

LEGISLATIVE ASSEMBLY

Friday 27 September 2002

ABSENCE OF Mr SPEAKER

The Clerk announced the absence of Mr Speaker.

The Chairman of Committees (Mr John Charles Mills) took the chair as Acting-Speaker at 10.00 a.m.

Mr Acting-Speaker offered the Prayer.

POLICE REMEMBRANCE DAY

Mr ACTING-SPEAKER: As honourable members are aware, today has been designated as Police Remembrance Day. In recognition of all the officers who have given their lives in the line of duty, and in recognition of police officers who continue to serve, I ask all honourable members and officers of the House to stand as a mark of respect.

Members and officers of the House stood in their places.

ROADS AMENDMENT (ROAD TUNNEL POLLUTION FILTRATION) BILL

Bill received and read a first time.

Mr ACTING-SPEAKER: I have received advice from the honourable member for Myall Lakes that he will have carriage of the bill in the Legislative Assembly.

PRINTING OF PAPERS

Motion, by leave, by Mr Whelan agreed to:

That the following papers be printed:

Report on the Five Year Statutory Review of the Public Defenders Act 1995
 Report of the Review of the Retail Leases Act 1994, pursuant to section 86 of the Act, by the Department of State and Regional Development, dated June 2002
 Report by the Minister for Forestry under the Forestry Restructuring and Nature Conservation Act 1995 on Forest Industry Restructuring Expenditure for the six months from 1 January 2002 to 30 June 2002, dated July 2002
 Treasurer's Report on the Statutory Five Year Review of the Bank Mergers Act 1996, dated September 2002
 Treasurer's Report on the Statutory Five Year Review of the Bank Mergers (Application of Laws) Act 1996, dated September 2002

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to provide for the following routine of business at this sitting:

- (1) Government Business Orders of the Day Nos 1 and 2.
- (2) Orders of the Day (Committee Reports) Nos 1 to 5, 7, 8, 10 and 11.
- (3) Government Business Notices of Motions Nos 1, 2 and 3.
- (4) Private Members' Statements

GOVERNOR'S SPEECH: ADDRESS-IN-REPLY**Take-note Debate****Debate resumed from 4 September.**

Ms SALIBA (Illawarra) [10.05 a.m.]: It is with great pleasure that I respond to the Speech made earlier this year by the Governor, Her Excellency Marie Bashir. During her Speech the Governor acknowledged the students throughout New South Wales who for the first time were watching her speech on video, streamed live on the Internet—a sign of things to come. Recently I used the Internet to talk to family members in Malta. While their pictures were displayed on the computer screen I was able to listen to them and look at them while having a chat, and for just \$2 an hour. It is brilliant, but the only problem is that the telephone line was tied up while that was happening. Internet video links are a great way of communicating with people. It is a communication tool of the future.

Her Excellency acknowledged the centenary of women's suffrage and representation in the Commonwealth and New South Wales Parliaments. Photographs of all women who have been representatives in the New South Wales Parliament are displayed in the foyer of Parliament House. As I walk past, I cannot help but be inspired by their dedication and commitment to women's issues and women's ideals. The photographs are a tribute to their leadership of the movement and to the men and women who have supported them in their cause. Within the Australian Labor Party there is an organisation known as EMILY's List—which stands for "Early money is like yeast": it makes the dough rise.

That organisation is based on a similar organisation within the United States Democrats party, whose motto is "When women support women, women win". It is certainly very important for women in Parliament to have the support of other women within our communities, and in that context I am proud to acknowledge the centenary of women's suffrage and representation within the Parliaments of Australia.

Her Excellency also referred to the Christmas 2001 bushfires in New South Wales. I vividly remember last Christmas because I had invited family members to my place for Christmas Day lunch. We sat out on the balcony, as we do every Christmas, but we could not see beyond the backyard because of smoke, which was absolutely everywhere. By nightfall all we could see across the lake and to the mountains beyond was the red glow of the blaze. I made several phone calls to the New South Wales Fire Brigades and to the police who were co-coordinating the firefighting work that was being undertaken. I was very concerned about people whose houses were in the path of the fires. Those people had to be moved out of their homes, which is a terrible thing to happen, especially at Christmas time. Thankfully the combined efforts of volunteers and professionals really made a difference and it was not very long before families were able to collect their possessions, return to their homes and begin to clean up their properties. The volunteers and professionals deserve high praise for the hard work they did during that disaster.

This year I encouraged the students in my electorate to design a Christmas card focusing on the Year of the Outback. I targeted year 3 students in all the schools throughout my electorate. I have received from the students some brilliant designs, showing Ayres Rock gift wrapped, Santa Claus as a swagman, with a cork hat and his little swag on the ground, and Santa Claus' sleigh being pulled by kangaroos and emus. I have also received designs showing Aboriginal themes within the context of Christmas. I had to ask the Director of the Wollongong Art Gallery, Peter O'Neil, to help me select six finalists for the Christmas card design, because I have received hundreds of pieces of artwork from the students. In fact, the walls of my office are absolutely covered, from one end to the other, with students' designs. It is a shame that the designs will not be able to stay there permanently. However, they certainly have been a conversation piece for all the constituents who come to my office.

Interestingly, a number of students drew cactus on their Christmas card designs for the Year of the Outback. I know that the United States of America has cactus in its bushland, but it is certainly not in Australia. It was interesting to note that the students had done that. Perhaps there was a picture of a cactus on the wall of their classroom, or something of that nature. I have not yet ascertained whether all the students who drew cactus on their designs came from the one class, but I would be interested to find out what influenced them. The Year of the Outback provides an opportunity for us to encourage people to focus on rural and regional communities in Australia, and to help young city people understand what it is like in the country.

As today is Police Remembrance Day it is timely to acknowledge members of the Police Force who have died in the line of duty and, indeed, all members of the Police Force who risk their lives every time they go

to work. Police officers risk serious injury whenever they turn up for work, and they are to be commended for that. Less than a year ago a young trainee police officer in the Lake Illawarra Local Area Command, Mr Brotherson, was engaged in practice duties at the local area command when he was called out to an accident on the F6, along with other officers. I remember the night vividly because members of my family were out on the roads and I was very concerned about them. There was very heavy rain that night. The police car Mr Brotherson was in slammed into another vehicle, and Mr Brotherson was killed. It was very tragic, because he left behind a wife and two very young children. It was also tragic because at that time Mr Brotherson was not even a police officer; he had only committed to training to become a police officer.

The local police in my electorate rallied together to support Mr Brotherson's family. Earlier this year they held a benefit night, which raised a significant amount of money for the family. That will greatly assist with the educational and other needs of Mr Brotherson's two sons. I was extremely pleased that the then Acting Commissioner of Police, Ken Moroney, and the Minister for Police, Michael Costa, attended that function at Warilla Bowling Club. It was a good night; it gave the police officers an opportunity to show their respect to the family of Mr Brotherson. I am pleased that this State is introducing legislation that consolidates police powers and gives police the rights they need to carry out their duties fully. I know that the police in my local area work very hard, under the leadership of Gary Hodsdon, the Chief Superintendent of the Lake Illawarra Local Area Command. They are a dedicated bunch of police officers, and I acknowledge the work they do. I am always there to support them whenever my support is required.

The State Government has spent a lot of money on education. Indeed, this week the Minister for Education and Training announced an allocation of \$21 million for school security. I am pleased that Warilla North Public School has received funding for new fencing around the school's perimeter. People who vandalise schools spoil the opportunity of other community members to use school facilities. It is shameful to see this sort of thing happening because it costs the State Government a lot of money in repairs and replacement of equipment. It is pleasing that the Government is spending such a large amount of money to secure our schools, give our students confidence that their work and their equipment will not be damaged, and instill in them an understanding that we respect what they do within the schools and their need to feel secure.

Both TAFE colleges in the Illawarra have been allocated a total of \$9.6 million in funding for capital works projects, which are due to commence this financial year. There will be a major upgrade of Shellharbour TAFE and Dapto TAFE. An allocation of \$9.95 million has been provided for the establishment of a multifunctional complex in Shellharbour TAFE, which will be used for welfare facilities, child studies, specialist health learning, business studies and a learning resource centre. This is a great facility for my community as there is a growing need for human services in the Illawarra. In particular, it will provide people with the necessary training to allow them to move into areas of work other than the traditional industrial work that has been carried out in the Illawarra for many years.

An allocation of \$523,000 has been provided for the establishment of an information technology hardware centre at the workshop at Dapto TAFE. This year's budget provides \$8 billion for education and training. Priorities include the quality and supply of teachers, and upgrading technology in schools. As I said earlier, computer technology in schools allowed students to either listen to or watch Her Excellency's Speech in the Parliament. It is important that students are able to go online to access the information they require.

Last year students in the Illawarra had the opportunity to be involved in the e-summer school. Fourteen students completed the course, which was conducted outside school hours. Students were selected from years 10 and 11 in disadvantaged schools. I had the privilege of attending the graduation ceremony for the course. It was great to see that so many students enjoyed studying during their summer break. The program was so successful that the Illawarra Institute of TAFE, under the leadership of Barry Peddle, will conduct four summer schools this year. We have dropped the "e" because, while they will involve classes in information communications technology, there will be one visual arts program that targets Aboriginal students in the Nowra area.

Two programs focusing on information communications technology, coordinated by Kathy Pond, will be run out of Wollongong this year. Two programs will be based in Nowra: one in information communications technology and the other a visual arts program for Aboriginal students in Nowra, which I have mentioned. We expect that there will be about 15 students per group. These programs are a good way of helping senior high school students improve their post-school opportunities. Previous programs have proved a great success, which is why an expanded program will be operated in the Illawarra this year.

A significant amount of money is being spent on health in the Illawarra. For example, \$500,000 will be spent this year at Shellharbour Hospital's accident and emergency department. This is part of a \$5-million

expansion package designed to increase the number of beds from 12 to 20. The coordinator of the program has been announced and tenders will soon be called to begin the work. This is certainly good news for the people of Shellharbour city, and it will help the Illawarra Area Health Service deal with local health problems. An increasing number of people present at accident and emergency departments each winter with pneumonia, coughs, colds and other flu symptoms. This money will certainly go a long way towards relieving some of the pressure on the hospital.

A significant amount of work has been carried out at Wollongong Hospital. A brilliant new wing is being built that will house a permanent stroke unit. At present there is an interim four-bed stroke unit at the hospital. I acknowledge the contribution of two community members, Victor Reid and Peter Edwards, who have worked hard to make the permanent unit a reality. Both of these gentlemen have lobbied the State Government and raised community awareness of the project in order to raise money for extra facilities within the unit. Dr David Serisier has also worked very hard to deliver the unit.

Stroke units are certainly important. My younger brother suffered a stroke last year at the age of only 37 and, unfortunately, he has not yet recovered fully. If a stroke is diagnosed quickly and the patient receives the appropriate attention and assistance, in the form of physiotherapy and other treatment, that patient can make a full recovery. It is important that staff who care for stroke victims receive proper training. The Minister for Health recently announced extra funding for the stroke unit to provide additional staff training and increase the number of beds in the interim stroke unit. I look forward to the establishment of the permanent stroke unit in Wollongong Hospital when the new wing is completed. Things are in a state of disarray while the work is continuing—for instance, some people have been moved—but when it is completed we will have an excellent, modern hospital. Specialists in Wollongong and throughout the Illawarra would like to see the hospital become a training hospital, and I would support that move.

This year's extra funding allocation has enabled us to improve oncology, cardiology and medical officer staffing, to increase the number of joint replacement operations and to provide additional intensive care beds in Wollongong. The extra moneys have been well received and are being used to give the people of the Illawarra the services they require. I acknowledge that the Governor appreciates that we are working hard to provide for our constituents. [*Time expired.*]

Mr McBRIDE (The Entrance) [10.25 a.m.]: Her Excellency Professor Marie Bashir was an excellent choice as Governor of New South Wales. I know from my meetings with her and from her activities in other electorates throughout the State that she is an example of great leadership to the community. The year 2002 marks a highly significant anniversary in the political history of our nation and our State. This year is the Centenary of Women's Suffrage in both Commonwealth and New South Wales parliaments. I am sure that all honourable members have seen the display on the walls of the foyer comprising photographs of female members of the New South Wales Parliament. I have noticed visitors and guests of the Parliament—including my own guests—studying the display with interest, and I commend the House, the Speaker and everyone else who has been associated with its production.

The Carr Government has had a proud record over the past seven years, and this year's program will advance the Government's key objectives of modernising the State's infrastructure, promoting investment and jobs—we talked about that in Parliament this week—creating safer communities, providing world-class schools and hospitals, and protecting our unique environment. Every member of the community was uplifted by the selfless heroism of the State's firefighters, State Emergency Service volunteers and government employees who battled the Christmas-New Year bushfires. We extend our heartfelt thanks to the firefighters and to all of those who provided aid and support. The ideals of the International Year of the Volunteer could find no finer expression than in the efforts of these authentic Australian heroes. We watched them on television making selfless contributions to their communities.

This year is also the Year of the Outback. This is a celebration of our rural history and culture, with some 200 events organised by more than 50 New South Wales rural communities designed to showcase to Australia and the world the outback's unique achievements and great natural beauty. I am sure it is everyone's heartfelt wish that problems with public liability insurance will be resolved so as not to mar the planned celebrations—or any others in the future. I will address the public liability issue later in more detail. The Government values our rural and regional communities and is determined that they should have fair access to public sector services. The Government is opening access centres in 45 small country towns across the State to improve access to services such as car registration, boating licence renewals and birth certificate applications. The Government's \$30 million Community Technology Centres Program provides computers, information technology training and Internet access in small country towns. Some 34 centres have already been established, with another 62 to be rolled out over the next four years.

Employment in rural and regional areas—such as the Central Coast electorate that I represent—is another Government priority. While private sector investment will always provide the bulk of jobs, the public sector is significantly enhancing employment opportunities outside Sydney. For example, a year ago one component of the police assistance line was located at the Tuggerah Business Park. Some 180 full-time jobs are associated with that service.

WorkCover is being relocated to Gosford, with some 440 jobs moving to the Gosford town centre. This will make an enormous contribution to the revitalisation of the town centre, which has suffered as a result of changes to retail and commercial activities on the Central Coast. What is also important about those 440 jobs is that they are the second component of jobs being relocated to the Central Coast and other regional areas throughout New South Wales. Also, 84 new positions in the Fire Brigade are coming online on the Central Coast. That is part of the establishment of a fire management plan for the Central Coast.

I congratulate New South Wales Fire Brigades on its forward planning and the inclusion of the Central Coast as a priority for upgrading to best practice and standards. Until about five years ago the only fire service on the Central Coast was the Rural Fire Service. Previously, the presence of regular fire brigade services was pretty insignificant on the Central Coast. As it has a population greater than that of the Illawarra, this was an area of need. I congratulate those associated with New South Wales Fire Brigades on recognising and responding to that need by providing equipment and personnel to the Central Coast.

On many occasions the Premier has said he wishes to be remembered as the education Premier. The Government's key priorities in education are to maintain the highest standard of achievement in our schools and to value and support our teachers. Spending on education has been increased to a record level of \$7.6 billion in 2001-02. More than \$1.7 billion will be invested in school capital works upgrades and maintenance over the next four years. An additional \$70 million has recently been provided to fund priority building and security upgrades in schools across the State between now and the end of next June.

There has been enormous investment in school capital works and maintenance in schools in my electorate. Over the past 12 months seven schools were given a maintenance upgrade. The Entrance collegiate now has a 1.8 metre fence running around the school perimeter, and that has provided increased security for the school. This program has been rolling out throughout the State and I am pleased to say that some of that funding has been allocated to my electorate.

The Government's sustained focus on literacy over the past seven years has seen New South Wales achieve the best literacy results in Australia and some of the best in the world. The Government will continue to focus its literacy strategy on spelling, writing and reading. This year, 2,000 students in more than 600 schools will be involved in literacy and numeracy initiatives in the vital transition period from year 5 to year 8. Many of these initiatives have been implemented in schools in my electorate with outstanding results. On Monday 16 September the Premier opened the youth leadership forum held at Tuggerah Lakes Secondary College. Some 19 schools participated, with an average of more than four students from each school. Every State high school on the Central Coast was represented at that leadership forum.

Following his address the Premier mixed with the students. His connection with them and their response to him was unbelievable. There was a clear recognition by young students in our high school system that the Premier has a personal commitment to the improvement of education. It was a great opportunity for the Premier that day, but it was an even bigger opportunity for young people on the Central Coast who have leadership roles in their schools to meet and talk with the Premier. I think he spoke individually to every one of the students.

Society rightly values teachers, and this year the Government will implement a range of strategies to enhance the standing of the teaching profession. This is a very important social and community issue that needs real action. As educators of our youth, teachers are the turnkeys to the future success and prosperity of our State. Yesterday we saw an example of young students behaving in an inappropriate way. That school's principal has issued a media release saying that the school accepts some responsibility for the behaviour of those students. That is the point I just made. As educators of our youth, teachers are the turnkeys to the future success and prosperity of our State. They play an enormously important part in the way our young people grow up and behave.

Some schools have shown an enormous improvement in the past few years. In particular, Brooke Avenue Public School's principal, Etta Wilson, is an example in leadership. The school has good teachers and

really good management, and the combination of these components has led to an uplifting of culture and performance of the school. The Entrance Public School is another outstanding example of the Government and the former Minister for Education and Training, the Hon. John Aquilina, being committed to providing first-class facilities and services to our community. The upgrade of that school is without doubt the best retrofit of any public building in the past four or five years. It is magnificent. More than that, it is now being used as a benchmark for retrofitting other schools in New South Wales. I commend the Hon. John Aquilina for his commitment to that.

There were a lot of difficulties getting that retrofitting done, but the former Minister backed it all the way and the results are fantastic. The school will be officially opened in November this year by the Premier. I congratulate the principal, Alan Irving, the school community, teachers, parents, students, administrative staff, guardians, grandparents and volunteers on embracing the issues and uplifting the culture and performance of the school. An interesting telltale of performance given to me is that today the school has nearly 100 per cent compliance with the wearing of school uniforms. School principals have an immediate understanding of what that means. It means that that school community is united in achieving good outcomes for the community and in education.

I recently spoke in the House about the great start to the Tuggerah Lakes Secondary College. The years 7 to 10 junior school and the years 11 and 12 senior school are models of performance. There has been a 60 per cent increase in subject choice in years 11 and 12 and a 20 per cent increase in year 11 enrolments. The number of subjects available has increased from 26 as a comprehensive high school to some 53 as a collegiate model, as well as 22 TAFE college alternatives. The school provides a range of subjects possibly unequalled by any other school in the State. That is an enormous turnaround. Andrew Newman, the principal of Tuggerah Lakes Secondary College, has had an enormous input into those results.

Wyoming Public School is under the leadership of Karen Jones. She is a great, proactive principal. She provides fantastic leadership in the Wyoming area, and not just in the school. She has accepted that the school is a catalyst to improve the community, and she has extended links in a whole range of ways to the rest of the community. The property boundaries of the school are meaningless to this woman: she has reached out and is improving the whole of the community through her leadership role as a school principal. All the people associated with these schools deserve congratulations.

Better health care is a major priority for the Government, with recurrent funding at a record \$8 billion this year. Some \$210 million has been allocated to Central Coast Area Health to be spent within four years to carry out major works at Wyong and Gosford hospitals. The works almost amount to a total rebuilding of those hospitals. Currently, health services provided by Central Coast Area Health are at 104 per cent effectiveness. That is, every bed is full every day of the week.

I congratulate all those people associated with the services. The nurses and all those people who do the hard work, or the grunt work, if I may call it that, in the wards deserve congratulations because they do a wonderful job on the Central Coast. Invariably, anyone who uses the service on the Central Coast gives a great report on the service provided by those ordinary people who are working so hard in our wards.

As mine is a growing area, there is also a need for new services, and they are coming online. In a couple of weeks the Premier will be opening a new angiograph mapping service. That means that, in the not too distant future, doctors will be able to perform heart surgery on the Central Coast. So we will be moving in line with other regions such as the Illawarra and the Hunter. My congratulations to John Blackwell and his staff, from the top to the bottom, and everyone else who has contributed to the improvements within Central Coast area health.

I believe that the Government's commitment to safer communities has been an outstanding success. The Government has committed to enhancing community safety, crime prevention and law-enforcement. The stand-out new initiative is the proposed legislation to remove the presumption in favour of bail for repeat offenders. This has now been enacted in legislation. For some time now NSW Police has been concerned about the incidence of repeat offenders who are granted bail. Repeat offenders are said to constitute 20 per cent of the criminal population, but they commit 80 per cent of the crime. For hundreds of years there has been a presumption of bail, yet this group of people—and so many examples have been given—are responsible for 80 per cent of the crime.

If the presumption of bail is taken away, obviously there will be a reduction in crime. That is very smart policing. There is a lot of talk about police numbers, but it is not about police numbers, it is about the

Police Force being smart in how it goes about its policing and how it deals with these issues. The removal of the presumption of bail is a great example of that. On 22 May this year the Central Coast gained an additional 26 police and some weeks ago it gained an additional 32, a total of 58 new police in the past four months. I understand there is a plan for a bicycle squad to commence in the next couple of months to patrol the Central Coast commercial districts. These are great initiatives for the Central Coast. [*Extension of time agreed to.*]

The additional 58 police will enable great changes to be made to policing in my area. I commend the Minister for Police, Michael Costa, for his redirection of the Police Force, in conjunction with the new commissioner, Ken Moroney, to make police up front and visible. For example, the bicycle patrols will be resumed within our retail and commercial districts, and up to 80 per cent of police cars will be marked. People will be able to see that there are police on the street. Some people have regarded the concept of "perception of police" as purely promotional, but it is not. My experience is, for example, that if elderly people particularly, but people generally, see police they feel secure. Even if there is no risk, if they cannot see police officers they still have a sense of insecurity. I believe that the media is partly responsible for that, with its constant hyping up of minor criminal activity.

Our elderly population has come to the point of view that somehow they are living at risk even if they just walk outside their front door. We had to respond to that because the community was becoming increasingly sensitive to what it perceived as a high risk of crime. Under the previous two police commanders, and the establishment of the Tuggerah Lakes patrol command, crime has decreased enormously in my electorate, particularly the sort of crime that really annoys the community: crimes like break, enter and steal.

Street assaults have decreased in The Entrance, even though the local media and the spokesperson from the chamber of commerce have given the impression there has been some outbreak of this sort of activity. Bearing in mind that more information is being recorded in crime statistics than ever before, there has actually been a substantial decrease in that activity. There has been a more than 70 per cent reduction in car thefts in the Tuggerah Lakes patrol command area. The media is promoting the perception that there is this enormous outbreak of crime in my electorate, but the simple fact is that crime rates have been going down, and each year continue to go down. I believe that is mostly due to the leadership within the Police Force on the Central Coast.

The two local commanders, Alan Clarke, who has now gone to Brisbane Waters patrol, and Alan Thompson before that, changed the whole culture of policing within the Central Coast. The police now are effective, active, and responding to the issues as they are reported, and they are getting great results. I also commend Peter Ryan, the former commissioner, because he was the architect of this new structure within the Police Force and it has produced results. As with any public service institution, it takes some time, like turning the boat around, but on the Central Coast the results are coming through now, as they have been over the past couple of years, thanks to the hard work by the leadership within the Police Force. I commend those former commanders for their contributions.

The Entrance Ocean Baths is an icon of unique significance to the Entrance and the Central Coast, and it is a special part of our Australian culture. It is estimated that there are more than 130 ocean baths along the coast of New South Wales. There are a number in the Newcastle and Wollongong areas and some 74 in the Sydney area, including one at Malabar and the more well-known one, McMahon's pool at Maroubra, which I understand the Premier has swum in. However, there is only one on the Central Coast: The Entrance ocean baths, which were built in 1938. The baths deserve to be State heritage listed so that the future of this unique Central Coast icon can be guaranteed for the benefit of future generations.

I thank community stalwarts Jim Maher, Bob Viquerat and Don Campbell of the Tuggerah Tuffs; Brian Bowe, President of The Entrance Amateur Swimming Club; Chris Bond, twice Australian surf lifesaving ski champion; Councillor Bill Thompson; and local historian Phil Morely. All these people have worked so hard in developing a very successful campaign to have the baths heritage listed. At 10.00 a.m. on 4 August at the pool deck of The Entrance Ocean Baths a community petition was launched, in association with The Entrance Amateur Swimming Club and the Tuggerah Tuffs, to heritage list The Entrance Ocean Baths.

George Turner, aged 96, of North Entrance, who is a foundation member of the Tuggerah Tuffs and who was a regular swimmer up until two years ago at the age of 94, assisted at the launch of the petition. George would walk from his home at North Entrance to the pool, a distance of about 1½ to 2 kilometres. George had a minor stroke when he was 94. When he had recovered he told his doctor he was going back to swimming. The doctor said to him, "George, if you want to keep living you can't go swimming again." I do not think it really mattered for a guy who is 94 years old, and, notwithstanding, George is actually swimming again. That shows the commitment of people to this institution.

The Tuggerah Tuffs have regularly set up a campaign table at the Lakeside Plaza at The Entrance to collect signatures from the local community. Similarly, The Entrance Amateur Swimming Club has done the same at Bateau Bay village. I thank all those who helped on those occasions. I thank also all The Entrance businesses that have helped. Most businesses have been unbelievable in their assistance with collecting signatures for the petition. They include the Surf Cafe, The Entrance Cinema, Cafe Macaw, The Entrance Book Exchange, and many more.

Also, I thank all the individuals who have taken on the challenge personally and collectively. In one month these community activists have collected more than 9,000 signatures and, on current returns, will top some 10,000. We are looking at the collection of 10,000 signatures on one issue in just five weeks. That shows the level of concern in the community, and it is an overwhelming endorsement of local community concern for the future of this local icon. At the Wyong Shire Council meeting of 28 August, council passed a motion moved by Councillor Bill Thompson and seconded by Councillor Kath Forster. The vote was 5 to 3, and was supported by councillors Thompson, Forster, Brennan and Best and Mayor Neil Rose. The motion stated:

1. That Council initiate immediate action to include The Entrance Ocean Baths as part of Wyong Shire Council's heritage listing.
2. That Council write a letter of support for New South Wales Heritage listing of The Entrance Ocean Baths to be forwarded to the Member for The Entrance, Mr Grant McBride, to be part of the submission for State listing to the Deputy Premier and Minister for Planning, The Hon. Andrew Refshauge.

I thank the councillors who supported the motion. The pool has a very rich history since its construction in 1938 by Erina Shire Council at a cost of some £425. The swimming club was formed on 10 July 1953 and next year will be its jubilee year. I believe that the Tuggerah Tuffs have been in operation for more than 35 years. As I said, The Entrance Ocean Baths were built in 1938 at a cost of £425. They are the only ocean baths on the Central Coast. They were originally filled with tidal water and emptied through a channel at the southern end. In 1940 a pump station and pipeline were added. The Fred Lewis pool and another pool were later added, and in the 1950s the swimming club raised the funds for a clubhouse. The council added toilets and a change room. The important location of the baths—that is, The Entrance beach—is often too rough or covered with seaweed and therefore not suitable for use by the general public. So the baths are important in terms of providing services in that area.

As I said, next year is the jubilee year for The Entrance Amateur Swimming Club. The Tuggerah Tuffs were formed in March 1967 and have been in operation for some 35 years now. Another very successful season was completed only last week. The baths are also an important part of the town's lifestyle and a place where locals have learnt to swim and enjoy themselves. A number of people have been associated with the baths. For example, Bob Deaks was a coach at The Entrance Ocean Baths. His sister trained at the baths and was an Olympic representative at the 1960 Olympic Games and competed in Mexico in 1968. During the August school holidays in 1954 and 1955 Harry Gallagher—those who know anything about swimming know he was Dawn Fraser's trainer—brought a group of 40 swimmers from Drummoyne swimming club to The Entrance baths. That group included Jon Henricks and Mel Swanson, who were Olympic swimmers. We have been told that Dawn Fraser also trained at The Entrance Ocean Baths. I have received many letters about The Entrance baths, and they give an idea of the widespread appreciation of the community. A letter I received from Dennis Halligan, who is well-known locally, stated:

In summary I would challenge anyone to do a number of laps in the early hours of the morning and then shower off looking out over the ocean as the sun rises on the horizon and not to be moved and exhilarated by emotions and feeling of wellbeing that then last throughout the day. This combined with the ability to greet people and share warmth and laughter is something almost uniquely associated with this beautiful facility.

I received a very interesting letter from Kaye and Patrick O'Shea of 84 Coolamon Street, Arianah Park. I was not sure where Arianah Park is; I am sure the honourable member for Coffs Harbour, as a National Party member, would know that it is in the Riverina. The letter stated:

I grew up at The Entrance and learned to swim at The Entrance Ocean Baths. After moving away from the area, we returned regularly (once or twice a week) to The Entrance for our holidays. Our children have also learned to swim at these Baths.

Quite often the beach at The Entrance has a lot of seaweed and therefore is not suitable for swimming, so our family spends a lot of time at the Baths.

We live in a very small town in the Riverina, yet we could name at least 8 - 10 families from this small town that regularly visit The Entrance and the Ocean Baths. We are sure that they would also like to see the Ocean Baths preserved and maintained as part of The Entrance's history, and also to enjoy swimming there as part of their summer holidays.

[Time expired.]

Debate adjourned on motion by Mr Moss.

STANDING COMMITTEE ON PUBLIC WORKS

Report: Government Building Maintenance

Ms BEAMER (Mulgoa) [10.56 a.m.]: The report on Government building maintenance is the third in a series being undertaken by the public works committee in its general inquiry into infrastructure delivery and maintenance. The inquiry was established with a reference from the Minister for Public Works and Services in 1999. The Minister's reference provided the committee with an opportunity to explore a variety of infrastructure management issues. The committee has divided the inquiry into discrete tasks and is tabling a series of separate reports. The committee tabled volume one of the series, the report on office accommodation management, in July 2000 and volume two, the report on land fleet management, in March 2001.

In this current report entitled "Government Building Maintenance" the committee has examined certain New South Wales agencies' building maintenance regimes to establish how they are performing and what direction should be taken in building maintenance management. New South Wales deploys about \$115 billion of assets for the provision of public goods and services, and spends an estimated \$2 billion annually on maintenance of these assets. While significant scrutiny is given to asset purchases, the maintenance of assets can often exceed the asset purchase cost. Given this level of expenditure, effective maintenance management is a critical factor in achieving the best outcomes for Government assets and, in turn, meeting the Government's objectives and delivering services. This is the impetus for the committee report.

The committee has examined trends in building maintenance management, such as a shift from traditional cyclical maintenance programs to outcomes-based approaches linked to service delivery. The essential component to this trend is the change in focus whereby agencies become less prescriptive about how a building might be maintained and move to being more specific about the desired condition that a building needs to deliver its services. The committee has examined select case studies with large building portfolios that are associated with service delivery, such as education, public housing, health, police, Attorney General, community services, corrective services and juvenile justice. Innovative New South Wales maintenance contract projects such as regionally based contracts and shared-agency contracts have also been considered by the committee.

All the agencies the committee examined have implemented improvements in their maintenance management systems in accordance with best practice principles. However, the committee has found that there is no one-size-fits-all solution to maintenance, and that determining which agencies have achieved the greatest improvement is difficult. This has led to the committee's main recommendations that whole-of-government initiatives need to be undertaken to collate information concerning current maintenance issues facing agencies.

Specifically, the committee makes the following recommendations to improve the Government's knowledge of and capacity to evaluate maintenance issues. Firstly, the committee believes that a whole-of-government maintenance program should be oversighted by the Government Asset Management Committee. Secondly, the committee found that there is a need to establish measures for comparatively assessing new maintenance approaches against each other, and it recommends that the Department of Public Works and Services should consult with agencies and develop indicators that enable such comparisons to be drawn. These should be reported back to the Government Asset Management Committee. Thirdly, agency compliance with the total asset management requirements, which are managed by the Department of Public Works Services, varies with respect to asset maintenance planning, but at the same time best practice maintenance processes are occurring.

The Committee recommends that the Government Asset Management Committee oversight an investigation of agency compliance with total asset management requirements to identify the level of compliance and the reasons for non-compliance. Information about backlog maintenance and heritage agencies is an area of interest for the committee. It has found that assessment of these issues at a whole-of-government level is necessary. Specifically, recommendation No. 4 of the report is that a whole-of-government assessment of backlog maintenance be directed by the Government Asset Management Committee that:

1. Estimates the value of backlog maintenance and its implications;
2. Identifies the causes such as OHS liabilities or heritage requirements and also the sources of backlog such as inadequate funding, ineffective maintenance systems or structures, or inadequate matching of service demands to each agency's supply capacity;
3. Identifies the relevant service delivery impact of backlog to determine priority areas and possible rationalisation of backlog maintenance classifications and valuations; and

4. Examines whole of government strategies for backlog maintenance management and identification of possible preferences for structures of maintenance management. This may include changes in budget approaches and policy directives on maintenance management structures.

With regard to heritage maintenance, the committee recommends that the Government Asset Management Committee direct a whole-of-government assessment that:

1. Distinguishes, where appropriate, "heritage" building maintenance obligations from general maintenance requirements and backlog or deferred maintenance assessments
2. Estimates the future costs of heritage building maintenance for the public sector taking into account the following:
 - a) Recent statutory heritage building maintenance requirements and heritage valuation and related administration costs for agencies;
 - b) The proposed Ministerial Principles and Heritage Council Guidelines for State owned heritage properties including any changes to agency reporting requirements;
 - c) Considers whole of government strategies including agency financing and budget approaches for addressing heritage building maintenance requirements; and
 - d) That the heritage maintenance assessment be in conjunction with the assessment of backlog maintenance.

In addition to the whole-of-government program suggested by the committee in the recommendations I have mentioned, a further four recommendations are made in the report which I will now mention. The committee has examined certain maintenance contracts and maintenance projects that are designed to benefit regional development and share resources between agencies. The committee supports efforts to enhance regional development. However, the committee has found that it is difficult to establish and measure the benefits and costs associated with structuring agency maintenance contracts to promote regional development. The committee believes that the main determinant for the structure of a maintenance contract should be its capacity to provide effective service delivery. Constraining contracts to a regional level to promote regional development is not appropriate if it significantly compromises value-for-money outcomes for the agency. The committee argues in recommendation No. 6 that regionally structured contracts adopted by agencies to promote regional development should be transparent, and that benefits and costs accruing to agencies and to the regions should be distinguished and monitored.

The committee has found that maintenance arrangements involving shared contracts across agencies are likely to have significant risk and associated cross-subsidies that can undermine their potential benefits and compromise accountability. This is particularly the case when the contract involves unplanned or urgent maintenance components. These concerns appear to undermine the willingness of agencies to participate in cross-agency arrangements. Such shared or cross-agency maintenance arrangements might be more attractive to agencies where they focus on low-risk, planned maintenance activities that are common to agencies—for example as heritage maintenance or occupational health and safety maintenance regimes. The committee's recommendation No. 7 is that the Department of Public Works and Services consider piloting a regional cross-agency heritage maintenance contract arrangement to examine this possibility.

Finally, the committee makes two recommendations about processes for future maintenance options. Recommendation No. 8 is that new whole-of-government maintenance projects developed by the Department of Public Works and Services should be put to competitive tender for project management to maximise access to innovation and expertise from public and private sectors. Recommendation 9 relates to the Government's recently announced private financed projects program. The committee believes that specifying maintenance outcomes is critical to ensure that service objectives will be met in new private financed projects that include building infrastructure. The committee recommends that the Government's assessments of new privately financed projects include a clearly defined maintenance regime that matches the service objectives of the relevant agency or project. On behalf of the Committee I thank all the participating agencies involved in this report. The Committee looks forward to the Government's response to the report's recommendations. I also thank my colleagues on the committee and the committee staff for their efforts in preparing this report. I commend the report to the House.

Report noted.

STANDING COMMITTEE ON PUBLIC WORKS

Report: Government Energy Reduction Targets

Ms BEAMER (Mulgoa) [11.07 a.m.]: The New South Wales Government is the leader in public sector energy management in Australia. It has led the way with a number of innovative policies and ideas. For example, the establishment of the Sustainable Energy Development Authority was a first in Australia. The Government's energy policy aims to achieve multiple goals. These are the reduction of greenhouse gas emissions, the reduction of energy costs within public sector operations, greater efficiency in the use of energy by agencies, and the development of a sustainable energy industry in New South Wales. One of the tools introduced by the Government to achieve these goals is an energy reduction target for government buildings.

From a baseline year of 1995-96, agencies have to reduce energy consumption in their buildings by 15 per cent by June 2002 and by 25 per cent by June 2006. The main purpose of this report was to review the progress by agencies towards these targets. The committee carried out this inquiry for two reasons. Firstly, one of the functions of the committee is to identify ways to make savings in the Government's capital works program. A significant reduction in energy consumption reduces the need to build further energy generating infrastructure—a big saving for the taxpayer. The second reason is that the committee is expected to look at the environmental impacts of public sector infrastructure. As coal-generated electricity has a major impact on greenhouse gas emissions, policies which might reduce our dependence on such infrastructure are also of interest to the committee.

I note that in the 2000-01 financial year, public sector agencies spent over \$124 million on energy use in their buildings. The committee found that across the public sector, progress towards the targets has not been good. The 2001-02 target will not be reached. The 2005-06 target will not be reached without a real effort by all agencies—greater than we have seen to date. While this result is certainly disappointing, it is not all gloom. This poor overall performance has masked some exceptional results by a number of organisations. These agencies have shown what can be done, and other agencies can learn a great deal from their achievements.

The committee developed a range of recommendations to further drive agency compliance with the targets. Leadership is critical in achieving the targets and the committee expects chief executive officers [CEOs] to take responsibility for reaching them. The committee will revisit the targets each year and request CEOs of agencies that the committee feels are not performing satisfactorily to come and explain their performance. The good performing agencies were generally successful because of their strategic and comprehensive approach to the targets. All agencies, therefore, need to adopt such a strategy. A strategic approach is in reality a pathway which agencies follow from the gathering of meaningful energy use information through utilising the appropriate expertise to investing in energy solutions as part of an ongoing capital works program and the uptake of renewable energy.

The other good news that I want to report to the House is that energy efficiency measures, which reduce energy consumption, and in turn greenhouse gas emissions, are generally very cost-effective. They pay for themselves over relatively short periods, giving venture capital type returns on investment. Once paid for, the measures simply continue to generate savings. One of the reasons why many agencies were not achieving their targets was that they were simply unaware of current technologies that could be purchased off the shelf. As part of a strategic approach to energy management it is vital that agencies are up to date on all the proven products available on the market. The committee recognised the need to take practical steps to familiarise energy managers with the latest technologies and energy efficiency solutions and put together, with the assistance of the Sustainable Energy Development Authority, an expo of energy efficiency products in Parliament House.

I expect that the energy managers who attended the expo came away with some new ideas that will further help reduce greenhouse gases and save taxpayers' money. The biggest impact on the greenhouse gas emissions will occur with a move to renewable energy. In support of renewable energy, the committee has recommended that agencies should receive a credit against their total energy use for any renewable energy consumed, thus rewarding agencies that find innovative ways to use renewable energy. On the other hand, agencies that fail to meet their targets should be required to purchase the shortfall in green power. At the moment green power costs more than coal-fired electricity, so this recommendation imposes a financial sanction on non-performing agencies.

The Ministry of Energy and Utilities has responsibility for the Government Energy Management Policy, an agency reporting under that policy. The ministry is carrying out a complex task with limited

resources. These resources need to be increased if this important function is to be carried out adequately. The committee has recommended also a number of ways to improve reporting under the policy, which should improve accountability and transparency. The actual energy performance of buildings can be improved. The Building Greenhouse Rating Scheme is a tool developed by the Sustainable Energy Development Authority to measure the greenhouse performance of buildings. The committee recommended that all new government buildings, the Crown property portfolio and all government-leased accommodation should be in buildings with a minimum under this scheme of 4½ stars.

The committee has made specific recommendations on some individual agencies. The Department of Health is the largest consumer of building energy in the public sector, using almost one-half of all the energy. Since 1995, the department has not been able to reduce energy use, with consumption levels remaining steady. In contrast, the Hunter Area Health Service has demonstrated a remarkable performance over the years. It is well on the way towards achieving both targets. Furthermore, it has actually reduced consumption from 1983 by over 50 per cent. What was particularly noteworthy was that the Hunter Area Health Service makes significant use of photovoltaics to produce what it describes as free energy. The Hunter Area Health Service obviously provides a model for the whole of the health portfolio. Given the significant part played by the department in energy use, the committee has recommended special attention by way of a \$5 million interest-free loan from the underutilised pool earmarked for energy performance contracting to drive energy efficiency in the department as a matter of urgency.

The Department of Housing is responsible for some 130,000 public housing properties, which would consume as much energy as a major department. These properties do not have to comply with the targets, for two reasons. Firstly, as a corporatised entity, the policy does not apply and, secondly, the department does not have control over the energy consumption, which is paid for by the tenants. However, the committee considered that this was a special case, warranting some consideration for the simple but important reason that these tenants are financially disadvantaged and would benefit significantly from a reduction in energy costs. The committee recommended that the department work with lead agencies to develop ways to introduce energy efficiencies and cost savings into this housing stock.

I briefly turn to green power. Renewable sources, particularly green power, are potentially powerful tools in achieving some of the Government's objectives, particularly reductions in greenhouse gas emissions and as a driver for the sustainable energy industry. However, currently there are some problems. Its availability and cost are the cause for some concern and its management, as an integral part of government policy, could be improved. The committee has recommended that it be made an integrated part of the Government's energy management policy and that a strategic review of green power to identify ways to maximise its potential for agencies be carried out. The issues which are driving the targets will go well beyond 2006 and it is vital that we do not rest when we reach a 25 per cent reduction target.

The Government and most of the community have recognised that we have to take action about greenhouse gas emissions in the longer term. State government agencies can and should lead the way. The Government has recognised this and is encouraging the development of a sustainable energy industry in New South Wales. This should happen in a cost-effective and structured way but I would like to see agencies supporting this industry wherever feasible. The committee found this to be a particularly fascinating topic and I thank committee members and staff for their efforts in carrying out the inquiry. I look forward to the Government's response to the recommendations, which I think are extremely important for the future of New South Wales. [*Time expired.*]

Mr HUNTER (Lake Macquarie) [11.17 a.m.]: As a former member of the Standing Committee on Public Works I always take great interest in the reports that are tabled. Of course, I have great respect for the chairman of the committee, and she and her committee have, again, produced an excellent report. Of interest to me was the section relating to government policy, in particular page 4, paragraph 1.3 of the New South Wales Greenhouse Action Plan, 1998, which states:

In November 1998, the New South Wales Government released *NSW Greenhouse Action Plan, 1998*, its response to "the greenhouse problem" and the "national commitment under the Kyoto Protocol to reduce greenhouse gas emission". The Plan included a *Greenhouse Action Update* and *New Greenhouse Initiatives*.

New Greenhouse Initiatives included two initiatives relevant to the Committee's inquiry. These were:

- The Government Energy Management Policy (GEMP), and
- The increase of compulsory purchase of Green Power for specified agencies utilising the bulk energy contract to six per cent (from the existing 5 per cent).

That is relevant at the moment. There has been a lot of discussion recently about the Kyoto protocol and the greenhouse gas problem. The Government's energy management policy was released on 30 November 1998. The Premier's memorandum, which is entitled "Reducing Greenhouse Emissions from Government Operations", states:

... affirms the New South Wales Government's commitment to sustainable energy use and lower greenhouse gas emissions. Most importantly the policy reinforces the Government's focus on twin goals of better financial performance and improved environmental outcomes.

Recommendation 24 of the report is both interesting and noteworthy:

That the requirement to purchase of Green Power by government agencies should form part of the Government Energy Management Policy.

I note the comments made by the Chairman of the Standing Committee on Public Works in relation to the Hunter Area Health Service. Both you, Mr Acting-Speaker, as the member for Wallsend, and our Hunter Labor parliamentary colleagues are in regular contact with the Hunter Area Health Service and therefore have known for some time the great work that the area health service has been undertaking to try to achieve reductions in energy consumption. Page 65 of the report refers to the Department of Health being the largest user of energy in government, consuming 49 per cent of the total energy consumed in public sector buildings in 1999-2000. As the total cost of energy for buildings in this period was in excess of \$127 million, the department's energy costs would be in the order of \$60 million per annum.

As Chairman of the Committee on the Health Care Complaints Commission—and in a moment the House will hear from honourable members on the report of the Health Care Complaints Commission—I note that on page 106 of its report the Health Care Complaints Commission talks about its commitment to the New South Wales Government Energy Management Policy as part of the national greenhouse strategy, and about reductions that the commission has achieved in reducing energy consumption. The report under consideration is an excellent report. I commend members of the Standing Committee on Public Works. I miss being on that committee; I enjoyed my time, during the last Parliament, working with committee members. I congratulate the chairman and commend the report to the House.

Report noted.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report: 7th Meeting on the Annual Report of the Health Care Complaints Commission

Mr HUNTER (Lake Macquarie) [11.21 a.m.]: Each year, as part of its functions under section 65 of the Health Care Complaints Act 1993, the Committee on the Health Care Complaints Commission examines the commission's annual report and reports to both Houses of Parliament on any issues arising from that annual report. I am pleased to present the committee's report on the seventh annual general meeting with the commissioner, in accordance with that function. The meeting took place on 6 June this year.

This report marks my fourth annual general meeting as chairman of the committee. Present at the meeting were Commissioner Amanda Adrian and Ms Julie Kinross, assisting the commissioner. At the meeting the committee examined a number of key issues for the commission that have been either earmarked by the commission for improvement or were highlighted by the committee as needing improvement. Those included delays in dealing with complaints, backlogs in complaints, the need for better communication with parties to investigations, a foreshadowed expansion of the Patient Support Office, the conciliation of complaints, the responsiveness of the Health Care Complaints Commission, and public accessibility to the commission.

Today my colleagues and I will address in greater detail some of those key areas noted in the annual report. In doing so, I should note that the committee's particular concerns about delays in dealing with complaints and the backlog in investigations led to a current inquiry of the committee entitled "Inquiry into the procedures followed during investigations and prosecutions undertaken by the Health Care Complaints Commission". That inquiry has raised a raft of issues of major concern to stakeholders of the Health Care Complaints Commission. The committee is currently giving those issues its full consideration, as it believes they signal the need for ongoing change within the Health Care Complaints Commission to lift performance and address concerns about fairness and accountability.

This year, as part of its annual report review, and for the first time, the committee called for public submissions on the Health Care Complaints Commission's annual report. Committee members felt that,

although the number of written submissions was limited, the exercise did generate sufficient public interest through the parliamentary web site and through telephone inquiries to committee members and to the secretariat to warrant that procedure. As a result, this approach will be adopted for the review of future annual reports. This puts in place a level of accountability both for the committee and the commission, in that it allows consumers to have their say on the commission's annual reports.

On complaint handling delays and backlogs in investigations, as I have indicated, the committee is concerned about the large number of outstanding complaints reported in the annual report by the Health Care Complaints Commission. While 248 investigations were completed during the year, 863 investigation matters remained open. The annual general meeting revealed that a number of investigations have been open for more than 18 months. Information provided to the committee was that as at 14 June 2002 there were 328 investigations, involving 510 practitioners, which had been open for more than 18 months. This, of course, is a matter of concern to the committee. It has highlighted the need for changes in this area, and is in the process of addressing these changes in its current "Inquiry into investigations and prosecution procedures of the Health Care Complaints Commission". The commissioner put to the committee that the Moving Forward Project, which she is implementing, is addressing some of the concerns that were raised. Of course, the report under discussion today was for the year 2000-01. It is now some 12 months after the report for that financial year was tabled, and in the meantime there have been some marked improvements in the operation of the commission.

Committee members also believe there is the need for a demonstrable improvement in complaint handling and the benchmarking of complaint handling. While the commissioner has indicated a more active approach to investigations, the committee was concerned that there was no definitive information on the number of field-based investigations conducted during the year. It will be looking for improvements in this regard in the next annual report. The committee noted that draft investigation time frames have been developed, and that the proposed standard will be an average of 12 months per investigation. The committee noted also that the Health Care Complaints Commission has received additional resources to address improvements in complaints handling as part of a Strategic Directions project. Committee members have expressed the view that, in this regard, the commission should not be diverted from its core business of receiving and dealing with complaints in a timely manner, either through referral for conciliation or investigation.

The committee noted that one of its major concerns—the need for a structural separation of the areas of investigations and prosecutions—is still presented in the annual report now under discussion as functionally linked. The commissioner indicated that organisational changes now have the legal services team reporting directly to her, while complaints resolution and investigations, and prosecutions, are now constituted as separate functional areas. The committee indicated that lifting performance in the area of investigations is, in its view, of paramount importance. The committee would be concerned if the investigation matters currently outstanding are not expedited as a result of the commission's increased resources. The committee therefore looks forward to an improvement in reporting in this area in the commission's next annual report.

I would like to thank my colleagues on the committee for their role in identifying issues for discussion and analysis related to the annual general meeting. I would like to highlight, in respect of the report tabled today, the assistance given by Mr John Chan Sew, who analysed the annual report of the Health Care Complaints Commission. Pages 12 and 13 of our report to the Parliament on accessibility and accountability makes a number of suggestions on how the Health Care Complaints Commission can improve the layout of its annual report. I believe that Commissioner Amanda Adrian is serious about reform within the organisation and about reducing delays in investigations, and will take on board the many recommendations that the committee has made this year in its report to the Parliament.

I again thank committee members for the work they have done. I thank the secretariat for the assistance it provided in the preparation of the report. I thank the expert consultant to the Public Bodies Review Committee, Mr John Chan Sew. The committee much appreciated his assistance. I am sure we will be calling on him when we are deliberating on this year's report of the commission in an effort to make further improvements in the presentation of reports by the Health Care Complaints Commission. I commend the report of the Committee on the Health Care Complaints Commission to the House.

Mr WEBB (Monaro) [11.30 a.m.]: I support the report of the Committee on the Health Care Complaints Commission entitled "7th Meeting on the Annual Report of the Health Care Complaints Commission", and I echo the words of the chairman. The Committee on the Health Care Complaints Commission was somewhat concerned that, although the Health Care Complaints Commission [HCCC] Annual Report contained a great deal of detail, much of it was not strictly concerned with performance outcomes and,

thus, not essential for the accountability of stakeholders of the HCCC. The committee noted that nearly one-third of the main body of the annual report, nearly 30 pages, was devoted to the presentation of case studies with minute details. This information would be more appropriately distributed through other communications mechanisms, for example, information brochures or the commission's web site, for the general interest of stakeholders. The nature of an accountability document requires a more succinct and focused approach.

The annual report of the HCCC failed to set out clearly what it had to achieve for the 2000-01 year, what it achieved in that year or what it plans to achieve in the coming year. However, the committee was mindful that this has been an issue over recent years with respect to some annual reports produced by agencies in the public sector. The committee identified the need for an executive summary in the annual report as well as enhancement of the performance reporting structure of the annual report to include more detailed analyses and explanations on trend information and key performance results, and benchmarking comparisons with similar organisations elsewhere in Australia. The presentation of numerous case studies with minute details did not meet that need.

The committee also identified the need to overhaul the finance section of the annual report to include, in particular, a five-year financial summary explaining major variations from last year. I share the chairman's concerns about the recent delays and backlogs that have been a bugbear of the commission, and the processes and mechanisms to deal with them. Paragraph (c) of the terms of reference gave the committee the ability to examine those aspects of the operations of the Health Care Complaints Commission. The committee indicated that, to comply with the Annual Reports (Statutory Bodies) Regulations, the HCCC annual report also requires a statement on the performance of each executive officer of or above level 5. I note the commissioner has already implemented a range of changes within the HCCC, and further changes in strategic directions are foreshadowed.

The commissioner commented on changes to improve workplace relations and relations with other stakeholders, to revise practice manuals for investigations and prosecutions, to improve organisational restructure, and to change reporting arrangements internally. By examining these issues the committee intends to improve public accountability of the commission and public accessibility to the document. Overall, the committee was pleased to note the commissioner's efforts at reform to improve the performance of the HCCC. The committee looks forward to even greater improvements in the next annual report. It has been my pleasure to serve on the Committee on the Health Care Complaints Commission. It plays an important part in identifying trends and providing health services across New South Wales. I support the comments of the chairman and other committee members and I commend the report to the House.

Mr W. D. SMITH (South Coast) [11.34 a.m.]: It is my pleasure to speak on the report of the Committee on the Health Care Complaints Commission entitled "7th Meeting on the Annual Report of the Health Care Complaints Commission". I will focus on the types of complaints reported by the Health Care Complaints Commission. When the Health Care Complaints Commission [HCCC] receives and assesses complaints it categorises them. In this year's annual report the HCCC reported that of the 2,888 complaints received, clinical standards continue to be the category receiving the greatest number of complaints—1,365 or 50.7 per cent of all complaints. However, other categories also receive large numbers of complaints: quality of care 465, business practices 261, prescribing drugs 157, provider-consumer relationships 134, patient rights 114, and impairment 84.

It should be noted that the number of complaints in the latter category doubled on the previous year. The number of complaints received about health services increased by 157, or 21 per cent, and complaints about private hospitals increased by 97, or 24 per cent, during the 2000-01 reporting year. The commissioner noted that, although these percentage increases may appear to be significant, the numerical increases do not indicate any particular trend that might be of concern partly because of the range of individual services on offer across the health sector. The annual report also notes that the commission receives an increasing number of complaints about private health insurance, public health insurance, pharmaceutical companies and government departments that are not health care services for the purposes of the Health Care Complaints Act 1993.

The commission's annual report noted the development of a new database in collaboration with the Committee and the Health Service Complaints Commissioner in the Australian Capital Territory and the Health Complaints Commissioner in Tasmania. The commission indicated that, although progress has been slow, the new database will ultimately enable flexible and comprehensive case management of complaints, and provide the means to provide informative reports to committee members, government agencies, health professional organisations and other stakeholders for better, safer health care planning and delivery. The committee looks forward to the fruits of this project and to the clearer reporting of trends. Although the annual report of the

commissioner contains a lot of useful information, a key criticism of the committee and other stakeholders was that much of the information was densely packed, which made the analysis of the trend into complaints difficult to read and, thus, compounded the recommendation of actions in response to any trend.

The committee has recommended that this matter be addressed in next year's annual report by the commission. I endorse the comments of the honourable member for Monaro. It has been a pleasurable experience to be part of the Committee on the Health Care Complaints Commission. We work extremely well together. We have an excellent chairman. This is the first time I have been a member of this committee, and I thank the chairman for his guidance and support over the past 3½ years. The committee has done extremely good work during that time. I look forward to its continuing. I commend the report to the House.

Report noted.

SELECT COMMITTEE ON SALINITY

Report: Local Council Management of Salinity

Ms ALLAN (Wentworthville) [11.40 a.m.]: The Select Committee on Salinity's excellent report has been tabled in Parliament. It has also been sent directly to councils and shires throughout New South Wales and has attracted a significant response. Over the past couple of months I have had the opportunity to address a number of local government associations and groups about the report, which has generated a high level of interest. I thank the committee staff for its hard work in preparing the report, particularly Christina Thomas, the research officer; Les Gönye, the committee manager; Chris Papadopoulos; and Cassandra Adams. Some staff have moved on, but that group produced the report. I congratulate my colleagues who also developed the report. The committee undertook various visits to many areas that are tackling salinity problems. Almost the entire committee participated in inspections at Deniliquin, Wakool, Wagga Wagga, the lower Murray, the Hunter, Western Australia and northern Victoria. During those busy inspections members met land-holders, councils, government agencies and community groups.

The committee was very active in soliciting information from various individuals and groups for incorporation in the findings. It has advertised widely to obtain information and invite submissions. So far, the committee has met 40 times and held 12 public hearings. The result is a comprehensive report with 51 recommendations to help local government contribute directly to the management of salinity. I am delighted that the Cabinet Office is compiling a joint response to the recommendations. Honourable members are well aware that as members of a select committee they can make only recommendations to the Government and the Legislature about ways to improve our response to major issues, in this case probably the most important environmental issue confronting the State. The committee is delighted that the Government is taking the recommendations and the report so seriously and is coordinating responses from the relevant government agencies. It is obvious that local government in New South Wales must be involved in the management of salinity. About 50 country towns and areas of Western Sydney are deemed to be salinity-hazard zones.

The damage to infrastructure—such as roads, sewers, parks and houses—which is paid for by ratepayers, is predicted to increase. Land values on which local government revenue is based will also decline in moderately to badly affected areas. Therefore, ratepayers have an interest in how salinity is managed. It impacts on the planning, water supply, stormwater, sewerage, road building and maintenance functions of councils. Local government has shown considerable interest in salinity issues. Of course, the interest is greater in areas in which salinity has been identified and where strategies have been implemented to deal with the problem. The report contains a series of recommendations that will facilitate the local government response and provide direct assistance. Many councils have approached the committee with pleas for not only financial assistance but also assistance with planning, indemnity and liability problems. It has been a general cry for support to manage the issue more successfully.

The committee found that councils need to be engaged at a strategic level—not on an ad hoc basis—in the management of salinity. Discussions about salinity touch on the broader issue of natural resource management. Salinity is only one of the issues in this important policy-making arena. It is appreciated that salinity overlaps other areas, such as catchment management. A number of catchment management boards throughout New South Wales are tackling the problem. Of course, catchment management is very important to this Government and new legislation is being drafted to address the issue. The committee has made comments about the successful administration of the new legislation. Generally speaking, catchment management requires a regional response. However, a number of councils, particularly those in salinity-hazard zones, have been

feeling left out with regard to catchment management strategies. The committee's report recommends that the Minister for Land and Water Conservation look very carefully at council representation on catchment management boards. Many salinity management issues can be better dealt with at a local level rather than at an overall catchment level.

The committee has also made recommendations about the need to integrate land-use planning and natural resource management, particularly in Western Sydney. The committee examined an interesting case study involving Boral Ltd's redevelopment of the Greystanes quarry, which coincidentally is in my electorate. Yesterday I presented the Boral award for science and business studies at the Greystanes High School graduation ceremony. It was a great ceremony and I congratulate the school and Boral on its initiative and being more directly involved in the community. The company has confronted problems with salinity mapping and development. The committee examined the situation and has recommended that PlanningNSW and the Department of Land and Water Conservation [DLWC], in consultation with the Office of Western Sydney, ensure that the Hawkesbury-Lower Nepean Catchment Management Blueprint adequately addresses salinity issues. Groups in Western Sydney have expressed interest in salinity. DLWC has its own Western Sydney Salinity Action Team based in Penrith, but much more must be done to ensure that councils manage salinity more effectively.

The committee appreciates that councils need better guidance to help them make planning decisions about salinity-affected sites. It has made a number of recommendations to both DLWC and PlanningNSW to improve the guidance and leadership provided to councils. It has made a very strong recommendation that councils need protection from liability claims in exchange for delivering an agreed standard in determining planning applications. Of course, councils are fearful of circumstances that will expose them to liability claims. Every time I talk about salinity I think about the experience that local government authorities in Western Sydney and south-western Sydney have faced in flood-prone areas and the management and planning issues that have arisen. We tackled them very effectively a decade ago with flood mitigation, but we are facing a similar scenario with salinity.

The committee also recognises that local government needs funding to manage this problem. Salinity management is not cheap; that is why the State governments and the Commonwealth Government are throwing millions of dollars at it. Local government is keen to be a direct recipient of funds available through the National Action Plan for Salinity and Water Quality. The New South Wales and Commonwealth governments have agreed to invest jointly in strategies identified in catchment management blueprints. Funding for local governments to address salinity requires closer attention. The committee has recommended that the Local Government Ministerial Advisory Council and the Natural Resource Management Ministerial Council establish a working party to develop an options paper dealing with funds for local government to participate in natural resource management. It is difficult for entrenched bureaucrats at both State and Commonwealth levels to recognise this situation, but we must ensure that councils are on board to solve the problem.

I thank and acknowledge the efforts of Peter Woods, the President of the Local Government Association of New South Wales, and Councillor Mike Montgomery, the President of the Shires Association of New South Wales. When the committee tabled its report in Parliament it also held a press conference at which Peter Woods and Mike Montgomery lent their support. The committee ensured that it had effective dialogue with those associations and that the report reflected many of their concerns. Peter and Mike wholeheartedly support the report.

Report noted.

JOINT SELECT COMMITTEE ON THE QUALITY OF BUILDINGS

Report

Mr CAMPBELL (Keira) [11.49 a.m.]: On 13 March 2002 the Minister for Planning established a Joint Select Committee on the Quality of Buildings to report by 19 July 2002. The inquiry was initiated in the light of concerns expressed by home owners and groups from all sectors that the current system is inefficient, not coordinated and has resulted in hardships for home buyers as well as for building practitioners. The committee was asked to determine whether there are enough checks and balances in existence to ensure that consumers are guaranteed that their new homes are safe, properly certified and build to satisfactory standards. The committee visited homes and building sites, and considered evidence from 240 submissions from individuals, builders, inspectors, local councils and industry bodies. The committee also heard from 76 witnesses, including home owners, whose experiences revealed the system's failure with drastic and sometimes devastating impact on people's property values, peace of mind and, in some cases, safety.

The report makes 55 unanimous recommendations to radically overhaul the home building regulation system in New South Wales, including the setting up of a home building compliance commission and a home building advocacy centre. The recommendations propose greater regulation of the industry, without red tape to hinder business activity. The committee is mindful that the purchase and building of a home is the most important and costly investment that most families will ever make, and the recommendations rest upon three core pillars to protect consumers in this process. I highlight these pillars, which are responsibility, accountability and liability. That is, they set out who is responsible for aspects of a residential building, holding those people responsible and accountable for their actions, and making those who act inappropriately carry the liability for their actions. The committee believes the greatest form of consumer protection is getting the right outcome at the beginning.

The overwhelming message from the inquiry is that the building regime is complex, messy and poorly understood by building practitioners, not to mention consumers. The lack of consistent definitions about what constitutes quality from the point of view of building codes and in the certification process, and the general lack of professional rigour in the system, disadvantages potential home buyers and leads to a reduction in consumer confidence. The complicated avenues for consumer complaints and dispute resolution further erode consumer confidence and undermine the building industry generally. When problems occur under the current arrangements, consumers and building practitioners become involved in a protracted and difficult process of resolving their differences. The lack of streamlined procedures for quick resolution contributes to costs and further aggravation for all. It is therefore in the interests of both consumers and good builders to ensure that bad practitioners are driven out of the market and do not continue to challenge claims and manipulate the dispute process.

The committee has made 55 recommendations to improve the system and current arrangements, and to provide greater consumer protection. It is essential that everyone involved in the building process is clear about their professional and personal responsibilities, that there are transparent checks and balances in the system, and that there is the ability to solve problems, as they arise, in the most efficient and fair manner possible. Some key recommendations include the establishment of a home building compliance commission. This commission will be responsible for: builder and inspector licensing and auditing, which is currently managed by the Department of Fair Trading and the Department of Planning; investigating and prosecuting shonky builders, which is currently undertaken by the Department of Fair Trading; on-site inspections and early arbitration of complaints prior to consideration by the Consumer, Trader and Tenancy Tribunal; clearly defining standards for home building contracts and identifying quality problems and acceptable tolerances for building work; and ensuring streamlined and seamless resolution of disputes through the various avenues available to consumers and builders.

Support for consumers will be provided through establishing a home building advice and advocacy centre that will be responsible for the provision of advice on all aspects of home construction and purchase, including contract negotiations, conciliation, complaints and dispute resolution procedures. The committee envisages that both the commission and advocacy centre will be heavily involved in establishing, monitoring and enforcing recommendations including: establishing a comprehensive license, accreditation and audit process for builders, inspectors and certifiers; aggressively fining and driving out of the industry non-performers, with less reliance on cautions. In particular, the committee suggests that on-the-spot fines be issued, licence suspensions and cancellations be more actively used, and that penalties be applied to businesses in accordance with their financial turnover. Further recommendations include: better educating new home purchasers about their rights and responsibilities, which will include the publication of various guides and the mandatory attachment of information and details to development applications and contracts of sale; publishing clear information about building standards and contracts; tightening rules for noise, fireproofing, particularly in high-rise buildings, and waterproofing; and giving strata unit purchasers rather than the original builder priority in building management issues.

The committee's recommended changes are aimed at prevention of problems rather than cure. It is recommended that building inspectors and certifiers, whether they are employed by the local council or privately, should have the same accreditation, and that both should be routinely and systematically audited. They should also have continuing professional development and should have some liability when a home is badly built. Where possible, the committee recommends that the home owner employ the certifier directly to reinforce this accountability. That represents a change from the builder employing the certifier. To also prevent problems, the committee recommends that mandatory on-site inspections of critical stages be undertaken by the certifier so that the inspection actually goes on site and looks at the work, rather than relying on paper checks by the person who did the work.

The committee has also looked at improving the dispute resolution procedure and, as such, recommends that all parties meet on site to use commonsense to work out an early solution rather than relying on conflicting reports from experts in a semi-legal tribunal hearing. The committee believes that attempting to solve matters at this point will reduce the costs and time associated with pursuing matters with the tribunal. I believe that this report's recommendations will simplify the overall operation of the industry and ensure that the various players communicate more effectively to build quality homes that are safe and good value. I am pleased by the preliminary positive views expressed by the Government to date, and I am confident of a timely response. In conclusion, I thank the other members of the committee. The bipartisan approach adopted by members has helped to produce a very clear set of unanimous recommendations. Most importantly, I acknowledge the work of the committee secretariat: Ian Thackeray, Carolynne James, Jason Reodique, Natasa Tosic and Bjarne Nordin. They all worked diligently with members of the committee to produce a comprehensive report in a rather short time frame.

Report noted.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Report: Society and Early Child Development

Daniel P. Keating—The 3rd Macquarie Street Lecture for Children and Young People

Mr CAMPBELL (Keira) [11.58 a.m.]: This report publishes the third of the Macquarie Street lectures on children and young people, which was presented by Professor Dan Keating, the current Atkinson Chair in Early Childhood Development and Education at the University of Toronto. Professor Keating is also a Royal Bank Fellow of the Canadian Institute for Advanced Research and the Foundation Director of the Canadian Institute for Advanced Research Program in Human Development. The lecture addresses the issues raised by Professor Keating in the book, *Developmental health and the wealth of nations*, which he edited with his colleague Clyde Hertzman in 1999. As the author of six books and more than 50 research and review papers, Professor Keating is an undoubted expert in early human development and society. He has conducted extensive research into how social environments affect the way we think, and how social institutions need to change in order to work effectively within increasingly diverse populations. Professor Keating introduced his lecture by noting:

There is a broad and growing recognition that early child development is crucial for the health, well-being, competence and coping of individuals, populations and societies. This understanding is increasingly supported by substantial, specific evidence from a range of disciplines including the neurosciences, the developmental sciences, epidemiology, economics, and others. Despite this recognition and the strong evidence to support it, many countries in the developed world do not yet have a coherent, integrated system for supporting optimal development during early childhood.

It is imperative to move toward establishing an effective and systematic approach to early child development, given the range and magnitude of potential consequences of failure to do so. Among these consequences are significant risks to population health, competence, and adaptability, and the associated difficulties in maintaining a well functioning society and an innovative, productive economy. On the other hand, investments in early child development that are systematic, sustained, and based on the best available scientific understanding of the core dynamics of development are likely to have dramatic positive impacts on both economic and social advancement.

Professor Keating supports the development of a strong, evidence-based approach to child development, challenging the trend towards faddism in child development theories. He is an advocate of population-level longitudinal and cross-sectional studies to determine the critical periods affecting child development, and to assess the effectiveness of policies in community services, welfare and health care.

The Committee on Children and Young People has previously examined the evidence emerging from longitudinal and cross-sectional studies of child development in its report of the proceedings of a seminar on the development of wellbeing in children. This seminar discussed a longitudinal study, the Christchurch Health and Development study of 1977 to the present, and a cross-sectional study, the Western Australian Child Health Survey. It is apparent that such research is what is required to develop an evidence-based approach to track the development of young people from infancy through childhood and adolescence, and underpin more appropriate and effective child development policies and programs.

The Committee on Children and Young People will follow with interest the development of the Longitudinal Study of Australian Children, a national multidisciplinary collaboration to explore family and social issues relevant to children's development, which has as a major objective the identification of the long-term consequences of policy innovation. This study is due to commence data collection in 2003. Professor Keating's lecture provides a context in which such longitudinal studies of child development can be reviewed

and critiqued by addressing such issues as the scientific and social context for early child development and education, the scientific evidence for the importance of early child development, and the societal implications of the emerging understanding of early child development.

The Committee on Children and Young People acknowledges the work of Ms Gillian Calvert and her staff at the Commission for Children and Young People in facilitating the series of Macquarie Street lectures on children and young people. I would like to thank my fellow members of the committee for their cooperative spirit and bipartisan approach to this report, as is the case with the general work and deliberations of the committee. I am grateful for the assistance of the Committee Secretariat: Mr Ian Faulks, the manager; Ms Cheryl Samuels, the project officer; Ms Rachel Dart, the committee officer; and Ms Susan Tanzer, the assistant committee officer. Rachel Dart and Susan Tanzer did an excellent job in the administration and arrangements for Professor Keating's lecture. I commend the report to the House.

Report noted.

PUBLIC BODIES REVIEW COMMITTEE

Report: Effects on Government Agencies of the Abolition of Nonfeasance Immunity

Mr ORKOPOULOS (Swansea) [12.04 p.m.]: I am pleased to speak to the report of the Public Bodies Review Committee entitled "Effects on Government Agencies of the Abolition of Nonfeasance Immunity", which was tabled yesterday. In November 2000 the committee tabled a report entitled "Public Liability Issues Facing Local Councils". At that time the most cumbersome and financially draining type of public liability exposure that councils faced were trips and falls on footpaths. While these claims are not generally dramatic in terms of the amount of compensation awarded, they are numerous and often fall well below the excess carried by each individual council.

In making recommendations to address the problem, the committee tried hard to strike an equitable balance which would provide some relief for councils but still promote good risk management. It was therefore recommended that councils be provided with a statutory immunity based on the provision that they have met a specified standard of inspection, maintenance and repair. It was also recommended that accident victims be required to report any trip and fall to the relevant council within three months of the incident. The recommendations of the report were wholeheartedly accepted by the relevant Ministers concerned and the Government was preparing to act on them when the High Court of Australia handed down its decision in *Brodie v Singleton Shire Council*. As a result of the High Court's decision, the committee received a reference from the Minister for Local Government to look at its possible effect on the Roads and Traffic Authority, local councils and other State road authorities.

Since July last year the committee has been receiving submissions, talking to key stakeholders and conducting visits of inspection to council areas around the State in relation to the issue. In total the committee received 78 written submissions, conducted several visits of inspection and personally spoke to 35 regional and metropolitan councils, the major local government insurance pools and their insurers, the Roads and Traffic Authority, the Department of Land and Water Conservation, the Australian Plaintiff Lawyers Association, the New South Wales Bar Association, the Institute of Public Works Engineering, Australia, Standards Australia and the Insurance Council of Australia. The committee has also travelled interstate and overseas to examine the issue in those jurisdictions.

Key issues that emerged included the rising numbers of claims. Claims are rising in most areas of council public liability exposure and are not confined to roads. However, while the nonfeasance immunity was good law, councils had the ability to deny most road claims at first instance on the basis of the immunity. A further key issue was steadily rising insurance premiums, which had generally required councils to carry greater excesses than ever before. Other key issues were the ability of smaller councils, particularly those in rural and regional areas of the State, with small rate bases and large expanses of roads to inspect and adequately maintain.

Other key issues were lack of certainty as to the requisite standard that will satisfy a court of law, and late notification of claims. A recurring concern of councils is that they are often not given the ability to inspect the condition of a road at the time of an accident. The statute of limitations means that councils are often not notified of a claim until three years after the event in cases of personal injuries and six years after the event in cases of property damage. A further key issue was police reports. Councils expressed concern about the fact that police who are not qualified to make technical judgments on the state of road structures and maintenance have a

requirement to do so in their accident reports. These police statements are often favoured by the judiciary. This situation is exacerbated by the fact that road authorities have not themselves been able to inspect the road at the time of the accident due to the fact that they did not know about it.

Although some people believe that nonfeasance immunity should be legislatively reinstated—Councillor Peter Woods, representing the Local Government and Shires Associations, now known as Lgov NSW, put that to the committee—the committee will never believe that this was a realistic option. In *Brodie v Singleton Shire Council* the majority of the High Court declared the highway rule unacceptable on the grounds that it was out of step with other areas of negligence, it provided a strong incentive for an authority not to address the danger of a roadway, and it placed too onerous an evidentiary burden on plaintiffs to prove that road authorities had acted to repair the road at some stage.

The committee agreed with these points. Given the cost of serious road accidents to both individuals and society as a whole, the aim should surely be to try to prevent them happening in the first place and to compensate adequately where the required duty of care has been breached. It is obviously not realistic to think that road accidents can ever be eliminated entirely, but every effort should be made to prevent road accidents that are foreseeable due to adverse road conditions over which road authorities have control.

The committee spoke with many councils which, prior to the Brodie decision, had never inspected their roads at all. This led the committee to the conclusion that the High Court's decision to lift the immunity is in the overall public interest. However, good risk management must be balanced with the individual abilities of councils to meet the required duty of care in relation to road construction, inspection and maintenance. The abolition of the highway rule should not mean we can now all expect to drive on gold-plated roads. As the majority of the High Court observed in the Brodie judgment, "the opposite of non repair is not perfect repair". It came through clearly to the committee during the inquiry that road authorities want certainty. They want to know exactly where their duty of care lies so that they can provide adequately for it each year in their budgets confident that, in turn, they will then be protected from litigation.

The committee considers this to be entirely reasonable. Road authority money is public money; it is limited and competes with other important community resources. The committee does not believe that courts are the proper forum to establish whether road authorities' adopted systems of inspection and maintenance form a good defence to litigation. Judges are not engineers, neither are they in a position to comment on proper allocation of public moneys for road inspection and maintenance within a road authority's budget vis-à-vis other priorities. Road authorities should be offered instead a statutory defence by State government of which they can choose to avail themselves if they wish to meet its requirements.

A statutory immunity also works in the interests of plaintiffs. Legal fees are not wasted trying to establish where the line for negligence is drawn. The Plaintiff Lawyers Association told the committee that it would support such an immunity provided it is set after external stakeholder consultation. Of course, the real difficulty here is how to draw up standards that are reasonable for the vast divergence of road authorities in New South Wales. A universal standard would clearly have to be so low as to be meaningless. The committee is aware that some councils are currently using Auspec 4, and appear to be satisfied with the way it can be adapted to their individual circumstances. Similarly, AUSTROADS is working towards a consensus between the States on a national classification of roads and their treatment.

The Civil Liabilities Bill and the Civil Liabilities (Personal Responsibility) Bill provide greater protection for road authorities from negligent actions. However, there is still a need for greater legislative clarification and guidance for road authorities and the courts as to the principles of a good system. The committee is therefore recommending a series of principles that should be followed in establishing a good road inspection and maintenance regime. My colleague the honourable member for East Hills will comment on the recommendations. These recommended legislative changes will dovetail nicely with the Government's draft Civil Liability Bill, which is currently out for comment. In particular, the recommended changes will work in proposed section 44 (d), which requires courts to take into account evidence of a government agency's compliance with general procedures and applicable standards in the exercise of their functions. I commend the report to the House and thank the stakeholders and all those who made submissions to the committee.

Mr ASHTON (East Hills) [12.12 p.m.]: As the honourable member for Swansea, the Chairman of the Public Bodies Review Committee, has outlined, the committee met largely as a result of the High Court decision in *Brodie v Singleton Shire Council*. This decision created a maelstrom about how small councils, in particular, would deal with vast kilometres of roads—that were often unmade—without the benefit of the sort of funding

that big city councils and the Roads and Traffic Authority [RTA] receive to keep roads in proper and reasonable condition. The committee met over quite a lengthy period. It made many visits throughout New South Wales and even overseas to observe what is being done about this issue. This was a most apposite time to conduct such an inquiry, given the important issue of civil liability and its effects. Recommendation No. 1 states:

That the Roads Act 1993 (NSW) be amended to provide a framework for inspection and maintenance regimes that government agencies classified as "road authorities" under that Act can rely upon in negligence claims where the condition of the relevant road or footpath infrastructure is identified as a factor.

Recommendation No. 2 states:

The following should be used when drafting Regulations to the Roads Act 1993 (NSW) as the principles by which road authorities set their inspection and maintenance regimes and standards:

- The 'public interest' focus and context of the process must be defined for each road authority.
- A balance of stakeholder interests must be involved in setting the standards. Stakeholder identification should be broad, including, but not limited to, affected population and community groups, educators, researchers, road and footpath users, businesses, regulators/government agencies, legal and technical experts.
- The standard-setting process must be transparent (ie draft standards must be externally advertised for public comment with an adequate period for consultation)
- In setting standards, there is a clear onus on authorities to undertake repairs in a proactive and systematic manner in response to identified risks.

That is the most important aspect. The recommendation continues:

- Standards should be achievable within the road authorities' ability to fund under the existing organisational funding arrangements in the jurisdiction.

As has been said, it is not the intention of any of these changes to make every council or State road gold plated. However, roads must conform to a certain acceptable standard relative to the budgets of each jurisdiction. Recommendation No. 2 continues:

- Standards, and the response by the authorities to standards, need to be systematically documented and published.
- Standards should be realistic about user expectations in relation to service.
- Practices must be able to prove adherence to the system.
- At a minimum, standards should address road safety measures; road maintenance procedures; defect categorisation; minimum inspection frequencies; intervention levels/response times; road redesign/geometry issues; roadside runoff hazards; and, the erection of signage.
- Once adopted, an inspection and maintenance regime needs to be regularly reviewed.
- Standards will be compatible with like authorities.

It is not reasonable to compare the state of a road that is used only two or three times a year, but is important, with a major highway in a country area that is used by thousands of people every day. Recommendation No. 3 states:

- That councils should work cooperatively, where feasible, within regional associations or networks to gain greatest cost effectiveness within road and footpath inspection and maintenance systems.

The committee recognised that lots of local councils in New South Wales work together to get the best price and the best tendering processes for roadworks. Recommendation No. 4 states:

- That the Institute of Public Works Engineering, Australia developed and undertake a training and accreditation program for Council staff responsible for the oversight of road and footpath inspection and maintenance.

With the High Court's abolition of nonfeasance immunity—which had lasted for hundreds of years—it was critical that the committee develop what we believe to be sound recommendations that will give some degree of certainty to road users and builders about road building and ongoing road maintenance within budgets for which councils, the RTA and other authorities can plan without great difficulty. I thank those honourable members who served on the committee with me.

Report noted.

REGULATION REVIEW COMMITTEE**Report: Mining (General Amendment) Regulation 2002 and Petroleum (Onshore) Amendment Regulation 2002**

Report noted.

BANK HOLIDAYS LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr STEWART (Bankstown—Parliamentary Secretary), on behalf of Mr Amery [12.20 p.m.]: I move:

That this bill be now read a second time.

The Bank Holidays Legislation Amendment Bill will provide for a scheme permitting bank branches within New South Wales to open on a Saturday or a Sunday, or both days. This bill will be used for the purpose of consulting with the banking industry sector, the Finance Sector Union and other interested parties. Currently, section 15A of the Banks and Bank Holidays Act 1912 stipulates that Saturdays are closed holidays within New South Wales for all banks, other than agencies of savings banks. This Saturday prohibition has been in existence since January 1962 and was designed, at the time, to bring New South Wales into line with the world's and other States' banking practices. Since the enactment of section 15A there have been changes to the Commonwealth Banking Act 1959 removing the definition of "savings bank". This has created uncertainty as to the current application of the Saturday closing exemption for savings bank agencies.

The bill will clarify this issue by inserting a new definition in the Banks and Bank Holidays Act that is consistent with the current definition under the Banking Act. This will not affect credit unions and building societies, which will continue to trade without restriction. There are currently no provisions under the Banks and Bank Holidays Act prohibiting trading on a Sunday. Nor were there any provisions under the Act's predecessor New South Wales and English Acts. At the outset the bill will make Sunday a closed holiday for banks, but will apply the approval scheme to branch openings on a Sunday. The legislative adoption of a scheme facilitating Saturday bank opening whilst maintaining the current Act default capability for unrestricted Sunday opening is untenable from a policy perspective. It would be an Act anomaly to have a bank justify its case for a particular branch's Saturday opening, whilst the same branch could freely open on a Sunday without any restriction. Many of the arguments for liberalised Saturday trading by banks may also apply to the needs of retail traders and consumers on a Sunday.

Over the past several years the Australian Bankers Association [ABA] has made representation to this Government and governments in other jurisdictions for Saturday bank trading. Currently, New South Wales and Western Australia remain the only jurisdictions that restrict Saturday bank trading. The ABA has argued that, apart from the equity amongst financial institutions justification, there is a public demand for banking on a Saturday as a logical extension of the overwhelming demand exhibited by the public for Saturday shopping. A relaxation of the legislative prohibition was trialled in 2000 in connection with the staging of the Sydney Olympic and Paralympic Games. The Olympic Arrangements Act 2000 facilitated weekend opening by banks in greater metropolitan Sydney for the two months Games period. Expressly overriding the 1912 Act prohibition, the later Act left it as a commercial decision for each banking company whether to open particular branches on a weekend. The experience of the Games period can be drawn upon by the banks when making applications under the proposed scheme.

Westpac Banking Corporation has in recent months sought a change to permit some of its branches to open on Saturdays. Westpac wants to establish a Saturday trading trial in a limited number of Sydney sites, being generally within shopping centre areas having heavy retail customer traffic. Westpac has argued that the former social issues militating against Saturday work are no longer prevalent as conditions of employment can be adequately protected under flexible industrial instruments. The current prohibition is not sustainable in the current economic climate. Flexibility in the provision of banking services is required to ensure that the development of industry and commerce within New South Wales is not disadvantaged. Saturday trading will also ensure that banks are given the same opportunity to compete on a level playing field with other financial institutions that currently provide weekend banking services to customers.

The bill aims to introduce an approval scheme, similar to that for Sunday shop trading under the Factories, Shops and Industries Act 1962. Individual banks will have the option of applying for an approval to open all branches or one or more branches on a Saturday or Sunday, or both. In determining an application by a bank the Director-General of the Department of Industrial Relations is to consider whether the granting of an approval will be in the interests of bank employees and the general public. Whilst the Government accepts that the current restriction on Saturday trading is antiquated, it is necessary to ensure that employees who perform weekend work do so freely and receive appropriate employee entitlements. It should also be recognised that although the introduction of electronic banking services has been seen as an important alternative to those provided at the branch level, the limitations faced by the elderly and disadvantaged members of the community have often not been considered. The director-general will be able to take into account the likely effect an approval will have on particular sections of the public, including customers and employees of the bank. The director-general is also empowered to impose conditions on an approval.

The bill will also address the current uncertainty within the banking industry as to whether section 15A applies to former building society banks and to subsidiary branches of foreign-owned banks. All banks currently operating on a Saturday will be required to seek approval of the director-general within six months of the commencement of the bill. Transitional provisions will preserve existing rights to operate on a Saturday for the six-month period. Where an application has been lodged with the director-general, the six-month period will be extended until the application is finally determined. These transitional provisions will not apply to bank agencies such as those operated through chemists and other non-banking retail outlets. Bank agencies, other than those that are wholly owned subsidiaries of banks or which are controlled by banks, will be exempted from the Saturday and Sunday trading restrictions. The approval process provides a valuable opportunity for the banks to demonstrate publicly their commitment to the provision of flexible and competitive banking services.

The bill will enable the director-general to develop guidelines, in consultation with the banking sector industry, to assist banks in the making of applications. This will provide an additional opportunity for the banks to consult with the Department of Industrial Relations and to have input into the approval process. To ensure fairness within the approval process, there will be an appeal right to the Administrative Decisions Tribunal for a review of a decision by the director-general. A decision by the director-general resulting in the refusal to grant an approval, or in the imposition, or variation, of conditions relating to an approval, will be reviewable by the tribunal. In addition, a decision by the director-general to suspend or cancel an approval will also be reviewable by the tribunal on the application of the affected bank.

The bill also seeks to omit from the Banks and Bank Holidays Act those provisions relating to the calculation of time for cheques and bills of exchange. These provisions are no longer applicable, because of the operation of Federal legislation. This bill represents an equitable balance between the commercial interests of the banks, the industrial rights of employees and the interests of consumers, in working towards a socially acceptable outcome to weekend trading by banks. It is with pleasure that I table the bill to facilitate consultation with the banking industry sector and other interested parties.

Debate adjourned on motion by Mr Cull.

LOCAL GOVERNMENT AMENDMENT (NATIONAL COMPETITION POLICY REVIEW) BILL

Bill introduced and read a first time.

Second Reading

Mr STEWART (Bankstown—Parliamentary Secretary), on behalf of Mr Woods [12.28 p.m.]: I move:

That this bill be now read a second time.

This bill provides for amendment of the Local Government Act to address certain of its provisions that are inconsistent with the principles of national competition policy and, in particular, competitive neutrality. The Local Government Act is one of the core Acts regulating local and county councils. It deals mainly with the establishment and functioning of local and county councils. It gives councils certain powers to regulate the activities of others as well as granting councils wide powers to undertake services and other functions in the local and wider communities. The Local Government Act is not directly targeted at regulating markets or affecting competitive forces. However, in carrying out their functions under that Act councils may affect the operation of businesses and the way that they compete with each other.

There are two broad ways in which councils acting under the Local Government Act may affect businesses. The first relates to council's role in regulating the businesses of others. Non-council businesses are affected in relation to competition policy, as under the Local Government Act certain business activities require the approval of council to conduct the business activity. Examples include the requirement to obtain a business approval to operate the business of an undertaker or a mortuary, a public car park or a caravan park or camping ground.

The other way in which councils have an impact on competitive neutrality is in relation to councils' own business activities, that is, in the manner in which council businesses operate and interact with private sector competitors, such as private certifiers in relation to certifying development. Competitive neutrality is one of the principles of national competition policy that is being applied throughout Australia at all levels of government. The national competition policy is the subject of the Competition Principles Agreement 1995, developed by the Council of Australian Governments and entered into by the Commonwealth Government and all State and Territory governments.

The objective of competitive neutrality is to remove any net competitive advantages or disadvantages that may be available to significant business activities conducted by government agencies. Government businesses should not enjoy any net competitive advantage simply as a result of their public sector ownership. The policy aims to achieve competitive neutrality between public and private sector businesses and is part of a continuum of measures to foster greater efficiency in the operation of the public sector.

The framework for the application of national competition policy to councils in New South Wales was developed by the Government in consultation with Lgov NSW, formerly the Local Government and Shires Associations. As required by the national agreement, the Local Government Act has been reviewed to identify any provisions that might unjustifiably restrict competition. That review was conducted by a committee comprised of senior officers from the Department of Local Government, the Cabinet Office and New South Wales Treasury. The committee was assisted by a reference group comprised of senior officers from Lgov NSW, the Institute of Municipal Management, the Municipal Employees Union, New South Wales Branch and the Environmental Health and Building Surveyors Association.

The committee's report of July 2001, entitled "National Competition Policy Review of the Local Government Act" was published by the Department of Local Government and has been publicly released. This bill is based upon recommendations made in that report. Because competition policy is not about the pursuit of competition as an end in itself, this bill addresses those areas appropriate for reform. Anti-competitive provisions are justified if the benefits to the community as a whole outweigh the costs, or if the objects of the Act cannot be achieved without them.

Section 55 of the Act currently exempts councils from the normal tendering requirements for purchasing, when a council buys goods or services through a bulk contract arranged by the State Contracts Control Board or the equivalent commonwealth agency. Procurement through these agencies has been specifically recognised in the Act, because the State Contracts Control Board and equivalent agencies follow their own rigorous tendering and probity requirements before making contracts available to other government bodies. It would be a nonsense to then require effectively the same process that has been undertaken by the State Contracts Control Board to be replicated by local councils, as would be required were the exempting provision not available.

The review committee reported that the current restriction on the organisations that can provide bulk purchasing is anti-competitive. While the issue of paramount importance is ensuring probity and transparency in government tendering, sufficient controls can be put into place to facilitate competition between bulk purchasing organisations. The bill will amend section 55 to implement the committee's recommendation. A regulation-making power will be inserted in section 55 (3) so that the list of prescribed organisations that enjoy the exemption from tendering requirements can be extended to include any other organisation subject to such conditions as may be required. Appropriate conditions would need to ensure accountability with respect to the expenditure of public money by requiring, for example, that the organisations in this position comply with probity standards commensurate with those already in the Act and its regulations.

I turn now to fees and charges for business activities. There are a number of sections in the Act that require councils to set fees in a particular way. Section 608 provides councils with a broad power to charge fees for the provision of services such as receiving an application for approval or issuing a certificate. To set fees under the current provision, a council must first include the fee in its management plan. Public consultation must occur in relation to the plan. This provides council's competitors with detailed information about council's pricing policy, putting councils at a commercial disadvantage.

By setting fees as part of the management planning process, councils have a limited ability to introduce new fees outside this process, and cannot therefore set a new fee in response to competitive pricing, other than in the next annual management plan. In terms of national competition policy, the fee-setting restrictions in the Act mean councils are not able to adopt flexible pricing and respond to market trends. Of course, such restrictions do not apply to private businesses setting their own fees and charges. The requirements for setting fees in this way are appropriate for regulatory functions, such as inspection fees connected with an application for approval. They are also appropriate in relation to monopoly functions of councils, such as the annual charge for domestic waste removal services. However, the restrictions apply to councils business activities also.

The vast majority of submissions on this issue to the review committee argued that the current provisions seriously disadvantage councils against their commercial competitors, including the submission from the former Local Government and Shires Associations. One example was that Sutherland Shire Council submitted that fees and charges must be able to be set in a more responsive way for business activities such as function centres and kiosks. The review committee agreed that a new model should be developed which provides for flexibility in setting fees in response to market conditions for those activities which are business activities or contestable.

The bill proposes the insertion of new divisions 1, 2 and 3 in part 10 of chapter 15 of the Act to facilitate increased flexibility in the setting of fees, in accordance with the recommendations of the review committee. The new fee-setting system is applicable to the operation of an abattoir, the operation of a gas production or reticulation service, the carrying out of water supply or sewerage services, the carrying out of private work under section 67, the carrying out of graffiti removal work under section 67A, and any other prescribed business activity.

The new fee-setting system only affects activities that are contestable. This means that fees for activities undertaken as a community service, or where there is no market competition, or where the activity is a regulatory activity not subject to competition, will continue to be set and applied according to the current provisions. The new fee setting system will also not affect the method by which annual charges or special rates for water supply and the like are set or section 608 fees already set under any Act or regulation by the director-general. These charges are already appropriately regulated. The new, more flexible fee-setting model proposed in the bill allows a pricing methodology to be adopted and explained by council in its management plan, but does not require the actual price for each activity to be disclosed in the management plan. The normal public consultation period applies to the plan and the plan must be adopted by council resolution.

The proposed amendment also allows fees to be set and adjusted quickly as needed in the circumstances, as long as they are within the costing methodology set out in the management plan, or subject to a specific council resolution. For new or different services arising throughout the year and after the adoption of the management plan, council may either apply the costing methodology adopted in the management plan, or set a fee in accordance with the current section 612, providing 28 days public notice of the amount of the fee. To cater for the new content of management plans, consequential amendments to section 404 of the Act are also proposed. In relation to the carrying out of private works under section 67, the requirement will be retained that, if the council wishes to charge less than the amount set, the decision to carry out the work must be made by resolution of the council at an open meeting prior to the work being done.

The Local Government Act places strict controls on the use of certain council revenue. Section 409 imposes restrictions on money raised from the rent, profits or other proceeds from a lease, licence or other estate in respect of community land, so that this revenue must be expended on community land acquisition and maintenance. That section also imposes the restriction that money that has been received as a result of the levying of a special rate or charge may not be used for a purpose other than the purpose for which it was levied. This applies to charges including water supply and sewerage charges.

The Minister may, however, allow an internal loan if the money is not immediately required for the purpose for which it was received. These restrictions are based on the responsibilities that a council has in its use of public funds, namely, to ensure accountability, that the community receives best value for its money, and the best possible management of public assets held in trust for the community. These restrictions are not applicable to the private sector and therefore place council business operations at a disadvantage by comparison.

Councils that operate category 1 businesses in particular are required by the National Competition Policy Agreement to include a return on capital invested, that is, dividends. This mirrors imperatives in the private sector. Category 1 businesses are those having an annual sales turnover or gross operating income of

\$2 million and above. There is some question as to whether the Act currently allows councils to deal with these requirements through the transfer of dividend payments between council funds, from restricted use funds to unrestricted use general funds. There are conflicting interpretations of the scope of section 409, and legislative amendment is proposed to clarify the situation. It is proposed that the restrictions that apply to money raised from the rents, profits or other proceeds from a lease, licence or other estate in respect of community land be lifted.

The review committee considered that rental income from community land, as opposed to operational land, will always be far outweighed by the cost of community land management. The committee also considered that the requirement in section 409 for separate accounting procedures for the small amounts raised is administratively inefficient. Consequently, the bill proposes the deletion of section 409 (3) (d) of the Act to remove the restrictions on the use of income raised from the rent of community land. The bill also proposes the insertion of subsections (5) to (7) in section 409 to define the proper relationship between restricted funds held under section 409 and a council's general funds, including the circumstances in which dividends may be paid by a council business activity.

Under the amendments contained in this bill, a council may choose to deduct from the money, which is restricted in its use for the purpose of water supply or sewerage services, an amount in the nature of a dividend, and to apply that money to any purpose under the Act or any other Act. That is, the dividend payment becomes available for use at council's discretion.

However, it is critical to the operation of the provision that the transfer of such payments is regulated properly. Therefore, the Minister for Land and Water Conservation, with the concurrence of the Minister for Local Government, will publish guidelines relating to the management of the provision of water supply and sewerage services. A council must comply with those guidelines before any deduction from the restricted use funds is made, and must record its compliance by resolution of council in an open meeting. If a council is found not to have complied with those guidelines the Minister for Land and Water Conservation may, with the concurrence of the Minister for Local Government, direct the council to comply with the guidelines before any further deduction is made. An amendment of the definition of "domestic waste" in the dictionary to the Act is also proposed to clarify that the term "domestic waste" only applies to household garbage, including recyclables, but does not apply to household effluent waste.

The anti-competitive nature of the annual charge for domestic waste management services can be justified on the basis that it is in the interests of the community to provide an effective low-cost waste removal service. However the same justification does not apply to household effluent waste, which may be the subject of commercial sewerage works. The amendment of the definition ensures that anti-competitive provisions are only retained when they can be adequately justified.

In terms of business approvals, section 68 of the Act requires that council approval be obtained before operating an undertaker's business and/or a mortuary. As access to an approved mortuary is a requirement for an approval to carry on an undertaker's business, the approvals are effectively connected. Applicants for council approval to operate an undertaker's business or a mortuary must comply with public health standards, which are enumerated in schedule 4 to the Local Government (Orders) Regulation 1999.

The standards relate to the construction of mortuaries, water supply and sewerage, and closet and ablution facilities. These standards are critical to the maintenance of public health and safety and the occupational health and safety of staff that work in such facilities. Public health legislation in New South Wales also imposes standards with respect to the handling of bodies and related matters. It can be seen that, quite apart from the business approval, undertakers and mortuaries are regulated to ensure that the business is conducted in appropriate and secure ways. It is worth noting that other Australian jurisdictions do not require business approvals for the funeral industry. Maintenance of both public and occupational health and safety is achieved through enforcement mechanisms without the need for business approvals.

In terms of national competition policy principles, business approvals impose barriers to entry into a market, because competition is restricted to persons who are able to obtain the necessary approval from a local council. Under national competition policy it must be demonstrated that the benefits to society of restrictions on competition outweigh the costs of those restrictions, and that the objectives of the legislation can only be achieved by restricting competition in this way. The review committee found that the current requirement to obtain prior approval to operate an undertaker's business or a mortuary facility is anti-competitive and cannot be justified on other grounds, given the regulation of health and safety matters by the Local Government (Orders) Regulation and public health legislation.

Pre-development regulation can be limited to the requirements of the Environmental Planning and Assessment Act 1979 for development consent, with operational matters continuing to be regulated under the Public Health Act. The bill therefore proposes the repeal of these business approvals, and consequential amendment of the Local Government (Approvals) Regulation 1999. The Local Government (Orders) Regulation will continue to give councils the power to enforce building standards established for mortuaries on the grounds of public health and safety. This bill identifies and addresses those parts of the Local Government Act that may potentially have anti-competitive effects. By doing so, it continues to promote greater accountability by councils to their communities and a clearer distinction between their functions of providing services and regulating activities.

Councils will benefit from the removal of the disadvantages to competitiveness currently applying in the legislation. Non-council businesses will also have greater opportunities to compete with local councils and to carry out business with councils. The proposed amendments carefully balance the competing interests of competitiveness and accountability of government, and the community will benefit from the enhancement of competition in relation to local government. I commend the bill to the House.

Debated adjourned on motion by Mr Fraser.

**LAW ENFORCEMENT AND NATIONAL SECURITY (ASSUMED IDENTITIES)
AMENDMENT BILL**

Bill introduced and read a first time.

Second Reading

Mr STEWART (Bankstown—Parliamentary Secretary), on behalf of Mr Iemma [12.52 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Law Enforcement and National Security (Assumed Identities) Amendment Bill 2002. In 1998 this Government implemented the Law Enforcement and National Security (Assumed Identities) Act to permit the chief executive officers of authorised agencies to approve the acquisition and use of documents in assumed names for law enforcement purposes. Both State and Commonwealth agencies are authorised to use the Act to obtain State government issued documents. At present, those agencies are the NSW Police, the NSW Crime Commission, the Independent Commission Against Corruption, the Police Integrity Commission, the Department of Corrective Services, the Australian Federal Police, the National Crime Authority, the Australian Secret Intelligence Service, the Australian Security Intelligence Organisation, and the Australian Customs Service.

The assumed identities Act is an important initiative in the fight against crime. It allows law enforcement and national security officers to obtain documentation such as drivers' licences and credit cards in an assumed name and to use them in the course of their official duties. In most cases, an assumed identity is needed when officers must have direct contact with suspects, for example, in undercover operations, or to protect investigations. Other officers such as technical staff and surveillance officers may also require the protection of an assumed name. This bill is required in order to include the Australian Taxation Office [ATO] as an authorised agency to enable the covert surveillance activities that the Australian Taxation Office conducts in relation to excise fraud to be undertaken effectively, securely and safely.

Advice has been received from the Australian Taxation Office that it has taken over the role of undertaking surveillance activities and covert operations in the investigation of excise fraud from the Australian Customs Service. The Australian Customs Service is included as an authorised agency under the Act, and the Australian Taxation Office is seeking to be granted the same status in order to be able to use assumed identities to covertly register vehicles and obtain drivers' licences in New South Wales. The Australian Customs Service will continue to carry out other investigative roles requiring assumed identities and must remain prescribed as an authorised agency under the Act.

Officers sometimes, in the course of their duties, have to give proof of their identity in order to maintain contact with a person they are investigating or to protect the integrity of a covert operation. It is essential that in such circumstances officers can give an assumed name. Otherwise their own safety or the integrity of the case they are working on could be put in jeopardy. Some minor amendments to the Law Enforcement and National Security (Assumed Identities) Regulation 1999 are also required to define the chief executive officer and enable delegations of this power in line with existing arrangements for the other Commonwealth agencies listed as authorised agencies under the Act.

The Commonwealth has recently introduced the Measures to Combat Serious and Organised Crime Act 2001, which, amongst other matters, amends the Commonwealth's Crimes Act 1914 to enable approved officers from participating law enforcement and criminal justice agencies to obtain and use assumed identities in the course of their work. These provisions are intended to operate in a similar capacity to the New South Wales Law Enforcement and National Security (Assumed Identities) Act 1998, but for Commonwealth issued or controlled identification such as passports, Medicare cards, telephone and accounts, tax file numbers and credit cards. The Australian Taxation Office is a prescribed agency under the Commonwealth's new legislation. There is a clear need for the Australian Taxation Office to be included as an agency authorised to use the Act. Without the support for law enforcement activities that the Act provides, the ATO is not able to carry out such essential investigative functions. This bill is a simple one that makes a small amendment to section 3 of the Act to include the ATO in the definition of authorised agency. I commend the bill to the House.

Debated adjourned on motion by Mr Fraser.

BUSINESS OF THE HOUSE

Committee Reports: Suspension of Standing and Sessional Orders

Motion by Mr Stewart agreed to:

That standing and sessional orders be suspended to permit consideration forthwith of Order of the Day (Committee Reports) No. 4 [Public Accounts Committee—Report on Inquiry into Court Waiting Times].

PUBLIC ACCOUNTS COMMITTEE

Report: Court Waiting Times

Mr TRIPODI (Fairfield) [12.58 p.m.]: The recent report of the Public Accounts Committee into court waiting times deals with waiting times in the Local, District and Supreme courts. Court waiting times have been of considerable concern in New South Wales for many years, although the situation is beginning to improve. For much of the 1990s New South Wales courts had longer delays than courts interstate. Waiting times are important: they go to the core of the idea of justice. There is a well-known saying that "Justice delayed is justice denied." Accordingly, the committee's report is one of a series on court delays.

One of the most important reviews of court delays in New South Wales was the Auditor-General's September 1999 performance audit. Its key recommendations were that targets should be established for court performance, performance should be reported against these standards, courts should develop strategic plans in consultation with stakeholders, and accountability for court management should be better defined through the development of management committees for each court.

The Audit Office completed a follow-up of its performance audit in September 2001. It found that 93 per cent of its recommendations had been accepted and 57 per cent had been implemented. The most advanced court in improving its management of waiting times was the District Court, which had already started to make those changes before the 1999 performance audit. The least advanced was the Local Court, although that court did release a standards document shortly after the release of the report. The committee's report sought to follow up these reports, especially the initial performance audit, using its power under section 57 (1) of the Public Finance and Audit Act 1983. One area of interest to the committee was to examine what factors led to trial delay.

The committee examined research overseas and in Australia and found there was a common pattern in the reasons why cases were delayed. For instance, the Bureau of Crime Statistics and Research released a major study of trial delay in 2000 for criminal cases in the District Court. Between 1995 and 1999, the capacity of the District Court increased by 92 per cent, and the number of defended criminal matters declined by 19 per cent, but trial court delay increased by 23 per cent. The bureau found the reason why delays could increase while there were more resources and less cases was because many cases failed to go to trial on the day they were listed. Of 519 matters surveyed in 1999, 71 per cent failed to go to trial on the day they were listed. The three main reasons for this were late guilty pleas, adjournments on the trial date, and overlisting, which means that some cases were not reached.

The courts in New South Wales have begun implementing the bureau's recommendations. For instance, overlisting is much less common. The District Court had not had a not reached trial in Sydney

since September 1999 and the other courts are also making progress. The Centralised Committals Scheme, which provides Legal Aid and Director of Public Prosecution resources to more committals hearings, has decreased the proportion of cases going to trial in the District Court and increased the proportion of cases being committed for sentence in that court. One of the bureau's recommendations was to improve data collection and monitoring. This would include monitoring of listing outcomes by registry to identify individual problems. It would also include monitoring the age of each matter being listed for trial and the age of the pending trial caseload.

However, the collection of such data is currently very difficult, given the current information systems, which are nearly 20 years old. In fact, improving the computer systems is virtually the final reform that needs implementing. This final improvement will help the courts and the Attorney General's Department make the best use of the other reforms such as targets and caseload indicators. The Coopers and Lybrand and Scott review first identified the need for an integrated courts information system in 1989. The review stated that Governments cannot make timely and significant commitments in court resources without knowing what happened previously or without being able to project future demand. Governments also need to know the productivity relationships between increased resources and delay reductions. Comprehensive management information is needed to make these calculations. In simple terms, if you cannot measure it, you cannot manage it.

The project, entitled the Court Administration System [CAS], has been subject to extensive delays and has been to tender three times. Costs are also increasing. The 2002-03 budget announced that the CAS will cost \$30.3 million, more than double its 1997 estimate. However, the Committee found that the Attorney General's Department has faced significant challenges in implementing the CAS. Firstly, the New South Wales court system is unusual in that it includes a large number of cases over diverse court locations. Some courts in the regions have very low case volumes whereas some in the city have high volumes. Most of the suggested packages in the tenders were unlikely to be technically feasible, even after significant re-working. Other jurisdictions have had significant problems in establishing court computer systems. South Australia implemented a system successfully in 1988, but by 1993 the system was technically obsolete and the software suppliers were withdrawing support. In 1998, the New Zealand Government attempted to modify an existing program for its courts, but the modifications became very expensive and the contract was terminated.

The experience in the United States of America is also problematic, with only 16 per cent of projects being completed on time and on budget. For every 100 projects there are 94 restarts and 31 per cent of projects are cancelled before completion. Considering the history and importance of the CAS, the committee recommended that the Audit Office consider reviewing the CAS on an ongoing basis as an emerging case study in e-government. Such a review would dovetail with the Audit Office's concern over court waiting times and its concern over the implementation of public sector information technology projects. The value of commencing a review at this stage is there is information available now from the department, the courts and the stakeholders over what the CAS will do and will not do, where the risks lie and what is being done about them. Much of this information will be lost in the two years or more in which the CAS will be implemented due to changing staff and the passage of time.

By following through with the CAS the Audit Office has the opportunity to gather better information about the project. Court waiting times continue to improve in New South Wales. On 2 September 2002 the Bureau of Crime Statistics and Research announced large decreases between 2000 and 2001 in court waiting times in criminal matters. In the higher criminal courts the median delay for defendants on bail dropped by 30 per cent. For defendants in custody the median delay dropped by 24 per cent. With continued vigilance and the successful implementation of the CAS New South Wales will start setting the pace in court waiting times.

Mr TORBAY (Northern Tablelands) [1.05 p.m.]: I will speak on the committee's report into court waiting times, particularly on court governance and waiting times in the District Court. The governance of the courts in New South Wales is divided between the Attorney General's Department, which employs the court support staff, and the courts themselves. Stakeholders have given a wide range of views on whether this arrangement should continue. The Law Society argued that the courts, rather than the Government, should employ court staff. That would give the courts control over their own destiny. The Audit Office was concerned about division of responsibilities reducing accountability, but was not in a position to discuss a preferred option. The Bar Association preferred the current arrangement.

Between 1991 and 1995 New South Wales had a separate Department of Courts Administration, but the period was probably not long enough to demonstrate whether it was a more effective option. It should be remembered that, whoever controls court administrations, they are still funded by the Executive. Further, courts

have not always secured results in negotiating sufficient funds, especially in times of crisis. The Family Court was found wanting in this regard in the early 1990s. The committee found that there was no conclusive evidence that placing court administration improves court performance, especially in relation to court delays. Given that courts administration will stay with the Attorney General's Department for the foreseeable future, the committee then examined ways of improving the coordination between the department and the courts.

For instance, the budget process commences in November, with agencies submitting their proposals to Treasury. However, the courts do not get involved until the department has already received its allocation from Treasury and is then setting its internal budget. This does not happen until April. The District Court has been proactive in attempting to involve itself in the budget process. It has established a resource committee, which has formally stated its intention of making a direct contribution to the department's budget. The committee found that consultation between the judiciary and the department on resourcing was insufficient. Accordingly, the committee recommended that the Supreme Court and Local Court also establish resource committees. The resource committees should include members of the judiciary, the chief executive officer [CEO] of the court, and a senior financial representative from the department. The committees should meet quarterly and also have a pre-budget meeting before the department submits its budget proposals to Treasury.

The Public Accounts Committee also examined judicial involvement in staffing the courts. The courts participate to a much greater degree in these matters. The courts' CEOs are senior executive service officers and are subject to compulsory performance management. The head of the relevant court sits on the selection panel and the director-general of the department meets with the head of the court monthly to discuss important issues, which may include the performance of the CEOs. In the case of staffing of the courts, the committee did not find any need to make recommendations.

I would also like to touch on waiting times in the District Court. As noted by the Chairman, the District Court has been the most proactive in reducing its waiting times. Further, the District Court continues to improve its performance. For civil cases in Sydney, the median time from commencement to finalisation has dropped from 13.4 months in 1998-99 to 11.9 months in 2000-01, a reduction of 11 per cent. In criminal cases, the reductions are also impressive. For the same period, the median delay for accused in custody dropped from 6.9 months to 6.2 months, a reduction of 10 per cent. The median delay for accused on bail dropped from 13.4 months to 10 months, a reduction of 25 per cent.

The Bureau of Crime Statistics and Research recently released new figures comparing calendar years. If we take the figures for higher courts as representing the District Court, due to the Supreme Court only representing 2 per cent of higher court cases, the reduction in delay for accused on bail is even greater. The median time now is only eight months, a reduction of 30 per cent in one year. New South Wales has made significant inroads into reducing court waiting times, and I trust that implementing the Committee's proposals will deliver further efficiencies. I place on record my thanks to the committee staff for the hard work they did in assisting with the preparation of the report.

Ms ALLAN (Wentworthville) [1.12 p.m.]: I reiterate the comments of both the chairman of the committee and the honourable member for Northern Tablelands in congratulating the staff on the solid work they did regarding compilation of the report on court waiting times. In relation to case management in the civil justice system, the report is eloquent. Traditionally, courts were "hands-off" in managing cases and were content to let waiting times be determined by the actions of the parties and their counsel. Case management is a new approach by the courts whereby they set preparation milestones for each case and expect the parties to comply.

The committee heard in evidence how the profession is gradually accepting case management. However, the Law Society had concerns about new rules for the Local Court. In evidence, it asserted that the new case management procedures would add an extra \$165 million in costs to the community. The committee determined that this was a considerable overstatement, given that similar provisions were already in place at individual Local Courts, including the Downing Centre, which deals with 40 per cent of the State's civil cases. The committee surmised that this negative reaction to these civil case standards was largely due to uncertainty, as they are the first to be implemented in the Local Court.

However, this breakdown in communication between the Local Court and the Law Society is of concern. The new rules were developed in consultation with the Local Court Civil Claims Rules Committee, which includes representatives from the Law Society and Bar Association. This arrangement should have given the stakeholders sufficient input and opportunity to be comfortable with the proposals. Indeed, the committee heard in evidence from the Bar Association that the District and Supreme Courts were very active in getting

practitioner input into their practice notes. The Committee found this consultation has enhanced practitioner acceptance and understanding of reforms in court practices. It recommended that major reforms in court procedure should be accompanied by "plain English" practitioner education.

Another efficiency in the court system would be to establish a single set of civil court rules. Such a system has been operating in Queensland since July 1999. The Attorney General's Department reported it had commenced consultations on this issue. It noted that the jurisdictions varied significantly and that the solution might be to identify common processes, rather than draft a single set of rules. The committee found that a unified set of court rules and forms, or at least a rationalisation of current arrangements, would make the courts more efficient. We recommended that the courts and the Attorney General's Department should form a working group with the Law Society and Bar Association to rationalise and simplify civil court rules in New South Wales.

The second topic I would like to discuss is waiting times in the Supreme Court. This court is different from other jurisdictions because its civil jurisdiction widely varies between such areas as admiralty, construction, commercial, professional negligence and defamation. Although the court developed specialist lists to deal with this broad range, there are no trends because data is only available for the years 2000 and 2001. However, the Supreme Court has kept good data for criminal cases. The Supreme Court has managed to reduce waiting times for criminal cases from over 18 months in 1995-96 to nine months in 2000-01. This is a solid result and is due to early arraignment and the use of acting judges. I congratulate the Supreme Court on its achievement. In 2000 the court established time standards for all criminal cases and appeal civil cases and reported its performance against these standards in its 2000 annual review. Civil standards are dependent on the new IT project, the Court Administration System.

The Supreme Court has also implemented two of the four key performance indicators developed by the Attorney General's Department and the Justice Research Centre. These indicators measure the status of cases in progress and will help actively manage caseloads. Apart from the need to establish civil time standards and implement the remaining key performance indicators, the committee found that the Supreme Court has assembled many of the necessary elements of case management. The final task is to improve management information, namely, the Court Administration System. The committee trusts the Attorney General's Department and the courts will implement this project effectively and efficiently.

I note that the honourable member for Miranda, who does not have the opportunity to speak on the report today because of other commitments, played a very active role in the development of this report on court waiting times by the Public Accounts Committee. The committee found his direct experience in his professional capacity before he became the member for Miranda extremely useful in our deliberations on the report.

Report noted.

PRIVATE MEMBERS' STATEMENTS

CARING FOR KIDS

Mr ASHTON (East Hills) [1.15 p.m.]: Today I want to tell the House about the Bankstown group of the organisation known as Caring for Kids, a charity group. The Bankstown group was founded in the 1992-93 cricket season when a team of old boys, playing in the Bankstown district cricket competition and representing the Bankstown Trotting Club—under the banner of "The Trotters"—came up with the idea of raising money for children suffering from leukaemia. One of the player's sons had leukaemia and was in Westmead hospital at the time. The team wanted to help, and asked how.

Arthur, the boy's dad, said that there was not a television in his son's ward. As honourable members would appreciate, those sorts of things matter to a young boy or girl who has leukaemia and will spend a lot of time in hospital. Those cricketers, probably also, football players, their partners and children, got together and organised a double-wicket cricket competition—most of us have been to those—and raised money through concerts and auctions at the Bankstown Trotting Club, and that year raised \$10,000. They supplied every ward with a television, and had a Christmas party for the children. Ten years on, they are still raising money for the oncology unit at Westmead hospital, and have raised more than \$200,000.

Mr Fraser: Fantastic.

Mr ASHTON: It is. I appreciate that comment from the honourable member for Coffs Harbour. This group provides a Christmas party every year for the whole children's oncology unit, and that includes the parents and their siblings. Over 200 attend. Every child patient gets a present from Big Jimmy Brown—one of the big drinkers at the High Flyer Hotel. Some of the people involved on the Caring for Kids committee are its president, Tom Benson, treasurer Kerry Stephenson, John Potter, Rick Miszczyk, Janell James and Councillor Allan Winterbottom. Might I digress to congratulate Councilor Allan Winterbottom on last night being elected Deputy Mayor of Bankstown City Council. The new Mayor of Bankstown City Council is Councillor Helen Westwood—only the second female to be elected Mayor of Bankstown.

Over the years the Bankstown group of Caring for Kids has raised funds from charity nights at the Bankstown Trotting Recreational Club. A special thanks to Noel Scanlon, former secretary-manager and now president of the club. Raffles are held at the High Flyer Hotel, and \$10,000 has been raised this year. I want to thank Arthur Laundy and the manager of the High Flyer at Bankstown—which of course is near the airport—for allowing this group, dressed in their Bankstown Caring for Kids uniform and sporting its logo, to virtually take over a large section of the hotel. A big thanks to the drinkers, who make a large and welcome contribution by buying raffle tickets to assist in the fundraising. Recently they helped a little boy by buying a wheelchair and a hoist for the family van, at a total cost of \$17,000. This little boy—Scotty is his name—features in an advertisement for companion dogs being shown on television.

On the sadder side was the case of a 16-year-old girl. All she wanted, and needed, as she neared the end of her schooling at a school in our local area, was a dress and a special pair of shoes to attend the school formal. Naturally, she attended the fundraiser at the Bankstown Paceway. I also attended the function. There was no problem finding the money for shoes and a dress. The hospital called Bankstown Caring for Kids to say, "Thank you very much for that. Is there any chance you can help to pay for her funeral?" Unfortunately, she had died six weeks later, and Bankstown Caring for Kids did pay for her funeral. I congratulate all of those involved in the Bankstown Caring for Kids group. I have had the privilege of attending several of its fundraisers. The biggest thanks come from the nurses and doctors who attend the functions. They realise that the health system needs every extra dollar. When money is raised by volunteers it is even more appreciated. A dollar is a dollar, but a dollar raised by people who make private contributions in their own time is fantastic. I place the appreciation of my constituents on the record. I congratulate the Bankstown Caring for Kids group on their work.

STATE ENVIRONMENTAL PLANNING POLICY No. 5

Mrs HOPWOOD (Hornsby) [1.20 p.m.]: I draw the attention of the House to State Environmental Planning Policy [SEPP] No. 5, housing for older people or people with a disability. Hornsby Shire Council has been grappling with issues surrounding this planning instrument, and has done its best to consider all matters associated with SEPP 5 applications. Unfortunately, it has come to a fork in the road. We need a moratorium on all SEPP 5 developments in the shire, particularly in rural areas, until an exemption can be applied for. In March PlanningNSW published guidelines for councils to consider when seeking exemption from SEPP 5 to ensure that councils could obtain an exemption from the policy when sufficient housing choice is available for older people or people with a disability under existing planning controls, or through changes to these control.

The exemption to guidelines requires council to demonstrate that a sufficient choice of housing will exist to meet the needs of older people or people with a disability over a 10 to 15-year period, and suggests a method to assist councils in preparing the report. Council considered a report about the final methodology for exemption from SEPP 5. The report also recommended the establishment of a steering committee to direct and oversee the preparation of a strategy to seek exemption from the SEPP. Hornsby Shire Council resolved to adopt the methodology and establish a steering committee. The actions adopted by the council are based on the final exemption guidelines released by PlanningNSW. The exemption strategy will be prepared in two stages.

Stage one will comprise the preparation of a background report, which analyses the existing housing demand and supply within Hornsby shire to be completed by December 2002. Following the completion of stage one, council will be appropriately placed to undertake stage two of the strategy involving the preparation of a planning response to be completed by April 2003. A delegation from council's SEPP 5 steering committee met with representatives from PlanningNSW to discuss and seek clarification of the requirements of the exemption report. The meeting discussed the methodology for preparation of the exemption strategy, the progression of council's exemption strategy, the demand and supply issues, and consultation during the preparation of the report.

Representatives from PlanningNSW were supportive of council's decision to establish a steering committee to oversee and direct the progression of its strategy. Currently council has a number of planning

controls to facilitate the provision of housing for aged and differently abled persons within the shire, including Hornsby shire local government local environmental plan 1994, the Hornsby shire housing strategy, and the access and mobility development control plan. However, Hornsby Shire Council is experiencing increasing pressure for SEPP 5 development in the rural areas of the shire. In the assessment of recent applications for SEPP 5 development it is apparent that the adjoining land provisions of the policy is misused to permit development within rural areas.

The provision is used to permit SEPP 5 developments on land that adjoins isolated pockets of land zoned for urban purposes. Counsel has received a number of applications that would be permissible pursuant to the adjoining land provisions of the SEPP. Council has also received two applications for SEPP 5 developments within the rural area of the shire on the basis that the land adjoins land zoned for urban purposes within Baulkham Hills shire. This has resulted in the opportunity for strategic land use strategies in one local government area to permit development contrary to the strategies in an adjacent area. Hornsby Shire Council takes the position that the provisions of SEPP 5 concerning the use of the adjoining land do not facilitate appropriate aged and differently abled housing developments within the rural areas of the shire.

Access to shops, banks, transport, general medical practitioners and other support and amenity facilities is limited. Often they are not compatible with the rural areas and are situated in bushfire-prone localities. Proposals will result also in community loss of prime agricultural land. I call on the State Government to immediately allow a moratorium on SEPP 5 development in Hornsby shire. The Coalition recognises the difficulties with the current SEPP 5, and will repeal the legislation. Hornsby Shire Council takes development seriously, but it is hamstrung under the current system, and wants to apply for an interim exception. This Government should assist the council to do so.

THE ENTRANCE ELECTORATE SCHOOLS

Mr McBRIDE (The Entrance) [1.25 p.m.]: I acknowledge that today is the fourteenth anniversary of National Police Remembrance Day, which I support. I draw the attention of the House to funding for schools in my electorate this year. On 4 February I announced \$552,000 worth of backyard blitz for schools in my electorate. The schoolyard blitz includes improvements such as painting, security, fencing and new telephone systems. Over five months tradesmen were almost as common as teachers in our local schools. The extra \$552,000 comes on top of funding already allocated to schools capital works in The Entrance electorate. Almost \$600,000 worth of new facilities are under construction at local schools, at Wyoming Public School, Killarney Vale Public School, Lisarow High School, and all three campuses of Tuggerah Lakes Secondary College, as a result of last year's budget. The latest addition is great news for our local area.

Local schools that will benefit from new work funded under the backyard blitz include \$78,046 for painting at Bateau Bay Public School, \$115,000 for painting and a new telephone system at Berkeley Vale Public School, \$21,432 for painting at Holgate Public School, \$5,000 for a new telephone system at Killarney Vale Public School, \$31,814 for new floor coverings, a telephone system and tractor at Lisarow High School, \$5,000 for a new telephone system at Narara Public School, \$105,750 for a covered outdoor learning area [COLA], installation and security fencing at The Entrance campus of Tuggerah Lakes College, \$105,000 for painting and a new telephone system at Valley View Public School and \$75,000 for painting and a new telephone system at Wyoming Public School.

When I visited Wamberal Public School on 5 July I announced new funding for both Bateau Bay and Wamberal public schools. Wamberal Public School received \$24,000 to build a new COLA. I made the announcement of visiting the school to present an award for its recent participation in a statewide environmental program, the New South Wales Spring Water Bug Survey, which is part of an environmental program in our schools to make young students aware of our environment. The money for these COLAs was provided under the New South Wales Government joint funding program. Bateau Bay Public School received \$35,000 for a similar project. I have been working with representatives of both schools to secure funding for these much-needed covered outdoor learning areas.

The parents and citizens association has done a great job of raising funds through its fetes, raffles and other activities. The contribution of parents and citizens associations of the Central Coast has an enormous impact on improving the quality of schooling and school facilities. The Carr Government is recognising those efforts by matching the programs dollar for dollar. On Monday 23 September I announced a \$1.4 million program to replace demountable classrooms at Bateau Bay and Lisarow high schools. I visited Bateau Bay Public School to announce \$960,000 to build new permanent classrooms. On the same day I visited Lisarow Public School to announce \$480,000 to build two new classrooms.

On the first occasion I met with the Principal of Bateau Bay Public School, Bob Bourke, to discuss the announcement and how the project would affect the school. Bateau Bay Public School is a large primary school that caters for 824 students. Both the principal and parents said that the site had too many long-term demountables. The contribution and support of Sharon Kennedy, president of the parents and citizens committee, Principal Bob Bourke, and members of the parents and citizens committee—Colin Gregory, Robyn Stewart and others—has been enormous. They have succeeded in raising funds through their local communities to assist the capital works program in their school.

The local school community and I have worked together to achieve results. The school was to be closed in the early 1990s, but it is still open and has 321 students, and enrolments are increasing every year. The two new classrooms are a bonus for the hard-working school community. Many schools in The Entrance have received significant funding; for example, the Tumby Umbi High School, the new Narara Primary School, the redeveloped Entrance Primary School, \$10 million for the Tuggerah Lakes Secondary College upgrade and improvements at Wamberal Public School and other schools in the area—[*Time expired.*].

ORANGE CITY RESCUE UNIT

Mr R. W. TURNER (Orange) [1.30 p.m.]: I acknowledge the contribution of the Orange City Rescue Unit [OCRU] to Orange and the surrounding district. The unit has been operating in Orange since 1956. It was originally known as the Orange Cliff Rescue Squad and was established by Mr Ces Bartlett and Mr Harry Ware. Harry Ware went on to establish the New South Wales Police Rescue Squad. In recognition of his contribution to the squad and Orange generally, Ces Bartlett was made Citizen of the Year. I was proud to be Chairman of the Australia Day Committee that year. Unfortunately, Ces has passed on since then, but he made a great contribution to the area.

Over the years the OCRU developed into a highly trained, well-equipped group of more than 50 volunteers who had the full support of the Orange City Council and the general public—which raised funds to purchase equipment—and the respect of the Police Force, the ambulance service, the fire brigade and other rescue units throughout the State. I remember watching the unit performing invaluable service during the Thredbo disaster. I understand it was given far more autonomy than many other rescue units because of its wealth of knowledge and credibility. Its members stood out from the other rescuers because they wore white overalls rather than the traditional yellow uniforms worn by State Emergency Service [SES] personnel. Malcolm McDonald, the President of the Orange City Rescue Unit, wrote to the shadow Minister for Emergency Services, Andrew Stoner. The letter states:

In 1972 when the State Emergency Services was established, the then powers to be approached our unit to also take on the storm and tempest role as it was a natural progression for an already established unit to avoid duplication of resources.

We have duplication on a grand scale in that the New South Wales Fire Brigade has primary responsibility, the SES has responsibility and the Orange City Rescue Unit has no responsibility whatsoever. The letter continues:

As the OCRU was established for some twenty three years with our own autonomy, equipment, vehicles, bank accounts, dress code etc, it was decided to keep all SES undertakings as a separate entity to save any confusion, which worked extremely well until August 1999.

At that point, the OCRU had about \$500,000 worth of equipment. The letter further states:

We had over the years sustained some occasional flak from other SES units about the wearing of white overalls, having such a high standard in our outlook to Rescue and the fact we seemed to be out in front of other units of the SES as far as equipment was concerned. This was only due to the tenacity and dedication of our crews to want the best for our community so we worked hard for what we got, and in return the community responded accordingly.

Even the last Director General of the SES (Hori Howard) stated he did not have a problem with the white uniforms although he would prefer us to change to the orange code.

Mr McDonald provided other information that is too extensive to present to the House today. That was the start of what has been a three-year conflict that we are still trying desperately to resolve. Unfortunately, the Minister for Emergency Services, Hon. Bob Debus, refuses to speak to the group. He ridiculed me in the House a couple of weeks ago when I tried to raise this subject. He said it was dead and buried. It is not; the unit is continuing to train, recruit new members and address school groups on safety and emergency procedures. Although it has been stripped of its primary response role, it is now seeking a secondary role which would see it become the primary response group outside the Orange CBD and which would enable it to continue the work it has done since 1956. [*Time expired.*]

SPECIAL OLYMPICS

Mr MOSS (Canterbury—Parliamentary Secretary) [1.35 p.m.]: Last Sunday it was my pleasure to attend the Special Olympics at the swimming complex at Homebush Bay. Honourable members were invited to present medals to the winners of various swimming events. The primary reason for my invitation was my association over the years with the Roselands Sports and Aquatic Club, which concentrates on providing sporting activities for people with intellectual disabilities. The club caters for a number of people in my electorate and is affiliated with the Special Olympics.

The Special Olympics relies almost entirely on volunteers to conduct events and to provide weekly training prior to those events. Funds are raised through the efforts of the families of the participants. About two years ago, I was approached by the club to see whether the State Government would provide any funding to help pay for the games. I am pleased to say that following my approaches to the then Minister for Community Services, Hon. Faye Lo Po', provided \$10,000 through her department, and the Minister for Sport and Recreation also provided \$10,000. The former Minister for Sport and Recreation, Hon. John Watkins, also wrote to the Federal Minister to see whether the Federal Government would assist.

The Special Olympics are national games and have been held in Australia every four years since 1988. They were first held in America in the 1960s. An international event is also held occasionally. This is the second time that New South Wales has hosted the event. The games are held over eight days and involve approximately 1,000 athletes from the six States and two Territories. The event is supported by 250 coaches, 500 families and supporters and 400 volunteers. The events include athletics, track and field, basketball, soccer, softball, tenpin bowling, gymnastics and tennis. The participants have their own athletics village, which this year was the Narrabeen Sports Academy, and the event has its own opening and closing ceremonies. The organisational tasks associated with the event are enormous because transportation, meals and accommodation must be arranged for hundreds of people.

The aim of the Special Olympics is to provide hope and a better quality of life for people who have intellectual disabilities. The participation oath is "Let me win, but if I cannot win let me be brave in the attempt", which is an admirable aspiration. The Special Olympics also pave the way for participants to compete at other games. Eight participants from previous Special Olympics events participated in the Paralympic Games in swimming, basketball and athletics. The Special Olympics play an important role in developing the prowess of Australian sportsmen and sportswomen who strive to represent Australia at other games. I was honoured to represent the Government at that important event. [*Time expired.*]

VAUCLUSE ELECTORATE RACIAL VILIFICATION

Mr DEBNAM (Vaucluse) [1.40 p.m.]: I draw to the attention of the House the need for police investigation of racist attacks. In April this year the Waverley bus depot and the Centennial Park gates were attacked with anti-Muslim graffiti. In the last week of August I was contacted again by constituents who were concerned about racist taunts on Friday and Saturday evenings as Jewish families walked in Bondi Junction. I decided to find out how widespread the problem was. I witnessed that type of harassment on Friday 23 August when a car stopped at traffic lights on Old South Head Road and young men leant out of the windows to yell abuse at an elderly Jewish gentleman and his granddaughter as they walked home from a family dinner. Unfortunately, I was too far away to see the numberplate of the car, but I was close enough to hear the shouting, which was clearly to intimidate a man and a very small girl. After that incident I issued a letter to 1,000 residents in Bondi Junction highlighting the problem and calling on anyone who has details of incidents to report the details to police and to me.

In the second week of this month I noticed anti-Muslim graffiti in Campbell Parade, Bondi Beach, which had been sprayed onto car parking spaces. On 13 September stickers were applied to the Mizrahi Synagogue in Old South Head Road. The police have recorded the incident as police event No. E15159259. Honourable members will consider it extraordinary that someone would put together a sticker that states, "White Aryan Resistance W.A.R. Death to communists, Jews, blacks, paedophiles, homosexuals, greenies, refugees, and Lebanese gang-rapists". The sticker also contains a skull and crossbones badge. On Sunday 15 September, as I was parking my car at Central station and went to put coins into the meter, I saw another sticker stating, "NSFA National Salvation Front of Australia—Can't afford the rent on a two bedroom flat... Ten Refugees can!" On 20 September a convicted arsonist, Van Tongeren, was released from a Western Australian gaol. I refer to an article by Roger Martin in the *Weekend Australian* headed "Race terrorist vows to continue campaign". The article states:

The neo-Nazi leader, who oversaw the torching of a string of Perth Chinese restaurants in the late 1980s, has never expressed remorse since he was found guilty and jailed in 1990 for 53 offences ... Van Tongeren was collected from Karnet Prison, about 50km south of Perth, by his former ANM colleague and self-declared leader of the Australian Aryan Army, John Van Blitterswyk.

While he was in prison, Sydney-based sympathisers have maintained an ANM web site containing essays and quotes by Van Tongeren.

But direct supporters of ANM are believed to start and finish with Van Blitterswyk.

That article was disturbing enough, but when I thought about incidents I had witnessed in recent weeks I decided to make this speech. I am very disturbed by the release of Van Tongeren from gaol, but I am very concerned by this series of incidents. They are just a few of the many incidents occur throughout Australia and frequently occur in my electorate, particularly targeting the Jewish community. These incidents are pathetic, and it is also pathetic that people would spend time preparing the stickers and applying them throughout the community. The incidents are obviously perpetrated by dangerous people. The web sites inciting hate are disturbing enough, but we must all be distressed when we realise that we have in our midst people who are prepared not only to write this poison but also to go to a synagogue and cover it in offensive, hateful stickers.

We have people who are prepared to risk identification and arrest to publicly abuse an elderly Jewish man and his small granddaughter late on a Friday evening on a main road. It is not only the minority groups named who are under attack—our community is under serious attack, and we should not turn the other cheek to these sick criminals. I remain concerned over the lack of resources applied to protecting our local communities, especially the people of the Jewish faith. When we remember that the most recent fire attack on the Jewish community was in October last year when cars in a small street in Vaucluse were firebombed and graffitied with Arabic script, we must take any of these acts very seriously. While that October attack was probably unconnected to white supremacists—I am sure it was—the targeting of the Jewish community remains a theme. I will make this material available to the Minister for Police. I ask the Minister to urgently investigate any connections between these incidents and to interview any suspects with racist histories and links to hate groups.

Mr CRITTENDEN (Wyong—Parliamentary Secretary) [1.45 p.m.]: I undertake to pass on those important and disturbing details referred to by the honourable member for Vaucluse to the Minister for Police.

SWANSEA POLICING

Mr ORKOPOULOS (Swansea) [1.46 p.m.]: I acknowledged the significance of this day for the New South Wales Police Force, its officers and members of their families. On Police Remembrance Day we commemorate and honour officers who have fallen in the course of carrying out their duty. There is no better demonstration of this Government's commitment to community safety than the record allocation of police officers to the Lake Macquarie Local Area Command during the past two years and the return to 24 hours of operation of the Swansea police station to serve the local Swansea community. As the Minister for Police, the Hon. Michael Costa, stated upon his appointment the Government believes in local solutions for local problems. Swansea police station covers the communities of Blacksmiths, Swansea, Caves Beach, Swansea Heads, Catherine Hill Bay, Nords Wharf and Cams Wharf.

I welcome the decision that has been made by the acting patrol commander, Superintendent Rex Little, to provide 24-hour cover to those communities served by the Swansea police station. I also acknowledge the strong community campaign by the former Swansea Neighbourhood Watch, the Swansea Chamber of Commerce and many others in their efforts to restore 24-hour policing at the Swansea police station, which culminated in my presentation to this Parliament of a petition signed by 10,000 residents. I am pleased to announce to the House that the Police Force will be moving into a new and larger police station in Josephson Street, Swansea, next year. The Lake Macquarie City Council is constructing a new police station to accommodate 11 officers, and the building will have capacity for expansion at some future stage in anticipation of 5,000 new residents moving into the area as a result of the Wallarah North peninsula development over the next five to 10 years.

Undoubtedly this is good news for my local community, which wants visible policing, reduced response times and local police officers who know the local villains. The formerly centralised system of policing was clearly not working, given the size of the Lake Macquarie patrol and the fact that it had for southern hemisphere's largest saltwater lake at its centre. The community, local police and I were not satisfied, and I welcome the Minister's allocation of record numbers of police in order that Swansea and Morisset, which is in the Lake Macquarie electorate, will have 24-hour coverage. This is a clear example of the Carr Government's meeting the community's expectations to provide greater safety in communities.

LIVERPOOL ELECTORATE EDUCATION WEEK ACTIVITIES

Mr LYNCH (Liverpool) [1.48 p.m.]: I inform the House of some of the activities that have taken place in my electorate during Education Week to which I had the pleasure of being invited. The theme of Education Week this year was "Teachers—The Heart of Learning". The broader issue is the central role of public education in our democratic society. It is not stated as often as it ought to be that the institution of free, secular education is an essential prerequisite to a democratic society. The alternative is a society in which only people who have money may be educated. That is antithetical to any democratic conception of society. For those reasons, amongst others, I am always delighted to participate in Education Week.

On Monday 9 September I attended a breakfast function organised by the Liverpool district office of the Department of Education and Training, a function that is traditionally held in Liverpool. The master of ceremonies was Larissa Treskin, who is the comparatively newly appointed district superintendent for the area. The guest speaker was Lyndsay Connors, who spoke eloquently and strongly in defence of public education. The function provided a good opportunity to declare and proclaim the importance of public education in our society. It also provided an opportunity to showcase the talents of some of the students in the Liverpool electorate. I refer particularly to a spectacular and eye-catching skipping display, using ultraviolet lights and all sorts of other things.

On Wednesday of that week I had the pleasure of attending Liverpool Girls High School to open the school's new fitness centre, which is a real tribute to the fundraising efforts of all those involved. The establishment of the centre involved the conversion of existing rooms. It is a very important concept. Not only are healthier people good for our society, in the sense that there are reduced health costs down the track, but it is also important for young women to be able to have alternatives to the totally unrealistic and absurd images we see on billboards and in various publications. I was delighted to be part of the event, which also highlighted Aboriginal cultural education awareness. A community meeting was held at the school following the opening of the fitness centre. The meeting was addressed by the school's principal, Kym Orman, the president of the parents and citizens association, Malcolm Fry, and the new SLC president, Victoria Martinez. Whilst I was at the school, Malcolm Fry and I had a useful discussion about the merits and great importance of comprehensive high schools, and about how selective high schools are not necessarily the solution to all the ills of society.

On Thursday evening of that week I attended the Miller Public School's annual school concert, which is also now a tradition in Liverpool. As usual, the concert was held in the hall at Ashcroft High School. This year's concert featured a presentation of *The Wizard of Aussie*, in which every student in the school performed. The mere fact that the school was able to include every student in the performance speaks volumes for those who organised the event; it cannot be an easy task to organise so many students in one performance. However, I must say it worked extraordinarily well. I understand that the principal organiser of the event was Natalie Mansour. I acknowledge the great contribution that Mark Myles, the principal of Miller Public School, has made to the school.

At the end of last year a tragic event occurred at the school when someone who had nothing whatsoever to do with the school decided to stage a hostage situation at the school. However, the school coped with it very well. Also present at Miller Public School's annual school concert were a number of people from the local community: Ross Neich, a former principal of Miller Public School but now the principal of Busby West school; Peter McSevery, from Miller Technology High School; John Norris, the principal of Ashcroft High School; Larissa Treskin, the district superintendent; and Richard Booth, the previous district superintendent, who is well regarded in the community. Highlights of the event included the performances of Cameron Compton, Chloe Nuttall, Millie Caamano, Allicia Bensley, Atefe Ameripour and Tiffany Bardin.

On Friday of that week I attended a multicultural day at James Busby High School, an event the school holds regularly. It is a great event to celebrate the multicultural diversity of the school. There were lots of different displays, including displays from the Lebanese community, the Fiji-Indian community and the traditional Anglo-Saxon community. The only regret about that function is that it had to be held in a large quadrangle, which resulted in everyone getting a little too hot. That is because the school needs a new hall, about which I have been making representations and will continue to do so.

COFFS HARBOUR ELECTORATE POLICING

Mr FRASER (Coffs Harbour) [1.54 p.m.]: Today is Police Remembrance Day. I note that many members of this House are today wearing a blue ribbon to remember not only the police officers who have been

killed over the years while performing their duties—which I believe totals 237 since the inception of the New South Wales police service—but also members of the Police Force who have been injured, as well as those who look after society's interests on a daily basis. I particularly commend the local area commander of the Coffs Harbour-Clarence patrol, Superintendent Peter Wadsworth. Superintendent Wadsworth is a man of great dedication. If you were to telephone his office at, say, 7 o'clock in the morning, it would be very rare that you would not be able to contact him. It would also be very rare for him to leave the office before 5 o'clock in the afternoon. Superintendent Wadsworth's dedication to the task, I believe, instills dedication in all the police officers who work under him. All the police officers at the police stations in my electorate—those at Dorrigo, Bellingen, Sawtell, Woolgoolga and Coramba—do a great job in protecting us.

A number of years ago two police officers were shot and killed when they attended a domestic violence dispute at South West Rocks. Incidents such as that remind us—especially me as the local member—of the dangerous situations police officers place themselves in every day of their lives. Every time they pull on a police uniform—and, as occurred in the case of Senior Constable Forsyth, in some cases when they are not in uniform but criminals recognise that they are police officers—those officers are in danger, whether it be from some lout who may decide to run them off the road or someone with criminal intent who is armed and wishes to commit a criminal act. We expect police officers to be there on our behalf 24 hours a day, seven days a week, 365 days a year. And they are there very willingly.

Statistics show that the Coffs Harbour-Clarence command has a far greater incidence of crime than the Kings Cross command, yet it has a much smaller number of police. Whilst those police officers are not permitted to complain publicly, I would suggest that the authorised police strength in the Coffs Harbour area is much less than we deserve. I am sure that if the authorised police strength were increased to an acceptable level, there would be less stress in the police community and also less stress in the community in general. The clear-up rate of the Coffs Harbour patrol is phenomenal; the officers do a tremendous job. There is a lot of criticism about police not being able to attend crime scenes within an acceptable time frame. However, because we do not have acceptable police numbers and the existing laws allow people to get away with a lot more than they used to be able to get away with, police officers are so busy that often they cannot get to crime scenes in the time frame they would like to. This creates angst in the community, who say police are not doing their job. However, when we look at the results two months down the track, we see that the clear-up rate is amazing, especially in the Coffs Harbour-Clarence patrol. I commend all police officers for the great job they do.

I also want to mention the highway patrol. Highway patrol officers are the ones we do not like to see, especially if we are driving over the speed limit. But they are the ones who have to attend horrific accidents, such as the accident that occurred this week on the North Coast and the one that occurred this morning at Curindi just north of Coffs Harbour. No-one was killed in that accident, but people were injured. Highway patrol officers are the ones who have to attend the scenes of such horrific accidents as quickly as they can. That must place enormous stress on those officers and their families. On behalf of all constituents in the Coffs Harbour electorate and on my behalf, I offer sincere thanks and congratulations to every serving police officer, both male and female.

Mr CRITTENDEN (Wyang—Parliamentary Secretary) [1.59 p.m.]: Like the honourable member for Coffs Harbour, this morning I heard the Commissioner of Police, Ken Moroney, say on Sally Loane's radio program on 2BL that he has two sons who are serving police officers. The commissioner made the point that he and his wife are always happy when their sons return home safely at the end of a shift. I am sure that would be the fear of every loved one of every police officer. That is why Police Remembrance Day is so important, as the honourable member for Coffs Harbour and other members have said.

The honourable member for Coffs Harbour raised several other issues regarding policing. He said that the laws these days allow people to get away with much more than they used to. The honourable member has been in this place since 1990 and knows full well that the Government has legislated very effectively over the past seven years to give police more power to deal with a range of incidents. It comes down to the sort of society in which we live. We must resurrect traditional Australian values, including the important notion of respect, in our community.

We must also devise ways—not just more law-making because that has been done—of making our society better. I guess that partly involves preparing people for the important role of parenting because I believe better parents will lead to better, more well-adjusted children. In turn, that might lead to a better, safer society in which respect is paramount. Parliament must not just remember the police, especially those who have fallen in the line of duty, but consider how we can make it safer for police officers today and in the future. That is precisely what the Government is doing.

SUTHERLAND SHIRE COUNCIL PUBLIC ACCOUNTABILITY**POLICE REMEMBRANCE DAY**

Mr KERR (Cronulla) [2.01 p.m.]: Sutherland Shire Council must inform fully and accurately residents in my electorate about matters of vital concern to them. The council is presently considering a housing strategy and I understand that it has marked a number of relevant documents confidential. In my view, the formulation of a people's local environment plan must involve full and active consultation and the release of documents into the public arena. That is absolutely essential. I call upon Sutherland Shire Council to make all the relevant documents available.

It is also extremely important that details of the council's finances are open and available, and these are supposedly included in the annual report of Sutherland Shire Council. So one can imagine my constituents' shock when they read Piers Akerman's column from last week's edition of the *Sunday Telegraph*, which mentioned the hundreds of thousands of dollars that the council has spent protesting against the Lucas Heights reactor, which conducts vital medical research. This expenditure was not mentioned in the council's annual report.

Some time ago I referred to an above-ground electrical control cabinet that has been placed in Rutherford Avenue, Cronulla. On that occasion I said that the council had advised me in a letter dated 5 June that the water board had not made a statutory notice of entry. The Minister then advised me by way of a question on notice that a statutory notice of entry had been made. Yesterday the Minister tabled a letter dated 25 September from the managing director of the water board that provides additional information about this matter. It states that the council received a formal notice of entry on 25 October 2001 and when no objection was made to that notice the water board proceeded. I am pleased to report that, as a result of my intervention, there will be consultation between the water board, residents and the council about this matter.

In view of today's important commemoration, Police Remembrance Day, I must commend the police in my electorate for their tremendous work, despite the fact that Cronulla police station does not have the facilities that one would expect of a front-line station. Police work under extremely difficult circumstances and no relief is in sight. I have noticed that the police station is having a paint job but, as people in Cronulla say, "We want police, not paint." Every day police officers put themselves on the line in the performance of their duties. They are technically on duty 24 hours a day—that is a meaningful statement—as they are subject to call-out. I served on a parliamentary committee to which that detail was confirmed. The circumstances leading to the death of several police have been publicised today. I am pleased that the *Daily Telegraph* has gone into bat on this issue and I observe that each honourable member in the Chamber is wearing a ribbon to commemorate this important occasion.

Private members' statements noted.

**The House adjourned at 2.06 p.m. until
Tuesday 22 October 2002 at 2.15 p.m.**
