LEGISLATIVE ASSEMBLY

Tuesday 18 June 2002

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

Mr Speaker offered the Prayer.

DISTINGUISHED VISITORS

Mr SPEAKER: It is my pleasure to draw the attention of honourable members to the presence in the gallery of the President of the Democratic Republic of East Timor, Mr Xanana Gusmao, who is accompanied by a distinguished delegation. Members will be aware that, over time, the New South Wales Parliament has had a close association with East Timor, and many honourable members have spoken about the difficulties in that area. In fact, some of our colleagues, as well as officers of this Parliament, assisted in the referendum that resulted in East Timor becoming an independent country, and also joined in the formation of the world's newest nation.

Your Excellency, it is a great honour for us to have you visit our Parliament. You have received a warm welcome. Indeed, in all the time I have been a member of this House, that was the most spontaneous welcome I have seen. I hope you enjoy your stay in Sydney.

ASSENT TO BILLS

Assent to the following bills reported:

Local Government Amendment (Anti-Corruption) Bill
Local Government Amendment (Graffiti) Bill
Drug Summit Legislative Response Amendment (Trial Period Extension) Bill
Civil Liability Bill

LOCAL GOVERNMENT AMENDMENT (ENFORCEMENT OF PARKING AND RELATED OFFENCES) BILL

Mr SPEAKER: I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council has considered the Legislative Assembly's Message, dated 7 June 2002, relating to amendments to the Local Government Amendment (Enforcement of Parking and Related Offences) Bill, a Bill of the previous Session, and does not insist on its amendment No. 2 disagreed to by the Assembly in the Bill.

Legislative Council — F. J. NILE
13 June 2002 — Deputy President

INDUSTRIAL RELATIONS AMENDMENT (UNFAIR CONTRACTS) BILL

Bill received and read a first time.

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Compensation Court Repeal Bill
Crimes Amendment (Bushfires) Bill
Legal Profession Amendment (National Competition Policy Review) Bill
Financial Services Reform (Consequential Amendments) Bill
Justices of the Peace Bill
Licensing and Registration (Uniform Procedures) Bill
Liquor Amendment (Special Events Hotel Trading) Bill
Optometrists Bill
Local Government Amendment (Anti-Corruption) Bill

The following bills were returned from the Legislative Council with amendments:

Greyhound Racing Bill
Harness Racing Bill
Crimes (Administration of Sentences) Amendment Bill
Summary Offences Amendment (Places of Detention) Bill
Local Government Amendment (Miscellaneous) Bill

Consideration of amendments deferred.

QUEEN ELIZABETH II GOLDEN JUBILEE BOURKE CITRUS INDUSTRY GIFT

Ministerial Statement

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [2.23 p.m.]: I always take advantage of an opportunity such as this to highlight the success and quality of this State's agricultural products. I congratulate the community of Bourke on sending a carton of sweet navel oranges to Buckingham Palace to help Queen Elizabeth II celebrate her Golden Jubilee. The oranges were a Golden Jubilee present to Her Majesty from the citrus industry at Bourke and from children at the Cornerstone Community Christian School at Pera Bore, which is just outside Bourke and is better known as Darling Farms. The oranges were grown at Back O'Bourke Fruits, whose chief executive officer, Philip Mansell, donated 50 or of his best Lang navel oranges. Children at the school spent time researching the history of their school site, decorating trays for the oranges and writing letters to Her Majesty to accompany the oranges. To meet the tough British quarantine protocols NSW Agriculture regulatory officers examined the oranges and certified them free of fruit fly.

To give the House some background, Pera Bore and Bourke have an historic link to the Royal Family. In 1895 NSW Agriculture established an experimental artesian and water irrigation farm at Pera Bore. By 1904 the farm was growing about 1,300 different varieties of citrus, including Washington navel oranges. Exports of Washington navel oranges to Britain were an immediate success; apparently they were popular with King Edward VII because of their sweetness. The Queen visited Bourke in March this year during her recent visit to Australia. I am advised that 50 oranges arrived at Buckingham Palace yesterday, Monday 17 June. Email confirmation of their arrival was received this morning by the Agsell unit of NSW Agriculture in Sydney.

The citrus industry is worth approximately $80 million a year to New South Wales at the farm gate. Mr Mansell's family has approximately 1,000 of acres of horticultural crops under irrigation in Bourke. He expects citrus production in Bourke to increase tenfold in the next six to eight years from current plantings, and a percentage of 30,000 to 40,000 acres of irrigation land having the potential to be used for horticulture. In conclusion, I congratulate all of those involved in the growing of this excellent product. On behalf of the people of Bourke, I thank Her Majesty for including their community on her recent tour of Australia.

Mr ARMSTRONG (Lachlan) [2.26 p.m.]: On behalf of the Opposition I congratulate the people of Bourke and Agsell on this wonderful initiative. Agsell, which was introduced by the Greiner-Murray Government, is one of the most successful agricultural product marketing projects in the history of this State. It is most fitting that Bourke oranges were sent to Her Majesty. If one were to visit virtually any of the older homesteads in the region, particularly those owned by the Scottish Australian Pastoral Company and the Australian Agricultural Company, one would see extensive gardens with considerable plantings of citrus—lemons, oranges, limes, et cetera. Some of the early station managers were great horticulturalists. They developed varieties of citrus that were suitable to the western district.

There is no doubt that the potential of the Lachlan, Macquarie and Darling river systems for future horticulture production is untapped. The only thing inhibiting the fulfilling of that potential is the lack of availability of water caused by the translucent river flows in the Lachlan. No doubt when Her Majesty writes a letter of thanks for the oranges she will say, "Thank you New South Wales, but what are you going to do about the translucent flow? We want more oranges." I am sure that Her Majesty will be thinking about translucent flows as she has her first orange from Bourke.

CHILD DEATH REVIEW TEAM

Report

Mr Speaker tabled, pursuant to section 23 of the Commission for Children and Young People Act 1998, the report entitled "Fatal Assault of Children and Young People", dated June 2002.

Ordered to be printed.

PETITIONS

Australian War Graves Site French Airport Proposal

Petition asking that the House join with the Federal Government in lobbying the Government of France to stop development of land occupied by Commonwealth War Cemeteries containing Australian war graves, received from **Mr O'Farrell**.

North Head Quarantine Station

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

Bank Services

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

Freedom of Religion

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

Mandatory Minimum Penalties

Petition praying that mandatory minimum penalties be introduced into legislation, received from **Mr Merton**.

Lake Munmorah State Recreation Area

Petition praying that the House oppose the closure of the northern entrance to the Lake Munmorah State Recreation Area, received from **Mr Orkopoulos**.

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**.

Manly JetCat Services

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

Lane Cove Tunnel Works

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

Cammeray Traffic Arrangements

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

School Bus Safety

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

Manly Lagoon Remediation

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

John Fisher Park

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

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**.

Gordon Policing

Petition praying that Gordon police station be upgraded and that the number of police operating out of the station be increased, received from **Mr O'Farrell**.

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

MINIMUM GAOL SENTENCES

Mr BROGDEN: My question without notice is to the Premier. In view of the fact that the Premier told Sally Loane on ABC Radio on 30 November last year that "overnight, overnight I'd introduce minimum sentences", and that over the past seven years less than 10 per cent of murderers convicted in New South Wales received life sentences and around one in five got a minimum term of 10 years or less, why will the Premier now not support the Coalition's policy of minimum sentences for murder and gang rape?

Mr CARR: First of all, the Leader of the Opposition did not give the House the full quote. The full quote was qualified.

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

Mr CARR: Second, the High Court did not go on to do what I warned of in that interview.

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

Mr CARR: The High Court did not take the action that was the subject of the interview.

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

Mr CARR: And, third, I am very keen that this House should have the benefit of all documents relevant to mandatory sentences. I think, for example, that the House ought to see the document adopted by the shadow cabinet in October last year. Why don't you share that with the House? Why don't you give it to the House? Why don't you give to the House the policy you adopted in October last year?

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

Mr CARR: The shadow cabinet minute adopted last year has this heading in it, "Sentencing: A Coalition Perspective. Private and Confidential". At page 4 it says—

[*Interruption*]

"Only excerpts," he says. This is a policy you should reveal to the people. Why don't you release it? On page 4 the policy says:

> Legislation should be introduced to provide for minimum sentences for property crimes for repeat adult offenders. Under this system judges should be given judicial discretion for the first offence. Should that person reoffend, a minimum sentence would be set, with provision for exemption only in exceptional circumstances.

Why doesn't the Opposition release its policy, the one adopted in October? I might have the pleasure of releasing its policy because I have it here.

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

Mr CARR: We can devote ourselves to many aspects of the policy document. I will take a little time to speak about it in the House. One of the most important parts of the policy is that presented by the shadow Minister, the honourable member for Wakehurst. He wrote a submission on the policy and it attacks every last vestige of mandatory minimum sentences. I want to ensure that the House has the benefit today of my releasing the policy adopted by the shadow Cabinet in October. However, I will release as well the root and branch denunciation of the policy by this shadow Minister. I want to have both distributed. What does the shadow Minister say about minimum mandatory sentences? In the submission he stated:

> I believe mandatory sentencing … will not achieve sound policy or political outcomes.

The honourable member for Wakehurst stated that in his submission to the shadow Cabinet, which I am releasing today.

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

Mr Hazzard: I am not the shadow Minister.

Mr CARR: This is your submission. It came in from you. It was your comment on the policy.

Mrs Skinner: You made it up.

Mr CARR: No, no. It is here. The documents are going out.

Mr SPEAKER: Order! I call the honourable member for The Hills to order. There is far too much interjection.

Mr CARR: The honourable member for Wakehurst stated further in his submission to the shadow Cabinet:

> If we are going to proceed to consider sentencing under the heading "Mandatory Life Sentences" and "Statutory Minimum Sentences" then we need to understand that we are in fact talking about mandatory sentencing at two different levels – but nevertheless it is still mandatory sentencing.

This is your paper to the shadow Cabinet.

Mr Hazzard: It is not my submission.

Mr CARR: It is part of the bundle. It is part of the shadow Cabinet document. The submission by BRH went on to state:

> It may also have inappropriate outcomes at the same time as it may expose the Coalition to the same sorts of political backlash the recently defeated NT Country Liberal party suffered.

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

Mr CARR: In the submission the honourable member for Wakehurst went on to state:

> Eg. Would the community want a mandatory life sentence for a woman suffering (temporary) post natal depression (who nevertheless is deemed to have sufficient intent) who murders a policeman attempting to take away her baby to carry out a Care Order.

This is the honourable member for Wakehurst speaking. This is the submission by the honourable member for Wakehurst to the shadow Cabinet on the policy proposal. I quote from the Hazzard submission.

Mr Souris: It's part of a healthy debate.

Mr CARR: "A healthy debate", the Leader of the National Party says.

Mr Souris: Don't your members debate anything?

Mr SPEAKER: Order! I call the Leader of the National Party to order.

Mr CARR: Yes, all the time. The honourable member for Wakehurst goes on to state regarding the policy being promoted by the Leader of the Opposition—

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

Mr Hazzard: You have said it is a policy, and that is a lie.

Mr CARR: Well, here it is.

Mr SPEAKER: Order! I remind the honourable member for Wakehurst that he is on three calls to order.

Mr Hazzard: I am entitled to respond.

Mr SPEAKER: Order! The honourable member for Wakehurst may seek the call from where he is standing.

Mr Hazzard: I am entitled to respond. The Premier says it is a policy document from me and I am not even the shadow Minister. How in heaven's name can it be a policy document? He is just telling lies.

Mr CARR: In the submission the honourable member for Wakehurst stated:

> Eg. What of people suffering intellectual disability?

He stated:

> Is the mandatory requirement to lock up people with mental illness (from which they may recover) or people with intellectual disability what is needed?

He further stated:

> Will the community see as justified locking up such people for what might be 60 or 70 years at a cost in today's dollars of up to $170,000 per annum (ie almost 12 million dollars per person for life)?

Then the honourable member for Wakehurst, in his submission to the shadow Cabinet, went on to ask:

> What is the situation currently elsewhere?

He answered the question and stated:

> *2a (i) The United States?*
> The USA has had mandatory/minimum sentencing in various forms at both State and Federal level since 1973. In most States, only violent felonies are included and less than 100 people have been gaoled under the laws.

Well put by the honourable member for Wakehurst in his submission to the shadow Cabinet. He went on to state:

> Some States do have "two strikes" and "three strikes" type legislation for less serious matters than murder. However there has been some serious questioning of the effectiveness in reducing and deterring crime and there has been a huge escalation in the prison population with a consequent massive increase in expense. (See comments below in regard to "Statutory Minimum Sentences". Para 5).

Mr SPEAKER: Order! The Leader of the National Party will remain silent. I call the honourable member for Ku-ring-gai to order. The honourable member for Oxley will resume his seat.

Mr CARR: Then the honourable member for Wakehurst, in his rebuttal of mandatory minimum sentences, went on to state regarding Australia:

> Western Australia introduced mandatory 12 month custodial sentences for young offenders convicted of home burglary …
>
> The Northern Territory introduced mandatory 28 day custodial [mandatory] sentences … with at least one prior conviction in 1997.

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

Mr CARR: The honourable member for Wakehurst went on to state:

> WA and NT governments lost office thereafter.

Mr SPEAKER: Order! The Chair understands that the Whips need to discuss matters with those on the backbench. However, backbenchers are wandering around the Chamber and the Whips are talking to their colleagues for 10 or 15 minutes. If the Whips find it necessary to undertake lengthy conversations with members of their parties I suggest they do so outside the Chamber.

Mr CARR: In the extensive rebuttal by the policy on sentencing, the Coalition's perspective, produced for the shadow Cabinet by the Deputy Leader of the Opposition—and it is a very persuasive document, his first persuasive document—we come to page three of the Hazzard rebuttal, the minimum sentencing document, in which he asks the question, "Do mandatory/minimum sentences affect crime rates?" He went on to answer his own question:

> There is no evidence that gaoling more people under mandatory sentencing will reduce crime by any substantive levels.

The honourable member for Wakehurst said:

> In the Northern Territory, Department of Corrections figures showed that the re-offending rate did not fall despite mandatory sentencing.

He also said:

> Successful crime prevention is built on long term strategies, which address economic, educational, employment and social disadvantage and drug and alcohol misuse.

He said—and this is a good one:

> Mandatory sentencing cannot deter if people are incapable of rational thought on the subject (eg, people with an intellectual disability—

[*Interruption*]

Every time I refer to intellectual disability members of the National Party laugh as though it is a funny subject or a great joke. Mental illness is another subject of hilarity for backbench members of the National Party.

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

Mr CARR: The honourable member for Wakehurst argued in his paper that mandatory minimum sentences do not bring down the crime rate. He then asked this question:

> Will Statutory Minimum sentences (Mandatory Sentencing by another name) substantially increase the prison population and have major cost ramifications?

He went on to answer that question and made particular reference to the Northern Territory. He said, among other things:

> Costs of providing prison accommodation will explode as Mandatory Minimum sentencing for a plethora of non violent crimes will hugely increase the population of offenders in custody by sending relatively minor offenders to prison earlier.

Isn't that good? That is the commentary of the honourable member for Wakehurst on the Opposition's policy on minimum mandatory sentencing, which I am releasing today. The honourable member then asked this question:

> Will mandatory sentencing make judges and magistrates more or less accountable?

He answered in this way:

> Mandatory and minimum sentencing reduces the level of accountability of the criminal justice system—

He said that it reduces the level of accountability, and he is right—

> by transferring the punishment decision to the prosecution, who are not open to public scrutiny as are judges. (This is because the prosecution has to determine whether it will charge a defendant with an offence that carries a mandatory sentence.)

He said that this can be confirmed by reference to what happened in the Northern Territory. He then said:

> Eg … In the Northern Territory the laws were amended after police sought to avoid the consequences of mandatory sentencing by charging people for unlawful possession …

He said:

> In the United States, people have been acquitted because allegedly the jury believed the mandatory sentence was too harsh for the offence committed.

That is what the honourable member for Wakehurst said. That is precisely what I argued in this House on our first sitting day in reference to a proposition for mandatory and minimum sentences for offences against police safety. He said that people have been acquitted in the United States because "the jury believed that the mandatory sentence was too harsh for the offence committed".

Mr SPEAKER: Order! The honourable member for Murrumbidgee knows he is on three calls to order. He is inviting me to ask the Serjeant-at-Arms to remove him from the Chamber. This is his last warning.

Mrs Skinner: What a frivolous misuse of time!

Mr CARR: The honourable member for North Shore said that this is a frivolous misuse of time. I would have thought she would be kinder to her frontbench colleague whose submission to the shadow Cabinet is being quoted at length. The honourable member for Wakehurst went on to argue:

> Mandatory sentencing also arguably removes the incentive for offenders to plead guilty early in matters that attract mandatory penalties.

In other words, what the Homicide Victims Support Group says is right. Mandatory sentencing means that these matters are more likely to be dragged out through the court system. The honourable member for Wakehurst argued a comprehensive case. I want to share more of it with the House. He asked, for example, whether mandatory sentencing discriminates against vulnerable people such as Aborigines and people with mental health issues. Again, there should be hilarity from National Party backbench members. Somehow they find references to mental health or intellectual disability hilarious. What else did the honourable member for Wakehurst say?

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

Mr CARR: The honourable member for Wakehurst said, in answer to this question:

> See comments above.
>
> Also in both the NT and WA, mandatory sentencing impacted disproportionately on young Aboriginal offenders, the mentally ill and those with an intellectual disability.

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

Mr CARR: The honourable member for Wakehurst, the shadow Minister for Community Services, said that mandatory sentencing impacted disproportionately on vulnerable groups such as Aboriginal offenders, the mentally ill and those with an intellectual disability. What did the honourable member for Wakehurst conclude in this powerful, well-argued, logical and sustained submission to his Opposition colleagues? In his recommendations relating to murders he concluded:

> I think on balance mandatory sentencing should be rejected. Instead we should be looking at ways to make sure Judges properly reflect community values and hence my comments at para 1.

He went on to say:

> Judges should still have a discretion …

He then said that the mandatory principle should, under no conditions, apply to those suffering a mental illness or the intellectually disabled. He said in respect of minimum sentences for repeat offenders:

> I believe this would be unnecessary …

He repeated his argument that judges would not be made accountable through minimum mandatory sentences; rather, that the reverse would occur. So, all in all, it is not a badly argued case. I am told that when this matter was debated in September-October last year the present Leader of the Opposition voted against the proposition of the honourable member for Gosford. He did not believe it. The Leader of the Opposition is blushing. I am happy to have been asked this question today. As the honourable member for Wakehurst will testify, mandatory sentencing does not work. As the honourable member for Wakehurst will testify, it has failed in every jurisdiction where it has been introduced. We all want serious criminals to rot in prison, but mandatory sentencing can have the reverse effect, as the honourable member for Wakehurst argued. Mandatory sentencing, as the honourable member for Wakehurst argued, means fewer guilty pleas and more stress for victims, as victims organisations have said. Mandatory sentencing, as the honourable member for Wakehurst agrees, means a higher possibility of criminals being found not guilty. As the honourable member for Wakehurst said:

> In the United States, people have been acquitted because allegedly the jury believed the mandatory sentence was too harsh for the offence committed.

He also said, "mandatory and minimum sentencing reduces the level of accountability of the criminal justice system" in general. Those are the words of the honourable member for Wakehurst. A judge's decisions can be appealed and overturned.

[*Interruption*]

The honourable member for Wakehurst is like Phillip Smiles, arguing that he had nothing to do with the letter. That is the dog ate my homework excuse.

The submission continued:

> A decision by the DPP to accept a guilty plea for a lesser charge cannot be appealed. Mandatory sentencing doesn't make sentences more consistent by removing judicial discretion, it just gives the discretion to the prosecutors.

The Leader of the Opposition proposes a mandatory minimum sentence for murder but not for manslaughter. That means more murderers will just plead guilty to manslaughter and avoid the Opposition's proposed mandatory sentence—so persuasively argued against by the honourable member for Wakehurst. That means more cases like Tayla Parker, the young girl who was brutally killed by her mother's de facto. The decision of the Director of Public Prosecutions to accept the plea for manslaughter was the subject of much media attention earlier this year, and the Gordon Samuels report.

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

Mr CARR: Similar problems emerged in the Northern Territory, where police would charge offenders with unlawful possession, which did not carry a mandatory sentence, rather than receiving, which did, to avoid the consequences of mandatory sentencing. Again, when we look at whether mandatory sentencing reduces crime, we are reduced to quoting the honourable member for Wakehurst, who said:

> There is no evidence that gaoling more people under mandatory sentencing will reduce crime.

After the introduction of mandatory sentencing in the Northern Territory home burglaries went up by 10 per cent. There was no real change in the number of criminals charged with property offences or the rate of reoffending. Mandatory sentencing ignores the facts of the case. If a battered wife was convicted of murdering her brutal husband, these facts would not be taken into consideration during sentencing. One could quote a string of other cases.

Mr Souris: A good wedge issue.

Mr CARR: Isn't that an extraordinary admission! A beautiful wedge issue between the honourable member for Wakehurst and the Leader of the National Party! Then we come to the Prime Minister, who says:

> I don't agree with mandatory sentencing. Look, as a lawyer and as an individual, I think it is better to leave sentencing discretion to judges.

Today the Opposition is asking us to accept an excuse. The Opposition is saying, "We will not have policies on health. We have no policies on education. We have no policies on the environment, forestry, water or salinity. We have no policies on transport." The fig leaf that covers the Opposition's lack of work, lack of commitment and sheer policy laziness is an off-the-top-of-the-head commitment that the Leader of the Opposition voted against in shadow Cabinet, which the honourable member for Wakehurst vigorously opposed with a detailed submission to force onto the State's judicial system mandatory sentences that did not work in the Northern Territory or Western Australia, did not reduce crime, and have not worked anywhere that they have been trialled.

ALCOHOL INTERLOCK DEVICE PROGRAM

Mr STEWART: My question without notice is to the Minister for Roads. What is the latest information on road safety initiatives to combat drink driving?

Mr SCULLY: I thank the honourable member for Bankstown for his question and his strong interest in road safety. In the past few years there has been a noticeable reduction in drink driving offences. However, unfortunately, approximately 20,000 drink driving offences are still committed each year. Each year more than 100 people are killed on our roads as a result of drink driving. It is estimated that the annual cost to the community of alcohol-related crashes is $190 million. During the Christmas-New Year period of 2000-01 approximately 40 people were killed on our roads. As a result, I set up a Road Safety Task Force. The task force made a number of recommendations, one of which was the introduction of an alcohol interlock device.

I am pleased to inform the House that next week the Government will introduce legislation to enable courts to have the discretion, in appropriate cases, to require the use of an alcohol interlock device before a drink-drive offender is allowed to return to the road with a driver's licence. It is proposed that after its introduction the legislation will lie on the table during the winter recess. I look forward to receiving, during that period, comments from members and the various stakeholders interested in this issue, after which it may be necessary to finetune the legislation. It is proposed that the legislation will then be debated in the House, passed through the Parliament and become law later this year.

The alcohol interlock device is a computerised breathalyser fitted to the ignition of the offender's vehicle. To start the vehicle, the driver will need to breathe into the device. If the breath sample contains alcohol the car will not start. The device has the ability to detect balloons. If a driver asks a passerby to start the car there will be a requirement for retesting. The device can check whether compliance has occurred—for example, whether there have been attempts to tamper with or disconnect the device, and testing and retesting as the motor vehicle is being used. Under the current legislation courts have the sentencing option of disqualification and/or gaol for drink driving offences. I would like to provide the courts with another range of penalties. In certain circumstances it is appropriate that magistrates have available to them the tools to include an alcohol interlock device requirement as part of a sentence for a drink driving offence.

This State's laws on drink driving are tough, and deliberately so. We make no apology for being tough on drink drivers. But we also wish to rehabilitate drink drivers. Overseas evidence strongly suggests that where courts have the discretion to impose the fitting of alcohol interlock devices the level of reoffending is considerably reduced. Interlock laws are already in place overseas—in the United States, in Maryland and Virginia; in Canada, in Alberto, Quebec and Toronto; and in Sweden. At home, South Australia introduced alcohol interlock devices last year, Victoria is currently in the process of introducing the devices, and Queensland is conducting a trial.

Under the new legislation a person who drives a car without an alcohol interlock device in operation can be charged with driving a motor vehicle whilst disqualified, and the normal period of disqualification will apply. The device has been trialled and found to work. A number of volunteers have participated in a pilot program and the device has been found to be very successful. We propose to work with magistrates in determining guidelines and whether an alcohol interlock device court order is an appropriate sentence.

Courts will not be obliged to issue an alcohol interlock device order. Magistrates will retain the discretion to determine the appropriate penalty in each particular case, whether it be gaol, a long period of disqualification or, in addition to a period of disqualification, an alcohol interlock device order. Rehabilitation through the alcohol interlock device program is aimed at reducing crash risk, reoffending or driving whilst disqualified, and changing offenders' behaviour. The evidence shows that it works and has community support. The device will complement random breath tests, disqualification, and public education campaigns as another tool in making our roads safer and improving driver behaviour.

AUSTRALIAN LABOR PARTY RURAL SUPPORT

Mr SOURIS: My question without notice is directed to the Premier. How does he explain the resignation of the Australian Labor Party Murray-Darling chairman, John Brennan, on the grounds that the ALP no longer represents rural people and that Country Labor is a con job designed to fool country people into thinking the ALP cared about them?

Mr CARR: Here we have the most ineffectual leader the National Party has ever had. Imagine what it is like to be him—coming into the Chamber and looking at the crossbenches. The electorate of Dubbo is represented by an Independent, Northern Tablelands is represented by an Independent and Port Macquarie is represented by a bloke who sat with the National Party, despaired, and now sits as an Independent. As I demonstrated in the past two weeks, the Leader of the National Party does not have a chance of clawing those seats back. I say that with a bit more confidence today than when I said it two weeks ago.

The Leader of the National Party took himself off to the National Party conference in Broken Hill. All the National Party members woke up on Saturday morning and did what we all do wherever we live in New South Wales—we tear open the *Barrier Daily Truth*. They looked at the front page and what did they see? "Support for Nationals at an all-time low". At that point the scrambled eggs curdled. Some bloke with enormous authority in the local paper, some political commentator—the local Mackerras no doubt—was quoting the latest Morgan Gallup poll, which found that the Nationals were at a record all-time low of 3 per cent, which means they have lost more than half their supporters since 1999, and that is just in Parliament.

The coin is slowly dropping for the Leader of the National Party. I wondered what question he would ask me. With these National Party strongholds now represented by seriously entrenched Independents, he asked a question about the political balance of support in the country. Why not ask about a policy issue? When I visited Orange on Friday I talked about jobs, jobs, jobs. I talked about jobs in Electrolux and in the mines, and I talked about education supporting jobs. The local paper only wanted to talk to me about someone else's job—the job held for the time being by the National Party member for Orange. It wanted to know that we were taking on the seat. Support for Nationals is at an all-time low. In his speech the Leader of the National Party was reduced to saying that the Liberals had to have a change of leader because up until March they were rudderless.

Mr SPEAKER: Order! The Leader of the National Party will remain silent.

Mr CARR: What a thing to say about the honourable member for Lane Cove! I hope the Leader of the National Party gets all the psychological boost and encouragement that is possible at a National Party conference. They say the membership of the National Party in formerly safe National Party seats is down to about half a dozen. I guarantee there are more Country Labor members than National Party members in Port Macquarie, for example, let alone in other seats. If the Leader of the National Party wants encouragement and support in steadily doing his job, then he has it from this side of the House, because we will not contemplate a leadership challenge to him. We are happy with him; we want him entrenched.

Mr Souris: I have got all the support I need from out in the field.

Mr CARR: Wonderful—3 per cent! You are the Bob Hope of State politics.

AUBURN DISTRICT HOSPITAL ELECTIVE SURGERY PROJECT

Mrs PERRY: My question without notice is to the Minister for Health. What is the latest information on a new model for surgical care at Auburn hospital?

Mr KNOWLES: I would like to report today on what I regard to be excellent work currently being undertaken by some of the staff at Auburn hospital, led by the chairman of the medical staff council and the highly regarded Western Sydney general surgeon, Dr Geoff Brooke-Cowden—a great man doing great things.

Mr Anderson: He was the mayor of Baulkham Hills.

Mr KNOWLES: Yes, he was the mayor of Baulkham Hills shire council and a member of the Liberal Party. He gave it away because he could not deal with the people on the other side of the House. In his professional life Dr Brooke-Cowden's work has potential positive implications for surgical activity and for the role of district hospitals right across the Sydney region. Last year Geoff Brooke-Cowden came to see me with his plan to improve the way in which certain procedures, such as gall bladder operations and hernias, were undertaken in Western Sydney. In places like Westmead, of course, which does high volumes of tertiary and quaternary level procedures, hernia and gall bladder operations tended to be relegated behind the more urgent and complex activities normally associated with those major teaching hospitals. That was not satisfactory, and Brooke-Cowden had a plan.

The Brooke-Cowden plan was to utilise the skills of the medical and nursing staff at Auburn hospital to deal with low-risk and straightforward operations, boosting the role of Auburn hospital and potentially all of our district hospitals. The Auburn elective surgery project has been stunningly successful. It has been through peer review and ethical assessment over the past several months. The results are now available and will shortly be published. The project, which treated 150 patients in the pilot, had six key objectives. They were to decrease waiting list times and numbers, to increase the efficiency of operating theatre use, to develop better clinical pathways from pre-admission through to post-operative care, to decrease the length of hospital stays, to decrease costs, and to provide patients with guaranteed dates of surgery. On every one of those six objectives the pilot has been very successful.

The pilot involved surgeons agreeing to pool their theatre lists, patients being offered a guaranteed date for surgery, and the establishment of a single and standard theatre list of 6½ hours, which means, in clinical terms, a more practical, work-friendly and efficient environment for theatre nurses and doctors. The results of the six-month pilot speak for themselves—they tell their own story. In Western Sydney waiting times for non-urgent gall bladder removal dropped from 117 days to 71 days. The waiting times for non-urgent hernia operations more than halved, from 135 days to 65 days. There was one cancelled list, but that was not because of somebody being bumped off for something more urgent; in that case the surgeon fell ill and was not able to notify until very late the previous evening, and no other operations were to take precedence.

Twice as many patients were cared for in a given time frame when compared to standard procedures. The average length of stay for operations halved and, when compared to standard national averages of the conversion rate from laparoscopic to open cholecystectomy, the pilot showed a reduction from 7 per cent to 4 per cent, which, in clinical terms, is an extraordinarily good and positive result. On the cost equation—the cost of these services is not cheap—the cost per procedure in the pilot, when compared to current practice, saw a conservative reduction of 15 per cent. That is 15 per cent more health dollars available for more surgical procedures.

In the most unexpected result Geoff Brooke-Cowden and his team ran out of suitably qualified patients for the pilot. The pilot was so efficient and effective that they completed their six-month program in four months. That allowed Dr Brooke-Cowden and his team to extend the pilot to other procedures such as thyroid surgery and varicose veins and haemorrhoid operations. The pilot bodes well for the role of our district hospitals. For example, contrary to some of the history of the prospective future of Auburn hospital—the Opposition constantly claims that the hospital is under threat of closure, but it is clearly supported by the Government with a major upgrading and building program—the people of Auburn call this project phoenix, the opportunity for Auburn hospital to have a new lease of life and a new reason for being.

The pilot is not applicable to all types of surgical procedures but it offers a real opportunity for new and improved ways for our surgeons to work together to improve patient care. In that vein, I have linked Geoff Brooke-Cowden with the Chairman of the Greater Metropolitan Transition Task Force, Professor Gary Galston, about whom I have spoken previously in this Chamber. He is leading a group of clinicians to re-engineer the way we provide services to our metropolitan health system. Those two fellows, together with their peers, will conduct discussions with other medical staff councils at other district hospitals to see if any of those locations and any of those clinical groups are interested in picking up the Auburn pilot. That is a sensible and wise change in a health policy sense led by clinicians to improve the type, nature and efficiency of clinical services. That will reduce some of the procedures which are classified as non-urgent but which frequently build up on waiting lists to something that is much more efficient and effective. If the pilot can be extended, that will be good news not only for the people of Western Sydney but for people who need the services of the health system.

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber. The honourable member for Wakehurst will resume his seat.

Mr KNOWLES: I think the honourable member for Wakehurst is buzzing around either trying to apologise or to find out who leaked the Cabinet submission. Do honourable members think that that is what he is doing? He is saying, "Who leaked my draft Cabinet submission?" Suddenly, the false image of bonhomie and unity on the Opposition benches since the honourable member for Lane Cove was knifed in the back has been ripped apart. We remember these things. Who was the last man standing behind the honourable member for Lane Cove when she was the Leader of the Opposition? It was the honourable member for Wakehurst. The leaked document is nothing more than the flare-up that has been coming for some time, straight down the tracks, right between the honourable member's eyes. And they got him today. They dropped that leaked document on his head, and he is trying to work out what happened. The unity, which is simply a thin veneer, has been split right down the guts, with the honourable member standing behind the honourable member for Lane Cove. They do not like it.

Members opposite cackle and squawk but they know that one of them—and we know who it is—dropped that little submission on this side of the Chamber and said, "Premier, do your bit on Brad", because he continued to support the honourable member for Lane Cove. They have done in the honourable member for Wakehurst every inch of the way. My answer to the question is much more positive. I place on record my congratulations to the doctors, the surgeons, the nurses, the administrative team and particularly Geoff Brooke-Cowden, who originated this idea and ran the project with stunning success. This has been a project by the medical profession for the medical profession and their patients, and it should be congratulated.

PUBLIC HOSPITAL ADMISSIONS

Mrs HOPWOOD: My question is directed to the Minister for Health. Given that figures obtained from the department's web site today show that more than 62,000 patients have been forced to wait longer than eight hours for admission to a ward bed over the past financial year, how can the Minister justify closing 4,320 hospital beds since 1995—2,748 of them in the past five years?

Mr KNOWLES: First, I thought the honourable member for Hornsby would be on the record thanking this Government for doing the things that a Liberal-National coalition would never do, that is, invest the $16 million-odd to the upgrade of Hornsby hospital. Hornsby hospital is one of the feeder district hospitals I was talking about which links into another project that only a Labor government can do—the upgrade of Royal North Shore Hospital. The honourable member for Hornsby has asked a sensible question, and it deserves a sensible answer. Every year our emergency departments receive about 1.78 million people through the doors from ambulances. That is 1.8 million people in round figures. Of that, 494,000 are sick enough to be admitted into hospital. As the Leader of the Opposition said in a press conference earlier—that was an embarrassing press conference; if the Leader of the Opposition is preparing for a press conference he should read the transcripts—"Bear in mind that they have already been treated in the emergency department." So they are getting good-quality care. About 62,000 of the people ready for admission did not meet the national benchmark.

That means that about 430,000 people are being admitted on time in line with the national benchmark. In a system that has work force shortages and stresses and strains because it remains the only free system when people no longer have a range of alternatives—including bulk billing general practitioners, after-hours services and nursing homes, particularly on the northern beaches of Sydney—that performance is a credit to the work force, which does a terrific job under very difficult circumstances.

While I am the first to concede that we would all love to do better, let us not lose sight of the fact that our emergency departments are extremely busy places and they do incredibly well in the most urgent cases, which is what they principally do. On triage one—that is the most urgent cases—we get it right, that is, we see the patient within two minutes 100 per cent of the time. When the Coalition was last in Government, in 1994-95 their performance on triage one was 89 per cent, that is, more than 10 per cent of people were not seen within the benchmark. We hit 100 per cent every time. In the next category, triage two, we are 2 per cent under the benchmark; that is 78 per cent instead of 80 per cent. We aspire to do better.

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

Mr KNOWLES: When the Coalition was last in Government, what was their figure? It was 68 per cent.

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

Mr KNOWLES: They have absolutely nothing to be proud of. When asked today in the media conference what they would do about it, they had absolutely no answers. They danced around bed numbers and nurses' wages, and they had nothing to say. I pay tribute to the men and women of the New South Wales health service. They do a terrific job under tough circumstances, especially in the context of everything else that is happening in health outside the hospital setting, where more frequently, sadly, the only choice for people who are sick and poor or who do not have private health insurance is the free service provided by our public health system. And it does a good job. It receives about 1.8 million people every year, with about 500,000 patients admitted. The great bulk of those people are seen well within the benchmark, and that is a tribute to the men and women of Health.

PUBLIC HOUSING ESTATES TENANCY MANAGEMENT PROGRAM

Mr W. D. SMITH: My question without notice is addressed to the Minister for Planning. What is the latest information on the Government's program to reduce crime and improve the quality of life in public housing estates?

Dr REFSHAUGE: I thank the honourable member for his keen interest in this issue and report that we are doing good things. Last month I visited the Minto housing estate to announce a $350 million redevelopment of the site. At Minto I met Jamie Mason and his mother, Bev Davis, and saw how Jamie's disability has not stood in his way. His interest in gardening has transformed his mother's garden into an oasis, and has inspired the locals to get involved in gardening. Jamie now redevelops gardens in the area, and cultivates dozens of plants each week for his neighbours. In Claymore, 15 residents have set up their own non-profit laundromat business. They provide an invaluable service to the many public housing tenants who do not own their own washing machines and dryers, or who may not be physically able to carry their washing to have it washed and dried. They also a run a cafe on the site. These ventures, and hundreds more like them, are initiatives by public housing tenants for public housing tenants. They work not only to enhance their quality of life but also to provide safety, security and self-fulfilment. They have done much to develop the sense of neighbourhood that transforms a group of buildings into a dynamic, healthy community.

These are some of the successes of our intensive Tenancy Management Program, which now operates in eight locations across the State. It demonstrates how much we can achieve when we work in a spirit of contemporary collaboration and negotiation with the department and tenants. By putting departmental staff on site within the estates we encourage greater interaction between staff and clients, and that results in a range of benefits for all. The eight sites on which we now have intensive tenancy management once shared a raft of disturbing qualities: dissatisfied tenants and a high number of vacant and vandalised properties, social stigma, low employment, and criminal activity. But those alarming images in 1982 of riots on the Bidwill estate, when the youth of a troubled environment staged a violent confrontation against local police, are now fading from memory. We are now seeing extremely positive changes in quality of life—communities that, together, have

changed from breeding grounds of disadvantage and decay into places where people actively seek to live. Under the Minto project, there has been a 30 per cent reduction in crime. With that comes an improved sense of safety, greater tenant satisfaction and involvement in local activities. In fact, people offered public housing now choose to live at Minto and Bidwill, places they would previously have tried to get out of.

Today I announce that, based on the success of these programs, we are further expanding the Intensive Tenancy Management Program into another 10 locations across the State. As part of a $5.5 million initiative we will this year kick-start the program in Claymore, Airds, Cranebrook, Mt Druitt, Taree, East Nowra, South Kempsey, Parramatta, Hamilton south and south Coogee. Under this program of record spending more tenants will have access to a service that is more responsive, with extra support tailored to meet the specific needs of those of greatest disadvantage in the community. On these estates departmental people will work with tenants to design better lighting and improve maintenance, conduct safety audits that identify areas of need, develop anti-graffiti and anti-vandalism programs and create early intervention strategies for crime and social issues. For example, a full-time local handyperson will look after small general maintenance items, so that simple problems can be fixed quickly and cheaply. Counselling services for families and young people will also be included in the program. This groundbreaking program curtails antisocial behaviour and ensures that staff can more rapidly access the services of other community providers for tenants with complex or more specific needs.

We are not only providing a roof over people's heads, we are creating safe, sustainable, vigorous communities that encourage a better quality of life through self-fulfilment and independence—and it is working. A Riverwood tenant who saw major changes from the community renewal programs said, "We waited 20 years for something better, and it's finally come. You just couldn't imagine what it's done for all of us." Another tenant from Windale, where intensive tenancy management was recently introduced, said, "You feel more human when you're not ashamed of where you live. My neighbour and I chat over the fence. We never talked before. We even swap cuttings from the garden now." This $5.5 million initiative builds on a powerful agenda to build community pride and neighbourhood spirit and to break the cycle of welfare and despair. It is an important part of our $170 million funding during three years—a State investment that contrasts sharply with the Federal Government's cuts in housing for the past six years. Every year the Federal Government takes more money out of public housing and every year the State Labor Government puts more in. This is a great initiative that is making a big difference to those who live in public housing in this State.

PILLIGA STATE FOREST

Mr D. L. PAGE: My question without notice is to the Minister for Forestry. Given that today the Minister will announce that cypress has been accredited by the Japanese building code, will he guarantee that the Pilliga State Forest, which supplies more than 80 per cent of New South Wales cypress exports, will remain a State forest and not be locked up as a national park?

Mr YEADON: Members of the Coalition are all excited about the Pilliga because many of them visited it, although I think it was only members of the National Party who were there. The Leader of the Opposition did not even get there. He got halfway there—he got as far as Dubbo and stopped—but he did not open his mouth the whole time in case he put off the locals with his policy approach. As for the other Coalition members, they were afraid he would run off at the mouth and stick his foot in it. I thought the newspaper photo of the Leader of the National Party was lovely, but he should throw off the Macquarie Street suit when he goes to the Pilliga and look a bit more country; it would go down so much better.

I am happy to answer the question, although management of the regional assessment of the western region is primarily the responsibility of my colleague the Minister for Planning. Members of the Opposition do not seem to know that. How long have some of them been in this Parliament? No wonder they will not be re-elected at the next election. The western assessment covers the Brigalow belt south, which the Leader of the National Party may know, if he has been out there. Assessments are currently being considered for the associated Nandewar and Riverina bioregions. This is an important area for forestry, but also for beekeeping, grazing and a range of other activities.

I announce today, as the honourable member for Ballina indicated, new export opportunities for the region's cypress industry. That is a very exciting announcement because accreditation will now allow that industry to sell into the Japanese building industry, which has a potential export market of up to $24 million a year. The honourable member for Coffs Harbour is denigrating the initiative, but I am sure most people in the timber industry applaud this great initiative because it will be great for towns like Baradine, Gunnedah and Gwabegar.

I will spell out for those on the other side what the Government is doing with the western assessment. The Government is balancing the needs of conservation and the timber industry. If the honourable member for Coffs Harbour will remain silent, I will tell him what we have already done. In partnership with industry, this Government has produced the cypress industry strategic plan. We are working to ensure that this industry not only has a future but is able to increase employment through better management and value adding. I hope that members of the Opposition appreciate that we are also looking after the environment. When the Government reaches a decision in relation to the western bioregion the Opposition will be among the first to be informed.

SCHOOL IMPROVEMENT PROGRAM

Mr ORKOPOULOS: My question without notice is to the Minister for Education and Training. What is the latest information on the Government's schoolyard blitz?

Mr WATKINS: Today I am pleased to be able to inform the House of the next stage of the Government's school improvement program. Honourable members will recall that in March last year the Premier announced a four-year $1.1 billion package to upgrade our public schools. In the coming financial year we will invest a massive $300 million—an increase of $42 million, or 16.5 per cent, on last year. In the same vein as the announcement in February of an extra $70 million for a schoolyard blitz to make basic capital and maintenance improvements in 1,520 schools, today I announce the allocation of almost $5 million from this year's minor works program, for a frontyard blitz of 158 schools right across the State. This frontyard blitz will result in schools from all 40 districts getting back-to-basics building work designed to improve facilities, to improve the school environment for students, staff, parents and visitors alike.

In every corner of the State, city and country, something will be done following today's announcement. In the next financial year a staggering $593 million will be spent to improve and maintain our public schools and TAFE institutions. This is all designed to ensure our school environments are improved for everyone who uses them. Under our frontyard blitz, otherwise known as the Access and Amenity Program, 120 primary schools, five central schools and 33 high schools will benefit. Six main areas will be targeted: pedestrian access to administration blocks, fencing and school identification, signage, upgrading of waste disposal areas, front entry to the administration areas, and internal upgrades of administration areas.

These are fundamental issues that impact on the lives of students, teachers and support staff, as well as parents and visitors. This $5 million will mean the amenity of these areas will be significantly improved. The schools on the list of 158 were nominated by their districts as needing some extra funds to undertake much-needed upgrades. Each school will participate in targeting their funding to where it is needed most. The Properties Directorate is already talking to school principals to see how they will spend their funds. Three examples are $40,000 for Grafton Public School, $30,000 for Glenwood Public School and $45,000 for Ulladulla High School. These may be bread-and-butter projects, but they are important for school communities. This is more good news for our public education system.

PORT BOTANY INDUSTRIAL COMPLEX SAFETY

Mrs GRUSOVIN: My question without notice is to the Minister for Planning. What is the Government's response to community concerns about Opposition claims about Port Botany?

Dr REFSHAUGE: I would like to put some minds at rest and correct the record after some wild claims have been made about the safety of a chemical plant at the Botany industrial complex. The Opposition have been at it again, trawling the newspapers for a story, looking for a cheap political hit. But, once again, they got it totally wrong. The honourable member for Davidson claimed the Government covered up a 1983 planning department document relating to risk posed by a chemical plant at Port Botany. He really is a dill!

This document dates back two decades. His mob were in government for seven of those years. What he is saying is that the former Coalition Government was part of a cover-up conspiracy. That is not very smart stuff, but then again we expect as much from the honourable member for Davidson. He claimed this so-called hidden document recommended that 1,000 homes in the area be demolished. He further claimed that residents were exposed to a risk 50 times higher than acceptable standards. And, in a disgraceful scaremongering campaign, he even tried to suggest that residents may still be exposed to unacceptable danger. As usual, on all four counts he is wrong. Let me clearly outline the facts.

The 1983 paper was an undated internal working document which highlighted safety issues in the Botany-Randwick industrial area that required further investigation. It did not specifically recommend buying

any homes. It only ever canvassed that as an option if risk reduction measures could not achieve a satisfactory outcome. The risk posed to residents was not covered up. It was clearly identified in a report published in 1985. That report identified the zone where hazard risks needed to be reduced, and it made recommendations to achieve that. Experts of the day determined that hazard reduction—not forcing people out of their homes—was the best approach. History has confirmed that was the appropriate decision.

This issue has been openly investigated and worked on by successive governments for the past 20 years. There have been three public reports. The 1985 report was followed by further published reports in 1996 and 2001. By the way, I note that all of these fully public reports were released by Labor governments. Those reports clearly show the hazard reduction strategy has worked. Indeed, the 2001 report, which was released early last year, indicates that when the new Orica plant is commissioned shortly, all industry at the Port Botany site will be within acceptable risk standards. In other words, despite the Opposition's scaremongering, the people of the area can rest easy and further residential development can resume with full confidence. I seek leave to table a risk assessment study for the Botany-Randwick industrial complex and Port Botany by the Department of Environment and Planning, dated 1983; a risk assessment study for the Botany-Randwick industrial complex and Port Botany by the Department of Environment and Planning, dated 1985; an overview report by the Department of Urban Affairs and Planning entitled "Port Botany Land Use Safety Study", dated 1996; and an overview report by the Department of Urban Affairs and Planning entitled "Botany/Randwick Industrial Area Land Use Safety Study", dated February 2001.

Leave granted.

Documents tabled.

RELEASE OF RAVINESH DUTT SHARMA

Mr RICHARDSON: My question is directed to the Minister for Corrective Services. Does this leaked document, which outlines a suggested response to the release of convicted robber Ravinesh Dutt Sharma six months before the expiration of his sentence, show that the Minister and the Attorney General have again failed to introduce a workable system between the courts and the Minister's department?

Mr AMERY: The short answer to that question is no. But I would have thought this was the last day on which the Opposition would have been bringing up leaked documents. I have not seen the honourable member's submission on mandatory sentencing to the shadow Cabinet meeting, but of course we are waiting for it. I can advise the House that I have made some notes in relation to some leaked documents relating to mandatory sentencing. I have been able to determine that the member who leaked the document on mandatory sentences was the member for—I am sorry, I did not record it. I have finally got a copy! By the way, I am not in any hurry; I am on duty.

I have been advised that Mr Sharma was erroneously released from the Metropolitan Remand and Reception Centre on 3 May. Sharma was convicted at the Downing Street court on 25 October 2001of the offence of robbery in company. I am advised that he was sentenced to 18 months imprisonment, with a non-parole period of 12 months, and that the non-parole period expired on 3 May. However, a Crown appeal was lodged with the Court of Criminal Appeal. The Crown appeal was allowed on 24 April 2002, and the sentence imposed by the District Court was quashed. Instead, a sentence of two years imprisonment with a non-parole period of 18 months was imposed. The non-parole period does not expire until 3 November 2002.

I have been advised that notification of the determination of the Court of Criminal Appeal was not faxed to the records office of the Metropolitan Remand and Reception Centre [MRRC] until 2 May, the day before Sharma was due to be released from custody under his original sentence. I understand that an officer from the sentence administration branch of the Department of Corrective Services telephoned the records office of the MRRC to check that the notification had been received. Unfortunately, the officer did not emphasise Sharma's change of sentence and that the inmate was no longer eligible for release the following day. Consequently, the prisoner was released on the original parole order on 3 May. I congratulate the police officers from Blacktown in Western Sydney on apprehending Sharma on 6 May and returning him to custody later that day. I have asked for a report on this incident from the records manager of the Metropolitan Remand and Reception Centre.

Perhaps every year since the arrival of the First Fleet a number of erroneous releases have occurred. The department's record is getting better, but probably between half a dozen and a dozen erroneous releases

occur each year. Sometimes there is a communications problem between the courts, the police and the gaols. That is not new: I recall that happening when I served in the police force. Recently a great deal of work has been done by the Department of Corrective Services in conjunction with the Attorney General's Department and the Police Service. New technology has been introduced in an attempt to eliminate the erroneous release of prisoners because of communication delays between the courts and the gaols, the loss of papers in transit and so on. We are improving the system.

As I said at the outset, the conclusion drawn by the shadow Minister is wrong, but that is not a rare event. He continually makes incorrect claims on radio. That is somewhat embarrassing for the Opposition and calls into question the shadow Cabinet reshuffle that gave him the shadow responsibility for corrective services. I concede that the erroneous release of Sharma was one of few errors that occur in the system. My department and I will continue to work towards tidying up the system. We will endeavour to put procedures in place to prevent it happening again.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

Sutherland Shire Government Initiatives

Mr COLLIER (Miranda) [3.52 p.m.]: This motion is urgent because we in the Sutherland shire are just plain sick and tired of the Leader of the Opposition, John Brogden, and the Liberal Party talking down our shire, continually finding fault, continually carping and complaining, and being negative about our wonderful shire. Our shire is a great place in which to live and the Carr Government has done much to fund initiatives to enhance the quality of life that we in the shire enjoy. It is time that the House acknowledged that support, and set the record straight. We cannot have the Opposition continually talking down our wonderful shire for one moment longer.

New Prison Site

Mr RICHARDSON (The Hills) [3.52 p.m.]: My motion is urgent because of the opposition by the honourable member for South Coast to the proposal to locate a gaol at Nowra, which is in his electorate. The motion is urgent because of the nonsensical statements that are coming out of the mouth or out of the computer of the honourable member for South Coast relating to this issue. Only last week, on 14 June, the *Illawarra Mercury* quoted the honourable member for South Coast as saying that the negative effect on the tourist industry—

Mr Anderson: Point of order: The honourable member for The Hills is dealing with the substance of an issue that will be debated later this afternoon. He is certainly not referring to reasons why his motion should receive priority. He is addressing the substance of the matter and is quoting from a newspaper article. That has nothing to do with whether his motion is urgent. I ask you to bring him to order.

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

Mr RICHARDSON: To the point of order: I am simply attempting to show the House how the honourable member for South Coast has been misleading his local community on this issue and passing up a significant opportunity for jobs and investment in the local economy. If I am not allowed to quote some of the nonsensical statements that have been made by the honourable member for South Coast, I cannot possibly convince this House that my motion ought to be debated.

Mr SPEAKER: Order! I have upheld the point of order.

Mr RICHARDSON: For example, yesterday the Country Labor member for the South Coast, Wayne Smith, released a press release in which he suggested that there is a "gaol coming to a neighbourhood near you".

Mr Whelan: Point of order: The honourable member for Londonderry made a valid point. The honourable member for The Hills is transgressing the ruling you have given. If he cannot state the reasons why his motion is more urgent than the motion of the honourable member for Miranda, he should do as he suggested only one minute ago: sit down.

Mr SPEAKER: Order! The honourable member for The Hills was referring to his motion. He is entitled to do that.

Mr RICHARDSON: In that press release he quoted me as having said in the South Coast region on 7 June 2002, "We have not said that we would definitely locate a gaol in Nowra." He is absolutely 100 per cent correct. The Opposition has not definitely said that we would locate a gaol anywhere on the South Coast, but the matter ought to be considered. The honourable member for South Coast should consult his local community about an issue that will create 400 jobs during its construction phase, 160 permanent jobs when completed, and inject a potential $20 million a year into the local economy. The motion is urgent because of the continual distortions that are coming from the mouth and from the pen of the honourable member for the South Coast. The honourable member for South Coast has asked whether the gaol, if it is not located at Nowra, will be located at Huskisson, Milton or Sussex Inlet. This matter is urgent because the honourable member for South Coast is unnecessarily alarming his local community over this issue.

There has never been a suggestion from the Opposition side of the House that there would be a gaol located at Huskisson, Ulladulla, Milton or Sussex Inlet. But it is a matter of established fact that only a few weeks ago the Government was considering locating a gaol at either Nowra, Campbelltown or Wollongong. It is only because of the unilateral opposition by the honourable member for South Coast that the gaol is now off the Government's agenda. He keeps misleading the people who live in the South Coast electorate. He continually alarms them unnecessarily. This is an issue that will not go away. A gaol on the South Coast will potentially bring jobs and investment to Nowra, an area with a high rate of unemployment. The matter must be debated so that the honourable member for South Coast can set the record straight.

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

The House divided.

Ayes, 49

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

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Mr Armstrong	Dr Kernohan	Mrs Skinner
Mr Barr	Mr Kerr	Mr Slack-Smith
Mrs Chikarovski	Mr Maguire	Mr Stoner
Mr Collins	Mr McGrane	Mr Tink
Mr Cull	Mr Merton	Mr Torbay
Mr Debnam	Ms Moore	Mr J. H. Turner
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	*Tellers*
Mrs Hopwood	Mr Rozzoli	Mr Fraser
Mr Humpherson	Ms Seaton	Mr R. H. L. Smith

Pairs

Ms Allan	Mr Brogden
Ms Beamer	Mr Souris

Question resolved in the affirmative.

SUTHERLAND SHIRE GOVERNMENT INITIATIVES

Urgent Motion

Mr COLLIER (Miranda) [4.07 p.m.]: I move:

That this House notes the State Government's support and funding initiatives for the Sutherland shire.

Despite anything the Leader of the Opposition or the Liberal Party might say, Sutherland shire is a special place. We who live in the shire have a sense of community, a sense of belonging and a sense of commitment to a part of Sydney that we regard as unique. But one has to live in the shire to appreciate that. The administrative area of Sutherland shire encompasses the electorates of Miranda, Cronulla, Heathcote and Menai. I was appalled when the honourable member for Cronulla voted against this motion, which seeks to debate initiatives in the Sutherland shire. It appears as though he would rather talk about gaols in Nowra.

The Carr Government is committed to the people of Sutherland shire. Since its election in 1995 it has demonstrated time and again its support for the people of the shire. It has done that through funding initiatives and programs. It has delivered on major projects for health, education, roads, transport, policing and the environment. The Carr Government, using its local members as a team, has been listening to the people of the shire. It has been working hard to meet their needs, expectations and aspirations. Unlike the previous Coalition Government, the Carr Government has not sat on its hands claiming credit for an idea here or there but doing little or nothing about it. Rather, it has taken good ideas, regardless of their source, and translated them into reality for the shire.

The $47 million Woronora Bridge is a classic example. The Liberals claimed that it was their idea, but they did little or nothing about it. The recent announcement by the Minister for Transport, and Minister for Roads, the Hon. Carl Scully, of funding for planning, design and duplication of Cronulla railway line is another example. The honourable member for Cronulla should be pleased about that initiative, which will also benefit his constituents. However, the honourable member for Cronulla, in his usual negative way, complains that Labor stole the Liberal Party's idea. He conveniently forgets, even though he has been the member for Cronulla for 15 years, that he was a member of the Greiner and Fahey governments, which did absolutely nothing about it.

The contrast between the negative, carping approach of the Liberals and the positive commitment of the Carr Government is readily apparent to the people of the shire. It is as apparent now as it was in 1999. In 1999 the people of Miranda chose the Carr Government because they saw it as having a commitment to the shire. The Carr Government has not let them down. Prior to the 1999 election the Liberal stamp of neglect was apparent everywhere in the Miranda electorate. While there is more to be done, the Carr Government's strong support for the people of Miranda and the shire has shown that the Liberal stamp of neglect is not indelible. The Liberal stamp of complacency can and is being washed out by the Carr Government, which cares about Sutherland shire.

Sutherland hospital is a prime example. The hospital is currently undergoing redevelopment at a cost of $82.5 million. Progress has been impressive; the building is on track for completion in 2003. But the Carr Government's commitment to the hospital does not stop there. Expressions of interest have been called for a 100-bed nursing home on the site. That is to be compared with the Liberals Party's neglect and lack of vision. The previous Liberal member for Miranda failed to secure even one cent of capital works funding in the last Coalition budget for Sutherland hospital. The difference is that the Carr Government cares—and what could be a more tangible expression of that caring than funding the redevelopment of our precious Sutherland hospital?

With regard to education, the Carr Government is also delivering for the Sutherland shire. For example, it is building a new hall at Oyster Bay Public School. After years of promises, both before and after elections—promises without substance, promises not delivered by the Liberal Party—the Carr Government is supporting the parents, students and community of Oyster Bay. Tenders are being called for the construction of a $1.5 million hall, and construction is to commence later this year. The Carr Government has also shown a

commitment to other schools in my electorate, and each of these schools has benefited from major and minor capital works projects. This year $880,000 has been allocated to some 14 schools in the electorate for a range of improvements. For example, this year Port Hacking High School received more than $164,000 for upgrades, adding to 2001 funding of more than $51,000 for computer cabling. The Carr Government's commitment to education does not stop there. It has also provided funding for wombat crossings at schools.

The Carr Government has also provided funding for improvements to the five-ways roundabout, which has been a problem for motorists for 15 years and is currently the State's number one black spot for minor accidents. After consultation with the community, the roundabout is now being removed and replaced with traffic lights. Other projects include the M5 East, the Woronora Bridge, and the easy access upgrade of Caringbah and Miranda railway stations. All those projects make a difference to the lives of the residents in the shire. With regard to the environment, the Carr Government has provided funding for a $90 million upgrade of the Cronulla sewage treatment plant and the establishment of an aquatic reserve at Boat Harbour. The Government has spent $1 million on improvements to the environmentally sensitive wetlands of Towra Point, and it is spending $11.5 million to prevent sewage overflows into the Georges and Hacking rivers.

The Carr Government is also supporting the shire's police. It recently announced funding of $226,000 to upgrade Cronulla police station, in the Miranda Local Area Command. Miranda police station has been expanded and the Minister is considering expanding it further. Police numbers at Miranda police station have increased, and the police are doing an absolutely fantastic job. The incidence of all major categories of crime has reduced since the previous summer. For example, malicious damage offences have dropped by 21 per cent, assaults have dropped by 10 per cent, break and enter offences have dropped by 8.6 per cent, stolen vehicle offences have dropped by 13 per cent, robberies have dropped by 8 per cent and stealing offences have dropped by 10 per cent. According to an article in the *St George and Sutherland Shire Leader* of 23 May, the results are pleasing. They are not my words but the words of Superintendent Reg Mahoney, the Miranda Local Area Commander.

In Miranda we are trialing the police accountability community team process, which makes police accountable and responsible to their community. I believe the trial—which includes the honourable member for Cronulla, the shire mayor and me—is working well. The Carr Government has been working with the council to tackle the problem of overdevelopment. During its term the previous Liberal-controlled council, under the then mayor, Kevin Schreiber, approved more flats than any other council in Sydney. Kevin Schreiber was mayor from 1996 to 1999, when he was tossed out by Labor and shire watch independents because of his open-slather approach to development. When Labor came to office more than 2,400 developments for which construction had not begun were approved under Kevin Schreiber. The 11-storey monstrosity that we now see taking shape at Caringbah, in the Cronulla electorate, was approved on 7 December 1998 by the then Liberal council. That is just one example of Kevin Schreiber's handiwork starting to rear its ugly head in the shire.

On the other hand, this Government has been working hard with council to address the damage done by Kevin Schreiber. We have had the Fielding Inquiry that addressed the "Liberal use" of State environmental planning policy [SEPP] 1 variations by Kevin Schreiber's council. We have reviewed and reformed SEPP 5, and are now working with the council on an exemption for the shire. We have undertaken a review of the Land and Environment Court to address residents' concerns about the costs of appeals to ratepayers and councils. The Government has also worked with council with regard to gazetting local environmental plan 2000, placing restrictions on multi-dwelling development, capping the number of villas and townhouses allowed in neighbourhoods, increasing the minimum site requirements for unit blocks, and banning medium-density cul-de-sacs. Two expert planners from the Government have been working with council. The results speak for themselves: development has slowed substantially. An article that appeared in the *St George and Sutherland Shire Leader* of 18 April this year reads:

> The number of development applications for medium- and high-density housing in the Sutherland Shire fell by up to 84 per cent in the three years ending June 2001.
>
> Development applications … for dual occupancies have dropped 84pc while requests to build residential unit blocks fell 72pc in the same period.
>
> Medium-density housing … also fell markedly—down 46pc in the three-year period.

The Carr Government has been working hard to address the concerns of residents of the Sutherland shire. Whether we look at rail, roads or transport infrastructure, the Carr Government is a caring Government committed to improving the quality of life of residents of the Sutherland shire. I could go on listing the Carr Government's commitments. I could talk again about the Woronora Bridge and the M5 East, which make it

much easier and quicker for residents of the shire to travel to the city. I could talk about the Bangor bypass, as I am sure my colleague the honourable member for Menai will. These are significant improvements. To say that the Carr Government is not working hard for the Sutherland shire is an outright lie. I am surprised that the honourable member for Cronulla does not support the motion but instead chooses to support the establishment of a gaol at Nowra. Sadly, we are still suffering from Kevin Schreiber's decisions, but we have done a lot to ensure that those decisions will not be repeated. The shire cannot afford a repeat of that sort of Liberal lunacy. The State Government is supporting the Sutherland shire through a multitude of projects and funding initiatives, and I am pleased to draw these to the attention of the House.

Mr KERR (Cronulla) [4.17 p.m.]: All of us should be working to improve the Sutherland shire, which is the subject of the urgency motion. The Government controls the management of the business of this House. There was no need for this motion to be moved in competition with another urgency motion. The Opposition is very happy to agree to additional sitting days. It reflects poorly on the Government that important issues are raised in competition. In order to lay down the foundation for a sensible debate about what can be done for the Sutherland shire, it is necessary to first consider the amount of revenue that is obtained from the taxpayers and businesses of the shire and how that revenue equates with expenditure in the shire.

That is a very simple exercise. It would be interesting to see whether any speaker in this debate refers to how much money the Carr Government has raked off taxpayers since 1995. New South Wales is the highest taxed State in Australia. I invite members to speak to local business owners in their shires about workers compensation, and about the premiums they paid under the Greiner-Fahey administration and what they are paying now. This morning a constituent came to my office and said he formerly employed 12 tradesmen but, because of the imposts of the highest-taxing Government this State has ever had, he now employs only two tradesmen. That is what this is really about. Let us talk about public transport.

Dr Kernohan: What public transport?

Mr KERR: Yes, what public transport? That is what people standing on Sutherland railway station trying to get a train to Cronulla mid-afternoon would be asking. Sutherland shire residents experience delay after delay and breakdown after breakdown. They well remember the front page of the *St George and Sutherland Shire Leader* showing a driver standing with a telephone and saying, "Mr Scully, is that you?" I ask members opposite to compare public transport running times under Minister Scully with those under Minister Baird. I challenge them to speak in this House about the times that the Coalition got people to and from work. Do members opposite know how many people in the Sutherland shire have lost their jobs because they could not get to work on time and their bosses would not accept the excuse, day after day, that trains were delayed? Government members should listen to what people are saying.

Mr DEPUTY-SPEAKER: Would the honourable member like a minute's break?

Mr KERR: No, I would like an extension of three years to talk about what this Government has done in the shire. Let us talk about Caringbah railway station. Bruce Baird had it in the budget in 1995. Honourable members know when it was opened. Why? Because of pressure from the people. That is why it was opened in 2002. Why do Government members not tell us what they are doing for Gymea and Kirrawee railway stations, instead of making personal attacks on Kevin Schreiber, who was simply a mayor? The Government had the town planning laws in its control at that time—from 1995 until now. It ran the State. If it thinks the shire was overdeveloped during that time why did it not use the planning laws? I will tell the House why.

Mr McManus: You were in government. Where were you?

Mr KERR: Why do members on the Government side not talk about development and what is happening, instead of this carping and criticism? The honourable member for Baulkham Hills might have to put them straight on the history. The Minister for Transport was responsible for the great train robbery of 2002 when he tried to tell us that the Cronulla railway line was a Labor Party initiative. It was built under a non-Labor Government. He said that McKell was responsible. McKell was not Premier until 1941. The Minister for Transport should have been expelled from the McKell school for bringing that up. Bill McKell would have been ashamed; he was an honest man. The Minister for Transport should read what his Premier wrote in the *Bulletin* about McKell, when he was granted the only interview. The Premier's press secretary is in the gallery. I turn to the Bangor bypass. The honourable member for Heathcote will well remember when Genevieve Rankin was mayor. She is probably a friend of his.

Mr McManus: That is a disgrace—talking like that about people who are not members of the House. Why don't you concentrate on the shire and what is happening there?

Mr KERR: All I am saying is that Genevieve Rankin was opposed to the Woronora Bridge.

Mr McManus: I never was.

Mr KERR: Well, why did you not speak to her? Why did you not say something to her at a branch meeting? The Labor Council did not want the Woronora Bridge built. The public asked what was being done with the Bangor bypass. People such as Steve Simpson got out there with the community and told the Government what the people wanted. Chris Downy had a great association with the Oyster Bay school. The people there will remember him. Government members attacked Ron Phillips, saying that he did not do anything.

Mr McManus: Where is he now? You will be with him shortly.

Mr KERR: That is personal denigration. Ron Phillips provided a blueprint for the upgrade of Sutherland hospital. It is happening in 2002. Government members ought to go to Sutherland hospital and look at the working conditions the nurses have to put up with. The double shifts at Sutherland hospital are putting lives at risk. Members should go to the Industrial Relations Commission and listen to what it is saying about nurses' wages. Why does the Government not provide funding to upgrade nurses' wages? It should look at the equipment in Sutherland hospital and provide funding now. This is like the episode of *Yes, Minister* in which a new hospital got an award because it was never used. Hospitals are not just about bricks and mortar—they are about people and they are about providing quality of care.

However, the best quality of care cannot be provided when experienced nurses are leaving and junior nurses are having to work not one shift but two shifts. We cannot have quality of care when those nurses do not get a living wage. We are talking about workers in the truest sense of the word, and they are being short-changed by this Government. This debate is about public health, trains and roads—all of which we should be working as a shire team to provide. I will tell honourable members about schools. Gough Whitlam used to be the president of the parents and citizens association at the Cronulla South school. That school has been trying to get a hall ever since Gough Whitlam was president of the parents and citizens association in the 1950s. Is that something to be proud of?

Mr McManus: Where were you?

Mr KERR: If the Coalition had been re-elected in 1995 that school would have a hall. Miranda North school would also have a school hall. I have often talked about Burraneer Bay school.

I invite the Minister to visit that school. Parents have written to him, but he does not have the courtesy to reply to them with a personal letter—he just sends a standard response. The quality of education in these areas is first-rate because of the dedication of the staff, but they need backup. These schools have not been built just recently. Caringbah High School was made a selective high school with the support of people in the shire.

For years Government members opposed selective schools—they should refer to their speeches. They did not want the best and talented to have selective schools. They did not appreciate that talent can exist in Caringbah as well as in Killara, and that it should be nurtured and fostered. It took a Liberal Government to provide that selective school. Government members should tell us about the consolidation of the site. That school brings together pupils from the rest of the Sutherland shire. Government members are congratulating themselves and saying that nothing happened before year zero—1995. A lot happened in the shire that we can be proud of because of Coalition members, including Ron Phillips and Chris Downy. [*Time expired.*]

Mr McMANUS (Heathcote—Parliamentary Secretary) [4.27 p.m.]: The honourable member for Cronulla is big on rhetoric about working as a team. When the Liberal Government was in office and I was the only Labor member in the region the three Liberal Party members never came near me to talk about shire issues. When the honourable member for Miranda, the mayor of Sutherland and I went to Perth to look at closed-circuit television [CCTV] the honourable member for Cronulla was nowhere to be found. Yesterday the Minister came to the Cronulla electorate to open a shop. The honourable member for Miranda was there, the mayor of the shire was there and I was there. Where was the honourable member for Cronulla? He was one hour late. By the time he got to the shop the people of his electorate were asking where he was and saying he is never there. The

honourable member for Cronulla and Mr Schreiber are a disgrace in the shire. When Councillor Schreiber was mayor he did absolutely nothing for the residents of Cronulla. If he did nothing for Cronulla when he was mayor, what would make us think he would do anything if he won the seat of Miranda?

Councillor Schreiber, along with his Liberal mates, approved one of the State's worst developments. Everyone knows about Willock Avenue, Miranda—one of the State's worst examples of overdevelopment and poor design. There are no windows in the units. Willock Avenue is another overdevelopment gift from Schreiber and the Liberals in Miranda, and it was done while they were in office. The Liberals have continued—time after time, year after year—to throw up overdevelopment in our shire. The Leader of the Opposition now has the hide to come to the shire and say, "Vote for the Liberals and we will give you less development." During their seven years in Government the Liberals proliferated overdevelopment—and they have the hide to say in the House that they want to work with us as a team!

I will work as a team when I see some commitment from the Liberal Party in the Sutherland shire. Councillor Schreiber and his Liberal mates started overdevelopment in the shire, and now the Leader of the Opposition has said that people should vote for the Liberal Party because it will stop overdevelopment. Schreiber and Kerr are leopards—they do not change their spots. That is the message that has to be given to the people of the shire, and that message has to be drummed home time and again. Sutherland hospital was mentioned. If the former Minister for Health was any good, why in blazes is he not a member of this place today? When he had an opportunity to do something about Sutherland hospital he did nothing. This Government realised that, and has committed $31 million towards this $82.9 million project this year.

The major redevelopment of Sutherland hospital will provide a fully integrated 330-bed district hospital on the existing campus. It will provide new low-rise in-patient accommodation and refurbishment of the south wing. The existing block on the Kingsway will be demolished. Let me tell the House a few other things that are occurring in the seat of Heathcote. Members opposite ignored Heathcote when the Coalition was in government, and now they have the hide to tell me that they work as a team. The Government has given a nod to Sutherland hospital; its redevelopment is under way. We have given Engadine Public School a new hall, classrooms and toilets—completed. We have given Engadine railway station easy access—completed. We have given Jannali railway station an extra exit, a wider platform, better lighting, lifts and security cameras—completed. Major renovation of Engadine fire station has been completed. In conjunction with my colleague the honourable member for Miranda, work on upgrading the Princes Highway at the intersection with Acacia Road, Kirrawee, will be completed in September 2002, as will work on Woronora bridge.

Mr Kerr: Tell us about Steve Simpson!

Mr McMANUS: The honourable member for Cronulla refers to Steve Simpson. Although the honourable member gave platitudes to Steve Simpson in this House, the Liberal Party of the shire did not preselect Steve Simpson as a candidate. That shows what the Liberal Party thinks about him. The Liberal Party preselected a nondescript person over Steve Simpson, whom the honourable member for Cronulla says is a great bloke. Why was Steve Simpson not preselected to run in the seat of Menai? The honourable member for Cronulla is a hypocrite, just like the rest of his colleagues in the shire. And he talks to me about working in a team! It is an absolute disgrace that when the honourable member had the opportunity to talk about and acknowledge what has been done and what needs to be done in the shire, he voted with his Liberal Party colleagues to talk about putting a gaol in Nowra.

Mr MERTON (Baulkham Hills) [4.32 p.m.]: It is important that the Sutherland shire receive an adequate share of the State Government's budget with respect to support and funding initiatives. The Opposition is merely saying that it is important that the area gets this support. The honourable member for Cronulla agrees with that notion. He has effectively represented that part of the shire for many years. I must admit that this debate seems like a re-run of a debate held in this Chamber about a week ago, when a similar motion was put up noting the State Government's support and funding initiatives for Western Sydney. Today, the powerbrokers and the advisers say that we will move on—

Mr George: What will happen next week?

Mr MERTON: One wonders what will happen next week, what area will be designated for support and funding. The situation in Sutherland shire is similar to the situation in Western Sydney in terms of Government support. This Government is strong on rhetoric, promises and building up people's expectations and hopes. However, the reality is entirely different. In a moment I will look at some factors that prove what I am

saying. The Government has done very little for the people of Sutherland in many important respects. Specific matters that affect the people of Sutherland should be raised. First, I refer to the duplication of Cronulla railway line, which is vital. What does this Government provide? It is providing $1 million for planning for the full duplication of the Cronulla line. Hello! That has shades of the $2 million provided by the Government for planning the north-west rail link. In 1998 the people in north-west Sydney were promised a fully funded complete rail link in 2002. They were promised a dream costing $1.4 million which has no funding whatsoever.

Now the people of Sutherland are in the same situation. What does one get for $2 million? One gets nice glossy brochures and plans—things that look good. One might think that this is only happening in Sutherland. However, it is also occurring in north-western Sydney. When will the outlay of $1 million or $2 million be brought into effect? Honourable members might recall that the Government allocated $1 million for planning and survey of Bells Line of Road. I do not wish to be cynical about the Government's efforts. With its limited abilities it has done fairly well, in its own estimation. However, the basics are not there. This seems to be a typical ploy of a desperate Government that is trying to retain members in seats in southern Sydney. The Government is saying, "We will give the old carriage a fling again. We will provide $1 million here and $2 million there for a study." We have not received any details or promises. We do not know when the rail line will be duplicated.

Let us look at some of the basics, such as providing extra night patrols for the police to crack down on street gangs and drug dealers. The Government is guilty on that. The Government has not added any more land to national parks—it is guilty on that. What happened to the land at Kurnell that the Government said it would provide for an additional national park? What happened to that? The $125,000 Taren Point to Sutherland cycleway has not eventuated. The Government has failed to designate Miranda Local Area Command as a possible base for a flying squad to target crime hot spots. It is guilty of downgrading Menai and Cronulla police stations. It has failed to commence construction of the Bangor bypass. The reality is simple: The Government's plan to duplicate the Cronulla railway line is no more than its plan to the people of north-western Sydney: it will give them $1 million worth of glossy brochures and nothing else—no tracks, just brochures.

Mr George: It must be election time.

Mr MERTON: The honourable member for Lismore said that it must be election time. It is interesting to note that the honourable member for Miranda has dominated and featured in this debate. He will be beaten by the candidate endorsed by the Liberal Party for the seat of Miranda at the next election. Members opposite have used this debate as a cheap opportunity to undermine the credibility of a hardworking councillor, who will make a brilliant member when he is elected by the people of New South Wales on 22 March. The honourable member for Miranda struggled to fill 10 minutes with the Government's achievements. He did a fairly good job with limited material. It was a brilliant effort. However, the reality is that people will find him wanting on 22 March. [*Time expired.*]

Ms MEGARRITY (Menai) [4.37 p.m.]: I wholeheartedly support the motion moved by the honourable member for Miranda. The suburbs in the Menai electorate that are in the Sutherland shire comprise about 44 per cent of my electorate. Indeed, the list of the State Government's support for those suburbs and the projects that are under way is so extensive that I will probably have difficulty keeping within my allotted time. The first issue I want to look at is the education and training component. Overall, the 2002-03 State budget will provide $8 billion for education and training. As honourable members would be aware from the Treasurer's speech, a number of categories included nearly $5 million to improve on what is already an outstanding record in literacy and numeracy. Further school global budget items such as reading materials, minor maintenance and stores, and a range of other things will impact on the schools in my electorate.

With respect to capital works, this year work will commence on the $2.2 million stage two upgrade of Alford's Point Public School. That will include the construction of permanent classrooms, a library and administration facilities to replace the existing demountables. The money allocated in this year's budget will see the start of construction because all the necessary planning and council approvals have been obtained. This Government thinks ahead. Stage one is already completed, all the planning and approvals have been done so that stage two of the project for this important school in my electorate can begin. The State budget contained an all-time record investment in health services for the St George and Sutherland areas. Overall, the budget allocated $856.3 million for the South Eastern Area Health Service. In addition, $36.3 million has been allocated for capital works—that is a massive total—and there will be funding increases for a number of different services, such as cancer care, critical care and diabetic in-patients at Sutherland hospital.

The Government has allocated $31 million towards the $82.9 million redevelopment of Sutherland hospital. This major redevelopment will provide a fully integrated, 336-bed district hospital on the existing

Sutherland campus. Recently I visited the Sutherland hospital redevelopment site with the Minister for Health and the honourable member for Miranda. The staff are very excited about their opportunities. They were overwhelmed by and excited about what is happening. In relation to police, $159,000 has been allocated in this budget for the construction of a weapons training facility to be housed on the same premises as Menai police station.

The budget will also help the plan by the Commissioner of Police, Ken Moroney, to put more police on the beat. Funding allocations in the police portfolio are also numerous, and I will mention only the $8 million to recruit and train more police for front-line duties and the $12.1 million for the first stage of the administration and civilianisation program. The cell improvement program and the upgrade of the police radio network are also improvements which support a high-impact, highly visible police force. I have received many representations from individual residents and community-based groups, such as the Alfords Point Neighbourhood Watch and the Illawong Progress Association, which say they want a high-impact, highly visible police force. They are also anxious to see the outcome of the 1 July restructure of the Police Service. They want to hear the report on the first police accountability community team [PACT] meeting that has been established and is being trialled in the Sutherland shire so that they can learn about the impact of this community-based policing initiative and have their say on policing activities in the shire.

The honourable member for Baulkham Hills believes that work on the Bangor bypass has been delayed. I probably need to show him a map of where it is located. The environmental impact statement has been released, comments have been taken from the community and, all going well, with the approval by the Minister for Planning construction will start before the end of the year. I will happily invite the honourable member for Baulkham Hills to be a part of that exercise. The total cost of the Bangor bypass will be approximately $115 million, which is not a bad commitment from a government that is doing nothing for the shire according to the Opposition. That project is the centrepiece of the budget allocation to my electorate. It will improve the accessibility and amenity of the area. Road safety improvements are also planned for Alfords Point Road, Menai and Heathcote Road, Sandy Point.

In relation to sporting and recreational opportunities work is progressing well on the rehabilitation of the old tip site at Lucas Heights for a range of sporting facilities. Sutherland council has almost finished work on the netball courts. The whole project will compliment the indoor sporting centre which is being built by Sutherland council, for which funding has already been allocated. Work will start within a couple of months. All of those projects, and more, are part of the Government's commitment to the Sutherland shire, which encompasses my electorate.

Mr COLLIER (Miranda) [4.42 p.m.], in reply: I could add many more things to answer the claim by the honourable member for Baulkham Hills, who has left the Chamber, that I had run out of things to say. A carpentry and joinery section at Gymea TAFE, for which $1.9 million has been allocated, has been completed. Another $1.2 million has been allocated in this budget for a specialist beauty and hairdressing section at Gymea TAFE. We are committed to vocational training in the shire, and Gymea TAFE now has the benefit of $3.1 million for that purpose. As a result of my urging the State Government has taken a special interest in road safety around schools in the shire, which, sadly, has been neglected for many years. In fact, State-funded wombat crossings have been provided for the following schools: Como, Grays Point, Gymea Bay, Kirrawee, Sylvania Heights and Yowie Bay Public schools, and Kirrawee and Sylvania high schools.

Mr Kerr: Point of order: The honourable member is speaking in reply. I draw your attention to Standing Order 75, which provides that the subject matter of a reply is to be confined to matters raised during the debate and that no fresh material can be provided.

Mr DEPUTY-SPEAKER: Order! It is a question of relevance. I am sure the honourable member for Miranda will soon return to the leave of the debate.

Mr COLLIER: I am directly answering the honourable member for Baulkham Hills, who claimed that I had run out of things to say. The honourable member for Cronulla, who is just using up my speaking time, talked about working together. He is a member of the Miranda police accountability community team, the first one in the State, with Superintendent Mahoney, the mayor and myself. He has an input into policing in the shire. The 23 May statistics from Superintendent Mahoney that I read showed that malicious damage, assaults, break and enters, stolen vehicles, robberies have all dropped. However, rather than work with Superintendent Mahoney, the honourable member for Cronulla in his column on 30 May talked about crime soaring and quoted a great many other spurious figures. He has the opportunity to work with us on crime. I ask him to do so and not to make it a political issue.

In relation to Cronulla police station, about which constant petitions have been lodged, the Government has made a significant contribution. Cameras have been installed and $226,000 has been allocated in this year's

budget to upgrade the station. Kirrawee railway station will be upgraded as part of the duplication of the rail line. The honourable member also referred to easy access to Gymea railway station. I have made representations to the Minister about that matter and I will continue to pursue it. The Government has been addressing the backlog of projects left by Liberal governments prior to 1995. Sutherland hospital was mentioned in debate. Last week there was a tree-topping ceremony at Sutherland hospital.

Since 1998 the accident and emergency service, a frail aged dementia unit, a respite unit and a day surgery unit at a cost of $1 million have all opened at Sutherland Hospital. The hospital is recruiting nurses. When Ansett Airlines folded, a lady who lives near me received no support from the Federal Government. She went back to nursing and is now working at Sutherland hospital. Having spoken to nurses at Sutherland hospital only last week, I can say that they are delighted with the progress that is being made. They are looking forward to using the new facilities and continuing to provide quality care for their patients. A new hall has been a long time coming for Oyster Bay Public School.

Ms Megarrity: The backlog.

Mr COLLIER: The backlog again. The honourable member for Cronulla mentioned Oyster Bay Public School hall and raised the spectre of Chris Downy. The school community showed me a videotape of Chris Downy promising the hall in about 1994. I raised this matter with the Minister. The Department of Education and Training looked back through its records and could find no record of any suggestion about the hall being brought forward, as suggested by Mr Downy. I was surprised and shocked by that. Oyster Bay Public School is getting a new school hall. We are doing things for the shire. The shire is on track: the Government is delivering.

Question put.

Mr Kerr: Point of order: in relation to what the honourable member for Miranda said in reply, I refer to Standing Order 73. I seek the opportunity to explain a material part of my speech which was misunderstood by the honourable member. It related to policing, the petitions that have been lodged in this House and the fact that the numbers at Cronulla police station are nowhere near what they were.

Mr DEPUTY-SPEAKER: Is this a point of order or a point of explanation?

Mr Kerr: I want to tell you the basis of the misunderstanding in relation to my point of order under Standing Order 73. The misunderstanding I seek to clarify is in relation to Cronulla police station. I was referring in my speech to the insufficient number of police there rather than any physical upgrading.

Mr DEPUTY-SPEAKER: Order! That submission is accepted.

Motion agreed to.

DISTINGUISHED VISITORS

Mr DEPUTY-SPEAKER: I acknowledge the presence in the gallery of Ambassador Richard Schifter, a former United States of America Assistant Secretary of State for Human Rights and Humanitarian Affairs.

SUTHERLAND SHIRE GOVERNMENT INITIATIVES

Personal Explanation

Mr KERR: I seek leave to make a personal explanation.

Mr McManus: The honourable member for Cronulla has obviously said certain things and he is now trying to retract some of them.

Leave granted.

Mr KERR: The honourable member for Heathcote tried to damage my reputation by informing the House that I had not attended a store opening until an hour after those proceedings commenced. His conduct is disgraceful. I was held up at my office dealing with urgent matters. I did attend the opening and spoke to the owner of the shop, Mr Cassim, and told him what had occurred. The mayor was still present at that time. It is a great pity that this occasion—the opening of a small business, which all honourable members should support—should be used for partisan purposes.

BRIGALOW BELT SOUTH BIOREGION ASSESSMENT PROCESS

Matter of Public Importance

Mr TORBAY (Northern Tablelands) [4.50 p.m.]: I ask the House to note the Brigalow belt south bioregion assessment process. First, I thank the House for the opportunity to discuss this matter of public importance. Honourable members may or may not be aware of a public meeting held last Thursday in Warialda that was attended by more than 300 people who wished to raise their concerns about this assessment process. The process is being undertaken on behalf of the New South Wales Government by the Resource and Conservation Assessment Council [RACAC]. This matter relates particularly to the portfolio of the Minister for Planning.

All honourable members, but particularly members who represent country electorates, are very much aware of these sorts of processes. Members of the community look closely at whether the Government and the people implementing such a process are doing so in good faith. In other words, they ask: Is the object of the consultation process to achieve meaningful outcomes? Is it conducted in good faith? Is it designed to bring forward good recommendations and develop good policy? In this case, the answers are no. In fact, the assessment process is flawed. I am prepared to detail some of the facts and circumstances that indicate that it is flawed.

When I made it known that I was going to put this matter of public importance forward a number of honourable members asked me what it was about, what area it covers, and what it means. Perhaps the best way to answer those questions is by reading questions that were asked by the more than 300 people who met at Warialda. The issues raised are relevant not only to a number of areas of my electorate but also to areas falling within the electorates of honourable members of this House who represent that region. I could not attend the meeting—and I do not believe any other member of Parliament could on that evening—but the following day, at Inverell, I met with the organisers of the Brigalow belt south meeting. I thank the organisers for the opportunity to have those discussions with them. They indicated that they had a range of questions. That people are asking these sorts of questions suggests that the process has problems. I am delighted that the Minister for Planning is present in the Chamber to hear those questions, which I placed on notice today. Those people asked me to ask the Minister the following questions:

> Is the Government aware of the public meeting held in Warialda on Thursday 13 June 2002 attended by over 300 people from six separate shires, regarding the Brigalow Belt South Bioregion Assessment?
>
> Is the Government aware that the people attending that meeting passed a vote of no confidence in the "public consultation" process carried out in that assessment?
>
> Is the Government aware that issues of concern coming from this meeting include:
>
> - The lack of time and resources given to studying the socioeconomic impact resulting from the assessment?

I have supporting information from Dr Roy Powell, whose Armidale-based organisation, the Centre for Agricultural and Regional Economics, is employed as a consultant to RACAC. Dr Roy Powell said in his advice to me:

> This stage of the RACAC assessment began late in 2001 and, in retrospect, has been allowed too little time to complete such an important task. This would be the case without the water and vegetation issues—with those issues it makes the task impossible.

It makes the task not difficult but impossible. Dr Powell is a leader in the field and a consultant to RACAC, which is undertaking the process on behalf of the Government. The Minister ought to be concerned about that. That is why earlier today I gave notice of a motion calling for the process to recommence, and that the process be allowed to continue for a further 12 months from November this year to enable a substantial period of genuine and meaningful dialogue to address community concerns. I will relate more of the questions asked by the meeting because they succinctly highlight the concerns of the community. The third question asked whether the Government is aware of issues of concern including, further:

- the accuracy of collected data, given the inaccuracies of collected data in other assessments.

Some of the history of these matters requires the Government to give certain guarantees. The next point in question three relates to:

- the security of land tenure.

I am aware that a number of questions were asked about this matter at the Warialda meeting. Rick Farley, the Chairman of RACAC, made a number of comments on this issue. The questions and his comments tell me that the community is not sure about the details of the assessment process. That is destroying, if it has not already destroyed, the goodwill of this process. People would be prepared to support the proposal if they believed the process was conducted in good faith and could deliver meaningful recommendations. The fourth point of concern raised by the Warialda meeting was:

> The Resource and Conservation Assessment Council (RACAC) boasts of unprecedented "public consultation". If this is the case, why is it that the community of Warialda—

And other communities that attended the meeting—

> only found out about the assessment in March, and had to invite the Chairman of RACAC to speak to them, then wait until the middle of June for him to come?
>
> Rick Farley, Chairman of RACAC, told the Warialda meeting the Government had guaranteed employment levels would remain the same after the assessment. Can the Government explain how this will happen given the fact that jobs are already being lost in both the rural and timber industries?

What are the details of that guarantee? The meeting further asked:

> Can the Government guarantee there will be no restrictions imposed on private land as a result of the RACAC assessment?
>
> Can the Government guarantee that landholders will be able to renew any property lease after its expiry date?
>
> What level of data accuracy does the Government regard as acceptable for this type of assessment?
>
> Will the Government immediately reverse decisions made if the data used is proven to be inaccurate?

Previous assessments have shown up inaccuracies. The final question is:

> Is there an avenue for landholders to challenge the accuracy of collected data?

Other members no doubt will raise further questions in this debate. I have information that I would be happy to make available to the Minister. I call on the Minister to put a halt to the current process, and restore trust to the process by dealing with the concerns being raised by regional and rural communities. If community members are asking these sorts of questions, the consultation process has failed. This failure has taken away an opportunity to consider matters of common interest and to work through them with members of regional and rural communities. In particular, the process has failed to assess the impacts of the proposal and make meaningful recommendations through RACAC to the Minister and on to the Government to make good policy.

The Brigalow belt south bioregion assessment process will not produce good policy because the community consultation process is flawed. I urge the Minister to meet with a community delegation. I would be happy to present a delegation to the Minister in good faith so that we may work through the issues. If there is no such meeting many in the community who have been putting these concerns to me will regard the consultation process as tokenism designed to deliver only what the Government wants. The community does not believe this consultation process will have a meaningful bearing on the outcomes. I hope the Minister will accept these concerns in good faith and address the issues that have been raised with me.

Representations have been made to me not only by rural communities but by the shires and councils that represent those areas. Concerns have been expressed by the Inverell shire, which is within my electorate. That shire has put a detailed submission to me. I have forwarded that to the Minister's department for attention. Obviously, the Warialda community—in the electorate of Barwon, which borders my electorate—has raised matters of serious concern as well. I am advised that other processes will commence. I repeat what the consultant to RACAC, Dr Roy Powell, said about the assessment. He said it allowed too little time to complete such an important task. That alone is clouding the issues and creating considerable confusion. But he said further:

> This would be the case without the water and vegetation issues—with those issues it makes the task impossible.

This information has been provided by the consultant who is working for RACAC. He is based in Armidale. He is a good person, and he is a leader in this field. His comments indicate clearly that concerns expressed by the communities of Warialda and beyond are legitimate. Those communities have drawn attention to concerns that I believe the Government could address if it allowed the consultation process to deliver meaningful outcomes rather than what the community believes will be a foregone conclusion.

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [5.00 p.m.]: The Government is deservedly proud of its record in defusing conflict in our forests. Our regional forest agreements in eastern New South Wales have brought about a significant conservation achievement while guaranteeing security of supply for the timber industry. We have moved from great conflict to comparative peace. We have managed to create 1.4 million hectares of new parks and reserves while protecting jobs and investment. This is the same system that the Leader of the National Party has said the Coalition would disband. He has said that the Opposition will do away with the Resource and Conservation Assessment Council [RACAC], the very body which has been so successful in coming up with the balanced outcomes that are a hallmark of the New South Wales Government's regional forest agreements. This is the usual no-policy approach of the Coalition: get rid of something that is working and replace it with a vacuum.

Having dealt with the eastern forests, the Government has now moved into the western region of the State: the Brigalow belt south bioregion. The Government commenced the Brigalow assessment in October 1999. As with all other regions in which the Government has concluded a regional forest agreement, the Brigalow belt assessment is characterised by significant and meaningful community consultation, consideration of social, economic and environmental factors, and a balanced outcome which will result in the retention of jobs and regional economic development opportunities. The Brigalow assessment is being conducted by RACAC, the same organisation that has overseen this State's balanced and lauded eastern regional forest agreements—the same organisation that seems to be so despised by the Leader of the National Party.

The advocacy of the member for the Northern Tablelands on behalf of his constituents is typical: He is a good local member who has put forward reasonable proposals. While I appreciate his desire to extend the consultation process for the Brigalow belt, it is worth reflecting on what has already been done. The Government has been consulting and talking to local communities in the region and all key stakeholders for the past 18 months. One of the key things that this Government does in regional assessments is it gets out early, listens to what people have to say and gets people involved in coming up with the answers. The consultation we have been undertaking includes community workshops, technical field days, mobile community displays and local meetings. RACAC has had, and will continue to have, a visible presence in the region.

To ensure that farmers have a voice in the brigalow assessment, I have appointed New South Wales Farmers to RACAC. It was not appointed to RACAC for the eastern assessments, but because of its importance in the Brigalow area particularly, I have made sure it is represented on RACAC. The private land owned by farmers is being looked at only with their consent, and only so that land-holders can make informed decisions about their land. Eight-five per cent of the Brigalow region is either freehold or Crown leasehold land and it is important for the Government to get a big-picture view of what is going on. But I can assure the House that there will be no resumption of private land as a result of this assessment. I repeat that assurance for the benefit of the House and the community: there will be no resumption of private land as a result of this assessment.

Later this year the Government will be seeking formal community comment on the options of the Brigalow belt. There will be plenty of further opportunities for people to comment. While I am more than happy to talk to the honourable member for Northern Tablelands about how we can make this consultation as extensive and as meaningful as possible, it is also important to give people some certainty and not to drag out decisions over an uncertain and overly long time frame. I will examine the options for extending the opportunity for community input to the Brigalow assessment. I will also ensure that all stakeholders are involved in the implementation of decisions arising from the regional forest agreement. As with all the Government's regional forest agreements, we have achieved a balanced outcome. We are committed to maintaining the timber industry in the region, we are committed to a viable farming industry, but we also want to finalise a decision later this year so that the local community can feel secure about the future and where it is going.

The honourable member for Northern Tablelands has asked me to meet a delegation to discuss the issues that he has raised. I am eager to meet the delegation and I ask the honourable member to contact my office to organise a meeting. I believe that the consultation is going well but there may be some difficulties in some areas. I suggest that we iron those out and not delay decisions. Let us have decisions made practically, but with the involvement of the people. Let us also put some of the myths to rest. It is important to ensure that the Government is clear on the issues that have been raised, that it spells out what will happen and what will not happen, and that it explains how the process will continue.

Mr McGRANE (Dubbo) [5.06 p.m.]: I support the motion. I commend the honourable member for Northern Tablelands for bringing this important issue to the notice of the House. This issue affects all rural

people in the State of New South Wales one way or another because the consultation programs engaged in by the Resource and Conservation Assessment Council [RACAC] and government committees have resulted in a breaking down of goodwill between rural communities, farmers and those in associated occupations and the government of the day. The Minister for Planning stated that RACAC is part of a consultation program that is operating throughout the State to provide opportunities for the community to consult with the Government. However, prior to RACAC being formed, there was little consultation. I agree in principle with the role played by RACAC. However, I am concerned about how its membership was decided and who constitutes the council. Be that as it may, I acknowledge that the council is not the subject of debate before the House.

This debate concerns a loss of community confidence that has resulted from the actions of the Government. My concern relates to the Goonoo and Pilliga forest areas, which were examined in great detail by RACAC, and the implications of recent consultations held in accordance with the Native Vegetation Conservation Act. A meeting at Gilgandra only three weeks ago exemplifies the point made by the honourable member for Northern Tablelands about community concerns. At the meeting a proposition was put forward known as the 30-40-30 concept. That is, land use should comprise 30 per cent conservation, 40 per cent agriculture, and 30 per cent grazing. Apparently that proposition was put forward by a representative of the National Parks and Wildlife Service. I have checked with the Minister for the Environment and I have been informed that the proposition did not emanate from the Government. Regrettably, the claim has been made on a number of occasions and it has put the fear of God into everybody who owns land.

People are concerned that Big Brother will override private land ownership and insist on landowners following a prescriptive land-use formula of the 30 per cent for conservation, 40 per cent for farming and 30 per cent for pastoral use. Anybody who thinks the issue through will realise that no government would have the gall to implement such a regime, but comments of that nature are being made at consultation meetings and they are putting the fear of God into the farming community. Farmers in New South Wales and throughout the rest of Australia are probably the best conservationists in the world, because their land is freehold land and they own it. It is an asset that they wish to preserve and they take great umbrage at bureaucrats from government departments telling them what to do on their land.

As I said earlier, farmers are the best conservationists because they want to protect their assets. The odd farmer might do the wrong thing, but the great majority of them want to do the right thing and be good conservationists. As this matter has been aired in Parliament the Government must take action. It is like a bushfire—it is out of control. The Government is not listening to the views being expressed by those who are attending public meetings. Last Sunday I attended an action meeting at Eumungerie, which is located on the border of my electorate and the Barwon electorate. At that meeting 50 people expressed what I would consider to be an issue of major concern. They are concerned because their land and their livelihoods are at stake.

Mr TORBAY (Northern Tablelands) [5.11 p.m.], in reply: I thank the Deputy Premier and the honourable member for Dubbo for their contributions to debate on this matter of public importance. I notified all honourable members, including members of the National Party, that this matter of public importance would be debated today. The shadow Minister, the honourable member for Ballina, indicated a willingness to speak in this debate but I do not know why members of the National Party declined to contribute. I thank the Deputy Premier for agreeing to meet with a delegation and for acknowledging that work has to be done in this area if the community's concerns—concerns that have been raised with me—are to be addressed. The Deputy Premier said to me, "There is ample time within which to determine those concerns and to work through them." He also said that he would ensure that a member of NSW Farmers would be appointed to the Resource and Conservation Assessment Council [RACAC].

Mr McGrane: One out of 16.

Mr TORBAY: As the honourable member for Dubbo said, that is only one of 16 members. We will test the goodwill of the Deputy Premier and the Government on those issues. I was delighted to hear the Deputy Premier's commitment in respect of freehold land. He said on two separate occasions that nothing would occur without a land-holder's consent. But what about leasehold land? What about land that is held on a long-term lease? Will those leases be renewed? We must work through these issues and make informed decisions about them. I highlight a very good point made earlier by the honourable member for Dubbo. He said that members of the farming community are tired of being portrayed as rednecks who want to pulverise the land. That is highly offensive to members of the farming community and to people in rural New South Wales. That is not the case.

Those who have been speaking to me about this issue want to work with the Government to ensure that their concerns are dealt with. They want to continue to maintain sustainable farming activities. The Government

must take that issue on board. If the Deputy Premier is right, the Government still has time to consider each of the issues that I have raised—issues that I have placed on the notice paper at the request of community members who met with me at Inverell after the Warialda meeting. I have information from Dr Roy Powell, a consultant to the RACAC, who is working on behalf of the Government and who said, "We do not have time to undertake social and economic studies."

The Deputy Premier said earlier that the Government has held significant and meaningful consultations with members of the community. Why then are these sorts of questions being asked? It can mean only that to date consultations have not been meaningful. That statement is refuted when we take into account the fact that 300 people recently attended a community meeting. The Deputy Premier also said that the Government was taking into consideration the social and economic report. However, the RACAC consultant said that it cannot be done in the necessary time frame. The Deputy Premier is saying one thing but that is not what is occurring.

I will be pleased to lead the delegation that is to meet with the Deputy Premier. I am sure that those who attended the Warialda meeting will work through those issues with the Deputy Premier. The test will be whether the Government addresses these issues. If it does it will win credibility in this debate. Farming and rural communities are happy to work with stakeholders, including the Government, during this process. However, they want to know that their contributions will make a difference. They do not want the Government to say, "We will do this anyway", thus making a mockery of the consultation process. I am delighted that the Deputy Premier offered to meet with a delegation. I will take up that offer and contact his office. I thank the Deputy Premier and the honourable member for Dubbo for their contributions to the debate. As I said earlier, I had hoped that other honourable members would contribute to this debate, given the concerns that have been raised in the regional community.

Discussion concluded.

BUSINESS OF THE HOUSE

Private Members' Statements: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to postpone the taking of private members' statements to allow the introduction, and progress up to and including the Minister's second reading speech, of the following bills forthwith:

Parliamentary Remuneration Amendment (Recognised Office Holder) Bill
Legislation Review Amendment Bill.

PARLIAMENTARY REMUNERATION AMENDMENT (RECOGNISED OFFICE HOLDER) BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary) [5.17 p.m.]: I move:

That this bill be now read a second time.

The Government has agreed to introduce this bill to amend the Parliamentary Remuneration Act following representations from the Opposition. The bill will enable the deputy leader in the Legislative Council of a recognised political party with not fewer than nine members in the Legislative Council to receive an additional salary and expense allowance. The Parliamentary Remuneration Act provides that certain recognised office holders specified in schedule 1 to the Act are entitled to receive an additional salary and expense allowance. In May 1996 schedule 1 to the Act was amended by regulation to insert, as a recognised office holder, the position of deputy leader in the Legislative Council of a political party with no fewer than 10 members in the Legislative Council.

From the commencement of the amendment, the Deputy Leader of the Liberal Party in the Legislative Council became entitled to receive an additional salary and expense allowance. As a result of the March 1999 election, the number of members of the Liberal Party in the Legislative Council was reduced to nine. However, the Deputy Leader of the Liberal Party in the Legislative Council continued to receive the additional salary and

allowance, in error, for more than a year after March 1999. The Deputy Leader of the Liberal Party in the Legislative Council has continued to perform this role. There is no suggestion that the responsibilities of the role have been reduced in any significant way because the number of Liberal Party members of the Legislative Council has fallen from 10 to nine. Accordingly, the Government has agreed to introduce the bill.

The bill amends schedule 1 to the Parliamentary Remuneration Act to provide that the deputy leader in the Legislative Council of a recognised political party with no fewer than nine members is entitled to receive an additional salary and expense allowance. That is, the bill replaces the current requirement for 10 members with a new requirement for nine members. The bill also provides that the amendment will take effect from 27 March 1999. I commend the bill to the House. I advise honourable members that the bill will be debated next week.

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

LEGISLATION REVIEW AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary) [5.20 p.m.]: I move:

That this bill be now read a second time.

In October last year the Legislative Council Standing Committee on Law and Justice tabled its report entitled "A New South Wales Bill of Rights". This bill is the Government's response to that report. The standing committee found that it is not in the public interest for New South Wales to have a bill of rights. The Government endorses that finding. As the Premier indicated in his submission to the standing committee's inquiry, a bill of rights transfers decisions on major policy issues from the Legislature to the judiciary. No right is absolute. Rights conflict. The right to free speech will conflict with the right to equality. The right to equality will, in turn, conflict with the right to freely exercise one's religion. A bill of rights could be interpreted only by balancing these rights and interests. This balancing should be done by an elected Parliament, and not by an unelected judiciary. As the standing committee found:

> It is ultimately against the public interest for Parliament to hand over such decisions to an unelected Judiciary who are not directly accountable to the community for the consequences of their decisions.

Members of Parliament are ultimately responsible to the people for the decisions we make. The people elect us to make difficult decisions about balancing rights and interests. We should not shirk this responsibility, and nor should we put the judiciary in the position of having to make such decisions. The standing committee also found:

> The Committee believes an increased politicisation of the Judiciary is an inevitable consequence of the introduction of a Bill of Rights.

A bill of rights would undermine parliamentary sovereignty, and the independence and quality of the judiciary. It would introduce widespread uncertainty in the law, and would encourage a litigation culture. The Government agrees with the standing committee that a bill of rights must be rejected. The standing committee recommended that the Parliament establish a scrutiny of legislation committee, similar to the Senate Scrutiny of Bills Committee. The standing committee recommended that the new committee should be a joint committee. It also recommended that the new committee should be separate from the Regulation Review Committee. The bill responds to this part of the standing committee's report. Accordingly, the bill proposes to establish a Legislation Review Committee to perform the role proposed by the standing committee.

The Government agrees with the standing committee that the protection of rights and liberties is the responsibility of the whole Parliament. Accordingly, the Legislation Review Committee will be a committee of both Houses. The Government does not agree with the standing committee's recommendation that the scrutiny of legislation committee should be separate from the Regulation Review Committee. The Government notes the standing committee's observation that the criteria for an effective scrutiny committee are already reflected in the way the Regulation Review Committee works. The standing committee recommended a separate committee to ensure that it could give sufficient attention to its task. The Government believes that the standing committee's concern about the Regulation Review Committee's workload can be addressed by the methods adopted in the bill. In particular, the membership of the committee will be expanded from eight members to 12 members. Also, if the Government's proposal is accepted, the Government is prepared to allocate additional funding to the renamed Regulation Review Committee to enable it to carry out this new function.

I now turn to the provisions of the bill. The bill renames the Regulation Review Act as the Legislation Review Act. It also renames the Regulation Review Committee as the Legislation Review Committee. These name changes reflect the proposed new role for the committee in reviewing bills, as well as its current role in reviewing regulations. The bill increases the number of members of the committee from eight members to 12 members. The bill provides for the committee to comprise five members of the Legislative Council and seven members of the Legislative Assembly, which is an increase of two members from each House. The quorum for meetings of the committee is increased from four members to six members. The bill will insert a new section 8A into the Act. This is the section that gives the committee its new functions in relation to bills. The committee will have the function of considering any bill introduced into Parliament and reporting to both Houses on the bill.

The committee will be required to report on whether a bill, by express words or otherwise, trespasses unduly on personal rights and liberties; makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers; makes rights, liberties or obligations unduly dependent upon non-reviewable decisions; inappropriately delegates legislative powers; or insufficiently subjects the exercise of legislative power to parliamentary scrutiny. These are the same matters on which the Senate Scrutiny of Bills Committee may report. New section 8A will also make it clear that a House of Parliament may pass a bill whether or not the committee has reported on the bill. However, the section also makes it clear that the committee is not precluded from reporting on a bill because the bill has been passed by either House or has become an Act. These provisions are designed to permit flexibility in timing so that bills will not be delayed, but nor will the committee's consideration of a bill be curtailed.

I wish now to make some comments on the intended functioning of the committee. The committee is not intended to be a third House of Parliament. It is not intended to debate matters exhaustively. The committee's decisions will not be final or binding on Parliament. Rather, it is intended to provide a timely digest of brief advice to members on the matters within its jurisdiction. It should be flagging issues for members' attention, rather than attempting to duplicate parliamentary debate. Ultimately, whether a bill unduly trespasses on personal rights and liberties is a matter for Parliament and not for the committee. The committee will make a contribution to Parliament in its new role if it operates as intended by the standing committee—that is, it should put in place mechanisms to refer all new bills quickly to an expert adviser for urgent assessment and advice. As with the Senate committee, a weekly turnaround should be possible—that is, members should have the benefit of the committee's report on a bill in time for debate in the week after the bill was introduced.

The committee should not hold inquiries or invite submissions. This is not the way the Senate committee or committees in other States work. Such a lengthy process would unreasonably interfere with the Government's legislative program and the functioning of the committee. It would be an impossible workload for any committee. If, for example, the Legislative Council wished to inquire more deeply into a particular issue raised by a bill, it could do so through its existing committee structure. Conducting lengthy inquiries is not the role of this committee. As I indicated earlier, if the Government's proposal for the Legislation Review Committee is accepted, the Government is prepared to allocate additional funding to the committee to enable it to carry out its new function. The funding will provide a budget for the committee to obtain academic legal advice, as recommended by the standing committee. This advice, and the budget for it, will be critical to ensuring that the committee can report quickly and avoid delaying the Government's legislative program. I commend the bill to the House.

Debate adjourned on motion by Mr Maguire.

BILL RETURNED

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

Crimes (Forensic Procedures) Amendment Bill

Pursuant to resolution business interrupted.

PRIVATE MEMBERS' STATEMENTS

CLUB WEEK

Mr BARTLETT (Port Stephens) [5.27 p.m.]: Sunday 2 June was the end of Club Week, which highlights the vital role played by clubs in connecting people and providing social cohesion for country communities. Clubs help fund the Kids Help Line, which is contacted by around 30,000 students each week.

Clubs are not-for-profit organisations owned by members; they have around 40,000 employees and tax revenues of something like $750 million per annum. In many country towns clubs are meeting places—indeed, they are town halls and community centres rolled into one. On Sunday 2 June Club Week was celebrated at Tomteland, an amusement park in the Port Stephens electorate. I am told it was the largest Club Week event held in New South Wales. The event was called the Kids Big Day Out. The 157 clubs in the Hunter came together to sponsor the event. Club members nominated sick, disabled and disadvantaged children to go to Tomteland for the day. Some 1,925 sick, disabled and disadvantaged children, their parents and carers went along on the day, and it was a great event for those people. A number of performances were put on by groups such as the Port Stephens community youth choir. Carousels, dodgem cars and many other amusements were also available for everyone to enjoy.

Chief executive officers, staff members and board members from the 157 Hunter and Newcastle clubs that were involved volunteered to help Tomteland. Some 200 volunteers turned out on the day and helped to make the event a success. It is impossible to name everybody from the clubs in the area, but I will mention a few: Roy Clark, Bob King, Charlie Eason and Len Worgan. The day was organised by Tony Drew from the Soldiers Point Bowling Club, Jon Chin from the Hexham Bowling Club and Julie Bain from the Hexham Bowling Club. They organised the club members and did the paperwork. Some 200 volunteers helped the nearly 2,000 visitors to Tomteland. I acknowledge the great contribution of Mr Ian Wilks, who organised and co-ordinated a number of service clubs from the Port Stephens electorate—namely, Raymond Terrace Rotary Club, Raymond Terrace Lions Club, Raymond Terrace Kirwanis and Raymond Terrace Probus Club. Some 50 members of those clubs cooked lunch for the carers, children and parents.

At one stage I wandered over to the barbecue tent, where I saw approximately six barbecues going outside while everybody lined up inside to get their lunch. It was an extremely good event for the Hunter. It was popular with the children. It shows the influence that clubs have in Port Stephens, Newcastle and New South Wales. This is something that other regional clubs could do in their areas. I understand that it was the largest Club Week event in New South Wales. I commend the Osborne family for providing Tomteland as the venue for the day. I give my hearty congratulations to all those involved. A number of dignitaries attended, including the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development. It was a great day; it was enjoyed by all. The rain held off for the couple of hours that I was there. I commend all those involved—the service clubs, the clubs and the volunteers—in making it such a wonderful day. [*Time expired*.]

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.32 p.m.]: I thank the honourable member for Port Stephens for raising the fun day for kids at Tomteland. It was one of the many activities held during Club Week, which started with a constructive summit within the precincts of Parliament House. The honourable member for Ku-ring-gai attended the summit. We both took heart from the fact that clubs have matured in recent years and understand that they were originally established for their members, their bona fide guests and to serve the community. That is evidenced through the community development and support expenditure [CDSE] scheme that I introduced. Although the scheme was controversial at the time, it now allows 1.5 per cent of taxation to flow to clubs' causes. It has generated $140 million in three years. A lot of this money is going back into the community, such as the Tomteland fun day for disabled children. That money enabled a lot of children to attend the fun day this year.

Without wishing to skite, there is only one place in the State where such a day could have been held: the Hunter region, where clubs and the community work cohesively together. Because the region works cohesively and the clubs co-operate with each other, 157 clubs—under the stewardship of Tony Drew, helped by John Chin, the Clubs New South Wales representative, Judy Croese from Cardiff RSL and Gary Leo from South Newcastle Leagues Club—took part in the fun day. This is a great example of what can be done with the $9 million which I announced recently would be made available to make small clubs throughout New South Wales more viable. It is not government money; it is unused dividends and unclaimed prizes from Keno. It will go a long way, especially to the smaller clubs in country and regional areas where they are in difficulty.

KU-RING-GAI ELECTORATE POLICING

Mr O'FARRELL (Ku-ring-gai) [5.34 p.m.]: Last Saturday I attended a public meeting to discuss a new draft plan of management for Bicentennial Park, Pymble. When considering existing park problems, residents raised concerns about a lack of police in the area. I take this opportunity to again raise Ku-ring-gai policing issues, local disquiet about crime rates, police visibility and response times, and the urgent need to re-establish Gordon police station as the centre of Ku-ring-gai's community policing effort. At Saturday's meeting residents reported that explosions in the park, presumably fireworks, were common. Youths use the park as a

venue to drink alcohol and use drugs, especially on Friday and Saturday nights. A resident complained that her hose had been chopped up to form parts for a bong; others complained of underage drunkenness. Acts of vandalism are rife—a local councillor noted that even the lighting that had been installed to discourage anti-social behaviour had been damaged. Lighting of fires is common and property has been destroyed. I am also aware that local guide and scout facilities have been subjected to graffiti attacks. Finally, it was also reported that an adjacent preschool and bowling club have both recently been broken into—the latter frequently.

The picture painted was not a happy one. While residents noted the problems were worse in school holidays, they also stated that many of the events cited were becoming commonplace. What disturbed me about the residents' feedback was the sense that the community had virtually given up on the police tackling or trying to solve the problem. This attitude seemed due to difficulty in getting through to report problems and the lack of a police response or a delayed police response. Bicentennial Park is a terrific place. As well as providing a centre to the community of Pymble—with its parks, pool, sporting fields and playground—it is an attraction for all who live in and near Ku-ring-gai. I acknowledge the foresight of council under the then leadership of Richard Lennon in establishing the park. Its significance has been acknowledged by the State Government's decision to grant $60,000 to upgrade the playground. With the $140,000 being invested by council it will become even more central to the lives of Ku-ring-gai's families. Yet at night it is plagued by these serious problems. One resident expressed the view at the meeting that "… it is getting to the stage that the park is becoming a 'no-go' area". I do not believe that can ever be allowed to occur. Policing must be improved and a strong message must be sent to those involved that this sort of behaviour will not be tolerated.

While I recognise the need for residents and sporting groups who use the park to accept their responsibilities in tackling this issue, the fact is that without an effective police response and backup they cannot succeed. It is simply not acceptable to expect a resident of any age to walk into a group of drunken or even boisterous youths and ask them to be quiet, move on or desist from illegal activities. That would be dangerous. Residents are prepared to do their bit and are considering setting up a park watch as part of the draft plan of management, but it will not work without police backup. I have raised previously my strong concerns about the increase in crime rates across the Ku-ring-gai local government area. While 2001 showed a flattening out in some crime areas, the simple fact is that rates are significantly higher than they were in 1995. I accept that we are not as bad as other parts of Sydney, but it is irrefutable that community safety has deteriorated across Ku-ring-gai during the past seven years. Surely we are not expected to wait until we have comparable crime rates to some of Sydney's crime hot spots before we get action. I have always believed that prevention is better than cure, and that solving a problem is easier earlier than later.

I have raised previously residents' concerns about anti-social behaviour by youths and nascent gang activity at places such as Wade Lane, Gordon. Only yesterday a local businesswoman wrote to me about ongoing problems in Wade Lane and pointed out that much-promised improvements to local policing have not materialised. I again note that this activity occurs within a stone's throw of the Gordon police station. I have raised previously my strong concern that only one general duties police officer is located at Gordon police station. This modern, multimillion dollar station is effectively a white elephant; it is a glorified crime-reporting centre. It should be the centre of community policing for Ku-ring-gai, and I will continue to press for that to occur. I raise the matter of Bicentennial Park to again highlight the inadequate police resources allocated to the Ku-ring-gai municipality. Since the decision to split policing responsibilities between the Hornsby and Chatswood based local area commands, police resources have been concentrated in those major shopping and business districts. Ku-ring-gai does not, in my view, get adequate policing—a view repeated to me often by residents as I work across my electorate.

As the grandson of a policeman my argument is not with those who serve in uniform—they do a terrific job. My argument is with their political masters who are manipulating police resources to suit political outcomes. The good news is that the actions of the Minister for Police and the Premier are being seen through—not just in Ku-ring-gai but in communities across Sydney and New South Wales. Until resources are improved and Gordon police station is upgraded, I will continue to use whatever platform is available to highlight community safety concerns in Ku-ring-gai. The concern evinced at the meeting on Saturday is best summed up by Councillor Elaine Malicki, the local ward councillor, who attended the meeting and who was moved to hand out the phone number of the council's contracted security firm as a means of trying to address residents' concerns about the lack of police response to complaints of this type of activity. Under this Government we are seeing the privatisation of policing. Police resources are not providing the services they used to. People have to pay for those services. God help them if they cannot pay for those services.

CORPCOM CONSTRUCTIONS PTY LTD

Mr LYNCH (Liverpool) [5.39 p.m.]: I draw the attention of honourable members to the scandalous and disgraceful behaviour of Corpcom Constructions Pty Ltd. A consumer protest line was established late last week at the company's building site at Warwick Farm in my electorate. The situation featured prominently last night on the television program *A Current Affair*. The principal of Corpcom is Mr Alex Walton. He and Corpcom have adopted a direct and novel method to maximise their profits; they simply refuse to pay their workers and subcontractors, and pocket the savings. They are simply refusing to pay the subcontractors who have worked on the building site. Corpcom now owes more than $1 million to these subcontractors. This is causing acute financial distress to the subcontractors, their families and their workers.

The development is one of home units. The complex has a total of 59 units divided into a number of different blocks. Some blocks have been completed and are in the process of being sold. Some of the blocks are uncompleted. The site is on the Hume Highway at Warwick Farm at its intersection with Mannix Parade. The site has been under development for several years, and many residents of the area wondered whether the work would ever be completed. Some dozen or so family businesses, such as plasterers, painters, electricians and the like have worked on the development. Corpcom Constructions is now refusing to pay them and, as a result, many are now facing financial ruin. As I said, the total owing is now estimated to be more than $1 million.

It has had a devastating consequence on those concerned. Some have sold, or are on the verge of having to sell, houses. I had the opportunity of meeting many of the workers last Friday. On that day I was invited to attend the protest line the workers and subcontractors had established at the site. I was delighted to be able to attend that protest line to add my support to their protest. I must indicate that the workers have been supported by the construction and general division of the Construction, Forestry, Mining and Energy Union [CFMEU]. I met and spoke with Malcolm French, a CFMEU organiser, on the site. In my view the CFMEU deserves to be commended for the role it has played in relation to this issue. I have spoken directly to those affected by the antics of Corpcom Constructions.

Those people include Boris Radovan, a plasterer; Sam D'Amico, an electrician; Barry Smith, a carpenter; Branko Juric, a gyprock plasterer; Drago Orlovic, who was involved with the supply of balustrades; and Areta Monastirakis, a painter. Their views about Alex Walton and Corpcom were very clear: Corpcom was a builder and developer that simply did not want to pay its bills. It had financially crippled these families and their family businesses. Corpcom has left a trail of misery behind it after their construction. This multimillion dollar, multiunit development was built with a dozen small family businesses that Corpcom simply refuses to pay now. Corpcom Constructions has simply been ripping off these contractors and pocketing the savings. It was artificially inflating its profits by refusing to meet its debts. Frankly, it was being immoral. It was cheating tradespeople and contractors; it was ripping them off.

Those at the protest line are understandably and justifiably bitter and angry. Some suspect that the money they are owed has instead gone into the costs of separating the different stratas on the different buildings. The response by the contractors has been to call for a consumer boycott. The subcontractors are requesting that prospective purchasers of units not purchase units from this site. They simply ask purchasers to exercise a moral choice. In that sense it is a consumer boycott protest. The situation is made infinitely worse by the apparent opulence of Alex Walton. Last night *A Current Affair* showed and reported a developer with an expensive lifestyle—a large house, luxury cars and a boat. This is a man who refuses to pay his debts. He refuses to meet the obligations that he has to pay for the labour and the materials used to construct his development, but he is happy to have a very expensive lifestyle on the basis of the profits he has made from the development.

I ask that the relevant Minister investigate this situation to determine what action can be taken. I also ask the Minister to review this situation to see if legislative amendments—changes to the law—are needed to try to obviate the situation happening again. I understand that the building royal commission has been asked today by the CFMEU to inquire into these types of practices. I would welcome that development, and hope that it can add to a resolution to this type of situation. Alex Walton has behaved disgracefully. Corpcom has behaved in an appalling and unAustralian manner. It must be called to account.

BRIGALOW BELT SOUTH BIOREGION ASSESSMENT PROCESS

Mr SLACK-SMITH (Barwon) [5.44 p.m.]: I am concerned about the Brigalow belt south bioregion study being undertaken by the Resource and Conservation Assessment Council [RACAC] in my electorate in north-west New South Wales. The RACAC is investigating an area that comprises more than 80 per cent of

private land. It is looking at creating a wildlife corridor from Queensland to Victoria and across the coast from two places. As I said, much of this is over private land. Apparently the study began two years ago, but only in the past few months have private land-holders become aware of exactly what is going on. Many aspects of the RACAC study are causing concern. The first concern relates to the composition of the RACAC. The council comprises more than eight government bureaucrats who are answerable to Ministers and representatives of extreme green organisations. Also on the council are stakeholders, people who live in the area and people whose futures are in jeopardy in terms of this study, that is, the land-holders and people in the timber industry.

I raise this matter in the House tonight because I am concerned that people who live on wildlife corridors and who make their living from these areas will have controls placed on their land. I would welcome the Minister for Planning saying that no private land will be confiscated or taken over. However, I believe that restrictions and rules will be placed on private land to stop many of the farming practices occurring today. Jobs have been lost on the North Coast and the South Coast. At a meeting held at Warialda on Thursday night, Rick Farley guaranteed that no jobs would be lost in the Brigalow south bioregion. However, the timber industry on the North Coast and on the South Coast has been decimated. Many sawmills have been closed. I am talking about the towns of Gwabegar, Baradine, Mendooran, and Gulargambone. The large timber mills in Narrabri and Gunnedah employ many people. If the sawmill at Gulargambone closed, for example, it would be exactly the same as a company in Sydney sacking 12,000 employees in one hit.

These towns are in jeopardy. Also, the export of cypress pine is a valuable export industry. The honeybee industry has more than 260 sites in the Pilliga. Also, under the Pilliga State Forest lies what could be the largest gas field on mainland Australia, although only about 10 per cent of the area has been explored. One can imagine the employment, wealth and jobs that a gas field could bring to New South Wales. Although it is possible to explore and mine in a State recreation area, that has not occurred in New South Wales because of the draconian rules and regulations imposed on mining companies. The argument that tourism would replace the timber, honeybee, grazing, and gas industries is plainly rubbish. My constituents and I are very angry about it. We believe that private land may be confiscated by stealth. Many people have had their land studied by university students who were under contract to rabid, extreme green groups. It will be totally unacceptable if the Government locks up or restricts the practices of farmers who are making a living on the land. I ask the Minister to ensure that Pilliga, Goonoo and all these other areas remain exactly the way they are.

ST GEORGE LITTLE ATHLETICS CENTRE

Mr GREENE (Georges River) [5.49 p.m.]: On 15 May I had the pleasure of attending the thirty-first annual general meeting of the St George Little Athletics Centre, which has a fine reputation in New South Wales for the organisation and performance of its members in athletics. For many years the centre has conducted competitions throughout the summer season at Olds Park. I congratulate the Secretary, Julie Upton, and the President, Lynn Whatman, on their first-class annual report. A number of Little Athletics centres neighbouring the St. George district attended the annual general meeting and congratulated St George on its outstanding season. Also attending was the President of the St George district athletic club, Mr Albie Thomas, a former Olympian and world record holder.

This year the St George Little Athletics Centre had 360 competitors on its Friday night competitions, who achieved good individual results not only on Friday nights but also at the regional and State championship levels. Life memberships were awarded to the President, Lynn Whatman, and Gil Baes and Roger Malcolm. Lynn Whatman has been a member of the centre for 15 years and President for the past two years. Gil Baes has been involved with the centre for more than 13 years, and Roger Malcolm has been involved with the centre for more than 20 years. Although their children are no longer involved, Gil and Roger have continued to assist in the organisation and, with Lynn, are worthy recipients of life membership.

While noting outstanding individual performances at State level, and recognising that a number of award winners were recorded in the annual report, I particularly note some of the award winners known to me. Louise Hamer received the Diane Holden award; Matthew Gorman received the Alleyn Gainsford award, and Briannon McLoughlin received a special trophy for sportsmanship. I congratulate them on their efforts. I also recognise that St George Little Athletics Centre has an annual competition with Preston, Melbourne and I congratulate them on going to Melbourne this year, defending and retaining the trophy.

Sadly, the tragic death of the long-serving Treasurer, Mr Alex Oh, on 11 March was announced. I knew him when I taught at his son's school. Alex had been involved with the St George Little Athletics Centre for 20 years. His children ceased participating many years ago but for the past 12 years Alex had been Treasurer and

was highly regarded within Little Athletics and in the St George area. With the passing of Alex, Bob Molloy, a life-member and former President of St George Little Athletics Centre had taken on the role of Treasurer. Sadly, on 27 May, not even two weeks later, he passed away. Bob was also the secretary of St George athletics club and a life member of that organisation. Bob, who was only 69 years of age, died while he was working as a volunteer with the local State emergency services. He is survived by three children and six grandchildren. He was a great contributor to the local community. His passing is a great loss to the area. I particularly note the comments of Albie Thomas who sent an email to inform us of Bob's sad passing. He summed it up when he said, "I opened a champagne tonight, not to sadness but to celebrate the life of Bob Molloy." I take this opportunity to record the sad passing of Bob Molloy. I congratulate St George Little Athletics Centre on its work in our community. [*Time expired.*]

GALSTON ROAD, HORNSBY HEIGHTS, UPGRADE

Mrs HOPWOOD (Hornsby) [5.54 p.m.]: Galston Road is a notorious carriageway extending west from Hookhams Corner at the Pacific Highway, Hornsby to the Galston Gorge Bridge and beyond. It is a long and challenging road with many hazardous parts and the only route to and from the gorge. There are residential dwellings along its length and it facilitates the snaking off into small side roads, often steep, as well as major thoroughfares such as Somerville Road. At the end of May last year, on Red Shield Appeal Day, a Salvation Army volunteer was killed on the road as he went about assisting with the collection of monies for the appeal. We were all shocked by the tragic news. Shortly before, there had been another death on Galston Road. My predecessor, Stephen O'Doherty, made a private member's statement that detailed the catastrophe. He described the events that led to the Roads and Traffic Authority [RTA] meeting and eventually agreeing to an upgrade of the length of Galston Road from the Pacific Highway to almost the beginning of the descent into Galston Gorge.

The RTA proposed to enhance conditions of the road by sealing the shoulder and providing an on-road cycleway and upgraded line marking. Bunding would be completed in association with some kerb and gutter construction largely in problematic drainage areas. Conditions would be enhanced for cyclists by providing a cycle lane of various grades along the length of Galston Road. One additional pedestrian refuge island would be constructed, as well as improved drainage in prone areas with new or modified pits. This may not be enough however. The work is currently under way and is planned for completion towards the end of the year. I have met with representatives from Hornsby shire council and the RTA and have been happy with the intent of the work, despite the fact kerb and gutter was not going to be constructed along the entire length of Galston Road.

On Sunday 26 May the Red Shield Appeal was again held, and I offered my services as one of the collectors. I met with two Galston Road residents at the site of the accident the previous year. The week before that Sunday another vehicle had left the road at the bend leading around past Rofe Park and had hit the commemorative wooden cross tearing it out of the ground. The truck then hit the nearby lamp post as well as a tree. I saw paint on the lamppost and a cross with one arm broken off. Poignantly, the family of the deceased man had left flowers on the cross and the lamppost, signalling mourning one year later. Discussing the matter with residents made me aware that it was not just one circumstance that had contributed to the dangers along the strip of Galston Road immediately in front of Rofe Park—a venue that serves as a major baseball field, children's playing area and also incorporates tennis courts. Rofe Park has high use and is overwhelmed by the cars of people attending sport, as well as school carnivals. Because there is no kerb and gutter on the opposite side to the place the man lost his life, cars park diagonally across the footpath and people disembark onto the road as well as pedestrians who negotiate passage past the parked vehicles.

All in all, the north and south side of the road at this point is very dangerous and requires kerb and gutter for the entire length of the park. It will not be enough to create a shoulder and bunding because this will be insufficient to prevent tragedies on the road that are sure to occur due to the nature of the bend in the road, the flow of traffic and the use of the park. I urge the Minister for Roads to agree to the extension of kerb and gutter to both sides of the road along the entire length of Rofe Park. Do not allow the death of the Salvation Army volunteer to be entirely in vain. The fact that something has not been done to improve the safety of both drivers and pedestrians to this date is bad enough. A number of people have lost their lives on Galston Road. Why is it we wait until there is sufficient carnage before sensible decisions are made to protect our community? I would be in fear for my family if I lived along this strip of Galston Road. Heavy vehicles travel down the road and it is only a matter of time before one veers off and ploughs into one of the houses where the only barrier is a flimsy fence. Minister, make the area safer for the people living near Rofe Park. Galston Road is a dangerous length of main road. It is time it had adequate attention to its safety issues.

TRIBUTE TO Mr KARPAL SINGH

Mr GIBSON (Blacktown) [5.59 p.m.]: I speak about a person whom we should all admire greatly and who, in some ways, is in the same category, for example, as Martin Luther King and Nelson Mandela. He is a person who believes in great civil reforms and causes and is a great example to all of us. I am referring to Karpal Singh, a Malaysian constitutional lawyer who will visit Australia in the coming weeks. It is appropriate to say a few words about Karpal Singh, who has been a prominent advocate of human rights in Malaysia for more than 30 years. He is the Deputy Chairman of the opposition Democratic Action Party. He was a member of Parliament for the State of Penang from 1978 to 1999. Prior to that, from 1974 to 1978, Mr Singh was a State Assemblyman for the State of Kedah.

Amnesty International declared Mr Singh a prisoner of conscience in 1987 when, during "Operation Lalang", he was arrested under the Internal Security Act and imprisoned until January 1989 without charge or trial. Mr Singh was released by order of the court in March 1988 in response to a habeas corpus application, but was rearrested by the police only hours later and taken into custody. Karpal Singh is a leading opponent of the death penalty in Malaysia. He also acted for the gaoled Deputy Prime Minister Anwar Ibrahim, and was accused of making seditious remarks during that trial. Malaysia's Sessions Court charged Karpal Singh, a long-time critic of Mahathir Mohamad, with sedition after he alleged at Mr Anwar's sodomy trial that people in high places had tried to poison his client. The deputy chairman of the Democratic Action Party pleaded innocent, and was released on bail. Karpal Singh said it was the first time in any Commonwealth nation that a lawyer was prosecuted for something he said during a trial. He also said the case would test the independence of the judiciary and the status of lawyers in Malaysia.

Malaysia has been in political turmoil since Anwar was fired back in September 1998. But we all know that from the mid-1980s there has been mounting concern at the erosion of human rights in Malaysia, especially those relating to freedom of expression and threats to the independence of both the bar and the judiciary. One of the most worrying developments has been the increasing use by the prosecution of sedition as a weapon against opponents and critics of the government. Throughout the Commonwealth this ancient offence has been reduced almost to a dead letter by liberal-minded judges. But in Malaysia judges have gone the opposite way. They have interpreted the offence so broadly that now almost any strong expression of dissent from or criticism of the government can be held to be seditious and punished by imprisonment.

During the course of the second trial of Mr Anwar it was noted by Karpal Singh that on 11 September 1999 Mr Anwar was losing weight and that his hair was falling out. He also made remarks about the alarmingly high levels of arsenic found in Mr Anwar's body. He asked for an inquiry to be held. Mr Singh is then alleged to have said words to the effect, "It could well be someone out there wants to get rid of him, even to the extent of murder. I suspect people in high places are responsible for this situation." Because of that, Mr Singh was charged with sedition and was gaoled. Such prosecutions strike at the heart of not only the immunity of lawyers in the conduct of their professional duties but also, and even more importantly, at the right of the individual to a fair trial.

As Karpal Singh has said all the way through, if there is to be a fair trial in any case, witnesses, advocates and all other parties must be able to express themselves in court freely, without fear that they will suffer repercussions for doing so. Both the common law and international law recognise they must be immune from prosecution and civil action for statements made during court proceedings. Sedition is not an offence against justice, but a political offence used to punish dissent. In January this year Malaysians authorities withdrew the sedition charges. The authorities gave no reason why the sedition charges had been dropped. His visit will be of great benefit to the people of this nation who fight for causes and freedom. His visit gives Australians an opportunity to meet one of the great men of our lifetime. [*Time expired.*]

KINGS HIGHWAY UPGRADE

Mr WEBB (Monaro) [6.04 p.m.]: I bring to the attention of the House and the Minister for Transport, and Minister for Roads the condition of the Kings Highway. This is State Highway 51, which stretches from Queanbeyan through to Batemans Bay. Between 1 July 2001 and today it has been the scene of 44 motor vehicle accidents, two of which involved fatalities and 16 involved injuries, with 20 vehicles being required to be towed away. Obviously, extensive property damage was caused in those accidents. Between 1987 and 1996 there have been 1,328 accidents on the Kings Highway, with 26 fatalities and 829 casualties. Consecutive governments over those years have spent more than $25 million on the Kings Highway.

The Kings Highway has connections to many other important roads in my region. They include Main Road 92, between Braidwood and Nowra. That road is the subject of funding, and we will see developments there in coming years. Also linked to Kings Highway is State Highway 79, between Braidwood and Goulburn, as well as Regional Road 270 and Regional Road 7625, which stretch between Braidwood and Cooma. That is another regionally important stretch of road. The area covered by the road services the Canberra population of 310,000 people and some 41,000, according to the latest census, in the Queanbeyan area, including Yarralumla shire. As well it enables a large part of the population of southern New South Wales, South Australia and elsewhere to access the far South Coast and South Coast, and people from the South Coast to access the Australian Capital Territory for various services provided by hospitals, doctors, dentists, schools and tertiary education institutions, as well as recreation and employment. The road services tourists to and from the Australian Capital Territory. It services also the small businesses within the Monaro electorate, particularly those in Bungendore and Braidwood, which are reliant upon the Kings Highway and that tourism trade.

The Kings Highway also serves as a major thoroughfare for employment in the region, especially those who travel from Braidwood. Some people travel to work from Braidwood five days a week, commuting some 750 kilometres. People from Cooma travel some 1,000 kilometres a week to and from Canberra. People are concerned about their safety on the Kings Highway. They are concerned about the lack of adequate overtaking lanes and the accident record of the highway. I was recently in contact with a constituent from Braidwood who travels that roadway five days a week. She is one of many people who do just that. She said she has witnessed more than six car accidents in the past nine months on the Kings Highway, three of which were fatal. One occurred just recently, on 6 June, between Queanbeyan and Bungendore. This lady called for more overtaking lanes. I support her call. She is concerned for her safety and that of other travellers on the road.

There is increasing rural residential development in the area, with the proposed defence headquarters to be situated near Bungendore and the Elmslea estate north of Bungendore. With that sort of development, the population of that area could triple in the next three to five years. Most of the accidents, according to this Braidwood lady, could be avoided if the road was upgraded and more overtaking lanes were available. These people in country areas have to rely on private motor cars. They should have equitable access to the services that I mentioned previously. There is no real bus alternative. This is a position reflected elsewhere in the Monaro electorate, whose people call for a real and viable public transport network linking Jindabyne and Bombala to Cooma, and Cooma to Queanbeyan and Canberra, but also in this case linking Braidwood, through Bungendore, to Queanbeyan and Canberra. That service needs to be provided on a daily basis to enable the elderly and those who do not drive motor vehicles fair and equitable access to the services of those areas.

This issue is associated with the intention of the Australian Capital Territory Government and the New South Wales Government to build a heavy vehicle bypass of Queanbeyan. Regrettably, the condition of the Kings Highway is also attributable to seven years of Labor neglect. The recent budget cut of $14 million in real terms is in addition to slashes in vital funding to accident black spot programs. The Federal Government, through its Roads to Recovery initiative, put $1.2 million into local government roads funding. I call on the State Government to address the issue of the Kings Highway upgrading. It must urgently increase funding on this stretch of roadway. Recently, I asked the Minister for a traffic count on the Kings Highway. The Minister replied, quite arrogantly, that the matter was of interest but gave no real figures. A recent NRMA survey found that New South Wales roads are in need of $1.5 billion funding just to bring them up to a decent standard. I ask the Minister to deal with this matter urgently.

FPA HEALTH PROFESSIONAL INDEMNITY INSURANCE

Mr GAUDRY (Newcastle—Parliamentary Secretary) [6.09 p.m.]: No clearer example of the impact of the insurance crisis in New South Wales and Australia exists currently than the recent closure of FPA Health, formerly known as the Family Planning Association, as a result of its loss of professional indemnity insurance. That organisation provided important services to the people of Australia, particularly women, including specialised services, pap tests, contraceptive advice, screening for sexually transmitted infections, free pregnancy advice and screening, and a whole range of information services for the community. Everyone was shocked when the organisation was forced to cease delivery of its services—both clinical and educational and community-based services—at 4.00 p.m. on 31 May 2002.

Upon hearing the news, I and many other honourable members very quickly contacted FPA to find out the type of assistance that was required. It is pleasing that the service has reopened, having secured some professional indemnity insurance, which, of course, has been done at huge cost to the organisation. I wish to quote from letters that have been sent to both Federal and State health bureaucracies and ministries by FPA

indicating the extraordinary increase in the cost of professional indemnity coverage required by funding agreements between the organisation and departments. One letter states:

> The premium has risen from $37,000 in 2000 to $107,000 in 2001 and now to an estimated $410,000 in 2002. Such increases will put FPA Health under severe budgetary pressure, with the current service profile impossible to maintain. Substantial redundancies and centre closures will be the only option.

That comment indicates the tremendous impact of the insurance crisis reflected in increased pressure on existing medical services in the public health system and in access to culturally acceptable confidential services, such as the provision of information to many young people.

The Hunter centre employs 13 staff, yet provided 9,000 clinical consultations to people in the Hunter region last year. The service plays a critical role in improving the overall health of the community and almost 50 per cent of the services are for early intervention and health promotion services. The organisation provides an essential service. My former career as a teacher of personal development, health and physical education has equipped me to understand very well the importance of family planning and its implications for the provision of school services, such as general advice to young people, and year 11 discussion days, which provide students with appropriate information delivered in confidential discussion mode by experts in sexual health. The loss of such a service is something that honourable members should not even contemplate.

Last week in a radio broadcast Trudy Mills-Evers, the wife of the honourable member for Wallsend, who is in the Chair, gave important details of services to women of ethnic background who need access to female doctors in a community service atmosphere. The community cannot afford to lose this service, and this is an issue of importance for the Federal Government, which funds 65 per cent of the clinical services offered by the organisation. Just as the Federal Government provides funding for the provision of medical indemnity for general practitioners, so should this organisation be funded to a similar level for health workers who work within family planning associations. After all, they provide an essential service to women and to the community generally. All honourable members should be advocating that those services should be maintained and underwritten.

SOUTHERN HIGHLANDS ELECTORATE VINEYARDS

Ms SEATON (Southern Highlands) [6.14 p.m.]: Tonight I bring to the attention of the House some magnificent progress that has been made in the development of vineyards in the Southern Highlands area, particularly the development of cellar-door sales facilities, restaurants and other economic and tourism benefits that have resulted from investment. In previous years I have visited the Joadja winery, which is an award-winning winery in my electorate operated by Kim Moginie. I have also visited the Mundrakoona vineyard near Berrima, which is operated by the Balog family, including Anton Balog, the winemaker. Honourable members can now enjoy Mundrakoona wines in the Parliamentary Dining Room. I would be pleased if wines produced by other new and emerging vineyards in my electorate could be made available to honourable members and offered to visitors to Parliament so that they, too, can experience the cool climate wine varieties of the Southern Highlands.

On Friday last week I spent the day with Liz Tickner, the Manager of Wingecarribee Tourism, and Michelle Corbett, the winemaker at Eling Forest vineyards. We visited a number of new vineyards in the area so that I might become more familiar with new investments and the plans of investors and operators. Kells Creek winery, which is at Kells Creek near Berrima, is operated by Gaby and Eric Priebee. The winery has cellar-door facilities and has recently invested in processing plant. The Centennial Road vineyard, a magnificent vineyard which has some new processing facilities, is owned by John Large and managed by Mr and Mrs Hill. Their winemaker, Tony, comes from New Zealand. Centennial Road connects Berrima with Bowral. It is planned to open a restaurant at the winery in September.

St Deryck's Wood vineyard, which is run by John and Sue Rappell near the Joadja winery, has some award-winning wines, and a small but very hospitable and attractive cellar-door facility. The Southern Highlands vineyard, on the corner of Illawarra Highway and Oldbury Road, is run by Eddie Rossi, whose family has had years of experience in winemaking in Griffith. He hopes to open a restaurant, processing facility and cellar-door facility in September. I also visited the Eling Forest vineyard, where Michelle Corbett is the winemaker, and Lucky Gattellari and Mr Fritz were the original owner and winemaker. The vineyard offers accommodation, processing, cellar-door facilities and a venue for country weddings.

These projects provide additional new jobs for my electorate in the restaurant industry, the wine-processing industry, picking, preparation and planting, as well as manufacturing, where companies such as Vale Engineering in Moss Vale are adding to their traditional coalmining activities by extending their skills to

making stainless steel vats and tanks for the wine processing industry. That is very heartening because the new investments have also resulted in additional tourism attractions to the Southern Highlands electorate. People could spend at least two days holidaying in the area. At least a day and a half could be spent touring the vineyards, and there are some ecotourism attractions such as the Fitzroy Falls visitors centre, the Bradman Museum, and antique stores. The Southern Highlands has many attractions which bring people to the area overnight and on weekends. I am certain that people could easily spend four or five days in the Southern Highlands and still find more attractions.

The area also focuses on the provision of regional food. Southland Dairies produces ice- cream and cheese, and a great deal of niche foodstuff is being produced in my electorate. That is all coming together very nicely with the development of the vineyards. While the Minister for Small Business, and Minister for Tourism is at the table, I mention that one of the big problems in the area is the Roads and Traffic Authority [RTA] signage. The RTA should take a much more liberal approach to signage on freeways and highways. Currently it is taking a very narrow-minded view. I understand that some towns and centres in northern New South Wales have much better RTA signage than my electorate. I want the RTA to make a bigger effort to integrate with Southern Highlands tourism businesses and ensure that proper signage is provided. I do not want operators to be forced to put trailers in paddocks next to highways. I want to make sure that signage is integrated in a strategic tourism promotion plan.

Ms NORI (Port Jackson—Minister for Small Business, and Minister for Tourism) [6.19p.m.]: The honourable member for Southern Highlands referred in the latter part of her contribution to signage. From time to time certain tourism operators have expressed similar concerns and I have referred those concerns to the Roads and Traffic Authority [RTA]. Sometimes I have achieved success and sometimes I have not, as the RTA has certain requirements. On the whole I understand that our highways and byways cannot be littered with signage. It must be appropriate, it must fit into a national system, and there must be consistency. Tourists—regardless of where they come from—must not be confronted by meaningless signs. Our signage must comply with signage in other States.

If those who are aggrieved make representations to me I will advocate on their behalf. As I said earlier, it is not always possible to achieve success. Sometimes signage simply does not fit into the guidelines. The honourable member referred to the Southern Highlands as an important tourist destination. She referred also to the important role of food and wine tourism in that part of the State. I agree with the remarks made by the honourable member for Southern Highlands. Tourists visiting Australia spend billions of dollars, not just on takeaway food but on eating out and on wine. Tourists travel throughout the State specifically visiting places that are renowned for their restaurants and their winemaking. Winemakers, such as Eling Forest, are adding accommodation and other value-added products to their wineries. They use their wineries as the magnet but they also offer accommodation and sometimes a restaurant. Eling Forest even has a function centre for weddings. All those things help to create great diversity for tourists visiting New South Wales.

REGIONAL POPULATION DECLINE

Mr TORBAY (Northern Tablelands) [6.21 p.m.]: Tonight I refer briefly to the population drift to coastal and metropolitan areas—an issue that has been commented on widely since census information was released that revealed that trend in and around inland Australia. The census also revealed that in recent times many communities, in particular communities in inland New South Wales, have been fighting hard to retain their populations, to provide local projects and opportunities and to maintain a significant and positive way of life. However, we still require legislation that will implement certain measures and ensure the prosperity of communities in inland Australia.

I am delighted to see the Minister for Tourism in the Chamber. She recently visited communities in Tenterfield and Emmaville who were buoyed by her visit and by her statement about that visit to the national media—something which we in regional areas strive with difficulty to achieve. Communities in those areas appreciated the Minister's visit. She also recognised the enormous contribution that those communities are making. I refer also to the zonal taxation scheme—a scheme that was commented on before the last Federal election. A great deal of research on that subject has been done and a report has been produced by the Institute of Chartered Accountants.

NSW Farmers and the Local Government and Shires Associations contributed to that detailed process involving enterprise zones and zonal taxation, which target areas that have been losing population, in particular, inland Australia. Legislation containing positive discrimination measures is required if existing businesses and

industries are to grow and if new industries are to be attracted to those regions. The Federal Government should lead other State governments in introducing such legislation. It is clear, after the last Federal election, that the Federal Government has lost the motivation that it had in relation to this issue.

In light of the detailed information that I have received as a result of the census, I urge the Federal Government to revisit this issue. The State Government could also look at implementing positive measures in areas such as payroll tax. If job opportunities are lost in country areas it makes it difficult to attract expertise to those areas. We must ensure that there are job opportunities for regional communities. I acknowledge the positive measures outlined by the Treasurer in the State budget—the welcome reduction of payroll tax from 8 per cent to 6 per cent and the removal of payroll tax for apprentices. Positive legislation is necessary to resurrect trends in population drift in inland Australia.

I ask the Government to consider implementing different rates of payroll tax. Businesses should be offered a direct financial benefit if they provide additional employment opportunities. If there was no payroll tax new industries might well establish themselves in regional Australia or regional New South Wales, thus providing additional employment opportunities in those regions. The Government must create those incentives. The Government has offered those sorts of incentives to teachers in remote parts of New South Wales. Any such scheme must be a Federal Government initiative. State and Territory governments can plug into that scheme and provide the important relief that is necessary for hard-working communities in regional New South Wales.

Private members' statements noted.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL

Bill received and read a first time.

[*Mr Acting-Speaker (Mr Mills) left the chair at 6.28 p.m. The House resumed at 7.30 p.m.*]

YOUNG OFFENDERS AMENDMENT BILL

Second Reading

Debate resumed from 4 June.

Mr STONER (Oxley) [7.30 p.m.]: Juvenile crime is a huge issue throughout the State, but particularly in country New South Wales and certainly in my electorate of Oxley on the mid North Coast. Recently in this House I presented a number of petitions containing the signatures of more than 7,000 residents of various parts of rural New South Wales. This provides an indication of the extent to which the people of this State, particularly those in country areas, are concerned about the incidence of juvenile crime. People are especially concerned about a hardened element of young people who are continually committing nuisance offences, or summary offences, which are covered by the Young Offenders Act 1997. The communities of Kempsey, Nambucca Heads, Macksville and Coonabarabran were strongly represented in the petitions I presented, which sought changes to the Young Offenders Act 1997 to obviate the recurrence of repeat young offenders getting off almost scot-free with either a warning or caution.

On many occasions I have spoken to representatives of front-line agencies involved with juvenile crime, including local police, local councils and youth workers who are trying to deal with juvenile offenders, particularly repeat juvenile offenders. Those front-line agencies' representatives have put to me that they can understand the intent of the Young Offenders Act 1997, and that they can relate to the principle that young people who make a mistake ought to have another chance. However, they have also put to me that young offenders should not have the opportunity to have an unlimited number of chances, that is, to be repeatedly given warnings or cautions, often without the requirement for any parental involvement whatsoever.

Earlier this year I introduced a private member's bill, the Young Offenders (Reform of Cautioning and Warning) Bill, which sought to introduce a number of changes to the Young Offenders Act 1997. The objects of that bill were:

(a) to provide that young offenders who have previously been convicted or found guilty of an offence by a court or have previously been dealt with under the Act are not entitled to be warned or cautioned under the Act, and

(b) to require that a parent of a young offender be given notice when the offender is warned under Part 3, or cautioned under Part 4, of the Act, and

(c) to provide for a more expeditious application of the scheme established by the Act by:

(i) requiring that a warning, caution or conference be given or held as close as possible to the date when the offence to which it relates was committed, and

(ii) depriving the child, or a person responsible for the child, of the opportunity to delay the matter by refusing to choose an adult to be present at the time of admission, caution, giving of explanation or conference, and

(iii) giving the investigating official, person giving the caution, specialist youth officer or conference convenor the power to appoint a respected member of the community to be present at the times referred to in the preceding subparagraph if the child, or a person responsible for the child, refuses to choose an adult or if the investigating official or specialist youth officer is satisfied that no other person will be present, and

(iv) removing the discretion of specialist youth officers, conference administrators and the Director of Public Prosecutions to overturn referrals for conferences in favour of cautions.

In a sense I am pleased that the Young Offenders Amendment Bill takes up some of these issues, but as the private member's bill I introduced on behalf of the Coalition has not been debated since it was introduced on 21 March, one could suggest that the Government has pinched yet another Coalition policy: a policy to deal with juvenile crime. In the opinion of the Coalition, the bill does not go far enough. Although the Government has pinched the policy, it has failed to pinch it comprehensively or in a way that the community expects juvenile crime to be dealt with. I would go further and suggest that this tired, lazy and arrogant Government was not fully aware of the extent of the problem. Although commentators have suggested that all forms of crime, including juvenile crime, have blown out in recent years, the Government was not in touch with the community or these problems until the Coalition raised them by way of a private member's bill in March this year.

Ms Hodgkinson: And a good bill too.

Mr STONER: As the honourable member for Burrinjuck rightly says, it is a good bill. The Government's bill attempts to address some of these issues but, as I stated, it falls short in a number of ways. I will outline those at this point. The first object of the bill is to amend the Young Offenders Act to limit to three the number of occasions on which a child can be dealt with for an offence by caution under that Act. That was one of the issues raised with me by those front-line agencies. How many chances should a young offender, particularly a recidivist young offender who is repeating multiple nuisance crimes, committing multiple summary offences, be given? The Young Offenders Act deals with young people between the ages of 10 and 18. Many of the 18-year-olds I know are not only experienced in the ways of the world—or perhaps in the ways of the street—they are also large and intimidating individuals. These are the people that the original Young Offenders Act, which was introduced five years ago, was designed to deal with. However, this Government's 1997 legislation has led to lax outcomes for those types of offenders. They may be just as experienced, hardened and intimidating as any adult criminal.

Three cautions is certainly a better number than the number contained in the Young Offenders Act. The Act provides for an unlimited number of cautions and warnings. One could rightly ask: How many chances do young offenders need, particularly when they have been cautioned or warned or found guilty of offences previously? The Opposition says that they should have one chance and that three is too many. If a young person has been warned or cautioned previously that young person should not have the benefit of being warned or cautioned again. The Opposition supports the notion of restorative justice as provided by youth justice conferences. We want repeat offenders to be fast-tracked through youth justice conferences as quickly as possible.

The private member's bill introduced by the Opposition provides that a young person would be given one warning. If that young person committed another offence he or she, subject to the discretion of the investigating officer concerned, would get the benefit of a caution and then be sent to a youth justice conference. Under this bill young persons can be found to have committed four offences before restorative justice, the input of victims and a behaviour-changing action—an action plan, if you like—is required. In the opinion of the Opposition, four times is far too many. The Government should have bitten the bullet and supported the private member's bill introduced by me on behalf of the Opposition.

Ms Hodgkinson: Twice is once too many.

Mr STONER: Absolutely. As the honourable member for Burrinjuck says, twice is once too many. Some of these kids know precisely what their rights are; they know the system and they will continue to offend to the limit. If the limit is increased they will go all the way and, under this bill, they are able to commit four

offences before they are dealt with seriously. The second object of the bill is to ensure that the police officer or other investigating official who initially deals with the child in relation to the commission or alleged commission of an offence is consulted, whenever practicable, on any decision as to the action to be taken under the Act in relation to the offence. That is an objective I strongly support. It mirrors similar provisions of the Coalition's private member's bill.

Mr Fraser: I wonder where they got their ideas from?

Mr STONER: My bill has been on the table for a while and the Government has looked at it. It has probably pinched another policy, although it did not pinch enough. Perhaps the Government should have stuck a little bit closer to the original, which would be more in keeping with the expectations of the community. The feedback I am getting from police officers and other investigating officials is that their recommendations or views as to the handling of these cases were being overridden. [*Extension of time agreed to*.]

I was told of many cases where the recommendations of the police officers who had in-depth knowledge of the cases, of the damage done to the victims and of the number of repeat offences committed by the young people involved were being overridden by others. The second object of the bill is welcomed. The third object is to provide that a youth justice conference with respect to a child can be attended by a representative from the child's school. That is something I also support. The fourth object is to require consideration to be given by the participants in a youth justice conference with respect to a child to the desirability of the child's participation in an appropriate counselling, rehabilitation, educational or other program. That object is also supported.

The fifth object is to ensure that the victim of an offence committed or alleged to have been committed by a child has a right to veto any outcome plan proposed by a youth justice conference. Again, that is strongly supported. Victims ought to have a say; they ought to be able to veto the actions proposed as a result of a youth justice conference. Victims groups I consulted certainly wanted youth justice conferences to proceed in many cases and also wanted to have some input into those conferences. That object of the legislation is welcomed. The final objective is to illustrate the kinds of programs that may be appropriate to be contained in an outcome plan proposed at a youth justice conference. Certainly, a guideline has been necessary in terms of conference conveners and the sorts of outcomes that might be expected in relation to youth justice conferences.

As I said, the Opposition does not oppose the attempts to improve, upgrade and tighten the loopholes in the Young Offenders Act 1997. However, it suggests that the Government should go a bit further. It suggests that nothing in this bill will prevent multiple warnings. Nothing in this bill will prevent young people from being warned time and time again and without their parents necessarily being informed of the warning. That is one issue. In relation to cautions, this bill proposes that three cautions be allowed prior to progressing to a youth justice conference or to a juvenile court. The Opposition suggests that three cautions is too many. We must be realistic and acknowledge that some young people between the ages of 10 and 18 are repeat offenders, experienced offenders who know their rights precisely.

They are informed by various welfare agencies and co-offenders, sometimes via juvenile justice institutions and the like precisely what they can get away with. If we allow them to get away with three prior cautions, they will utilise the provision in the bill. Therefore, the Opposition foreshadows a number of amendments aimed at limiting to fewer than three the number of warnings and cautions that may be given. The details of those amendments have been given to the Government. In summary, the Opposition wants to improve the Government's legislation to meet the expectations of the community, which is facing a massive problem with juvenile crime.

Mr BARTLETT (Port Stephens) [7.50 p.m.]: I support the Young Offenders Amendment Bill, which makes a number of amendments to the Young Offenders Act 1997 in relation to cautions, formal warnings, statutory procedures and youth justice conferences. The Young Offenders Act established a scheme that provided an alternative process—through the use of warnings, cautions and youth justice conferences—to court proceedings for dealing with juveniles who commit certain offences. About 140,000 calls have been made to the child abuse line in the past 12 months. This bill is part of the Government's overall package. On one hand the Government, is laying down the laws, rules and regulations that govern society, and tightening up those laws and regulations. On the other hand it is trying to come up with schemes to change people's behaviour and to give people a start in life.

The amendments in the bill tighten up the laws relating to young people. Basically, the bill limits to three the number of occasions on which a young person can be dealt with for an offence by caution. There has

been much discussion this evening about whether three is too many cautions. When a young person goes off the rails, often it is a result of things that are happening in that young person's life at that time; the young person should be given some time to work things through. If a young person comes to school upset or off the rails, we know that most of the time that has nothing to do with school; it relates to what is happening in that young person's personal life outside the school situation.

If the young person is given time to change the way he looks at the world, and if he receives support services, often his behaviour will change. In this bill the Government is providing alternatives to going to court. Having dealt with the caution system and youth justice conferences, and having talked to my community about this matter, I know that most people are relatively happy with how the proposals are working. Other speakers have not referred to the fact that a youth justice conference can be attended by a representative from the young person's school. It is also worth mentioning that the victim of an offence committed or alleged to have been committed by a young person will have the right to veto any outcome plan proposed at a youth conference convened or reconvened with respect to the offence.

The bill provides that a young person can be given a maximum of three cautions at any time, that a young person can go for a youth conference earlier or that the young person can be taken to court. We are putting in place options for people who are dealing with these young people. Recently there was a massive outbreak of graffiti in Nelson Bay which carried on for 12 months. Two people were finally caught and they attended a youth conference organised by the Department of Juvenile Justice. At the conference were the young offenders and representatives of the Nelson Bay town management, as well as support people for the children. The object of the conference was to bring together the offenders and the victims, the New South Wales Police Service and other interested parties with the aim of providing a clear illustration to the children of the consequences of particular actions.

After about 5½ hours of conferencing for the young people who had been putting graffiti in the Port Stephens-Nelson Bay area—I should add that these young people were aged 10, 11 and 12—the people from the Nelson Bay town management came away very sad and sorry for the young people because of the lives they were leading at the time. In that case the offenders were asked to perform 20 hours of service to Nelson Bay in cleaning up specific areas of the Nelson Bay central business district where they had tagged. The 20 hours were to be carried out for three hours at a time on one day of the weekend every three weeks. The two offenders were to have a monitor and were to be looked after to ensure that they were doing what they were supposed to do and that they satisfactorily completed their punishment.

Although the people at the youth conference could not forecast whether the behaviour of the offenders might change, they felt that the conference witnessed an apology from the offenders and an assurance that the graffiti tagging would not be repeated. Subsequently a family friend helped the young people, who wrote letters to the town. Those letters, which apologised for their behaviour, were put on the town noticeboard. The young people said they did not realise the distress they had caused and if they could stop other people tagging they would do so. They said they would not graffiti again. Those young people had been tagging for something like 12 months and because of the conferencing system they have not reoffended.

Overall, the town, which was basically represented by the Nelson Bay Chamber of Commerce, thought the conferencing process was excellent and was content with the punishment. The chamber believes that graffiti is an antisocial problem and, until another young person comes along and starts tagging, the problem had settled down. Under the bill young people will have to confront what they have done. If victims are not happy with the conferencing process they can say so and the offenders will go to court. As well as laying down the law and telling young people what to do, the Government is trying to give young people a chance to change their behaviour. I commend the approach taken by the Government in the Young Offenders Amendment Bill, which has my support.

Mr HARTCHER (Gosford—Deputy Leader of the Opposition) [8.02 p.m.]: The Coalition supported the principle of the Young Offenders Act when it was introduced in 1997. I led for the Opposition in debate on the bill and did not oppose it. However, the legislation has not worked satisfactorily and for that reason the Government is seeking to tighten it. However, for a long period the Coalition has been pointing out the defects in the legislation. Because of those defects the honourable member for Oxley introduced a private member's bill last year which has still not been debated because the Government has refused to allocate time for the debate. The Young Offenders Amendment Bill was introduced on 11 April but was last before the House on 4June. The Coalition is not simply being negative about this issue. If the Government were trying to improve the legislation, clearly we would be sympathetic. However, its improvements are inadequate and for those reasons the Coalition will move amendments, which have already been circulated, in Committee and will continue with its private member's bill, which was introduced by the honourable member for Oxley.

Juveniles are not necessarily mature or experienced in the ways of the world. For that reason they are special in the criminal system. Since the start of the twentieth century the legal system has tried to deal with them separately from adult offenders and to give them a second chance. The Act has allowed juveniles to get many second chances. Some have received as many as 20 cautions and others are reported to have received 14 cautions or warnings. That system is simply totally inadequate. In a tragic well-publicised case a couple of years ago an offender went through red lights in a stolen BMW car in the Hunter Valley and killed two young married doctors. He received an extremely inadequate sentence. That young offender had already received a number of cautions and had not been dealt with by the criminal justice system.

The criminal justice system administered by the Government simply provides for warning after warning, caution after caution and does not detect serious criminals as that young man was. There has been enormous community concern and resentment about repeated warnings and cautions, endless break-ins, car thefts and vandalism that have been facilitated by an inadequate system of dealing with juveniles. It is nonsense for the Government to argue that large numbers of warnings or cautions have not been issued. If the Attorney General's advisers tell him that, they are not giving him the right information because the information that comes to the Coalition from the police is totally different.

The proposed legislation provides for a specialist youth officer and the Director of Public Prosecutions to consult with the investigating officer when deciding whether a young offender should be referred for a conference. If a conference convenor considers it appropriate he or she may invite a representative from the offender's school to attend the conference. The bill provides for consideration to be given to a young offender's participation in an appropriate program when the outcome plan is being developed. It also allows for each victim who attends a youth justice conference a right of veto to any outcome plan proposed by the conference.

The bill does not address the constant rorting of the system by young offenders. The Government is sending a message to juvenile offenders that they can still be cautioned or warned three times before being referred to a conference. That is nothing more than licensed hooliganism. If young people know they can be cautioned three times where is the incentive to reform their conduct and not to steal, vandalise, smoke prohibited substances or act like hoodlums? That is turning the idea of "three strikes and you're in" on its head. It is three strikes before they even have a chance of going to gaol. The bill is totally inadequate and for that reason it is rejected by the Coalition. On 10 May I said in a press release:

> This three strikes not out policy is little more than a licence for repeat juvenile offenders.
>
> It says to our young people they can vandalise a place—up to three times—secure in the knowledge they won't be [effectively] called to account.
>
> It says to the drug dealers that they can use young people to carry up to 30 grams of cannabis—enough for an entire classroom of marijuana smokers—because they will have to be caught and cautioned three times before anything is done.
>
> It says juvenile thieves can steal and be caught, not once, but three times, before the law will act.

The present system is a joke. The Attorney General, who is simply enacting the legislation announced by the Minister for Police in one of his tough law and order statements, is allowing young people to receive up to three cautions. That is rejected by the Opposition. It is totally inadequate and contrary to community expectations and standards. My press release continued:

> … under the Coalition's legislation, cautions would be issued only once, not three times, to juveniles who strayed from the law.
>
> Repeat cautions are wasted words …
>
> The public no longer has any confidence in cautions, because they are not an effective deterrent.

The Minister's policy announcement erodes the confidence of the community in the principle that justice should not only be done but be seen to be done. The Coalition intends to clean up the streets. We do not believe the Carr Government is serious in its rhetoric about cleaning up the streets. Police blitzes, which we have now become familiar with, are highly publicised but largely ineffective. The knife legislation and sweeps against knife-carrying in public have been revealed to be the subject of false statistics to enable the Government to claim credit for effectively removing knives from our streets. The bill before the House would still allow young criminals—for that is what these young hoodlums are—up to three cautions before they will be dealt with effectively by the justice system.

The Coalition, for the reasons given by the honourable member for Oxley, will move amendments to the bill before the House. Those amendments are not meant to indicate that this bill, even if amended, is good

legislation. That is why the Coalition will proceed with its own bill. The amendments are an attempt by the Coalition to be bipartisan on the issue of young offenders in order to at least strengthen this legislation so that it will be in a form that will meet community expectations. The Coalition is not interested in a regime that simply casts young offenders into gaol and throws away that key. We are committed to rehabilitating and helping young offenders, but if they are not getting the message and are not learning from their mistakes they should be punished appropriately.

The Coalition's emphasis has been, and always will be, on the protection of the community and the protection of the victim. At the end of the day, this Parliament is charged with representing and upholding the interests of the community and the victim, not primarily the interests of the criminal. The criminal will come third. First is the victim, second is the community, and third is the criminal. Under the Carr Government, who comes first? The criminal. Accordingly, I indicate that the Opposition will move amendments to the bill. We will continue to proceed in this House and in the Legislative Council with our private member's bill to ensure that young offenders are properly and appropriately dealt with and to ensure above all that the community is protected.

Mr ASHTON (East Hills) [8.12 p.m.]: It is clear that the Young Offenders Act 1997 has achieved quite a deal of success. But, as with all legislation, there comes a time when it must be improved. That is what the Young Offenders Amendment Bill sets out to do. This Government introduced the Young Offenders Act. By introducing that Act the Government showed leadership and innovation in its approach to dealing with juvenile offences. The Young Offenders Act established a scheme that provides an alternative process to court proceedings for dealing with juvenile offenders through the use of warnings, cautions and youth justice conferences. The Act recognises that underlying social factors contribute to juvenile offending. Juveniles who commit offences should not escape responsibility for their actions. However, they should be given guidance and support to assist them in overcoming their offending behaviour and becoming productive members of society.

The Act provides for interventions that will help to achieve this. It is not good enough for the Opposition to adopt the attitude that whatever the Government is trying to do by this bill, the Coalition will be tougher. It is not good enough for the Coalition to say that whatever the Government comes up with it will add to and multiply by some factor. Today the Premier completely smashed the Coalition when he dealt with its claims regarding its policy on mandatory sentencing. Today, when finally an Opposition policy was announced in this House, it was announced by the Premier of New South Wales, the Hon. Bob Carr. We have not had a policy on anything from the New South Wales Coalition in the 3½ years that I have been a member of this place. But today Coalition policy was announced from this side of the Chamber by the Premier, who happened to find an Opposition document on some policy.

Mr Stoner: Point of order—

Mr ACTING-SPEAKER (Mr Lynch): Order! I do not propose to take a point of order from a member who has a mobile phone in his hand.

Mr Stoner: My point of order is that the member is referring to a totally different matter that arose in question time and has nothing whatsoever to do with the legislation before the House. I ask you to direct the honourable member to confine his remarks to the leave of the bill.

Mr ACTING-SPEAKER: Order! I am sure the honourable member for East Hills was making but a passing reference.

Mr ASHTON: I certainly was. Critics of the Act—such as we have just heard in the interjection—have long claimed that it is too lenient on juvenile offenders and that youth justice conferencing in particular is a soft option. In fact, the critics have been proved wrong. Independent evaluations of the Act provide a strong endorsement of the youth conferencing approach adopted by the Government as one that is successful and effective. A report released by the Bureau of Crime Statistics and Research [BOCSAR], an independent body, in May this year compared the reoffending patterns of juveniles who were conferenced with juveniles who were dealt with by the court. The report found that juveniles who were conferenced were much less likely to reoffend than juveniles who were dealt with by the court—in fact, nearly 30 per cent less likely to reoffend.

Anyone who knows anything about the legal system and our court system—as some in the Opposition pretend they do—knows that many young people who are sent to gaol or even to court meet more of the wrong people. Young people appearing in a court, even a juvenile court, charged for the third time with being a

graffitist may well be sitting next to a person charged with a much more serious offence, or someone who might say, "Don't worry about graffiti, mate, I've already got away with several robberies." We know that juveniles cannot be put into the worst of our court systems and gaol systems because they will only learn how to be better criminals and how not to get caught.

The report of the BOCSAR also found that of those juveniles who did reoffend, juveniles who were conferenced took longer to reoffend than juveniles who were dealt with by the court. Moreover, the difference in the length of time to reoffend for juveniles who were conferenced compared to those who were dealt with by the court increased over time. The bureau released an earlier report in 2000, based on a survey of juveniles and victims who had participated in a youth justice conference. The results of this study were also extremely positive. Some 90 per cent of victims who were surveyed said they were satisfied with the outcome plan developed at the conference, and 80 per cent of victims said they were satisfied with the way their case had been handled by the justice system.

Remember, part of this bill provides that the victim will have to sign off on whatever is decided at the conference. In other words, if the victims do not agree, that will not happen. That is an important part of the bill. On the other hand, juvenile offenders who had participated in a conference accept responsibility for their offences, felt that the offence they had committed was wrong, understood what it felt like for those affected by their actions, and understood the harm they had caused to the victim. We have seen this on television shows that have been run quite successfully not only in Australia but overseas. The victim faces the offender, who often agrees what he or she has done is wrong.

Mr Fraser: Judge Judy.

Mr ASHTON: "Judge Judy," interjects the member for lighting fires on the North Coast, who, I might say, is a potential criminal, burning places down.

Mr Fraser: Point of order: First, it is the custom of this House that members be referred to by their electorates. Second, I take offence at the words used by the member. I ask you to ask the member for East Hills to withdraw the words by which he implied that I was a criminal.

Mr ACTING-SPEAKER: Order! There is no point of order. The honourable member for East Hills may continue.

Mr Fraser: Point of order: The member called me a criminal. I am asking him to withdraw those words.

Mr ACTING-SPEAKER: Order! I have already ruled on that point of order. The honourable member for Coffs Harbour will resume his seat.

Mr Fraser: I will take a point of privilege and I will dissent from your ruling.

Mr ACTING-SPEAKER: Order! The honourable member for Coffs Harbour will resume his seat and will not cast disrespectful comments upon the Chair. He will cease interjecting.

Mr ASHTON: Thank you, Mr Acting-Speaker.

Mr Fraser: And we'll have you, too, you clown.

Mr ASHTON: The point is that I have been dealing with that type of interruption for the past five minutes, but when members opposite get the same treatment they do not like it and they cannot handle it.

Mr Fraser: This place has some standing orders that you know nothing about.

Mr ASHTON: Go and light another fire!

Mr ACTING-SPEAKER (Mr Lynch): Order! The honourable member for East Hills has the call. He will direct his comments through the Chair. The honourable member for Coffs Harbour will cease interjecting.

Mr ASHTON: People who have led a life of crime may well have started out by lighting fires and doing all sorts of things in the backyard or behind the shed—and then find that they are burning half a suburb of the North Coast. They did not have to worry about being given a caution three times.

Mr Fraser: Point of order: Mr Acting-Speaker, the honourable member for East Hills is making claims that are absolutely untrue and malicious, and he has done so on several occasions this evening. I ask that, under standing orders, you ask him to withdraw those comments.

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

Mr ASHTON: This bill does not mandate that a person will have to be given three cautions, as stated by the Deputy Leader of the Opposition earlier. The Attorney General and I stated, "That's not right, Chris", and we were referring to the Deputy Leader of the Opposition and the honourable member for Gosford—a previous member of the Praetorian Guard. He did not realise that he had made a mistake. People do not have to receive three cautions if they commit serious offences. If an offence is very serious, no caution is given at all. If a person who is 12 or 13 years old commits rape or shoots somebody it is straight to the big house for them. Let us not pretend that a caution is given in relation to anything other than minor offences.

Mr Stoner: That is a provision under the Young Offenders Act, you boofhead.

Mr ACTING-SPEAKER: Order! The honourable member for Oxley will come to order and cease interjecting.

Mr ASHTON: The honourable member for Port Stephens referred to graffiti. It is hoped that the type of crime associated with cautions is graffiti, vandalism, entering a property, and a whole range of offences that, although serious for the victims, do not necessarily mean that we should be locking people away. The Opposition will be moving a series of amendments but, as I said, the Government indicated during question time today—whether members opposite like it or not—that it knows that the Opposition's policy on law and order is a sham. The Premier revealed the Opposition's policies on mandatory sentencing, which Coalition members did not want to hear. I point out to some members opposite that they have committed offences that they want young people sent to court or to gaol for.

Mr Stoner: I beg your pardon?

Mr ASHTON: The honourable member for Oxley can beg anyone's pardon.

Mr Stoner: What offence have I committed?

Mr ASHTON: I did not say that you had done so.

Mr Stoner: Well, you were looking at me.

Mr ACTING-SPEAKER: Order! The honourable member for East Hills will direct his comments through the Chair.

Mr ASHTON: The Opposition does not like this, but they are going to hear it. This Government recognises that bills need to be amended, changed and brought up to date.

Mr George: That is why we are moving amendments.

Mr ASHTON: And those amendments will go down in a screaming heap because they deserve to. The Opposition is trying to outdo the Government—a Government whose popularity is riding as high now as it ever has been. Members of the National Party are present in the Chamber. Where are all the members of the Liberal Party who are supposed to be speaking on this bill? They are not bothering to appear because they know that to be seen to be backing up members of the National Party is to be seen to be holding onto the dead carcass of the National Party. Members of the National Party represent in all their glory 3 per cent of the vote, and the Liberal Party members are doing their duty—

Ms Hodgkinson: Judy's here.

Mr ASHTON: I said "duty". That is what passes for repartee in the Opposition and it is another example of the claptrap that members opposite go on with. It is no wonder that the honourable member for Port Macquarie walked away.

Mr ACTING-SPEAKER (Mr Lynch): Order! Once again I remind the honourable member for East Hills to direct his comments through the Chair. If he does so I am sure those on the Opposition benches will cease interjecting.

Mr ASHTON: I wish I had the same confidence.

Mr ACTING-SPEAKER: Order! The honourable member for East Hills may make more progress if he directs his comments through the Chair.

Mr ASHTON: The Young Offenders Amendment Bill clearly shows that this Government is doing something positive. That worries the Opposition because it places it in the position of having to out-think the Government. To do that, the Opposition has had to produce two pages of amendments. It all looks very impressive, but the amendments are not worth the paper they are written on. The Opposition knows that and Government members know that. The Opposition will waste honourable members' time during the Committee stage. The Opposition should get behind the Government's law and order initiatives. The Opposition is posturing in a vain attempt at regaining its right-wing heartland in country areas, more of which is being lost every day to Country Labor.

Mr FRASER (Coffs Harbour) [8.24 p.m.]: My comments on this bill will reinforce the concerns already expressed by the honourable member for Oxley and the Deputy Leader of the Opposition and honourable member for Gosford. The speech given by the honourable member for East Hills reflects very badly on the previous member for East Hills, Pat Rogan, who was a great man. I will ensure that the speech made by the honourable member for East Hills is circulated throughout his electorate.

Mr Ashton: Point of order: I am not sure of the standing orders on this, but I do not think we need reflections on the previous member for East Hills, otherwise I will take reflections on the previous member for Port Macquarie, Oxley or any other electorate.

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

Mr FRASER: I point out for the record what a great person Pat Hills was and how well he represented his electorate.

Mr Ashton: Point of order: I am reluctant to take this point of order but the member for East Hills was not Pat Hills, he was Pat Rogan.

Mr ACTING-SPEAKER: Order! There is no point of order. I suggest to all members that enough points of order have been taken in this debate. If members want to take further points of order they should ensure that they are relevant and appropriate.

Mr FRASER: I reaffirm my support for a great former member, and I will be circulating the speech made by the current honourable member for East Hills throughout his electorate so that his constituents can see what a disgraceful performance he has made in this House. He read a speech prepared by the Attorney General or a member of the Attorney's staff. The games that were played by the honourable member for East Hills are an absolute disgrace.

Mr Ashton: Light my fire!

Mr FRASER: The member for East Hills is an absolute disgrace. This legislation is, at best, window-dressing. The honourable member for Oxley introduced a private members bill in this House entitled the Young Offenders Amendment (Reform of Cautioning and Warning) Bill. The electorate wants reform of cautioning and warning; it does not want legislation stating that the Government will limit to three the number of occasions on which a child can be dealt with for an offence by cautioning under this bill. This bill amends section 20, section 23 and section 31 dealing with an entitlement to be dealt with by cautioning, referrals for cautions or cautions by the courts, but this bill does not cover warnings.

The youth of this State have been brought up under a regime implemented by a previous Attorney General, the Hon. Frank Walker, who came from Sawtell. His son, Sean, resigned from the Labor Party and asked to work on my campaign because he was so sick of the law and order problems in Sawtell that had been caused by his father's withdrawal of legislation to control juveniles. Sean Walker is now working for the Opposition because he has had enough of young children acting with criminal intent from the age of five years or six years onwards. They know that the courts will not touch them, they know that they have to be warned, they know that they can be given cautions but that normally they are not given cautions. This legislation provides for a maximum of three cautions that may be given to young offenders, but the bill does not limit warnings. By not providing for warnings to be given, the legislation will ensure that children in the future will be even more hardened criminals than they are now.

Two years ago the Sawtell police found that the only way to deal with young criminals who were shoplifting, abusing people, causing malicious damage, breaking into vehicles and making absolute nuisances of themselves at the Tormina shopping centre was by taking out apprehended violence orders to keep the children away from the centre. That did not fix the problem, but merely shifted the problem. I suggest to honourable members that this legislation does nothing to fix the problem it is designed to address. Amendments that are proposed by the Opposition are an attempt to fix the problems but, in reality, because the legislation is flawed in the first place, the problem will not go away.

These children will continue to act in a manner that is disruptive to the community. They will continue to engage in lawlessness and in criminal activity and, because of their age, they know they can get away with it. Since about 1986, when Frank Walker withdrew the Summary Offences Act, police have not been able to caution these children. Police have not been able to give them a kick in the backside and send them on their merry way. Police have not been able to do anything to these children. On occasions the Government and members of the media have said that the conferencing system is a great and fantastic system. I have already referred in this House to an elderly lady who resides at Korora. Young hoodlums terrorised her in her home with a knife and they threw rocks on her roof. The police had a fair idea who those young hoodlums were, but they could not catch them in the act.

Eventually these kids, who were doing a lot of other stuff, were caught. Police questioned the woman who had had damage caused to her property and suggested that she attend a conference, which she did. The child—a fairly hardened little thug—gave all the excuses under the sun and it appeared at the conference as though butter would not have melted in his mouth. At the conclusion of the conference the lady felt sorry for him, but within a short period of time he was up to his old tricks. The lady rang me and said, "The system does not work. Nothing has happened." The child has continually been cautioned but he has not learned a lessen. He cried tears of blood when the conference was being held but he took no notice of the cautions. The law does not have any teeth. No justice was done in that case.

It will not be long before these young offenders become adults who are involved in a criminal way of life that affects our community. Recently the Minister for Local Government said that he is purchasing expensive graffiti blasters to enable councils to clean up graffiti. Legislation has been enacted to ensure that those who are responsible for causing graffiti clean up that graffiti. We must introduce some sort of legislation—we could revert to the old Summary Offences Act or even introduce zero tolerance—that makes it clear that, when children commit these offences, society will not accept it or continue to deal with it by issuing unlimited cautions and warnings. Society expects offenders to pay a penalty. If we introduce that sort of legislation today it will take some time before it has an effect.

Twenty-five or 30 years ago people could safely leave their cars unlocked. They could leave their back doors unlocked and their property unattended. People did not steal property, vandalise property or break and enter properties. Today residents in New South Wales do not feel safe. Why is it an offence for people to leave keys in their vehicles at a service station while they go to pay for fuel? Criminals are not being punished. For years people were able to leave their keys in their cars while they went to pay for fuel without the risk of their cars being stolen. We must not penalise motorists; we must penalise criminals. We must start with young offenders. Let us send them a message through this Young Offenders Amendment Bill. Are we going to continue to give them three cautions and unlimited warnings?

The Attorney General, who is in the Chamber, should stop laughing with the reprobate from East Hills and answer my question. What sort of message is this legislation sending to children? It is not sending them any message at all. All honourable members know that this legislation originated from the left-wing of the Labor Party which states, "Do not do that to these young offenders." Since the mid-1980s under a Labor Government we have seen the gradual decline of all law and order in our society. We have permitted lawlessness among juveniles which has led to criminal activity as they got older. The Deputy Leader of the Opposition referred earlier to marijuana smuggling and drug use. What lunacy it is to give a juvenile only a warning after the taking of illegal drugs? What sort of message is that sending?

We must ensure that we enact legislation in this House that makes a statement to these kids. We are not impressed with the way in which they are operating. Society generally is not impressed with the way in which they are operating. They must be given some form of punishment rather than just warnings and cautions. The proposed amendments go some way towards correcting these problems. The Government is just going for a headline by issuing media releases which state, "This is what we have done. Isn't it wonderful?" People think that the Government has done something wonderful but six or seven months later they realise that nothing has occurred. We must fix these problems, even if it means adopting zero tolerance. We must stop these children slashing bus seats, writing graffiti on walls, destroying letterboxes or garbage bins, and throwing rocks.

Last Saturday night a vandal went past my secretary's house and threw a huge rock through the window, which broke the window and cracked a tile inside the house. I suspect that that offence was committed by a juvenile. Under the regime of this Government, one is expected to ring 131444 and make an incident report, but nothing is followed through, which is really sad. Police are not available to attend to such an incident. Even if police catch offenders they will be given a slap on the wrist or they will be given a warning, which is unacceptable. This legislation is nothing other than a media front. It gives the impression that this Government is serious about doing something in relation to lawlessness or criminal activity in our community. I do not accept that. The Minister introduced this legislation only to confuse the general public. I know full well, having read the legislation, that it will do nothing to fix the problems that have been highlighted this evening.

Ms HODGKINSON (Burrinjuck) [8.37 p.m.]: In speaking in debate on the Young Offenders Amendment Bill I reiterate the statements made earlier by my colleagues who said that the Opposition will move one amendment in Committee. The bill limits to three the number of occasions on which a child can be dealt with for an offence by caution. The Opposition will move an amendment in Committee to ensure that that provision is replaced by one caution only.

Mr ACTING-SPEAKER (Mr Mills): Order! There is too much audible conversation in the Chamber. The honourable member for Burrinjuck has the call.

Ms HODGKINSON: Other honourable members have already referred in debate to the fact that the honourable member for Oxley introduced a sensible bill relating to cautions and warnings for this type of behaviour. I believe that that bill had the full consensus of country communities across New South Wales. Country communities are tired of contending with reduced police numbers and a significant increase in the level of crime. Recent statistics show that crime in country communities is rising to unprecedented levels. Statistics put forward by Dr Don Weatherburn from the Bureau of Crime Statistics and Research reveal that crime is definitely on the increase in most, if not all, of country New South Wales—whether it is break and enter, vandalism, shoplifting or stock theft. Law-abiding citizens want these serious issues addressed. They want these incidents controlled and they want these types of criminal activity eliminated from their local communities.

I have been urged by chambers of commerce and law-abiding community groups throughout my electorate to lobby the Government for more effective law and order policies, so that police are given the break they need to be able to take some of these people off the streets. I received a letter from Mrs B. Clancy, Secretary of Goulburn's Neighbourhood Watch group. Mrs Clancy is so worried about juvenile offences that she has written to me, as her local member, to ask that police be able to remove under-age children from the streets after dark and return them to their parents. The letter reads:

> To the State member,
>
> The last Neighbourhood Watch meeting decided to ask you to give police the right to have the power to take all underage children off the street, to take them home to their parents and the parents to take responsibility for the children.

When a local member receives a letter such as that from the local Neighbourhood Watch group, it is clear that there is a problem. On behalf of Mrs Clancy I have made representations to the Minister for Police. I hope he will take note of the concerns raised, because it is clear that communities throughout country areas are sick and tired of the recurrence of vandalism, shoplifting, break and enter, car theft, stock theft—

Mr Stoner: Swearing and spitting.

Ms HODGKINSON: Exactly, swearing and spitting, and other antisocial behaviour. These offenders are simply showing disrespect for the law-abiding citizens in their community. People are sick and tired of the recurrence of bullying of people who cannot stand up for themselves, and the standover tactics undertaken by some younger members of our community who should know better. But the young offenders are not being made accountable for their actions. It is time we introduced proactive legislation that institutes once-only cautioning. Why have a system that provides for repeated cautioning? They should be cautioned once only, and then they are out. I cannot stress that strongly enough in this place, and I will continue to do so. Crime throughout rural New South Wales is spiralling out of control at unparalleled levels, yet the Government adopts a soft-on-crime attitude. I, for one, am extremely tired of the Government's soft-on-crime attitude. The Premier prances around this place during question time—

Mr Brown: He does not prance.

Ms HODGKINSON: He does prance. The Premier is full of hot air, and uses smoke and mirrors. This House is debating very serious legislation. The Premier now has the opportunity to say, "Okay, we are going to get tough on crime. We will give you a warning, but then you have to watch out." But the legislation allows for three warnings. It could be for drug dealing, vandalism or shoplifting.

Mr Stoner: It could be arson; it could be lighting bushfires.

Ms HODGKINSON: As the honourable member for Oxley says, it could be lighting bushfires.

Mr ACTING-SPEAKER (Mr Mills): Order! There is too much interjection from the Opposition benches. The honourable member for Burrinjuck has the call. I ask the honourable member for Kiama to put the mobile phone away. It is disorderly to use mobile phones in the Chamber.

Ms HODGKINSON: Who knows what those three offences may end up being. It could be three cases of arson, which could be extremely destructive for any local community. I urge the Government to consider the Opposition's amendment, to realise that it is getting softer on law and order every day, and that local communities and chambers of commerce throughout rural and regional New South Wales are sick and tired of its soft-on-crime approach. They are lobbying the Opposition, and I am sure they are lobbying the Government as well. The Government is soft on crime, and it is proving it in this House.

Mr Brown: We're not soft on crime.

Ms HODGKINSON: The honourable member for Kiama interjects, but his interjections is clearly incorrect. In this Chamber tonight we are seeing a soft-on-crime approach, and I call on the Government to rectify its actions.

Debate adjourned on motion by Mr Whelan.

PROPERTY, STOCK AND BUSINESS AGENTS BILL

Second Reading

Debate resumed from 9 May.

Mr DEBNAM (Vaucluse) [8.45 p.m.]: I welcome the opportunity to speak briefly to the Property, Stock and Business Agents Bill. I indicate at the outset that the Opposition does not oppose the bill but will ask the Minister to consider a number of amendments to it. I am unsure how the Minister is dealing with one amendment that I thought it would propose. I also ask the Minister to respond to a number of concerns about the bill. The bill is based in part on National Competition Policy obligations, and drafts of the proposed reform have been available for comment since late last year. The bill recognises that residential and business properties are increasingly sold by auction and vendors' agents enjoy information advantages over bidders. Clearly, that has been recognised not only in the bill but also in the Government's marketing efforts over recent years, which I will deal with shortly.

The Department of Fair Trading has advised that written complaints about real estate agents have increased in the past two years. I will refer to the Government's tactics in that regard in a moment. The bill raises entry level and ongoing competence standards linked to annual licensing reviews. It promotes the concept of professional indemnity insurance becoming mandatory for licence holders. The bill also streamlines disciplinary measures that avoid initiating court action, and it makes a number of amendments to the Compensation Fund. It increases penalties for a range of offences by agents. The bill provides for a register of bidders at property auctions, and prohibits misleading advertisements and statements as to the estimated selling price of a property. This is designed to deter dummy bidding. I will deal with those matters later.

One of the concerns I have raised with the Minister in just about every bill I have spoken to is that, in other industries, such as the building and insurance industries, the Department of Fair Trading has displayed an inability to carry out its supervisory role. Stakeholders involved with this bill have advised that much of the operational detail and possible objections have been deferred to the regulations. That is not unusual with legislation, and particularly not with this bill, which is a major rewrite. There has clearly been a lengthy period of consultation on the bill. It appears that most stakeholders are generally satisfied with its progress, although negotiations on amendments have continued; indeed, until the last 24 hours.

The bill purports to increase consumer protection, and recognises that property purchases are a large commitment by consumers. I would put the bill under the category of Labor's traditional approach, which is lowest common denominator legislation. I will deal with that matter in a moment. I acknowledge the contributions to the bill of a number of industry stakeholders, including the Real Estate Institute of New South Wales, which has done a tremendous amount of work in analysing the bill and putting forward various concerns and alternative proposals; the Institute of Strata Title Management; the Property Industry Council of New South Wales; and the Stock and Station Agents Association.

As I said, we will not oppose this bill but we will express concern with the department's ability to manage its regulatory obligations and I will run through a few of the amendments that have been discussed, especially in recent days. I also congratulate the staff in the department who have been responsible for putting this bill together over, I understand, about six years. Obviously it is a rewrite of various provisions going back decades, and that is a tremendous task. I can appreciate the difficulties in the final hours of assessing whether or not one makes amendments.

I stress again the point I made earlier. Whenever a problem occurs in the market this Government and other Labor governments—I cannot think of an example from a Coalition government—seem to focus on that problem, exaggerate it through the media, market the need for change and then introduce the lowest common denominator legislation that effectively says that although the problem may have occurred only once or 10 times, regulations will be put in place that will ensure it never happens again. The result is that the legislation typically becomes administratively unenforceable. The Government does not have the resources to oversight that sort of lowest common denominator legislation, and cannot police it.

One example of that is the home warranty insurance scheme. Five years ago the Government privatised it, but for five years it has been unable to put in place the resources and expertise to properly manage the regulation of the industry. I make the prediction that we will see it again with this bill. The bill contains so many detailed provisions that not only will it be difficult to put in place but it will be extremely difficult for any government to administer on an ongoing basis. The Minister may be able to inform me about resources, but I was not able to pick up any indication from the budget papers that extra resources will be thrown at this task. The Minister might advise the House in his reply whether he has resources to throw at the implementation of this legislation, because we would all be interested. The Minister has huge responsibilities relating to licensing, education, complaints and discipline, and they will take considerable resources.

A number of people have expressed concern about professional indemnity insurance. To make professional indemnity insurance compulsory in the current climate is at best courageous. I am sure the Minister has thought long and hard about it. If this insurance is to be compulsory it must also be affordable. I am not sure how the Minister is going to make that possible. We need to avoid passing on the role of policing the regulatory role of professional indemnity to insurers as de facto police. That is what we ended up with in regard to home warranty insurance. Insurance companies have become de facto regulators for the industry. Insurers do not like it, builders do not like it, in due course consumers will not like it, and I am sure the Government does not like it. It all goes back to the deficiency in resources and planning when putting in place the appropriate legislation.

This legislation provides the Minister and the department with considerable discretion to do what they want with various provisions. I am reminded of the Government's treatment of particular real estate agents. I am reminded also of the Government's marketing of this issue over the past couple of years. Before the current Minister was appointed to this position the Government basically beat up on real estate agents. I can understand the Government wanting to do that to create a need for change, but I remind it that real estate agents are a fundamental part of our community and economy. Largely speaking, they do a very good job. The Government clearly sees them as expendable and it has unashamedly pursued them in recent years to create the need for this legislation, in much the same way as it pursued lawyers to get through the public liability changes.

Mr Brown: That is unfair.

Mr DEBNAM: The honourable member for Kiama says that is unfair. That has been the Premier's politics from day one. He has always treated his politics personally. Instead of arguing for reasonable change in reasonable circumstances he has always come out with personal abuse and created a sense of crisis. The honourable member for Kiama may well say it is unfair, but that is the reality of the Carr Government—its personal abuse. One real estate agent at Camden, Mr John Leach, has basically been forced out of business by an arbitrary decision by the Department of Fair Trading. The Hon. Charlie Lynn will refer to that case again extensively when this legislation reaches the other place. I will leave that to him. My colleagues are going to refer to a number of difficulties in treatment of agents, not only from the provisions of this bill but generally.

I will look quickly at some of the concerns raised in recent months. The Property Council has sought the exemption of owners of large commercial property from the bill. I understood that the Government was going to move an amendment in that regard. I hear around the corridors that perhaps this amendment will not be moved, but we will see later what happens. The Real Estate Institute has put quite forceful arguments against that amendment. I will leave it to the Government to tell us what it is going to do with the amendment that was originally proposed by the Property Council. Again, it highlights the difficulty of an eleventh-hour amendment after a long period of development of legislation. I welcome the Government's comments on that amendment.

I am indebted to Chris Le Gras for many briefings on the stock and station agents' interpretation of the legislation. It is fair to say that at this stage they are fairly happy with the general thrust of the bill but they live—in my words—in some fear of what the regulations will do. That is the normal course when dealing with any significant legislation: we get this through and then we await with trepidation the Minister's regulations. There is a large job for the Minister and his department and the sooner we see those regulations the better. The Real Estate Institute's briefing states:

> Overall, the Institute acknowledges the wide ranging reforms in the Bill and their potential to lift industry standards.
>
> There are, however, two issues remaining with the Bill in respect of which the Institute is recommending amendments—dummy bidding and cooling-off rights..

Dealing with dummy bidding, the Real Estate Institute acknowledges that the buoyancy of the market in recent years has resulted in an increase in auctions. They represent a very significant part of New South Wales sales. There is no doubt, as the Real Estate Institute has said, that the activity has brought with it increasing public scrutiny of the auction process and its potential detriment to consumers, particularly potential purchasers. The scrutiny is focused on the events preceding the auction, for instance, marketing properties to unqualified buyers who incur expense through inaccurate representation of a property's likely selling price and use of so-called dummy bidding at auctions. I make the point again that the Government has done a solid job of marketing this issue to the wider community, and in the process it has slighted real estate agents week after week and month after month. The Government may think the politics works, but it certainly is not doing a service to an industry that generally does a very good job.

The Government's response to dummy bidding is to introduce the concept of a bidders register, and that is spelt out in clauses 66 to 70. The institute made an interesting point, to which the Minister may like to respond. Significantly, clause 67 (3) provides that a bid taken in contravention of these requirements is still valid. That changes the dynamics of the whole situation in considering this change. Again, we must acknowledge that the Government will force these changes through, but the simple reality that a bid taken in contravention of these requirements is still valid underlines how ridiculous some of these changes will prove in operation. With respect to dummy bidding, the institute would prefer to defer the bidders register proposal in favour of an approach that looks at alternatives. The institute has put forward the following alternative:

> The Institute submits that clauses 67, 68, 69 and 70 of the Bill should be deleted and replaced with the following provision:
>
> **Right to Purchase at Reserve Price**
>
> 67 (1) A proposed sale by auction of property must be notified in the conditions of sale to be subject to the right of the highest bidder to purchase the property within 10 minutes of being informed of the reserve price.
>
> (2) An auctioneer must have a notice of reserve price before a property is offered for sale by auction.
>
> (3) The reserve price may be reduced by the seller or any person on behalf of the seller during the conduct of the auction and this alteration must be acknowledged by the auctioneer on the notice of reserve price.
>
> (4) When a property is not sold by auction the seller or any person on behalf of the seller must if requested by the highest bidder inform the bidder of the reserve price and allow the bidder to inspect the notice of reserve price.
>
> (5) A notice of reserve price must be retained by the seller or any person on behalf of the seller for at least 3 years.
>
> (6) In this section:
>
> **property** means residential property or rural land.
>
> **reserve price** means the price below which the seller is not prepared to sell residential property or rural land by auction.
>
> **notice of reserve price** is a notice in the prescribed form of the reserve price that is signed by the seller or any person on behalf of the seller and countersigned by the auctioneer.
>
> Maximum Penalty: 100 penalty units.

The Real Estate Institute made the point that this approach will encourage early bidding and discourage dummy bidding. With other measures contained in the bill, the institute suggests that this approach should address the so-called practice of dummy bidding and the practical issues identified with the bidders register. I know that the institute has been discussing this proposal with the Minister and his office for some time, and we would like to hear the Minister's response to the institute's proposal. Let us put on the record why the Minister does not see that as a viable option. Then we will consider that response and consider it further in another place. Another point I want to address is the cooling-off period. Again, I draw on the institute's advice, which states:

> Cooling-off rights have their origins in markets where consumers made decisions under pressure and in response to a sales presentation unsolicited by the consumer. The cooling-off period gave consumers the opportunity to rethink a decision and possibly avoid the agreement.
>
> Real estate agency practice for the most part does not fall into this category.

I think most of us would agree that that is true. The institute acknowledged that there have been changes from the bill introduced last year. As the institute said, in the 2001 bill the Government applied a cooling-off period of one business day for agency agreements for the sale of residential property and rural land. The institute raised questions about the need for cooling-off rights in residential agency agreements, and outlined practical issues with a proposal. The institute doubts that it could be sustained on any cost-benefit analysis. The Government then made some amendments in the bill now before House. Basically, the institute has come up with a proposed change, to which we would like to hear the Minister's detailed response. Clause 59 (5) provides:

> (5) There is no cooling-off period if:
>
> (a) at least 1 business day before the client signs the agency agreement the agency provides the client with a copy of the proposed agency agreement together with (in the case of an agreement that relates to residential land) a copy of a consumer guide approved by the Director-General from time to time for the purposes of this section, and—

significantly—

> (b) before the client signs the agency agreement the client signs a form of waiver of cooling-off period in a form approved by the Direct-General by order published in the Gazette.

The Real Estate Institute stated:

> The Institute continues to question the need for cooling-off rights in these transactions. The nature of the concession is such that the cooling-off rights will not apply for residential agencies only if a consumer is given the proposed agreement and consumer guide at least one business day before the transaction and the consumer expressly waives the cooling-off right before signing an agreement.

While welcoming that suggestion, the institute suggests that the cooling-off rights should not apply if the agreement and the guide are provided in advance or if a consumer expressly waives the right when signing the agreement. In practice, agents will be inclined to provide the proposed agreement and guide to the consumer at the time of making a presentation. For those occasions when time is of the essence and services are urgently sought by a consumer, it should be left to the consumer to decide whether or not to waive the right. The institute submits that clause 59 (5) should be amended by substituting the word "or" with the word "and". That argument is very well put forward, and the Opposition would like to hear the Minister's response to that proposal before we consider it further in the other place.

The Institute of Strata Title Management also raised concerns about clause 169, dealing with the levies. I know that the institute has asked the Minister to delete clause 169, and has given details of its concern to the Minister. I ask for the Minister's response to the proposal to delete clause 169. That is a quick summary of the bill. As I said, a number of concerns have been raised by various stakeholders. Overall, most people are saying, "Thank goodness this bill has now been brought into the Parliament. It is a major update. The general thrust of it is good." However, as one might expect with a 150-page bill, the various stakeholders still have some concerns, which they have been trying to negotiate in recent weeks and days. The Opposition will not oppose the bill but it would like to hear the Minister's detailed response to the remaining outstanding concerns. As I said earlier, my colleagues will speak of their personal experiences in this industry and their concerns about the future of the industry under this bill.

Mr ARMSTRONG (Lachlan) [9.08 p.m.]: I participate in this debate as someone who has had a long interest in the sale of real estate, livestock and goods and chattels. I have been a licensed auctioneer and stock and station and real estate agent for some 40 years now.

Mr George: I didn't think you were that old.

Mr ARMSTRONG: I started when I was 12! In addition, the bottom line is that this is an important part of commercial activities, particularly in country New South Wales. Most people obtain their first home, which is the biggest investment in their lifetime, by dealing through an agent. Indeed, many of these people do that at auction. By the same token, in many cases it is probably the major sale in the lifetime of the vendors of goods and chattels, be it rural property or residential real estate. Therefore, it is only right and proper that there be fair and reasonable legislation to protect and cover the interests of all parties.

It is big money, it is big risk and it offers an opportunity that is somewhat unique. Australia has a reputation for having some of the fairest rules and regulations pertaining to the agency profession and auctions in the world today. As the honourable member for Vaucluse, who led for the Opposition, said, the bill is long, extensive and complex. It is the accumulation of a number of pieces of legislation that have been introduced over many years. I will refer to a number of clauses of the bill, some of which I want the Minister to further amplify. In relation to division 2, which relates to bidding at an auction of residential property or rural land, the explanatory note in relation to clause 67 states:

> **Clause 67** provides that the auctioneer at a sale by auction of residential property or rural land must not take a bid from a person unless the person's relevant details have been entered in a Bidders Record and the person is identified at the auction by the person displaying an identifying number.

Most auctioneers, including those at clearance sales of goods and chattels, learnt long ago not to take a bid from a buyer who is not registered. If they do they are put at considerable financial risk. I understand that this legislation is also designed to counter the practice of what is known as dummy bidding. An auctioneer has great difficulty in working out whether a bid is a dummy bid. A vendor could register himself, his children, his grandparents and his best friend. He might have four or five people who endeavour to run up the price of a property to a price the vendor is prepared to accept or negotiate on. The auctioneer does not know whether a bid is a dummy bid; he has no right to reject bids from registered bidders. That problem will never be resolved and this legislation certainly does not prevent dummy bidding.

Those who drafted the legislation are naive if they believe it will get rid of dummy bids. If an agent were of a mind to make a dummy bid he could register one of his staff to make the bid. In the middle of an auction will the Minister's inspector ask the auctioneer, "Where did you take that bid?" I suspect that the Privacy Act and this legislation will prevent the auctioneer from identifying the bidder. That is a major flaw in the legislation. Having said that, I support the general thrust and ethos of the legislation. The explanatory note in relation to clause 70 reads:

> **Clause 70** provides that a Bidders Record is confidential.

If a bidders record is confidential and the inspector pulls up and ask the auctioneers "Where did you take that bid from?" the moment the auctioneer identifies the person he is in breach of clause 70 of this bill. The explanatory note in relation to clause 72 reads:

> **Clause 72** provides that a real estate agent, or an agent's employee, must not make a false representation to a seller or prospective seller of residential property as to the agent's or employee's true estimate of the selling price of the property.

Again, agents are being given the responsibility of getting that estimate, which is really an opinion. If the bill requires a valuation by the registered valuer of every property, it is deficient. Will the Minister clarify where the legality of an opinion ceases and the requirement for a professional valuation starts? The explanatory note in relation to clause 78 reads:

> **Clause 78** prohibits the use of collusive practices at auction sales of land or livestock.

In about 1972-73 this clause was included in the Act at the behest of the old Cattlemen's Union of New South Wales, of which I was the State Chairman and National Vice-President, to prevent collusive buying of livestock. For instance, at a cattle sale four or five buyers could represent different entities, one of whom might be buying for two or three other entities. They look at 400 or 500 head of cattle and 300 similar cattle and arrange for one to take the first three pens and another to take the next two. How can the auctioneer know about the collusion? In the old days one person would buy the cattle in the first three pens, and he would ask the agent to invoice one pen of cattle to buyer number one, another pen to buyer number two and to invoice pen number three to himself. I am not aware of that happening very much now. Some two years ago I asked a question in this place about that matter. Not one prosecution under that section of the Act has occurred.

Mr George: Lots of complaints but no prosecutions.

Mr ARMSTRONG: My friend the honourable member for Lismore is correct. For some time he was the biggest stock and station agent on the North Coast. He used to sell something like 45,000 head of cattle per annum, so no-one knows the game better than he does, and he will speak to this bill.

Mr Brown: Why did he come in here then?

Mr ARMSTRONG: Simply to keep an eye on you, I expect. The explanatory note in relation to clause 84 reads:

> **Clause 84** provides that an auctioneer must not, at an auction for the sale of livestock, sell any lot for a price lower than any price bid in relation to the sale of that lot.

That clause refers to a practice known as comeback, which is addressed in some detail on page 59 of the bill:

> **84 Livestock auctions—"comeback" prohibited**
>
> (1) An auctioneer must not, at an auction for the sale of livestock, sell by auction any lot for a price lower than any price bid in relation to the sale of that lot.

The industry has thumbed its nose at that provision for the past 25 years. I challenge the Minister to now make it work. He cannot make it work. That is a ridiculous clause that has not worked and will not work. If an auctioneer knocks a lot down to a major buyer—it might be Coles or Woolworths—at $1.40, it comes back at $1.36 and he gives his comeback. The Minister cannot do anything about it because it is endemic within the industry. I do not support it and the law might say it is illegal but I challenge the Minister to enforce it for the first time. I also refer to the responsibility or otherwise of the selling agent to have knowledge of the ownership or title of the goods and chattels or the livestock. I am aware of a few cases in recent years, particularly in the Southern Highlands, of agents innocently selling cattle of which the vendor did not have legal ownership. The cattle have been reclaimed from the purchaser and he has lost what he paid for them. In one case something like $80,000 was involved. The purchaser was able to negotiate a price to keep the cattle. He got his expenses back, nevertheless he lost approximately $23,000.

I do not advocate that the agent should have the responsibility of establishing legal ownership of each lot, because that is the responsibility of government. This legislation does not recognise that title, and any goodwill that is implicit in a sale, is paramount. I ask the Minister to consider how to guarantee that a vendor has title at auctions so that agents will not be innocently involved. That is important and the legislation certainly does not address it. The Act is long and complex. I suspect it repeats a number of mistakes of past Acts and that nothing will change. Clause 49 of the bill states:

> **49 Restrictions on licensee obtaining beneficial interest in property**
>
> (1) A real estate agent who is retained by a person (***the client***) as an agent for the sale of property must not obtain or be in any way concerned in obtaining a beneficial interest in the property...
>
> (2) A real estate salesperson employed by the real estate agent must not obtain or be in any way concerned in obtaining a beneficial interest in the property...

Neither the principal nor his employee may have any beneficial interest in the property. That provision poses difficulties for major national companies whose employees have shares in those companies, as many staff do under contractual arrangements. If this provision is taken to the nth degree, employee shareholders in the company will not be entitled to participate as a third party in the making of business transactions for and on behalf of the company. This legislation is deficient in that it not only compromises an employee who has a contractual arrangement with his or her employer, but it is also impractical in its application where a licensed agent is employed by a major employer that has considerable property interests that may be handled in the marketplace every day. That interest may be wool, real estate or rural property. This may be one of the anomalies that creeps into legislation over the years. It is common practice in this day and age for there to be contractual arrangements between employers and employees in which a beneficial shareholding is offered to the employees.

Mr GEORGE (Lismore) [9.21 p.m.]: As a past president of the Stock and Station Agents Association and an original member of the Real Estate Services Council I am delighted to have this opportunity to speak on the Property, Stock and Business Agents Bill. I endorse everything said by my colleagues the honourable member for Lachlan and the honourable member for Vaucluse. This bill has had a gestation period of six years. I congratulate the Minister's staff and those who put this bill together. When I was appointed to the Real Estate Services Council in the late 1980s such a measure was talked about then.

My colleague the honourable member for Lachlan has recounted to the House some concerns raised by the industry. I will touch on just a few of those points. I pay tribute also to the honourable member for Vaucluse, who put a lot of work into researching the bill, which has 150 pages, and discussing opinions and concerns about it. I point out that real estate and stock and station agents generally are highly respected members of our community. They have already developed competency standards, and business agents and other sectors are working hard at developing standards for their industries. At times, we introduce legislative changes to try to protect people generally from the actions of the probably 0.001 per cent of disreputable people in this otherwise wonderful industry.

The bill provides for the renewal of a licence or certificate of registration on condition that licence holders undertake continuing professional development each year. Licensees and certificate holders, like many others in business, need a wide range of skills to competently perform their functions. I pay tribute to the Minister and his department for encouraging the continuing retraining of people throughout the industry in this State. In my time in the auctioneering and real estate industry when there was talk of training or retraining people threw their arms in the air and said, "What the hell do we need training for?" With the benefit of hindsight, and having seen the younger generation become accustomed to training, we now know that training is an important part of the industry, and I encourage it.

Like the honourable member for Lachlan, I challenge the Minister. If I were running an auction attended by more than 10 people, I would defy anyone who walked into the room to be able to say who had bid. That person would not know where the bids were coming from. I would have to admit that. But any auctioneer worth his salt should be able to run an auction. However, I want to place on record that there would be few, if any, agents who would take a dummy bid once bidding on a property reached or passed the reserve figure. I am concerned about valuations and opinions on what properties are worth. As the honourable member for Lachlan said, an opinion can be provided by a licensed agent, who cannot provide a written valuation. If vendors are forced to obtain a written valuation each time a property is listed for sale, I am concerned that will impose an unnecessary cost on the industry.

I do not know the specific nature of complaints made today about property auctions, but all too often we note in the press and on television people expressing concerns about property auctions. Though there may be more complaints today, many more properties are being put under the hammer than went to auction five or 10 years ago. On a pro rata basis, I do not believe there has been any significant increase in the number of complaints about auctions. I am concerned that this bill provides in part that a licensee may be required to hold a policy of professional indemnity insurance that meets certain minimum conditions. At the moment, professional indemnity insurance may be affordable. However, I am concerned about what will happen in future with professional indemnity insurance. In that respect I quote from a letter:

> Dear Sir or Madam
>
> We act for [a client] with regard to a claim for compensation arising out of a fall at a residence managed by you on [date]. We are instructed that our client fell through a pane of glass in the front door of a residence at [address] and suffered serious injuries as a result of the fall.
>
> We are instructed that you are the managing agent of the residence.
>
> Please note that our client claims compensation from the owner and from you for injuries sustained by her. Our client alleges negligence in that the glass in the front door was dangerous...
>
> We request that you forward this letter to your insurer...

This firm took action against the managing agent, who had professional indemnity insurance. I am concerned that the requirement that licensees have professional indemnity insurance, along with other types of insurance, will encourage people to litigate in respect of any injuries they sustain. I have spoken to the Stock and Station Agents Association, which is extremely concerned about professional indemnity insurance. Until the insurance climate improves, the association strongly opposes the introduction of professional indemnity insurance as a condition of licence.

I am conscious of attempts to try to resolve the public liability issue, but requiring professional indemnity insurance as an alternative could result in professional indemnity insurance premiums going through the roof. I make the point that the terms of various clauses suggest that implementation will be through regulations that are yet to be drafted. I express the hope that commonsense will prevail so that the regulations are workable. Having said that, I reiterate my support for the comments made by the honourable member for Vaucluse and the honourable member for Lachlan during this debate. As has already been mentioned, the Opposition will move amendments in the other place.

Mr MAGUIRE (Wagga Wagga) [9.29 p.m.]: At the outset I congratulate the honourable member for Vaucluse, the honourable member for Lachlan and the honourable member for Lismore on their positive contributions to the debate. I will focus my remarks on part 10 of the bill, which is headed "Compensation Fund", because not a great deal has been said about that and I have some questions that I seek answers to. The bill reads:

165 Compensation Fund

The Director-General is to cause to be established and maintained in the accounting records of the Department a fund, called the Property Services Compensation Fund.

166 Money payable to Compensation Fund

The Compensation Fund is to consist of:

(a) any amounts paid by licensees by way of levy under this Act …

Thereafter the clause sets out several other amounts. The bill continues, and this is the interesting part:

167 Application of money in Compensation Fund

(1) Money in the Compensation Fund may be applied for any purpose for which it is required or permitted to be applied by or under this or any other Act.

(2) The Director-General may apply money held in the Compensation Fund (in such order as the Director-General decides) for all or any of the following purposes:

(a) satisfying claims (including costs) established against the Compensation Fund in accordance with this or any other Act,

(b) meeting legal expenses incurred by the Director-General in connection with claims against the Compensation Fund.

(c) meeting expenses incurred by the Director-General in or in relation to appearances before a court or tribunal with respect to licences under this Act or the *Conveyancers Licensing Act 1995*,

(d) meeting the costs of administering the Compensation Fund,

(e) investing in schemes that relate to the provision of residential accommodation or, subject to such terms and conditions as may be prescribed by the regulations, in loans to authorised deposit-taking institutions.

(3) The Treasurer may determine whether any such money is to be invested in any such scheme or loan and the amount to be invested in a scheme or loan.

Having read that clause into the record, I wish to pose some questions. First I would like to know how much money will be held in the fund. I have heard no discussion in this debate on how much is envisaged to be gained. I certainly have not heard the rate at which contributions will be levied. Agents of companies involved and I would like to know how the amounts of the licence and the contributions to the fund will be determined. Clause 169 reads:

169 Levies

(1) If the Director-General is at any time of the opinion that the Compensation Fund is likely to be insufficient to meet the liabilities to which it is subject, the Director-General may, with the approval of the Minister, impose a levy on each licensee.

The point must be made that this bill gives the director-general and the Treasurer wide-ranging powers to invest fund moneys collected from agents in the form of a levy. Obviously, the funds will be used to meet any compensation claims that are made, but I seriously question the ability of the director-general and the Treasurer to invest in ventures such as residential accommodation. What kind of projects will the funds be invested in? Will the investment be in the Department of Housing properties or in units on Circular Quay? If those investments turn bad, who will pick up the tab? If the investments turn sour, will the department, the director-general, the Treasurer or the Minister direct that additional levies be imposed to make up the shortfall?

It seems to me that the Compensation Fund can be likened to a hollow log because it is open-ended and it appears, under the terms of this legislation, that it will be used at the discretion of the director-general or the

Minister. I fear that another home warranty insurance fiasco is developing because the legislation states, as the honourable member for Lismore has pointed out, that agents are required to carry personal indemnity insurance. Obviously, that requirement reveals an intention to gain funds in case the Compensation Fund is unable to meet claims. For example, if a claim is made that the Compensation Fund cannot meet, the requirement for agents to carry personal indemnity insurance gives the Minister or the Government the opportunity to sue the agent's insurer. I seek clarification of legislative intention on that point.

I would also like to know how the Compensation Fund will be audited. Transparency is an important factor in the administration of all funds. I want to know whether this fund will be subject to assessment by a parliamentary committees as to whether it is being well managed. How will members of the public and organisations associated with stock agents, et cetera, be able to ascertain the viability of the fund or be given full and transparent accounts of how the fund is performing? For that matter, how will stock agents have input into the way their levies and taxes are being managed in the event that they submit claims resulting in a payout? They will need to know that the fund has sufficient moneys to cover any unforeseen circumstances or claims. I am concerned about this bill, and I urge the Minister to address in his reply the questions I have posed and to expand on what is intended by this legislation. From my reading of the bill, it leaves the Minister to implement regulations. The bill does not go into a great deal of detail, but everyone involved needs this legislation to be open and transparent. The Minister should address those points in his reply.

Having said that, I reiterate my view that a requirement for agents to take out personal indemnity insurance reveals an ulterior motive. The Opposition has foreshadowed that amendments will be moved in the upper House. I will observe the progress of this legislation with interest, particularly part 10, which relates to the Compensation Fund. I look forward to the Minister's reply, which I hope will reveal exactly how this fund will be managed, how the scheme will be administered, what the rate of the levy will be, whether the levy will be adjusted by the consumer price index amount every year or whether the fund will be administered at the whim of the director-general or the Minister. I understand that there may be increments, and it is only fair for people to know how the fund will be managed. I look forward to the Minister's reply to those points and to the other points I mentioned earlier.

Mr AQUILINA (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading) [9.38 p.m.], in reply: I thank all honourable members for their contributions to this debate. Before I commence to make detailed comments in reply to the matters canvassed by various members, I want to mention one or two matters which, although strictly outside the legislation, have been mentioned by the honourable member for Vaucluse and the honourable member for Wagga Wagga relating to home warranty insurance. They used that as an example—a misguided example, in my opinion—of how the Government, though well intentioned in relation to various aspects of legislation, may sometimes get things wrong.

I remind honourable members that the issues relating to home warranty insurance did not occur as a result of this Government; they occurred as a result of the catastrophic events last year—the collapse of HIH and the tragic events of September 11—which undermined home warranty insurance not only in New South Wales but right around Australia. The Government responded to that by implementing a number of reforms after consultations with builders and consumers. The Government looked at various constraints that have been placed on insurance companies, in particular, by overseas-based reinsurers. Various reports that the Government has introduced have received a good response. However, there are still problems.

Last week, when I was in the electorate of the honourable member for Wagga Wagga, I spoke to a number of builders about specific concerns in their home locations. I was able to show a number of them that the concerns they had raised could be readily addressed. I hope that I was able to provide some of them with an immediate response and with assistance. I was able to indicate to others how the reforms that have been put in place will assist them to resolve some of the issues that they have raised. As recently as today other moves have been made in response to the Government's amendments and reforms which have provided further beneficial outcomes for that industry. Within the next few days I will announce other reforms which will show how the process of consultation is proceeding well and is achieving the desired outcomes.

I refer to the issue raised earlier by the honourable member for Vaucluse concerning compliance actions by agents. He claimed that the Government, as a whole, was coming down heavy on various agents. The Government acknowledges that the overwhelming majority of agents operate fairly and ethically. It is a noble profession and one which is extremely important to our economy and to the way in which we, as a civilised western society, do things. We could not function without the ethical work of real estate agents. I make that point as a result of the comments made earlier by the honourable member for Vaucluse. I do not want anyone to

believe that the Government is in some way adversely reflecting on a profession which, as I said earlier, is vital to our economy, to the way in which we do business in this State and nation, and to the future growth of this State.

The Department of Fair Trading and the Government are firmly committed to ensuring that all licensees meet their legal requirements under the Act, which is only fair. The bill proposes to equip the department with enhanced compliance tools enabling swifter and more effective action to be taken. The Government does not run away from that responsibility, but it does not want to overemphasise it either. We do not want to belabour the point so as to make it look as though we are in some way coming down extremely hard on agents. Having dealt with some of the matters that were raised by Opposition members, I would like to make the following points. Nothing that we are doing in this legislation can be correlated to what has happened in the home warranty insurance industry.

Despite the issues that have been raised in debate relating to matters of compliance, this Government is not looking down on the real estate profession or on stock and property agents. I thank Opposition members for their contribution to debate on this bill—contributions that I value. The honourable member for Vaucluse went to a substantial amount of trouble to consult members of my staff and members of the department. I know that he has consulted also with members of the industry to ensure that there is a professional response to legislation that has taken a substantial number of years to formulate. I also thank the honourable member for Lachlan, who has personal experience in this matter. I thank the honourable member for Lismore for his welcome contribution. The honourable member for Lismore has substantial personal experience in this area. I will also address the issues that were raised by the honourable member for Wagga Wagga.

I acknowledge the contribution of the property industry which led to the development of these reforms. I thank all members of the industry for the time that they made available for consultation. I note that members of the Real Estate Institute [REI] are in the gallery tonight. I thank them for their presence today. I have thanked them in the past on a number of occasions for their contribution and for the informative advice that they have proffered in relation to these issues. I turn now to a major issue that has been raised—that is, dummy bidders. The honourable member for Vaucluse indicated that the Real Estate Institute of New South Wales is opposed to the registration of bidders at auctions.

The Real Estate Institute has called for the introduction of the bidders record to be deferred. It suggests an alternative approach that would require the vendor to give the auctioneer notice of the reserve price before a property is offered for sale by auction and, if the property is not sold by auction, entitle the highest bidder to purchase the property within 10 minutes of being informed of the reserve price. That point was made to me, to members of my staff and to members of Parliament quite clearly at a meeting that was held yesterday to deal with some final matters relating to this legislation. While the Government is happy to consider feasible alternatives to address the issue of dummy bidding, the REI's proposal raises a number of concerns.

I do not think anything that I have heard has resolved those concerns to date. It is not evident how the suggested proposal will target concerns about dummy bidding. The proposal does not prevent persons from engaging in dummy bidding whether it is above or below the reserve price. Suggestions that dummy bidding below the reserve price is legal and produces no consumer detriment are abhorrent. A reserve price might be unrealistic and, if the market was left to operate freely, a vendor might well choose to sell at a lower price. The REI claims that its approach would address the practice of delayed bidding whereby genuine purchasers seek to negotiate directly with the vendor when the auction is called off the market and the property is passed in.

However, again, there is no evidence to show that the problems with the auction process are centred on the reserve price or the need to excite bidding. In fact, auction clearance rates are at a record high—a factor attested to by Opposition members in their earlier presentations. There are also a number of practical concerns about the proposal. Restricting negotiations with a highest bidder to within 10 minutes of being informed of the reserve price is too restrictive and unworkable. There are many possible reasons for failing to adhere to a 10-minute time frame, but to do so would mean a breach of the Act. That aside, why should negotiations not be undertaken as soon as possible with anyone bidding on the day of the auction, thereby ensuring the highest possible sale price is achieved for the vendor?

Compliance with the requirements of this proposal would be difficult to monitor, rendering them ineffective. It is also not practical or reasonable to require sellers to allow the bidder to inspect the notice of reserve price or require that sellers retain the notice for three years. Surely that should be the responsibility of the auctioneer or the selling agent. The Government has put forward a comprehensive package of reforms aimed

at addressing concerns about fairness of the auction process and has called for greater transparency in respect of who is bidding, who is entitled to bid and estimated sales prices. There are also concerns about a decline in the standards of auction conduct, both ethically and in practice.

The bill contains five measures to deal with these concerns, the first of which relates to education requirements for auctioneers. I was pleased to hear the honourable member for Lismore raise this matter as one that is worthy of implementation in this legislation. As I said earlier, he is someone with practical experience. The other measures include agent substantiation of estimated selling price, single vendor bid, registration of bidders at auctions, and provision of an information guide to purchasers.

The Government's proposal will send a clear message to the community and the industry that dummy bidding is an unfair and illegal practice. Despite comments made by members opposite and issues that have been raised by the Real Estate Institute, the Government still holds firmly to that view. Unlike the institute's proposal, the bidders record will deter persons from engaging in the practice of dummy bidding. As well, the traceable nature of the information recorded in the bidders record will assist the Department of Fair Trading in putting a stop to such practices. Bidders at auctions will also be given a guide that will clearly explain auction proceedings.

Earlier the point was made that perhaps there is the perception that some unusual or undesirable practices arise in relation to auctions. However, as the honourable member for Lismore stated, that is probably due to the fact that more auctions are now taking place than was the case five or 10 years ago. I make the point that if more auctions are now proceeding, the Government has a responsibility to ensure that we pay closer attention to the way in which auctions are undertaken. Clearly, more and more people are becoming involved in auctions, so there is the potential for more and more people to be hurt if the auction process is incorrectly carried out or if illegal practices are undertaken. Obviously, as the practice of auctions continues to increase, the process warrants greater Government scrutiny and concern as to how auctions are conducted.

Claims from some parts of the industry that neither evidence nor empirical data exist to support the Government's concerns about, and its response to, dummy bidding are unfounded. The existence of this problem is confirmed by a growing consumer perception that the auction process lacks transparency and is unfair. An argument was raised about the constant media attention that is paid to this. I assure members that if it were not for the fact that there was a perceived lack of transparency and some unfairness taking place, there would not be the kind of media attention that is being paid to auctions as is the case at the moment. An impressive body of recent press articles, consumer complaints, government reviews, court cases and law journal articles points to community disapproval of the practice of dummy bidding. Many people consider dummy bidding to be unethical behaviour on the part of real estate agents when conducting auctions. Again I make the point that the perception may well be greater than the reality, but I think it also reinforces the argument as to why we need to make the auctioning process far more transparent.

By its very nature, dummy bidding is secret and underhanded. Consumers therefore find it difficult to formally complain when they encounter dummy bidding at an auction. We need to consider the fact that for many people bidding at an auction is perhaps a once-in-a-lifetime experience. People often feel at a disadvantage, particularly when subjected to the professionalism and rapidity of the auction process. It is therefore incumbent upon the Government to ensure that consumers are protected as much as possible. As unsuccessful bidders, people often feel disempowered. They have lost their search costs, including building inspection fees and legal costs—and we are all aware of people who have experienced that—and they have lost the property to which they have developed a sentimental attachment. They may well be deterred from taking action by virtue of the need to continue to deal with the real estate agent or agency whose auctioneer conducted the auction in question. They are bruised, but impelled to move on or risk missing the next suitable property. The registration of bidders will begin to assuage purchasers' concerns that they are bidding against bidders who are not genuine.

I was somewhat bemused by the frank admissions, particularly by the honourable member for Lismore, about the way in which auctions are conducted. As a practitioner in this field, the honourable member for Lismore would be aware that quite often auctioneers are not specifically aware of who is bidding or where bids come from. It may be the odd twig blowing in the wind, or perhaps the wag of the tail of a dog, or even perhaps someone scratching their ear. Quite conveniently, of course, every time something like that happens, up goes the price. As the honourable member for Wagga Wagga motions to me, the old Australian salute could well be another instance of increasing the bid. There certainly are comical elements to auction bidding, and that is why there is a serious need to introduce greater transparency into the auction process.

As members opposite said, in some quarters dummy bidding is held to be a legitimate practice. It serves the interests of vendors by allowing the agent to achieve the highest possible price by, for example, providing the first bid to start an auction, generating bids, maintaining the flow of bidding, and countering underbids until the reserve price is reached. Dummy bidding is a common practice, but it is not legitimate. It is illegal, and rightly so. Dummy bidding is deceptive. It exploits the vulnerability of bidders at auctions of residential and rural land. It unfairly distorts the relative bargaining positions of vendors and purchasers when false bids are concocted. It can lead purchasers to invest disproportionately, and sometimes beyond their capacity, in the home of their choice.

Although an auctioneer is principally the agent of the vendor, his or her objective of obtaining the best price should not be achieved by flouting the rules and illegally engaging in fictitious bidding. Warnings from the Real Estate Institute that registration of bidders may institutionalise the practice of dummy bidding miss the point. Dummy bidding will be illegal—like unlicensed driving and unlicensed trading as a real estate agent. Meeting the legal requirements will not be a matter of option but a matter of compulsion. Members opposite referred also to the registration of bidders, and the claim that bidder registration is impractical. The registration of bidders prior to auction will require real estate agents to provide some additional administration and develop appropriate systems and procedures. That is acknowledged. However, it is not impractical; it is no different to the introduction of any new business or statute-based accountability system.

Practical concerns about the difficulties of managing the registration of bidders at auctions held in "rooms" where up to 20 properties listed by 10 different agents could be auctioned are not insurmountable. Even as recently as yesterday I had discussions with the Real Estate Institute about this aspect. I was told that there are some impracticalities, but, having looked further at this aspect, I contend that they are not insurmountable; they can be addressed and resolved in a professional manner. Bidders do not have to register more than once. The bidders record need only record the residential properties to be auctioned and the details of persons bidding. As with the development of any business system, careful planning and commitment should enable most real estate agents to devise appropriate systems and procedures to accommodate the auction process on this scale. Any increase in costs associated with the conduct of auctions would be minimal and vastly outweighed by the certainty that this measure would afford to prospective purchasers. Equally, such costs would be a small price for agents and auctioneers to pay for the restoration of their industry's reputation.

In summary, I am pleased to say that the response from consumers and the majority of the industry to these proposals has been positive. In particular, I have noted recent press articles quoting industry leaders who welcome the changes, particularly the bidders record. An article by James Walker in the *Sydney Morning Herald* of 5 June said, "the new legislation could deliver a fair auction result and more affordable houses". I reiterate that the registration of bidders attacks the problem of dummy bidding head on. It inserts a level of transparency and accountability to the auction process, the absence of which has been the nub of consumer discontent. If purchasers believe they have paid more due to a "trick of the trade", their anger at having been duped will do nothing to help generally held opinions about the professional ethics of real estate agents. Again I make the point that it is the aim of the Government to ensure that the high professionalism of the overwhelming majority of real estate agents is appreciated by the general public. We believe that this legislation will go a long way towards providing a degree of transparency in the conduct of real estate agents.

These measures will serve to increase consumer confidence in the auction system and, in turn, will go a long way towards dispelling the negative impression that consumers have of the real estate industry. I am sure that all honourable members, as representatives of the community, will embrace this goal. I will respond to some specific matters raised by Opposition members. The honourable member for Vaucluse raised concerns about cooling-off rights. Calls to weaken consumers' cooling-off rights are vigorously opposed. The bill provides a cooling-off period for every agency agreement in respect of the sale of residential property or rural land. The cooling-off period commences when the agency agreement is signed and ends at 5.00 p.m. the next business day or a Saturday. The cooling-off right is an important consumer protection mechanism that enables consumers to make informed decisions about the type of agreement they wish to enter into with agents. The cooling-off period operates in conjunction with the requirement to give consumers a copy of an information booklet prepared by the department.

The cooling-off right responds to, among other things, consumer complaints about unknowingly entering into exclusive agreements which may result in their being liable to pay commissions to more than one agent. There is also a capacity for consumers to waive the cooling-off period if at least one business day before signing the agency agreement the agent gives them a copy of the proposed agency agreement together with a copy of a consumer information guide. To ensure that consumers are in a position to make an informed choice

and are aware of their rights and obligations, it is vital that consumers receive a copy of the guide and the proposed agreement before they waive their cooling-off rights. The honourable member for Vaucluse suggested that the waiver should be exercised without having to give consumers a copy of the guide or the proposed agreement. Such a proposal would remove the incentive for agents to provide consumers with the guide before signing the agency agreement. It would allow consumers to waive their cooling-off rights either upon receipt of the approved consumer guide or by completion of a prescribed form waiver. It would leave them vulnerable, requiring them to make an uninformed decision to waive or be informed after the fact. In the interests of consumer protection, adoption of this proposal is not supported.

The honourable member for Vaucluse also raised an issue about levies, in particular, the matters addressed in clause 169. Clause 169 allows contributions and levies to be paid to the compensation fund. This provision has been carried over from the current Act. The intention of the provision is to supplement the fund, if required, so as to compensate consumers. The honourable member for Lachlan raised the issue of legal ownership of cattle. This issue has not been brought to the attention of the Department of Fair Trading. However, we will consider the matters raised by the honourable member. Restrictions on licensees obtaining beneficial interests will also be addressed. Clause 49 prohibits a licensee from taking a beneficial interest unless the client consents in writing. The honourable member for Lismore raised the issue of opinions given by agents. He was concerned that consumers would need to obtain valuations. I have a detailed response to that matter. However, rather than address it in detail in this debate, I state that the Government is aware of these issues and the matter is well addressed in the legislation. I would be pleased to discuss the matter with the honourable member at another time.

The honourable member for Wagga Wagga referred to the compensation fund. Clause 167 sets out the purposes for which money from the fund can be paid. The main purpose of the fund is to compensate consumers as a result of a defalcation of trust funds by an agent. Money payable to the fund consists of a component of licence fees of approximately $230 over three years. The ability to impose levies is available should current liabilities not be able to be met. The fund is audited annually by the Auditor-General and financial statements are published in the department's annual report. I trust that I have addressed comprehensively the major issues that have been raised by Opposition members. I again thank them for their general support of the legislation and their recognition that it is timely legislation which will advance this important industry into the twenty-first century.

In addition to the legislation, substantial matters will be dealt with by way of regulations. That must necessarily be the case in detailed legislation. The regulations will require detailed drafting. Again, I invite the Opposition to apply its scrutiny to the regulations. We welcome the scrutiny by the Opposition and the industry of those regulations and we will continue the process of consultation that we have undertaken in the drafting of the legislation as a whole. I thank honourable members for their contribution to this debate. New South Wales consumers of property agents' services have a right to enjoy competent and ethical behaviour from agents. This bill will achieve that aim. The Government is committed to continuing to consult on the reforms during their passage through the Parliament. I indicate the co-operative willingness of the Government to ensure that we proceed as much as possible along the consultation line. I foreshadow that the Government will be moving amendments during the Committee stage to finetune this detailed legislation.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Clause 3

Mr AQUILINA (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading) [10.07 p.m.]: I move Government amendment No. 1:

No. 1 Page 5, clause 3, definition of ***on-site residential property manager***, lines 11 and 12. Omit "or arrangement"

Page 5, clause 3 (1) contains a definition of "on-site residential property manager". Clause 3 (1) (a) provides that an "on-site residential property manager means a person … who, for reward … carries on business as an agent for giving possession of residential premises under a lease, licence or other contract or arrangement." For the purposes of clarity we propose to omit the words "or arrangement" from the definition.

Mr DEBNAM (Vaucluse) [10.08 p.m.]: The Opposition will not oppose the Government's amendments, although we have only just seen them. Obviously we will consider them before they get to the other place. I thank the Minister for his detailed comments in reply, which we will also consider before the legislation is received in the other place. I stress again that the regulations are clearly an issue to many people. Any information about the implementation time scale for proclaiming the legislation and developing the regulations would be useful. As I indicated previously, the Opposition will consider all the contentious provisions that have been debated in the past few days, to which the Minister has replied, and deal with them when the bill gets to the upper House. I again make the point, which the Minister has denied, that the Government has unnecessarily beat up on the real estate industry in a relentless and unashamed manner.

The Minister should keep apologising for the attitude taken by the Government and by his predecessor in that regard. I also make the point that the administration of the Home Warranty Scheme is a major embarrassment to the Government, not because of the worldwide insurance problem but because the Government has failed in industry regulation and in its own administration. This particular legislation is a detailed reform package. I predict that again the Government will fail in the administration of this legislation unless extra resources are provided for that purpose. However, as I have said before, the Government has not given any indication that it will apply substantial resources to implement this package.

Amendment agreed to.

Clause 3 as amended agreed to.

Clauses 4 to 231

Mr AQUILINA (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading) [10.10 p.m.]: by leave, I move Government amendments Nos 2 to 9 in globo:

No. 2 Page 9, clause 4, line 2. Omit all words on that line.

No. 3 Page 9. Insert after line 34:

4 Regulations may exempt persons and activities from Act

(1) The regulations may make provision for or with respect to exempting a specified person, or a person who is a member of a specified class of persons, from the operation of all or specified provisions of this Act in respect of any act or omission by the person in the person's capacity as agent:

(a) for a specified class of persons, or

(b) in respect of a specified class of activities, or

(c) in respect of activities involving a specified class of property.

(2) The regulations may make provision that is necessary or convenient in connection with an exemption under subsection (1), including provisions for or with respect to any of the following:

(a) imposing liabilities on a person (not necessarily the agent concerned) in respect of pecuniary loss suffered by a person because of a failure by the agent to account for money or other valuable property entrusted to the agent or an employee of the agent in the course of activities to which an exemption under this section applies,

(b) requiring the disclosure of information to the Director-General in connection with the activities of a person pursuant to an exemption under this section,

(c) requiring the obtaining of insurance, including professional indemnity insurance and fidelity guarantee insurance, in connection with the activities of a person pursuant to an exemption under this section,

(d) requirements as to the holding of money on behalf of a party to a transaction in connection with which a person acts as agent pursuant to an exemption under this section,

(e) disclosures to be made by a person acting pursuant to an exemption under this section,

(f) regulating the payment of commission and other remuneration in connection with the activities of a person pursuant to an exemption under this section,

(g) the placing of limitations on the authority of a person to act as agent pursuant to an exemption under this section,

(h) the auditing of compliance with conditions and requirements imposed by the regulations under this section,

(i) modifying the operation of any provision of this Act in its application to the activities of a person pursuant to an exemption under this section,

(j) the payment of fees to the Director-General in connection with an exemption under this section.

(3) The regulations under this section may also create offences punishable by a penalty not exceeding 100 penalty units for any contravention of the regulations under this section or conditions or requirements imposed by those regulations.

(4) Nothing in this section affects the generality of section 230 (2) (g).

No. 4 Page 10, clause 5, line 2. Insert ", and does not require a certificate of registration to be held by any person in their capacity as employee of," after "held by".

No. 5 Page 11, clause 5. Insert after line 21:

(6) This Act does not require a corporation to hold a corporation licence in order to act as or carry on the business of (or advertise, notify or state that the corporation acts as or carries on the business of or is willing to act as or carry on the business of) a business agent if:

(a) the corporation holds an Australian financial services licence under the *Corporations Act*, or

(b) the corporation is an authorised representative of a financial services licensee within the meaning of Chapter 7 of the *Corporations Act*.

No. 6 Page 24, clause 26 (6), line 16. Omit "sections 8-10". Insert instead "sections 8 (1), 9 (1) and 10".

No. 7 Page 33, clause 42 (3), line 24. Insert "or at such other place as the Director-General may approve" after "employed".

No. 8 Page 53, clause 71 (2), line 22. Omit "must ensure". Insert instead "must take all reasonable steps to ensure".

No. 9 Page 135, clause 230 (2). Insert after line 4:

(g) prescribing a method of service (which may include electronic transmission) of any notice, statement of claim, order or other document authorised or required to be served by or under a provision of this Act, either in addition to or as an alternative to a method of service provided for by the provision concerned,

I will briefly outline some of the issues raised in these amendments. Amendment No. 2 is a consequential drafting amendment arising due to the insertion of a new clause 4 as proposed by the Government's amendment No. 3. It deletes the heading to clause 4 so that the subclauses currently in clause 4 will become subclauses of clause 3. Government amendment No. 3 inserts a specific regulation-making power to allow for the exemption of certain persons and activities from the Act. The proposed amendment will allow regulations to be made exempting agents or a class of agents from the operation of the Act in their capacity as agent for a specified class of persons or activities. Clause 5 (1) of the bill exempts certain persons and organisations from the operation of the Act—for example, government departments and persons acting as receivers. Amendment No. 4 clarifies that the exemptions apply also to employees of exempted persons and organisations.

Amendment No. 5 refers to clause 5 (5), which exempts persons who hold an Australian financial services licence under the Corporations Act from also having to hold a business agent licence or a certificate of registration as a business salesperson if he or she carries on the business of a business agent. Amendment No. 6 refers to clause 26 of the bill, which specifies the procedure for the reissue or restoration of a licence or a certificate of registration. An application to restoration can only be made within three months after the expiry of a licence or certificate of registration. In particular, clause 26 (6) provides that if an application for the restoration of an expired licence or the certificate of registration is made, anything done by the holder between its expiry and the determination of the application for restoration is taken to be done as the holder of a licence or certificate of registration, except for the purposes of sections 8 to 10.

The intention of the subclause is to ensure that consumers who deal with a person during this period receive the same protections afforded by the Act when dealing with a licensee—for example, access to the Compensation Fund, which was mentioned by the honourable member for Wagga Wagga in the second reading debate. Amendment No. 7 relates to clause 42, which specifies the records a licensee must keep in respect of employees and requires those records to be kept at the place of business of the licensee. As large agents operate throughout the State, and they may maintain centralised records, it is proposed to amend the provision to allow records to be kept at "such other place as the Director-General may approve".

Amendment No. 8 relates to clause 71, which provides that the director-general may approve a consumer education guide for prospective bidders at auction of residential property or rural land. Again, this matter was referred to favourably by the honourable member for Lismore. It also requires an agent to give a copy of the guide to a bidder before commencement of the auction. It is recognised that it may not always be practical to provide the guide to bidders before the auction, for example, when a bidder arrives late and the auction has already commenced. Therefore, it is proposed to amend clause 71 (2) to require that a real estate agent "must take all reasonable steps to ensure that" the person who bids at the auction has been provided with a copy of the consumer education guide before the auction.

Finally, amendment No. 9 inserts a specific regulation-making power in clause 230 (2) which will allow regulations to be made prescribing a method of service—which may include electronic transmission—of any notice, statement of claim, order or other document authorised or required to be served by or under a provision of the Act. The method of service may be prescribed either in addition to or as an alternative to a method of service already provided by the Act. This amendment will allow the legislation to remain in step with technological advances. Having heard the comments of the honourable member for Vaucluse, I thank the Opposition for its support of these amendments.

Amendments agreed to.

Clauses 4 to 231 as amended agreed to.

Schedules 1 and 2 agreed to.

Bill reported from Committee with amendments and report adopted.

COASTAL PROTECTION AMENDMENT BILL

Second Reading

Debate resumed from 20 March.

Mrs GRUSOVIN (Heffron) [10.17 p.m.]: I support the Coastal Protection Amendment Bill. As members of this Chamber will be well aware, more than 80 per cent of the State's population live in council areas along the coast. My electorate of Heffron, situated within a short distance of Sydney's south-eastern beaches, is indicative of this. Because of its proximity, the coast has formed and continues to form a significant part of the social culture and lifestyle of my constituents. One of my key concerns as a member of Parliament is building bridges between my local neighbourhood and many community aspects, including sport, recreation, transport and public resources, that are linked to our coastline. I congratulate the Minister for Land and Water Conservation on his continuing efforts to ensure that our coastline is protected.

I enthusiastically support the extension of the zones deemed coastal for the purposes of implementing the coastal management plans. These coastal management plans have been the effective tool with which the current Labor Government has so successfully administered this important asset over a number of years. Through their redefinition as coastal zones many coastal areas—Newcastle, Illawarra and the Central Coast shoreline—will now be subject to the same thorough guidelines as similar areas in the north, south and metropolitan coastal areas. The bill contains particularly good news for the Central Coast, which is one of the most significant and fastest-growing population bases in the State. As the honourable member for Newcastle pointed out, it is anticipated that the Central Coast will experience a population growth of some 60 per cent in the next two decades. Given the extent of this growth it is imperative that issues such as coastal development, tourism and recreation in the Central Coast are addressed effectively. This is what the bill does.

One of the important facets of this legislation is its provisions eliminating the need for ad hoc actions during emergency situations. A chief concern raised by the Coastal Council, whose recommendations have been the basis of this legislation, was that significant problems were being caused by storm erosions and the responses of certain councils to them. During 1999 I and many other residents in Sydney's south-eastern suburbs witnessed first hand the destructive results of storms, and I am well aware that coastal regions usually bear the brunt of their impact. In particular, part 4B provides for an effective response to the advent of storm erosion, while at the same time ensuring that public access to our coastlines is neither restricted nor denied.

A further strength of this bill is that it focuses the attention of councils on addressing the problems of inappropriate development on or behind our beaches. This legislation prevents private landowners from using

accretion or erosion to increase their land-holding at the expense of the public, thereby restricting or denying access to a beach, headland or waterway. Preserving public access is surely a good result for all of us who enjoy using New South Wales beaches. In short, coastal management plans are crucial to sustaining our coastal resources and providing a clear and effective method of coastal administration. Their extension is to be welcomed. The further provisions of this bill, which include contingencies for emergency coastal damage and public access, are likewise important to the preservation of our beaches and coastal areas generally. I support the bill and commend it to the House.

Mr AQUILINA (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading) [10.21 p.m.], in reply: I thank honourable members representing the electorates of Ballina, Port Stephens, Peats, Davidson, Keira, Swansea, The Entrance, Newcastle and Heffron for their participation in this debate. Those members have spoken from a strong personal knowledge of the issues that confront the Government if we are to ensure that future generations are able to access the coast and estuaries of New South Wales and enjoy the amenities of these areas. I listened intently to the contributions of those honourable members and appreciate only too well that their contributions came from a deep personal commitment and from their personal interaction with many of their constituents.

One speech that stands out in my mind is that of the honourable member for Peats, who was able to state clearly why this legislation is so positive and so necessary. She detailed how decisions to allow mean high watermark boundary adjustments along the foreshores of Brisbane Waters have led to a progressive loss of access to the foreshore for the community. She provided graphic detail on why the Government needs to take action to arrest this creeping loss of public access. I would like to comment on the commitment of many of the members who spoke, and in particular, the honourable member for Newcastle, who is a strong advocate of the legislation. He spoke with much conviction about the need to ensure that action is taken so that not only do councils prepare management plans for both the open coast and estuaries but the plans fully consider access and management of beaches during storm events. The honourable member for Newcastle is well placed to offer these views as he is the Government's representative on the Coastal Council of New South Wales.

In my second reading speech I pointed out that the bill had been based on a substantial advice prepared by a subcommittee of the Coastal Council of New South Wales chaired by Professor Bruce Thom. Further, I detailed the specific issues that the bill is to address and elaborated on how this would be achieved. I am pleased that a number of honourable members have embellished my comments, with particular reference to the problems that will confront us if the action proposed in the bill is not taken. The proposed legislation will amend the Coastal Protection Act in three major areas.

The first covers the expansion of the coastal zone to include much of the area between Newcastle in the north and Shellharbour in the south. The only areas excluded from the coastal zone under the bill are those parts of the local government areas of Pittwater, Warringah, Manly, Woollahra, Waverley, Randwick and Sutherland that are not, and are not likely to be, affected and that do not, and are not likely to, affect coastal processes. I express my personal thanks to Professor Bruce Thom, who has shown capable leadership of the Coastal Council, provided effective advice on the bill and taken a strong personal interest in it. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PASTORAL AND AGRICULTURAL CRIMES LEGISLATION AMENDMENT BILL

Bill received and read a first time.

The House adjourned at 10.28 p.m.