in fighting fires. The men and women who fought throughout the campaign—on the frontline, in planning, in communications, in catering and in welfare—achieved something unique. They faced flames of unparalleled ferocity and speed in unforgiving weather conditions—in some cases conditions of a type never previously documented. I recall driving back to the South Coast from Sydney after having Christmas lunch with my family. When driving down Cambewarra Mountain I saw that the length of fire along the coast must have been about 35 kilometres and I wondered how the fire could be stopped.

With the change in climatic conditions and the wonderful work of the firefighters we managed to save most homes. Only one life was lost, but not directly due to the fire. The firefighters were striving to defend thousands of homes built deep into bushland, strung out along ridges and on exposed streets. In fact, some of the developments were quite crazy. In thousands and thousands of cases the firefighters succeeded. The Government recognises that in developments such as these hazard reduction alone is not enough. That is why the Government is introducing this important bill that not only recognises the need to streamline the hazard reduction approval process but also recognises the need for responsible development.

This bill establishes, for the first time, a clear system of identifying bushfire-prone areas across the State. Within a year of the assent to this bill local councils will have to map areas within their boundaries that are subject to bushfire risks. The maps will need to be certified as authentic by the Commissioner of the Rural Fire Service. Councils will need to apply the principles of Planning NSW in its updated "Planning for Bushfire Protection" guidelines for future developments. When these developments do not comply the Rural Fire Service will be consulted. That means councils will be able to tap into the local expertise of their Rural Fire Service to avoid ill-advised development in fire-prone areas.

The bill also provides for the control of special protection developments and new residential subdivisions through a process of integrated development. Under those provisions, the commissioner will need to issue a bushfire safety authority for a development to be approved. The commissioner can attach conditions to that authority and the conditions will be mandatory. Those reforms will protect members of the community who may be most vulnerable to fire, such as children in schools and child care centres, aged people in retirement villages and nursing homes, the ill in hospitals and those with a disability.

Tourist accommodation, backpacker hostels and motels and the like also will be covered. That protection of visitors who may not be familiar with the lay of the land, local landmarks and emergency procedures is to be welcomed in areas that are as dependent on the tourism industry as the South Coast. Those sensible initiatives will facilitate responsible development for residents and visitors alike. I also welcome the provisions for streamlined hazard reduction approval. Those provisions reflect recommendations to the Government of an interdepartmental committee of agencies with varying fire and land management responsibilities.

The committee recommended a process which clarifies and simplifies the environmental legislative framework applying to bushfire hazard reduction work, provides a clear and streamlined environmental assessment process for proposed hazard reduction works conforming with a bushfire risk management plan, identifies a single approval body as a one-stop shop for private land-holders wishing to undertake bushfire hazard reduction and also applies the environmental assessment to each proposed hazard reduction rather than each land tenure affected by the fuel reduction work.

The bill amends the Rural Fires Act to provide for a streamlined approval process for bushfire hazard reduction work, removing it from the operation of the Environmental Planning and Assessment Act, the Threatened Species Conservation Act, the Native Vegetation Conservation Act and other environmental legislation. In future a land-holder will simply apply to his local council for approval to undertake hazard reduction. The council will issue a bushfire hazard reduction certificate in place of all other approvals, consents or authorities currently required by law. Those certificates will be issued free of charge and will be valid for a 12-month period during which the fuel reduction can be undertaken, provided it is consistent with a bushfire assessment code.

Under the new provisions major land management agencies such as State Forests, the National Parks and Wildlife Service, the Department of Land and Water Conservation and councils wishing to undertake hazard reduction will use the streamlined approval process not only for the land they manage but in conjunction with neighbouring land-holders who also seek to reduce bushfire hazards on their land. These agencies will be able to certify their own fuel reduction works and any other works to reduce hazards on adjoining land. It is clear that hazard reduction approval will not be required for routine agricultural activities such as stubble burning, the burning of diseased crops or orchard pruning and for grazing.

The Government has already indicated its intention to provide additional resources to the Rural Fire Service to implement these initiatives. New positions will be established for a mitigation and compliance unit that will report directly to the commissioner on the implementation of bushfire risk management plans and the new complaints process that will enable members of the community with concerns about hazard reduction issues to take them up with the commissioner. Additional resources will also be made available for the production of the bushfire assessment code, the management of the new integrated development and approval scheme for developments in bushfire-prone areas as well as a new database system to more accurately reflect and report on the success of bushfire risk management strategies.

The Government has a proud record of massively increasing funding for the State's emergency services. That is evidenced by the budget announced by the Treasurer yesterday, which includes a record \$564.4 million emergency services allocation. Most importantly, that allocation contains the budget for the Rural Fire Service, which in 2002-03 will be more than \$120 million. That is almost 140 per cent higher than when the Carr Government came to office in 1995. That allocation demonstrates the Government's abiding commitment to our emergency services volunteers and workers. I welcome the reforms established in this bill to ensure the New South Wales community, particularly the South Coast community, has even better protection against bushfires. I commend the bill to the House.

Mr FRASER (Coffs Harbour) [10.15 p.m.]: I support the Rural Fires and Environmental Assessment Legislation Amendment Bill. However, I want to refer to some hypocrisy on the part of the Government regarding bushfire hazards and emergencies. During the recent bushfire period the Minister and I had many a long discussion via the media on what should and should not be done about hazard reduction leading up to the bushfire emergency period. The Minister steadfastly said that hazard reduction had been carried out, no more was needed and I was misleading the public, et cetera. I suggest that from now on we refer to the Minister as St Paul, because the Minister has had a conversion, as Saul did on the road to Damascus. I point out to the House and to the New South Wales public that this bill does not do much that is new. I am sure that the Minister is already aware, because his advisers would have informed him, that fire districts in New South Wales already have bushfire management committees. Section 52 of the Rural Fires Act states:

- (1) Each Bush Fire Management Committee must, in accordance with this Division, prepare and submit to the Bush Fire Co-ordinating Committee a draft of each of the following kinds of bush fire management plans for the rural fire district or other part of the State for which it is constituted:
 - (a) a plan of operations, and
 - (b) a bush fire risk management plan.
- (2) Draft bush fire management plans of both kinds must be prepared and submitted to the Bush Fire Co-ordinating Committee by a Bush Fire Management Committee within 12 months after the constitution of the Bush Fire Management Committee.

Recently I put some questions on notice in which I asked the Minister how many management plans had been submitted to the co-ordinating committee prior to the recent bushfires. As at the end of January, only 97 plans were submitted and about 30 per cent of them were submitted after the bushfire emergency period. At a recent hearing of the Joint Select Committee on Bushfires the Commissioner of the Rural Fire Service, Mr Koperberg, was asked how many management committees there were, and how many management areas. I believe Mr Koperberg responded that there were 120. I ask the Minister to clarify that, because the information I obtained from the Rural Fire Service is that there are 142 management districts in New South Wales.

Only 97 management plans have been submitted, which means that 45 districts had not submitted plans by the end of last January. Under the Act none of the bushfire management committees that were incorporated in 1997 when the Act came into force met the statutory requirements under section 52—not one—because none of them had a management plan in place, as stipulated by the Act, within 12 months of the constitution of the committee. And 45 of them still do not meet that requirement. To introduce legislation that requires councils and a local committee to formulate plans and to insist that people burn bushfire-prone land in the off season is subterfuge, to say the least. Section 65 of the Rural Fires Act refers to the reduction of fire hazards on unoccupied Crown land and managed land. The Act refers also to the reduction of hazards on private land. Section 66 of the Rural Fires Act refers to bushfire hazard reduction work required by local authorities. The Act already gives the local council, which forms part of the bushfire committee, the authority to serve notice on private landowners to burn off. To claim that it is new under this legislation is subterfuge.

In fact, they could serve notices and people could object within seven days. Within 14 days local authorities must confirm the notice, view the notice, withdraw the notice or act on the notice. It is already in the legislation. The Minister is getting copious notes from his ministerial notes. I implore the Minister to answer these allegations because they are fact. Bushfire management committees had not complied with section 52 or sections 65 and 68 of the Act. I know the Minister had a bit of fun at my expense, and I have been painted by the Government across New South Wales as the ultimate arsonist. When I lit a fire, yes, I admit I made a mistake. I have said that in this House and I have said it publicly. I lit the fire in the morning. I should not have lit the fire in the morning; I should have lit it in the evening, which is my normal practice. But the fact remains that I lit that fire to reduce the hazard on my land in the bushfire hazard reduction period. It was not in the bushfire season as those opposite would have people believe. During the hazard reduction period many rural fire services light fires that get out of control.

Mr Orkopoulos: Usually they don't walk away.

Mr FRASER: You should say that outside the House. The honourable member for Swansea thinks he is funny, but I know his electorate. I know the bushfire danger, especially on the edge of the lake. If he thinks that people's houses burning is funny—and that was caused by the inaction of this Minister, who has a total conflict of interest under his two portfolios—he should say outside the House that I walked away. The report provided to the Minister and the commissioner was protected by privacy provisions because any incident report given by the Rural Fire Service does not have a name or address. It is amazing that the incident reports and the situation reports provided during the bushfire emergency have not been made available at this stage to the parliamentary committee. Why? Because they will show serious flaws in the way the fires were managed. I believe the reports will show that back-burning operations were ordered by head office instead of locals. I note that the legislation provides an opportunity to vary the bushfire danger period, and I agree with that. There may be a dry winter and winds in August, so fires should not be lit. We have not had a bad fire on the North Coast or in my electorate since 1969.

Mr O'Farrell: Touch wood.

Mr FRASER: Touch wood, exactly. Fuel build-up through State forests and national parks in my electorate is so dense that if a fire occurs it will result in devastation similar to that on the South Coast and in other areas during the Christmas bushfire period. I do not want to see that. Lack of attention by government departments after the 1994 coronial inquiry, when the Government should have done something about it, means that hundreds of thousands of native animals have perished. The number of forests that have disappeared or been altered forever is incredible. It is all very well to run these clean, green stories in the paper saying, "Look at these wonderful trees rebudding." It rips my heart apart when I see those trees because they are not growing as they should. They are sprouting from every part of the tree in an effort to survive. The amount of timber resource lost in State forests adjoining national parks is incredible.

It is interesting to note that the worst fires were in national parks. They were not in State forests because State forests attended to their fires, managed them, ensured they had spotting towers, prepared roads into the areas and ensured that when fires started they could get to the seat of them quickly. The National Parks and Wildlife Service has never done that. I have the manual prepared by the National Parks and Wildlife Service in 2001. It refers to what the service will and will not do. I have read it word for word, and what saddens me is that it was not complied with. If it had been complied with prior to the Christmas bushfire season there would not have been such devastation. The Minister made great sport of the draft plan of management for Goobang National Park when I raised it. He said he did not have to sign off on it.

Mr Debus: No, I didn't.

Mr FRASER: Yes, you did.

Mr Debus: No. What I said was true.

Mr FRASER: The Minister does not have to sign off on it. That is fine. The plan was finalised in January 2000. The first draft was put up to the Minister's office in October 1999. That plan has never been complied with. Section 6.5, which is headed "Summary of Works", sets out a work schedule. The schedule, which states that fire trails will be kept open and that hazard-reduction burns will be conducted, was never complied with. The plan was signed off by the Minister.

Mr Debus: No, it was not signed off by the Minister.

Mr FRASER: It was signed off by the Minister's department under his authority.

Mr Debus: Yes.

Mr FRASER: The Minister is the man in the chair. He should accept some responsibility for it. On behalf of his department he should accept that he is negligent because of his conflict of interest.

Mr Ashton: Say that outside the House.

Mr FRASER: I have said it outside the House. I have another plan of management for the Heathcote National Park, which was completed in February 2000 but not complied with. The plan of management for Yengo National Park was completed August 2001 but not complied with. The plan of management for Budawang National Park was completed October 2001 but not complied with. The plan of management for Lane Cove National Park was completed in August 1998 but was not complied with. Parr State Recreation Area and Dharug also had draft management plans that were signed off and completed prior to the bushfires, but they were never complied with. The honourable member for Maitland, the chairman of the Joint Select Committee on Bushfires, has a smirk on his face. What is he doing on the committee? As far as I am concerned, he is concealing evidence.

Mr Price: Have you ever been to a meeting of that committee? You wouldn't know.

Mr FRASER: Yes, I have. Why has he not insisted that the—

Mr Price: All you have is a mouth.

Mr FRASER: Have I? Why hasn't he insisted that the situation reports be made available? [*Extension of time agreed to.*]

[*Debate interrupted.*]

BUSINESS OF THE HOUSE

Suspension of Sitting: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional 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.

RURAL FIRES AND ENVIRONMENTAL ASSESSMENT LEGISLATION AMENDMENT BILL

Second Reading

[*Debate resumed.*]

Mr FRASER: The negligence of the Government in addressing the issues involved, especially the honourable member for Maitland as chairman of the committee—

Mr Price: Chairmen don't say anything.

Mr FRASER: No, but the chairman directs the committee and asks for the evidence to be put forward.

Mr Price: And so it was.

Mr FRASER: Where are the situation reports that should have been provided?

Mr Price: Which one would you like of the 200?

Mr FRASER: I will have as many as you want to give me, and I will pick holes in each one of them. What this Government has done in protecting private property, the National Estate and national parks, is not good enough. This legislation, with a small exception, is nothing more than a reinforcement of existing legislation. People next to the Mooney Nature Reserve are complaining because the National Parks and Wildlife Service will not provide a buffer area between the national park and private property. The Minister says it is not his job to do it, yet his fire management reports and plans say that those sorts of buffers should be provided.

This and other legislation insists that a buffer zone be provided alongside private property, whether that is a home, farm or anything else, and that it must be provided on private land. Why is that so? If there are 200,000 or 300,000 hectares of national park, why cannot a 50-metre to 100-metre buffer comprising a 50-metre cleared area and a 50-metre hazard reduced area be provided to protect private property? Why should the onus always be on the private property owner? I know planning changes are afoot and that we should not develop next to these areas, but if residential areas are developed next to national estates I agree that roads should run around the perimeter of that development.

New subdivisions should be planned so that they are bushfire friendly. However, with existing developments next to national parks the State has an obligation to ensure that people's lives and properties are protected and that the buffer provided should be on the national park or forest estate or on any other public land. I support the legislation, but I point out the hypocrisy of this Government because the existing Act already covers most of the provisions contained in this bill. The Minister's second reading speech is almost a revelation: "We have done this". The Minister has not really done it because it was already in place.

The Minister has not insisted that the fire management committees comply with the statutory obligations of sections 52, 65 and 67 of the Act. He turned a blind eye to that requirement. I do not believe the Minister has provided enough in the budget to allow Rural Fire Services to do what the Act proposes. The service has between May and September each year—and weekends, because members are volunteers—to undertake hazard reduction work that the Minister now asks them to do. If the Minister intends to proceed with this proposal, he should do what was not done during the fire emergency: bring in other fire brigades and pay them to assist or pay the volunteers to carry out the hazard reduction work when they are on their annual holidays.

A program should be set out to ensure that hazard reduction work is carried out correctly to protect property, lives and the National Estate, of which I am proud. I love the national parks, but I do not like seeing them ravaged, as happened to Morton National Park and other parks. I would love to raise these issues again. I have written to the Coroner about these issues, and I trust they will be investigated, because I do not believe this Government and other governments have done what should have been undertaken under the statutory requirements of the existing Act. I support the bill, but at the same time I point out the Government's hypocrisy.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [10.34 p.m.]: I support the bill. Bushfires have long been an immutable feature of the Australian summer. In a season hallmarked by surf carnivals, beach picnics and long days at the cricket the bushfire presents an inevitable, enduring dark side. The bushfire is perhaps Australia's most foreboding icon. Last year our Christmas and New Year celebrations were brutally truncated. Once again, a conventionally happy season was irrevocably marred by the terrible knowledge that thousands of people were fighting to save hundreds of homes and properties across the State. Fortunately, this time, no lives were lost. But images of parks and property ablaze burn in our memories.

As Acting Premier at the time it was my unfortunate duty to visit the families that had lost their homes and their treasures to try to offer words of comfort when words of comfort were hopelessly inadequate. The fires last year echoed a grim tradition set by devastating Australian bushfires across the decades: 1,300 houses lost in Victoria in the January 1939 fires, 927 in Victoria in January 1944, 454 in January 1962, more than 1,300 in Hobart in 1967, and more than 200 in Sydney in January 1994. This year fires ravaged 754,000 hectares of land, destroyed some 109 homes and sapped some 29,000 firefighters. But, as each terrible event passes, we learn a little more about the nature of the beast. Armed with that knowledge we can take action to reduce the destruction next time around.

This bill seeks to amend two key Acts of Parliament in setting a stronger, more streamlined system for planning for bushfire protection. We are acting decisively to put these measures in place well before the next bushfire season. Our approach reflects the high priority this Government has placed on protecting lives and property from the devastation and destruction bushfires leave in their wake. My colleague the Minister for Emergency Services has outlined to the House how our updated edition of "Planning for Bushfire Protection" guidelines are now being widely used by councils, developers and the Land and Environment Court. We move now on another front.

With this bill we will offer enhanced protection to the families and communities that choose to make their homes within, or on the periphery of, the bushland that defines the Australian landscape. The bill's provisions include streamlining and clarifying the approvals process for bushfire hazard reduction. The several approvals now required from a range of agencies will be reduced to one single approval. The current system hampers landowners and authorities by requiring them to determine if a tree preservation order applies, what other provisions exist within their local environmental plan, whether the proposal is consistent with the Native Vegetation Conservation Act or Threatened Species Conservation Act or whether it requires some other form of approval.

Such a complex range of requirements is an obstacle in effecting co-ordinated, rapid and appropriate works. Under this proposal, land-holders will need only apply to their local council as a one-stop shop for permission to undertake hazard reduction work. Councils or a public authority will then issue a certificate for bushfire hazard reduction under the Rural Fires Act. By eliminating the red tape and the document shuffling associated with the hazard reductions approval process we give people a much greater capacity to put in place, quickly and effectively, the measures that prevent loss and destruction. Councils will be obliged also to identify and map bushfire-prone land and have the Rural Fire Service commissioner verify the accuracy of those maps.

An education package will explain the new system to councils and assist them in reviewing their local environment plans to embrace bushfire mapping. In addition I will issue a direction to councils under section 117 of the Environmental Planning and Assessment Act to consult with the commissioner when preparing new local environment plans. They must be consistent with planning for bushfire protection and any inconsistency must be referred to the Rural Fire Service. Development applications in bushfire-prone areas will be referred to the Rural Fire Service to ensure that designs minimise risks.

The Rural Fire Service will have a new approval power for residential subdivisions and other sensitive developments in bushfire-prone areas. The scheme also provides clear advice to people buying property within bushfire-prone areas through section 149 certificates obtained when buying a property. Property and land vendors will be compelled to disclose if the property for sale is on bushfire-prone land. Importantly, the new approval process will not apply to areas of statewide significance such as coastal wetlands and littoral rainforests. Any proposal to hazard reduce those areas will continue to require development consent under part 4 of the Environmental Planning and Assessment Act.

This bill markedly and unashamedly increases the powers and responsibilities of the Commissioner of the Rural Fire Service. It means that the experts will play a much greater role in effecting bushfire hazard reduction. It will tap their significant knowledge and experience in driving positive change. This bill adopts the recommendations of an interdepartmental committee of State agencies with various bushfire and land management responsibilities over the past two years. They are reforms driven by people who know the issues and the solutions.

In moving to enshrine bushfire protection provisions within two major Acts of Parliament rather than putting in place a planning policy or subordinate legislation, we acknowledge the gravity and importance of this issue that the non-negotiables needed to make a real and enduring difference. I encourage councils and members of the public to review this draft bill and make comments through their local members. I look forward to a robust debate in both Houses that will provide us with full opportunity to get the best results. I am confident that we will achieve better results with greater certainty, safety and protection for councils, landowners and the community with this comprehensive approach. I commend this bill to the House.

Mr O'FARRELL (Ku-ring-gai) [10.41 p.m.]: The Rural Fires and Environmental Assessment Legislation Amendment Bill is, incredibly, the first opportunity that members on both sides of the House have had to raise issues relating to the December and January bushfires, which wreaked havoc in and around this city of ours. At the outset, as the honourable member for Ku-ring-gai I acknowledge the efforts of those involved in fighting the blaze that started in Pennant Hills Park and extended down Lane Cove River National Park,

threatening homes in Wahroonga, Turramurra and West Pymble. I pay particular tribute to the Rural Fire Service and members of the volunteer bushfire brigade from all over New South Wales who successfully fought that fire and stopped it repeating the fire's historic path of 1994.

I pay tribute to the New South Wales Fire Brigades, in particular the incident controller, for the magnificent effort that our paid firefighters provided on the occasion. I pay tribute to the staff of the National Parks and Wildlife Service, in particular staff of the Lane Cove River National Park led by Arthur Willis, for the roles they played during those terrible days. I acknowledge the efforts of the Ku-ring-gai State Emergency Service. I particularly pay tribute to those firefighters from interstate who came to Sydney during the fire crisis and contributed in such a meaningful way to the fighting of that fire and to the protection of life and limb. I can well remember, on the second day of the fires threatening my electorate, accompanying the then Leader of the Opposition to West Pymble and South Turramurra and being stopped by police from accessing the Comenarra Parkway. I assumed that the Premier, in his grand way, was about to visit. I was wrong.

Mr Debus: It was me.

Mr O'FARRELL: It was not the Minister. He would have been very welcome and he would have done it much more quietly. I well remember in the order of 20 fire trucks from places such as Wonthaggi, Wangaratta and other towns in Victoria belting down the Comenarra Parkway at speeds that are not allowed by regular residents. We are certainly grateful for their efforts in fighting the fires locally and around the rest of Sydney. I acknowledge, as the Minister has previously done in this place, the fact that on this occasion there was no significant damage to property or loss of life, either in my electorate or in other parts of this city. There was loss of property in other parts of city but there was no loss of property in my electorate.

That is significantly different from the 1994 fires, in which literally two blocks from my own home a number of houses in Winchester were lost, as were other houses up the valley. Ku-ring-gai has national parks on both sides. Lane Cove River National Park is on one side, Ku-ring-gai Chase National Park is on the other and at the top of Lane Cove River National Park is Pennant Hills Park, where this latest incident that affected my part of Sydney commenced. However, I am concerned at the apparent triumphalism that the Minister brings to question time and to debates on this issue when he seeks to go beyond the obvious and suggest that the fires did not unveil the need to do anything differently in terms of the way that the National Parks and Wildlife Service manages its parks and natural assets.

I accept that between the 1994 fires and the 2002 fires significant improvements were made, both in the training of volunteer and professional firefighters, emergency plans and, more important, equipment. I well remember the 1994 fires that threatened northern Sydney. It was very common in those days to see fire tankers that probably saw their heydays in the 1940s, 1950s and 1960s. None of those were visible on this occasion. In fact, the newness of the fire equipment was remarked upon by all who visited, by residents I spoke to and by the volunteer and professional firefighters. However, it is fortunate that the Minister is able to say that we can rejoice in the fact that on this occasion there was no loss of life or, in relation to my own electorate, no loss of property.

Yes, indeed, this is partly due to the training and equipment that has been provided to the fire services in this State, but if the Minister takes comfort from the fact that under this Labor Government the effort put into hazard reduction in places such as Lane Cove River National Park, Ku-ring-gai Chase National Park and national parks across this State has dropped significantly, then he is courting danger. We ought to acknowledge that we have been very lucky. Evidence being given to the Joint Select Committee on Bushfires is beginning to indicate that the sort of approach that had been taking place needs to be changed and, quite frankly, I see this legislation as the first acknowledgment of the need for improvement. I hope the parliamentary inquiry results in further improvements, particularly in relation to hazard reduction.

Other contributors to this debate, particularly from the Opposition benches, have commented upon the enormous reduction in hazard burns by the National Parks and Wildlife Service under this Government. I want to restrict my comments to my own electorate. My comments relate in particular to the Lane Cove River National Park, where no hazard reduction burns were carried out between the 1994 and 2002 fires. That was not because those burns were not required to reduce fuel build-up in the national park. Certainly, eight years ago a fire went through parts of that park and parts of it were cleared up. However, residents who live adjacent to both Lane Cove River National Park and Ku-ring-gai Chase National Park will attest to the fuel build-up, particularly at the back of homes. They will speak about their concerns as to that fuel build-up and their attempts over a number of years to get Ku-ring-gai Council and the National Parks and Wildlife Service through me, the mayor or local councillors to do something about it. I am concerned that until this point, and probably until the outcome of the parliamentary inquiry, we have not seen any progress in relation to that.

Part of the difficulty in my electorate is that some of the land that abuts the national park is owned by the council. I know that if officers of the National Parks and Wildlife Service had a magic wand and the resources, they would take over the land to avoid any ownership difficulties between the properties. However, Ku-ring-gai Council, of whom at times I am critical, has certainly demonstrated its bona fides in relation to this area. In the last year Ku-ring-gai Council undertook 19 hectares of hazard reduction on land it owns situated close to homes and the national park, yet over eight years the National Parks and Wildlife Service did nothing.

Local residents, through either bush care volunteers or community fire units, contributed in their own way to a reduction in fire threats in that interface between urban development and the natural bush land that characterises my electorate. I repeat my concerns that the National Parks and Wildlife Service, presumably for ideological reasons, has reduced hazard burns and allowed fuel to build up. As I said before, it is only by good luck and good grace that we did not see more significant damage to property and loss of life in my area.

It could be said that hazard burns are not required when fighting fires. But a range of options to reduce fuel build-up must be available to those who manage national parks. If a range of options is available, hazard burns has to be one of those options. That is the most effective method. I say that because at the time of the fires in my electorate 23 kilometres of perimeter back-burns were undertaken by firefighters in the face of severe risk to try to stop the fire. That 23-kilometre back-burn was conducted at a critical and dangerous period, and I am surprised there was no loss of life and no injury during the back-burn. I suggest that was due to good luck rather than good management. Could not such perimeter back-burning, which was deemed necessary in the midst of a fire crisis, have been avoided by an adequate program of fuel reduction during the normal cycle of managing national parks?

Of concern to me also are developments in bushfire-prone zones. Although I do not have much issue with the comments of the Minister for Planning, who spoke before me in this debate, I contend he has been found wanting when it comes to standing up for the principles enunciated in this legislation. In the midst of the bushfire crisis the Minister was interviewed on a 2GB radio program hosted by somebody we know called Stephen O'Doherty. The Minister gave a categorical commitment that State environmental planning policy [SEPP] 5 developments would not be permitted in bushfire-prone zones. Since the Minister made those statements, I have brought to his attention almost on a weekly basis proposals for SEPP 5 developments—these are residential developments for aged and/or disabled people—that have been submitted for North Turramurra in my electorate of Ku-ring-gai. North Turramurra juts out into the Ku-ring-gai Chase National Park like a pier into a harbour. It is literally surrounded on three sides by Ku-ring-gai Chase National Park. Superintendent Smith of the New South Wales Fire Brigades describes that part of North Turramurra in the following terms:

The area of concern is to the North and NorthWest being the Ku-ring-gai National Park where a bushfire hazard exists ... The Hornsby/Ku-ring-gai Bushfire Operations Plan identifies that Historical fire paths are from the North and NorthWest. A fire from this direction would impact on this development site.

This Government has stood by while a development for a couple of hundred aged and disabled people has been approved on the edge of North Turramurra, abutting what the New South Wales Fire Brigades describes as the historical paths of fire in the Ku-ring-gai Chase National Park. Despite repeated requests to the Minister for Planning to do something about it, the Minister has refused. The Minister has not answered correspondence. He has gone so far as to refuse to acknowledge my invitation to look at the site. When I brought the issue to the attention of the Minister for the Environment and the Attorney General's favourite Land and Environment Court, the court similarly refused to take it into consideration. I have no problem with the court dismissing a letter from me, but it was a letter I had written, drawing attention to concerns from the New South Wales Fire Brigades about this development because of its location in the historic path of a fire zone that affects North Turramurra. Superintendent Smith went on to make the point:

The plan (for the proposed development) also identifies that there is also only one main access road, which links the new development to Bobbin Head Road. The inspection identified that a heavy bushfire fuel load exists within 2 metres of the northern edge of this access road.

The access road is very narrow going down the hill to the development. It connects the development—where a couple of hundred people are meant to live out the rest of their lives in bushfire prone territory—to Bobbin Head Road. I am concerned about this because there is one access road in and out of North Turramurra: Bobbin Head Road. Hundreds of SEPP 5 units are planned for North Turramurra in addition to existing residences. There are already traffic problems in the area. Commissioner Koperberg and others are already expressing concern about the ability of emergency service vehicles to access this area when fire hazards exist. The Minister for Planning sits on his hands and allows these developments to proceed and then praises legislation that assists the Government to prevent such developments. I have to question the Minister for Planning's bona fides in this

regard. I will not question the bona fides of the Minister for the Environment; I wish the legislation well. But I have placed on the record my serious concerns. I have also placed on the record what I believe to be the responsibility of this Government should a bushfire crisis affect that development in the future. [*Time expired.*]

Ms ANDREWS (Peats) [10.56 p.m.]: I support the Rural Fires and Environmental Assessment Legislation Amendment Bill. The bushfire season we witnessed last December and January was almost unprecedented in the recorded history of firefighting. With more than 450 fires blazing across the State for over three weeks, Commissioner Phil Koperberg led the most intensive and successful firefighting response operation ever seen in this country. During the campaign, more than 29,000 firefighters, emergency service workers and support personnel from almost 50 agencies and organisations were involved in the firefighting and support operations. These people came from organisations across Australia, as far away as Western Australia, and overseas from New Zealand. Over 100 helicopters and fixed-wing aircraft and almost 1,700 firefighting tankers and vehicles were used during the operation. While 750,000 hectares of bushland were burnt, thankfully no lives were lost as a direct result of firefighting, and about half the number of properties lost in the 1994 bushfire emergency were lost in this fire episode.

In my electorate of Peats, although unfortunately thousands of hectares of land were extensively damaged in the December January bushfires, particularly in the Dharug National Park near Spencer, thankfully not one life or home was lost. Fortunately, only minimal property damage occurred. This speaks volumes for the courageous men and women who make up our Rural Fire Service brigades on the Central Coast and throughout the State. I make special mention of the 12 brigades operating within the Peats electorate. They are Mount Penang, Spencer, Mangrove Mountain, Kariong, The Bays, Bar Point, Patonga, Pearl Beach, Mooney Mooney, Somersby, Calga-Mount White and Narara. Members of the Rural Fire Service canteen also do a remarkably good job and I acknowledge their efforts as well. Because of the leadership of Superintendent Arthur Owens of the Rural Fire Service and his team, operating from the emergency incidents control centre at Kariong, bushfires that occurred in a number of locations throughout the Gosford City Council area were professionally fought and extinguished.

Unlike during the 1994 bushfires, this year the interstate task forces left New South Wales saying that the firefighting operation was among the best co-ordinated and most successful they had ever been involved in. This was no accident. I acknowledge the determination of the Minister for Emergency Services in procuring increased funding in successive State budgets to ensure that the New South Wales Rural Fire Service has only the very best in equipment and protective clothing. Since coming to office in 1995 the Carr Government has allocated a massive amount of funding to the Rural Fire Service—including the budget appropriation announced this week by the Treasurer—totalling \$670 million over two terms. This funding has facilitated a major re-equipment program, including the provision of more than 1,800 new and good quality reconditioned bush fire tankers, state-of-the-art radio communication systems, world-class training and occupational health and safety standards, and a major overhaul of the administration of bushfire management, including drafting and putting in place the Rural Fires Act to replace the antiquated Bush Fires Act 1949.

The bill's provisions demonstrate the Government's commitment to introducing further measures to enhance community protection from bushfires and ensuring that prevention is integral to the State's planning process. Hazard reduction is widely regarded as an important tool in bushfire management. Every year thousands of hectares of bush on private and public land is subject to hazard reduction by burning, slashing, manual clearing, mowing and other methods to help protect communities and their assets. The Government has accepted the findings of an interdepartmental committee established by the Minister. It identified some problems with the approval process for carrying out hazard reduction operations that is outlined in district bushfire risk management plans. The Government wants to ensure that routine strategic hazard reduction can be carried out in a practical and easy manner. To achieve this aim, the bill creates a new streamlined framework.

Private citizens seeking to reduce the build-up of flammable material on their land will simply apply to their local council and be issued with a certificate authorising the approval of the work in conformity with a bushfire risk management plan. They will no longer have to find out whether a tree preservation order applies or whether the proposed work is consistent with the Native Vegetation Conservation Act or the Threatened Species Conservation Act. This will be done for them when their application is assessed by referring to a relatively simple code. This is clearly a sensible approach that will be a relief to many land-holders who want to undertake responsible and environmentally sensitive hazard reduction.

The bill's provisions will also accommodate those who have legitimate concerns about the build-up of hazards on land close to where they live. Under this legislation, any such complaints will have to be investigated

by the council when the hazards are on private land and by the Commissioner of the Rural Fire Service when they are on public land such as a State forest or national park. To ensure accountability, complainants must be advised as to the outcome of the investigations. The commissioner's powers to ensure that planned hazard reduction is carried out by public land managers have been increased in the bill. I am sure that all honourable members agree with the proposition that the person with ultimate responsibility for managing major bush fire fighting operations should have improved powers to ensure that appropriate hazard reduction work is carried out.

The new auditing provisions in the bill will allow the commissioner to identify clearly where the level of hazard reduction is inadequate and to take direct action to reduce fuel levels at the land-holder's or land manager's expense. In this regard I have sought the Minister's assistance in introducing special provisions on compassionate grounds for pensioners or persons on low income. The Minister assures me that the Rural Fire Service will look sympathetically on such worthy cases on an individual basis. Developments of various types continue to encroach on our bushland that we know are fire prone. In order to maximise the level of protection for communities in bushfire-prone areas, and for firefighters who regularly risk their lives during bushfires, we must ensure that developments are located and designed appropriately.

The Rural Fire Service and Planning NSW have jointly prepared and distributed guidelines that, under the bill, councils will be required to have regard to when assessing development applications in bushfire-prone areas. I refer of course to guidelines regarding appropriate setbacks for buildings, the provision of emergency water supplies, construction standards and good access to houses during bushfires. More stringent requirements will apply to particularly sensitive developments such as hospitals, schools, child-care centres, nursing homes and retirement villages. These establishments house the most vulnerable members of our community and often require special fire protection measures. It is entirely appropriate that local councils' approval of these sorts of developments be scrutinised and authorised by the Commissioner of the Rural Fire Service. I welcome these important initiatives from the Government that will further enhance the community's protection from one of the most frequent of our natural disasters. I commend the bill to the House.

Mr WEBB (Monaro) [11.05 p.m.]: I agree with the honourable member for Oxley, the shadow Minister for Emergency Services, who led for the Opposition in this debate and who said that, although we do not oppose the Rural Fires and Environmental Assessment Legislation Amendment Bill, we have several concerns that we wish to highlight to the Government about the real risk that fire poses to our society. Labor members said that fires are a natural part of the Australian environment. In fact, the eucalypt and many other native species would not regenerate if it were not for fires. However, people, houses and other property are not a natural feature of our environment, and therefore must be protected from the very real threat that fires pose.

Most people who live in the bush and understand the bushfire problem are able to evaluate risk pretty easily. I gave notice in November last year of my intention to move a motion calling on the Government to take note of the massive levels of fuel build-up and to ensure that local authorities and government agencies were prepared for what I predicted would be a major bushfire season. I told the Minister at the time that he should accept responsibility if bushfires erupted in the 2001 season. There has been some action on the recommendations of the inquiries into the 1994 fires in Sydney. The issue of equipment provision to brigades has been addressed, although many are again falling behind in their ability to fund the replacement tanker program. Training levels and personal equipment have also been improved but there are still many gaps—which I have brought to the Minister's attention—that affect volunteer firefighters' abilities to perform their tasks as safely as possible, preserving and saving both the built environment and the natural environment.

Very hot fires destroy the native flora and fauna and their habitat, and the bush may not recover for decades. Older people who live in the bush and whose families have been involved with firefighting operations for many generations speak of the open nature of the bush and the regular burning that occurred in the past. Captain Cook and Captain Sturt commented about the nature of the Australian bush and the way in which fire—both naturally occurring fires and those lit by indigenous people—created a mosaic of fuel-reduced areas. One of the biggest problems we face in the bush today is the massive build-up of fuel, caused largely by land managers' inability to carry out hazard-reduction work.

There are many hazard-reduction methods. I had been a member of the bush fire brigade for almost 30 years and have served as a brigade captain. I know it is very difficult to identify the exact levels of fuel in any area—the tests for that are quite subjective and random. Nevertheless, fuel levels estimated at above five tonnes can support a crown fire—a very dangerous fire that does the most damage. Fire intensity depends on land slope, weather conditions, the type of fuel and its arrangement and whether aerial fuel is available. However, the

fuel itself is a primary factor. It is a well-documented fact that when more than five tonnes of fuel accumulates—certainly when there is 10, 15, 20 or 50 tonnes—a subsequent fire can do enormous damage and become virtually uncontrollable.

Some of the tools available to rearrange fuel—to mow, slash and remove fuel—are employed across many areas. However, they are simply ineffective, inefficient and not cost effective for broad-scale use in rugged country. That leaves only the tool used by the Aborigines and our forebears as they left bush camps at the end of summer. As they left they dropped torches randomly through the bush, along ridges and so on, and various fires trickled for weeks through winter and cool periods. They provided a mosaic of hazard-reduced areas that were effective from one year to the next.

The only tool available to us is hazard reduction. In that respect, I welcome this bill because it provides for the effective reduction of fuel levels by land managers, both private and public. Indeed, this bill will facilitate hazard reduction works and remove some of the inhibitions and ridiculous anomalies we have seen in the past. Although fuel may have been identified by the National Parks and Wildlife Service, the Nature Conservation Council or the Environment Protection Authority, the threat of smoke blowing over an urban area on a Saturday or a holiday prevented hazard-reduction work from being carried out.

There will still be a paper trail to go through with the original plans: the certificate that other speakers have referred to and a fire permit. People must comply with the code, although we have been told the code does not yet exist. I do not know how the code will help with hazard-reduction measures throughout the winter once this bill is enacted. Specific plans for hazard-reduction work must be drawn up. It takes time to organise volunteers to carry out the work. That involves getting equipment, putting notifications in place, implementing the hazard-reduction work, monitoring that work on an ongoing basis, and planning a repeat of that work sometime down the track.

We must take a leaf out of the Western Australian book, which I think is accepted in this country as having a good fire management program by way of hazard reduction. We need to address urgently a comprehensive, strategically implemented, prescribed hazard burning, reduction program across all areas of New South Wales that are prone to bushfires. The Western Australian plan involves a seven-year cycle, from the planning stage through to the burn. As soon as the burn is done it slips back into a seven-year or eight-year cycle of planning, monitoring and assessing. Basically, fuel in the area will be reduced every seven years, providing it has built up to a certain level.

I must correct a couple of points. It is acknowledged that although no lives were lost and property of some value was lost during the recent fires, one life was almost lost in an aircraft accident at Moruya airport during the firebombing exercises in the Deua national fire area. The aircraft was lost, at significant cost, and the pilot was very lucky to escape with his life. One life was lost when a volunteer was returning home after a fire in the Nowra area. Regrettably, he came to grief while changing a tyre on his motor vehicle. I bring that to the attention of honourable members because volunteers work in stressful conditions during firefighting operations. Obviously they have a great desire to do the job and to return home afterwards. If they are fatigued they can make wrong judgments, and they may come to grief. That is certainly a potential in a fire-prone area.

The fires over the Christmas-New Year period appeared to be bad. There were some 450 fires, many of which were extinguished early and did not cause much risk. However, some 750,000 hectares across New South Wales were burnt. On a scale of one to 10, the Ash Wednesday fires in Victoria in 1983 have been acknowledged as a 10; they devastated a big area and caused significant property damage, and a number of lives were lost. The fires in New South Wales did not come to that, and would probably be a six on the scale. But the potential exists for New South Wales to have devastating fires along the same lines as we saw in 1983.

I shall highlight my concerns about the bill. My first concern relates to the definition of "bushfire-prone land". What factors are taken into account when declaring land to be bushfire-prone land? Are we talking about slope, fuel quantity, fuel type, fuel arrangement, likely weather periods in a specific area, and alpine and montane forest areas? Creek gullies and wetter areas are completely different to western ridges and more exposed areas. Are the amount of property, the potential risk to life in those areas and accessibility to those areas factors that will be taken into account?

Although the mapping of bushfire-prone areas has been done, the ability of local government and authorities to map within 12 months and then re-do the maps every five years is a significant cost that will be borne by local ratepayers in shire areas that have a greater risk and a greater area of bushfire-prone land. In

terms of the appeals process, what methods will be available to people who perhaps disagree with their land being designated as bushfire-prone land? What modification of fire risks can be carried out to reduce the status of the land? [*Extension of time agreed to.*]

I am concerned about the ability of landowners and land managers to conform to the specification, requirements and conditions of certificates designating fire-prone land. Will they be able to appeal to the Land and Environment Court, and will an appeal delay applications for hazard-reduction work? Again, I question the costs involved in funding the proposals, bearing in mind that 30 per cent of the funding available to local fire authorities in fact goes to regional areas by way of program costs. That is a major concern to local fire authorities. As I said, I think the provisions in the bill will result in sensible outcomes. However, I am concerned that people may not be able to comply with some provisions because of a lack of detail.

My main concern relates to the ability to carry over approvals. New section 100I provides for hazard-reduction certificates to be effective for 12 months. I am not sure that that is long enough. For example, if the opportunity to carry out hazard-reduction work in June this year is lost and a person wishes to carry over the approval until next winter, it may be late June or July the next year before that person can do that work. There needs to be much more latitude in this area. Those who designate bushfire-prone lands and put them on a map must consult the public, land managers and landowners and allow them to view the map, bearing in mind that inaccuracies can occur with boundaries. Such inaccuracies might disadvantage developers or land managers in the future.

I instance the Department of Water Conservation's land capabilities maps and the various areas that are included in those maps. The hazard reduction work enabled by this bill will certainly be very effective—if it gets through all of the hoops and hurdles. They have been reduced in the past and I still think there are a number of areas in which the recommendations of the District Fire Management Committees, which are specifically structured to be involved and have representation from local authorities, local councils, volunteers and government agencies, should identify fire-prone areas, designate them on maps, and carry out the work. Once the areas are identified the next step is to specifically identify them as suitable for hazard reduction work by burning, and make the plans available.

There are a couple of exclusions that I query. Are permits required in every case, particularly permits for the control of fuel during weed-control or rabbit-control operations, where in some cases they might be reducing the bushfire risk at the same time? In a single-situation emergency when a firebreak is used to control a fire or protect a person or property who is in dire circumstances, it might not be possible or practical to get approvals, certificates or permits beforehand. Are those situations covered?

Together with the shadow Minister and the honourable member for Coffs Harbour, I am concerned, and people have told me they are concerned, about the apparent conflict of interest of this Minister being responsible severally and at one time for Emergency Services and Environment, as well as being the chief law officer of the State. I do not question the Minister's individual capabilities in these areas. However, he is in control of emergency services, and when their operations are challenged by the environmental authorities in the State and the matter goes to court, or the Government, the agencies, or their legislation and regulations are challenged in court, the Government and this Minister are put in a very precarious position which can only be resolved in one of two ways. I suggest that the Government look at dividing those very important portfolios so that not only is responsibility shared by more people but any conflict of ministerial interest is reduced or removed altogether.

We have to remember that the ability to preserve and conserve our environment, to protect our life and property, rests with the methods of hazard reduction that, I hope, will be utilised better than they have in the past. Although I am somewhat sceptical that all of the barriers have been removed or reduced, I hope that the approvals, the certificates and permits will result in more effective hazard-reduction burning. The cost of the New South Wales 2001-2002 bushfires was between \$100 million and \$200 million, a significant cost that was not budgeted for. However, with proper planning and proper hazard reduction, those funds could rightly be devolved to local government and those with responsibility for bushfire control. The Rural Fire Service needs to reconsider the fact that it is tasked to light fires as well as to put them out, and that in lighting fires it is playing a major role in the protection of life and property right across this State. At this time it would be good to remember that a stitch in time saves nine. A box of matches can do a great job. We need to reconsider the private cost and the environmental cost of major bushfires.

Mr PRICE (Maitland) [11.24 p.m.]: I support the bill. I am the Chairman of the joint committee investigating the Christmas bushfires. However, I am not a bushfire fighter, and I am not a member of the Rural

Fire Service. My only expertise in fighting fires would be to answer the phone or cut sandwiches. I do not pretend to be a technocrat in that area in any way, shape or form. The committee has had over 30 witnesses over some five days of hearing and has received 200 submissions, which are all being considered. During the committee's hearings and in the written submissions there was, apart from evidence from three scientific officers, a tremendous amount of hearsay material. Much of that was based, of course, on actual experience and I commend those who put pen to paper to give the committee the benefit of their experiences and their views on what they think should be done.

I do not think you could come up with any precise formula that will solve the problem overnight. That has been tried for a long time in many ways. Bushfires have their own genesis and their own way of operating, and unfortunately they do tremendous damage. The Government has put forward a bill that is the result of an interdepartmental committee's investigation that was conducted for some time prior to the recent fires. The bill recognises the shortfalls of the previous system and it seeks to correct them on the basis of the experience of the public servants and operatives who were involved in that inquiry.

Several things emerged during the inquiry that I think are worth recording. One is the loss of private property, particularly residential property. That basically happened because although people were aware of how to reduce hazards in the vicinity of their homes, they chose not to do so. It was not just absent landlords that suffered from the problem. Members will be aware that in a number of cases houses were destroyed alongside houses that survived. I have heard some interesting figures about fuel loads tonight, ranging from two tonnes to 30 tonnes a hectare. I have also heard that hazard reduction time frames can be anything from two to eight years before the situation becomes dangerous again. I think what people are forgetting is that these last fires occurred during a period of probably some of the worst meteorological conditions that one could ever imagine: some 13 days with a humidity range between 9 per cent and 11 per cent, wind ranging between 30 and 45 knots, and temperatures in excess of about 35 degrees and in some cases ranged up to 42 degrees.

Ms Hodgkinson: And there was no back-burning done.

Mr PRICE: Under those circumstances, anything could burn. In fact one of the committee members said that under those circumstances a fire would burn across a cleared paddock. That was recorded in the evidence and he sustained that comment later in the hearings.

Ms Hodgkinson: Back-burning would save a lot of property.

Mr PRICE: The fuel loads of various parcels of publicly owned land are never hazard reduced by more than about 4 per cent, even in Western Australia. The figure there was less than 3 per cent and that was used as the example for tonight New South Wales equals that in its national parks, and only 11 per cent of forests under the control of State Forests are kept in a hazard reduced condition because they are the marketable sections. They are the bits that the loggers move into and take out what is profitable. The old-growth forests are virtually untouched by hazard reduction, and that decision was made by foresters.

The back-burning operations that are undertaken adjacent to built-up areas appear to have been successful and do assist. However, the sheer length of the built-up area boundary, together with the national parks alluded to by the honourable member for Ku-ring-gai, involves owners of other adjacent property, such as local councils. Under the new legislation those local councils will be obliged to carry out hazard-reduction activities on those parcels of land. The fire commissioner can require that and will be able to do so under the law. He already can do that on private property but on property in public ownership he will be able under this legislation to move in and take that action without any restriction whatsoever and at a cost to the public authority concerned.

The other significant requirement for local government came up in evidence. The building standards that are universally recognised as being adequate for bushfire-prone lands have had some interference in this State at local government level. The legislation will clearly make it almost impossible for that to continue. Whilst the mapping of bushfire-prone lands, under the requirement that the commissioner certify the accuracy of the maps, might take a little time, that will be a very positive step and will allow possible purchasers of property to identify on their section 149 certificates a potential risk if they purchase that land for residential purposes.

Some of the photographs the committee was shown indicated that subdivisions were being allowed virtually to the forest front, with only a couple of metres of bracken and fern between the back verandah and forest trees. That indicated to me that people were not being responsible in their approach to house construction

and residential development within those areas. The bill will ensure that places like schools, child-care centres, nursing homes, tourist accommodation, hospitals, retirement homes, backpacker hostels and other building will not be able to be constructed in areas where risks may prevail.

The requirement that the Rural Fire Service take on these expanded roles has been covered in last night's budget. I understand that some \$4.5 million will be provided to allow 54 additional staff to be added to the commissioner's units, the bulk of whom will work in the field to assist councils with the particular role that they have to undertake under the revised legislation. It is extremely important to allow them to get on with that work quickly. The other problem that emerged during the hearing in relation to hazard reduction was the weather, the structure of the hazard material, and the amount of moisture. We were shown tests that could be followed that would allow decisions to be made on whether backburns or hazard reduction could be carried out. Of course, the weather is a major factor. The National Parks and Wildlife Service and forestry both agree that it was extremely difficult to plan ahead for hazard reduction through the cooler months because of the problem associated with weather.

The problem is exacerbated by residential development as opposed to areas perhaps in the western division where there may be a more flexible arrangement given the weather and a different type of forest cover altogether. If we followed the views of some people who made submissions we would have a burnt area around metropolitan Sydney that would need to be burnt twice a year, every year. From the air one would see a black strip right around the metropolitan areas of Sydney, with all the associated respiratory disease problems and a very ugly smoky city. That is totally unnecessary and there is no requirement for that action at all. It is interesting to note that a number of submissions received were submitted purely for commercial purposes. For instance, a lot of people wanted to get their aircraft up and running. I was disappointed that they were not terribly interested in fire suppression but only in flogging their merchandise because this is a serious inquiry and one that will impact on the legislation and will certainly assist the Minister's deliberations when the legislation and amendments are considered again in the future.

The Government's role in supplying sufficient funding was recognised universally. Given that more than 25,000 volunteers and salaried personnel took to the field to fight those fires, with logistic support from about 50 agencies across Australia and New Zealand and almost 1,700 firefighting units in the field during the operation, one must give credit for the \$600 million provided by the Government since it came to office in 1995. The Government should take heart from its efforts. No-one likes to think of losing 750,000 hectares of bushland or more than 100 residential properties. Nevertheless there was no direct loss of life as a result of the fire, and for that we have to be very thankful.

We can attribute that to the vastly improved training and protective clothing of bushfire fighters or Rural Fire Service fighters through the funding made available to them, for which they were very grateful. A number of witnesses supported the Government's action in supplying that equipment and noted the update that had occurred since the 1994 fires. I support the legislation. I commend the thrust of the document. The Government has done a first-class job to arrive at this stage. I look forward to the implementation of the legislation, and acknowledge the support that the Government has given Commissioner Koperberg through extra budget allocation and extra staff to bring this matter to fruition quickly.

Debate adjourned on motion by Mr Whelan.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to permit the resumption forthwith of the adjourned second reading debate on the Threatened Species Conservation Amendment Bill.

THREATENED SPECIES CONSERVATION AMENDMENT BILL

Second Reading

Debate resumed from 31 May.

Mr FRASER (Coffs Harbour) [11.38 p.m.]: I do not lead for the Opposition. The Opposition will oppose this legislation because we do not believe that the Opposition or interested community groups have been given enough time to consider the bill. Today the NSW Farmers Association was given only four hours to consider 57 pages of a bill that makes major alterations to the Threatened Species Conservation Act about which

they have not been consulted. I was a member of the Joint Select Committee on the Threatened Species Conservation Act in 1997. I will run through some of the recommendations of that committee in speaking to this bill. Recommendation No. 2 was:

The... Eight Part Test under the Environmental Planning and Assessment Act be reviewed by the National Parks and Wildlife Service...

There is now a seven-part test. Because of my House commitments I have had an opportunity to look at the bill only in the latter hours of this day.

Mr Whelan: Where have you been?

Mr FRASER: It was only introduced to the House last Friday. We have not had an opportunity to look at it.

Mr Whelan: You have had it for five days.

Mr FRASER: It may have been five days but we were not consulted fully and properly. I note with some angst that the second reading speech states:

It has been alleged that the Threatened Species Conservation Act and the processes it sets up are impeding, and in some cases preventing, sensible development proposals from being approved. That is not so.

It is fortunate that the honourable member for Peats is in the Chamber tonight. She and I were at Somersby. Because of the Somersby mint bush \$20 million worth of development was delayed under this Act. The Somersby mint bush was growing on footpaths in an industrial development. It was in a beautiful area that had been very well preserved. Aboriginal carvings on nearby rocks had been fenced off to prevent damage and had been properly preserved. Yet \$20 million of development was stopped because the Somersby mint bush was so endangered. The committee requested that the National Parks and Wildlife Service look on the other side of the fence in its own estate that bordered this industrial estate. I hope the honourable member for Peats will speak on this bill and confirm that there were acres of Somersby mint bush next door. So to say that this Act has not hindered development is an absolute lie. It misleads the people of New South Wales.

Most of the recommendations made by the committee have not been incorporated in the legislation. That is quite sad. I believe we did an excellent job. A bipartisan position was reached, except for the honourable member for Manly and the Hon. R. S. L. Jones from another place. Recommendation 30 states:

The Committee considers that it is not necessary to amend the TSC Act to include threatened fish and aquatic vegetation as these will be protected under similar provisions to those in the TSC Act which are proposed for inclusion in the Fisheries Management Act 1994.

These provisions have been included in the bill. Vulnerable communities will be included and land adjacent to fisheries will be protected. Invertebrates will also be protected. Recommendation 29 states:

The Committee recommends that the definition of "fish" be further amended to exclude invertebrates which spend part of their life cycle in water. The Committee considers that in the interests of consistency across taxonomic groups, responsibility for such taxa should rest with the NPWS under the TSC Act.

We had a briefing from the Minister's staff tonight, and were advised that the provisions are included in the bill, against a specific recommendation from a bipartisan joint committee. The Minister has chosen to ignore that recommendation. That is absolutely unacceptable. Recommendation 27 states:

The Committee recommends that in order to clarify any ambiguity in the current eligibility criteria and definitions, the Committee recommends that the NPWS, in consultation with the Scientific Committee, review the definitions of "endangered populations" and "endangered ecological communities".

I do not believe that has been done. The wording now refers to "vulnerable ecological communities". There will now be further restrictions on freehold land and public land by this Act, which will mean that once again we will be restricted as citizens of New South Wales in what we can do on our own land and public land. I do not believe the Minister or the Government has heeded the findings of this report. The report also said that reports should be made back to the Parliament and amendments should be made by 1998. The report was brought down in 1997 and it is now 2002—five years later. Yet the Government is not acting on the recommendations of the bipartisan report that should have been adopted. The report recommends that community education programs should be conducted. There is nothing in the bill to require funding for community education programs. Recommendation 14 states:

The Committee recommends that the TSC Act should be amended to create a "user pays" register of interested parties.

That is not provided for in the bill. So the Government has chosen to ignore that recommendation. Recommendation 15 states:

The Committee recommends that the TSC Act be amended to provide for the establishment of Advisory Committees similar to the advisory committees under s.24 of the NPW Act. Members of these Committees are appointed at the discretion of the Minister. Alternatively, the Committees could be comprised of stakeholders representatives nominated by specific organisations.

There is nothing in the bill to accord with that recommendation. Recommendation 16 states:

The Committee recommends that s.143 of the TSC Act be amended to require the inclusion of details of the progress in implementing Part 3 of the TSC Act (and the funds expended) in the NPWS's Annual Report. The Committee also recommends that the declaration of critical habitat should remain the responsibility of the Director-General of NPW.

This recommendation has not been picked up. Recommendation 17 states:

The Committee recommends that the existing requirements under the EP&A Act for the inclusion of notification of critical habitat in s.149 certificates are appropriate.

That recommendation has not been incorporated in the bill. Yet the Minister and the Government claim that the bill has been brought forward in accordance with the recommendations of the committee and public pressure to make the Act more palatable. But they are ignoring the committee's recommendations. Recommendation 19 states:

The Committee recommends amendment to s.143 of the Act to require the inclusion in the Department's Annual Report of a statement setting out the progress on implementing Part 4 and 5 of the TSC Act and setting out the amounts expended in doing so.

Does any amendment in the bill give effect to that recommendation? No. Recommendation 24 is:

The Committee recommends that the listing process under the Threatened Species Conservation Act remain unaltered. It further recommends that a strategic approach to the nomination process should be adopted.

Is that recommendation given effect by the bill? No. This evening I was informed by the Minister's advisers that the nomination process is to change and that the Scientific Committee will have the opportunity to alter recommendations at its whim. Though some explanations given by people from the Minister's office were plausible, they are not acceptable. The aims of some amendments in this legislation may well be achievable. However, the Government and the Minister have failed to consult the shadow Minister, the Opposition or New South Wales interest groups and instead rushed this legislation into the House at ten minutes to midnight.

Ms Hodgkinson: Literally.

Mr FRASER: Literally, and without at least consulting the Coalition so that we could ensure it is acceptable to all interest groups in this State. Part of recommendation 25 is:

The Committee further recommends that the National Parks and Wildlife Service explore options for the use of economic incentives to manage and protect habitat within the context of the voluntary conservation agreement program.

This bill does not do that. Though it talks about voluntary conservation, it fails to offer any economic incentives to farmers. I know the ministerial adviser has said that the subject areas can be sterilised from rates and other expenses, but at the end of the day it is the landowners and property owners who have to conserve and maintain their lands in a manner appropriate to ensure the habitat of endangered species or endangered ecological communities. The word "vulnerable" in the context of the definition concerns me. That issue has not been addressed in legislation. [*Extension of time agreed to.*]

Recommendation 26 is:

The Committee recommends that section 143 of the Threatened Species Conservation Act should be amended to require the inclusion of details of the total expenditure on the Act in the department's annual report so that the actual expenditure can be monitored...

Nothing in the legislation requires that to be done. Nothing in the legislation requires appropriate accountability according to the Act. Recommendation 28 is:

The Committee recommends that the National Parks and Wildlife Service in consultation with the Scientific Committee should review the definitions of "presumed extinct" in section 13 of the Threatened Species Conservation Act.

That has been done. But whereas we recommended extinct after 50 years, the Government does not specify a period. Mention was made of the thylacine, or Tasmanian tiger, a native of Tasmania. It is extinct. There is now a suggestion that someone will clone the Tasmanian tiger. I think it was the honourable member for Ballina who posed the question: What is "extinct" these days? The way we are going, can anything be regarded as extinct?

Mr Debus: It is extinct now.

Mr FRASER: That is one of the few recommendations that the Minister has picked up from the report. I return to recommendation 29:

The Committee recommends that the definition of "fish" be further amended to exclude invertebrates ...

That recommendation has not been picked up by the bill. In fact, it does the opposite of what was recommended by a committee whose members travelled all over New South Wales and took evidence in many places. I put on the record, perhaps to inject some humour into the debate, but perhaps also some truth, that when the committee was in Dubbo it took evidence from a farmer who had suffered from the implementation of the Act. That farmer said, "Every time I tried to do something, National Parks and Wildlife Service officers in jackboots arrive in two carloads and tried to dictate to me what I should do on my land." This was a farmer who sought voluntary conservation agreements in respect of his property. He said, "I suggest to you that the emblem on their lapels is most appropriate—the lyrebird—because they do not speak the truth on all occasions. They tried to sterilise our property."

These are hard-working farmers whose husbandry of their properties has been excellent. They have preserved their properties in such a way that the National Parks and Wildlife Service can now identify critical habitat, vulnerable economic communities and endangered technological communities on their land. If their stewardship had been so poor that those natural environments and ecological systems could not exist, why do they still exist? Why must the National Parks and Wildlife Service orders these people to do things? By identifying critical habitat and sterilising land the National Parks and Wildlife Service is promoting a shoot, shovel and shut up mentality. I do not want that, nor does the National Parks and Wildlife Service. I want conservation, not preservation.

If we are to compel farmers to preserve areas of their land, we must compensate them. The honourable member for Ballina has spoken on numerous occasions to the media and elsewhere urging that if farmers are to be compelled to preserve areas of their land, they must be compensated fairly—not just given rate relief and prohibited from drawing water from their rivers. This evening I have not raised a number of issues that are not dealt with by the bill. The State must say to them, "We will buy your land at a fair price, and we will then pay you to look after the land on behalf of the State." That is what other countries do. If farmers cannot produce from part of their land or get an income from it, the Government must undertake on behalf of the Parliament to provide them with an alternative income from State coffers. As I have said before, find the problem from Sydney and find the solution in the bush.

We cannot expect to restore the Sydney environment to its former pristine condition. Certainly, we should not impinge on the basic rights of people in regional and rural New South Wales by overriding their rights with legislation. I implore the Minister to withdraw this legislation, go back to this 1997 report, read the recommendations that he has ignored and implement those recommendations, which came from a bipartisan committee led by the Hon. Pat Rogan, a former member for The Hills. Pat Rogan was a great bloke and he did a great job of chairing the committee. It is sad that the Minister and his department have chosen to ignore essentially the whole of the recommendations. I concede that the Minister has accepted some of those recommendations, but I suggest that those are not the vital recommendations. I urge the Minister to reconsider the vital recommendations, recognise the good work of Pat Rogan, accept those recommendations and do what the New South Wales people want. Unfortunately, because the Government has presented the bill without consulting the Opposition, interest groups or anyone else, we will have to oppose it.

Ms ANDREWS (Peats) [11.58 p.m.]: The Threatened Species Conservation Amendment Bill represents the Government's legislative response to the recommendations of the report of the joint select committee on its review of the Threatened Species Conservation Act 1995. As the honourable member for Coffs Harbour has pointed out to the House, we both took pleasure from serving on that committee, which was chaired by a long-serving and distinguished parliamentary colleague, the former honourable member for East Hills, Pat Rogan. The joint select committee held a number of public meetings in various parts of the State, including one conducted on the Central Coast. Members of the committee visited the Somersby industrial estate, which is located within the Peats electorate, where difficulties were being encountered with the establishment of industries in the estate, due in the main to the presence of a low, spreading shrub, *prostanthera junonis*, or Somersby mint bush.

Following the completion of the joint select committee's work, in October 2000 a recovery plan for the Somersby mint bush, *prostanthera junonis*, was developed. That was accomplished in accordance with the Threatened Species Conservation Act 1995 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. I point out that the *prostanthera junonis*, or Somersby mint bush as it is commonly known, is listed as endangered on schedule 1 to the New South Wales Threatened Species Conservation Act 1995 and listed as nationally endangered in the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

The Somersby mint bush recovery plan was prepared through funding provided by the New South Wales National Parks and Wildlife Service, the Gosford City Council, and Environment Australia through the Commonwealth Endangered Species Project No. 548. A recovery team comprising land management and research interests prepared the recovery plan, the objectives of which are to document the management actions required to promote the recovery of the Somersby mint bush and to ensure its ongoing viability in nature.

The bill contains a range of measures that will clarify and streamline the threatened species listing process, provide greater certainty for participants in the threatened species assessment process, streamline licensing procedures and strengthen recovery and threat abatement planning. Most importantly, the list of factors which needs to be considered when deciding whether an action is likely to have a significant effect on threatened species, currently known as the eight-part test, has been clarified considerably. That eight-part test was a bone of contention during the hearings of the joint select committee. Under the existing test, consent and determining authorities and applicants seeking development consent or approval need to take eight factors into account when deciding whether a particular action is likely to have a significant effect on threatened species, populations, ecological communities or their habitats.

The primary objective is to ensure that the level of consideration afforded to threatened species through the planning and assessment process is consistent and transparent. The joint select committee found that the test is difficult to apply in its present form. The committee also pointed out that the test is not readily applicable to endangered ecological communities. Following extensive consultation with the Scientific Committee, State and local government agencies, industry and environmental groups, that test has now been revised. The new seven-part test contained in the Threatened Species Conservation Amendment Bill will involve parallel amendments to the Fisheries Management Act and the Environmental Planning and Assessment Act and they are spelt out clearly in the bill.

In summary, the new test will bring the scale of assessment down to the local level, reflecting the fact that long-term loss of biodiversity arises primarily from the accumulation of losses and depletions at a local level, imposes a clearer and more comprehensive test for endangered ecological communities and the assessment of impact on habitat, and requires anyone applying the test to refer to any relevant threat abatement plans and recovery plans. The new test will provide greater certainty for all those involved in threatened species assessment. In addition, comprehensive guidelines will be prepared to further assist with the process of interpretation.

The guidelines will be drafted in conjunction with key agencies and will be placed on public exhibition to allow all interested parties to comment. Prior to adoption of the guidelines, the concurrence of the Minister for Planning will be required. Parallel provisions have also been included under the Fisheries Management Act. The guidelines, when prepared, will have to be taken into account when making a final decision as to the effect of particular action on threatened species. Having detailed the significant changes to the test, I will now briefly outline the other major provisions of the bill.

A new listing category is to be created to allow the Scientific Committee to list vulnerable ecological communities. While listing will not trigger threatened species assessment or approval processes under the Threatened Species Conservation Act or the Environmental Planning and Assessment Act, it will improve long-term prospects for retention and alert the community to the declining status of certain communities before they become endangered. Provision may also be made for vulnerable ecological communities in environmental planning instruments. That means that the likely impacts of a development on a vulnerable ecological community can be taken into account at both the plan development stage and the development consent stage.

Minor amendments to the criteria for listing threatened species will ensure, amongst other things, that isolated populations of limited conservation value are not listed. The amendments will also resolve the difficulty of deciding which agencies should be responsible for a species which spends part of its life cycle in water. Under the new arrangements the Minister responsible for the administration of the Threatened Species

Conservation Act and the Minister responsible for the Fisheries Management Act will determine jointly whether a species or group of species, flora or invertebrate, should be dealt with under the threatened species legislation or the Fisheries Management Act. Matters which cannot be resolved will be referred to the Premier for a final decision. The bill also contains new provisions governing the listing of threatening processes. In future, the Chair of the Scientific Committee will be able to refer a nomination of a key threatening process to the Fisheries Scientific Committee if the threatening process to which the nomination relates is likely to have an impact on both terrestrial and aquatic environments.

Ms Hodgkinson: Point of order: The standing orders provide that a member should not speak directly from notes. Obviously the honourable member for Peats is reading a speech which has been prepared. I ask that you ask her to ad lib, as other members of this Chamber would be required to do, and to not read directly from prepared notes that we cannot confirm as her own notes.

Mr SPEAKER: Order! My observation was that the honourable member for Peats was referring to copious notes, which is allowed under the standing orders.

Ms ANDREWS: If both Chairs agree, the nomination will be treated as a nomination under both Acts. Fisheries and the National Parks and Wildlife Service will also be given the ability to prepare joint threat abatement plans in those circumstances. As recommended by the joint select committee, the bill makes provision for the preparation of multi-species recovery plans and threat abatement plans. The bill also allows the Director-General of National Parks and Wildlife and the Director of Fisheries NSW to make joint threat abatement plans and joint recovery plans if this is the most appropriate way of addressing complex threats or co-ordinating recovery actions.

Ms Hodgkinson: Point of order: The member continues to read from prepared notes without ad-libbing her speech. She is reading from a prepared typed speech. I ask that she produce her own work in this Chamber, as is expected of all members.

Mr SPEAKER: Order! As I indicated earlier, the honourable member for Peats was referring to copious notes, which is allowed under the standing orders.

Ms ANDREWS: The National Parks and Wildlife Service will have the discretion to prepare threat abatement plans for processes impacting on non-threatened species, populations and ecological communities should it wish to do so.

Mr SPEAKER: Order! The honourable member for Burrinjuck will remain silent. The honourable member for Davidson will cease interjecting.

Ms ANDREWS: For the first time, the Director-General of National Parks and Wildlife will be required to have regard to the special role that indigenous people can play in the making of recovery plans and threat abatement plans. Consultation with Aboriginal communities will be undertaken to ensure that the social, cultural and economic consequences of plan making is taken into account. At present there are two separate licensing regimes, one under the National Parks and Wildlife Act and the other under the Threatened Species Conservation Act, for undertaking scientific research or carrying out conservation activities in relation to threatened species.

Activities affecting threatened plants and invertebrates, endangered populations and endangered ecological communities currently require licensing under the Threatened Species Conservation Act. Activities related to threatened fauna are licensed under the National Parks and Wildlife Act, as are activities that affect projected fauna and protected native plants. The bill will streamline licensing procedures by allowing for the issuing of a single license for scientific, educational and conservation activities, including flora and fauna surveys affecting protective and threatened plants and fauna species, endangered populations and endangered ecological communities. As pointed out by the joint select committee, the lack of savings provisions causes significant difficulties for consent and determining authorities.

Currently authorities must consider the schedules as they stand, both when a development application is submitted and when making a decision. Should a species, population or ecological community be listed the day before a decision is made, the consent or determining authority must consider these additional matters, regardless of the assessment already undertaken. This situation applies also to the licensing of actions under the Threatened Species Conservation Act. Amendments will be made to introduce savings provisions which will

have the effect of freezing the list for vulnerable species for a period of 12 months from the time a valid application is lodged. To ensure maximum protection for those species which face the highest risk of extinction, the savings provisions will not apply to endangered species, endangered populations, endangered ecological communities or provisional (emergency) listings. In conclusion, I restate that the amendments reflect the key findings of the joint select committee. They will enhance the operation of the Act and promote the recovery of threatened species in New South Wales. I commend the bill to the House.

Mr HUMPHERSON (Davidson) [12.11 a.m.]: I lead for the Opposition on this bill. The Opposition makes it clear to the Government that if it had chosen to adopt a different approach to this bill it would encounter a less rocky road in this House and in the upper House. The Government had the opportunity to seek co-operation for proper consultation to be undertaken in relation to this bill, including consultation with affected stakeholders and members of the wider community. Prior to this legislation being rammed through the Parliament in the early hours of this morning, the opportunity existed to ensure the smooth passage of this legislation through the Legislative Assembly and the Legislative Council. Clearly, however, that was not the intention of the Government, the Minister for the Environment or the Leader of the House.

In those circumstances, the Opposition will oppose the bill in this Chamber on the ground that no proper consultation has been undertaken and no opportunity has been afforded to the Opposition to consider all the elements of the legislation. The opportunity of providing input has not been extended to environmental advocates and land users because there has been no opportunity for those people to present their views or make representations to the Opposition or their local parliamentary representatives. The course adopted by the Government has improperly denied people whose parliamentary representatives occupy seats on the Opposition side of the Chamber the opportunity to raise their concerns, contribute to debate and represent the interests of their constituents during debate on the bill. At this stage arguments for and against the bill cannot be properly represented in this House.

In a sense, the Government has said to members of the Opposition that this House is irrelevant and so are the members of this House and the people they represent. The Government has clearly signalled its intention to debate this bill and determine its outcome in the Legislative Council, thereby denying a large number of people proper consideration of their concerns. So far only the honourable member for Peats has contributed to this debate—and she clearly read a prepared speech given to her by the Minister's office. It was not her own work, and the *Hansard* record should reflect that. In that respect, I concur with the comments made to me earlier by the honourable member for Burrinjuck.

The bill proposes a range of changes to be made to the Threatened Species Conservation Act. The Opposition is deeply concerned about a number of the proposals at this point. The Opposition has reservations about others, and some of the stakeholders will raise those concerns in the near future. If their concerns are not fully considered in this Chamber, they will be canvassed fully in the upper House. Even so, parliamentary representatives of this House will not have the opportunity to engage in debate, nor is the Government intent on taking into account the concerns of Opposition members of this House. I will deal first with the timing of this bill. A joint select committee made recommendations some five years ago in 1997 as a consequence of the operation of the 1995 Act's review provisions. The report was brought down five years ago and it has taken the Government a very long time to bring forward the report's legislative refinements.

The Government's only excuse for the delay is that it has become necessary to bring the original Act into line with the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The title of that legislation says it all: it was passed in 1999, yet it has taken this Government three years to bring this State's legislation into line. It is clear that the Government has not treated this matter with any sense of urgency, yet five days after notice of the bill was given and without proper community consultation, the Opposition has had to deal with this legislation against the background of the Government's intention of ramming through the legislation in the early hours of the morning.

The legislation proposes a number of changes such as 30 listings of the semi-aquatic and semi-terrestrial species. I understand that there is some doubt about which Act some species should come under—the Fisheries Management Act or the Threatened Species Conservation Act—and one of the purposes of this bill is to clarify that matter. It would appear that the joint select committee did not regard such a change to be necessary. Although the matter is not entirely clear, I hope that it will be resolved by the time debate on the bill concludes. A number of the Government's proposed changes appear, on a first reading, not to be of great significance.

The legislation controls the listing of endangered populations, and the bill makes it clear that a population is eligible to be listed as endangered if, in the opinion of the Scientific Committee, it faces a higher

risk of extinction, if it is not already a population listed and of conservation significance at a State or regional level. That change highlights the concerns felt by certain members of the Opposition and members of the wider community about how the Scientific Committee operates. There is a very strong perception that the Scientific Committee does not have a sufficient degree of accountability and there may be no easy solution to that problem. Certainly there is a feeling that the Scientific Committee operates independently of community concerns and irrespective of some of the impacts that its decisions might have on stakeholders, land users and others. Those concerns do not appear to have been adequately addressed by the bill. If anything, the nature of the secrecy and the lack of transparency of the process within which this bill has been progressed only serves to heighten a lack of trust and exacerbates concerns.

In so far as the communities that are eligible for listing as endangered ecological communities are concerned, evolutionary development has been removed from the listing criteria. At this point, the Opposition is not concerned about that matter, based on scientific advice that it is not possible to determine what the evolutionary development of a community might be. The Opposition is also not overly concerned about species eligible for listing as species that are presumed to be extinct. The Opposition has not had the opportunity to fully consult interested parties on the new listing category of "vulnerable ecological communities". I gather that the Government's argument is that the changes are necessary to bring the legislation into line with Federal legislation. The listing of vulnerable ecological communities is based on the likelihood of a community becoming endangered in nature, unless the circumstances threatening its survival cease to operate.

It is alleged that listing will alert the community to the declining status of communities before they become endangered. The final view of the Opposition on this change will be outlined in the other House. It would appear that the intent of the joint select committee was not to concur with referring the key threatening process nominations to the Fisheries Scientific Committee. It is alleged that it will streamline the process. If a nomination of the key threatening process is likely to have an impact on both and threatens aquatic environments, the Chair of the Scientific Committee would be able to consult with the chair of the Fisheries Scientific Committee to determine whether the nomination should be considered under the Fisheries Management Act. It would also work in reverse. Again, the Opposition reserves its final view on this change.

I have already referred to Opposition concerns about the operation of the Scientific Committee. A number of procedural amendments are proposed. The Government could have outlined the proposed guidelines in the nomination guidelines. It said that it would draft guidelines. The Government has advised that the Scientific Committee has guidelines in mind that will be placed in the public arena for consultation and feedback before finalising them once the legislation is enacted. It is not clear why the Scientific Committee's proposed nomination guidelines could not have been made available at this stage. The Government has had five years to get to this stage. One would have thought that if it were genuine we would see some of these guidelines. They may not have been finalised, but at least the Parliament would have had a chance to form a better view of the intention of the Scientific Committee and the Government.

It is intended that the committee, in conjunction with the Director-General of National Parks and Wildlife, will make guidelines to support the nominations process for listing threatened species populations, ecological communities and key threatening processes. The requirement to publish reasons of determinations has been deleted and, on face value, is a logistical question that the Opposition does not disagree with at this point. Obviously, it is more efficient for volumes of information to be accessed via a web site. It is a logistical and very expensive exercise to present all the information in a newspaper that circulates statewide. That point may well be conceded, but we would like to see some clear options for obtaining the relevant information for those who do not or are unable to access a web site. The legislation proposes to expand the membership of the Scientific Committee by one, with the addition of a scientist employed by the public authority with land management responsibilities. On face value that does not appear to be of great concern to the Opposition at this point.

It is the secondary part of this change that raises questions: the clarification of terms of office for committee members and their transitional arrangements, which will be provided for. The alleged need to have an appropriate level of membership has vested enormous discretion in the Minister. He has the ability to permit a number of members of the committee continuing beyond their statutory terms and others to terminate, as would normally be provided for. Some time ago this problem was foreseeable. It would appear that the Minister can, selectively, allow some people to continue beyond what would have been the end of their normal, statutory and expected terms. But perhaps it is a discretion that the Minister ought not have. That can be the subject of a further debate in both this House and the other House.

The ability to withhold information provided in nominations has two elements. First, it gives the Scientific Committee discretion to withhold information about the distribution of species to protect that species.

There seems to be no good reason to make that change. Protecting the privacy of nominations who requested non-disclosure of personal details is very sensitive for those upon whom nominations impact. This needs to be the subject of far greater debate and discussion than we have had to date. Clearly, there will be a range of views on this topic, but it is impossible for honourable members to make the final decision on this matter in this House with a lack of debate and consultation. It is impossible to come to a formed, sensible decision. The bill enables the Director-General of National Parks and Wildlife, with the approval of the Minister responsible for administering the Act and the Minister responsible for administering the Fisheries Management Act, to make joint recovery and joint threat abatement plans with the Director of Fisheries.

At this stage the Opposition raises no strong objections to that. Changes are also proposed to threatened species and plans. The interests of indigenous people have been taken into account. The obligatory requirement for the interests of indigenous people to be taken into account as a matter of principle is not opposed, and it could well be productive depending on the circumstances taking into account the likely social, cultural and economic consequences of plan making. A number of changes are proposed to licensing, but they are revised tests of significant effect, so-called seven-part tests that will apply to licensing arrangements under the Threatened Species Conservation Act. We are advised that the tests will bring the scale of assessment down to a local level, impose a credible comprehensive test for endangered ecological communities and the assessment of impact on habitat, and require anyone who applies for a test to refer to any relevant threat abatement plans and recovery plans. The main difference with this and the existing Act is that it applies a test with a greater degree of localisation.

At this point it would not raise concern from the Opposition, but we reserve our position on that until we have had greater feedback from stakeholders in the community. Reporting provisions codify existing arrangements whereby the Director-General of National Parks and Wildlife is required to report publicly on the implementation of part 3 critical habitat provisions, part 4 recovery planning provisions and part 5 threat abatement planning provisions of the Act. No concerns have been raised in that regard. Three other Acts will have consequential changes that will mirror the changes proposed. They are changes to the Environmental Planning and Assessment Act, the Fisheries Management Act and the National Parks and Wildlife Act. In this regard the change, which may be the subject of an emotional debate and receive more consideration by the Opposition, will be the provisions to apply in the listing of a vulnerable species for a period of time 12 months after the development application was made, approved or sought, or an environmental impact statement publicly exhibited, as the case requires.

I imagine that there will be a difference of opinion in relation to this issue. The Opposition will reserve its decision until it has received an input from stakeholders. Without having received substantive advice, I can state that a range of concerns have been flagged by stakeholders, but they have not had an opportunity to give this bill their full consideration because of a lack of advice from the Government. Groups representing land users such as irrigators and New South Wales Farmers have a strong desire to have an input into this legislation. I envisage that that sort of input will be forthcoming.

The Australian Environment Business Network indicated that it had concerns about proposed changes to this legislation, but it has not yet had an opportunity to fully consider those changes. Some environmental advocacy groups have also indicated that they are concerned about provisions in this bill. The Wilderness Society said that it is concerned about seven issues in the bill, for example, the new listing of vulnerable species and the 12-month development application issue to which I referred earlier. The society said that critical habitat should include vulnerable species and communities. It argued that both the director-general and the Minister should be involved in modifying a concurrence granted under this legislation; that it should not be either the director-general or the Minister.

The society also said that the requirement to submit an environmental impact statement [EIS] if development affects the habitat of a critical species should apply only if the rest of the environment is not affected. In the view of the society, in those circumstances only a species impact statement is required. The Opposition is concerned that, as this is an unusual circumstance, this serious loophole in the legislation could lead to the non-provision of environmental impact statements. The Wilderness Society also questioned the Government's commitment to integrated natural resource management and a whole-of-government approach. It believes that the NSW Fisheries recovery and threat abatement plan is appalling. It does not believe that NSW Fisheries has the expertise, capacity or independence to implement that plan.

That is a brief outline of the concerns that have been expressed by environmental advocacy groups. In summary, that brief outline reflects only the tip of the iceberg. I have not yet touched on the concerns that have

been expressed by community stakeholders, which highlight the fact that members of the community were not properly consulted before the bill was finalised in this House. Members of Parliament who represent constituents in areas that will be affected by this legislation have not had sufficient time within which to receive community responses and input. That shows the contempt with which this Government has treated this process and the community. The Opposition opposes the bill. Opposition members do not intend to make the passage of this bill an easy one unless the Government is prepared to reconsider its position and allow a full and proper debate, not just in this Parliament but also in the wider community.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [12.34 a.m.], in reply: I point out to the honourable member for Davidson that my staff pursued him for many days seeking to brief him on the nature and detail of this bill. I think that the honourable member has been preoccupied with other things. I thought that he might have been preoccupied with preselection. There has also been massive consultation through the select committee process. Let me place this bill in some context by pointing out that Australia is home to more than a million species of fauna and flora, many of which are found nowhere else in the world. Changes to the landscape and loss of native habitat resulting from human activity have put many of these unique species at risk. Indeed, over the last 200 years many have become extinct. For the other species of plants and animals whose very survival is threatened, a range of management and conservation measures are in place.

The Government's mechanism for conservation of threatened species is the landmark Threatened Species Conservation Act 1995. The Act aims to secure the recovery of plant and animal species that are in danger of becoming extinct. It integrates species impact assessments into the concurrence provisions of the Environmental Planning and Assessment Act. That means that almost all actions that are likely to have a significant effect on threatened species do not require separate licences under the Act. The amendments contained in this bill will enhance the biodiversity conservation objectives of the Threatened Species Conservation Act and safeguard the independence of the Scientific Committee.

The bill responds appropriately to the joint select committee's recommendations and to the enactment of the new Commonwealth threatened species laws. Those Federal laws, of course, for some time held up the introduction of this bill, until it was possible to harmonise its provisions with those of the threatened species legislation amendments. Contrary to suggestions by the honourable member for Coffs Harbour, who appeared to be suggesting that the select committee recommendations were being ignored, all but six of the 30 recommendations of the joint select committee are supported in this bill. That includes recommendation 16, which the honourable member specifically suggested had not been adopted.

Decisions about the listing of a species or ecological communities as vulnerable or threatened are made by the independent Scientific Committee. The committee is required to make its decisions based on scientific fact. That is precisely why the maintenance of its independence is important. Science and not politics should determine whether or not a species is actually in danger of becoming extinct. Either a species is endangered or it is not. However, I stress that the Scientific Committee is in no way involved in the development assessment process. It is, therefore, by itself incapable of stopping any development from being approved. Consent authorities, typically councils or the Minister for Planning, retain that power. That is the point at which social and economic matters are considered.

The planning system is ideally equipped to ensure that these matters can be properly balanced. In its review of the Act in 1997, the parliamentary joint select committee made special mention of the efforts of the National Parks and Wildlife Service to ensure that threatened species issues are considered as early as possible in the project planning and development control process. That means that potential impacts can be dealt with up front rather than at the stage where a development application has already been submitted. The record indicates that this approach has been generally very effective. More than 100,000 development applications are submitted to councils every year.

That means that since the Threatened Species Conservation Act commenced there have been around 700,000 development applications. Of those, only a small proportion has required any more than a preliminary assessment due to the likely presence of threatened species on the affected land. I am advised that only 212 development applications required the Director-General of National Parks and Wildlife to issue what I call

director-general's requirements for a species impact statement. Of those 212, only 45 required formal concurrence by the National Parks and Wildlife Service, and of those all but five were granted. Of those five, three were subsequently approved with amendments. That is out of 700,000 development applications—an important point to emphasise. That proves that the consultative approach adopted by National Parks is working. Almost every concurrence request is approved but, importantly, only after the proponent has modified the development to ensure that threatened species are protected, wherever possible. That is ecologically sustainable development in action.

I mention a particular matter that has been raised by the honourable member for Ballina, who is also the shadow Minister for Land and Water Conservation. He has been concerned about whether a threat abatement plan for water extraction affecting natural flows of rivers that had been prepared under the Threatened Species Conservation Act would prevail over the water sharing plans that presently are being prepared under the Water Management Act 2000. I can advise that the provisions of the Water Act would prevail. For example, once water-sharing plans become effective I understand they will be in place for 10 years.

If—and that word should be stressed for the eventuality is exceedingly slight—a future threat abatement plan purported to change the water-sharing plans extraction, the Water Management Act would ensure automatically that compensation was payable to anybody affected. I make an undertaking to provide more detailed information to the honourable member. The only other point I wish to raise at this late hour concerns the question of assessment guidelines not having yet been prepared. This issue was raised by several members. Various parts of the bill contain provisions that permit the preparation of guidelines.

For example, proposed section 94A allows for the preparation of assessment guidelines relating to the new seven-part test. The criticism has been that these guidelines are not yet available for scrutiny by the Parliament. My response to that criticism is that the aim is that the guidelines will be made available for public comment before being finalised. The community will have a say in their content. It is in no way unusual for a bill to include a power to make, for instance, a regulation that has not yet been seen by the Parliament. That is the circumstance here. When the various guidelines are prepared they will be seen by the Parliament. With that assurance I commend the bill to the House.

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

The House divided.

Ayes, 42

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

Noes, 27

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

Pair

Ms Saliba

Mr Brogden

Question resolved in the affirmative.**Motion agreed to.****Bill read a second time and passed through remaining stages.****RURAL FIRES AND ENVIRONMENTAL ASSESSMENT LEGISLATION AMENDMENT BILL****Second Reading****Debate resumed from an earlier hour.**

Ms SEATON (Southern Highlands) [12.54 p.m.]: The towns of Hilltop, Colo Vale, Buxton, Bargo, Appin, Wilton, The Oaks, Oakdale, Belimbla Park and Thirlmere became well known to people throughout New South Wales when fires hit the Southern Highlands area over the 2001 Christmas period. Many communities were threatened. The Oaks, Oakdale, Belimbla Park and Thirlmere were hardest hit. Homes were lost in several villages in our area. There was considerable anger in my community in the weeks following the black Christmas bushfires. At that time the honourable member for Camden and I convened a large public meeting, which took place at the Oakdale Workers Club. I commend to the chairman of the Joint Select Committee on Bushfires, who spoke in the debate this evening, the submission that the honourable member for Camden and I made to the joint select committee. The submission is a compilation of the submissions from 300 people who were present at that meeting, at which many concerns were expressed.

It seems that members of the Australian Labor Party are not interested in hearing about what happened to people in the community I represent who were hit very hard by the black Christmas bushfires. I am sure the community will be very disappointed to hear that concerns they sought to have put forward on their behalf at the public meeting at Oakdale Workers Club, which was attended by more than 300 people, are apparently not of interest to members opposite.

One of the concerns raised at the meeting was the management of Crown land, particularly Crown land owned and managed by the National Parks and Wildlife Service, the Sydney Catchment Authority and the Department of Land and Water Conservation. Concern was expressed that the management of that land did not fulfil the obligations that Crown land managers have under the Bushfires Management Act. In fact, meetings are still taking place in my community in an effort to reach a decision about whether a class action will be taken against the National Parks and Wildlife Service.

The Rural Fires and Environmental Assessment Legislation Amendment Bill contains some very important provisions, but it also raises matters of concern for the Opposition. I am interested to know why the bill has been introduced before the recommendations of the joint select committee have been fully considered by this House. The bill provides for the commissioner to conduct audits on bushfire risk management plans, and for the details of those audits to be included in the Rural Fire Service annual report. It also requires local and public authorities to report to the commissioner regarding their hazard reduction activities. The bill also establishes a procedure to consider complaints that an authority or a landowner-occupier has not carried out hazard reduction work.

I urge the Minister to consider that aspect very carefully. Although I fully understand and accept the sentiments expressed, people who move from city areas to the Blue Mountains and the Southern Highlands are not familiar with bushfire reduction methods and the environment to which they are moving. Many of those people would benefit from positive and proactive education about how to manage their properties. I am sure that councils would be very keen to do this if they received some assistance. I find that people who have not been in the area for very long are perhaps doing what they would have done in the city, which was to pile vegetable waste on the borders of their property—which of course is not the right thing to do in an area such as mine. I would suggest that, rather than institute a complaint system, some form of positive education should be encouraged.

The bill enhances the powers of the commissioner to carry out bushfire hazard reduction work. Many people in my community were concerned to hear the commissioner, during the bushfires and, indeed, when he

gave evidence before the joint select committee, express his views about the concern expressed by people in my area, and no doubt others, that insufficient hazard reduction had been undertaken. I heard the Minister express views along similar lines. However, I have yet to hear the Minister for the Environment, and Minister for Emergency Services and the commissioner reconcile their views with those that I know were put in the submission by New South Wales Forestry, which strongly put the case that hazard reduction was a very useful and necessary method in preventing bushfires.

I note that the bill does not acknowledge the notion of buffer zones as a principle that we should push and manage. It was the strong view of those who attended the meeting at the Oakdale Workers Club that buffer zones should be established between private land, Crown land and bushland. They were certainly mentioned in the submission that I, along with the honourable member for Camden, made to the bushfire inquiry. The Coalition has expressed a number of concerns about this bill and the enormous power that it will give to the Commissioner of the Rural Fire Service, including total discretion regarding bushfire-prone land. The Coalition is also concerned that restrictions on the development of land do not include provision for compensation. Very little time has been allowed for community consultation about the bill, which may pre-empt the recommendations of the Joint Select Committee on Bushfires.

Provisions relating to consultation with the Commissioner of the Rural Fire Service might delay development application processes. It is important that the commissioner be required to comment in a timely fashion. Most important is the fact that much of the bill is seen by local people to be too little too late, although they are pleased that recognition has now been given to the problem. I was present when the Minister dropped into the Hill Top fire station during the Christmas bushfire crisis. He spent a lot of time speaking to our local fire captain, Brian Coates, a man with literally decades of firefighting experience. Mr Coates is one of the most respected people in our local Rural Fire Service. He expressed to the Minister his concerns about the red tape surrounding applications for hazard reduction and about the degree of paperwork that is required to be submitted to the Environment Protection Authority and other authorities for sign off.

I am pleased that the approval process for hazard reduction has been streamlined. That is important. I would like to think that the discussion the Minister had with Brian Coates on that day at Hill Top had some impact and grassroots feedback from a time of crisis is being acted upon. I would be most pleased if that is the case. Almost every fire brigade in my area has complained about the excessive red tape surrounding hazard reduction applications. Even if all the correct procedures have been followed, if there is a variation by perhaps one or two degrees in ambient air temperature or wind speed, the whole process has to start all over again. There has been inadequate hazard reduction in my area.

The Opposition will not oppose the bill but it wishes to register some concerns it has about it. I take this opportunity to thank yet again my local firefighters, who did such an excellent job during the Christmas fires in averting what could have been a crisis. Had the fires reached Mittagong, we would have had a disaster on our hands. I would like to extend the sympathy of the House to those in Oakdale and Thirlmere who lost homes and property. Many of them are still struggling to rebuild their lives. It will take a long time and they are fearful of what will happen if we do not learn lessons from previous bushfires.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [1.04 a.m.], in reply: I have noted that some members of the Opposition—not the last speaker, I should mention—have used debate on this bill as yet another opportunity to pursue their twisted campaign against one government agency, the National Parks and Wildlife Service. Common among the claims made is that I have a conflict of interest because I am both Minister for the Environment, responsible for National Parks, and Minister for Emergency Services, responsible for fire services. This indicates just how shallow and two-dimensional the arguments of those members opposite are. The fact is that the bringing together of these two portfolios under one Minister has proved to be a positive boon to bushfire planning and fighting.

It has actually made it easier for two of the key agencies—the National Parks and Wildlife Service and the Rural Fire Service—to co-operate on a number of operational matters, from hazard reduction planning and operations, to training, the provision of complementary equipment and single task forces to carry out particular operations. Among the best aspects of my common ministerial responsibilities has been the way in which one of the Rural Fire Service's core functions—protecting the environment—has been enhanced by closer relations with the National Parks and Wildlife Service, which has, in turn, been able to improve its already outstanding record as a firefighting agency.

In this modern era of firefighting, when most of the community cares about protecting lives and property and the natural environment, it is perfectly reasonable that there should be the closest possible relations

between the two agencies. It follows, therefore, that there is no conflict of interest, and I am pleased that my time as Minister responsible for both services has been significant for bringing these agencies together in the conduct of their day-to-day work. This highlights the essential problem with the approach of many members opposite, which ignores the whole thrust of co-ordinated bush fire fighting that has been put in place over the past five years by this Government. Under this policy the onus has been placed on all players in the bush fire fighting movement.

This means that all combat agencies, principally the Rural Fire Service, New South Wales Fire Brigades and all public land managers—whether State Forests, the Department of Land and Water Conservation, public utilities or the National Parks and Wildlife Service—work together with key stakeholders in the community, especially volunteers, farmers and environmentalists, in a co-operative framework in their local communities, in terms of overall management and administration at the local level. In recent years all these key components in the bush fire fighting movement have highlighted concerns about blockages in the approval process for hazard reduction work. I emphasise that everyone in the bush fire fighting arena knows that there are blockages in the approval process and that has centred on confusion about the relationship between several pieces of emergency services and environmental legislation.

It is for that very reason that I formed an interdepartmental committee of government agencies in 1999 and asked it to consult widely in an effort to establish better ways to achieve commonly agreed ends. That group reported late last year, before the fires but not long before them, and made a range of important recommendations, which are now reflected in this bill. The fact that this bill is being considered by the House at all is the result of the reform program initiated by this Government and carried out in consultation with all the major stakeholders. This is illustrated by some simple comparisons between the performance of the Coalition when it was in government and the achievements of the present Government.

Let us consider these facts. In the 1994 bushfire emergency, firefighters were virtually left on their own to cope after six years of Coalition neglect. The interstate task forces left New South Wales expressing bewilderment at the lack of organisation. In 2002 the interstate firefighters proclaimed the effort the best fire campaign they had ever seen. In the aftermath of the 1994 fire the Coalition Government resisted to the death Labor's proposal for a select committee to investigate the then Government's obvious failings, and insisted that everything should be confined to a behind-closed-doors Cabinet subcommittee.

In 2002 the Carr Labor Government was consistent. It established a select committee into the Christmas fires. In 1994 the Fahey Government tinkered with the bush fire fighting arrangements and refused to confront the urgent need for modernisation and reform. In the immediate aftermath of the election of the Carr Government in 1995 these issues were confronted and, following widespread consultation with the community, the old-fashioned Bushfire Act of 1949 was replaced with the new, modern Act of 1997.

In the light of the recommendations of the interdepartmental committee and the experience of the 2002 fires, the Government developed this bill and has brought it before the House, demonstrating our commitment to continuing the reform process. These attacks expose the real nature of the carping and negative approach of most of the members of the Coalition over the past eight years. The Coalition has rarely played a positive or progressive role in bush fire fighting. Instead, it has remained obsessed with political point scoring against the National Parks and Wildlife Service, as has been shown again tonight.

The honourable member for Oxley repeated a claim made recently at the joint select committee that last Christmas some fuel loads in national parks were at armpit depth. I am sure the committee will have collected some pertinent scientific evidence on this matter, but let me observe that such claims are akin to the persistent stories of a black panther in my electorate of Blue Mountains. No-one has yet seen either of them! I am reliably informed that levels of that depth would indicate something over 150 tonnes of fuel per hectare. It is interesting that that is the level of publicity claimed by the Hon. Rick Colless, one of the Opposition members of the select committee, before he had heard a word of evidence.

Fuel loads up to one's armpit, amounting to 150 tonnes per hectare, simply defy logic. The natural process of breaking down of vegetation to replenish soil nutrition indicates that such levels are fanciful. By repeating them to score political points, the honourable member for Oxley and the honourable member for Coffs Harbour, whose interjections I have been ignoring, show just how far the National Party, especially the North Coast National Party, is prepared to go to pursue political self-interest to the detriment of what is otherwise an extremely important community debate.

The bushfire environment code will be developed as a result of this bill. It will shorten the time frame in which environmental factors have to be considered for hazard reduction. It will involve extensive consultation

with all stakeholders, ensuring that consideration of environmental issues takes place at the front end rather than the back end of the process. It will mean that landowners only need to apply for the work to be carried out. There will be no need to carry out surveys. Mapping was raised by several members. Resource issues might arise for local councils in carrying out the statutory provisions to do accurate mapping of bushfire-prone areas within 12 months of the passage of this bill. Councils will be provided with resources to assist them if they do not have adequate in-house staff and equipment to do that work. Any council that believes it needs assistance should draw that to the attention of their local fire control officer.

The honourable member for Monaro asked about permits to burn for hazard reduction during the bushfire danger period. Permits are required for fire safety reasons—that is, to protect the community, especially neighbours—while certificates are rarely required for hazard reduction purposes and not for routine agricultural purposes such as burning for rabbit mitigation measures or something of that sort. Given the lateness of the hour and the urging of my leader beside me, it may be appropriate that I indicate to the House that there will be more discussion as necessary of this extremely important bill in the other place. In the meantime I have pleasure in commending it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

The House adjourned at 1.15 a.m., Thursday.
