

LEGISLATIVE ASSEMBLY

Thursday 27 June 2002

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

Mr Speaker offered the Prayer.

OFFICE OF THE OMBUDSMAN

Report

Mr Speaker tabled, pursuant to section 31AA of the Ombudsman Act, the report entitled "Speedometers and Speeding Fines: A Review of Police Practice", dated June 2002.

Ordered to be printed.

APPROPRIATION BILL

APPROPRIATION (PARLIAMENT) BILL

APPROPRIATION (SPECIAL OFFICES) BILL

GENERAL GOVERNMENT LIABILITY MANAGEMENT FUND BILL

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

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

STATE REVENUE LEGISLATION AMENDMENT (BUDGET) BILL

Second Reading

GOVERNOR'S SPEECH: ADDRESS-IN-REPLY

Take-note Debate

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Carr [10.03 a.m.], in reply: Speaking in reply to the debate on the Appropriation Bill and cognate bills, I thank all members who have contributed to the debate. Following the passage of these bills I will move suspension of standing orders to enable members who have not spoken in the Appropriation debate to take part in a take-note debate on the Appropriation bills.

Mr Tink: For clarification, my understanding was that the actual budget debate will now go to the upper House and that the take-note debate will occur here following that without regard to what happens to the budget debate in the upper House. Is that the position?

Mr WHELAN: Absolutely. Once the bills are passed I will then move for suspension of standing orders for the take-note debate to take place in this Chamber. I repeat that those members who have not spoken on the Appropriation bills will not be disadvantaged. The opportunity to do so will be available today and tomorrow and, if the House sits on Wednesday and members are desirous of it, then as well. No-one will be disadvantaged.

Motion that the Appropriation Bill, and cognate bills, be now read a second time agreed to.

Bills read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE**Budget Estimates and Related Papers: Suspension of Standing and Sessional Orders****Motion by Mr Whelan agreed to:**

That standing and sessional orders be suspended to permit a motion to be moved at a later hour for the House to take note of the budget estimates and related papers for 2002-03.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL**Second Reading****Debate resumed from 19 June.**

Mr TINK (Epping) [10.06 a.m.]: The object of the bill is to make a number of minor amendments to the Acts listed in the schedule. All the shadow Ministers have been circulated with that list and my understanding is that they have no concerns. Accordingly, the Opposition does not oppose the bill.

Motion agreed to.**Bill read a second time and passed through remaining stages.****POLICE SERVICE AMENDMENT (NSW POLICE) BILL****Second Reading****Debate resumed from 26 June.**

Mr TINK (Epping) [10.07 a.m.]: The Coalition does not oppose the Police Service Amendment (NSW Police) Bill, one of the purposes of which is to change the name of the New South Wales Police Service to the NSW Police. Although the Minister for Police has been referring to the "police force", he does not seem to have the courage of his convictions to rename the NSW Police the NSW Police Force. I understand that major changes have already been made and a great deal of money has been expended in changing stationery and so forth. Therefore we will not press for an amendment for the name to be changed to the NSW Police Force. In testing that proposition we do not want to put a lot of money through the shredder owing to another change of name. The provision in the bill about the making of payments to student police officers is very important. The Coalition supports it strongly and I personally am very happy to support it. I place on record my thanks and condolences to the family of Robert Brotherson, a student of policing who died tragically earlier this year during a police pursuit.

These arrangements for students who may be employed by the New South Wales Government in various capacities are unusual. Students of policing are required, as part of their time as students, to undertake and be involved in extremely hazardous physical activity in a way which, as far as I can determine, no other student in the employ of the Government, or studying under its auspices, would have to face. It is tragic that Mr Brotherson lost his life as a student of policing while involved in a high-speed pursuit. It is fundamentally important that student police are involved in practical activities so that when they are tested as probationary constables they are able to do the job. Almost as importantly they need to have an understanding of what practical police work involves, in case they decide that it is not for them. The Coalition is pleased to support this critical provision.

I extend my condolences to the family of Mr Brotherson. I place on record, on a posthumous basis for him and for his family, the short but very important contribution he made. It is in his name that this amendment is made, with the support of the whole Parliament, on behalf of every police officer from now on. It is a fitting memorial to him that something good came out of the tragedy.

The Coalition supports the proposals dealing with the unauthorised use of police uniforms and insignia and impersonation of police officers. The system works only if police can be confident that those who are wearing the insignia are who they represent themselves to be, particularly in difficult situations. That is even more important for the public, which must have confidence that people who represent themselves to be police

are in fact police, otherwise the whole system is immediately in peril. The commissioner's powers to determine eligibility criteria for appointment, rank, academic qualifications and length and service are practical, supportable changes. Accordingly, the Coalition does not oppose the bill.

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Iemma [10.12 a.m.], in reply: I thank the honourable member for Epping for his contribution and for the Opposition's support of the bill. I take this opportunity to thank him for his kind words this morning.

Motion agreed to.

Bill read a second time passed through remaining stages.

FIREARMS AMENDMENT (PUBLIC SAFETY) BILL

SUMMARY OFFENCES AMENDMENT (PUBLIC SAFETY) BILL

Second Reading

Debate resumed from 26 June.

Mr TINK (Epping) [10.13 a.m.]: These are important bills. The firearms bill attempts to deal further with the scourge of illegal firearms, in particular illegal hand guns. I note and accept the Minister's assurance that this bill is not directed at the lawful, licensed firearm owners. However, I understand that the Government has not consulted the New South Wales Firearms Dealers Association, and the association, understandably, is cranky about that. The honourable member for Murrumbidgee has spoken with the president of the association, and I understand there is nothing in the bill that would be opposed. It is important for associations to be consulted and the Minister was wrong not to consult the New South Wales Firearms Dealers Association, and he should do so. At the end of the day, everyone involved, whether a lawful owner of a firearm or someone lawfully engaged in the sale of firearms, should be consulted about these changes. It is important for the changes to have wide public support.

The firearms bill is in the interests of lawful firearms owners. It is often the lawful firearm owner who is unfairly defamed and pilloried when concern is raised about the proliferation of illegal hand guns in our community. Illegal hand guns are one of the great challenges and threats from organised crime. The possession of those guns has been severely restricted since 1927. The reality is that people who have them, unlawfully, are criminals of the worst type. I make the distinction of lawful firearm owners in that description. In attempting to deal with the illegal black market trade and organised crime element of the most violent and worst type, the bill is a plus for lawful firearm owners. Nevertheless, they should be consulted about the changes. The drug detection dog program has been extensively debated, and this bill extends it to include firearm detection dogs. The Coalition strongly supports that extension.

As a member of the Council for Civil Liberties, I was less than impressed by its web site on which certain advice was given on how to put detection dogs off the scent. As a result I took on the council and make no apology for doing so. It was a bad mistake on the council's part and if it wants to have any credibility on civil liberty issues it should not do that in the future. The Council for Civil Liberties has a part to play in relation to police powers, although I am normally against the council on most things. If it partakes in stunts that encourage people to break or avoid the law and provides advice about how to stop police handlers and dogs from doing their work, it deserves the strongest censure. I will take on the council publicly, at every turn, without apology. I place that point on the record, as we are talking about dogs being used to check firearms, and what the Council for Civil Liberties was considering would have interfered with that process.

The bill to amend the Summary Offences Act contains penalties for having a knife in a public place. We are nowhere near where we should be, but the Coalition is not proposing to hold up the government legislation with further amendment. I point out that this matter goes back to the tragic stabbing murder of schoolboy, Peter Savage, a student of Trinity Grammar, in 1995. At that time a proposal was made for a significant penalty for people carrying knives without excuse. The Government is still not within a bull's roar of introducing the penalties it promised after that stabbing murder of Peter Savage. There is a long way to go.

The Opposition supports the amendment to police powers to enable officers to give reasonable directions in public places. However, we note that the Government has put in place a convoluted, double-barrel

warning system, which requires a police officer to give two warnings to an offender. It is extremely difficult for police officers to be sure that they are giving a second warning to the same offender. On a change of shift, a warning becomes null and void when another police officer patrols the same area. By introducing measures to tackle groups, the Government is dealing with a small part of the problem. But the system of repeated warnings to individuals is needlessly convoluted and requires more work. The Opposition does not oppose the bill. We do not want to delay the passing of the bill and will take up the matters I have raised in public debate at another time.

Motion agreed to.

Bill read a second time and passed through remaining stages.

RADIATION CONTROL AMENDMENT BILL

Second Reading

Debate resumed from 26 June.

Mr FRASER (Coffs Harbour) [10.21 a.m.]: The Opposition does not oppose the Radiation Control Amendment Bill. However, we are concerned that the bill does not go far enough in terms of public safeguards and the community's right to know about the location of radiation substances. Whilst the Government has said that the object of the legislation is to bring New South Wales in line with the rest of the Commonwealth, we are not sure that the bill does so. We also note that the bill does not apply to other ionising radiation such as that used in x-rays commercially, in hospitals and in some agricultural applications. Non-ionising applications, such as lasers, are included in the legislation. Some forms of radiation are included and others are not. Although we have questions about this legislation, we do not oppose the bill.

Mr HUMPHERSON (Davidson) [10.23 a.m.]: The Opposition does not oppose this bill, although we wish to raise a number of questions about it. The purpose of the bill is to implement the recommendations of a review of the 1990 Radiation Control Act, including those that relate to national competition policy, which has been facilitated through joint meetings of State Governments. We understand that the bill has to be implemented by 30 June in order to secure competition policy second tranche payments from the Commonwealth. I am interested to know whether other jurisdictions have introduced such legislation, because as of late last week similar legislation had not been introduced in any other State. That seems to cast doubt on whether the Government was obligated to introduce the bill. I ask the Minister for the Environment to respond to my query, if he deems to join us in the Chamber.

Minor changes proposed in the bill amend the wording of the Act to bring consistency across all jurisdictions. The changes will enable documents forming part of the National Directory for Radiation Protection to be given effect in New South Wales. The changes will increase the membership of the Radiation Advisory Committee by two, up to 16, by adding a representative of WorkCover. That agency has a role in protecting people exposed to radiation in various occupations and has expertise in naturally occurring radioactivity. That expert membership is in response to increased public concerns about hazards. The bill also clarifies the roles of the Environment Protection Authority and the Radiation Advisory Council in relation to the determination of applications for licences, registrations and accreditations.

The Opposition does not raise any particular reason to vote against the legislation. However, we would appreciate the Minister for the Environment being present in the Chamber to at least respond to our question about the need for urgency to bring in this bill. The Government said that the legislation had to be dealt with by 30 June, yet other jurisdictions have not done so. We ask for assurances from the Minister about the management in New South Wales of low level and medium level radioactive waste. This issue, which has been raised in other States, pertains directly to this legislation. I ask that the Government give some assurances and guarantees about the quantity of low level and medium level radioactive waste stored at various places around Sydney. In particular, I refer to Sutherland hospital, Penrith-Nepean hospital and other hospitals.

The community would be reassured to know the number of locations where waste has been stored, the length of time it is stored and whether it is accumulating in those locations. The Opposition is concerned because there is no orderly plan to dispose of radioactive waste at other locations. As a consequence, people who are working in these environments or visiting the hospitals and other locations where the waste is stored, may not be cognisant of the increased quantities of radioactive waste that is accumulating at these locations. The

Opposition believes very strongly that the community has a right to know that appropriate measures and precautions are taken and that the quantities of waste that are accumulating are not at a level that would potentially cause harm. I note that the Minister is still not in the Chamber. Perhaps the Government Leader of the House will provide some guarantees or assurances to the community as to how the Government is managing radioactive waste in New South Wales. Also, he may be able to elaborate on the reasons for the urgency of this bill, given that it does not seem to have been replicated in any other State.

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Debus [10.28 a.m.], in reply: The honourable member for Davidson in his contribution to this debate referred to the Minister for the Environment not being present in the Chamber. The Minister is not at fault. Yesterday I accepted responsibility for the honourable member for Davidson being inconvenienced because the second reading speech was not available. I apologised to the honourable member for that yesterday. That was not the Minister's fault, it was mine. As to the Minister's absence from the Chamber today at 10.00 a.m., that is a matter for him and his colleagues.

Mr Humpherson: This bill is listed as number two on the program.

Mr WHELAN: The honourable member for Davidson should read the program: "At 10.00 a.m. Resumption of the debate on the Statute Law (Miscellaneous Provisions) Bill and the Radiation Control Amendment Bill." I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

MINING LEGISLATION AMENDMENT (HEALTH AND SAFETY) BILL

Second Reading

Debate resumed from 26 June.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [10.29 a.m.]: It gives me great pleasure to be able to make a contribution to the Mining Legislation Amendment (Health and Safety) Bill. I strongly support amendments to mine safety legislation intended to enhance the safety performance of New South Wales mining and protect the safety and health of those who work in industry. Over recent years the Carr Government has been focusing a great deal of attention on improving the safety culture and performance of the mining industry. A key change introduced by the Government was the legislative requirement for mine sites to have effective communication and consultation.

The importance of good communication and consultation cannot be overemphasised because the lives and health of mineworkers may depend on their understanding of safe and healthy working procedures. One of the strongest tools to improve safety culture and performance through effective two-way communication is the Mine Safety Advisory Council. This is the Government peak advisory body on safety and health in mining. It is a tripartite consultative group made up of representatives from the union, the industry and the Government. The Mine Safety Advisory Council is chaired by Professor Dennis Else, a world-renowned expert in occupational health and safety.

Three other tripartite committees advise the council. One represents coalmining, one represents metalliferous mining and the other represents extractive industries such as quarries and sandmines. As well as raising safety issues and suggesting improvement strategies, the Mine Safety Advisory Council assists the Government by advising on mine safety regulations. Another example of the Carr Government's communications initiatives is the ongoing campaign to educate the small mines sector on developing and applying a systematic approach to safety. This small mines campaign is being run by the mine safety division of the Department of Mineral Resources to improve the safety performance of small mines. These are mines that employ less than five people. Most are quarries or sandmines and many of their operators need to ensure that they comply with the safety provisions of New South Wales mining legislation.

More than 450 representatives of small mines have now been trained in the preparation and institution of an effective safety management plan. It is expected that this intensive training and communication program will assist in reducing the risk of death and serious injuries occurring in small mines. Training days are held

regularly to provide mining industry worker representatives with an understanding of the Government's action to improve mining safety and to inform them on how they can contribute to ensuring that the highest safety standards are applied to their own mine sites. An extensive program of seminars will increase the safety awareness and understanding of people responsible for the equipment used in all types of mining situations. These seminars provide forums in which electrical engineers and mechanical engineers can raise safety issues they have encountered. It enables them to become aware of ways in which others have solved safety-related problems in their mines.

The Carr Government also supports the annual New South Wales Mining Industry Occupational Health and Safety Conference. This conference is attended each year by more than 300 mining industry representatives who hear presentations from more than 60 experts in mine safety. Many of the presentations are given by hands-on miners who tell of practical steps taken to reduce accidents and safeguard the health of mineworkers. Over the past two years the Carr Government has been reviewing safety legislation for the coal, metalliferous and extractive mining industries. This is being done with extensive input from representatives of all sectors, including the union and industry. At each stage in the process intensive information days have been held so that everyone in the industry understands what is happening and is committed to the projected changes.

Extensive consultation is an integral part of the legislative review process. This is done in a tripartite manner, with public comment sought and given appropriate consideration. Publications are an important part of the Government's safety improvement communication process. Guidelines on how to undertake key activities have been developed and published. As with every part of the communication initiative, guidelines are developed through an intensive process of consultation to ensure that those who use the guidelines have contributed to their development, fully understand the content and are ready to work according to their directions.

Another vital part of the communication strategies is the newsletter *Mine Safety News*. More than 3,000 copies of this newsletter are distributed each quarter to update the industry on significant safety information. I know that many members of Parliament receive this publication because it provides vital information on what is happening in the mining industry of this State. Safety alerts are published and distributed as required to keep the industry informed of incidents and accidents on mine sites. This enables them to control any circumstances that may lead to similar offences on other sites. Strengthened provisions for increased communication and consultation are key parts of these legislative amendments.

Yesterday the House agreed to a motion for urgent consideration acknowledging 100 years since the Mount Kembla mine disaster. It also acknowledged the actions taken by the Carr Government on mine safety in consultation with industry and the union. It is important that the union has a major involvement in ensuring that mines work safely and that miners do likewise. I have a great deal of interest in this area. I congratulate the Minister and the Government on introducing this bill at this time. In conclusion I urge all honourable members to support the bill, which will continue the Carr Government's aggressive pursuit of health and safety improvements in the New South Wales mining industry. I commend the bill to the House.

Mr PICCOLI (Murrumbidgee) [10.37 a.m.]: The Opposition is pleased to support the Mining Legislation Amendment (Health and Safety) Bill, which is aimed at ensuring that the health and safety legislation framework for mining in New South Wales offers the best possible protection for the State's 15,000 mineworkers. It is essential within the mining industry that an effective process of consultation and communication is established in which the risks are managed and mineworkers are protected from harm. This bill contains amendments to four pieces of legislation: the Occupational Health and Safety Act 2000, the Coal Mines Regulation Act 1982, the Mines Inspection Act 1901 and the Mining Act 1992.

The first object of the bill is to amend the Occupational Health and Safety Act 2000 to enable the appointment of inspectors to perform functions under that Act solely in relation to mines. At present, safety staff of the Department of Mineral Resources conduct occupational health and safety inspections of coalmines but do not have some of the powers offered to inspectors under the Occupational Health and Safety Act. These amendments are commonsense and will bring into line the powers of the departmental inspectors. The second object of the bill is to amend the Coal Mines Regulation Act 1982 and the Mines Inspection Act 1901 to clarify the application to subcontractors of the provisions of the Coal Mines Regulation Act. This is a definitional amendment, as currently only contractors are specified in legislation.

While subcontractors are generally taken to be included in the definition, the amendment will make that a specific definition. The bill will also amend the Coal Mines Industry Act 1982 to bring the definition of

"owner" under that Act into line with the definition of "owner" under the Mines Inspection Act 1901. The final object of the bill is to amend the Mining Act 1992 to create within the legislation an existing tripartite health and safety advisory council, known as the Mine Safety Advisory Council. The council is currently operational and I understand that it was set up following the tragic Gretley mine disaster. As the peak advisory body covering the entire mining industry, the Mine Safety Advisory Council is critical in co-ordinating a truly industrywide approach to health and safety. The Opposition agrees with the Government's belief that giving the council a basis in legislation will reinforce its importance to the mining industry and enhance its status.

The council's three industry sector advisory committees—the coal advisory committee, the metal advisory committee and the extractive industry advisory committee—will continue to support the important work of the council. Because the council will cover the whole of the mining industry, it is appropriate that its legislative function be in the Mining Act rather than in the individual mining health and safety Acts that cover specific parts of the industry. The Opposition supports schedule 1 [1] as it amends the definition of "owner" in the Coal Mines Regulation Act to provide that the owner of a mine or part of a mine that is being worked by a subcontractor includes the subcontractor.

The Opposition also supports schedule 1 [3] as it enables savings and transitional regulations to be made in relation to the amendments to the Act outlined above. The Opposition supports schedule 3 relating to the amendment of the Mining Act 1992. Schedule 3 provides for the establishment of the Mine Safety Advisory Council by the Minister, and includes representatives from peak industry and employee organisations. The advisory council will provide advice to the Minister on any policy matter relating to occupational health and safety in mines and any other advisory function relating to occupational health and safety in mines that is prescribed by regulations.

The Opposition supports schedule 4 relating to the amendments to the Occupational Health and Safety Act 2000. Schedule 4 [4] enables the Minister to appoint inspectors to carry out functions under the Act in relation to mines. Those functions include powers of entry and inspection in relation to mines, and the issue of improvement and prohibition notices in relation to mines. Schedule 4 [5] has an administrative purpose in that it requires the inspectors to be issued with identification cards. Items [1] to [3] and [6] to [8] in schedule 4 are necessary and are of a consequential nature. Schedule 4 [9] enables the Minister and the Director-General of the Department of Mineral Resources to delegate certain functions under the Act relating to mines. Schedule 4 [10] enables savings and transitional regulations to be made in relation to the amendments to the Act outlined above.

The Opposition supports this legislation as it formalises the operations of the Mine Safety Advisory Council. The bill has the support of both the industry and the unions, which is testament to the importance with which the industry and employee representatives view this legislation. Such widespread support is to be encouraged on issues of mine safety. Hopefully this legislation will be another step toward minimising the occupational hazards associated with mining by correcting any inadequacies in existing legislation and ensuring that miners in New South Wales are offered the best possible protection in a dangerous industry. There is no doubt that prevention is better than cure when it comes to accidents.

The Opposition has consulted the New South Wales Minerals Council about this bill. As the major employer representative body, the Minerals Council naturally has an interest in these matters and its executive director, John Tucker, informed the Coalition that the legislation is welcome because of the areas that it tidies up. The Opposition supports this bill because it recognises the importance of the mining industry to New South Wales. More important than that, the protection of those who work in mines is paramount, and this legislation will build on an existing framework of safety in the mining workplace. The Opposition congratulates the Minister and the Department of Mineral Resources on this legislation.

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Woods [10.42 a.m.]: I thank the honourable member for Murrumbidgee and the honourable member for Wollongong for their valuable contributions to the debate.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LEGAL AID COMMISSION AMENDMENT BILL**Second Reading****Debate resumed from 26 June.**

Mr HARTCHER (Gosford—Deputy Leader of the Opposition) [10.43 a.m.]: The Coalition does not oppose the Legal Aid Commission Amendment Bill. Legal aid was originally provided in New South Wales by the public solicitor under a quite strict system of means testing. In the 1970s the Law Society instituted, through private legal practitioners, a system of legal aid funded by the interest payable on the statutory accounts that lawyers had to keep for their trust moneys. That scheme was very successful. It operated well and looked after many people involved in civil litigation. Like so many arrangements that function well, it should have been left alone. However, in the 1980s the then Labor Attorney General—it may have been Mr Landa—decided to change the scheme and to put it on a statutory basis to be run through a Legal Aid Commission. The scheme's funding has changed several times since then. The Whitlam Federal Government established the Australian Legal Aid Office, which also offered legal aid, and the State and Federal bodies were quite competitive for a time. When the Whitlam Government fell, the Fraser Government transferred responsibility for legal aid back to the States.

Because the State Government has instituted a number of diversions of the money that solicitors pay on their trust accounts, legal aid has long since ceased to be fully funded through that source. The service now receives the bulk of its funding through Federal Government programs. When the Howard Government took office in 1996 and reconstituted the legal aid payment system there was an ongoing dispute about the effectiveness of that funding. The State Government's figures reveal that in 2000-01 the Legal Aid Commission paid \$37.8 million to private lawyers. According to the second reading speech to the bill, 57 per cent of the commission's casework was assigned to private lawyers. This bill follows an independent consultant's review of the commission's operation of its grants function. That report was presented to the commission in December 2000 and contains a number of recommendations, which the Government states it is implementing in this legislation.

The principal feature of the legislation is to arrange to assign work on behalf of legally assisted persons through the establishment of panels of private legal practitioners and require members of those panels to enter into service provision agreements with the Legal Aid Commission of New South Wales. I have discussed the matter with the Law Society and it has advised me that it does not object to the scheme proposed by the Government—which appears, on the face of it, to be more worthwhile than the current practice whereby the commission simply assigns work to private practitioners. Under this amending legislation, the panels—which will comprise one representative of the Law Society, one representative of the Bar Association and one person from the grants division of the Legal Aid Commission—will meet and determine who gets the work.

This should put at arm's-length the idea of favouritism or possible political interference in the allocation of work to private practitioners. It should ensure that private practitioners who are interested in undertaking such work are able to build a relationship with the selection committee and establish their qualifications and interest. The bill gives the Legal Aid Commission the power to audit private legal practitioners to whom work is assigned. This provision is unexceptional because if work funded by the taxpayer is to be assigned to people there must be some system of accountability to ensure that the taxpayer is getting value for money and the work is being undertaken to an appropriate standard.

I think it is important to acknowledge the work that so many solicitors do in their communities, both pro bono and at a reduced or legal aid rate. Pro bono work is performed at virtually no cost to the litigant. Solicitors have made this personal contribution to the community throughout the history of legal practice in New South Wales, particularly in rural and regional areas such as mine on the Central Coast, and in metropolitan Sydney, especially in the suburbs. Some major law firms also do a certain amount of pro bono work each year. That is a great credit to the legal profession. The legal profession is one of the great professions in our society, not only as a collection of people but as a body determined to uphold the rule of law and the values of an ordered society that operates through laws.

As the founders of the Massachusetts Constitution were saying in the seventeenth century, our fundamental aim is to be governed by laws and not by men. The legal profession, though reflecting at times the self-interest of lawyers anxious to make a living, is composed overwhelmingly of dedicated people who swore an oath on admission to uphold the rule of law and to ensure that legal principles remain the basis of our social and political structure. Accordingly, I pay tribute to them and I acknowledge the work that they do. That acknowledgment is made on behalf of all members of the Liberal Party and the National Party.

I am pleased that we heard in this debate from the member for Oxley and the member for Coffs Harbour, strong supporters of the legal profession, which has been traduced and insulted by the Premier of this State over the past 12 months and at whose feet the whole problem of insurance has been laid. The Premier has not been prepared to address the role of insurance companies yet he has been willing to strike out at the legal profession, and that is to his disgrace. I would hope that any fair-minded person would acknowledge that lawyers do an enormous amount of community work in legal aid and in community service. Lawyers and honorary solicitors serve as members of the hundreds of committees in our society—be they sporting committees, parent committees, community groups, or environmental groups—and provide legal advice free of charge. For the effective working of the thousands of volunteer groups in our society, lawyers are essential. Lawyers rally to the cause and they do legal aid work without any remuneration or any expectation of reward.

I acknowledge that this legislation is not opposed by the Coalition. We hope it works well. We would like to see it reviewed. I have often made the point that legislation of this nature should be reviewed every three, four or five years so that it continues to be effective in the public interest. In closing I once again pay tribute to the thousands of lawyers across this State who contribute so extensively to their communities and who provide legal aid both by doing legal work at a reduced rate and by offering their legal skills to the voluntary organisations that service our community.

Mr FRASER (Coffs Harbour) [10.52 a.m.]: I wish to raise a few concerns about this legislation, as I did during the budget reply debate yesterday. On behalf of the practitioners in Coffs Harbour I express a concern that the money being spent by the Legal Aid Commission, especially in Coffs Harbour—I am not going to name the practitioners because they may end up being castigated—does not reflect the amount of work that was done prior to the Coffs Harbour legal aid office being set up. I note that the bill provides that a panel of people will determine who will be apportioned work. I hope that the panel would not be a panel only in Sydney, that it would be a panel or panels for regional and rural New South Wales. With Coffs Harbour having a district court there is quite a bit of work and we have a fairly poor socioeconomic basis on the North Coast. We have a lot of people on criminal matters who do need defence and do not have the wherewithal to pay for legal counsel. As the member for Gosford quite rightly says, there are many solicitors on the North Coast who do work pro bono—free of charge—or for minimal cost.

Solicitors have said to me that since the legal aid office was set up in Coffs Harbour—and I think \$75,000 was apportioned to that office in the budget—the cost of legal aid, which was previously paid directly to local practitioners rather than through any legal aid office, has doubled. Yet the amount of work that legal aid actually handles there has halved. The local practitioners are not getting the apportionment of work that they would normally do. As I stated last night, on more than one occasion lately I have had people come to my office who have had to defend themselves or represent themselves in adjournment matters in court. They have not been able to get legal aid because the local legal aid office has been too busy and also because there has been no funding to appoint other legal aid solicitors who were on the list. Solicitors in Coffs Harbour who are prepared to do legal aid work are saying that it is no longer worth their while because they are not being apportioned work. They are not getting the funds that are needed, yet down the road there is a well funded office that is not meeting the needs of the community.

I suggest that when an audit is done of the assignment of work to private legal practitioners, a performance audit should also be done of the amount of work done within the legal aid office. That audit would determine whether funds would not be better spent paying local solicitors to act as legal aid solicitors rather than paying expensive legal aid office overheads. I welcome this measure as a step perhaps in the right direction, but make the plea that a regional panel be set up and that opportunity be created for apportionment of more work to the private legal sector so they may continue to represent disadvantaged people who qualify for legal aid. People who have to represent themselves, even at an adjournment application, are at a disadvantage. I make that plea on behalf of the solicitors in my electorate, who have worked long and hard under this system. I ask the Minister at the table to pass the matter along to the Attorney General to ensure that a performance audit is done and that the money is spent in the best possible way to provide the best possible legal aid service to the community.

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Debus [10.57 a.m.], in reply: I thank honourable members for their contributions to this debate.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUDGET ESTIMATES AND RELATED PAPERS**Financial Year 2002-2003: Take-note Debate**

Mr WHELAN (Strathfield—Parliamentary Secretary) [10.57 a.m.]: I move:

That the House take note of the budget estimates and related papers for 2002-03.

Mr STONER (Oxley) [10.58 a.m.]: The 2002-2003 State Budget yet again epitomises the big taxing, big spending fiscal philosophy of a tired and lazy Labor Government that has coasted along on record revenues created in large part by the economic management of the Federal Coalition Government. The budget once again is notable for opportunities lost rather than the small surplus produced by record levels of State taxation. The Government should display prudent financial management, exercise restraint, minimise waste, and direct its record revenues to the provision of desperately needed services throughout New South Wales. Teachers are needed to establish reasonably sized classes in public schools. Doctors and nurses are needed to reduce disgracefully high waiting lists and waiting times in public hospitals. Police are needed to lessen the impact of runaway crime levels, and crumbling and out-of-date infrastructure should be updated, particularly in rural New South Wales, such as dangerously inadequate roads, rickety bridges, unsafe and cramped schools, sick hospitals and antiquated, run-down fire stations.

This budget was an opportunity for the Government to cut taxes and to stimulate jobs and investment, particularly in rural New South Wales where unemployment and poverty remain far too prevalent. Instead, we have a bloated, wasteful bureaucracy and a wasted opportunity to deliver to the people of New South Wales value for money in the services and facilities that really matter. It is a striking indictment on this Government that every estimate of spending in each of its budgets was nowhere near the actual spending that eventuated. Last year Labor overspent by \$975 million. The former Auditor-General noted that since 1995 this Government has overspent by a total of \$6 billion. The only way this profligate spending has been accommodated is through record taxation revenue, particularly stamp duty revenue, including an extra \$900 million this year alone from the property boom. In 2001 the average State and local taxation per person was \$2,373, \$299 per person more than the second-highest taxing state, Victoria, and \$362 per person more than the national average.

I will now turn to the impacts of this lazy and profligate budget upon the Emergency Services and the Sport and Recreation portfolios, as well as the electorate I proudly represent, Oxley, on the mid North Coast. The Government boasts of increasing the budgets of the New South Wales Fire Brigades, the Rural Fire Service and the State Emergency Service. However, close examination of the budget documents reveal that the amount allocated for these agencies is less than what was required in 2001-02. For example, in 2001-02 the Rural Fire Service required \$192 million, but in 2002-03 it has been allocated only \$126 million. In 2001-02 the State Emergency Service required \$36 million, but in 2002-03 it has been allocated only \$25 million. I note an allocation of \$4.5 million for bushfire hazard reduction and fire control work that involves 53 new staff. The allocation is welcomed, but why did it take a bushfire disaster involving the loss of more than 100 homes and several hundred million dollars worth of damage to property before the Government was prepared to reverse its neglect of hazard reduction, particularly in national parks?

If this measure is to have any effect, the Government must ensure that these positions are decentralised into every area of the State in which flammable rubbish, especially in national parks, is a problem. It is essential that these resources are not used to badger private land owners, most of whom have difficulty in obtaining the necessary approvals to undertake controlled burning. Rather, the Government must first clean up its own backyard. It is also essential that these resources are used to reduce bushfire hazard on public land where most of the forest and the hazard are located. Labor has allowed fuel in national parks to build up, due to the influence of Greens ideologues who are opposed to hazard reduction burning, no matter what. However, the truth is that properly managed hazard reduction burning conserves wildlife, as the Government's interdepartmental committee on environmental assessment for bushfire hazard reduction found. Labor has allowed hazard reduction in national parks to decline from almost 50,000 hectares in 1993-94 to less than 7,000 hectares in 1999-2000. The Government needs to catch up on hazard reduction burning. The 53 new staff ought to work exclusively in national parks for at least the remainder of this year, and possibly beyond.

The likelihood of an El Niño makes it critical that these resources be utilised fully during the cooler months already upon us to catch up on the 99.7 per cent of national parks that received no hazard reduction attention last year. The Treasurer boasted of \$13.3 million for new fire stations. However, some of the State's worst stations, including West Wyalong and Nambucca Heads, are nowhere to be found in budgeted capital works. Antiquated, cramped, ramshackle stations such as these are at real risk of being closed down, as

happened recently at West Wyalong as a result of occupational health and safety concerns. I support the continued upgrading of equipment for the Rural Fire Service, New South Wales Fire Brigades and the State Emergency Service. It is critical that our emergency services workers, paid and volunteer, are given the tools to undertake their often hazardous roles. However, I hope that the Government consults closely with end users across the State. There are far too many examples of fire trucks that do not fit into brigade garages and do not meet the needs of particular terrain and other local conditions, radio systems that do not work in various districts and outdated computer systems that are not properly integrated.

It is disappointing to all sporting groups in New South Wales that the budget has continued the Carr Labor Government's general lack of interest in sport and recreation. Excluding a one-off major grant of \$16.16 million for a drag strip at Eastern Creek, the Department of Sport and Recreation has been allocated only \$69.459 million to administer sport and recreation programs, and provide sport and recreation grants throughout New South Wales. This represents just 2.2 per cent of the total State budget, down from 2.8 per cent of the State budget in 1994-95 under the previous National-Liberal State Government. This Government is not interested in sport and recreation, and is in stark contrast to neighbouring States. The New South Wales budget of around \$6 million for facilities development grants compares very unfavourably with Victoria's \$16.4 million and Queensland's \$25.2 million. The contrast is even more dramatic on a per capita basis: 92¢ per capita in New South Wales, \$3.44 in Victoria and \$7.07 in Queensland. These figures come from an independent source, a study by Jenny Rand and Associates commissioned by the New South Wales Country Mayors Association.

The study also found that the "New South Wales Department of Sport and Recreation's effective budget is considerably lower than its interstate counterparts." Again, we have a tired, lazy and arrogant Government resting on its laurels post-Olympics. It is not investing in healthy and happy communities, while competitor States draw further ahead in winning events, providing facilities and, ultimately, producing sporting champions. The budget provided some much-needed and long-awaited funding for projects in the electorate of Oxley on the beautiful mid North Coast. The Kempsey District Hospital was allocated \$2.3 million for its new mental health unit, which had been closed since July last year following the tragic murder of a patient and the bashing of two nurses by another patient. I understand that the new ward will be completed in October, which is an unacceptable delay. Patients have had to travel on public transport to Coffs Harbour and Newcastle, often at their own expense.

An allocation of \$250,000 is for the upgrading of Kendall Public School. The upgrade has been coming for several years, following its change from a central school and the establishment of the new Camden Haven High School. Students, teachers and parents at Kendall Public School have been coping with substandard conditions ever since. Following a long fight by the Frederickton school community, \$500,000 has been allocated to provide permanent accommodation for Frederickton Public School—surely the only school in New South Wales in which 100 per cent of its students are accommodated in demountable buildings. I acknowledge the new Minister for Education and Training for finally addressing this pressing need. His predecessor repeatedly ignored the pleas of the Frederickton school community. Some \$27.744 million has been allocated for the ongoing construction of the 350-bed mid North Coast Correctional Centre, which, undoubtedly, will boost the local economy of Kempsey. Kempsey has suffered from Labor's neglect of regional and rural New South Wales and anti-country policies relating to the timber and dairy industries, agriculture and private property rights in general.

Allocations have been made of \$1 million, \$2 million and \$2.5 million for planning for Pacific Highway upgrades from Moorland to Herons Creek, Kempsey to Eungai, and Macksville to Urunga respectively. It is absolutely critical that the Government moves as quickly as possible with these projects. The electorate of Oxley has around 200 kilometres of the Pacific Highway running through it in what could be described as the fatigue zone. Scarcely a week goes by without a road accident fatality on the Pacific Highway in Oxley. In fact, recently five people were killed on the stretch of highway between Kew and Herons Creek, which is only about five kilometres in all. Sadly, two teachers from Kempsey's Melville High School were amongst the fatalities.

Whoever decided that priority for upgrading the Pacific Highway would start from Tweed South and Hexham North should have to explain himself or herself to the families of road accident victims killed in the fatigue zone in the middle, which has received the lowest priority. I urge the Minister for Transport to fast-track these projects to minimise further loss of life. I also urge him to reconsider the policy of double demerit point loss for the non-wearing of seatbelts by passengers. I agree with my constituent Brian McKinnon that the fear of loss of licence could result in drivers taking their eyes off the road to check on rear seat passengers, such as children, who may from time to time unbuckle their seatbelts.

Although Oxley has attracted some funding for much-needed capital improvements, a number of high priorities for funding remain. The Macksville courthouse and police station complex dates to the turn of the century. It is antiquated, cramped and unsuitable as a working environment in contemporary New South Wales. It needs urgent upgrading or replacement. I urge the Government in future budgets to address this pressing need. As I mentioned earlier, Nambucca Heads fire station is far too small for the current fire tender. This places firefighters and brigade members under extra stress. The station is located in the wrong position, in the middle of town near a school and a church, so an emergency call out could result in an accident. I am also told that the floor of the building is sinking. The foreshore at Urunga needs improvement. This is a beautiful area known as the Lido in front of Morgo Street. The area has been eroded. The swimming area has now been silted up and the swimming enclosure has been damaged and needs removal. Funding for restoration of the foreshore area at Urunga is urgently needed. The footbridge at Valla Beach, a rapidly growing area, is in a state of disrepair, which could lead to accidents. This needs to be remediated. It is a valuable community facility and part of the Australian coastal walk. Therefore, it deserves urgent attention.

Roads remain a huge priority in Oxley. There are many unsealed roads throughout the Nambucca, Kempsey and Hastings shires. In a study of the State's worst roads by the NRMA, Oxley was overrepresented. The South West Rocks road between Kempsey and South West Rocks, the Kempsey to Armidale road and other important tourism and economic routes are examples. The road from Comboyne to Wingham, the road from Kendall to Comboyne, and the road between Port Macquarie and Crescent Head known as the Maria River Road fall into the important category of tourism and economic routes. All these roads have high traffic volumes but are in Third World conditions: they are unsealed, have numerous potholes and are generally unsafe. They need urgent attention. People who use these roads to take their kids to school, to go shopping or to earn a living are infuriated when the Premier announces \$10 million for the Cahill Expressway so that pedestrians can get a better view of the harbour. Where is the equity for the citizens of New South Wales? It is no wonder that Bob Carr and his Sydney-centric Government are on the nose in country New South Wales.

Public transport is another area requiring attention in the Oxley electorate. The only public transport throughout the electorate are the rather infrequent XPT services and infrequent bus services run by private companies. Oxley is home to many elderly people, and many of them have medical issues. Because they cannot drive they require public transport. This issue needs urgent attention. The Government should be subsidising bus services in areas such as Oxley so that pensioners have access to cheap public transport as they do in Sydney. Despite some welcome but overdue capital works in the Oxley electorate, there is a great need to bring rural areas such as Oxley up to the standards taken for granted by people living in the city. That is the challenge for the Carr Labor Government, to use the exceptionally fortuitous circumstances of the record revenue it has benefited from to upgrade country infrastructure rather than simply fritter away this golden opportunity.

Mrs GRUSOVIN (Heffron) [11.16 a.m.]: I take this opportunity to speak in support of the Carr Government's 2002-03 budget, and specifically to outline the ways in which it will facilitate meaningful and positive outcomes for my constituents in the electorate of Heffron. One of the most important government initiatives for my electorate is due for commencement in the next month: the Redfern-Waterloo partnership project. The project will see the Carr Government contribute more than \$7 million over the next three years to the communities of Redfern and Waterloo in order to address concerns raised by the residents of these areas. The project is an innovative model that will include all relevant government organisations and community groups in order to achieve positive outcomes for the community. In short, we are looking for a decrease in crime and an improvement in public safety; a significant boost to government services for young people and children; additional support for families; the reduction of drug and alcohol abuse; enhanced education programs; new employment opportunities and enterprise development; improved community facilities; a better co-ordination of urban planning and public services; and a better working relationship between government, its various agencies and our community.

I will focus particularly on a couple of aspects of the program. One is the street team, a very innovative model. This multiagency, multidisciplinary approach is the only one of its type in New South Wales and will include both government and non-government agencies. The teams will work seven days a week, two shifts a day, and each team will comprise three persons. The team will include child protection and drug and alcohol workers. The third position will be decided in consultation with the community but could be a young person. There will be Aboriginal and non-Aboriginal and male and female workers on each shift. The target will be children and young people congregating in public places at risk of harm or engaging in antisocial or criminal behaviour. The role of the teams will be to provide advice and support and to link young people with other programs such as counselling or recreational and sporting activities being conducted in the area. The teams will brokerage funds to purchase goods and services for young people such as clothing, medical services or temporary safe accommodation. The lead agency will be the Department of Community Services but it will be supported by Central Sydney Area Health Service and other organisations.

A youth intervention and development program will target individuals and groups of young people engaging in risk-taking or antisocial behaviour. Programs and activities will be built around the specific requirements of those high-risk groups and individuals. The service will provide camps with community elders or with the police. Young people will have the opportunity to have one-on-one mentoring or individual intensive case management. There will be an intensive family intervention and support service. A new model of service will be based on a Victorian model that has proven to be highly successful in working with high-risk families, including indigenous families. That service is to be delivered by a non-government agency and will target at-risk children, young people and their families, particularly those who do not engage with traditional services.

The role of the support service will be to increase families' abilities to cope with problems and reduce the need for child protection intervention in their lives. It will provide intensive support through practical help, such as the small things we often do not realise can be important, for example, fixing a broken fridge or a broken washing machine. The service will attempt to deal with difficult areas of domestic violence, drug abuse and tenancy problems. Those initiatives are to be underpinned by an additional \$140,000 in Government funding for non-government youth services and an additional \$140,000 for non-government family support services in the area.

The Government's 2002-03 budget will fund and co-ordinate the project, which will ensure a greater quality of life for those who live and work in the Redfern-Waterloo area. In conjunction with the project, the Alexandria Park Community School has been created under the Building the Future Program. The school will cater for a wide range of students from kindergarten to year 9. The present Alexandria Public School will be redeveloped and refurbished to accommodate senior classes. The Building the Future Program has presented our educational system with an opportunity to develop models that maintain existing quality educational standards while introducing new innovative methods appropriate to the needs of families in Redfern and Waterloo. A sports development co-ordinator will be based at the Alexandria Park Community School to improve school attendance by breaking down children's and young people's negative views of school and by linking education with new and existing sport and recreation activities. It will link to South Sydney City Council's recreational strategy. The lead agency will be the Department of Education and Training. The facility will provide huge benefits for the young people in South Sydney.

The budget includes more than \$11 million for roads and transport in my electorate. That funding will upgrade roads, improve safety and enhance travel conditions. This is a particularly exciting period for public transport in my electorate, with the commencement of several major initiatives benefiting local residents. Those living in Erskineville, Sydenham, St Peters and Tempe will look forward to the arrival of the new Millennium trains, the first of which will run next Monday. I look forward to joining the Minister for Transport on Tempe railway station platform at 9.50 a.m. on Monday to travel on its first journey. Another major public transport improvement currently being introduced is the Better Buses Program for the eastern suburbs. The Better Buses Program commenced this week and we hope that it will provide bus services that more appropriately meet the needs of our community.

The Better Buses service is most welcome by the residents of south-eastern Sydney, who have made it clear through correspondence that a quality dependable public transport system is of the utmost importance to them. However, I note that you can never make everyone happy. I have received several complaints about buses travelling down streets close to midnight. My street has seen a doubling of bus services and the last bus goes past my house at 11.45 p.m.—I welcome it and I am not sleep deprived by it. I welcome the Better Buses Program, which will mean a big difference to people who do not have a car. Of course, we should be encouraging people to use public transport wherever possible. Hand in hand with Better Buses 2002 is the Government's Community Transport Program, which will provide \$330,000 for services to help those in the South Sydney region who are disadvantaged. Many of the elderly, sick, disabled, or less mobile residents of South Sydney would use the community transport services to get to a doctor, go shopping, attend social or recreational events, and generally maintain their independence. The program is expected to assist more than 990 passengers and to make more than 2,000 trips per year.

One of the key road initiatives in my electorate is within the Green Square Town Centre. That town centre is being developed at a cost of \$330 million and will transform the former Waterloo incinerator site and adjoining old industrial worn-out sites into a vibrant hub for a new community. As the Green Square regeneration will bring between 40,000 and 50,000 thousand more residents and workers to the area by 2016, it is imperative that the local road infrastructure supporting that enormous and exciting project is put in place. With that purpose in mind, \$10 million has been committed over the next three years for the road realignments at the Green Square Town Centre. Some \$500,000 is to be expended in this first financial year for the necessary planning and community consultation.

I very much appreciate the time given and interest shown by the Minister for Roads, and Minister for Transport, who has made himself available to travel with me on a number of roads in this area. We are facing some challenges to ensure that that former large industrial estate—originally a racecourse, which, of course, did not have many intersecting roads—provides east to west access. At this stage, there are only three points of access east to west and it is absolutely vital that those challenges be addressed, particularly as the Eastern Distributor will impact on the area quite considerably if the new development does not have appropriate road access.

Associated with the Green Square development is the redevelopment of the old South Sydney Hospital site, which is to be undertaken by South Sydney Council. Presently on that site is a hydrotherapy pool that provides rehabilitation services and an aged care facility. The organisation Water Activities for Vitality in the Eastern Suburbs [WAVES] provides exercise classes for hundreds of older men and women. I pay tribute to its patrons, Margaret Whitlam and Jeannette McHugh, both of whom have provided great public service. They are delighted, as are the users of the services, that the Government has committed health resources to build a new, large, enhanced pool while, at the same time, it has ensured that the old pool will continue to function so that there will be no disruption to those important health facilities.

People who suffer from arthritis or who have spinal injuries will be delighted to know that new and improved facilities are going into their local area. Some \$2 million has been promised for the Darlinghurst-Mascot-Bexley cycleway under the Government's Action for Bikes 2010 Strategy. That strategy will provide our residents with environmentally sound alternatives to conventional modes of transport. Many residents are currently enjoying cycling in the south-eastern suburbs, but I do not recommend that in peak traffic times. However, the cycleway will provide greater safety and will reduce the incidence of danger on our roads. The plans for the cycleway have been developed in close co-operation with local government and community groups to ensure that an effective service will be provided.

The Government is also committed to encouraging and supporting environmental initiatives. Recently the Minister for Land and Water Conservation announced a \$59,313 government grant to assist Marrickville Council to construct wetlands at Tempe Reserve. Those wetlands will improve the quality of stormwater run-off and provide a natural habitat for frogs, fish and birds. The project should help to educate young people in the area on the importance of wetlands to the environment. As well, under the auspices of the Government, the regeneration of the Alexandra canal will continue as part of the regeneration of South Sydney. That is another important measure in improving and cleaning up our environment.

One of the exciting housing initiatives is the Department of Housing expenditure of \$5.4 million to continue its commitment to upgrading old public housing stock. Tremendous work is being done on housing estates in the electorate, including upgrading bathrooms and making them safer for elderly residents, improving lighting and upgrading kitchens. Another encouraging measure, even in the densely populated inner-city areas, is the community garden program. Public housing residents have taken great pride in their involvement in this program. Individual residents are given responsibility for sections of a garden and are encouraged to cultivate and beautify the garden in conjunction with other tenants. That has led to a great spirit of co-operation and a greater sense of belonging amongst many residents. They are producing great quality vegetables, some quite exotic, and their fellow tenants are finding the community a more enjoyable place in which to live.

Community facilities will be provided in Heffron as a result of the Government's budget initiatives, with the Department of Community Services now providing 50 local services for residents in the Heffron area alone. An Ageing, Disability and Home Care office, which opened last week in Alexandria, consists of three community support teams that provide vital services for people with disabilities and their families and carers. The centre will focus on physiotherapy, speech pathology and occupational therapy. A \$554 million increase in NSW Health funding in this budget will deliver tangible and lasting benefits to citizens of the electorate. I highlight particularly the additional \$16 million for dental health facilities, which will significantly enhance access to existing programs. Most importantly, 4,000 extra denture services will be provided.

Those members with good memories might cast their minds back to 1996 when one of the first moves of the Howard Government was to eliminate that vital service for our senior citizens. The initiative had been put in place by the Keating Government. The elimination of the service by the Howard Government left our elderly citizens in great need and was particularly detrimental to people in rural areas. I am delighted that the Government has seen fit to re-fund the program. Further, the Government will provide a \$2 million increase in funding for podiatry programs, which will provide an additional 55,000 services per year. One might think these are minor programs, but these types of services can contribute in no small measure to allowing people to maintain an independent lifestyle and a better quality of life.

The budget provides more than \$52 million to implement the Government's drug action plan. That allocation will enhance funding for drug and alcohol treatments, while increasing drug awareness and education programs. For those individuals who drift into the world of drugs and organised crime, a range of programs is available to try to divert first offenders, particularly vulnerable young people, from going further down that destructive path. Earlier I referred to the importance of those matters in relation to the Redfern-Waterloo project. It is clear that the budget introduces new community projects, programs and facilities in a wide range of areas across the State, whilst also improving existing services. It is especially important that these new and improved services are properly integrated and co-ordinated with existing services. I will be working closely with the relevant government and community organisations in my electorate to ensure that this is the case. There is a great need for closer co-operation and a whole-of-government approach. If we can achieve a whole-of-government approach, we will deliver genuine and lasting positive outcomes for our community.

Mr OAKESHOTT (Port Macquarie) [11.35 a.m.]: I am pleased to speak in the take-note debate on the budget estimates and related papers for 2002-03. With the range of topics available for me to speak to and the political changes that have taken place on the mid North Coast, I have the rare opportunity to make a second maiden speech in this House—although that may sound like an oxymoron. The mid North Coast is pleased with the range of measures that were introduced in the State budget. Without doubt, the continued Pacific Highway funding throughout the mid North Coast from both the State and Federal governments—governments of both political persuasions—is well and truly welcomed by all. The link between Taree and Port Macquarie is now one of the best stretches of road anywhere. The work to be done on the Coopers Creek bridge over the next 12 months to two years will eliminate one of the major black spots on the highway. The progress is fantastic, and that is good for business and for opening up the mid North Coast in a range of ways. The road improvements also provide for safer travel. There have been far too many deaths on our local roads, particularly on the Pacific Highway. Over the past two or three months there have been five deaths on the Pacific Highway in my electorate. The upgrade of the highway will do much to address that issue; the work is well and truly overdue.

I am pleased to follow the honourable member for Heffron, who also spoke about increased funding for health services, particularly for the elderly. Those issues are very important on the mid North Coast and funding is desperately needed for them. I am pleased that the Government has acknowledged that. I hope that there is further funding for dental health and podiatry and occupational therapy services. When I spoke at the Hastings Stroke Support Group 1½ weeks ago, I was told of its desperate need for ongoing occupational therapy and physiotherapy funding. That is only one service on the mid North Coast that is screaming out for more support.

I am also pleased that funding has been provided for community transport. With the large elderly population on the mid North Coast, community transport has become a service of last resort for several government departments—whether it be NSW Health, the Department of Ageing Disability and Home Care, the Department of Community Services or the Department of Transport. Indeed, the community transport service is wearing three or four hats. The downside is that it has three or four bosses and the service becomes tied up in a paper trail. I hope the Government will look into tidying up the administrative side of community transport, so that those who work in the community transport sector, as well as the volunteers, can perform the job we want them to do, that is, provide transport for those who otherwise would not be able to access it.

In relation to education, the census figures released last week show a growing demand for education on the mid North Coast. There is an increased need for funding from this budget and the Federal budget. Several matters in the education sector have become urgent. One is the need for improved primary school facilities in the Lake Cathie-Bonny Hills area. I understand that the land is available and some planning has been undertaken in the Department of Education and Training. However, to date the standard response from the department is that the census figures do not demonstrate that the facilities are needed at present.

Everyone at the local level knows a new school is needed at Lake Cathie and Bonny Hills. New schools have been provided in areas where the need has not been as great. I would strongly argue that a new school facility for the area between Laurieton and Port Macquarie is long overdue. Placing too much reliance on demountables as a back-up form of education is not good planning. Camden Haven High School and Tacking Point Public School are good examples of that. Within a year the number of demountables at those schools reached double figures. It must be more cost-effective to build a larger school in the first place rather than rely on demountables. Lake Cathie and Bonny Hills desperately need a public school.

The Vinson report referred to class sizes, and I hope that the Government in the lead-up to the election—or whichever party is in government following the election—takes note of the recommendations of that report. The recommendations in the Vinson report in relation to teacher salaries and class sizes are positive

and should be a priority for all members. University facilities on the North Coast are appalling. Southern Cross University has just announced that it will pull out of Port Macquarie at the end of this year. Port Macquarie suffers greatly from a brain drain of young people leaving the area to pursue education and work opportunities in Newcastle, New England or further north. Usually they never return and Port Macquarie loses good people.

The Federal member has spoken to Brendan Nelson about the problem and I am trying to obtain some feedback on planning initiatives, but it is regarded as a political exercise. It has been suggested that there will be a co-location of the North Coast Institute of TAFE and several universities. I hope it is not just a half-hearted idea of the Federal Government. I hope that the North Coast Institute of TAFE will act as the lead agency and that the State Government will take a lead role rather than a secondary role in planning for the university facility. The broader community is presently disappointed by the mushroom technique of government towards community consultation on plans for the provision of an improved university facility for Port Macquarie. I hope the issue is resolved in the near future.

In relation to law and order, I understand that the Magistrates Early Referral Into Treatment Program will be launched shortly in Port Macquarie. That great initiative seeks to break the drug and crime cycle, and I fully endorse it. It will help lessen the impact on the broader community of those who suffer from drug problems. I look forward to that announcement. More police, better resourcing and greater police powers are needed at a local level. The number of police on long-term stress leave should also be addressed. I hope the fact that judges' sentences do not reflect community expectations will be an election issue. That relates not only to heinous crime but to crime across-the-board. I will listen to that debate closely. I am pleased that the Government has listened to calls from Taree to use the Premier's Department as a lead agency—in the same way as it has in Brewarrina, Redfern and Waterloo—to co-ordinate government departments in helping to deal with local issues of juvenile crime and general lawlessness.

I turn now to jobs and major infrastructure. The mid North Coast is in need of smart growth through the decentralisation of a major government department to Port Macquarie and everything that brings to a rural electorate. Over the coming years I will campaign for such a decentralisation. The problem relating to the entrance to the Manning River remains unaddressed. One hundred years ago the Department of Planning built one wall of an entrance to the Manning River to act as a catchment for the northern drift of sand, which has always blocked the major entrance. Either a southern wall should be built or the northern wall should be removed. I hope that Planning NSW and other government departments will consider ways to resolve the problem to provide a safe entrance to the Manning River. Opening the entrance will provide tremendous benefits for tourism all the way to Wingham wharf. It will create a new industry for the Manning Valley, which would be fantastic.

Boat-building industries such as Stebercraft and Birdon Sands Slipsways are located in Port Macquarie, which is an obvious place for such businesses. However, the relationship between boat-building businesses is becoming tighter and a safer entrance to the Manning River is vital. I hope the Government endorses any proposal to solve the problem. Yesterday Australian Business Ltd released its policies for jobs, growth and competitiveness. That report included 10 recommendations, which provide an excellent platform for debate. I endorse the report, and I hope that in an election environment the implementation of the recommendations for reforming business will be a priority for all members.

There have been semi-commitments in Port Macquarie for a commercial wharf. The plans are in place and we are seeking money from the State Government, which I hope will forthcoming. Semi-commitments have also been made about the road into Port Macquarie from the Pacific Highway. It was promised when Brian Langton was the Minister for Roads in the 1990s. I note that some members are smiling. I gather that he made many promises that were not fulfilled. However, I hope the Government delivers on that commitment soon. It is an important roads project. The land has already been purchased. The project had reached the point of pegging, and contracts had been signed with landowners. Cement walls had been constructed along the entrance to the town, but suddenly the project was pulled. Properties have been split and land was removed for other roadworks, but the project is now hanging in the air. I ask that an announcement be made soon about that project.

In relation to health, a broad community campaign is under way in support of the establishment of a radiotherapy unit. Far too many people are travelling outside the area for radiotherapy services. We have an excellent oncology team and Port Macquarie is the geographic centre of the area. I hope that the Minister for Health, who is at the table, acknowledges the need for radiotherapy services on the mid North Coast and agrees that Port Macquarie is the ideal location. The community campaign has been fantastic. I noticed that a petition

in support of the campaign was on the counter of both Five Star Fitness and Mitre 10. It is one of those rare issues that receives the support of everyone in the community, including the Rotary clubs and the business community. I strongly endorse the community campaign.

I have mentioned the need to sort out the administration of community transport in my electorate. The elective surgery waiting list in Port Macquarie remains too long and the community is frustrated by the argy-bargy between the Mid North Coast Area Health Service, advocating for the Government, and the hospital, through Mayne Health. Both blame each other for the delay while people continue to wait for important elective surgery. I recognise that there is a problem with trying to meet the general infrastructure needs of our growing community in a short space of time. However, we need local playing fields and general sporting amenities. We were unsuccessful in our bid to secure money for the Koala Street playing fields, which is frustrating for everyone involved. Junior cricket and soccer fixtures must be played on weekdays because no playing fields are available on weekends. There is a similar problem in Camden Haven. I hope that the Government will listen to the local community and respond to its needs. One lick of regional sports funding every year for the entire North Coast is simply not enough to meet the demands of our growing community.

The Port Macquarie velodrome is sinking and we hope that the Government will help us to get out of the hole—pardon the pun. There are ongoing concerns about the need for a covered grandstand at the major regional stadium. I watched a game of group two rugby league at the stadium three weekends ago. It rained in the first minute of play, the umbrellas went up and spectators were forced to stand around the canteen. The stadium, which is situated in the biggest population centre north of Newcastle, has a fantastic playing surface but no spectator facilities. That is disappointing and I hope that this problem is acknowledged. The Panthers team has just come to town and is willing to contribute some money to the project. I hope the Government will provide assistance also.

I continue to be interested in building bridges and improving links between Parliament and the community. During last year's Centenary of Federation celebrations I think every leader of every political party complained about community cynicism and apathy about politics and politicians. However, none was willing to take steps to deal with it. We all have a responsibility to consider how we can improve links between the community and Parliament. For that reason, a couple of years ago I worked in several different jobs for a week. I was pleased when a couple of months ago the New South Wales Chamber of Commerce initiated a Statewide campaign involving 50 members of Parliament working in ordinary jobs in the community. That is one way of trying to improve links between members of Parliament and the community.

The online company BigPulse provides anonymous polling for members of Parliament, which gives us an opportunity to vote with our conscience. It is a bit like Maxwell Smart's cone of silence. I hope all honourable members will visit the web site. BigPulse provides a dome of conscience that allows members of Parliament to vote freely and anonymously on the issues of the day. I told the company that I would give it a plug and tell all honourable members to get a password and participate. The success of this venture depends on the level of participation. It is about building a bridge with a community. Ross Cameron, the Federal member for Parramatta, described a debate about six years ago in which members were allowed a conscience vote as the most rewarding debate he had ever been involved in. I hope that all honourable members will vote with their consciences as often as possible to resolve politically important issues. At the end of this financial year I will release an annual business report to my electorate; I think it is the first time that has been done. It is a novel idea and another attempt to build a bridge with the community. It is about being completely open and transparent and allowing people to see what their member of Parliament does for a living.

Mr KNOWLES (Macquarie Fields—Minister for Health) [11.44 a.m.]: I have great pleasure in speaking in this debate about the Government's eighth budget, which contains a record \$8.34 billion in health spending—an increase of more than \$578 million, or 7.4 per cent, over last year. I propose to spend a short time talking about my portfolio responsibility before turning to my electorate—as members traditionally do in the budget debate—to relate the benefits that this budget offers my local community. This year's health budget exceeded our estimates by more than \$240 million. Honourable members will recall that the predicted health budget for 2002-03 of \$8.1 billion was increased to \$8.34 billion. That is a tribute to the planning of the men and women of the New South Wales health service and their ability to co-operate to deliver equity wherever people live around the State. One of the hallmarks of this budget is the move towards equitable funding distribution in places such as south-western and western Sydney and the rural regions of the State that traditionally have not received their fair share of health dollars. This budget delivers equity and fairness for the first time in many years.

The budget increases funding to rural and regional New South Wales by 9 per cent to an all-time record of \$2.35 billion. That is a fair share of the health budget based on the population of rural and regional New South Wales. Recurrent spending highlights should be noted. Some \$30 million has been allocated to deal with the medical indemnity crisis and to indemnify all New South Wales doctors for their public work in public hospitals in the coming year. This model is supported by many health organisations, most notably the Australian Medical Association, as the blueprint that they expect other States, Territories and the Commonwealth Government to follow. The budget allocates \$105.5 million for initiatives designed by doctors and nurses under the Government Action Plan for Health—\$60 million for metropolitan areas, \$35 million for rural and regional areas, and \$10.5 million for capital works and equipment.

There is an extra \$64 million for mental health services, which is an increase of 11 per cent, to fund the opening of 300 mental health beds in hospitals and the community. Some \$8 million has been allocated for a Universal Newborn Hearing Screening Program, which is starting in December. This is undoubtedly one of the most important things that I will ever do as Minister for Health—and it is initiative that will likely not receive the recognition due to it. The opportunity to test the hearing capabilities of babies within hours of their birth, giving them a fair chance at a normal life, is extremely profound and important to the well-being of our community.

The budget allocates \$38 million for services arising out of the Drug Summit; \$36 million for medical research under the Government's biotechnology strategy; and \$16 million for dental services, including an extra \$5 million for dentures for the elderly and other services. I pay particular tribute to the Treasurer, Michael Egan, for understanding the requirements of the elderly and their need for proper oral and dental care. Some \$10 million is provided to implement operational reforms in the New South Wales Ambulance Service; \$8.5 million for new intensive care beds; and \$2 million for podiatry services, which is an increase of 40 per cent—or an extra 40,000 treatments in metropolitan areas and 15,000 treatments in rural and regional areas.

Funding for the capital works program is yet another record achievement, as we continue to rebuild all hospitals around the State. This capital program delivers completion of the efforts of the Government to rebuild all of our major teaching and training hospitals around the metropolitan region. The addition of \$452 million for the redevelopment of Royal North Shore Hospital completes the set of the major teaching hospital redevelopments now under way, and in forthcoming weeks and months facilities such as the new Royal Prince Alfred Hospital and the new St Vincent's Hospital will be opened. Provision has been made for hospital redevelopment: \$16.4 million for Hornsby, \$14.5 million for Bourke, \$10.9 million for Hay, \$10.4 million for Kyogle, and \$5 million for Henty. The list goes on and on. I am particularly pleased about the \$9.1 million to expand emergency services and the emergency department at Liverpool hospital, \$8.6 million to expand the emergency department at Nepean hospital, and \$6 million to redevelop Blue Mountains Hospital.

Big money is going into Western Sydney, where the great bulk of our community choose to live and raise their families. There is also \$5 million for Shell Harbour, \$4.4 million for Milton/Ulladulla, \$4 million to refurbish mental health wards across New South Wales, and \$500,000 for radiology equipment at Bathurst. The list goes on. The Health budget is very solid and sound. I have read numerous testimonials into the parliamentary record from organisations as diverse as the Australian Medical Association, and from clinicians, congratulating the Government on what they regarded as a good news Health budget. They recognise that much-needed projects such as the upgrade of the Neonatal Intensive Care Transport service at Westmead or the new facilities at Liverpool and Nepean are highly regarded and appreciated initiatives by this Government. The testimonials are too numerous to read into *Hansard* and have already been placed on record. The ones that give me the greatest encouragement are terrific tributes from rural New South Wales.

The President of the Rural Doctors Association wrote to me personally to record her delight at hearing the "wonderful news about the Health budget last night." She wrote, "As you are aware, clinicians have been working to put together one of these plans, the most significant plans in recent times to benefit the people of rural New South Wales". She made the point, in a radio interview, "For the first time it is really heartening to see that we have got a government who is actually prepared to put their money where their mouth is and start catching up". That is a great tribute from an independent person. The testimonial that I was most surprised, and grateful, to read came not from an independent person but from a member of the Liberal Party, a practising doctor and anaesthetist. The Hon. Brian Pezzutti placed the following comment on record on 5 June in another place:

There is no doubt about the fact that more money is being spent in providing health services in country New South Wales ... there has been a gradual increase in health funding because of a certainty in budgeting—an issue on which this Government should be congratulated.

I think that says it all. When the Opposition says on the parliamentary record that the Government is doing a great job, we can all clearly understand how well the New South Wales Health Budget for 2002-2003 has been received. I turn to my electorate of Macquarie Fields, an electorate I have had the great privilege to represent since I was elected in November 1990, replacing my father who, in an absolute coincidence, happens to be sitting in the gallery today with my mum and two of my great mates, Peggy Bentham and her daughter Hilary Peterson, representing the Werriwa All Breeds Dog Training club. I welcome them all.

I have to say, almost with embarrassment, that this is the first time in my parliamentary career that my mum and dad have been in the gallery to see me speak. They were not here for my first speech, and I am pleased to see them because in the fine traditions of Knowles' leadership in Macquarie Fields that continuum of care for our community is reflected again in this budget. We always, as community representatives, have been keen to see budgets delivering for our people, and this one does it in spades. I am very proud to be able to stand here in front of my dad to say the journey he started all those years ago that I have been proud to follow him in continuing to deliver services for the people we have collectively represented.

I pause to make the point, not in a churlish way but as a matter of fact, that it has only ever been Labor governments that have given south-west Sydney what it needs and what it deserves. I can remember as a kid my first trip with my dad on the then new East Hills railway link—his initiative—between Glenfield and Holsworthy. A Labor Government did that. I remember that magnificent vision to turn Liverpool Hospital from the old fibro rattletrap that it was into one of the finest teaching hospitals in our nation. A Labor Government did that. I can remember going out as a new employee of the MacArthur Health Service and being told that the little dinky building that was Campbelltown hospital would not get much bigger. I go back today as the new Health Minister proud of the fact that we have quadrupled the size of Campbelltown hospital and upgraded Camden hospital. Only a Labor Government can do that. I can remember my first trip that cut an hour off my journey to work on the new M5 East freeway extension. Greiner and Murray had made it a tollway; we made the next bit a freeway. Only a Labor Government could have delivered that for the people of south-west Sydney. The list goes on and on: Campbelltown football stadium, development of adjacent athletics facilities, and a massive injection of funds into the Liverpool Powerhouse and the Campbelltown Art Gallery.

Not one part of the community in Macquarie Fields electorate, or in its previous iterations over the years as Moorebank or Ingleburn, has not benefited from the leadership of Labor members whether in sport, the arts, human and services physical infrastructure. Labor members such as Lazzarini, Whitlam, Kerin, Latham, Paciullo, Knowles Senior, another Knowles—the contemporary one—are followed by a new mob of young fellows coming through, people like Aaron Rule and Steven Chaytor, all of whom have the hallmark of community leadership and commitment to their local areas. That long and fine tradition of Labor members delivering for Labor people is again reflected in this 2002-03 budget. We are very proud of that.

In Minto the massive redevelopment announced by the Deputy Premier of the Radburn Estate, a project that will demolish many termite ridden, unsound homes, upgrade the area, involve the private sector, and give people a chance of owning their own homes, is valued at in excess of \$350 million. It will transform Minto from one of the toughest parts of my electorate to one of those that are best treated. The announcement is a continuation of the work I commenced when I was Minister for Housing, when Villawood, Macquarie Fields and Airs were upgrade. Now Refshauge delivers for Minto. That is a recognition of the need to change models when they do not work.

In Raby there is provision of \$44,000 for the Koorringa Reserve cycleway and an additional \$12,000 to Campbelltown Council for cycleways in general. A \$15,000 upgrade of my local railway station will improve facilities for passengers and commuters. Ingleburn has also seen a terrific upgrade because of a \$25,000 donation for a graffiti blaster to Campbelltown Council. A problem that is bedevilling that particular community, on the initiative of a Labor alderman on Campbelltown Council, Aaron Rule and his Labor mate Stephen Chater. They have taken the community into their embrace and together they have transformed Ingleburn into the prettiest little village in south-west Sydney, and they deserve credit for that. That \$25,000 dollar donation has been a terrific contribution.

Glenfield is a big winner, especially in transport. The railway station is now the major interchange station for many of my constituents, and the \$350,000 allocated for the extension of the canopy will make that station safer, more secure, and better when it rains. There is also provision of \$300,000 for maintenance of station and passenger facilities and \$200,000 for the construction of a much needed commuter car park at the station. In addition, a total of \$7.5 million is to be spent on work to improve the capacity and reliability of the rail service between Glenfield and Campbelltown.

I note that we will be one of the first to benefit from the new millennium trains that will commence running next week. I understand that from next week the Millennium trains will go through Glenfield station, picking up passengers. I congratulate my colleague the Minister for Transport. My electorate has received \$14.7 million for transport in the total package of Transport initiatives. The Millennium train is but one of them. The upgrade of Glenfield and Ingleburn stations is another. Nightride buses, which replace trains late at night and provide a safe and secure journey home, will receive an additional \$3.9 million. It is an essential and vital service for people in some of the more outlying regions where railway stations do not exist. My constituents use the M5 East. Boy, do they use it. They love it. It is a great addition and it is toll free. One of the great sources of pride to my constituents is that the M5 is toll free.

I am pleased to note that the Cashback Program is expected to put back into the pockets of my constituents up to \$65 million, which is up from \$54 million in last year's budget. The reduction in travel times to and from work as a result of using the M5 East helps to improve the quality of life for people living in the south west. Additional work is under way as we speak—the flyover at Moorebank Avenue—to remove the last set of lights between Macquarie Street Sydney and Melbourne, courtesy again of a Labor Government. They are magnificent results. An increase in the subsidy by \$11 million to a total of \$427 million for the school transport scheme is another win for the many people whose children make their way to and from school on our local bus network. For Hoxton Park in the northern part of my electorate the news gets better, if that is possible. It is the busy part of the electorate. It is where massive growth is taking place.

All the market gardens are becoming front and backyards as new mums and dads, with their new babies, start their new lives. The major upgrade of roads, transport and education is under way as we speak. A massive \$36.3 million upgrade of Cowpasture-Hoxton Park Road will build on the improvements to south-western Sydney in recent budgets. The upgrade of Hoxton Park Road is essential to ensure that roads are improved. That work stands alongside the construction of the Liverpool to Parramatta transitway as one of the great opportunities to improve road access in and out of the south-west. The transitway will cost a total of about \$80 million. It will be the first in a network of bus-only routes across western Sydney. Some \$600,000 will be injected to upgrade Hoxton Park Road from Hill Road to Banks Road. Hoxton Park Road is the major east-west road between Liverpool, Prestons and Hoxton Park. [*Extension of time agreed to.*]

Some \$2 million has been allocated for work on the Liverpool to Parramatta transitway, \$420,000 to widen Cowpasture Road, \$135,000 to study transport needs in the growing Bringelly and Edmondson Park areas, and \$1 million to improve and maintain the road network in my electorate. In this year's budget, Liverpool and Campbelltown councils, two councils that serve my electorate, will receive a total \$1.4 million for their roads. In total this Labor budget delivers \$2.6 billion to fund major roads and transitways. A key issue for constituents in the northern part of my electorate is education. I am delighted to announce that, for a young community where education means opportunity and a chance for every kid to get an equal shot at life, the budget delivers in spades for my electorate. Recently, with the Minister for Education and Training, I attended the opening of the new \$5.6 million public school at Hoxton Park. I can remember the little school on the corner of Hoxton Park Road and First Avenue.

Peggy Bentham and her daughter Hilary, who are in the gallery, lived about 200 yards down the road down from it. They are nodding. I got it right. They can remember that little country village school. But have a look at it today! It is up the other end. It is a blinder. It has a big hall. It has a lot of kids, who are as proud as punch of their new school. And so they should be—\$5.6 million is a lot of money in anybody's language. But, boy, does it deliver good quality when you see the joy on the children's faces and the faces of the teaching staff. I pay tribute to our teaching personnel in our schools who do a magnificent job with the level of trust we give to them every single day when we hand over our children to them, to teach them in the ways of knowledge and life. A brand-new school in Hoxton Park is a great tribute to those who deserve it. But it is not the only school. Another \$5.898 million has been allocated to build another public school in Prestons, in addition to the \$2.917 million to upgrade the existing Prestons Public School.

The need for new schools is a reflection on how rapidly the area is growing. New schools at Hoxton Park and Prestons, and upgrading the existing school at Prestons will provide state-of-the-art facilities equipped with the most modern educational resources and facilities, including community halls and outdoor learning areas. In general terms my electorate will benefit from the record \$8 billion budget for Education and Training. Across the State an extra \$88.5 million will be spent in the next four years to improve the quality and supply of teachers. A massive \$963 million will be spent upgrading technology in schools over four years, including \$247 million on faster Internet access and \$82 million on new learning accounts, such as e-mail and individual web sites for 1.33 million teachers and students. Nearly \$500 million will be provided over four years for literacy and numeracy. TAFE New South Wales will receive more than \$1.3 billion to provide quality vocational education.

It is no wonder that the Premier of this State is described as the education Premier. The level of spending and commitment not only on new facilities but to ensure that services within our schools are contemporary—students can click onto the Internet and surf the world from the comfort of their desks and their classrooms—is something that only a Labor Government would provide because it goes to the very heart of why Labor governments exist: to give the children of working men and women an equal chance at life. If an equal chance at life in a contemporary area means access to technology then in our schools in New South Wales we are delivering that more than any other place on the planet, including the United States of America. We outstripped Bill Clinton's efforts and we are now outstripping the efforts of George Bush junior by a long way. Education is the big winner in my electorate.

Earlier I referred to the upgrading of health facilities. I could spend another hour on improvements to health facilities in my electorate, but I have mentioned them in the broader context of my remarks as Minister rather than as a local member. Many great things are occurring in my electorate. My mum and dad and two of my constituents, are in the gallery. I know I can look them in the eye with some pride and say: Dad, the journey you started all those years ago is continuing. There is much more to be done, but the thing we can both be very proud of is that we have delivered. We have put in place in our communities facilities and services that simply did not exist. Remember when you could not get heart surgery or cancer treatment at Liverpool Hospital? Remember when you had to travel to the eastern suburbs because, if you were sick and poor, no health care facilities were available in our electorate? They are now!

Liverpool Hospital, a teaching hospital, has the best trauma statistics in the country. Some of the best and brightest are working, teaching and training in that hospital. We have brand-new facilities at Camden and Campbelltown. Terrific people are doing terrific things in every nook and cranny of the public service, but only because of Labor governments. As the journey continues not only for Labor governments but for the representation of my electorate, the one thing that I note we have done as a community representing our people, the community of Labor representatives, is put in place a succession plan for our young people coming through. I know that whenever I choose to step down there will be good, bright, decent and honest representatives of the New South Wales Labor Party ready to take my place to continue that journey. I commend the budget to the House.

WITNESS PROTECTION AMENDMENT BILL

Second Reading

Debate resumed from 26 June.

Mr TINK (Epping) [12.14 p.m.]: The Coalition supports the Witness Protection Amendment Bill as it provides vital extra protection to witnesses in difficult cases. The bill follows a review of the Witness Protection Act 1995, the report of which was presented by the Minister for Police in December 2001. Obviously, the more serious the case the more important it is to ensure that witnesses are not in any way suborned, threatened, or intimidated, physically or otherwise. That applies in every case but there is a higher risk with more serious cases. Therefore it becomes a more serious issue for the criminal justice system and the protection of the public generally. The criminal justice system works only when the courts and juries can hear all the relevant admissible evidence in the best form that a witness can give it.

Witnesses being intimidated or in some way forced or suborned to alter their evidence is the worst possible type of perversion of the course of justice. Regrettably, as crime in this State, particularly in the city, becomes more organised and violent—and, dare I say, as the penalties are under review—it is all the more important to protect witnesses to ensure that their evidence can be given and that courts and juries can reach decisions on all the admissible facts free from any concern that the evidence given may not be accurate because pressure has been exerted on witnesses. The provisions in the bill go to that key and vital issue, and we support the bill.

Mr MERTON (Baulkham Hills) [12.16 p.m.]: I join my colleague the shadow Minister for Police in supporting the bill. As he correctly said, it is absolutely essential that the court structure and criminal procedures are to work in a manner acceptable to the community that people prepared to give evidence, sometimes evidence that may well convict a person, should have certain protections. The bill sets out a number of objectives for this purpose, but I will not traverse in detail all aspects of the bill. The Opposition and I believe this measure is worthwhile legislation that will ensure that witnesses are adequately protected. It takes a lot of courage to put one's life at risk to assist in the judicial process. People who do so should be encouraged. When they have made

a commitment to give evidence the community as a whole and indeed the State should assume some responsibility for their protection, security and care. The amendments to the Witness Protection Act 1995 are necessary. As time is limited I will not outline the objects of the bill and the mechanisms that will be used. As I said, it is important that people are prepared to come forward and take a stand. Often their personal security is put at risk. The State has a responsibility to ensure that these people are adequately protected. This bill will go a long way to ensure that that happens.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [12.19 p.m.], in reply: It is clear that there is support across the Parliament for the amendments to the Witness Protection Act. It is not necessary for me to canvass again the details proposed in the bill and endorsed generally by the Parliament. It is sufficient if I again assert the great importance of being able to conduct a successful witness protection scheme and commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Debus agreed to:

That standing and sessional orders be suspended to allow for the progress through all stages of the Crimes Amendment (Police and Other Law Enforcement Officers) Bill and the Crimes Legislation Amendment (Penalty Notice Offences) Bill at this or any subsequent sitting of the House.

CRIMES AMENDMENT (POLICE AND OTHER LAW ENFORCEMENT OFFICERS) BILL

Second Reading

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [12.23 p.m.]: I move:

That this bill be now read a second time.

The purpose of the bill is quite clear: to provide greater protection for police and other law enforcement officers and their families against assault, intimidation, harassment and stalking by criminals. I should say that this is not a debate about mandatory sentencing. We will have many such debates in the days and weeks ahead, including debate on the motion of the Leader of the Opposition about mandatory sentencing for people convicted of police murders. I believe that such an approach is fundamentally mistaken, but will advance the reasons at a later date. I will leave the matter for today by reminding the House of what the honourable member for Wakehurst said in connection with mandatory sentencing for police murder, "I am concerned that a mandatory aspect removes all capacity for a judge to tailor the penalty to the actual circumstances." That is a compelling view. The Government has not hesitated to act in support of our police. Our 1997 changes to the Crimes Act provided for greater sanctions in the area of police assault. It is also significant that an application for a sentencing guidelines standard was lodged a month ago following meetings with members of the executive of the NSW Police Association and the police prosecutors during March and April. To turn to the bill, the Minister for Police said in the other place:

It is a sad fact that many law enforcement officers and their families are subject to threats and harassment as a result of their duties.

The threats are designed to influence police investigations or the progress of court matters, and that is an abominable situation. I am also advised that the New South Wales Crime Commissioner has reported that he is concerned that threats against police and New South Wales Crime Commission officers are increasingly being made by organised gangs. That kind of intimidation cannot be tolerated. Where the target of the threats is an officer's family we should not stand back in providing concrete assistance. For these reasons it is proposed to introduce a range of new offence provisions in the Crimes Act 1900. This bill recognises that it should not matter whether police officers are on or off duty if they are threatened or attacked because of their job. That is why the bill will amend section 60 of the Crimes Act to extend protection to police officers who are stalked, harassed or intimidated whilst off duty.

The bill will mean that a person who assaults, stalks, harasses or intimidates a police officer while in the execution of his or her duty, whether on or off duty, will be liable to imprisonment for five years. If actual bodily harm is caused to the officer, the maximum penalty is seven years imprisonment, and if the officer is wounded or suffers grievous bodily harm the maximum penalty is 12 years imprisonment. The bill also extends coverage to police who are targeted simply because they are police, rather than because of or in retaliation for actions taken in the execution of their duty. In addition to police officers, the bill creates new offences in the Crimes Act for other law enforcement officers. As my colleague the Minister for Police stated in the other place:

It is the view of the Government that those law enforcement officers who investigate serious crime or corruption, or who perform detention related duties, require additional protection against threats and harassment.

This bill will create in the Crimes Act a series of offences relating to other law enforcement officers, other front-line officers. Section 60A of the bill mirrors the protections provided to police officers in section 60 of the Crimes Act for those officers who perform investigative, confiscation or detention functions from the New South Wales Crime Commission, the Police Integrity Commission, the Independent Commission Against Corruption, the Department of Corrective Services and the Department of Juvenile Justice. This will mean that a person who assaults, stalks, harasses or intimidates one of these law enforcement officers while in the execution of his or her duty, whether on or off duty, will be liable to imprisonment for five years. If actual bodily harm is caused to the officer the maximum penalty is seven years imprisonment; if the officer is wounded or suffers grievous bodily harm the maximum penalty is 12 years imprisonment.

New subsection 60B (1) creates a new offence of assault, stalk, harass or intimidate the family or loved ones of police or other law enforcement officers. The offence will apply where a person who is in a domestic relationship with a police officer or a relevant law enforcement officer is targeted because of his or her relationship to the officer. The maximum penalty for this offence will be the same as that for targeting the officer: five years imprisonment. New section 60C will make it an offence to collect personal information on police or other law enforcement officers with the intention of using or permitting the use of the information to assault, stalk, harass, intimidate or otherwise harm the officer. This new offence will attract a maximum of two years imprisonment. It is appropriate at this point to make it clear that that provision is in no way intended to inhibit or influence the legitimate collection of information, whether by investigative journalists, government agencies or other obvious avenues of inquiry. These measures build on the Government's very strong record in support of our law enforcement officers, including the amendments in March to the Crimes (Sentencing Procedure) Act. As I said when that bill was being debated:

The [reforms] recognise that victims of criminal activities must be afforded protection in all circumstances—be they aged, young, weak, infirm, alone or at any other risk—and the Government firmly believes that it is through the broad application of strong sentencing principles that are clearly defined that this outcome is best achieved.

In achieving that purpose the bill takes into account a far-reaching set of factors to be taken into consideration by the courts on sentence. These include the age of the victim, and particularly whether the victim is very old or very young, any physical or mental disability and any vulnerability arising out of the nature of the victim's occupation. The bill therefore operates for the protection of numerous groups in our community. As I also said at the time, the general sentencing principles set out in the bill codify longstanding sentencing principles at common law, such as those outlined by the Court of Criminal Appeal in *Regina v Bradley*, 26 October 1993, unreported, where the court held that specific and general deterrence must be provided by sentences for offences against elderly persons and other such victims. That case involved an elderly victim of a bag snatcher. These new provisions will operate in respect of all crimes, not just assaults and other crimes against the person. It is a law that says that no-one should be an easy mark. However, I did make particular mention of the application of the new provisions to police officers. I said:

All members would be aware of the increased risks faced by frontline service providers. Like their counterparts in the nursing profession, the New South Wales Police Association is properly concerned to ensure that its members receive protections that are commensurate with the risks involved in the course of performing their duties.

I met with senior officials of the Police Association ... and discussed the need to ensure that the sanctions available act as a strong disincentive to infringement of the rights of police officers. It is perhaps stating the obvious to say that police officers face special risks simply by virtue of the nature of their work.

They are often called in to deal with violent or potentially violent situations that members of this place or ordinary members of the public would simply not have to contend with. It is, therefore, entirely appropriate that this bill affords them the greater level of protection they require.

Before I conclude, I wish to address one of the distortions that is routinely propagated by the Coalition: that the judiciary does not much care about what happens to our law enforcement officials. That is entirely untrue. The

truth is that our higher courts have made a clear statement to the effect that an assault on police is to be regarded as a particularly serious offence. In October 2001 Justice Wood, the Chief Judge at Common Law, referring to an offence involving a senior constable who had been assaulted, in the matter of *R v Sloane*, said:

The courts have consistently stressed that there is a need to impose deterrent sentences upon those who assault police officers whilst discharging the duties of their office. There is no reason to distinguish between police who have been formally rostered on duty and those who, although off duty, seek to exercise their policing powers in order to arrest an offender or to maintain public order.

We should have none of the nonsense suggesting that our judges are unconcerned with assaults on police, for that is plainly untrue. This bill makes it abundantly clear that our law enforcement officers and their immediate families should not be targeted by anyone with ill intent. It is therefore appropriate that specific recognition and additional protections should be afforded to front-line law enforcement officers at large. I commend the bill to the House.

Mr TINK (Epping) [12.35 p.m.]: The Coalition supports the bill to provide further protection for police officers, other law enforcement officers and their families. I am pleased that the Government has taken up a form of words first introduced in private members legislation by the Coalition—that is, the concept of stalking, harassment and intimidation. Regrettably, those concepts describe what can happen to police from time to time, and there have been some disturbing examples of it. The extension to other law enforcement officers is highly appropriate. This is the mirror image, or flip side, of witness protection. In the course of their duties police officers act on behalf of the public to protect the public in various ways.

They are all key parts of the judicial system, whether it be police walking the beat or people identifying and investigating corruption, or involved in custodial matters, or dealing with, regrettably, violent and very difficult to handle juveniles. Whatever their place in the system, this protection is entirely appropriate and is supported. The Attorney General mentioned compulsory minimum sentencing, which I will also address. One of my fundamental concerns about the system as it now stands can be best encapsulated in the Mulder matter. I have written to the Attorney General about this matter on more than one occasion, but it still remains in a highly unsatisfactory state. Mr Mulder lived in the Maitland area. He was involved in harassing one of his neighbours in the most disgraceful circumstances. Police were called and male and female police officers arrived at the scene in a paddy wagon. They attempted to deal with Mr Mulder and regain the peace.

As a result, Mulder attacked both of them in a most vicious and disgraceful way. The honourable member for Maitland would be aware of this dreadful matter. Referring to the statement of facts tendered to the court, the male police officer still has significant injuries to his face, particularly to his nose, and the female police officer—whose head was rammed into the back step of the paddy wagon—is still on light duties. When Mulder went to court the District Court judge, whose name escapes me momentarily, let him off on a bond. That is a joke! This man should have received a custodial sentence, a very significant and stiff one, and gone to gaol. It was alleged that half his brain had been excavated as a result of the long-term smoking of cannabis. Apparently that matter was taken into account on sentencing and he received a bond.

My view on this issue, and that of the Coalition, is that offenders who are fit to plead should face the full consequences of the criminal law. Another case of which the Attorney General is aware—and I am not critical of him on this matter because I understand that he is trying to address it—relates to a murder that occurred in my electorate. In that case the sentence handed down included a substantial discount, based on alleged mental problems. Nevertheless, the offender had been found fit and competent to stand trial for murder. Either offenders are fit to plead or they are not. I accept that if they fall within the McNaughton rules they are dealt with on a different basis. However, if they are fit to plead they should face the consequences. Returning to the leave of the bill, people who assault police officers ought to go to gaol. That is not happening. We can introduce and pass laws until the cows come home, but if the courts continue to give bonds to people who commit serious offences, we are wasting our time.

I previously raised the Mulder matter with the Attorney General. I wrote to him and asked that an appeal be made against the sentence. No appeal was forthcoming. The Director of Public Prosecutions [DPP] refused to appeal the matter. I asked the Attorney General to use this matter as a basis for introducing a guideline judgment, but nothing happened. In more recent times there has been a case where, thankfully, the physical injuries were not as bad as in the Mulder case, but there was an equally disgraceful decision from the bench. In the course of a melee, a female police dog handler and her dog were assaulted. The policewoman was hit with a hand to the face, causing her head and neck to snap back, and the dog was kicked. The court fined the offender \$200 for assaulting the policewoman, and, I believe, \$200 each for a couple of other police officers

who were also assaulted, and \$400 for the assault on the dog. The offender appealed the sentence. The appeal court reduced the fine for the offence of kicking the dog to that imposed for assaulting the policewoman. This is a farce! This is a joke! The public is furious and fed up.

The New South Wales Police Association believes that unless its members are properly protected by laws and by decisions from the judiciary that reflect the intentions of the Parliament we are all wasting our time. I did not intend to go down this path, but the Attorney General raised it when he spoke about the bill of the Leader of the Opposition to impose a mandatory life sentence on police murderers. It is timely to remind the Attorney and the Parliament that the current judicial system in respect of assaults on and, dare I say, murders of police officers is not working. The killer of Constable Forsyth had his sentence substantially reduced on appeal. The judicial system has been brought into disrepute. This issue is raised at every public meeting I attend. Despite other commentaries on this matter, the public is 100 per cent behind us. The Government had better wake up. The terms of the bill are welcome and we fully support it. But it will be ineffective if the judiciary continues to impose ridiculous penalties for crimes of the magnitude and the gravity that I have referred to. That is the problem, as the Attorney knows very well from the sentence handed down for the appalling assault in Maitland. I congratulate the honourable member for Maitland for taking up that matter. Unfortunately, there are many other cases like it.

In the case of Mulder, where the DPP did not take any action to fully test the sentence handed down, we should be able to go to a guideline judgment in default. In the light of the most recent example of the police handler and her dog, in default of the judiciary doing its duty—which I and, I believe, an overwhelming number of members of the public expect it to do—we will have to step in. If the judiciary will not do its duty the Parliament has no alternative. If the judiciary imposed appropriate penalties we would not have to propose this type of legislation. The Leader of the Opposition and the Coalition will go to the election proposing mandatory life sentences for people who kill police officers. The person who killed Constable Forsyth had his sentence reduced on appeal to a ridiculously low custodial sentence and the officers assaulted by Mulder had to stand by and watch him walk out of the court. He walked away; they have long-term injuries.

If the judiciary did what the community expected we would not have to take these measures. In far too many cases the judiciary is not doing its duty. The judges are not handing down the type of sentences that the community expects. As a result, we will step in where the Government fears to tread. The Government needs to be very careful because we have community support. The community is behind us and they want something done about it. If the judiciary will not do it and the Government will not do it, the Coalition will do it.

Mr FRASER (Coffs Harbour) [12.47 p.m.]: I shall speak briefly to the Crimes Amendment (Police and Other Law Enforcement Officers) Bill. I commend the legislation. I also commend the honourable member for Epping for raising these matters in this debate. I shall inform the House of the attitude of people in my electorate. Day in and day out police officers perform their duties—they put their lives at risk to defend the laws laid down by Parliament. They undertake their duties whether they are on duty or not. Constable Forsyth was not on duty when he was attacked and killed. I believe that the judiciary does not reflect the sentences that are laid down within the law. As the honourable member for Epping said, the judiciary reduces sentences on whatever criteria it sees fit. That is why this type of legislation is before Parliament. It goes to an attitude of zero tolerance. As I have said in the House before, and as I will say again, in 1986-87 the then Attorney General, Frank Walker, diluted the Summary Offences Act. By now a second generation of offenders considers the law to be a joke.

On the North Coast a couple of years ago, near South West Rocks or Crescent Head, two police officers were shot and killed in the execution of their duty. I believe that those young police officers were shot because the courts have not been doing their job properly. As a Parliament we are not sending the appropriate message to the judiciary, we are not adequately expressing the view that all crime is unacceptable. Laws should be for all people. However, the Government has softened the laws and people now believe that they will receive reduced sentences if they plead diminished responsibility because of the effects of drugs or alcohol in the short term or long term. Often the judiciary listens to them and imposes lenient sentences. The community is now saying that enough is enough. Honourable members should speak to Ken Marslew from Enough Is Enough and ask him how victims feel when such sentences are handed down. The families of people who are murdered or seriously injured become the victims again.

I have the highest praise for officers who, day in day out, go out and defend our freedom and our livelihoods. They try to implement the laws as laid down by Parliament. However, they have told me on numerous occasions that they tend to turn a blind eye to minor offences because they know that the courts do

not impose the penalties already prescribed in legislation. This legislation expands the definition of "law enforcement officers" to ensure that the courts deal with these matters in a way that we expect. I, too, challenge the Government to accept the bill of the Leader of the Opposition, which imposes minimum sentences. People can scream all they like about mandatory sentencing and what happened in the Northern Territory, but our policy does not mirror that of the Northern Territory.

People who are fit to plead and are found guilty should serve minimum sentences. They should not receive a lesser sentence because they were affected by drugs or for some other reason—perhaps they were not toilet trained properly! The court should reflect the sentences laid down by legislation. They should not receive discounted sentences because they have been good boys or girls in prison; they should receive the full force of the law. The Minister for Corrective Services said that the Government is building more prisons and more people are being locked up. Once the message is sent to the people of New South Wales that this type of behaviour is unacceptable and that the courts will implement sentences as prescribed by the legislation, the incidence of crime will reduce substantially, even if it takes a couple of years before it kicks in. I believe that the Government has gone soft on crime and on the causes of crime—that is, drug use and abuse. It should send a strong message to the community by adopting the legislation introduced by the Leader of the Opposition. That, together with this legislation, might result in returning some law and order to our communities, which our constituents not only expect but demand.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [12.53 p.m.], in reply: When I introduced this bill I said that I did not intend to canvass questions on mandatory sentencing. No doubt that will be done on numerous occasions in the coming weeks and months. It is appropriate to mention that, apart from anything else, a guideline judgment on police assault is presently before the Court of Criminal Appeal. The point should be made that, with or without guideline judgments on police assault as such, those who commit serious and violent crimes against police are bound to be charged with the same crimes that anyone else would be charged with—that is, malicious wounding, murder, et cetera. Therefore, the fact remains that police who have been injured will gain the benefit of the effects of the law in the same way as anyone else who has been seriously injured.

However, as I have taken some care to point out, legislation now exists—it was introduced earlier this year—that embraces the common law principle that those who are in vulnerable professions, such as police, are entitled to the benefit of sentences that reflect the seriousness of those particular circumstances. In other words, there is some premium on the sentence that will be given by the courts for those who have committed offences against somebody in a vulnerable occupation, such as a policeman or any other front-line crime enforcement officer. The fact remains that this bill is supported by both sides of the House. It is appropriate that we should continue to find ways to protect our police and other law enforcement officers from the unwanted attention of those who seek to impede them in the course of their duties and, indeed, to harass and threaten them in the course of their duties. Therefore, I have pleasure in commending the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES LEGISLATION AMENDMENT (PENALTY NOTICE OFFENCES) BILL

Second Reading

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [12.58 p.m.]: I move:

That this bill be now read a second time.

The police support this bill. It will allow them more flexibility when they are enforcing minor incidents of crime. The bill proposes a 12-month trial over 12 local area commands to ensure that any operational issues can be identified and solved before any decision is made as to whether this innovative proposal should be implemented Statewide. The advantages of issuing penalty notices are considerable. It is not mandatory for police to issue the notice under the scheme proposed in the bill. Police may exercise their discretion to arrest or, indeed, to issue a penalty notice on a case-by-case basis. If, for example, an offender is known to police as having previously offended or having committed more serious crimes, that would be covered by the proposed trial in this bill and police do not have to issue the fine.

A person can still be arrested and tried before a court. However, it is an advantage for first-time offenders if they can expiate their offences by paying fines rather than going to court. That also means that they will think twice before reoffending. The scheme offers a powerful incentive for one-off offenders not to reoffend by hitting people where it hurts: in their hip pocket. The scheme applies to less serious offences and the idea is that, through this mechanism, offenders will be encouraged not to reoffend. It is easier and quicker to issue a notice than to mount a prosecution in court so the likelihood that police will enforce the penalty increases. Under the scheme, police will be able to issue a notice and move on to other front-line policing duties.

The proposed trial of the scheme is advantageous for the State administratively and structurally. The prosecution and the court system are saved the cost of having to deal with more minor offences. The more effective manner of penalising people proposed in this scheme will also assist with court time and trial backlogs. Nevertheless, the offender will retain the right to be heard by a court. That mechanism will allow people to contest the facts of a case when they argue that they did not commit the offence for which the penalty notice was issued. Even when issued with a penalty notice, it is obviously necessary for people to have the capacity to contest in court the facts that are alleged by that notice. The trial will be evaluated by the New South Wales Ombudsman after 12 months to ensure that the proposed scheme has met its aims. The bill was amended in the other place to rectify a minor drafting error. The Government did not intend that a \$300 fine should apply to the theft of property worth more than \$500. The original figure of \$500 was included in error. I commend the amended bill to the House.

Mr TINK (Epping) [1.03 p.m.]: The Opposition opposes the Crimes Legislation Amendment (Penalty Notice Offences) Bill because it effectively decriminalises crimes of dishonesty and of violence. Section 61 of the Crimes Act states that the penalty for assault, which is a serious offence, is two years imprisonment. To allow a penalty notice to be issued for an offence such as that is to decriminalise that offence. This is plain from the performance audit report of the Audit Office entitled "State Debt Recovery Office", which was issued in April 2002—it is a very current report. The executive summary on page 3 states:

Key findings from the audit include:

the recovery rate for unpaid fines recently received by State Debt Recovery Office is 32.7% (older unpaid fines are much harder to recover)

In other words, 70 per cent of fines that are referred to the State Debt Recovery Office remain unpaid, and that percentage increases with the age of the outstanding debt. The reality is that those who are most likely to commit assaults or offences of dishonesty are least likely to pay their penalty notices. Therefore, those offences are decriminalised by this bill. The sort of person to whom a police officer will issue a penalty notice for any one of the offences listed in the Crimes Act is the sort of person who will screw up that notice—probably in the officer's face, sight and hearing or as soon as that officer turns the corner—and chuck it in the bin. The State Debt Recovery Office audit tells us that there will be no follow-up.

Any process and procedural gains arising from this measure will be largely illusory as I understand penalty notice details and so on must be entered onto various systems, which will take some time. The idea that this bill is a magic wand that will simplify procedure is also open to question. Let us assume for a moment that it is a simplifying measure. To what does it simplify these offences? It simplifies them to no penalty at all. A big deal was made about the Vikings operations conducted the other night when 550 police were on the streets issuing penalty notices. The Opposition asked for what offences those notices were issued, and we are still waiting for an answer. We asked how many people would normally be issued with notices by 550 police—80 were issued that night—in a particular period. What happens after the issue of penalty notices and field court attendance notices? Who has audited that? We know what happens to unpaid fines but who knows what happens to those issued with field court attendance notices who do not show up? I suspect the answer is very little, if anything. That is why I believe this bill decriminalises those charges.

Although I acknowledge that the New South Wales Chamber of Commerce supports this legislation, I state clearly for the record that the Australian Retailers Association does not. It is extremely concerned about the bill's impact on businesses. The idea that shoplifting is a victimless crime is stupid. Retailers must factor into their outgoings their losses from theft and insurance claims so prices increase and we pay more than we should for goods. The idea that business people, particularly retailers, are happy with the legislation is completely wrong. I do not believe the view of the Chamber of Commerce on this issue reflects accurately, if at all, the concerns of retailers. I believe their concerns are reflected much better by the Australian Retailers Association. I met that organisation's executive officer last night, who assured me that members are extremely worried about this provision.

The fundamental stupidity inherent in this legislation is demonstrated no better than by the amendment that was snuck through the upper House. Someone finally cottoned onto the stupidity of issuing a \$300 penalty notice for the theft of up to \$500 worth of property. That reflects the stupidity of not only the bill's concept but its detail and execution. It is absurd and disgraceful for a Minister for Police to put before Parliament a legislative proposal that nets a criminal \$200 for an offence involving property worth \$500. That is a farce. The legislation should not have come before Parliament in the first place. If that is the attention to detail that the Minister for Police and his key advisers have paid to this bill, I have absolutely no confidence that the rest of it—its detail and its philosophical basis—is in an appropriate form. I think we are correct to oppose it.

The original concept of a \$300 fine for an offence of dishonesty involving \$500, thus netting the criminal \$200, is an example of how poorly the bill was thought through and drafted. The officers involved in drafting the bill did what they were asked to do. I suspect that the real responsibility for this mess lies with the Minister for Police and possibly with his personal staff. I would like to think that the way the bill was put together was not the fault of the police Ministry or others who might have been involved at a departmental level, and that it is a reflection of the personal sloppiness of the Minister. It is a bad sign for the bill overall.

Offensive conduct and offensive language are provided for in the Summary Offences Act. I thought long and hard about those offences, but the point has to be made that a person who behaves or speaks offensively is least likely to pay a fine for anything. The idea that a person who is essentially a street hoodlum will pay a fine to the State Debt Recovery Office after receiving a call from the sheriff or the bailiff is a joke. Those people need to be dealt with in a way that differentiates them from people who commit speeding and traffic offences. The bill lumps together those who commit significant crimes of dishonesty and violence with those who commit street crimes which infuriate the ordinary person. The bill treats them like people who might drive 10 kilometres over the speed limit. That is an insult.

As to the offence of unlawful entry of a vehicle and the other offences provided for under the Summary Offences Act, a Government which claims it is trying to do something about the growing crime problems—particularly motor vehicle theft—should not allow unlawful entry or unlawful use of a motor vehicle to be dealt with by a penalty notice. I am not suggesting for a moment that those offences should be confused with the offence of motor vehicle theft—that is another debate—but this bill may well be a preliminary to that. A person may come to notice for committing an offence under the Summary Offences Act, and after being left to his own devices for perhaps 10 minutes he might steal a motor vehicle for what could ultimately be an armed hold-up.

The point is that if the seriousness of the offence of tampering with a vehicle is lessened, which is exactly what the bill does, the serious offence of motor vehicle theft is devalued and debased even further. The bill comes off the back of the Government's supposed initiative: the Police Assistance Line. These days if your motor vehicle is stolen you should not bother going to your local police station to report the theft, because you will be told to speak to a telephone operator on the Central Coast. The reality is that the Government continues to dumb down the criminal law; it dumbs down the penalties. It increases the use of penalty notices to deal with what are significant crimes of dishonesty and violence.

There is a problem with police paperwork. I have now been to two Police Association conferences in Wollongong. In 1998 I stood in front of all the delegates at Wollongong in the presence of the former Minister for Police, the honourable member for Strathfield, and the former commissioner, Mr Ryan, and said, "If you want to have another go at redrafting the legislation relating to police powers of detention after arrest, providing you are reasonable you will have our support. We will not bag you, we will not criticise you in public if you embark on that exercise". Nothing happened. Early this year we went down to Wollongong again. The police force, as the Minister for Police is keen to call it these days, is under new management; there is a new commissioner and a new Minister. The same offer was made.

I had a call from a staffer from the office of the Minister for Police who made some preliminary inquiries about what might be done. I sincerely hope that is followed through. The Minister has 17,000 police and civilians advising him; he has the police Ministry advising him. I do not have those privileges. The ball is in the Minister's court to come up with some meaningful proposals to alter and streamline the legislation relating to police powers of detention after arrest legislation. If he wants to do that, we will not stand in his way. We will back anything that is reasonable. I hope something happens.

An attempt was made—and I am not saying it was done by the former Minister for Police, who has just walked into the Chamber—to try to cover up a problem identified by the High Court in relation to police powers after arrest. The Government made an attempt to deal with that problem. That is why we did not oppose the bill,

and that is why we do not criticise the Government now because of the problems that have arisen as a result of that legislation—but arise they have. Recently Geoff Schuberg, the former officer in charge of internal affairs, told me that the average time for processing a moderately difficult arrest has blown out from about half an hour to over three hours. No wonder people are not being arrested. But trying to resolve that problem by issuing violent or dishonest criminals with what are effectively the equivalent of traffic tickets is not the way to go. The problems relating to processing people under arrest cannot be put to one side by saying, "We will do an end run round the back and issue violent criminals and people convicted of crimes of dishonesty with what are the equivalent of traffic tickets". That is not the way to do it. The Act that has resulted in the time for dealing with arrests blowing out should be amended, and that is what we want to happen.

The Opposition concedes that police have problems with their paperwork. We are ready, as we have been for the past four years, to re-draft the legislation relating to police powers of detention after arrest to make it possible for police to process an arrested person in what is thought to be a reasonable time rather than taking three hours, which is a nonsense. At the end of the day I am sure the general public does not want police issuing the equivalent of traffic tickets to criminals who are guilty of crimes of dishonesty or crimes of violence. That is what this bill does and that, above all, is why we oppose it. The offer stands to try to sort out legislation relating to detention powers after arrest.

Mr FRASER (Coffs Harbour) [1.17 p.m.]: Members of this House and the general public of New South Wales remember the claim that the Minister and the Government are tough on crime and tough on the causes of crime. The bill is the thin end of the wedge; it is an attempt to improve policing statistics. If someone commits an offence of common assault, larceny, obtaining money for benefit by deception, goods in custody, offensive language or conduct, obstructing traffic, entering a vehicle or boat in a public place without the owner's consent, they will no longer have a criminal record. As the member for Epping has said they will be issued with nothing more than the equivalent of traffic tickets. I would go further and suggest that the notices provided for in the bill are the equivalent of \$200 local government on-the-spot fines for littering. If someone is charged with an offence and gets a \$400 fine and they throw the ticket in the face of the police officer, the council can then fine that person another \$200 for littering. That is a total of \$600. What chance is there of collecting those fines? Nil.

The report of the Audit Office states that the recovery rate by the State Debt Recovery Office of recently imposed fines that have not been paid is 32.7 per cent. Older unpaid fines are much harder to recover. Yet the Government wants to issue infringement notices for criminal activity. How that can reflect well on a Government that is tough on crime and its causes is beyond me. In his second reading speech the Minister said that issuing infringement notices would reduce the current backlog in the courts. The backlog could be reduced by putting more money into the court system. If the law was strengthened to ensure that people could no longer plead insanity and thereby clog up the courts, the system would operate efficiently and effectively. The Minister also said that issuing infringement notices would get rid of the papers that police officers are required to fill out when a person is charged with a criminal offence. The Government could fix the problem by providing more money to employ more police officers. Where are the 2,100 extra police officers the Government promised? They do not exist.

The crime rate in the Coffs Harbour electorate for the types of offences referred to in the bill is fairly high because we have a fairly low socioeconomic base, and we are a tourism area. Unfortunately, yobbos frequent tourism areas during holiday times. People who are probably responsible citizens in their own environment visit a holiday area, get a bellyful of grog and commit assaults. They then become petty criminals. Crime statistics in the Coffs Harbour-Clarence regional command area reveal the commission of a high proportion of the crimes outlined in the bill. The Government is sending the wrong message. Tourists will think that they can misbehave and walk away with a ticket. They may not even be from New South Wales. I guarantee that the success of recovering that money through the State Debt Recovery Office will be absolutely nil.

The Government should consider the number of unpaid parking fines and unpaid fines in other areas of the law that, at the moment, have not been recovered and never will be recovered before it decides to give police officers the power to issue notices. As the honourable member for Epping pointed out, people who commit crimes outlined in the legislation are not the type of people who believe they should pay a fine when they are caught breaking the law. I am bemused by the fact that the Attorney General has introduced legislation that will decriminalise criminal acts when the Government has introduced other legislation that will get tough on crime. A couple of weeks ago he introduced legislation that provides that anyone who commits a criminal act will not be able to become a justice of the peace. But how will anyone know if no criminal offence is recorded? The police make a note of it and issue a ticket.

Even if the person pays the fine, that person will not lose his status of justice of the peace because under the Crimes Act the acts for which a person can be fined are no longer criminal offences. The infringement notices are equivalent to parking tickets. The Minister said that if the offender does not agree that he has committed an offence, he will have the right to take the matter to court. I note that the infringement notices cannot be issued to juveniles. Let us assume that there are still a few police officers who want to tidy up the town and who may want to fit someone up with one of these tickets. The offender will have the right to take the matter through the court, and I assume that offender would win. But who will appeal against the issuing of a ticket for common assault if the offender is as guilty as sin? If the person pays the fine there will be no repercussions. His boss certainly will not know about it.

If someone who is studying to become a lawyer is convicted of a criminal offence, that person is automatically booted out. If a young lawyer has a few drinks too many and commits common assault, it will be easier for that person to pay the fine, forget it and hope that no-one ever finds out about it rather than to contest it. The right of the offender to be heard in the court is a right that will be pursued only if the person is innocent. In reality no guilty person who is sane would take a matter to court if that person could just accept the ticket and pay the fine. If the matter goes to court a criminal offence will be recorded. The legislation is ludicrous. It makes a joke of the Government's claim that it is tough on crime. Once again, it weakens the system of law and order in our society. The legislation is designed to improve statistics in the lead-up to the election so that the Government can claim that because of this legislation convictions have decreased in the past 12 months.

Shopkeepers in Woolgoolga have been screaming for months about lawlessness, which this legislation deals with. One way to fix it—and we have proved this—is to send more police into problem areas. A couple of weeks ago I was in Dorrigo with Commander Wadsworth and other senior police officers to discuss exactly what we are talking about here. Sending flying squads into the town—that is, a greater police presence—will fix the problem. Local officers issuing tickets will not fix the problem. The legislation will send a signal to people in small country towns, where access to police is not good, that they can get away with a little bit more. If they get caught, they will cop a ticket and no-one will know about it. The Coalition cannot support the legislation. It is a watering down yet again of law and order in this State. The Minister and the Government are not listening to the people in the street. I challenge the Minister to take the legislation to the shopkeepers.

Like the honourable member for Epping, I cannot agree with the Chamber of Commerce that the legislation is welcomed. This week I spoke with Andrew Walker from Woolgoolga Hardware, who has suffered an 8 per cent loss as a result of shoplifting. I would like the Minister to take this legislation to him to see his reaction. I can predict it right now: He would not be very happy about it. Year in, year out he pays \$700,000 in wages that go into our local economy. I have to take him back the message that this is the type of legislation the Government is introducing to deal with the situation that costs him 8 per cent of his turnover. The Government wants to deal with these offences in the same way as a littering notice. It is not good enough; it is not acceptable to the general public. The Government should talk to the people. This type of legislation will remove the Government from office in March next year.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [1.28 p.m.], in reply: If the honourable member for Coffs Harbour gives his constituent an account of this trial system that is consistent with his arguments, he will utterly misrepresent the fine system proposed by the Government, the intention of the Government and the effect of the legislation. The honourable member for Coffs Harbour, in his rather inconsistent attack upon this legislation, left out most of the relevant considerations. I am told by my colleague the Minister for Police that he has visited dozens of police stations during his time in office, and he has been told on dozens of occasions not only that officers would like to be less involved with paperwork and red tape but also that officers have consistently supported a scheme of this nature is a way of cutting down on paperwork.

An officer who has in the past been engaged for hours preparing a charge for, say, a dollar's worth of sugar stolen from a shop does not regard this scheme as some flight of ministerial fancy. The Minister for Police assures me—and I certainly believe him—that such an officer is extremely supportive of this initiative. I also point out that this initiative is accompanied by proposals for the establishment of guidelines that will cover the discretionary factors, such as dealing with first offenders and multiple offenders. When making a decision about issuing of penalty notices, police will be advised to consider factors such as whether the offence is the first offence of the offender and whether the offender appears likely to continue to offend.

People with a history of multiple offences for minor crime may therefore be excluded from the scheme if the officer feels it would be senseless for police to issue an infringement notice when it is clear that the

offender would not heed a penalty notice or has not heeded penalty notices in the past. I also point out that when one of these penalty notices is issued the information involved in the preparation of the notice is entered the computer operated police system [COPS]. Indeed, for the purposes of identification alone, the offender is fingerprinted. People who are fined under this system will not simply disappear into some kind of never-never; they will have a record. That fact, of itself, contradicts most of what the honourable member for Coffs Harbour has sought to represent as an argument against the scheme. What he has said is sheer nonsense.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Coffs Harbour has spoken already in the debate, and the standing orders do not allow him to contribute a second time.

Mr DEBUS: The discretion rests with the police officer in the first place. Whether the police officer issues a fine or not, there will be guidelines in that respect, and the fines will be enforced, as they are now, with significant success. Sixty-eight per cent of fines are paid in the first instance. The 32 per cent of fines that the honourable member for Coffs Harbour has referred to are those that go to the State Debt Recovery Office. Of those, there is an increasingly successful recovery rate. The trialling of the scheme has been carefully considered and it is supported by the police. The scheme will assist considerably in overcoming problems of police paperwork. At the same time it will reinforce our system of policing and justice.

I again point out that, contrary to what representatives of the Opposition have said, when a penalty notice is issued under this system, the information set out in the penalty notice will be entered in the COPS. It does not mean that offenders are in some way or other left to rely on their own honesty to meet their obligations under the penalty notice. Therefore, the Opposition's remarks in this respect are completely nonsensical. It seems that the Opposition does not understand that the system, quite properly and sensibly, involves the discretion of the police. If police officers wish to exercise that discretion on the basis, generally speaking, that they are dealing with someone who is or is probably a first-time offender, a person who they think may respond in an appropriate fashion to the issue of a fine—a person who is highly likely to pay the fine—the police will then proceed to issue a fine. However, they are not obliged to do so. If they issue a penalty notice, and the offender fails either to go to court or to pay the fine, it is simply not the case that it is no longer possible for the police to pursue the offender. The record will already be on the COPS.

Bearing in mind that the scheme is actively supported by police, the Government has quite deliberately set the scheme up as a trial. Not only will the Ombudsman be able to examine the operation of the scheme to ascertain whether it is working properly from the point of view of the rights of citizens, but, just as importantly, the police department will be in a position to continue to monitor the scheme in order to ascertain whether it is operating as anticipated and is in the interests of law enforcement. Its is an absurdity for Opposition members to oppose the scheme. It appears that they do not understand what it is about, yet they systematically misrepresent its effects. It is normal for the Opposition members to misrepresent the motivation of the Government, but it appears they do not even understand the plain English of the Act itself. I have great pleasure in commending the bill to the House.

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

The House divided.

Ayes, 49

Ms Allan	Mr Hickey	Mr E. T. Page
Mr Amery	Mr Hunter	Mrs Perry
Ms Andrews	Mr Iemma	Mr Price
Mr Aquilina	Mr Knowles	Dr Refshauge
Mr Ashton	Mr Lynch	Ms Saliba
Mr Barr	Mr Markham	Mr W. D. Smith
Mr Bartlett	Mr Martin	Mr Stewart
Mr Black	Mr McBride	Mr Tripodi
Mr Brown	Mr McManus	Mr Watkins
Miss Burton	Ms Meagher	Mr West
Mr Collier	Ms Megarrity	Mr Whelan
Mr Crittenden	Mr Mills	Mr Woods
Mr Debus	Ms Moore	Mr Yeadon
Mr Face	Mr Moss	
Mr Greene	Mr Newell	<i>Tellers,</i>
Mrs Grusovin	Ms Nori	Mr Anderson
Ms Harrison	Mr Orkopoulos	Mr Thompson

Noes, 33

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

Pair

Ms Beamer

Mr Tink

Question resolved in the affirmative.**Motion agreed to.****Bill read a second time and passed through remaining stages.****BILL RETURNED**

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

Parliamentary Remuneration Amendment (Recognised Office Holder) Bill

*[Mr Speaker left the chair at 1.46 p.m. The House resumed at 2.15 p.m.]***NSW AGRICULTURE DIRECTOR-GENERAL RETIREMENT****Ministerial Statement**

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [2.15 p.m.]: I draw to the attention of the House the presence in the gallery of Iris and Kevin Sheridan. Dr Kevin Sheridan is one of the State's longest-serving public servants. He has been the Director-General of the Department of Agriculture since 1988. The bad news is that he will retire on Tuesday 2 July. It would be remiss of the House not to record officially our thoughts on the retirement of one of the State's most successful and professional public servants.

Kevin Sheridan joined the department in 1960 as a research economist in Tamworth. From there he rose rapidly through the ranks and, as history shows, made his mark. He was also on a number of boards, forums and committees. He has had due recognition to the highest level. In 1973 he was appointed to the newly created position of Director of Agronomy Research. In 1976—a good time for our side of the House—he was promoted to Chief of the Division of Plant Industries. In 1977—not so good a time—he was promoted to Assistant Director-General of the Department of Agriculture. In 1980 he was very much on his way to even more senior positions when he was appointed Deputy Director-General of the Department of Agriculture. Between 1985 and 1988 he was a member of the Public Service Board. Members of the industrial wing of the Labor Party may recall that he served with brother Ducker in that capacity. He has obviously had great associates.

In January 1988 Dr Sheridan reached the pinnacle of his organisation when he was appointed Director-General of the Department of Agriculture in the dying days of the Wran-Unsworth Government. In 1995, upon the election of the Carr Labor Government, he was appointed Chief Executive of the NSW Rural Assistance Authority. I note that between 1988 and 1995, in his very professional manner, he served two National Party Ministers for Agriculture, the honourable member for Lachlan, who is in the Chamber today, and Ian Causley. In 1999 Kevin had the honour of being appointed an Officer of the Order of Australia, an AO, in recognition of his services to the agricultural industries, policy development, and promoting research and education in primary production.

Kevin has had an illustrious career of which many people would be proud. I know that he, his wife Iris and the rest of his family certainly are. He has made an outstanding contribution to the agriculture sector and also to the workings of government, no matter who has been in office. His particular focus has been on making agriculture both economically and ecologically sustainable. Dr Sheridan is widely recognised and respected not only in New South Wales but also across Australia and around the world—as I came to learn as Minister. He has left a lasting impression on all who work with him. The members of his staff are very loyal to him, which is true testament to his leadership and management style.

His career highlights include the relocation of the whole of the Department of Agriculture to Orange when the honourable member for Lachlan was the Minister in the late 1980s and early 1990s. Another career highlight occurred during the term of this Government with the relocation of the Rural Assistance Authority from Sydney to Orange. He also oversaw the establishment of nine agricultural centres of excellence around the State, with the decentralisation of research from the western suburbs of Sydney under this Government. As a result of Kevin's leadership NSW Agriculture is now recognised as one of the world's foremost authorities in agricultural extension, research, education, regulation and trade. Kevin has also played a lead role in developing trade and scientific links with China, Japan and other Asia-Pacific countries.

During my time as Minister for Agriculture I have found Kevin to be a true professional in his work as director-general. I thank him sincerely both professionally and personally for his help and advice over the past seven years. The honourable member for Lachlan would attest to the fact that this has been a time of dramatic changes and challenges. Difficult decisions have had to be made. Even terrible motions of no-confidence have been moved against poor, humble Ministers for Agriculture. Kevin's leadership during that time not only helped me fend off those attacks by the Opposition but also steered the department through a dramatic time of change, of which we are now seeing the benefits. I am sure that many other members would like to thank Kevin for his outstanding contribution to agriculture and to governments of both political persuasions throughout his long and successful years. Kevin, I wish you and Iris all the very best for a well-earned retirement. I have no doubt that I speak on behalf of all members of this House that you will be remembered by all who worked with you and you will be remembered for your successes. Thank you, and good luck in your retirement.

Mr ARMSTRONG (Lachlan) [2.23 p.m.]: It gives me enormous pleasure to support the Minister for Agriculture on behalf of the rural communities of New South Wales by seconding the vote of thanks to Dr Kevin Patrick Sheridan, and to acknowledge his wife. It is fair to say that Kevin Sheridan has two passions in life: first, his family, as he is an extremely proud family man; and, second, his profession. Kevin is fundamentally an academic, as his career would indicate. He is an academic with an absolute passion for agriculture. He understands agriculture, and he has a feel for agriculture.

Another of Kevin's major attributes is his capacity to lead, because wherever he has been in the bureaucracy he has attracted people of quality and excellence. He has given leadership not by direction but through his natural talent—people like to follow Dr Kevin Sheridan. He has always led by example and has always been imaginative and bold in his planning processes. He is capable of not only initiating programs but also completing them. Many people, particularly politicians, like to start things but many of us are not capable of finishing what we start. Dr Sheridan always completes what he starts.

The New South Wales bureaucracy is the oldest in the country, and very few people have contributed enormously to its character, culture and growth. There is no doubt that Dr Kevin Sheridan set new benchmarks, particularly in modern times, for bureaucracy in this State. His financial management prowess, his capacity to manage the budgets of the department—through good and bad times—is somewhat of a yardstick to many others in the bureaucracy. Kevin's passion for agriculture covered such things as golden dodda, Parramatta grass, ticks in cattle on the North Coast and ovine Johne's disease, the Rural Assistance Authority, and 20 years of drought between 1972 and 1992. Through all that, Kevin Sheridan was always there.

On a lighter note, I often conferred with Dr Kevin Sheridan when I became a Minister, and realised after a few weeks that I had found the original Sir Humphrey Appleby. There is no doubt that the hand was up the back of the shirt quite frequently; Sir Humphrey was alive in New South Wales through Kevin Sheridan. He was very much a preacher but his guidance was always very welcomed, and his push and shove was indeed helpful. I join with members of this House and the people of this State in saying thank you, Kevin Sheridan. Thank you, Iris, for your support of your husband, and thank you for making him available to us. Kevin, I hope that your talents will not be turned off to just go and play golf. You will still be able to contribute to this State in many, many ways in the future. We wish you every happiness and thank you for your services to this State.

MINISTRY

Mr CARR: I advise all members that during the absence of the Minister for Community Services, who is attending a Community Services Ministers Conference in Melbourne, the Minister for Transport, and Minister for Roads, will take questions on her behalf.

PARLIAMENT OF NEW SOUTH WALES JOINT SERVICES**Report**

Mr Speaker tabled the report entitled "Annual Report 2000-01".

Ordered to be printed.

PETITIONS**North Head Quarantine Station**

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

Bank Services

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

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**.

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**.

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**.

Old-growth Forests Protection

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

Circus Animals

Petition praying for opposition to the suffering of wild animals and their use in circuses, received from **Ms Moore**.

White City Site Rezoning Proposal

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

Beat Policing

Petition calling on the Government to focus policing strategies and resources on beat policing, received from **Mr Debnam**.

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**.

Surry Hills Policing

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

Malabar Policing

Petition praying that the House note the concern of Malabar residents at the closure of Malabar Police Station and praying that the station be reopened and staffed by locally based and led police, received from **Mr Tink**.

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY COMMISSION**Report**

Mr Lynch, as Chairman, tabled the report entitled "Tenth General Meeting with the NSW Ombudsman", dated June 2002.

Ordered to be printed.

STANDING ETHICS COMMITTEE**Report**

Mr Price, as Chairman, tabled the report entitled "Review of the Code of Conduct", dated June 2002.

Ordered to be printed.

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

Mr Hunter, as Chairman, tabled the report entitled "7th Meeting on the Annual Report of the Health Care Complaints Commission", dated June 2002.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

CABRAMATTA POLICING

Mr BROGDEN: My question without notice is to the Premier. Given that the Minister for Police has distanced himself from the Premier's special adviser on law and order, Clive Small, by acknowledging today that the Cabramatta officers who came forward about gangs in schools should be commended and not condemned, when will the Premier properly apologise to Tim Priest, Ross Treyvaud, who is in the gallery today, and the four Cabramatta police officers?

Mr CARR: We do not want politics about Cabramatta, we want solutions.

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

Mr CARR: As a result, we gave police the additional powers agreed to in this Parliament to deal with, for example, drug houses and move-on powers in Cabramatta. I have never criticised Tim Priest. Indeed, I do not think I have mentioned him by name. As for the matter of accusations made about high schools in the area, they have been answered by the principals, the teachers, the students and the mothers and fathers. Everyone involved should get on with the task of seeing that the community of Cabramatta is protected and that the police on the front line are supported. They have every opportunity to use the increased powers and the increased resources that we have given them. Political point scoring should not intrude for one moment into this debate.

PUBLIC LIABILITY INSURANCE

Mr McBRIDE: My question without notice is to the Premier. What is the latest information on public liability and related matters?

Mr CARR: On Tuesday I met with representatives of the horse riding and horse trekking industries. The Opposition finds that funny but these are serious businesses in the Illawarra, on the Central Coast, in the Shoalhaven and in Sutherland, and they wish to be able to continue business. Their insurance is running out. They came here to demonstrate. I insisted that they come in to see me. They discussed the whole insurance crisis and we arrived at a lot of common ground. They came to see me this week and they were in my office straightaway.

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

Mr CARR: Today the honourable member for Port Macquarie came to see me on behalf of Adventure Tourism operators in the Port Macquarie electorate and gave me a videotape encapsulating their concerns and problems. In all these discussions I focused of necessity on the question of waivers. Waivers are all about people being allowed to accept responsibility for inherently risky activities that they engage in by their choice.

Mr SPEAKER: Order! I place the honourable member for Epping on three calls to order.

Mr CARR: If someone agrees to engage in horse riding or white water rafting they are engaging in an inherently risky activity. It ought to be possible for them to sign a waiver so that the operator of that business does not live and operate under the shadow of a negligence claim that is not well based. If the operator of the business takes all reasonable care with equipment or the training of horses or whatever—seeking weather warnings if someone is thinking of white water rafting—then that ought to be enough. The activity itself of necessity, by definition, includes a large element of risk and people ought to be able to shoulder that themselves by writing a waiver. It is good commonsense. I suppose it is an unintended consequence of the Federal Trade Practices Act that such waivers are overridden; they are not possible under the Act as it stands. That is why on Tuesday I rang the Prime Minister and told him about the meeting. The way one solves problems in a Federal system is with a bit of co-operation between Federal and State governments.

Mrs Skinner: Don't you move motions condemning the Commonwealth all the time?

Mr CARR: The honourable member for North Shore asks, "Don't you move motions condemning the Commonwealth from time to time?" Yes, we are a democratic Federal system. I will have to resume those political science lectures I give at lunchtime and the Leader of the Opposition and the others can enrol.

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

Mr CARR: I rang the Prime Minister and explained this to him. He was sympathetic and undertook to examine the issue. My colleagues the Minister for Tourism and the Treasurer rang their counterparts in the Federal Government and put a case to them.

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

Mr CARR: I was asked why didn't I do something myself? It is because we are talking about the Federal Trade Practices Act. The Federal Trade Practices Act is not amenable to amendment by a State Parliament—this State Parliament or any other State or Territory Parliament, or Rockdale council. None of the above bodies has the constitutional power required to amend the Federal Trade Practices Act.

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

Mr CARR: A short answer quiz will be distributed at the end of question time. If the National Party chose to conduct lectures for its frontbenchers on the nature of federalism we would be a long way ahead.

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

Mr CARR: An amendment is required. An hour ago I received a letter from the Prime Minister, which states:

My Dear Premier,

I refer to our conversation on 25 June 2002 and your letters of that date seeking urgent amendment to the Trade Practices Act 1974 to remove impediments to the effectiveness of waivers. Amendment to the TPA to allow self-assumption of risk—

there is the concept summarised—"self-assumption of risk"—

for people who choose to participate in inherently risky activities are an important part of the package of measures agreed at the ministerial meeting on public liability insurance of 30 May.

The letter goes on:

But the Minister for Revenue and Assistant Treasurer also announced today by way of press release that amendments to the Act will be introduced in the Federal Parliament today.

I thank the Prime Minister and Senator Coonan for their commonsense response. Honourable members opposite are a hotbed of relevance today. They are all intensely focused on the problems for the people of New South Wales.

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

Mr CARR: Waivers, as these businesses understand, are the practical, commonsense way to maintain their position and enable them to go to insurers and say, "We have got a system for people acknowledging that this is a risky activity and subject to the basic precautions being taken by us, accepting that they will not engage in litigation." This is relevant, of course, to horse riding, adventure trekking, bushwalking, white water rafting, bungee jumping and so on. No-one wants to see an end to these activities that could be considered part of our way of life, although I am a bit worried about encouraging bungee jumping as part of our way of life, but one never knows.

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

Mr CARR: This is a good, commonsense solution. That is what we are about—commonsense solutions. As he was talking of federal systems and commonsense solutions, I should say that earlier today there was a veritable state of war existing on the northern frontier of New South Wales, or the southern frontier of Queensland. Only about an hour ago I had to speak to the Premier of Queensland to see that matter of the flags and the bridges was resolved peacefully. I can report to the House—and in a way that I hope dispels tension—that a statesman-like compromise has been found. Both flags will fly for 24 hours over both bridges, so I know that will be a great relief to members of the border regions. I think I can safely report "Peace in our time".

Mr SPEAKER: Order! I call the honourable member for Murrumbidgee to order for the second time. I call the honourable member for Lachlan to order. I call the honourable member for Lane Cove to order. I call the honourable member for Baulkham Hills to order for the second time. I call the honourable member for Murrumbidgee to order for the third time. I call the honourable member for Ku-ring-gai to order for the second time. I call the honourable member for Wakehurst to order for the third time.

MILLENNIUM TRAINS

Mr GIBSON: My question without notice is to the Minister for Transport, and Minister for Roads. What is the latest information on the Millennium train?

Mr SCULLY: This Sunday the Premier will launch the first of the Millennium trains. On Monday morning I am pleased to say that the Millennium trains will commence passenger services, starting at Campbelltown, along the East Hills line. They will spend the first couple of weeks on the East Hills line and the Bankstown line, and then across the rest of the system. Why is the Opposition so upset? It is upset because these are fantastic trains. The previous Government had a right to be proud of the Tangaras. We have a right to be proud of the Millennium trains. They are fantastic trains and I challenge any honourable member opposite, when they travel on the trains on Monday next week, to say that they are not good. The trains are spacious, comfortable and secure. They use modern technology. They have wide windows.

Mr SPEAKER: Order! There are far too many interjections.

Mr SCULLY: They have digital display screens to show the next stop and they have modern software and electronic systems the likes of which we probably would not see in an aircraft. Those opposite have done a lot of talking down of public transport. When I meet the men and women who work on our railways they tell me that they feel despondent. They look to parliamentarians for support but those opposite talk down their performances. The workers at the Cardiff EDI site are doing a terrific job producing the Millennium trains. There are workers on the track and in the carriages testing and preparing to commission the Millennium trains. Those workers are very disappointed. They think they have done a lot of good work over a sustained period—and they have. Introducing a brand-new train is a very big, challenging task. Opposition members think it is not complex, but it is. It is a very challenging and complicated task, and it is almost finished.

Opposition members claim that four cars will be put into service on Monday and then there will be nothing for 18 months. That is a lie. It is very misleading to tell the public that there will be four trains on Monday and then no trains for the next 18 months. I am pleased to inform the House that 12 carriages are currently being tested and going through various stages of commissioning. The first four-car set is almost completed and another two four-car sets are currently being tested. By the end of July, early August, we expect to have 12 carriages in service. Thereafter there will be approximately four to eight carriages every month until about August-September next year. So in just over 12 months 81 carriages of the new Millennium trains will be introduced into service. That is \$222 million in taxpayers' money very well spent.

What is the Coalition's record of introducing new trains? There are Labor members who remember the Tangaras, and we will all remember fondly the day when the Millennium trains were introduced. As I told the House a couple of days ago, those opposite have some experience of the tilt train. I would normally have left it at that: I thought that was all Opposition members would want to hear. However, near the end of question time the honourable member for Ku-ring-gai popped up and said:

Point of order: The party will pay the bill—

that is the bill for the tilt train—

when the Minister for Transport proves his case.

That is a challenge. I have a letter from John Brew, Chief Executive, addressed to the Hon. Bruce Baird, his former boss. It is dated 3 November 1994 when he was State director of the Liberal Party. The letter states:

Dear Mr Baird

We are now in a position to confirm our funding requirements for the Tilt Train Trials.

An upper limit of \$7.0M is estimated, in accordance with the attached cost breakdowns for the project.

It makes very interesting reading. I will go through just some of the costs: the Swedish Railways lease cost \$2.25 million; Swedish Railways insurance, \$300,000; ABB Shipping, \$1 million; marketing costs, \$200,000; and infrastructure modifications, \$500,000—we will hear more about that in a moment. The "Tilt Train Trial Agreement" document was signed by Christopher Badholm, President, ABB Traction and John Brew, Chief Executive, on 6 November. Honourable members may recall that I told the House that was this not only a railway network stunt but a Royal Easter Show stunt. I am not sure whether the train was displayed near the show bags, but it might as well have been. There is no railway line to Moore Park so we have a quotation from Brambles Industrial Services to CountryLink, which states:

Dear David,

We are pleased to offer the following for your consideration to transport one (1) only rail car, as follows:

... Loading at Sydney, Cooks River Rail Shed, then transport to Showground and unload inside of building

... Load at Showground, then transport to Cooks River, Sydney and unload onto rail.

Some \$25,000 in public money from the Chairman of the Opposition Waste Watch Committee was spent on the showground project just before the State election. But it gets worse. The document "Tilt Train Tour" details \$248,000 worth of press and radio promotional costs. Honourable members might like to ask in which weeks or months this promotional material was distributed.

Mr Debnam: Point of order: If the Minister for Transport is going to delve back into history, perhaps he should talk about the kerosene-lit signalling that Barrie Unsworth left in 1988 and the consultant's report that likened Labor's legacy in the rail system to that of a Third World country in Africa.

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

Mr SCULLY: The chairman of the Opposition Waste Watch Committee issued a challenge to the Government and I am answering it. I am sure Labor members would not be gobsmacked if I told them that the promotional material was distributed in February-March to Newcastle and Maitland, the North Coast, the *Sydney Morning Herald*, the *Illawarra Mercury*, North Coast radio, north west radio and southern radio. There are bills for various print and radio advertisements that were seen and heard in February-March 1995. Then we have an inventory of promotional material: mugs, 3,056, with 1,188 stock on hand, which cost \$11,000; T-shirts, 1,000; key rings, 5,500; caps, 10,000; medallions, 500; ties, 500; and 1,000 videos. The total cost was \$53,000. It is one thing to engage in that sort of crass electioneering stunt but then the Coalition altered the rail network.

Mr Debnam: Point of order—

Mr SPEAKER: Order! The honourable member for Vaucluse may recall that his last point of order was unsuccessful.

Mr Debnam: If the Minister for Transport is going to talk about crass stunts, he might tell us the cost of the fridge magnets for Sunday.

Mr SPEAKER: Order! I will regard that as a supplementary question.

Mr SCULLY: I think all of that material is legitimate research for an Opposition Wastewatch chairman. I expect him to scrutinise government expenditure—the only trouble is that his interest expired on 4 April 1995 when we were sworn in by the Governor. It gets worse. In addition to all of that wasted expenditure, the Coalition actually altered the rail network. For example, it discovered that a particular tunnel could not take the tilt train, which had to travel through the tunnel in the wrong direction. It found that some platforms were too wide and that the tilt train would smash into them as it passed. So they chipped away at various platforms. The document refers not to one inch "too wide" but to one inch "foul"—that is the language used throughout the document. An inch had to be taken off the platforms at Bardwell Park and Bexley North; 2½ inches was taken off at Narwee; an inch was taken off at Glenfield; four inches were taken off at Menangle; and still more inches at Picton, Bowral and Wingello. The platforms at station after station had an inch, two inches or three inches removed. Then we have the letter to the Leader of the National Party—just in case Opposition members did not think this was an election stunt. The letter is addressed to the Leader of the National Party: "Re Tilt Train Tour—Muswellbrook".

Mr SPEAKER: Order! The Minister for Public Works and Services will remain silent.

Mr SCULLY: The letter states:

Dear Mr Souris,

Countrylink has finalised plans in relation to the exhibition of the X2000 Tilt Train at Muswellbrook Station on Tuesday, 14 March 1995. The train will be available for speeches and exhibition from 8.30am ...

Mr D. L. Page: Point of order: My point of order relates to relevance. The question was about the Millennium train. The Minister has spent the last 10 minutes talking about the tilt train. Does he not know the difference between the two?

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

Mr SCULLY: It is intended to undertake a ribbon-cutting ceremony immediately following the speeches, with presentation of medallions and other items. Sausage sizzles will be available and tilt train memorabilia for sale. A local band will also be playing. We are also making available the tilt train to members opposite.

Mrs Chikarovski: Point of order: Given the fact that half the Government benchers have fallen asleep because of this answer, because they are not interested, and we are not interested, the gallery is not interested and I am sure the press gallery is not interested—

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

Mr SCULLY: We are also making available the tilt train, on its departure from Muswellbrook at 10.20 a.m., to carry up to 45 invited guests from your office to travel to Singleton, returning by road coach to Muswellbrook as arranged by CountryLink. As previously advised, there is no need to nominate the names of your guests as CountryLink will automatically make arrangements for up to 45 people. Attached is a draft press release. There is a letter to the honourable member for Gosford about the journey to Gosford and Wyong. There is a letter here to the honourable member for Myall Lakes about the tilt train travelling from Gloucester to Taree. There is a letter here to the honourable member for Coffs Harbour about a tilt train that runs to Coffs Harbour. There is a letter here to the honourable member for Ballina about a tilt train from Bangalow to Byron Bay. All of these services will be in late February and early to mid-March.

Mr Armstrong: Point of order: I draw your attention to the standing rules and orders of this House. Standing Order 138 says quite clearly that an answer shall be relevant to the question asked. The Minister is only ensuring that he does not become Premier. Craig, your chances have been enhanced considerably this afternoon.

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

Mr SCULLY: I asked the railways to go through the archives and find the material on this, given the challenge from the Opposition chairman of waste watch. There were lots of little documents, notes and letters, and accounts and lists of stations that they outrageously modified. But the biggest document—there was no other document this size—was a document entitled "Communications Strategy: Introduction of X2000 Tilt Train". Inside is a diary, and the diary runs out on the day of the election. That is when they stop the tilt train. I am satisfied that we have sufficient proof that this was nothing more than an election stunt. I told the railways I wanted confirmation that it was \$10 million. They said they cannot do that—they can get proof of \$7 million—because it was so many years ago. They believed the other \$3 million was buried in capital works and it got so expensive it was embarrassing to the Government, but they can prove \$7 million.

My challenge to the honourable member for Ku-ring-gai—he is going to get up and say we have not proved that he was on the train—is that I want his mobile phone accounts. I want copies of his diary. I want a statutory declaration that he had no phone conversations with Bruce Baird about this. We know this was nothing more than an electioneering stunt compliments of the New South Wales Liberal Party. I want to see proof and to table the showbag that Sweeton provided for all the Government MPs every time they called the tilt train. Barry O'Farrell, I want to see the \$7 million from the New South Wales branch of the Liberal Party.

DEPARTMENT OF EDUCATION AND TRAINING PRODUCTIVITY TARGETS

Mr SOURIS: My question is directed to the Minister for Education and Training. When will the Minister come clean about his secret plans to cut spending on education to reach his 6 per cent productivity targets, which the Department of Education fears will result in industrial action that will disrupt the education of 775 students in New South Wales Government schools?

Mr WATKINS: At last a question without notice from the Brogden Opposition about education. This is the first one. I have been Minister for Education and Training for just over six months. In the first three months that I was Minister for Education and Training—

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

Mr WATKINS: —I faced an Opposition led by an Opposition leader who was interested in education.

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

Mr WATKINS: In the first three months that I was Minister for Education and Training I faced eight questions without notice from the Opposition. That Opposition was led by the honourable member for Lane Cove. She was an effective Opposition Leader. Eight questions in three months gave me a torrid, difficult time. As a new Minister, coming in to face that pressure from the Opposition was very difficult. They were good questions. Three of the questions were asked—

Mr Hazzard: Point of order: The Minister for Education and Training has failed his first comprehension test. We want to know about the six per cent productivity cuts that he is going to impose on our schools.

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

Mr WATKINS: The Chikarovski-led Opposition was an Opposition interested in education. Eight questions!

Mr SPEAKER: Order! There is far too much interjection from both sides of the House.

Mr WATKINS: Three of those eight questions were asked by the Leader of the Opposition and they were good questions. There was a question about the Higher School Certificate history examination, teacher shortages, and school violence.

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

Mr WATKINS: That was an Opposition that valued education. In the last three months as Minister for Education and Training—

Mr SPEAKER: Order! I place the Minister for Transport on two calls to order.

Mr Hartcher: Point of order: The Minister's preliminary remarks have been going for four minutes. While you do allow a certain degree of latitude in preliminary remarks I would request that you ask him to draw that to a close and to commence to answer the question asked.

Mr WATKINS: The Deputy Leader of the Opposition is concerned about any praise of Kerry Chikarovski as Leader of the Opposition. In the past three months, when I have faced an Opposition led by John Brogden, the honourable member for Pittwater, how many questions without notice have I received? Today's question is the first one. Three months, one question!

Mr Tink: Point of order—

Mr SPEAKER: Order! The honourable member for Epping is on three calls to order. I hope he presents his point of order in a proper manner.

Mr Tink: The Minister has just spent 10 minutes whingeing about questions. I ask you to direct him to answer this one.

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

Mr WATKINS: Three months: no questions, no query, no interrogation. This Education budget amounts to \$8.1 billion. The budget impacts on more than one million citizens of this State, students and teachers. It affects every suburb and major town of this State, but this Opposition, led by this Opposition leader,

does not believe that it warrants one question in this House. That shows their interest in public education. It is nil. They do not care about public education. The public education budget in this State has increased by 40 per cent since this Government came to office. It has invested \$2.5 billion in public education. The budget made it very clear that the money, 9 per cent, would be available to pay our teachers. I have written to the Teachers Federation about this matter, and it has accepted the explanation. We need interest in and policies for public education from the Opposition.

SYDNEY HARBOUR BRIDGE TOLL

Mr TORBAY: My question without notice is to the Minister for Transport. Will the Minister inform the House of projects in the Northern Tablelands and nearby areas that will be funded out of the increase in the Sydney Harbour Bridge toll and other charges?

Mr SCULLY: That is a very good question.

Mr SPEAKER: Order! I place the honourable member for Coffs Harbour on three calls to order.

Mr SCULLY: I am pleased to inform the honourable member for Northern Tablelands that significant funds for the Gwydir Highway will be provided out of the bridge toll money.

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

Mr SCULLY: About \$6 million will be allocated to the honourable member's electorate.

Mr Slack-Smith: What about my electorate?

Mr SCULLY: There will always be money for the electorate of the honourable member for Barwon. The question is timely. The Opposition has caused a lot of confusion. At the end of last year, when I announced that we would raise about \$60 million a year for a maintenance fund primarily for the bush by increasing the bridge toll and a range of charges, both the Liberal and National parties took the stand that they would cancel that increase. Country Labor has certainly taken out the message, and I would encourage the Independents to take out the message, that a vote for the Coalition in March 2003 will vote down various expenditures on country road maintenance. The National Party felt the pressure and it wilted. Dubbo was quick off the mark to support the Liberals in Sydney and cancel the increase. But out of Broken Hill came a commitment from the National Party that it would hypothecate 60 per cent of the bridge toll money for country road maintenance—60:40.

Mrs Skinner: Get your facts right.

Mr SCULLY: I will tell the honourable member what the facts are. In 2002-03, 78 per cent of funds raised from the bridge toll and increased charges will go to non-Sydney areas. The National Party thinks it is smart. It issued a press release that said it would hypothecate 60:40. But it will emasculate what we are already doing for the bush from the proceeds of the bridge toll. But it gets worse. These people give politicians a bad name. They cannot go to North Sydney and say that they will abolish the toll, then whiz over to Broken Hill and say they will hypothecate it. Was there a split in the Coalition that I did not hear about? Was there a press release from someone that said: Souris and Brogden break apart, and there are now separate approaches to politics? They think that we are still in an age of politics 100 years ago when you could go out and shout from the top of the line of the load, "We will hypothecate the bridge toll money", and then get up on top of the Sydney Harbour Bridge and say, "We are going to abolish the bridge toll."

People cannot get away with that in this day of modern telecommunications. People know what the Leader of the Opposition and Leader of the National Party say on the same day on the same issue. We have a problem. If this were a corporation, they would be liable for false and misleading conduct under the Trade Practices Act. If garnering votes were an actual agreement they would be guilty of fraudulent misrepresentation, conning people into voting for them with a false misrepresentation. If receiving votes were similar to receiving money they would be guilty of the crime of false pretences. They are engaging in fraudulent misrepresentation, false and misleading conduct and false pretences. I say to Country Labor and that swath of Independents across New South Wales: Go out to country New South Wales and tell the people of this State what a pack of liars and charlatans these people are. They say one thing in the city and another thing in the bush. You cannot believe anything they say.

TRIBUTE TO SLIM DUSTY

Mr NEWELL: My question without notice is to the Premier. What is the Premier's response to moves to recognise the contribution of Slim Dusty to Australian country music?

Mrs Chikarovski: May I give my experience, and let you know what actually goes on in Tamworth?

Mr CARR: I can offer my old sparring partner this: She and I will give a rendition of *A Pub With No Beer* after question time. Perhaps the whole House, by way of tribute, would like to join in now. I will have the words sent up by the Stasi and I will lead the whole House. I do not care what criticism I cop, I will speak out in defence of country music. I do not care what they say, I will not be silenced on my musical tastes. Slim Dusty has been around in this business for a long time. He has been singing for 65 years. Two years ago Slim made his one-hundredth album entitled, appropriately, *Looking Forward, Looking Back*. Slim Dusty has acquired a lot of accolades.

Mrs Chikarovski: What are they?

Mr CARR: I will tell the House what they are. He was the recipient of the first gold record received by an Australian, awarded for what I would describe as an iconic anthem *A Pub With No Beer*. He has more gold and platinum records than any other Australian artists and more gold guitar awards—all honourable members know how significant they are—than any other artist. I often exercise my mind on what words would be required to sum up a career at once so ordinary and extraordinary like that of Slim Dusty. At the closing ceremony of the Olympics, I do not want to drop names but, I was sitting with Henry Kissinger. After that song I turned to Henry because I thought some sort of explanation, not an apology, was required. I turned to Henry and I said, "You've got to understand, Henry, we are a very funny country." He said to me, "You know, Bob, this is the only other country I would consider living in." It was a great compliment to Australia in the context of that very funny, very patriotic, very warm, very memorable closing ceremony of the greatest-ever Olympics.

Born David Kirkpatrick in Kempsey in 1927 and brought up on a dairy farm, Slim wrote his first song at the age of 10. With his partner in life and song, Joy McKean, he has been making music ever since. The 10,000 people of Kempsey want to pay tribute to their home-town hero. They have proposed a Slim Dusty Heritage Centre. It will include a Slim Dusty museum as well as a restaurant and shop. Slim no doubt is a bit embarrassed by all this fuss. He has been humble; never pretentious. But as a good sport he has pledged to donate an extensive range of his own memorabilia—old records, tour posters, guitars and an Akubra or two. The second stage of the project will incorporate an entertainment venue to bring the country's best country music musicians to Kempsey.

Mrs Chikarovski: Like Troy Cassar-Daley, Lee Kernaghan and Keith Urban. You don't even know who they are, do you?

Mr CARR: My offer stands, Kerry!

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

Mr CARR: Stage three will see the construction of a state-of-the-art sound recording studio featuring Slim's music. We will work with the Kempsey community to make this dream a reality. We will provide the business plan, which is expected to be completed by the end of the year. The Slim Dusty Heritage Centre will create up to 18 direct jobs. It will be a tourist magnet for that part of the coast, a major tourist attraction. That means more money for local businesses and even more local jobs. I have just been handed the lyrics of *A Pub With No Beer*.

Mr SPEAKER: Order! The Premier will conclude his answer.

[Interruption]

Mr CARR: It is a temptation!

Mrs Chikarovski: Let's go, Bob!

Mr Carr, accompanied by Mrs Chikarovski and other members,

It's lonesome away from your kindred and all
By the camp fire at night where the wild dingoes call,
But there's nothing so lonesome so morbid or drear
Than to stand in a bar of a pub with no beer.

Mr CARR: At this moment, as if by magic, the State President of the Australian Hotels Association has come forth in the public gallery. After that, no more words are necessary!

PRISON SENTENCES

Mr HARTCHER: My question is to the Attorney General. Has he misled the public with false claims that average sentences for all nine major crime categories increased in the 10 years up to 2000, when in fact the report from the Bureau of Crime Statistics and Research [BOCSAR] showed that sentences were either trending down or were stable? Why does he continue to deny that serious criminals are getting off lightly in New South Wales?

Mr DEBUS: The account just given by the shadow Attorney General of the BOCSAR report on general trends in sentencing over the last 10 years is wrong.

CONSUMER PROTECTION

Mr ANDERSON: My question is to the Minister for Fair Trading. What is the latest information on consumer protection in New South Wales and email scams targeting New South Wales families?

Mr AQUILINA: The Department of Fair Trading uses a range of enforcement actions against dishonest traders. Prosecution is one of the strongest weapons. In the past year the Department of Fair Trading has been most vigilant in this area. It has been successful in prosecuting 152 offenders, with penalties totalling \$630,439. The prosecutions involved 706 breaches of consumer protection legislation. Most of the prosecutions arose from the motor vehicle, real estate, building and pawnbroking industries. Unlicensed motor dealing continues to be a problem, but new legislation coming into force on 1 July will increase penalties to a maximum of \$110,000 and boost the department's ability to stamp out this illegal practice.

Common problems in the motor vehicle industry include the misrepresentation of vehicles and odometer interference. Typical offences involving real estate agents include trust account deficiencies and improper bookkeeping. In the pawnbroking industry the failure to properly log items is the most common offence. This is serious because the broker's register is a protection for consumers against the sale of stolen property. Prosecutions in the building industry normally arise from unlicensed builders or from builders who fail to properly carry out their duties. When a builder is convicted of an offence, it is recorded on a public register kept by the Department of Fair Trading. Anyone can check that register by calling the department on 13 32 20.

Last month the Licensing Court sent a clear message to the real estate industry that the misuse of trust money by agents would not be tolerated. The court convicted Crystal Real Estate in Newtown on multiple counts of misuse of trust funds totalling \$178,036, permanently disqualified the company from holding a licence, and ordered it to pay fines and costs totalling \$105,716. Prosecution is only one avenue the Department of Fair Trading uses to enforce legislation and protect consumers. Other methods include suspensions or cancellation of a trading licence, issuing breach notices and formal warnings. The department also has a proven track record of obtaining injunctions from the Supreme Court to stop traders engaging in misleading and deceptive conduct or otherwise contravening consumer laws. In the rare cases in which a trader breaches Supreme Court undertakings the department initiates contempt of court proceedings against the trader. In one such case—I am sure the honourable member for Lismore would be interested in this—Taree financier Timothy Aaron O'Keefe was gaoled for three months in December when he failed to appear for a contempt of court case against him.

The department has also been vigilant in warning and protecting families about scams that increasingly come through the mail and the Internet. Members frequently complain to me about these scams. The department's approach has been to educate the public about the dangers of responding to these scams and get-rich-quick offers. Today I have issued a warning to North Coast residents to ignore the extravagant claims contained in a computerised gambling scheme that is being heavily promoted in the region. In the past week hundreds of Coffs Harbour householders have received a glossy brochure in their letterboxes promoting what is described as a foolproof horseracing betting system.

Mr Scully: Is this from the local member?

Mr AQUILINA: They tell me he is burning hot up there. The system promises to deliver fat profits week after week. The program is claimed to be the product of years of painstaking work by mathematicians and computer engineers—obviously not the product of a public education system. This scheme is the latest in a long line of similar offers that have left a number of New South Wales consumers sadder, wiser and thousands of dollars poorer. The Department of Fair Trading is continuing its investigations into the gambling scheme and its Queensland-based promoters. I urge North Coast residents to throw these offers into the bin, where they belong. I particularly ask the honourable member for Lismore to take note.

FOREST OPERATIONS

Mr D. L. PAGE: My question is to the Minister for Forestry. Does the Minister agree with the Chairman of State Forests, Mr John Kerin, who said in his annual report that areas of regrowth and plantation forest are now being declared to be old growth by those opposed to all forestry activities without a skerrick of scientific validity and that he has seen no convincing scientific evidence that forestry, as it is practised in NSW, threatens the destruction of any species of flora or fauna?

Mr YEADON: It is fair to say that many environmentalists who make comments in debates do not necessarily base their comments on a scientific basis, but make them as part of a political process. People who have not recognised that by now are naive. Many statements by environmentalists, including the types of statements identified by the honourable member for Ballina, in relation to the environment are not based on science, but simply to pursue a political agenda. That is a legitimate role for them to play, but people in the community need to be aware that it is not based on science.

Mr D. L. PAGE: I ask a supplementary question. Given the support the Minister has just given to the chairman—rightly in my view—why is he now considering unravelling the regional forest assessments in the fourth year of a 20-year agreement?

Mr YEADON: That question does not logically flow from the previous question, but the Government has had a process that it has followed and has regional agreements in place. The Government will continue to look at claims made by all interest groups and lobby groups within the State, including environmental groups. We will consider each of those on its merits.

Questions without notice concluded.

VIETNAM VETERANS MEMORIAL DAY

Ministerial Statement

Mr CARR (Maroubra—Premier, Minister for the Arts, and Minister for Citizenship) [3.35 p.m.]: Last Thursday I met with Mr Keith Hall, the new State President of the Returned and Services League of Australia [RSL]. We were joined by Mr John Sheehan, State Treasurer of the RSL, and the honourable member for Heathcote, a Vietnam veteran. Keith Hall is the first Vietnam veteran to hold the job of president of the RSL and I am looking forward to working as closely with him as I did with his predecessor, Mr Rusty Priest. Keith Hall has a distinguished military career and is a decorated veteran of the Vietnam conflict. Keith Hall has taken the reins from Rusty, a man of integrity and a great servant of the people of New South Wales. During his service with the RSL, the league has grown dramatically in strength, numbers and prestige. I take this opportunity, on behalf of all members of this House, to thank him for his service, friendship, dedication to the league and its members, and wish him well in retirement.

At last week's meeting I formally extended an invitation to Mr Hall to attend a State Government reception to mark Vietnam Veterans Memorial Day, which coincides with the anniversary of the battle of Long Tan. On that night, 18 August 1966, a force of 80 Australians were caught in a night ambush on a rubber plantation at Long Tan. The reception was originally proposed by the honourable member for Heathcote. I look forward to catching up with veterans on that day, including David Doyle, who is now Deputy President of Clubs NSW and President of the Coffs Harbour and District Ex-Service Men and Women's Memorial Club, whom I met at a function earlier this year. David saw two tours of duty in Vietnam as a regular soldier, in 1966 and 1970-71. He was wounded in action in 1971 and evacuated back to Australia. He spent nine long months in hospital with injuries to his spine, plus a leg broken in five parts. It is that sort of valour that we will honour with the Long Tan reception. I do not want Vietnam veterans to think for one moment that they are ever forgotten by the rest of us.

Mr HARTCHER (Gosford—Deputy Leader of the Opposition) [3.37 p.m.]: It is important that we acknowledge the great contribution that the Vietnam veterans have made to our country and to our society in preserving the freedom of the western world. We on this side of the House are always proud to acknowledge the men and women who went forth to serve their country. I acknowledge on behalf of the Coalition the election of the new president of the RSL, Keith Hall, who is a Vietnam veteran, and acknowledge the service that he has given to his country in the past and will give in the future. I also acknowledge the work of Rusty Priest. He is a man of integrity who always sought to look after the interests of veterans in our community. He has never been afraid to speak up and always sought to advance the cause of those who have served their country in war and in peace.

There was a sad period in Australian history when the Vietnam veterans were not properly acknowledged or recognised by a certain section of the community. That was purely for political purposes. Now history recognises them as the men and women who went forth to serve the country, regardless of politics; who, when their country called them, went to fight the enemies of freedom in Vietnam. The fact that they were fighting the enemies of freedom was only too well attested when Saigon eventually fell and hundreds of thousands of Vietnamese had to flee across the world to escape Communist persecution. That is what the Vietnam veterans were fighting in Vietnam and that is what we are proud to acknowledge them for today—men who fought for freedom, men who deserve due recognition. It is great that the new president of the RSL is drawn from their ranks.

GENETICALLY MODIFIED CROPS

Ministerial Statement

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [3.36 p.m.]: The issue of genetically engineered food crops has surfaced in the media in recent weeks, with proponents on both sides of the debate making various statements. Some statements were quite reasonable and some were quite wide of the mark. The debate on genetically modified [GM] crops can be split into two main areas of concern: first, food safety and, second, market opportunities for our farmers. First, I will canvass the food safety issue. I was most impressed by the balanced approach of one writer, Mr Simon Benson, in the *Daily Telegraph* on Monday. His article stated:

Some lobby groups will never be satisfied by any level of food safety ...

There are also philosophical and religious reasons why people might be opposed to [genetic modification], but they have little to do with science and food safety ...

A great misconception is that eating a genetically modified food will have some Frankenstein effect on a human.

When you eat chicken, you are consuming all the DNA and hence the genes of chicken.

You don't start laying eggs and growing feathers.

The national regulatory regime for the use of gene technology is complemented by a national regulatory regime for food safety, which specifically addresses genetically modified foods. The national food standards code prohibits the sale or use as an ingredient food produced using gene technology unless it has been assessed by the Australia and New Zealand Food Authority and found to be safe under the authorities approved safety assessment criteria. I will now canvass the second issue, market opportunities for farmers. In Australia new plant varieties are now being developed by this technology. The first release was bacillus thuringiensis cotton, known as BT cotton, which gave the cotton plant a useful level of resistance to the most serious cotton insect pest. It substantially reduced the level of pesticide use on cotton. That was a significant environmental outcome.

Herbicide-resistant canola is next in the pipeline, and has been widely grown in the United States of America and Canada for some years without the devastating consequences predicted by the opponents of that technology. It has also been extensively trialled in Australia for some years. I understand that the Office of Gene Technology Regulator has received an application for the commercial production of Roundup Ready canola next year. This variety is resistant to the very valuable herbicide, glyphosate, known as Roundup. There have been calls for the banning of that technology, or for a moratorium on the testing or commercial release of plants developed by that technology. The organic food production industry has been specifically vocal on that matter. I am a strong supporter of the organic industry. Recently I opened the Centre for Organic Farming in the NSW Agriculture office at Bathurst.

Several organic farming activities are under way in NSW Agriculture, including research programs into evaluating the environmental benefits of alternative farming systems, breeding disease-resistant crops and the

development of biological agents for weed control. Organic farming, conventional farming and genetically modified plant varieties can co-exist and each can find its own niche in the Australian and global food market. The key to co-existence is the regulatory regime that has been developed in Australia, together with the use of crop management plans, and to identity preservation schemes. The regulatory regime is in place, with the passage of the Commonwealth Government's Gene Technology Act 2000 and complementary Acts in each State. This tight and transparent regime regulates all activities using gene technology that are not covered by other legislation.

Crop management plans address any on-farm issues, such as the development of weed or insect resistance, or cross-pollination with non-GM or organic crops. Identity preservation schemes keep non-GM and GM grain or oilseeds separate during the handling, transport and processing chain to ensure that food manufacturers can meet market demands, such as the labelling requirements for GM food. Feasibility studies conducted in Victoria have suggested that GM-free zones are unworkable. Recently the *Sydney Morning Herald* published an article which contained, I am sure, an unintentional misrepresentation of the New South Wales Government's position on GM-free zones. The article stated that I had ruled out such zones. Let me correct that: I did not rule them out. I simply conveyed the fact that nobody is in a position to rule them in.

Australia and New South Wales should not be denied the great benefits that the sensible use of this technology can bring to the whole community, including to the environment. I can inform the House that my office is in touch with the New South Wales Farmers Association on this issue and I have read the association's policy. It is a sensible one. In a nutshell, the association supports the continued research into and the trialling and testing of individual GM agricultural products. It also supports the release of GM products provided that, first, the appropriate regulatory authority stringently assesses all possible food safety and environmental risks and, second, the release offers substantial benefits to Australia's agricultural industries. I believe that is a reasonable approach to a complex issue. The crux of the market access issue is that the market will lead our farmers in the right direction. If consumers, both in Australia and overseas, decide that they will pay for a particular type of farmed product, Australian farmers will produce it and they will continue to be among the best farmers in the world. I am pleased to contribute to this ever-expanding public debate.

Mr ARMSTRONG (Lachlan) [3.41 p.m.]: This is a most interesting debate. Genetic modification [GM] is obviously in the embryonic stage. There is a considerable lack of knowledge in this country. There are also a considerable number of inaccuracies in the definitions of genetic modification. Having passed the technical aspects, the emphasis is on the benefits genetic modification will bring to production. I question whether the Government has spoken to the retailers and wholesalers in the marketplace. I have spoken to McDonald's, Woolworths and Mr Doug Sheers of ICM, the former owner of Uncle Tobys. They are diametrically opposed to GM foods in this country at this stage. It is all very well for the Minister for Agriculture to talk about the advantages genetic modification will bring in the marketplace, but if our major retailers are not prepared to retail the products, there will be somewhat of an impasse.

Japan, our largest single customer in this area, is also totally opposed to GM foods. Before we get too excited about the potential benefits for growers—reducing costs, increasing production, and improving the climatic properties of plants—we should look at who wants to buy GM foods and what markets we are likely to win or lose. Then we can have a definitive opinion. Genetic breeding of plants and animals is not new. One of the classic examples is corn, which has been genetically bred for the past 60-odd years. I refer to the days of De Kab Shand in the Tamworth district. My colleague the honourable member for Tamworth would be well aware that De Kab Shand was one of the leaders after World War II in the management of genetic breeding of corn or maize, as it is professionally known.

In the animal world there have been enormous changes. Whilst there has not been genetic modification in a technical sense, genes have been used to change the genetic characteristics of particular animals and plants. Our highly successful lamb industry has gone through an extraordinary transformation in the past 15 years. We have gone from lambs dressing at an average of 17 to 18 pounds to lambs now dressing at 44 to 48 pounds. They are attractive on the American market. I use the word "pounds" because they are sold to the American market. It is a major tribute to our animal breeders in this country. The Minister has told us about some of the benefits of genetic modification. I do not dispute his technical advice or knowledge. Certainly, plant disease resistance in cotton has been well demonstrated. But some of the other information coming forward is contradictory.

It has been said that we cannot have a GM-free zone. For example, in a single day bees will fly up to six kilometres backwards and forwards carrying pollen. According to members of the Apiarists Association who

were here this morning, bees can sometimes fly up to eight kilometres. To impose a regulation of two kilometres as the perimeter around a GM zone would be futile. Bees which are necessary for the fertility of many of our crops and are the greatest cross-pollinators. If they can fly up to eight kilometres in a day, to introduce GM-free zones would be a fruitless exercise. I also compliment the *Daily Telegraph* on its articles last week about GM foods and modifications. Those articles were succinct and probably as well researched as any I have seen in the public arena so far. We must obtain further scientific evidence and compile chronologies of practical references that are obtainable in the field. This debate has a long way to go before we, either Government or Opposition, can make firm and absolute recommendations on genetic modification.

I refer the Parliament to some of the work that has been done in Tasmania over the years. Tasmania has been a leader in this field, particularly with small crops, for the past 50 years. For example, I refer to the product known as canola, which was formerly called rape. It is a somewhat newer crop up here, having been introduced in the last 15 to 20 years. Tasmania was successfully growing rape back in the early 1950s. My colleague the honourable member for Murray-Darling mentioned poppies. Opium poppies have been grown successfully for the pharmaceutical trade in Tasmania for many years. A great deal of genetic management is necessary for that crop. Tasmania is a leader in growing those small crops and in the use of that type of genetics. I urge the New South Wales Department of Agriculture and the Government to gather information from Tasmania so that we can be better informed before coming to a final decision on the imposition of GM-free zones. The question is still open and should remain open until we have further information on the matter.

QUESTIONS WITHOUT NOTICE

Supplementary Answer

MENINDEE LAKES PARK TRUST CARAVAN PARK TENANT EVICTION

Mr AQUILINA (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading) [3.47 p.m.]: Yesterday the Leader of the National Party asked me a politically strategic question about a tenant in a caravan park administered by the Menindee Lakes Park Trust. I advise the House that within the Department of Land and Water portfolio more than 30,000 caravan park sites are controlled by State Government appointed trusts. Contrary to the claims made by the Leader of the National Party in his question, I have not interfered in any way with the operations of the Menindee Lakes Park Trust. The Department of Land and Water Conservation advises me that, to its knowledge, the tenant to whom the Leader of the National Party refers has not had his temporary licence reissued at this stage. I am advised that the trust had been seeking legal advice regarding the eviction of the tenant. The honourable member for Murray-Darling has, indeed, made representations. In fact, he often makes representations on behalf of his constituents. The Leader of the National Party should take note: the member for Murray-Darling is again listening to those who vote for him and will continue to vote for him.

Mr Scully: A good member, a great member.

Mr AQUILINA: As the Minister for Transport says, the honourable member for Murray-Darling is a good member, a great member. The Department of Land and Water Conservation does not intervene in the management of the trust unless there is a prima facie case established to warrant further investigation by departmental officers. However, I advise the House that there are wide-ranging concerns about the administration of the Menindee Lakes Park Trust and its chair, Mr John Brennan. The House should know that Mr Brennan is a former member of the Labor Party who attended the National Party conference and seems to have become a good friend of the Leader of the National Party.

Mr Moss: Oh, he is a rat!

Mr AQUILINA: He is a rat, as the honourable member for Canterbury says. Those concerned about the trust and its operations include fellow trust members and the local shire council. I, too, have concerns regarding the running of the Menindee Lakes Caravan Park. Central Darling Shire Council has advised the department that the park has a significant number of sites which do not comply with the Local Government Act. Those trust members have written to their excellent local member, the honourable member for Murray-Darling, outlining their concerns about other trust members. Naturally the honourable member for Murray-Darling forwarded those concerns to me. If this is the most telling piece of news that the National Party could get from holding its conference in Broken Hill, then the honourable member for Murray-Darling, Country Labor and the Government must be doing a top job in rural New South Wales.

RAIL SERVICES

Personal Explanation

Mr O'FARRELL (Ku-ring-gai) [3.51 p.m.], by leave: On Tuesday and again today the Minister for Transport made statements that clearly impugn my reputation. Today he made statements about my personal explanation on Tuesday. On Tuesday I said:

The Minister for Transport impugned my reputation by suggesting that when I was State Director of the New South Wales Liberal Party I had either suggested to then Liberal Minister for Transport or colluded with the then Minister for Transport to bring the tilt train New South Wales at a cost, according to the Minister, of \$10 million.

I went on to say:

I call upon the Minister to search the files to try to find any skerrick that suggests that I had a conversation with the Minister for Transport or any other officer of the Department of Transport and in any way had anything to do with the trial of the tilt trains in this State.

I place on record my acceptance of the apology from the Minister for Transport. He has produced no evidence that suggests in any way that I was involved. Clearly, there is no liability of the State Liberal Party.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield—Parliamentary Secretary) [3.52 p.m.]: I move:

That standing and sessional orders be suspended to permit:

- (1) the consideration forthwith of the motion of no confidence in the Minister for Transport, and Minister for Roads, notice of which was given by the honourable member for Vacluse this day, with the following speaking times to apply:

Mover	-	20 minutes
Minister in reply	-	20 minutes;
- (2) debate on the notice for urgent consideration to follow; and
- (3) the postponement of private members' statements until a later hour.

The motion of no confidence is a poor stunt. How many questions were directed to the Minister for Transport during question time about this proposed motion of no confidence? The answer is not one. There was no attempt to elicit any information from the Minister about the basis for the most serious of all of motions that can be moved against him in this House. This motion should be thrown out without debate because of its lack of merit. The Government has agreed to allow the mover of the motion 20 minutes in which to establish his case and 20 minutes for the Minister to reply. When I was negotiating the matter with the honourable member for Vacluse he said that he wanted to speak for an hour. The standing orders provide unlimited time for him as the mover and unlimited time for the Minister. Those times were considered but in view of the fact that the Opposition showed absolutely no interest in the matter during question time, I have moved to restrict time for the debate.

The Opposition will oppose that, but the Opposition should use the proper forms of the House. If it considers that the Minister is not doing his job correctly it should move a censure motion or ask questions of the Minister before it takes up the time of the Parliament at the end of a busy session. For the information of members debate on the motion for urgent consideration of which the honourable member for Newcastle has given notice will follow the conclusion of debate on the motion of no confidence. Those members who wish to make private members' statement may do so following the debate on the motion of no confidence and the motion for urgent consideration.

Mr TINK (Epping) [3.55 p.m.]: The Leader of the House has made a totally unwarranted attack on the honourable member for Vacluse, and shadow Minister for Transport, who has done his job consistently and effectively—nothing more and nothing less. He is holding the Minister for Transport accountable for his disgraceful performance. It is not the Opposition's fault that after months of cover-ups about cracks in railway lines around the State, this disgraceful state of affairs has come to the fore in the past 24 or 48 hours and that that coincides with the time the Government proposes to shut down the Parliament. That is why the Opposition wants to move this motion today. It is not a stunt and it is not silly; the commuters of this State do not believe it is a stunt or that it is silly. They regard cracks in rail lines all over the State as very serious. The Minister for Transport, who has just slunk out of the Chamber, had sought to cover it up.

Tens of thousands of railway commuters from Eastwood, Epping, Beecroft, Cheltenham, Pennant Hills and Thornleigh regard cracks in rail lines as one of the most important public safety issues facing this State. The honourable member for Vacluse is doing no less than any person with any commonsense in this State would regard as appropriate: he is bringing this matter on for debate this afternoon. The Government has chosen today to shut down the Parliament and go on long leave because it does not like the way question time is developing. The Minister for Transport does not like being reminded of the fact that one of his key personal priorities is chauffeuring his dog around in his ministerial car.

Mr Whelan: Why didn't you ask a question?

Mr TINK: There were questions today.

Mr Whelan: We asked them.

Mr TINK: And we get rubbish about the Millennium trains. Which millennium? It does not matter at the end of the day who asks the questions because despite the quality of the question that is asked we know that the answer will be rubbish. Indeed, quite often it is misleading and dangerous rubbish. At the end of the day there has been a cover-up on issues like cracks in rail lines. That is the reason for this motion. The Leader of the House has a hide to attack the honourable member for Vacluse for wanting to move a motion relating to the concerns of hundreds of thousands of commuters who will be going home this afternoon. They wonder what is going on under the wheels of the carriages they are travelling in. They wonder how long the Minister has known about the problem and why he has not been more open and expansive about it in Parliament. People in his department obviously have a conscience—which the Minister manifestly does not have—and have brought this matter to public attention. In turn, the Opposition has followed that up, as is appropriate.

The time for asking questions that the Minister will not answer has passed. Now is the time to hold the Minister accountable. The way to hold him accountable for the magnitude of his failings as a Minister is the motion to be moved by the honourable member for Vacluse. The matter is serious and the motion is appropriate. The honourable member for Vacluse is doing his job. The Leader of the House, on the eve of what will be a nice sunny break for him somewhere, has the hide to attack the honourable member for Vacluse for taking up the time of the House; it might require a rescheduling of the Minister's flight. The Opposition is within its rights. The honourable member for Vacluse is doing his job but the Leader of the House is interfering like the goalie of a losing soccer team. Whether the Leader of the House likes it or not the Opposition will get onto the record some of the questions that commuters want answered. Whether the Minister likes it or not he will be forced to respond. He will be forced to come to grips with issues relating in the twenty-first century—not mistaken, bogus, disgraceful allegations about things that never happened in the twentieth century involving the honourable member for Ku-ring-gai. In that way he might be forced to face up to his responsibilities and substantial shortcomings as a Minister, rather than drumming up garbage about a previous administration which, by comparison with the Government, did an outstanding job.

Motion agreed to.

MINISTER FOR TRANSPORT, AND MINISTER FOR ROADS

Motion of No Confidence

Mr DEBNAM (Vacluse) [4.00 p.m.]: I move:

That the Hon. Patrick Carl Scully, Minister for Transport, and Minister for Roads, no longer possesses the confidence of this House in relation to the management and the safety of the rail network and services for the people of New South Wales.

I must state at the outset that the Minister for Transport, and Minister for Roads has failed the people of New South Wales. However, I must express concern about the way in which the Government has handled this debate. This is a serious motion of no confidence in a major player in the Carr Labor Government, and as such it deserved appropriate attention from the Government and the House. Instead the Leader of the House moved a motion to suspend standing orders and allow the mover of the motion and the Minister to speak for only 20 minutes each. We had to accept that motion, as it was our only opportunity to air this issue. However, I put on record that this again demonstrates the Carr Government's contempt for the people of New South Wales, specifically rail commuters.

The motion seeks to establish that the Minister for Transport, and Minister for Roads has lost the confidence of the House in relation to the management and the safety of the rail network and services. It relates not only to the management of the system but specifically to safety. Every member will be aware that media

attention is focused today on two issues: first, the extensive and dangerous cracking being discovered daily across the rail network—not only in the CityRail network but in the country network, although we are unsure about how much of the network has been checked; and, second, the Carr Government's obsession with secrecy, especially in relation to rail safety. Rail commuters can thank the whistleblowers: the technical staff who knew this was a serious issue affecting the New South Wales rail system and who blew the whistle. They felt the public should be informed about safety issues. That contrasts with the approach of the Minister, who clearly feels that the public must be misled about safety issues.

More cracks are being discovered in our rail network every day. The Government is lying about the extent of the cracking, the reason for the cracking, the testing program and the impact on rail safety. The Carr Government is in denial and in full spin. We have seen that from the Carr Government for seven years—it is no different today. The culture of cover-up within State Rail must be smashed in the interests of rail safety. I stress that the problems lie not just with State Rail. However, today we are focused on the cover-up of safety concerns within the New South Wales rail system and the contempt that the Minister for Transport has shown for the people of New South Wales generally, and for rail commuters specifically. Extensive cracking and State Rail secrecy are critical safety concerns—and the 900,000 people who use the rail system every day would agree totally.

Let us go back in history to a few weeks ago. In response to further concerns raised in a *Sydney Morning Herald* article by Robert Wainwright, on 6 June the Government said that the rail network was "good as gold" and the safest it had been in 100 years. The Carr Government lied to the people of New South Wales then and it is doing it again today. Leaked reports from State Rail technical experts, the department's own people, confirm that the Government has no credibility on safety, especially after the Audit Office slammed the Government earlier this month for the huge backlog in rail track maintenance work. The Government has simply not been doing its job with regard to safety. Secret reports confirm that the Minister for Transport simply cannot be trusted with the safety of our rail network. I have some detailed incident reports, several of which I have distributed today. The incident report of 17 June states:

Traffic officer —

I will not mention his name—

advised that a large vertical split head had been detected on the down main line at Clyburn, requiring a 13 metre—

that is not a mistake—

length of rail to be replaced.

In the interim State Rail quickly erected speed boards to warn trains. The top of the report says "Safety issues: Yes." This is a safety issue and a secrecy issue. The Government is in full denial about a major safety issue in the State of New South Wales that the technical experts have difficulty explaining. They cannot explain why these cracks have appeared. Let us go beyond the advice of the State Rail technical experts and examine the advice of the public face of the Carr Government. On 31 July 1999 the Minister for Transport was quoted as saying, in response to some criticism, that rail safety might have slipped between the cracks. The Minister was asked a question on 17 November 1999 and he referred to our moving towards having a reliable and safe service. He said:

Safety and reliability are paramount to the Government.

Those statements are similar to those of the Carr Government on 6 June when we last debated this issue. We put a question to the Minister in this House but received no reply. The Leader of the House asked why we did not put a question to the Minister in question time today. The reason is very simple: The Minister does not answer questions. The Minister has slammed down the barriers on any information relating to safety. I noted those two quotes from November 1999 because, as we all know, they immediately preceded the Glenbrook tragedy. Those words of assurance from the Carr Government were uttered a few weeks before the Glenbrook tragedy. The Minister will forever remember the timing of his comments, just as I am sure he will remember his comments today. I note that this is not the first motion of no confidence in this Minister. It is two years to the month since the last motion of no confidence was moved in the Minister for Transport, and Minister for Roads. On that occasion the then Leader of the Opposition said:

... the Minister has slipped into a dangerous state of self-denial and self-delusion.

Those words are as true today as they were two years ago. On 6 June the *Sydney Morning Herald* published another article revealing how exposed rail cracks had put 900,000 commuters at risk. Robert Wainwright detailed a number of incident reports from the technical division of State Rail, highlighting all the cracks in the system. We pointed out at that time that the Government had refused to go public on major safety issues since Glenbrook. Why? It is because the Government knows that it is not doing its job.

I must also record my grave concerns about the way in which the Carr Government lied to me, the public and the media on 6 June. We knew on the night of 5 June that the Government had not checked the country rail network for cracks. I pointed out on the morning of 6 June that, although the Government might claim that it had checked the CityRail network, it had not checked the country network. The Minister's staff issued emphatic denials and said that the country system had been checked. Did those staff lie to the media and the public on their own initiative or were they directed to lie? The country network had not been checked then and, as far as we know, has still not been checked properly. At the time we released a number of State Rail internal memos that highlighted State Rail staff concern about this issue. I will not go through the details again now.

The Government does not know why these extensive cracks are appearing across the network. Some of them are as long as 13 metres. I have heard reports of sections of track falling off. I am not sure whether those reports can be verified at this point, but the Government's own documentation reveals that there is no shortage of incidents about "large", "serious" or "major"—whatever word the Government chooses to use—cracks. Why is it taking four or five attempts with this X-ray machine to find the cracks? Is it because there is a lack of resources? Is it because the equipment is not suitable to find all the cracks? Why is it taking four or five runs over the system? Last night my understanding is that cracks were found in the Hunter Valley system and there are two machines working there at the moment to try to find the cracks. Is this an emerging issue or have the cracks appeared very recently? Or is it simply that the machine is not finding the cracks? We need to know, the public needs to know and the public needs the answers.

I addressed in my budget reply speech last night the performance of this Minister and the six Scully scandals so far this year. I am not going to run through that again in detail, but I suggest members have a look at that. I go back to 31 May 1995 when this Minister, an enthusiastic young Minister, spoke in this House in the first year of the Carr Government. He was speaking on a corporatisation bill and stated:

An integral part of our reform agenda is the re-introduction of ministerial responsibility and accountability. The Government believes that as long as it is responsible for managing assets on behalf of the people of New South Wales it should remain answerable through its Ministers for the competent management of those assets.

That was in 1995, in the Minister's first months in office. What have we seen since then? We have seen a Minister in full denial and full spin. We have seen a Minister who will blame every single one of his staff for every single problem he has had in five years. This is a Minister who should have been sacked years ago. This is a Minister who should be condemned by the House today, and I am sure he will be. This is a Minister who has been condemned by the people of New South Wales and this is a Minister who will continue to be condemned by rail commuters, the 900,000 people who are dependent on the rail system every single day.

Currently major cracks are being found in the rail system every single day. This Minister is hiding them. This Minister is refusing to go public on any of these issues. This Minister is sending out any number of his vast army of spin doctors to answer the media's questions. In the budget papers this Minister has moved his spin doctors from 8 to 14—the only one that Treasury confessed to. This Minister should appear before the House today and explain exactly what he has been doing, explain the cracks problem, explain where it has come from, explain why he is hiding it, explain why he has an obsession with secrecy.

I turn again to signals passed at danger [SPAD]. After Glenbrook this Government committed to making safety information public. This Government even set up a web site which was going to publish that information. Signals past a danger was one of the major issues at Glenbrook. The Government published a little bit of information and then when it got into difficulties mid last year it stopped publishing it on the web site. It is there for all to see; I have copies if any member would like to have a look at it. This Minister pulled back the safety information and we have seen the Carr Government in recent years pulling down the shutters on safety information time and time again. I highlighted an issue in April of a dangerous rail safety fence at GyMEA. Again the Minister was in full spin, making promises, and I quote from the article:

Carl Scully said the Government would move immediately to install a heavy gauge barred metal fence with a curved lip on top. The new fence is expected to be in place within a month.

That promise, given in April, was that it was to be done within a month. As of this week that has not been done. That was a promise on safety, and that shows the contempt that this Minister has for safety. If we go back to the results of the Glenbrook tragedy, one of the main recommendations of Justice McInerney was to attack the failure to embrace a safety culture. He pleaded with the Carr Government to actually make rail safety an issue in New South Wales and he suggested in various documents that that information should be made public. I have raised that a number of times. This Government's obsession with secrecy is undermining safety. There is a PPK report dated August 2001 dealing with train evacuation in underground rail systems and the use of tunnel walkways.

I would like the Minister to address the recommendations of that report and tell me what he has done about the recommendations of that report relating to infrastructure; tell me what he has done about the recommendations in the report relating to the current rolling stock; and tell me what he has done about the recommendations in that report relating to the new Millennium trains and the mother of all stunts happening on Sunday. I will be there at 10.30 on Sunday morning to see this new train carriage and to see what the Minister has done about the recommendations of this very important report which deals with evacuation from trains and hazardous situations.

What we have here today is a Clayton's no-confidence motion on the Minister for Transport. The Leader of the House thinks he is very clever in moving to suspend standing orders to limit us to 20 minutes. I will cover in 20 minutes as much as I can cover, but if the Government votes this down we will pursue this issue every single day for the next nine months until 22 March when the people of New South Wales get an opportunity to vote on the record of the Carr Government. In public transport the Carr government has failed the people of New South Wales. The announcement yesterday on the Epping-Chatswood contract confirms that during its period of eight years in office the Carr Government will have made no significant improvement whatsoever in public transport for the people of New South Wales. They have failed in a very grand fashion.

This motion today draws attention to the fact that the number one issue in public transport is rail safety. There is a very fragile rail system across the State and this Minister has tried to cover up continually not only on this issue of rail cracking but any issue relating to safety, whether it is signals passed at danger or rail safety fences. This Minister deserves to be condemned. He is already condemned by the people of New South Wales and by the commuters using the public transport system every day who deserve a safe, clean reliable form of public transport, one that they are simply not getting.

I raised at the outset a summary of what this motion is all about. There are two issues. There is very extensive and dangerous cracking across the rail network. We are unsure of the extent of that cracking because the Government has clammed up on information on it. The second issue I raised today, and I have raised continually—and will for the next nine months right up to 22 March next year when the people of New South Wales make a decision—is this Government's obsession with secrecy across all the portfolios, but especially with rail safety. This Minister has to be condemned and the Carr Government has to be condemned just on that one issue of being obsessed with making sure no information on rail safety is ever released. Every Labor member in this House when speaking to their constituents in the future weeks and months leading to the election should be discussing with them the fragile state of the rail network in New South Wales and the refusal of this Minister to do his job by not providing information to the public of New South Wales to keep the commuters updated on a daily basis on safety concerns.

The Minister has had the opportunity since the Glenbrook tragedy to provide that information on a daily basis. The technology is available to put it on the web site, to put all that safety information out there so we can all see it; so we can all have transparency. Until there is transparency in New South Wales on rail safety there can be no confidence in rail safety under the Minister's stewardship. As everybody is aware, the Minister has made a number of mistakes in his time as Minister for Transport. But his biggest mistake was in the last month when he sought to cover up this major issue on rail safety. We can only thank again the whistleblower within State Rail and technical staff who thought this was a major issue for the people of New South Wales.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [4.20 p.m.]: What an extraordinary performance from the Opposition! I thought it had lost the habit of throwing motions of no confidence around like confetti. It went through a period in its first year or two in opposition when every second Minister every third week was subject to a motion of no confidence. In the tactics room the Opposition decided that it was demeaning the value of motions of no confidence. I agree with the Government Leader of the House that there was no question without notice and no argument in the debate. The shadow Minister did not attempt to have a lengthy debate. He copped the Leader of the House moving a motion that members speak for 20 minutes each. I am astonished that I was not asked one question in question time about this issue. I can only assume that this is a stunt. A motion of no confidence is not a motion of no confidence in my administration on one issue.

Honourable members cannot move a motion of no confidence simply because an article appears on the front page of the *Sydney Morning Herald*, but that is what the Opposition has done. The honourable member for Vaucluse work up this morning, saw the front page of the *Sydney Morning Herald*, went to the Leader of the Opposition and said, "Let's give this a burl. I have already asked a question about it. I got belted over the head a couple of weeks ago, John. Why don't we move a motion of no confidence in him? The article is there. It is on the front page and there was a little bit on morning radio. Let's give him a tough time." I am sorry for the shadow Minister. He has to realise that a motion of no confidence is a motion of no confidence in the whole administration of my portfolios. Everyone across the Transport and Roads portfolios has performed very well. Ultimately, yes, I am accountable for the performance of the portfolio.

I thank the tens of thousands of people who work across my portfolios and give great service to all the communities we represent. They were fantastic in the Olympics! They were sensational in the Olympics! They have done an excellent job in delivering rail, bus and road services across the State! If I am ultimately accountable for their performance, this motion reflects on their performance. It is an unjustified insult. I cannot believe that in the week that we went to Broken Hill and returned the train service to Broken Hill a motion of no confidence has been moved on me. The Opposition stole the train service, nicked it, yet it has the gall to move a motion of no confidence in me. In the week that we award the single, largest infrastructure contract this State has ever undertaken—\$858 million, very serious money on any infrastructure—a motion of no confidence is moved in me.

Mr Debnam: Have you signed it?

Mr SCULLY: It will be signed in two weeks. In the week that we award an absolutely huge contract for the biggest rail project we have undertaken since the city underground, a motion of no confidence is moved in me. In the same week—on Monday, the train service was returned to Broken Hill; on Wednesday, a \$858 million contract for a 14-kilometre tunnel was awarded; and on Sunday, a \$242 million roll-out of futuristic modern trains started—I cannot believe that a motion of no confidence is moved in me. The Opposition has to be joking! It has to be kidding!

Ms Saliba: An own goal.

Mr SCULLY: It is an own goal. I have been given 20 minutes to talk in this House about all the things we are doing in Transport and Roads. We have a very strong record. It is good news all the way down the State, east and west, all the way to Broken Hill and almost to Silverton. But it is good news for Silverton.

Mr Black: We will fix it up.

Mr SCULLY: I thank the honourable member for Murray-Darling for reminding me. We opened Salt Hole Creek Bridge and we announced \$1 million each and every year for five years for the Silver City Highway. But the Opposition takes it away.

Mr Black: What did George Souris say?

Mr SCULLY: I will tell honourable members what happened. When Duncan Gay was at a conference in Broken Hill he said to the media, "You know, Carl Scully would never come out here and open a bridge." I am horrified that he would say such thing. They said to him, "Mr Gay, he was here two weeks ago opening a bridge." He then said, "But he is not really committed to the area." To which they replied, "Mr Gay, he actually committed \$5 million to the Silver City Highway." That is an example of the lies the Opposition tells. They know my record out in the Far Western Division. We are building the Parramatta rail link because we need to build it. Labor governments are the ones who can build big infrastructure. The Opposition talks about it, but cannot build it.

Think about the history of infrastructure in this State. I do not want to go back and talk about Joe Cahill and the Opera House, Jack Lang and the Harbour Bridge, or Laurie Brereton and Michael Knight who delivered stage one and stage two of Darling Harbour. They were great Ministers who had foresight and vision. Laurie Brereton also delivered the Sydney Harbour Tunnel. They were terrific Ministers who delivered infrastructure that those opposite do not understand. They do not know how to deliver a Parramatta rail link. They do not know how to deliver a Western Sydney Orbital. When construction company chief executives come in to see me they complain that there is too much work. They complain that they are not getting holidays. They complained that they did not get Christmas and Easter. I said to them, "That's terrific."

They are not getting holidays because there are too many tenders. I have said to them: Look forward and then look back. In 30 years, when they are old, grey and retired, I am very confident that they will look back to this time and say that there was never a moment when there was more construction work going on in the Transport and Roads field than there was in 2002 right through to 2008 and 2010. Consider the Western Sydney Orbital, the Lane Cove Tunnel, the Cross-City Tunnel, the M5 East, the Eastern Distributor, the Pacific Highway and then the Parramatta rail link. These projects are enormous. The Pacific Highway alone is bigger than the Snowy Mountains Scheme. It has made a huge difference to the people on the North Coast.

I must relate a little anecdote. Sometimes you have rewarding moments in this job. The day after the M5 East opened the honourable member for Kogarah rang me and said, "Thank you for returning Bexley to my local community." After five years of solid hard effort on my part, with all the hundreds of people, the Roads and Traffic Authority, the Department of Planning, Baulderston Hornibrook and all the workers, that comment was a reflection of the appreciation of the community for all the work that had been done. Their property values have gone up. The honourable member for Vaucluse should speak to the people of Arncliffe, Bexley and Kogarah and ask them if they are outraged that the Government built the M5 East, that their property values have gone up or that every single day they are able to go to work 20 minutes later and come home to their families 20 minutes earlier.

The honourable member for Bankstown tells me that he is home earlier to see his wife and young kids. That is typical. Members of Parliament thank me because they are home earlier to see their loved ones. Am I the bloke who has to be condemned because I spent five years of my life delivering that project? The Parramatta rail link may involve another Minister for Transport. Goodness knows, I cannot believe that it would be the honourable member for Vaucluse, but someone else as Minister for Transport may be at the opening of the Parramatta rail link. Whoever is there will say to the Labor Government who was here during that time: "My kids can get to Macquarie University. My kids can get to jobs out at Macquarie Park. Thank you for building that Epping-Chatswood link." When we complete the link through to Parramatta, people on the Central Coast and in Western Sydney will have enormous employment and educational opportunities.

They will say it was the Carr Labor Government that delivered this infrastructure, that we changed the way Sydney and the rest of New South Wales operate. Normally, it would be inappropriate for me to say these things, but a motion of no confidence has been moved in me. The honourable member for Vaucluse is upset because he thinks that this Government is too good. He hates the fact that we are rolling out a new train. The Opposition wants to pour a bucket on it. As I said earlier today, many disappointed people have come to me. They are disappointed because they thought that the honourable member for Vaucluse would say, "Isn't this a good train?" The other day the *Sydney Morning Herald* revealed that on-time running was excellent. When on-time running was poor I copped the blame. The Opposition got stuck into me. Fair cop. A couple of years ago there were some problems in the rail network.

Our response was to pour in \$1 billion of public money over a four-year period to improve on-time running, maintenance and reliability. We lifted the performance to that stage that there has been eight or nine months of consistent 92 per cent on-time running. I say to the men and women of our railways: Thank you very much for a terrific performance. This miserable sod went on radio and said: "No, I am not going to give any of the credit. They can go to blazes. It is all Carl Scully's fault. It should be 110 per cent on-time running; 92 per cent is not enough." If I had more time I could give more detail about why we are building the Western Sydney Orbital and why we have built the M5 East. But I do not want to waste the time of the House because of this political stunt that this character has engaged in. This is not a serious engagement on issues. As I said earlier, in a time when we are doing more for transport and more for roads it is not the time to move a motion of no-confidence in a Government in this field. It would be hard to do more in this area even if we tried. Very soon we will announce the preferred tenderer for the Western Sydney Orbital. Later this year we will select one preferred tenderer and sign a contract for construction on a \$1.3 billion 40-kilometre motorway to commence.

A motion of no confidence has been moved against me yet the Coalition built the M2 that went nowhere. It built the M5 that went nowhere. If I had been responsible for the airport rail link I would have deserved a no-confidence motion being carried. Projects are not the be-all and end-all. Building the projects is not the end of the game. They are just a means to an end. It is about lifting the quality of life of the men and women of this State whom we have the honour to represent. It is about making sure that kids can get to school and home again. It is about mums and dads being able to do their shopping. It is about getting to holidays and home again safely. It is about getting to work. It is about moving freight. Roads and rail are just a means to that end. We are going through the program of building. We have spent an enormous amount of money on maintenance of carriages, rolling stock and track over the last few years. I am not having this character lie and lie about a whole range of things.

He actually said to a press conference today that this was a Watergate-style cover-up. He might be shocked to know that someone from the sixth floor rang me to say that the sixth floor media team cringed in embarrassment at the honourable member's press conference when he was saying that this was a Watergate-style cover-up. In early May in a press release we stated that a speno X-ray machine was inspecting the track and we were fixing and replacing the track as needed. I was then questioned in Parliament about the issue. I spoke at length about the program and about vertical split heads. I explained to these nincompoops opposite that what happened in the past—mostly when they were in government—was that people walking along the track made visual inspections. When the speno machines were used—they have been around for a while—they were mostly used at a 90 degree angle and it was very difficult to pick up the cracks inside the rail. We have fine tuned the machine, firing ultrasonic waves into the steel while the X-ray machine is operating. In tandem, a global positioning vehicle follows behind to determine the co-ordinates of where a crack is found. Then the track is pulled out and replaced. I put all that on the record. I said that we are testing and retesting. The shock horror is that we are doing what we should be doing. This issue is of concern and it was worrying a number of senior rail executives.

Mr Debnam: Where are the critics?

Mr SCULLY: The honourable member for Vacluse ought to hear this. Workers are going out day and night, sometimes in the rain, to pull track out. How much has had to be pulled out? About 500 metres—across thousands of kilometres of track. We believe that many of these cracks have been discovered because there is a higher level of detection. When the Coalition was in government the cracks were not detected. So as the crack developed with train wheels repeatedly going over it eventually the rail broke away and the train fell off the track. That is what happened more often than not. That is the worry. Now we are attempting to avoid that situation, doing what we should be doing. This issue is a concern. We realise that there is a problem. I will be quite frank, as I should be in proceedings such as these.

There is some steel that is of concern to our engineers. It should last longer than 50 years but it is 50 years old. It is known as 53 kilogram class steel. I have asked the senior executives and engineers to continue the speno X-ray testing program. The metropolitan track has been completed and a huge part of the country track has been inspected. We keep testing and we keep discovering fissures and cracks. When we do, the tracks are pulled out and replaced. If there is a concern where cracks are appearing on 50-year-old 53 kilogram steel I think we need to have a rerailing program. Coalition members would not know what a rerailing program is. So for the dumbos opposite I will tell them. Rerailing is where we go along and find all this 50-year-old 53 kilogram class steel and take it out. We will replace it over the next several years with 60 kilogram class steel. I believe that will ultimately deal with this problem.

This character opposite wants a system that they had in government when these cracks were not discovered. They used to be fixed when the rail failed. We want to make sure that so far as we possibly can we discover the cracks when and if they occur and remove the track and replace it with new steel before any incidents occur. I will continue to encourage all the people in the railways—the engineers and chief executives and thousands of rail workers—to treat the issue seriously. When I talk to them they tell me that safety is paramount in their minds. They find it profoundly offensive when it is suggested that anything they are doing is anything but in the interests of the safety of train commuters. To suggest that they are doing something that is unsafe for train commuters is insulting and offensive, and the shadow Minister should apologise.

It has been claimed that there is a cover-up. I have issued press release after press release after press release about track inspections and confirming that incidents have occurred. The shadow Minister thinks that instead of engineers being able to sit around and exchange documents about how to settle these things we should have a fax machine that has Peter Debnam's name on it and we should send any proposals to him to seek his views first before the engineers meet. All the documents should be prepared and before the bureaucrats meet the views of the honourable member for Vacluse should be sought on how to deal with vertical split heads. I am sorry, Peter: It is not Watergate; it is not deep throat; it is not a cover-up. I have been to some of the meetings where the senior engineers, expert signallers, track builders, train controllers, station managers, carriage maintainers and ballast cleaners all sit around a big table and problem solve.

When some issues come up, they produce documents and discuss ideas and work through solutions. Occasionally, those documents are sent to the *Sydney Morning Herald* or to the Opposition. When that happens the honourable member for Vacluse says, "Oh my God, it's a cover-up. I should have gone to Central railway with a box and said 'Here it all is'." I am sorry, but we need to have an exchange of ideas around a table of experts as they continue to endeavour to solve the problems of a fully functioning railway service. I do not want

any more lies from that character, saying that we do not have cleaners during the day, that we do not have clean trains or that we have dirty trains. We have more security in place than the former Coalition Government ever dreamed of. The former Coalition Government did not have digital cameras or security guards, it had only the tilt train—that is all. I ask the House to treat that man with contempt. I have confidence in my administration.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 32

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

Noes, 52

Mr Amery	Mr Hunter	Mrs Perry
Ms Andrews	Mr Iemma	Mr Price
Mr Ashton	Mr Knowles	Dr Refshauge
Mr Barr	Mr Lynch	Ms Saliba
Mr Bartlett	Mr Markham	Mr Scully
Mr Black	Mr Martin	Mr W. D. Smith
Mr Brown	Mr McBride	Mr Stewart
Miss Burton	Mr McGrane	Mr Torbay
Mr Collier	Ms Meagher	Mr Tripodi
Mr Crittenden	Ms Megarrity	Mr Watkins
Mr Debus	Mr Mills	Mr West
Mr Face	Ms Moore	Mr Whelan
Mr Gaudry	Mr Moss	Mr Woods
Mr Gibson	Mr Newell	Mr Yeadon
Mr Greene	Ms Nori	
Mrs Grusovin	Mr Oakeshott	<i>Tellers,</i>
Ms Harrison	Mr Orkopoulos	Mr Anderson
Mr Hickey	Mr E. T. Page	Mr Thompson

Question resolved in the negative.

Motion negatived.

CONSIDERATION OF URGENT MOTIONS

Newcastle Stadium

Mr GAUDRY (Newcastle—Parliamentary Secretary) [4.48 p.m.]: It is urgent that the House have the opportunity to congratulate the Government on its wonderful \$33.6 million cheque for the building of a new stadium in the Hunter. It is urgent that we call on the Federal Government to immediately match that \$23.6 million.

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

NEWCASTLE STADIUM**Urgent Motion**

Mr GAUDRY (Newcastle—Parliamentary Secretary) [4.49 p.m.]: I move:

That this House:

- (1) congratulates the State Government on delivering \$23.6 million to help build a new stadium in Newcastle for the Hunter;
- (2) notes the Premier personally delivered the cheque to the region today; and
- (3) calls on the Federal Government to immediately honour its election promise by matching the State Government's contribution.

Today I had the honour, together with the Minister Assisting the Premier on Hunter Development, to attend the handover ceremony at EnergyAustralia Stadium of a \$23.6 million cheque to help build a new world-class sporting facility at Newcastle's EnergyAustralia Stadium. This State Government funding is part of a \$44 million redevelopment proposal put to the New South Wales and Federal governments by the Newcastle International Sports Centre Trust in May. It was made very clear by the Premier that our Government's funding today of \$23.6 million is not conditional on the Federal Government providing its share of the upgrade. It was put on the table. The Federal Government must now honour its promise and come up with a matching amount so that Newcastle and the Hunter region can have a world-class stadium which, as honourable members are clearly aware, the Hunter deserves and has awaited for a long time.

The new stadium will give our Knights football team and Newcastle United soccer team the opportunity to operate from a world-class facility. Also, all other sporting and cultural activities in the Hunter will have the opportunity to participate in their activity at the stadium. It will be a fully seated stadium and spectators will have the conditions they justly deserve. It is now up to Mr Bob Baldwin, Federal member for Paterson, and Senator John Tierney to fight for the remaining Commonwealth money. After the redevelopment, with State and Commonwealth funding, there is no doubt that this will be the best regional stadium in Australia. It will be a safe and comfortable venue for families who wish to watch our fantastic Knights football team and our Newcastle United soccer team continue their winning runs, as they have in the last two seasons.

Of the \$23.6 million State funding, \$22 million will be spent on building new stands with new change rooms, improved seating, new corporate boxes and new broadcast and media facilities, and \$1.6 million will be spent on urgent repairs. The group that attended the handover of the cheque today clearly demonstrates the support right across the Hunter region for this facility. As I said, Minister Face and I were present, as was Newcastle Lord Mayor, Councillor John Tate, representing the mayors of the Hunter Valley. The support for the project from Hunter Regional Organisation of Councils [HROC] was there from the very beginning. Also present were the International Sports Centre Trust chairman Ted Atchison, secretary Leigh Maughan, and trust members; Knights chairman Michael Hill, general manager Ken Conway, head coach Michael Hagan, football manager Mark Sargent, club captain Bill Peden, other Knights players and, importantly, New South Wales and Knights captain—and hopefully captain of Australia—Andrew Johns.

Last year, on the night that the Knights won the Grand Final, Andrew Johns made a prophetic statement when he said that the spectators and supporters of Newcastle and the Hunter deserve a better stadium. That was a trigger for action at the community level to support the action that has been ongoing since 1999. Minister Face has advocated support within government, as have the members of the Hunter Task Force—the members for Port Stephens, Cessnock, Wallsend, Maitland, Swansea, Lake Macquarie and me, as the member for Newcastle. The significant issue in winning the funding for this stadium has been that all levels of government have worked together. Our Federal members, State members and local government representatives have worked together with the Knights, KB United and the International Sports Centre Trust, all focused on advocating for this stadium.

As the Premier said today, over the past three years the members have been bashing on his door calling for this stadium. It is great to see the State side of funding delivered today. It is now time for Senator Tierney and Mr Baldwin to hold up their side of the bargain and get the commitment from the Federal Government to provide matching funds of \$22 million. I will refer to some significant statements made by both men. In the *Newcastle Herald* on 16 May an article stated:

Sen. John Tierney said he and Mr Baldwin would not fully pursue the EnergyAustralia upgrade until its owner, the State Government, first contributed to the significant funds to the project.

On 16 May in the *Newcastle Herald* Senator John Tierney said:

We want to see the Carr Government does make its responsibilities on this issue. That's our position on it.

That is the idea of half-funding. Mr Baldwin said in the House of Representatives on 4 June:

... it is the responsibility of, and is owned by, the State Government. They need to address the issue in the first place.

In the *Newcastle Herald* on 7 June Mr Baldwin said:

The State Government should first contribute its \$22million share to the project before the Commonwealth chipped in.

I congratulate the Premier and the Government on the decision made. The International Sports Centre Trust, with the involvement of the Premier's Department, went through a searching process of rational discussion about the stadium and how it should be built and costed. The plan came to the Premier in the last week of May, and has gone through a process of financial and technical advice. It has been said that the stadium should have come out in the budget, but that was not even a possibility. It had to go through that process first. It has now gone through the process and it has got the tick. Today we heard that fantastic announcement. Today I did not meet one person in Newcastle who did not have a beaming smile on his or her face, with the thought of the great improvement in our sporting facilities in the region.

I am sure that Opposition members will support this project. It is a tremendous regional facility that will give great benefit to the whole of the Hunter region and to the North Coast. I ask the Opposition to join us in calling on the Federal Government to come to the party. As occurred on the Central Coast, the Federal and State governments will put in a significant amount of money and allow the region to run the facility in a way that continues to give families the opportunity to attend major sporting events at a reasonable cost but with much improved facilities. I pay tribute to Andrew Johns, who received the cheque from the Premier. I was pleased to see the Premier hand the cheque for \$23.6 million to Andrew Johns, to be given to the International Sports Centre Trust. The Premier handed over the money so that the project can begin. We can move forward in a well-planned and positive program to bring the facility to the people of the Hunter Valley. We can give them what they deserve: a fair distribution of funding for the development of a magnificent sporting stadium. Let us see the Federal Government match that grant.

Mr STONER (Oxley) [4.59 p.m.]: Any investment in sporting facilities in New South Wales, especially in the Hunter district, must be welcomed. The Opposition welcomes this sort of commitment to sporting facilities in the Hunter. It is well and truly time that the Government was serious and gave priority to the Sport and Recreation portfolio, given that as a share of the State budget Sport and Recreation has dropped from 2.8 per cent in 1994-95 under the former Coalition Government to just 2.2 per cent in 2002-03. Therefore, this additional investment is welcomed. There is no doubt that EnergyAustralia Stadium is not up to the standard of many other venues in the State, particularly those in Sydney. Sadly, to some extent Newcastle and the Hunter have been taken for granted by Labor, and this has led to Newcastle being overlooked for events in the Rugby Union World Cup, to be held next year. I refer to an article in the *Newcastle Herald* dated 21 May, which stated:

Rugby World Cup general manager Matt Carroll said Newcastle missed out because it was too far from Sydney International Airport and lacked appropriate seating and media facilities ...

Newcastle and Hunter Rugby Union general manager David Munro said it would have been a "fair call" to reject EnergyAustralia Stadium because of its facilities ...

Newcastle and Hunter Business Chamber president Paul Murphy said the loss will cost the Hunter "hundreds of thousands" of tourist dollars.

It is a shame that the state of this stadium has resulted in a missed opportunity for the Hunter. Therefore, this commitment—although late—is welcomed by the Opposition. The community pushed hard for the funding. In May the Hunter Sports Park Trust put in submissions to both the State and Federal governments for \$44 million to build a 25,000-seat facility. I put on the record that if the Coalition is elected to office next year it will retain the commitment of \$23.6 million—

Mr Gaudry: It is paid already.

Mr STONER: It is in the budget, it is paid and we support that. I refer to another article in the *Newcastle Herald* dated 15 June that refers to the State Government commissioning consultants to report on major venues in Sydney, Wollongong and Newcastle areas. In the article the Lord Mayor of Newcastle City Council, Councillor Tate, stated:

Cr Tate said he had been told by the State Government that a Cabinet sub-committee on major venues had asked private sector consultants to carry out an assessment of major metropolitan area sporting venues.

Although the report would not be finished until later in the year, he was hopeful the consultants would find economic and political merit in putting public funds towards a stadium upgrade.

So there has been a strong push. Today the Premier announced funding of \$23.6 million. Why was that announcement made today when less than two weeks ago we were told that consultants were engaged to examine sporting facilities in metropolitan areas and that the report would not be available until later this year? I suggest that it demonstrates political opportunism and is another case of the spinmeister Premier hopping in a helicopter with Andrew Johns, making the announcement the day after the State of Origin match when interest levels are high, and timing the presentation of the cheque for maximum media coverage. I suggest that the process has cut through proper analysis and justification to jump on the State of Origin bandwagon. Last night I saw the Premier at the State of Origin match. He rushed down to the tunnel immediately after the match and greeted the Queensland captain, Gorden Tallis. The cameras lights were flashing. I went into the Blues dressing room; I did not see the Premier consoling players after the draw. I spoke to those players, who played their hearts out. I spoke to Andrew Johns, who told me he was gutted. The Premier was nowhere to be seen. He left in a hurry after his media grab.

I also ask where the money has come from because it was not in the State budget. It has not been allocated through proper analysis of need, but it appears to have been driven by political opportunism—a return to the bad old days of the whiteboard. Newcastle deserves a facility of similar standard to the many facilities this Sydney-centric Government has poured money into. It is about time that Labor provided world-class facilities outside Sydney. I raise these matters because the process has not been transparent and the timing has been driven by media exposure rather than a rational process. Paragraph (3) on the motion is a blatant attempt to mislead the House and the people of the Hunter, because the Federal Government has made no such promise. From correspondence I have received from Senator Rod Kemp, Minister for the Arts and Sport, the Commonwealth Government has made no commitment to provide funding for the EnergyAustralia Stadium. To suggest that the Commonwealth Government has agreed to match the State's contribution is pure fiction. Although a submission has gone to the Federal Government, this venue is clearly 100 per cent the responsibility of the State Government. I should like to quote again from the *Newcastle Herald* of 15 June, in which the Lord Mayor of Newcastle City Council stated:

Canberra is logically going to wait to see what the State does, because it's State property, it's a State-built stadium, the trust is appointed by the State.

This stadium is the responsibility of the State, and it has a long overdue commitment to upgrade this facility to enable international and national matches to be played in the Hunter. Paragraph (3) of the motion is totally misleading. Therefore, I move the following amendment:

That the motion be amended by leaving out paragraph (3) with a view to inserting instead:

(3) Calls upon the State Government to fully fund the upgrade of this State-owned and run facility.

Mr MILLS (Wallsend) [5.07 p.m.]: This is a great day for the Hunter region. The New South Wales Labor Government is investing in infrastructure for the benefit of the community in Labor heartland. It puts to rest the old furphy that safe seats do not receive attention. The *Newcastle Herald* editorial writers will have to find another line to push. The *Newcastle Herald* editorial for October 2001 stated:

If the Newcastle Knights rugby league grand final victory has done one thing, it has been to get this seemingly stalled issue of a better stadium for the city on the go again. Team captain Andrew Johns set the ball rolling after Sunday night's game when he said the Newcastle fans deserve a better stadium.

He addressed the crowd of blue and red supporters at Stadium Australia and those of us present were very moved by it. At the victory parade in Newcastle the then Federal Leader of the Opposition, Kim Beazley, said a new stadium would be achieved only through the combined effort of the community and the New South Wales and Federal governments. Kim Beazley hit the nail on the head when he said it would take people working together to achieve this. The response by the honourable member for Oxley indicates that the Coalition in this State, just like its Federal counterparts around the Hunter region, do not understand the concept of the benefit that can be derived from people working together and helping each other at different levels of government.

The meeting, which I attended, was held on 4 October last year, just after the grand final. It was convened by the Lord Mayor of Newcastle, John Tate, and was attended by Councillor Peter Blackmore from Maitland Council; Councillor Steve Busteed from Port Stephens; Councillor John Clarence from Cessnock;

Councillor John Kilpatrick from Lake Macquarie; the Minister Assisting the Premier on Hunter Development; the honourable member for Newcastle; Allan Morris, former Federal member of Parliament; Liberal Senator John Tierney; the honourable member for Port Stephens; Jill Hall, Federal member for Shortland; Kelly Hoare, Federal member for Charlton; the honourable member for Lake Macquarie; the honourable member for Swansea; the honourable member for Maitland; Ian Bonnette and Michael Hill from the Newcastle Knights; Leigh Maughan and Ted Atchison from the International Sports Centre Trust, as it was then called; and Jock Graham from Newcastle United Soccer Club.

That group made a number of important decisions. The first—which demonstrated how we could work together—was an agreement to put aside all previous arguments about whether we should upgrade Marathon Stadium, as it then was, or build something better on a greenfields site. We agreed that since the heart of Newcastle was at Marathon Stadium we should support the upgrading of that venue. We put aside a lot of differences on that day to work together to achieve the sort of outcome that has been announced today. We agreed to combine our collective energies in a unified approach to all levels of government and the business community to achieve our goal.

At a meeting on Friday 14 June of the same group chaired by the Lord Mayor, which I also attended, trust chairman Ted Atchison reported that the Premier's Major Venues Task Force Committee, to which the matter had been handed—there is some information for the honourable member for Oxley—had received a submission on behalf of the New South Wales Government just before the Federal budget announcement. Ted Atchison told us that the submission had been received favourably by the committee. We were assured in our meeting a couple of weeks ago that there was an approach under way and that the application from the International Sports Centre Trust was being processed. We expected a positive outcome before too long. We were aware that the task force was expediting its examination of EnergyAustralia Stadium because the plan—it had taken a long time to formulate a good plan—was so well advanced.

Coalition politicians in the Hunter—Bob Baldwin, the Federal member for Paterson, and Senator Tierney—have been playing divisive wedge politics. Senator Tierney wrote a letter to the newspaper in January saying that the Carr Government should close the Hunter Street railway line and put the money it saved into the EnergyAustralia Stadium. The honourable member for Newcastle sensibly responded that Senator Tierney should assist by getting funding for the EnergyAustralia Stadium from the Federal Government. It was a different story when the proposal regarding NorthPower Stadium at Gosford was kick-started by the Federal Coalition just prior to the Federal election six years ago. It said that it would provide \$12 million in Federal funds for the North Sydney-Manly merger provided the Carr Government matched that funding. We did. The question now is whether John Howard thinks Bob Baldwin's skin is worth saving.

Mr J. H. TURNER (Myall Lakes—Deputy Leader of the National Party) [5.12 p.m.]: Like the shadow Minister for Sport and the Leader of the Opposition I support the reconstruction, rebuilding and renovation of EnergyAustralia Stadium, previously known as Marathon Stadium, previously known as the International Sports Centre, previously known as Newcastle airport, previously known as a swamp. The site has had a chequered career, and it is still pretty damp underfoot when it rains. It is interesting to note that the stadium was an airstrip in the middle of Newcastle and now the Newcastle airstrip is in the middle of Maitland—but that is another story. The International Sports Centre was originally conceived with a view to attempting to bring the Commonwealth Games to Newcastle.

It was to be the centrepiece of Newcastle's bid for the Commonwealth Games but, regrettably, we did not win those games. Perhaps we could consider making another bid in the future. Unfortunately, politics have now come into play in relation to the sports centre. The shadow Minister for Sport referred to a letter from Senator Rod Kemp stating that the Federal Government has made no promise in relation to this matter. Yet everywhere we go we hear the same mantra from the State Government. Any time the Minister for Transport, and Minister for Roads fulfils his obligation in relation to a State road he challenges the Federal Government to match the funding when the road is obviously a State responsibility.

There are council, State and Federal responsibilities, and the sports centre is a State responsibility. Instead of playing politics, which is what the Labor Party appears to want to do, the State Government should get on and do it. The people of Newcastle deserve, and have been waiting for, a new stadium, yet all we hear is silly politics. I do not care whether the Premier hops in a helicopter, flies to Newcastle and drops \$23 million or so on the table. He should put on the table whatever sum is needed because the stadium is a State Government responsibility. Forget the petty politics of issuing challenges. If the Government is fair dinkum about upgrading the facility, it should put the money on the table and get on with it. The people of Newcastle are sick to death of

hearing debates about the responsibility of the Federal Government in relation to this matter. The sporting arrangements in this State are a State responsibility, as are the roads of this State—except for Federal highways, which are administered by the Federal Government.

The Premier professes to be keen on sport but takes little interest in it. He does not realise the benefits of sport to tourism, which is my shadow portfolio responsibility. Proper sporting facilities and good sports promotion in the regions are terribly important to the tourism industry. The Premier tries to pretend that he is a sporting person and a man of the people. Who can forget the speech that the Premier gave in this House when the Sydney Swans reached the AFL Grand Final? He concluded by saying that he hoped to see Plugger put one right over the black dot on Saturday. Who can forget his comment just a few weeks ago that he hoped we would beat Victoria in the State of Origin? Who was the bloke who read a book during the opening ceremony of the Atlanta Olympic Games? Who was the Premier who was booed in Newcastle when the Newcastle Knights won the Grand Final? Rather than swanning around, the Premier should meet his responsibilities, fund this project properly and let the people of Newcastle have the facility to which they are entitled.

The last real work on this facility was done by the Coalition when the Leader of the National Party as Minister for Sport provided the lights for Marathon Stadium. In fact, he tells me that he turned on those lights. That is the last work done on that facility. The Carr Government has done nothing in seven years because it wants to play petty politics about who will put the money on the table. It is either a State Government responsibility or it is not. If it is, the State Government should produce the money and build the stadium properly. It cannot half do it, which is what the Government is doing by saying that \$46 million is needed and then putting \$23 million on the table. The people of Newcastle, who are traditionally represented by the Labor Party, are being duded by the Labor Party.

Mr PRICE (Maitland) [5.17 p.m.]: I support the motion before the House and reject the amendment: it is not practical and it is not real—in fact, it is a joke. I congratulate the Premier on his initiative in providing this badly needed funding to assist in improving EnergyAustralia Stadium. I liken it to the money that the State Government provided in 1998 to the Glendale Regional Athletics Centre. That was a State initiative on State land that was fully funded by the State without any Federal support. The Newcastle Entertainment Centre secured a series of loans from the Greiner Government, which are repayable at interest rates of 11 per cent and 12 per cent. That is the sort of gift we get from a conservative State Government.

The money for the stadium is real cash that is in the bank earning interest. We will make sure that the centre is the best outside metropolitan Sydney. It is ridiculous to suggest that the Federal Government has made no funding commitment. It has always said, "Show us your money and we'll do something." We have shown it the money so how about doing something? Senator Tierney and Bob Baldwin have been screaming their heads off about what the State Government should or should not do. We have now done it—with some style—well before an election. Let us see what the Federal Government can do to match it. I refer particularly to Bob Baldwin and his actions before the last Federal election.

In my electorate, and adjacent to the electorate of the honourable member for Wallsend, who is in the Chair, a grade-separated intersection, which was worth some \$27 million, was required. That was on a promissory note. The reason that was given for there being no progress and the reason a petition was collected and presented by the Opposition in this Parliament was because the State would not build a link road. We have had the money for the link road for some time. We have done all the studies. We have taken account of Aboriginal artefacts and 1995 flood levels. We have communicated with everyone. We have an agreed plan and this year the road is fully funded. The link road will start in September. Where, Mr Baldwin, is your promise of an grade-separated interchange? He does not even get to Indian giver stage. We did not get the interchange; all we got was the promise. The last Federal budget omitted that project.

The stadium in Newcastle has been a tremendous effort. I offer praise to my colleagues the honourable member for Newcastle and the Minister for Gaming and Racing and to the Premier's Department for its efforts to ensure that this program has come forward at this time. As the honourable member for Wallsend knows from his own experience, the pressure has been on from the community—and not only from the Newcastle Knights football club and the International Sports Centre. For some years I was a director of the sports centre so I know the background. I know how difficult it has been to get funding. But the Premier has done it in style.

To return to Bob Baldwin, he is a big man with a big mouth. He is full of hot air, but let's see a little bit of action. The honourable member for Wallsend and I can benefit from his promises, but where are they? They are fictitious; they do not exist. The Federal Minister for Transport and Regional Services was not game to stand

at the intersection during the Federal campaign when his loud-mouthed colleague was using that program as a step-up for his election, and of course we all know any government that is elected on racial issues will ultimately receive the fate it deserves. The centre will benefit my electorate significantly. There are Knights supporters all over the Hunter Valley and beyond.

The people of Maitland will be delighted to learn that the facilities at the ground will be upgraded to such an extent that they can truly appreciate their team at every home game. The soccer fraternity will also be delighted with the facilities. The International Sports Centre is a tremendous sport and recreation complex for the people of the Hunter Valley. We are fortunate to have this site and it is tremendous that the Government is continuing to support the people of the Hunter Valley, who in turn support the Government. Never again can it be said that they have been left out or cut short. I support the motion moved by the member for Newcastle.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.22 p.m.], in reply: I thank honourable members representing the electorates of Wallsend, Myall Lakes and Maitland for their contributions. I particularly commend the honourable member for Wallsend and the honourable member for Maitland for their commitment to this project. They have clearly indicated the benefits that the project will bring to the Hunter Valley community. The project is the result of insistent and persistent calls by the community of Newcastle and the Hunter Valley for a first-class stadium. That was brought into focus by Andrew "Joey" Johns following the Grand Final last year when he said that the supporters of the greatest football team in rugby league deserve a better stadium. The process continued from there. A submission was put together by the International Sports Centre Trust and consultants.

That submission was then presented to the Federal Government. Further work was done on the submission by the International Sports Centre Trust and the Premier's Department. In May this year the submission was finally presented to both levels of Government and the State Government has said it will provide \$23.6 million of the funding for this fantastic facility. Today I failed to mention that Paul Harragon, the favourite son of rugby league, Energy Australia Chief Executive Officer, Paul Broad, and other members of Energy Australia, the important naming rights sponsor for the stadium, were at the presentation. I want to quote something that was said today by the Federal member for Paterson, Mr Baldwin, today on 2NC Newcastle. Paul Bevan asked him. "Been on the phone to the Prime Minister overnight?" He replied:

Well actually I've late last week arranged to have a meeting this afternoon to discuss amongst other things Marathon, sorry to keep calling it Marathon Stadium, Energy Australia Stadium to see if there's something we can do out of that rejection of money by the Victoria State Government that was allocated to the MCG.

Later he said:

I've been on the boards now for three years with people like Ian Bennet and the Chief and worked the doors of Canberra.

He is saying he has been working for Federal funding for the EnergyAustralia Stadium. Then he continued:

But I will go in with Senator Tierney and we will push hard to see what we can get for the region.

There is a commitment by our Federal colleagues in the Hunter to fund the EnergyAustralia Stadium. I know that a formal request was made by the Lord Mayor's task force to the office of Senator Rod Kemp, the Federal sports Minister, on 16 May. That has been followed by a meeting with the Senator to deal with the submission that has been put forward at the Federal level. There is certainly a commitment, and there is certainly a strong belief that the Federal Government will put in its share to make the stadium the best arena for sport and cultural activity in regional Australia. That is what the Hunter deserves. It has a wonderful sporting tradition. The \$23.6 million cheque presented by the Premier will go directly into the bank of the International Sports Centre Trust so that the project to bring this first-class stadium to fruition can be worked through step-by-step. The money is committed. The Government did not make commitment on the basis of the Federal Government providing matching funds. I congratulate the Premier and the New South Wales State Government. I thank my colleagues in Parliament for their support. I thank the Knights, the councils of the Hunter and the whole of the Newcastle community for their support. [*Time expired.*]

Amendment negatived.

Motion agreed to.

Pursuant to resolution private members' statements taken forthwith.

PRIVATE MEMBERS' STATEMENTS

BROKEN HILL NATIONAL PARTY CONFERENCE

Mr BLACK (Murray-Darling) [5.29 p.m.]: Two weekends ago the National Party held its State conference in Broken Hill. They went to Broken Hill with great expectations—and I believe those expectations were met. They had a great reception in Broken Hill. They got great coverage from the *Barrier Daily Truth*, especially the Saturday edition. There was an infusion of letters complimentary to Broken Hill from the National Party delegates. The only sour note came from councillors Pam McRae and Fran McKinnon, members of the Broken Hill City Council. I supported the premise that the conference should be held in Broken Hill for two reasons. First, this is the Year of the Outback and, second, we could for a time put aside the fact that so many things were taken away from Broken Hill, particularly during the Greiner years, by the National Party.

However, it is my understanding that the National Party has been using Australian currency now for at least two years. They went to Broken Hill to put money back in. I know that my good friend the honourable member for Coffs Harbour supported many of the hotels that I have been seen in over the years. On a sad note, the Leader of the National Party gave a report of the conference and mentioned a well-known local loser, John Brennan, who lost to me in the Labor Party preselection in 1998. Last year he lost his position as Deputy Mayor of the Central Darling Shire. He resigned from the Labor Party on the Friday of the conference. He attended the National Party conference on the Saturday, hence that great photograph of John Brennan with the Leader of the National Party. On the Sunday the honourable member for Coffs Harbour came to see us at the Trades Hall. As a result, we signed on two new members.

The claim by the Leader of the National Party that John Brennan was the then Chairman of the State Electorate Council is false. For some time that position has been filled by Councillor Trevor Cutjar. The response around town to the Leader of the National Party has been: Oh no, not another Kersten. When the conference took a vote on what the 250 delegates thought of Broken Hill and the National Party conference, I am told that 98 per cent liked Broken Hill. Apparently, only councillors Pam McRae and Fran McKinnon did not like it in its present form. I was told that in the same poll, 52 per cent of the delegates approved of the National Party. Apparently, there are another 48 per cent to go. I must inform honourable members that the post in Broken Hill can sometimes be slow. When a strategy document is delivered to me authored by the honourable member for Coffs Harbour it has to be good stuff. Some of the strategies included:

Trying to counter baseless claims by Peter Black and arguing with Country Labor will not win us seats which we need to regain Government.

The honourable member for Coffs Harbour is a good friend. He has a point with which I totally agree. The strategies continued:

The National Party is not being proactive in developing election strategies that will see us retain our existing seats, regain the lost seats of Dubbo, Northern Tablelands, Tweed and Clarence, or gain new seats such as Murray-Darling.

I will not quote the entire document because time precludes completion. The strategies continued:

Strategy should not be developed in isolation but should be developed in conjunction with Head Office, Central Executive, local electorate councils, duty and adjoining State and Federal MPs or co-ordinated by a select team of experienced people. This team should consist of two staff members from the leader's office and two staff from head office whose sole duty will be to concentrate on the 2003 election. This team should set short and long-term goals and objectives which we as a Party can strive to achieve.

I totally agree with the honourable member for Coffs Harbour. That is what we do in Country Labor. The strategies continued:

As part of our strategy we must recognise that the Liberals are so decimated at the moment that they are gaining favourable regional media and the opportunity of gaining country seats as a way to prove to their members that they are still a relevant political force.

The honourable member for Coffs Harbour continued:

Currently our only strategy is to send individual members into targeted seats without an agenda and only a "title" or a "mission" bestowed on them by the leader with the hope of attracting positive local media coverage for the National Party.

Mr Stoner: Point of order: private members' statements should relate to one's electorate.

Mr BLACK: This is about Broken Hill.

Mr Stoner: This has nothing whatsoever to do with the electorate of Broken Hill. He is referring to a document about a general election strategy, which has nothing to do with Broken Hill.

Mr ACTING-SPEAKER (Mr Mills): Order! There is no point of order. The honourable member for Murray-Darling was referring to Broken Hill. He has referred to an event that happened in his electorate recently. That is within the leave of a private member's statement.

Mr BLACK: The honourable member for Coffs Harbour continued:

In the past two years we have not had organised tours or visitations to regional NSW. We have only reacted (quite properly) to issues such as water legislation rather than being proactive in taking our message and policies to the regions. In fact, our overall approach has been unco-ordinated and unprofessional and therefore unlikely to regain any credence in our heartland.

I will finish with two other quotes from him:

We on the other hand because of our lack of aggression in our partnership with the Liberal Party are seen as "The Coalition" rather than the National Party.

Our reputation for being a fiercely independent Party which coalesces with the Liberal Party in Parliament to bring much-needed assistance to our electorate has disappeared.

I commend the comments of the honourable member for Coffs Harbour to the House. They are spot-on. *[Time expired.]*

CLARKE ROAD SCHOOL

Mrs HOPWOOD (Hornsby) [5.34 p.m.]: On Thursday 13 June I had the pleasure of visiting a unique educational facility in my electorate where disabled children are provided with education and other skills to equip them to live in the wider community. Clarke Road School is a wonderful school that offers a unique opportunity for students to broaden their education and future prospects as fulfilled and effective citizens in our community. Originally it was called Clarke Road Special School—all the students who attend the school are special—but it is now called Clarke Road School for Specific Purposes. Its motto is "Learning to Live". The students range in age from kindergarten to young adults. I acknowledge the dedication of the principal, Mr Graeme McLeod, and his hard-working staff, including Mrs Lyn Fenson, a local resident. I know both Lyn and her husband, Gordon, well. I appreciate the work they do in the community.

Clarke Road School is a relatively small school with a warm caring atmosphere. The aim of the school is for each student to ascertain personal independence, which requires the development of living schools through a balanced academic and functional curriculum. Originally, I asked to visit the school to view minor capital works projects funded from the schools improvement package that included upgrading of the school's senior house. I was pleased to see alterations to the rooms to provide better use of available space, as well as a new kitchen that could be used for hospitality training. The funding also provided ramps and handrails to classrooms, computer room and art space in blocks A, B and C, the library and the hydrotherapy pool.

Clarke Road School caters for students with special needs between the ages of four and 18 years. Students with intellectual disabilities and other special needs are taught and cared for by a professional team of teachers and teachers' aids, with support from therapists and others. Class sizes are small and facilitated by both specialist and class teachers. Through specialised individual programs students develop knowledge, understanding, skills, values and attitude in both academic and functional curriculum spheres across all the key learning areas, including English, mathematics, personal development, health and physical education, human society in the environment, science and technology, visual and performing arts, and transitional education that encompasses public transport, accessing community facilities, pre-work skills and work experience.

The school has three sections: infants, primary and high school. Students are generally grouped according to their chronological age. In the early years a strong emphasis is placed on the development of communication, social and daily living skills, and the acquisition of the basic abilities in literacy and numeracy. That is achieved through structured programs designed to meet the individual needs of each student. The high school section provides an interesting and varied program for 12-year-old to 18-year-old students that encourages community participation and awareness. Students leave school with abilities that will assist them to be as utterly independent as possible in post-school life.

Strong emphasis is placed on vocational preparation. Students graduate from Clarke Road School with a School Certificate, a year 11 record of achievement and a Higher School Certificate. Clarke Road School has an excellent record of sporting achievement. Students participate in the combined athletics and swimming carnivals, and students regularly represent the region at State carnivals. Teams are sent to interschool challenges, and high school students participate in the community-based leisure activities program each Friday. The Money Skills Program developed at Clarke Road School has proved to be so effective that it is being used in many schools throughout Australia.

Community integration is a vital part of the school's curriculum. Students regularly participate in activities with students from other schools and benefit from a variety of extensive programs designed to ensure that they develop independence and a sense of worth in the community. A number of demountable classrooms are presently on the site and more money would be welcome to make further improvements. This aside, the dedication and caring attitude of the staff were evident. The children were certainly in an environment that would nurture and encourage them. I congratulate Mr McLeod and his wonderful staff and look forward to returning to the school in the near future.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.39 p.m.]: I thank the honourable member for Hornsby for bringing before us the great work that is being done at the Clarke Road School for Specific Purposes. Congratulations to principal Graeme McLeod and his staff. I had a daughter who at one stage worked in St Lucy's at Wahroonga, which is also a school that deals with children with various difficulties. I am very aware of the wonderful teamwork in those schools between teachers, teaching aides and the parent community to deal with the very special needs of students who have a learning difficulty or an intellectual difficulty. I am also aware of the importance of the sorts of programs that the honourable member has brought before us, particularly the living skills and community integration skills taught alongside the academic and remedial aspects. I thank the honourable member for bringing this matter before the House and congratulate her on her interest in the school.

LAKE MACQUARIE CITY COUNCIL BOWLING CLUB CHARGES

Mr MILLS (Wallsend) [5.41 p.m.]: Bowling clubs in the City of Lake Macquarie are facing a huge increase in local government charges in coming weeks. For a couple of clubs the city council charges could prove very damaging. The Lake Macquarie City Council has been in discussions with the bowling clubs over the past few months but has not backed down, despite the massive, disproportionate and unfair increases. The issue was brought to my attention by two clubs in the Wallsend electorate, Cardiff and Edgeworth. In both cases I have the honour to be patron, and have attended the annual general meetings in recent weeks. The issue was also raised with me by the Newcastle District Bowling Association [NDBA], originally by the President, Les Parrott.

These charges are a serious attack on community-based clubs. They give strong local service to individuals, to charities such as Camp Quality, to cancer research, to retirement villages, to palliative care services and to local community groups. They also provide venues for local ceremonies such as wedding receptions and celebrations as well as the great sport of bowls, which provides healthy outdoor activity and opportunity for friendly competition, fellowship and companionship for bowlers of all ages and their friends. I am aware that the concerns of the clubs have also been taken up by my colleagues the members for Lake Macquarie, Charlestown and Swansea.

Two types of charges are to be paid to the Lake Macquarie council. The first charge is ad valorem rates based on land valuations by the Valuer-General. Recently the Valuer-General issued determinations of huge increases in the values in Lake Macquarie—many multiples of the kinds of increase applied to nearby residential properties that I am aware of. For example, at Catherine Hill Bay Bowling Club the 1998 valuation was \$88,000 but in 2001 it had risen to \$630,000, an increase by a factor of more than seven. Last year the rates were \$1,303 and for next year they will be \$7,594, nearly six times as much. At Charlestown Bowling Club the 1998 valuation was \$178,000 but went up in 2001 to \$945,000, an increase of more than 5½ times. Rates in 2001 were \$2,586 and in 2002 will be \$11,366.

NDBA secretary Denis Broad told the *Newcastle Herald* this week that the Valuer-General might be using Lake Macquarie as a test case to impose substantial increases in land valuations on all bowling clubs in New South Wales and warned all 642 bowling clubs in the State that they might soon be affected. Bowling clubs in Lake Macquarie have told the city council that massive rates increases on the back of sharp rises in public liability insurance and spiralling maintenance costs could force several bowling clubs to close their doors.

The clubs have asked council for some assistance. The second charge is a rental charge for those clubs built on council-owned land. The 10 clubs of that type also pay rates in addition to the rental charge. On 24 April Lake Macquarie Council wrote to Denis Broad, secretary of the NDBA:

SUBJECT: REDETERMINATION OF FORMULA FOR BOWLING CLUB RENTALS

...

I advise Council resolved at its meeting of 8 April 2002 that:

Bowling club rentals be determined as follows...

Year 1	\$3,300 per annum base rental or 0.5% of bar/poker machine revenue, whichever is the greater
Year 2	\$3,300 per annum base rental or 0.75% of bar/poker machine revenue, whichever is the greater
Year 3	\$3,300 per annum base rental or 1.0% of bar/poker machine revenue, whichever is the greater

The council is proposing to make a charge on a particular group of clubs based on their bar trading revenue and poker machine revenue. That is a tax in any language. These clubs pay licence fees on liquor and gaming licences and are taxed by State and Federal governments on turnover and profit. And there are requirements for community contributions from revenue and profits of these clubs. That council tax sounds illegal to me. If it is not illegal, it should be. I have written to the Minister for Local Government about the matter in the following terms:

Is it legal for a Council to charge rental rates to a club based on the club's revenue, rather than the usual charges provided for in the Local Government Act, based on land value and services provided and a possible base rate?

In my opinion it is unfair on the clubs that Local Government should be seeking to enforce access to a revenue stream of certain licensed clubs when that revenue stream is already regulated and taxed by State and Federal Governments.

The Minister has advised me this week that the matter is being looked at. On the old formula the total rentals that would have been collected totalled \$46,580. Under the new formula they would be \$48,583, just \$2,000 more, but only in the first year. Edgeworth Bowling Club calculated the impact of the proposed tax on it would go in successive years from \$3,940 to \$9,061, \$14,053 and \$20,080. A group of 150 to 200 bowlers demonstrated at Lake Macquarie council on Monday night. Mark Fitzgibbon and Les Parrott addressed the council. Brian Carling, president of Charlestown bowling club, reported that clubs intend individually to appeal against the valuations by the valuer General. Hopefully, council will look further at the rentals and use a base rate plus a consumer price index incremental formula.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.46 p.m.]: I appreciate the matter that has been raised by the honourable member for Wallsend. This problem is not restricted to Lake Macquarie; it will confront most bowling and golf clubs in this State. I have news for other honourable members: As the latest valuations spill out across the State, bowling clubs and golf clubs in their electorates will be in the same position. I could see this coming. I called the Golf Association New South Wales and the Royal New South Wales Bowling Association to see me recently and suggested that we probably need to address the issue on a whole-of-government basis—with Local Government, Planning, Land and Water Conservation and my department. I am speaking now as Minister with responsibility for licensed clubs as well as a member whose electorate takes in part of Lake Macquarie. The father of the honourable member for Coffs Harbour, Gordon Fraser, was President of the Newcastle District Bowling Association. This problem goes back to Gordon's time. He was one of the people who first identified it.

In many cases the rates do not reflect capacity to pay; as these organisations are non-profit. They are subject to exorbitant rate increases because of a quirk of valuation. Whilst the valuation in Charlestown is probably accurate, it is still very high. It is a bowling club, and it will still be a bowling club next year. Because golf clubs have large parcels of land they will be in a much worse position, because their bar and poker machine revenues are amongst the lowest of all licensed clubs. The problem has to be dealt with in a bipartisan way with a whole-of-government approach. I appeal to members opposite to supply me with the necessary information. I have had a very long commitment to bowling associations and more recently to golfing associations. I realise their plight, as I move around regional and country New South Wales. The problem has hit suburbia in the Hunter region, and I hope that we can do something to resolve the problem. [*Time expired.*]

BELLINGEN TO DORRIGO ROAD UPGRADE

Mr FRASER (Coffs Harbour) [5.48 p.m.]: Yet again I raise the issue of the road between Dorrigo and Bellingen. Although it was washed out in the floods 18 months ago, work has finally started on the road as

promised. However, it seems that the intention is to do the whole road in one hit. The contractors have now caused the road to be reduced to a single lane. The President of the Chamber of Commerce in Dorrigo is Richard Jones. The past president is Mervyn Johnson. I have been told that the Roads and Traffic Authority [RTA] has informed them, contrary to promises made over the 18 months when the road should have been fixed, piece by piece, that it is going to close the road for up to 48 hours at a time. A large proportion of Dorrigo residents work in Bellingen and Coffs Harbour. A large number of people who work for the National Parks and Wildlife Service and other businesses in Dorrigo live on the seaboard at Urunga and Bellingen. People, and the businesses that employ them, will be severely disadvantaged because the RTA has not stuck to its original promise to not close the road.

On past occasions I have made appeals in this House for the road to be upgraded between Ulong and Dorrigo so it could be used as an alternate route. That upgrade would have added 20 or 25 minutes to the journey by residents of Dorrigo or people who worked there, but it would have given them an accessible route. However, because the Minister has ignored my pleas and the road has not been upgraded, people in Dorrigo cannot get their machinery up or down the mountain. The local council has also ignored my pleas to upgrade that road. That road is used by Lindsay Brothers Transport and timber-getters—although there is not much timber there, because of the forest policy put in place by the Government—and earthmovers and others to take machinery up and down the mountain.

Angus Tosh from Dorrigo has a large float and earthmoving equipment but has not been able to gain contracts or subcontracts along that road, although his machinery could do the job. Further, he has Government work to be done in the Bellingen shire, at the Bellingen end of the road, but he is not able to take his machinery down that road to carry out the work that he has contracted to do. That is a disgraceful situation. The RTA and the Minister promised that that would not happen. Now, almost 18 months after the disaster that caused the road to collapse, the road is not trafficable and people are severely disadvantaged. I ask the Minister for Roads to urgently investigate this matter. If it is necessary to concentrate all resources on one section of the road at a time, please do that. I ask the Minister to ensure that the road restoration is fast-tracked.

One area of the road, about 14 kilometres west of Dorrigo, has been worked on for five months. The contractors for that job are based in Lane Cove and I have been told that the job is vastly overpriced, overexpended. The work done is far above what was required to restore the road to its original state. This situation is farcical. The people of Dorrigo and the Bellingen shire have been absolutely forgotten. Road funding is provided by the Federal Government in conjunction with the State Government under disaster funding, but the road users have been disadvantaged and no-one seems to care about them. It is important for the Government to listen to what they are saying and try to do something to alleviate their major problems. The people of the area will continue to face major problems for at least another six months.

ILLAWARRA YOUTH

Ms SALIBA (Illawarra) [5.53 p.m.]: I bring to the attention of the House two great events that took place in my electorate over the past week to acknowledge the efforts and work of young people. Last Friday night I went to the Wests Illawarra Mercury Youth Achievement Awards, which was proudly sponsored by Wests Illawarra club and *Illawarra Mercury*, WAVE 96.5FM, North Sydney Leagues Club, Acuiti Legal, Southern Classic Cars, Prime Television and Aristocrat. Awards were presented in six categories: Higher School Certificate Scholarship, won by Ben Ingram from the Illawarra Sports High School; Tertiary Education Scholarship, won by Tye McCarthy from the University of Wollongong; Achievements in the Arts, won by Keren Green from the Illawarra Sports High School; Citizenship Award, won by Courtney Ensor, from St Mary's College; Sports Achievement Award, won by Ashley Thomas, from Keiraville Public School; and the Academic Excellence Award, won by Rachel Murphy, from the University of Canberra.

Awards nights are a great opportunity to acknowledge the work that young people do in their areas of expertise. The guest speakers that night were Shane and Brett Lee, constituents of mine, and Father Chris Riley, who runs the program Youth Off The Streets. Shane and Brett Lee were very encouraging to the young people. They spoke about setting dreams, and achieving goals, and about believing in yourself and having a go. They acknowledged that very often there is negative publicity about young people. The award winners have proven that negativity need not be connected with young people, because they are the future of our community. The awardees were acknowledged for their achievements.

Father Chris Riley spoke about his Youth Off The Streets Program. He attended with two very nice young men who were currently in his program and doing very well with their education. The two young men

have had a second chance and are working very hard to achieve their goals. On that night, Father Chris picked up about \$15,000 for his program from the sponsors. Father Chris is doing a great job with young people in my region and across New South Wales. The other function I attended was this morning's 2002 Illawarra Schoolgirls Breakfast with the Stars. Past, present and future stars attended the function at Barrack Heights, representing netball, triathlon, weightlifting, cycling, shooting, taekwondo, surfboard riding, sailing and many others sports. All the athletes had achieved success in their sport and they attended that morning function to encourage young people to have a go. Statistics show that by the age of 15 years girls drop out of sport, and this breakfast was a way of encouraging young women to set goals and work towards those goals.

It was really good to see so many sports stars in attendance. Today I had the privilege of presenting a sports star, Tneal Kawalla, with a cheque for \$750 from the Minister for Sport and Recreation. I thank him for that contribution by the State Government to assist Tneal to meet her expenses in representing Australia and my electorate in the Ying Ling Championships in Switzerland. I learnt a little bit about the sport of sailing today. It was great to see so many young schoolgirls approaching the sports stars and getting their autographs. Some girls had turned up with autograph books to make sure that they did not miss out. The girls had an opportunity to talk to the stars and find out what is involved in training, how to balance their education and training schedules, how to manage with injuries and not be able to participate, and how to set goals and achieve them. I was proud to attend those two great events in my electorate and I commend the young people of the Illawarra for having a go. *[Time expired.]*

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.58 p.m.]: I congratulate the honourable member for Illawarra on bringing before the House two examples of mentoring programs for young people that recognise their skills and achievements and putting before them role models. The Wests Illawarra Mercury Youth Achievement Awards was attended by two fantastic cricketers, Shane and Brett Lee, and by Father Chris Riley—role models in different areas and certainly people that young people can look up to and learn from. It was wonderful that the young women had the opportunity to meet with and talk to sports women who have achieved very much in their fields. It is important that the House hears about those very positive programs.

PAK LUN CHAN PRISON SENTENCE

Mr TINK (Epping) [5.59 p.m.]: On 21 February 1999 a murder occurred in my electorate at Marsfield in which Navid Ali Khan was shot to death as he worked behind the counter of a Shell service station on Epping Road, Marsfield. I drive along Epping Road, Marsfield, every day and I often get my petrol at the service station. Whenever I drive past or go into that service station I think of that crime. It was a particularly brutal crime. A videotape, which was tendered in evidence, was taken of the murder in the serving area of the service station and an audio transcript was made of that tape. The video shows two men coming into the service station and the man behind the counter, the deceased Khan, asks, "You live around here?" Then there is an exchange of expletives and one man leaves the shop. The time shown on the tape is 4.38.47. Ten seconds pass—which when counted is a considerable period of time in this type of exchange—then the person remaining in the shop pulls out a handgun and shoots Mr Khan in the chest, fatally wounding him. At that time Mr Khan is sitting in his chair about to pick up the phone to call someone about an unrelated matter.

This matter came before Mr Justice Ireland, whom I have a great deal of respect for, generally speaking. The matter came up for sentence, the defendant Pak Lun Chan having been convicted on 20 June 2002. The sentence handed down for this murder was a non-parole period of nine years with a head sentence of 14 years. The maximum sentence for such a crime is a life term. In his judgment Justice Ireland said that Chan was arrested in Melbourne about two months after the murder whilst attempting to board an international flight. The judge rejected the submission that the crime was entirely without motive. At paragraph 26 of his judgment Justice Ireland said:

The offender was, at the time, a young man who is described in evidence, which I accept, as being by nature somewhat aggressive and at times given to acting in a reckless and impulsive manner. Several incidents of such conduct are recorded in his past. At least one such incident involved the throwing of a heavy chain from a multi-storied building, showing scant if any regard for the welfare of others.

In short, this defendant was a nightmare. The defence led some evidence that Chan was subject to partial intoxication and also had exhibited symptoms of Tourette's syndrome. However, the judge made the finding:

I am satisfied beyond reasonable doubt that his impairment is not so substantial as to warrant his liability for murder being reduced to manslaughter.

In other words, the man was convicted by a jury for murder and was before the court to be sentenced for murder. I would not say it was a worst case of murder when compared to, for example, the facts in the cases of Anita Cobby, Janine Balding or the granny killer. Nevertheless—if this is not an oxymoron—it was a particularly

nasty murder which I can assure the House disturbs me greatly to this day. I would imagine that it disturbs all of my constituents as well. We can all put ourselves in the situation of paying for petrol at that service station and some young idiot with a prior record of aggressive criminal behaviour—throwing heavy chains off a multistorey building—and partially under the influence, comes in, pulls out a handgun after a minor verbal altercation, which was not started by the deceased, and shoots a man to death.

With all respect to Justice Ireland, I believe he has got it wrong. I formally and respectfully request that the Attorney General and/or the Director of Public Prosecutions appeal the sentence. I point out that the Judicial Commission's minimum fixed term statistics show in only 10 per cent of cases where there is a murder conviction a sentence is imposed of less than nine years on the bottom and in only 8 per cent of cases a sentence is imposed of less than 14 years on the top. Under the minimum sentencing we are proposing, this man would be in jail for a minimum of 15 years, which is the absolute minimum he deserves. [*Time expired.*]

Mr MOSS (Canterbury—Parliamentary Secretary) [6.04 p.m.]: The honourable member for Epping has formally requested the Attorney General and/or the Director of Public Prosecutions to review this matter. I am sure that formal request will be taken seriously by the Attorney General after he has read the *Hansard* of the honourable member's speech.

DEATH OF Ms BERNEL RHEUBEN

Mr ASHTON (East Hills) [6.05 p.m.]: Tonight I place on record my personal and my constituents' condolences at the tragic death of Ms Bernel Rheuben, a most respected, brilliant, humorous and loving teacher at Panania Public School. Bernel Rheuben was born on 19 March 1953 in Townsville, North Queensland. She was one of two children born of Bernice Dawn Brady and Len Albert Rheuben. Her brother is Len, more affectionately known as Tas. Bernel was educated in Townsville and James Cook University. Originally, Bernel wanted to be an archaeologist, but decided that there were not enough new places to explore or jobs for all the people who wanted to be one. She then directed her focus towards the teaching profession, a decision that all of her fortunate pupils and teaching colleagues would never regret. Bernel began her teaching career at Palm Island in North Queensland at 19 years of age. From Queensland, she moved to Sydney where she began teaching at Condell Park Primary School in my electorate, then on to Albury, and to Canberra where she taught at Queanbeyan Public School. Finally she moved to Panania Public School, where she taught since 1989.

Bernel was a specialist in her own right. Whether working with gifted or talented children or those with behavioural concerns, it did not matter. She had a unique talent coupled with the eternal gift of love to help them progress. She loved visual art, literature, enrichment and music. She served as a choir mistress. She was a prolific writer of schoolstudent teaching programs and, as I know, she loved fluorescent colours, bold graphics, glitter and unusual media in all art forms. Bernel loved creating works of art in clay and ceramics. She was also an excellent artist with sketching, but preferred sculpting and moulding. Bernel had been chosen as part of the Visual Arts Focus Group at the New South Wales Art Gallery to enrich interest in the arts through schools. She was an active and driving member of a number of professional groups such as the Visual Arts Network and the Human Society and Its Environment Association. She was also a competent toastmaster and humorous speaker.

Bernel was also a most active member of the New South Wales Teachers Federation. She had an outrageous sense of humour that no-one will forget. When I would talk to Bernel I knew my more outlandish comments would only encourage her to up the ante in her reply. She had her own set of rules when it came to teaching, which were based on love for seeing kids grow and giving lots of hugs and kisses. She loved to organise anything, especially creative activities, which took her interest. She had an incredible memory for detail and trivia, especially of movies. Her table won a trivia night for which I set questions last year to help raise money for Panania Public School. Bernel's partner was Peter Wicks, a close friend of many years who developed and shared her interest in sociology and different cultures. They formed a close new family with her two children, Lukan and his wife Lana, and Alenka, and Peter's children, Paul and Shane.

On Wednesday 29 May Bernel suffered a substantial stroke which hospitalised her for two weeks. She was progressing well in rehabilitation. On Thursday 13 June at 2.00 p.m. she was in good spirits, laughing and joking with the speech pathologists. Sadly, 15 minutes later at 2.15 p.m. Bernel was found unconscious and not breathing. Bernel's death has deeply saddened so many who knew her. She was the perfect epitome of a great teacher. Loved by her pupils and her fellow teachers alike, Bernel's love of life and contagious enthusiasm for teaching young people will never be forgotten. Both of my daughters, Gemma and Breanna, loved Bernel and the stories they would tell me and my wife about any day's lessons in Bernel's classes were eagerly awaited.

Just before Bernel's last stroke, I took Breanna to school quite late one day and told the class and Bernel that we were late because we missed the train. Of course, Bernel knew that we never caught a train, as

we live close to the school, but her laugh at my excuse could have stripped paint off the wall. When I heard of Bernel's second stroke, I just somehow assumed she would get over it and be back at school. That was the sort of person she was. Unfortunately, that was not to be. I am told by Peter that Bernel had mentioned my name many times over the years to him and can only hope that on some of those occasions that they were positive comments. I am sure they might have been!

Because of the parliamentary sittings, I was unable to attend her funeral last Wednesday. However, I am told that almost 300 people were present—parents, pupils, relatives, teachers and friends—and completely filled two chapels as well as the areas between and around the chapels. Bernel's requested that her service be a celebration of life, with bright colours as well as Billy Joel and the Beach Boys music playing. The Beach Boys remain my favourite group as well. There have been State funerals held for Prime Ministers and Premiers that would not have attracted such a large, loving congregation. I will conclude with a comment from one of her beloved colleagues, Ms Bronwyn Pacey, who wrote to me and said:

How thrilled we all are at Panania that Alan has decided to expose Bernel on the floor of the House. She will be watching, so it better be a good performance! I've let her daughter and son know and they are delighted.

Once again, to everyone who knew her or was related to her, Linda and I express our deepest sympathy at her passing. Bernel, you were special. You will never be forgotten by anyone who knew you.

LACHLAN ELECTORATE POLICING

Mr ARMSTRONG (Lachlan) [6.10 p.m.]: Today I had intended to speak about the problem of Hazelton and Kendell air services to country and rural areas, which remain largely unresolved. Although I have found it difficult to learn the details, it appears that there is a dispute as to who will pay out redundancies to staff who will lose their jobs. Tragically, staff numbers will be reduced from 900 to 600, with many loyal employees having been left in suspension for some five months. I hope that the principals, the administrators—whose management of the process should be examined—and both governments can resolve the matter expeditiously, because it is a critical problem.

However, as I will not have the opportunity to make a private member's statement for almost nine weeks, I would be tardy if I did not raise the problem of police numbers and the concern people feel about their personal security and that of their property. No police station in my electorate has a full strength of more than two officers. Most stations are running from 50 per cent to 40 per cent. Senior police are constantly under pressure to assure people that their communities are safe. However, the bottom line is that few people believe this. The system is not working. Only a few weeks ago the Condobolin Bowling Club was broken into on six occasions. On each occasion the offenders were apprehended. In most instances, the offences were committed by repeat offenders who had been released on bail. Not only are police understaffed, but they are not being supported. If police arrest offenders they are let out on bail.

I refer to the logistics of policing in country electorates. In particular, I refer to Lake Cargelligo. A person taken into custody in Lake Cargelligo must be taken to Parkes to be charged, which is a two-hour drive each way. Two police must accompany the prisoner to Parkes. The paperwork takes about an hour, so all up this involves five hours and two police officers. Condobolin has a complement of seven officers, with only four officers available in the town—and only three available for duty at any one time. Therefore, if two officers take a prisoner to Parkes the station is manned by only one officer. Understandably, there is an element of fear and suspicion in towns such as Grenfell, Lake Cargelligo, Condobolin, Cootamundra, Young, Ardlethan and Temora, which have suffered from repeated break-ins, assaults and a plethora of apprehended violence orders to which police must attend. The situation is serious.

I am delighted that the Minister for Police has accepted my invitation to visit my electorate in the first week of September and I look forward to hosting him. I assure him that he will be made welcome and will be told the facts. I assure him also that this will be done in a proper, professional manner. I hope he is in a position to respond, because the present position is most unsatisfactory. Older people, women and those involved in local government feel that these communities do not have the necessary support to be viable, sociable, communicable and vibrant towns.

QUEEN'S BIRTHDAY HONOURS LIST

Mr MOSS (Canterbury—Parliamentary Secretary) [6.15 p.m.]: In the recent Queen's birthday honours three local identities in the Canterbury region quite deservedly were awarded the Medal of the Order of

Australia. They were Mr John Campbell, Mr Ben Sheldon and Mr Barry Nelson. First, I would like to sing the praises of John Campbell. He and his wife, Norma, have lived in Campsie for more than 40 years. In his younger days John was actively involved in two police boys clubs within the Sydney region. As a young man he was extremely active and successful in the surf lifesaving association. In early years he picked up numerous medals and championships through that association. During the Second World War John served in New Guinea in the RAAF and after the war he joined the Leichhardt RSL sub-branch. In 1961 John, his wife and family moved to Campsie and he transferred his membership to the Campsie sub-branch of the RSL, and that is where his community activities escalated. He served as junior vice-president and as vice-president of the club. Since 1991 he has been a very active president. In the early 1980s he was presented with a certificate of appreciation for his services to the RSL. In 1986 he was awarded a certificate of life membership for outstanding service to the Campsie sub-branch.

John has also put considerable effort into supporting Polish ex-servicemen. He is active in the organisation. John is not Polish. He was born in England and migrated to Australia at the age of five—it is fair to say that he is very much an Australian. For his efforts to Polish ex-servicemen in 1985 he was awarded the gold badge of honour and in 1989 he was awarded the gold combatants cross. I have known John for almost 30 years and I have witnessed his commitment to the community. The Campsie sub-branch of the RSL certainly spreads its support in the community far and wide. I am delighted that John has been recognised for his commitment. I know that John accepts the award as a tribute to all members of the Campsie sub-branch. The second recipient is Mr Ben Sheldon. He was awarded for services to youth, particularly the scouting movement and the families of scouts, as well as charitable organisations. Ben lived in Belmore for many years, but he recently moved to the South Coast. He was involved in scouts in the early 1960s. He was the co-ordinator of Neighbourhood Watch in Belmore. He was in the Second World War as a machine-gunner. He has worked for Meals on Wheels in a voluntary capacity.

Even though he has retired to the South Coast, he is still involved in veterans affairs as a voluntary worker. He epitomises the sort of person about whom we are talking when we say, "If you want to get a job done ask a busy person." Ben Sheldon is one of nature's gentlemen. My electorate staff were so pleased when they heard that he had received a gong that one would have thought they had received one themselves. He is the sort of person who affects everyone he meets. He is truly a great man who thoroughly deserves this award.

The third local recipient of an OAM is Mr Barry Nelson, who received his award for services to rugby league. What do I say about a man who not only played for Canterbury as a young man but who is now in his twentieth consecutive year as president of the Bulldogs football club? Canterbury's successes during those 20 years have been phenomenal not only in first grade but in all grades. Barry Nelson's loyalty and dedication to the club and his leadership have contributed in no small way to the Bulldogs being the leading club in the competition this year. No-one is more deserving of an OAM than Barry Nelson, and his award is considered a tribute to the entire Bulldogs club. [*Time expired.*]

HUNTERS HILL HIGH SCHOOL

Mrs CHIKAROVSKI (Lane Cove) [6.20 p.m.]: On Saturday 29 June a day of celebration will occur in my electorate. This will be a day of high expectations and great hope. This Saturday Hunters Hill High School will hold a grand school reunion from noon until 4.00 p.m. The reunion is meant to be a celebration of all that is good at Hunters Hill High School. Past students, from the class of 1958 onwards, teachers from that period and parents have been invited to come to the school and celebrate its outstanding success. The reunion is being organised by the parents and citizens association, and I congratulate Kathy Prokovich, who is now well known to the Sydney media as she, together with Hunters Hill High School parents, has been leading the charge to stop the Government from closing this outstandingly successful school. Not only has the school been successful in the academic and sporting fields, but its graduates have gone on to careers in the arts and the performing arts.

There will be a bring-your-own picnic on Saturday and, because we anticipate that lots of families with young children will attend, there will be a jumping castle. There will also be performances from past and present students, who will sing and speak passionately about why they believe Hunters Hill High School should not close. I urge the Government to send a representative on Saturday to hear from those students, past and present, why the school should not close. Present students are very disappointed that they have had difficulty accessing representatives of the Government. They have not been able to persuade the Minister for Education and Training to visit the school to hear why it should stay open. They are simply told that the school is to close; the decision is not negotiable. They heard that from the former Minister for Education and Training, and they are hearing it from the present Minister.

According to the organisers, many former students will attend on Saturday, and I hope that one of them will be a distinguished former member of the other House. Former Attorney General Jeff Shaw is a graduate of Hunters Hill High School, who went on to have outstanding success in the legal and political fields. I have often been asked during my political career which members of Parliament on the other side of politics I most admire. I have said repeatedly that I think Jeff Shaw was a fantastic, concerned member of Parliament who did a very good job as Attorney General. I am sure that his grounding as a Hunters Hill High School student gave him the skills to be such a good member of Parliament. I am sure that he, like many who will attend the reunion day on Saturday, would say that the school set him up for life.

Hunters Hill High School students, past and present, are uniformly horrified that the school is to close and that the Government has based its decision on the school's realty value not its academic, sporting and other achievements. There is some hope as General Purpose Standing Committee No. 1, which is investigating whether Hunters Hill High School should close, will release its report shortly. The school community and the community at large hopes that that committee will have more sense than the Government and recommend a reversal of the decision to close the school. I think the best thing that could happen on Saturday would be for the Minister for Education and Training, who lives just up the road, to come along and listen to present and former students. He could ask them what they think about the closure of their school and why they think it should remain open. He could ask past students what they learnt at the school and how this has helped them in their careers and post-school lives. The Minister for Education and Training should visit the school, talk to the students—past and present—and give a commitment to be open minded and truly consider allowing the school to remain open. That is the challenge for the Minister for Education and Training: Come along on Saturday and enjoy the party. [*Time expired.*]

Private members' statements noted.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow for the progress through all stages of the Community Services Legislation Amendment Bill, the Public Sector Employment and Management Bill and the Legislation Review Amendment Bill forthwith.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (ANTI-CORRUPTION) BILL

COMMUNITY SERVICES LEGISLATION AMENDMENT BILL

Bills received and read a first time.

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT BILL

Bill received and read a first time.

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary) [6.27 p.m.]: I move:

That this bill be now read a second time.

I refer honourable members to the second reading speech and the speech in reply delivered by the Special Minister of State in the other place. I do, however, wish to address amendments moved by the Government in Committee in the other place that were accepted without opposition. Clauses 28 (2) and 29 (4) in relation to temporary employment have been amended to simplify the circumstances where guidelines are to apply to re-employment situations. The original clauses were unduly complicated. The Government considers that issues such as the periods of employment and the mode of engagement in relation to the re-employment of temporaries are more suitable for guidelines than for legislation. The amendments ensure that the guidelines will apply to all re-employment situations. The guidelines will be developed in consultation with agencies and unions.

Temporary employment up to three years as introduced by these clauses provides benefits to both employers and employees. Employers will be able to engage a temporary employee for up to three years where a

project has a specific time frame or no recurrent funding. Temporary employees, will be able to demonstrate a more stable employment history necessary to make financial arrangements such as loans and mortgages. Clauses 45 (5), 46, 47 (4) and 48 (2) in relation to management of conduct and performance, have been amended to make clear, as intended by the original clauses, that when a department head is considering imposing a disciplinary punishment the officer is informed of the particular punishment or punishments being considered. If an allegation of misconduct is made, an employee has two opportunities to make submissions. First, to respond to the allegation and, second, to respond prior to a final decision is made on the punishment. The department head will inform the employee of the possible punishments under consideration.

Clause 47 (5), in relation to unsatisfactory performance, has been amended to delete the reference to "performance standards". The Government did not intend for minor infringements of performance standards to amount to unsatisfactory performance. The amendment has no impact on the taking of action in relation to unsatisfactory performance. The Government considers that performance standards are more applicable to reward and performance management systems than to unsatisfactory performance. Standards of performance are a management tool to assist both the employer and employee identify areas where training and skills development are required. Schedule 6 [5], in relation to the Transport Appeal Boards Act 1980, corrects a typographical error.

The original clause incorrectly referred to "informal" proceedings in the provision relating to formal sittings. Currently all promotional appeals before the Transport Appeal Board are heard in the formal mode, with legal representation and cross-examination. The bill provides that appeals may now be heard informally. A clause in the bill outlines the procedures for informal appeals and for matters still being heard in the formal mode. It was clearly an error to refer to "informal" in this clause. The ability to have promotional appeals heard informally will reduce legal costs for employers and employees. Informal appeals are likely to lead to earlier resolution of promotional appeals. I commend the bill to the House.

Mr TINK (Epping) [6.31 p.m.]: The Opposition supports the bill.

Mr WHELAN (Strathfield—Parliamentary Secretary) [6.31 p.m.], in reply: I thank the Opposition for its support.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (ANTI-CORRUPTION) BILL

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary) [6.35 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 18 June and the second reading speech appears at page 64 of the Legislative Council *Hansard* proof of that day. The bill is in the same form as introduced in the other place. I commend the bill to the House.

Debate adjourned on motion by Mr Tink.

LEGISLATION REVIEW AMENDMENT BILL

Second Reading

Debate resumed from 26 June.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

Schedule 1

Mr TINK (Epping) [6.36 p.m.], by leave: I move Opposition amendments Nos 1 and 2 in globo:

No. 1 Pages 3 and 4, schedule 1 [7], [8], [9] and [10], line 19 on page 3—line 4 on page 4. Omit all words on those lines.

No. 2 Page 5, schedule 1 [14] (proposed section 17 (3)), lines 22–25. Omit all words on those lines.

There is no need to expand the number of members of the Regulation Review Committee as a result of the extra powers under the bill. The amendments seek to maintain the membership of the Regulation Review Committee at eight rather than increase it to 12, as proposed by the Government.

Mr WHELAN (Strathfield—Parliamentary Secretary) [6.36 p.m.]: The Government agrees with the amendments.

Amendments agreed to.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

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

COMMUNITY SERVICES LEGISLATION AMENDMENT BILL**Second Reading**

Mr WHELAN (Strathfield—Parliamentary Secretary) [6.38 p.m.]: I move:

That this bill be now read a second time.

New South Wales has the most complex oversight arrangements of community service providers of any jurisdiction in Australia. The Community Services Legislation Amendment Bill represents a significant reform to these arrangements, whilst retaining and enhancing the protections for vulnerable people in our society. The bill provides for important changes to the roles of the Ombudsman, the Community Services Commissioner and the Coroner. The bill simplifies, clarifies and strengthens the roles of the Coroner and the Ombudsman in the review and monitoring system. By amalgamating the Ombudsman and the Community Services Commission, it adopts the best and most effective powers currently available to those organisations. The bill has been described by the Community Services Commissioner, Mr Robert Fitzgerald, as the most advanced scheme of its kind in Australia. I am heartened by the Opposition's support for this bill. It shows that sensible reform can be above politics. We appreciate the useful discussions held with the Opposition on the bill over the past few days.

Those discussions resulted in a series of amendments being moved in another place that the Government agreed to support. They will help to improve the oversight of those providing services to some of the most vulnerable members of society. I will leave talking to the substance of each amendment to the Opposition. However, we accept that the word "disability" should be added to the title of the commissioner, and to the new community services division within the Ombudsman's office. We also accept that reviews of the deaths of children in care be extended from two to three years immediately preceding the child's death.

We do not believe that the Opposition's amendments will detract from the overall intention of the bill. The legislation will deliver clarity and a certainty for the staff of the Community Services Commission and the Ombudsman's office. I realise that consultation on the bill has led to a fair amount of stress and uncertainty for people working in both organisations. The bill is strongly supported by the Ombudsman, the Community Services Commissioner and the Coroner. We believe it will create the best, most comprehensive system of consumer protection for vulnerable people in Australia. It represents a significant and sensible reform. I commend the bill to the House.

Mr HAZZARD (Wakehurst) [6.40 p.m.]: The Opposition will not, as indicated by the Minister, oppose the bill. That is not because we do not have concerns about it. We remain concerned about the process

that led to the Community Services Legislation Amendment Bill being brought before the House. Although the history of the legislation indicates why we are concerned, I should also point out that, having arrived at a certain point in the development of the legislation, the Opposition and the Government had fruitful discussions. The bill should never have come before the House, but we considered that not proceeding with it would have resulted in a worse outcome for the Community Services Commission because of some of the actions of the Labor Government.

I record my thanks to Nick Rowley from the policy unit of the Premier's Department and Dr Neil Shepherd, Assistant Director-General of the Cabinet Office. In the past two years as shadow Minister for Community Services I have had almost no co-operation or assistance from the current Minister, the Hon. Faye Lo Po'. I have had absolutely no assistance from senior management of the Department of Community Services. I was pleased to be able to speak to people who were familiar with the nature of the legislation and who were prepared to try to find some middle ground for the inevitable merger of the Community Services Commission and the Ombudsman. I acknowledge the professionalism of both Nick Rowley and Dr Neil Shepherd. I thank them for their courtesy and the many hours they spent in the past few days trying to find that middle ground.

The Community Services Commission should have been retained as the independent watchdog overseeing the Department of Community Services. The Community Services Commission was established by the Liberal and National parties in 1993 when the Coalition was in government. It has developed—and continues to do so as far as it is now possible with the Labor Government overseeing its actions—a strong culture of representing families who have great difficulty with the Department of Community Services [DOCS] and investigating various alleged statutory breaches by the Department of Community Services.

In my view the commencement of a review by the Labor Government of the activities of the Community Services Commission was nothing short of malicious. The commission produced a number of excellent reports that were highly critical of the processes and systems within the Department of Community Services. Equally, it was critical of non-government organisations and government intervention in relation to people with disabilities. A little over two years ago and against that background the Minister for Community Services, no doubt feeling the sting of the criticism by the Community Services Commission, sought and obtained a Crown Solicitor's opinion.

Gleefully, the Minister had that opinion sent to Robert Fitzgerald, the Community Services Commissioner. It advised him that for the preceding seven years the commission had acted outside its technical legal powers. In other words, it had investigated matters that technically it could not investigate even though 99.99 per cent of the community would have expected the commission to have undertaken those investigations. As a result of that intervention the commission lost a great deal of its capacity to do the job it had been doing effectively for the preceding seven years. The Minister cynically relied on the Law Reform Commission review of the Community Services Commission legislation.

The Law Reform Commission identified a technical legal problem with the legislation that set up the commission. The Law Commission wanted to fix it, to give the appropriate powers to the commission to enable it to do its job. Unfortunately, the Minister gleefully took full advantage of that technical fault and effectively shut down a fair percentage of the commission's work. It was a straight-out, cynical, callous shutting down of the capacity of the commission to get to the bottom of the failures of DOCS, of which there are many. The net result is that the Community Services Commission has suffered for nearly two years while the Government twiddled its thumbs and took full advantage of the fact that the watchdog was substantially disempowered.

I have no doubt that during that time the Minister and Carmel Niland, the Director-General of DOCS, were intent on shutting down the criticism and the opportunity to examine and make known what was wrong with the Department of Community Services. For two years the Community Services Commission has been in a state of limbo. It has lost staff and expertise. As a result, its scrutiny over the past two years of the failings within DOCS, the systemic and individual problems within DOCS, has been far less than adequate. The Opposition has raised cases that were treated with contempt by the Carr Government. Those cases have since stood out as examples of how corrupt and rotten the system can be and of the way in which families can be treated by a system that is not aimed at being transparent or at truly assisting them.

The first and foremost reaction of the system is to protect DOCS when something goes wrong. If DOCS cannot do its job—not because of individual officers but because of a lack of adequate resources and a failure of the system—the department goes into shutdown mode and wants everyone else to go into shutdown mode. It certainly does not want the watchdog to lift the veil of secrecy surrounding the problems in DOCS. For

the past couple of years staff have been leaving, the Community Services Commission has been falling by the wayside and, unfortunately, there have been cases like that of young Jessica Gallacher from the Central Coast, who was murdered on the Australia Day long weekend in 2001 in the most horrific circumstances.

Tahlia Brockmann was murdered in 1998, although for evidentiary reasons nobody was convicted of that crime. In both cases there were allegations that the Department of Community Services failed miserably to involve itself in the protection of those children. In both cases concerned relatives, aunts and grandparents, tried to get the Department of Community Services to protect the children. Jessica Gallacher's aunt and grandmother travelled from the South Coast to the DOCS office on the Central Coast and effectively begged for assistance and got nothing. Later there were denials about the number of times they had sought help from DOCS. There were denials that they had even visited the office at Corrimal, where they sat and initially asked for help.

That underlines that when things go wrong in DOCS there are disastrous consequences. We need transparency so that the system can be fixed. DOCS does not have a culture of transparency under the Labor administration or under the present director-general. Tahlia Brockmann was a small baby who died of peritonitis when her mother and her mother's new partner failed to take good care of the child. It was likely that something would go dramatically wrong and her aunt, Hayley Brockmann, and Hayley's mother had been desperately seeking the help of DOCS. In the last four years Hayley has been trying to lift the veil on why DOCS did not intervene and help.

On the recent *60 Minutes* current affairs program the director-general effectively blamed the families, saying, "The families should have taken away the children when they were at risk." Apparently the director-general knows so little about her own legislation and the consequences for families if they do take away children in those circumstances that she does not understand that they could be charged with kidnapping. She apparently does not understand that the police regularly direct families in these situations—and indeed in one of the two I just referred to—to return the child when relatives have had the opportunity to take the child away from the dangerous circumstances.

This director-general either does not understand her own legislation or alternatively is part of the culture of cover-up within the Department of Community Services. That culture of cover-up extends from the very top to the very bottom. But, unfortunately, it is the officers at the front line at the bottom who are more often the victims of that culture. They are often constrained in what they can say and do by senior management practices. We need a strong and independent watchdog to get to the bottom of what is going wrong and to ensure transparency so that the problems can be rectified.

People with disabilities are in the same situation. Recently the Community Services Commissioner reported on the Mannix Children's Centre at Liverpool. The report showed that often people with disabilities do not have appropriate care plans. They are not provided with the attendance and care needed. Too often people with disabilities die because their carers do not have the care plans necessary. I have heard of cases of people with major swallowing problems having been fed chicken nuggets and chips. On at least one occasion a person subsequently died as a result of being fed the wrong food.

I recently heard of a case on the northern beaches. A 32-year-old man died after having been left in a bath in a group home. Without reflecting on individual officers, obviously, the care he received—as evidenced by the fact that he died—was highly suspect. The man was epileptic but he was left in a bath by himself and he subsequently drowned. There should be care plans for such people. When something goes wrong there should be transparency so such incidents are less likely to recur. We need a strong, independent and courageous watchdog to get to the heart of the cause of a fatality or other problem. The Government should not put the lid on it and try to hide the truth of what is happening to people with disabilities and to young children.

Out of what I would say is a corrupt desire by the Government to close off transparency and prevent the release of information the problems in the system have continued for a further 2½ years. However, the Opposition recognises that it must act in the best interests of the community in the broader sense. I remind the House that about a year ago the Opposition introduced into the Legislative Council a bill to restore the powers of the Community Services Commission to go about the business that the community wants it to perform. In a rare moment of bipartisanship the crossbench and the Liberal and National parties were in absolute unanimity, voting to support the bill. But the Labor Government voted against it. Cynically, the Government used its numbers in this House to oppose the bill when it came to the Legislative Assembly. The bill has sat in this House for the last year while Community Services Commission staff and resources have withered on the vine.

The Liberal and National parties would push through that bill and reinstate the Community Services Commission's powers, make them stronger and ensure that there was full scrutiny of what goes on for people with disabilities and their care arrangements, and with reports on children who are at risk of harm. We would do

what it is morally right to do. But this Government is not doing that. This Government has gone down a different path. This Government has shut down information, shut down the critical reports, shut down the outside scrutiny. There have been developments in the last 18 months that probably have changed the views of some of the senior people in the Government. Up until about 18 months ago the Government was more than happy to keep its finger in the dike, to make sure that no information came forward about what was going wrong in the Department of Community Services. Without reflecting on the Minister for Community Services personally, because I think that she has some admirable personal qualities, nevertheless the management of the department is utterly beyond her. As a result she has allowed the department to spiral out of control.

The very senior management of the department has been extremely political. It has not taken a substantive role in managing the issues within DOCS. The director-general of DOCS has a view that she is about containment of information, containment of harm to the Government. She has undertaken a ruthlessly political exercise in trying to ensure that the information does not get out. Cool heads outside the director-general's office and the Minister's office have taken control in the last six to twelve months. I again acknowledge the work of the Assistant Director-General of the Cabinet Office, Dr Neil Shepherd and the person who was assisting him, Robyn Kruk, before she became the Director-General of Health. With their calm, cool, scrutiny of the situation they have realised that there is a need to fix up the problems and try to get some rationalisation. They had gone so far down the path that it was too late to reinstate the Community Services Commission because that would require the Government to have done a complete about-face and perhaps, in the process, have publicly lost face.

We now have a bill which amalgamates legislation that is the backbone of the Community Services Commission and of the Ombudsman. The bill has some benefits. As I said, it has been worked through by the two people I referred to as well as Nick Rowley, the senior policy adviser from the Premier's policy unit. The bill produces some positives for people with disabilities and those concerned about children at risk of harm. In the past few days the Opposition has undertaken some difficult negotiations, because we have felt the concern and distress of those in the disability sector. Understandably the various groups that represent the disability sector are sensitive and concerned that the bill might in some way diminish their hard-fought attempts to protect people with disabilities from some of the consequences that can sometimes flow to them.

My policy advisor, Katherine McFarlane, and I have met with those groups. We were concerned that we might let them down by not fighting strongly enough to make sure that people with disabilities are fully protected. After discussion with the Government it became apparent that those disability groups had done some good work in lobbying the Government. The bill, with amendments, now effectively includes boarding houses under new subsections (4), (5) and (6) of section 8, and the definition of a visitable service has been sufficiently broadened to include the words "a residential centre for handicapped persons".

In other words, there are opportunities for scrutiny of boarding houses that, until this bill passes through this House, were not available. I am not comfortable with the terminology "handicapped persons"; we should be talking about people first and foremost. The wording should be "people who happen to have disabilities", but for understandable convenience the Government has used those words because they are the words in the original legislation. The bill now addresses some of the concerns of disability groups. We did speak at great length to representatives of the Premier's Office and Cabinet Office on behalf of disability about whether we could establish a formal or informal advisory group on their behalf.

The Opposition raised those issues with the Government and we received an undertaking from the Ombudsman that was read onto the record in the Legislative Council. The Ombudsman indicated that he would take on board the concerns of people with disabilities and consider what processes can be put in place to provide opportunities for their representatives to convey their concerns to him. The Ombudsman will ensure that the culture of the new merged office has a greater understanding of, and capacity to listen to, the serious concerns of people with disabilities. The Opposition has been extremely concerned about the failure of the Government—not maliciously or intentionally—to consult with indigenous groups. My office, through Katherine McFarlane, has made calls to a number of indigenous groups to try to find out their views about this bill. We found that they had not been consulted at all. That is alarming and regrettable, because it is a parallel to the fiasco of the permanency planning legislation of six months ago when the Minister for Community Services had to be pressured to allow further time for consultation with Aboriginal groups on that bill.

Having said that, it would not be in the best interests of either the indigenous or non-indigenous communities to oppose the bill because it is important to get it up and running. If there is to be a merger we might as well let the Community Services Commissioner, Robert Fitzgerald, and the Ombudsman, Bruce

Barbour, get on with the job. Whilst I have raised my concerns about the failure to consult with indigenous people I ask them to understand that we have little choice other than to allow the bill to proceed. I have mentioned this matter to alert the Government to the facts that it should consult with indigenous people on these sorts of issues in future. Let us not forget that although only 1.7 per cent of the New South Wales population is Aboriginal, Aboriginal children make up 25 per cent of the more than 9,000 children in out-of-home or substitute care.

Logically, the Government should have consulted with the indigenous community. Perhaps in the future it might be a little more aware of the necessity to do that. As part of the consultative process the Opposition suggested to the Government that the Ombudsman should have a consultative group involving care leaders. By that I mean people ranging in age from 18 to 80, or even older, who have been in foster or substitute care and have moved out. By definition, they are the people who know the system from the inside and should be consulted. I say to the Ombudsman and to the Community Services Commissioner, despite the fact that we have not been able to negotiate that provision in this round of changes to the legislation, the Opposition will certainly continue to look at it. If an effective method of consultation is not put in place by the commissioner and Ombudsman when this legislation becomes operational, we will take some action. I acknowledge the Care Leavers of Australia Network, known as CLAN, whose meetings I have attended. They would be a valuable resource to the commission. The Opposition consulted with Nick Rowley and Neil Shepherd on amendments to the bill, and they were moved in the other House.

The Opposition acknowledges that it was difficult for the Government to resolve some of the issues we raised in the time frame that was available. The Government has agreed to a catch-all amendment that requires the bill to be proclaimed in its entirety. We have done that because the Government has a sad history of allowing legislation through the Chamber and selectively choosing which part or parts should be proclaimed. On this occasion we said to the Government, and the Government agreed, that we want the whole bill proclaimed. We also said that we want a change in the name of the Community Services Commissioner to provide a new focus for people with disabilities. We want the watchdogs to be constantly reminded that they have an equal responsibility to people with disabilities. For that reason we moved, and the Government agreed, to have the Commissioner renamed the Community and Disability Services Commissioner, that is, the words "and Disability" have been added to his title.

We have altered the definition of "out of home care". That ensures that children who are placed in the care of their relatives rather than unrelated foster carers are also regarded as being in out of home care. Honourable members may remember the debate surrounding this issue when the House dealt with the permanency planning legislation. We have made a technical amendment to overcome the unintended situation whereby, under the current wording, the Community Services Division will be dissolved on the signature of the Governor. The Opposition amendment means that this cannot happen. If there are to be changes to the community services division, the issues will have to be brought before the Parliament in the form of an amendment.

We have extended the time that was proposed for reviews from two to three years. This is an attempt to catch children who have been the subject of DOCS attention but, under the two-year time restriction, would not be referred to the Ombudsman. Under the Government's proposal, if a child has been the subject of a report to the Department of Community Services and dies, if the report of risk and harm was more than two years old at the time of death, a review would not be undertaken by the commission, the Coroner or the Ombudsman. This provision extends the restriction to three years. That is a more practical time frame. There was discussion that the time frame should be five years, but we acknowledge that it is always difficult to decide how long is reasonable without being too bureaucratic.

We have sought and obtained an amendment to overcome the situation where grandparents, aunts and uncles and other people who were important in a child's life are unaware that they may have the right to legal representation at a coronial inquest. Some family members have attempted to negotiate the coronial inquest without any legal representation, while DOCS and other agencies have had barristers representing their particular interests. Usually high-powered and expensive barristers represent DOCS in these matters. The Opposition believes that after the grief of losing a child, it is an unnecessary additional burden on families, often when they are at their most disempowered, that they should be expected to find out for themselves that they have a right to legal representation at the coronial hearing. This amendment requires the Coroner to make his or her best endeavours to notify family members of their right to be represented at a coronial inquest.

That is a particularly important issue for reasons I and my policy adviser Katherine McFarlane have experienced when dealing with people such as Jessica Gallacher's family. Gabriella Virtu, Jessica's aunt, did not

know they were entitled to the right of legal representation or the right of appearance before the coronial inquiry into the death of Jessica Gallacher. That matter was the source of questions in this House about 12 to 15 months ago to the Premier and to the Minister for Community Services. At that point there was no coronial investigation. After the Opposition raised the issue, a coronial investigation was undertaken. But the family still did not know it had a right of appearance. With the infinite resources that DOCS has when it wants to shut down information, the family would not have found out and would not have been able to ask the questions it particularly wanted to ask. It is a real failing in this system that family members are effectively cut out of the process, and DOCS seems to enjoy the fact that it can shut people down and keep them out of the inquiry and review process.

Another process which did not get into the bill was the right to apply to the Administrative Decisions Tribunal [ADT] to review decisions made by DOCS or the Department of Ageing Disability and Home Care [DADHC] when things go wrong, such as when people with disabilities are hurt or die. The Government argues that the right to go to the ADT is a suitable mechanism to have the decisions of DOCS reviewed. The reality is that it is not. The ADT is beyond the capacity of most people. Again, at a time when they are at their most disempowered—they have lost a loved one, a child, a family member—they are unexpected to pull themselves out of the morass of grieving and know that they have a legal right to go to the ADT. Then they have to find the money for the costs involved to appear before the ADT. DOCS fights tooth and nail, using any legal technicality, to avoid any scrutiny by the ADT.

At some time the Government has to revisit that issue. We did not push the issue on this particular occasion because we, like many others, are between a rock and a hard place. We could fight and probably lose, in the sense that we do not get the changes we need. We have to consider that without the amendments the Ombudsman and the Community Services Commission will not come together or, possibly worse, will continue in their current divided state with the Community Services Commission in limbo, compliments of the Carr Government.

This legislation is not what we wanted, but we started with the Carr Government's cynical exercise of trying to shut down the information. It is quickness of tongue to say that there were over 19 watchdogs looking into these matters when many know that is a lie. At the very best there may have been two or three watchdogs that undertook that role. That indicates the level of desperation that existed in the Carr Government 18 months to two years ago. The rhetoric still exists a little today. I do not reflect on the Minister when I say that. The Minister has been more than accommodating, as has the honourable member for Strathfield who allowed the matter to be debated tonight. He was reading a prepared speech when he said there were 19 watchdogs. That is not an issue that reflects on him. But it is an issue that reflects upon the Minister and the senior management of DOCS and their unfortunate desire to shut down information.

There has to be transparency and a knowledge of the failings within DOCS, so that we can bring about substantial change. This year there have been 163,000 reports of child abuse. That is a huge increase on 33,000 seven years ago. That is a crisis in any man's language. It is time that this Government welcomed and encouraged the watchdogs. They can provide hope for the future in the sense that they can offer substantive policy directions and changes to help make the children of the State and people with disabilities a lot safer.

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mrs Lo Po' [7.16 p.m.]: I thank the honourable member for Wakehurst for his contribution and for his willingness and the willingness of his staff to enter into discussions with various Government officers to resolve a serious issue.

Motion agreed to.

Bill read a second time and passed through remaining stages.

The House adjourned at 7.17 p.m.
