

# LEGISLATIVE ASSEMBLY

Wednesday 20 November 2002

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**Mr Speaker (The Hon. John Henry Murray)** took the chair at 10 00 a.m.

**Mr Speaker** offered the Prayer.

## BUSINESS OF THE HOUSE

### Valedictory Speeches: Suspension of Standing and Sessional Orders

#### Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow members to make valedictory speeches of up to 15 minutes duration, with an extension available of five minutes, when there is no other business before the House.

## CIVIL LIABILITY AMENDMENT (PERSONAL RESPONSIBILITY) BILL

### In Committee

#### Consideration of the Legislative Council's amendments.

#### *Schedule of amendments referred to in message of 19 November*

- No. 1 Page 5, schedule 1 [1], proposed section 5D (2), lines 10-15. Omit all words on those lines. Insert instead:
- (2) In determining in an exceptional case, in accordance with established principles, whether negligence that cannot be established as a necessary condition of the occurrence of harm should be accepted as establishing factual causation, the court is to consider (amongst other relevant things) whether or not and why responsibility for the harm should be imposed on the negligent party.
- No. 2 Pages 11 and 12, schedule 1 [1], proposed section 5Q (1) and (2), line 26 on page 11 to line 3 on page 12. Omit all words on those lines. Insert instead:
- (1) The extent of liability in tort of a person (*the defendant*) for breach of a non-delegable duty to ensure that reasonable care is taken by a person in the carrying out of any work or task delegated or otherwise entrusted to the person by the defendant is to be determined as if the liability were the vicarious liability of the defendant for the negligence of the person in connection with the performance of the work or task.
- No. 3 Page 23, schedule 1 [5], proposed section 45. Insert after line 20:
- (2) This section does not operate:
    - (a) to create a duty of care in respect of a risk merely because a roads authority has actual knowledge of the risk, or
    - (b) to affect any standard of care that would otherwise be applicable in respect of a risk.
- No. 4 Page 34, schedule 2 [3], proposed section 3B. Insert after line 14:
- (c) civil liability relating to an award of personal injury damages (within the meaning of Part 2) where the injury or death concerned resulted from smoking or other use of tobacco products—the whole Act,

**Legislative Council amendments agreed to on motion by Mr Face.**

**Resolution reported from Committee and report adopted.**

**Message sent to the Legislative Council advising it of the resolution.**

### VALEDICTORY SPEECHES

**Mr R. H. L. SMITH** (Bega) [10.03 a.m.]: This is my final speech, my valedictory speech, to the New South Wales Parliament. Looking back, it seems quite incredible that 15 years have elapsed since I was first elected in March 1988 when there was a change of government in New South Wales. At that election we went from the Labor Unsworth Government, after Labor had been in power for 12 years, to the Greiner Coalition Government, with Wal Murray as the Deputy Premier and Leader of the National Party. There was elation on our side of the Parliament, not only for winning the seat of Bega in 1988 but also because there was a change of Government; it was quite electrifying. As many of the older people in this Parliament would remember, Bega was a new seat, created following a redistribution. Previously the area included portions of the then Monaro electorate, covering the Snowy Mountains, parts of the Monaro and from Bega to the Victorian border.

The other part included the South Coast electorate, which went from Bega to Batemans Bay. I am sure that many people in the Batemans Bay area would remember the boundary at Joe's Creek. John Akister was the Labor Member for Monaro and the then Minister for Corrective Services, and John Hatton was the Independent Labor Member for South Coast. The new Bega electorate at that time was a key seat, which Nick Greiner had to win if he was to form government in March 1988. There were some big issues at the time. One of them, central to my electorate, was the issue of the south-east forests. This was not only being debated hotly in my electorate, but the future of the timber industry as a whole was being debated throughout Australia.

The other significant issue, which is in the headlines again at the moment, was the firearms debate. After a nerve-racking election campaign, the Coalition comfortably won the electorate of Bega. There have been many major issues over these 15 years, most of which I am proud to say were successfully resolved. Others, unfortunately, we are still fighting for in an ever-changing world. Some of the proudest achievements in my 15 years of office are the major upgrades of the health and hospital system, particularly during the seven years of the Coalition Government. In that time we practically rebuilt the hospitals at Moruya and Batemans Bay, expanding and refurbishing almost every section.

I vividly recall attending a meeting in Batemans Bay regarding that upgrade, and I am sure local residents will recall that standing-room-only meeting. It was quite a shock for me to go into this meeting, having virtually been given the go-ahead for a multimillion-dollar upgrade of the hospitals. As a young member of Parliament, I was trying to work out why I seemed to be so off side with the crowd when we were going to upgrade their hospitals. But, of course, it was a matter of who got how much, and Batemans Bay were simply making sure that it got its fair share. Bega hospital also had extremely run-down operating theatres, yet we were able to have those upgraded so that they could undertake even orthopaedic surgery. This was possible because Dr Robert Hartemink and his group were able to perform operations in the new day theatre, allowing the work to proceed at Bega hospital.

Education has been greatly improved, particularly with capital works funding over the 15-year period. We had new schools at Broulee and Bodalla, major upgrades of Ulladulla and Moruya public schools, and Narooma High School was rebuilt after being almost completely destroyed by fire. The Narooma High School had new classrooms, also to replace those damaged by fire. Tathra Public School had a major upgrade, and within the former boundaries of my electorate, Eden High School and Braidwood Central School were substantially improved. We are now looking forward to approved upgrades taking place at Merimbula Public School and Bega High School. Moruya High School finally gained a long-awaited and hard-fought-for multipurpose hall. I vividly recall the excitement when the Minister of the day, Virginia Chadwick, announced that it would go ahead. Moruya and Ulladulla got new TAFE colleges, and Bega's TAFE college was substantially improved.

Many other capital works projects were undertaken during the period. Some that come to mind are new police stations at Batemans Bay and Ulladulla, relocation of the Bega police station to the former Roads and Traffic Authority [RTA] building, a wonderful new courthouse at Bega, the Batemans Bay marina and boat-launching ramp at Kianningy. Road funding has always been a priority with me, and I was very proud in the Coalition period of government to have a series of major road improvement projects, particularly along the Princes Highway and the Kings Highway between Batemans Bay and Canberra. Some of the major works that were done during the 15 years were a bypass of Merimbula, Yellow Pinch between Bega and Merimbula, McLeods Hill between Bega and Narooma, Tilba bypass, a new bridge at Trunketabella, and Higgins Bridge between Batemans Bay and Ulladulla. Also at this time the 3 x 3 road funding scheme was introduced, which gave a tremendous shot in the arm to road funding generally throughout New South Wales. It is disappointing that the present Government has abandoned this program, even though it still receives the taxes.

By 1988 the Kings Highway had been totally neglected, even though Batemans Bay was Canberra's playground and had tremendous traffic from that area, particularly at holiday times. The previous Coalition Government spent around \$4 million on basic improvements for this vital link road. On the subject of roads, I recall the arguments for and against which of the two main roads in the Bega valley, Main Road 91 between Pambula and Bombala or Main Road 272 between Bermagui and Tathra, would get precedence and be sealed first. Main Road 91 is now sealed all the way and Main Road 272 has only some five kilometres to go. There is still much to do in this area and improvements will never be complete, but I am proud of what we have achieved. One of the major debates for almost the entire 15 years I have been in Parliament—it continues to this day—is the allocation of resources, which affects almost every industry on the far South Coast, whether it be fishing, the timber industry, farming and grazing or tourism.

Without a crystal ball it is hard to see many of these issues being resolved in any permanent way, as there will always be changing aims and objectives with regard to the assessments of different resources. For example, in the timber industry there has been a trade-off of 20 years security against a reduced availability of resource through the regional forest assessment process. The fishing industry is under tremendous pressure to reduce its catch in many fisheries. There are also closures in the river and coastal estuaries and buyout schemes which are particularly unpopular with professional fishers. In the coastal towns there are continual restrictions on the availability of suitably zoned land for the ever-growing population. The then administrator of Bega Valley Shire Council recently stated that Merimbula had virtually no land available for expansion of the town. Most people were amazed to hear this as it had always been assumed that we would be able to continue to accommodate the increase in population for many years as people discover the far South Coast. Of course there is land available, but for one reason or another it is excluded from development because of the prevailing philosophy of the present Government.

Over the past four years I have seen a serious decline in basic medical services in my electorate. Of the many such issues that affect constituents, I receive the most calls about dental health. The public dental health clinics at Moruya and Pambula did not have full-time dentists, and the school mobile dental van has been off the road since December 2000. This means that we not only have hundreds of people suffering severe pain while on long waiting lists, but children are left without preventive therapy. The last major injection of funds into dental health was to install a computer system to assess and prioritise people. Only two weeks ago the Southern Area Health Service informed my office that "pain is not a priority". I think the Southern Area Health Service should reconsider its priorities.

Another area of major concern at the moment is the crisis facing the insurance industry almost right across the board. Although many people are working on a solution, and legislation has been passed recently in both the New South Wales and Federal parliaments, I do not believe by any stretch of the imagination that the problem has been resolved. Public liability is of great concern to all sections of our community, from non-profit community organisations through to business, both big and small. We have the continuing debacle where the Government continues to sit on its hands over the home warranty scheme. Many builders are experiencing great difficulty in getting this insurance, which is a statutory requirement for them to carry out their legitimate business.

In many industries workers compensation premiums are exorbitant and almost unaffordable. Some industries, such as forestry and farming and grazing, are inherently dangerous industries, so they attract high rates. To give an example, a sheep shearing contractor today must pay 22 per cent of wages for workers compensation insurance. I should like to spend a little time talking about the farming and grazing industries, which are in particularly dire straits. I shall broaden the horizons a bit to speak generally about the problems facing these industries, which are not confined to my electorate. There has been a myriad of legislation in recent years which farmers must abide by and which dramatically curtail their opportunity to carry out their legitimate right to farm or graze.

One of these pieces of legislation, the Native Vegetation Conservation Act, severely restricts the opportunities for farmers to get the full potential out of their freehold land. At the best of times, farming and grazing is an extremely low return industry, and at present farmers feel that everybody bar them is having a major say in how they should operate their freehold land. An example of this is the make-up of the regional native vegetation committee, which has little industry representation. Because of this imbalance, most native vegetation plans are in limbo. The Native Vegetation Conservation Act provides that land with a high native grass content cannot be ploughed. However, it has always been regarded as good farming practice to improve pastures to ensure the production of increased quality and quantity of stock and grain. For example, if a farmer wishes to put improved pasture into a paddock with native grass he must make an application to the Department of Land and Water Conservation to do what is simply good farm management practice. [*Extension of time agreed to.*]

Similarly, if he wished to buy the rundown paddock next door with potential for pasture improvement, he may be prevented from doing so. I shall put this into context for the non-farming community. Imagine a business entrepreneur seeing an opportunity to buy a rundown building in an ideal location in which to expand his building, only to be advised that he cannot carry out any renovation works due to the discovery of an endangered cockroach or nesting birds in the vicinity. I believe that in the next few years decisions by Sydney-based politicians will require farmers to fence off rivers and streams. Who will look after the area of no man's land between the fences? Who will keep down the weeds and feral animals? I am sure that it will not be the Government. As this is where the river flats and regular floods occur, who will erect and pay for the fences that are continually washed away?

We now have limits on how much water farmers can store on their farms, and environmental flows are being put back into rivers. Farmers now pay for this luxury. It was interesting the other day when I suggested to a city member of Parliament that we should let some water out of Warragamba Dam to clean up the Hawkesbury River. His horrified comment was, "But that's Sydney's drinking water". Many of these dams and resources are farmers' drinking water. If we are to continue with these idealistic environmental objectives, the community as a whole must take responsibility. We already have a decreasing population in country areas, particularly west of the ranges. If something is not done to maintain people in these more remote areas, it will cost this State and country dearly.

In the 1940s and 1950s we paid people to go into country areas through tax incentives, providing phone and power, and I can foresee a time when we will have to resort to such drastic measures again due to the short-sighted, city-centric policies I mentioned earlier. I could go on with this and other topics for much longer, but we should recognise that we have a great State and a great country. To keep it that way, we need to preserve and protect what we have but also appreciate the realities of trying to make a living off the land. We must retain the ability to have a thriving agricultural industry.

Finally, I thank the many people of the Bega electorate who have been of assistance and help to me over 15 years. In particular, I thank my wife, Lesley, for the exceptional effort she has put into helping not only me but also people generally within the community. I also thank the three electorate staff I have had since I was elected. They have done an exceptional job in what at times have been intimidating and harrowing circumstances. I am proud that my office manager Maxine James, who is present in the gallery, has been with me since I was elected, and that Sue Whyman was with me for 13 years since my election. Lori Hammerton, who replaced Sue, has been with me for the past two years. They are not only excellent employees but also close family friends.

I also thank the New South Wales Division of the Liberal Party for giving me the opportunity to represent the electorate of Bega in the New South Wales Parliament for the past 15 years. Half of that time has been in government and half in opposition—one would have to say that I have had a very balanced political career. I take this opportunity to thank the many people within Parliament who have assisted me or who have assisted in making sure that the Parliament as a whole runs smoothly. On a finishing note, although I will be retiring from politics I certainly will not be retiring completely. Initially I will go back to my previous occupation of farming. I will always continue to be involved in my community and I look forward to future visits to this Parliament as a past member. I wish all members who are retiring all the best for their retirement and future. To all those members who are remaining and representing their communities in this Parliament, I wish them good fortune at the next election.

**Mr MOSS** (Canterbury—Parliamentary Secretary) [10.21 a.m.]: This is possibly the last time that I will be speaking in this House and naturally I want to thank a number of individuals and groups who have assisted me throughout my political career. I say that this is "possibly" the last time because on 22 March next year I will resign as a public office representative, but I stress that I am resigning, not retiring. While I do not know what the future holds for me, I certainly do not intend to retire. On my resignation from Parliament I will have clocked up more than 30 continuous years as a public office holder. Of those years, 17 have been spent in this Parliament and the remaining in local government. For a 20-month period I had the good honour of serving as both the Mayor of Canterbury and the member for Canterbury, at the one time. After 10 campaigns running as a member of the Legislative Assembly on five occasions, as mayor on two occasions, and as a councillor on three occasions, it is time for me to move on.

I have regarded my role as a member of this Parliament as productive and fulfilling most of the time but not always enjoyable. There have been some grim times, there have been some black moments. One event that affected all of us in this Parliament at the time was undoubtedly when our colleague John Newman was

murdered. At that time we all felt extremely vulnerable, because John Newman lost his life for one main reason: he was a politician. The sad times must be balanced against the good times and joyous times. Undoubtedly one such good time that stands out in my mind was the election of the Carr Labor Government in 1995 when, after being in the wilderness for seven years, the Labor Party came back into office.

I came into this Parliament on 1 February 1986 in a by-election. I was elected on my fortieth birthday. In my maiden speech I said that being elected to Parliament on one's fortieth birthday sure softened the blow of turning 40. That by-election was interesting in that it marked the beginning of the end of Labor's long term of office, which had lasted more than 12 years. I was very proud to have been a member of this Parliament within that term and very proud that I had the good fortune to serve with Neville Wran, who led Labor to victory in four State elections. I was a member of this Parliament with Neville as Premier for the last six months of his term. I spent the next 20 months as a member of the Unsworth Government, which was voted out of office in 1988. I feel that we were defeated not on gun issues, but because in 1988 Labor was the victim of the time.

During my time in Parliament I have contributed in a number of debates on a variety of legislation and other issues. I consider the overwhelming majority of members with whom I have debated, both Government and Opposition members, past and present, to be extremely decent and extremely caring people. Most politicians with whom I have had the pleasure to work possess a real passion for what they believe in. We all know that politicians are not society's most favoured citizens, but, and I might be accused of being biased, I feel that if society were judged generally, members of the Legislative Assembly in the New South Wales Parliament would have to rate high because of their integrity and commitment.

I thank all people in this building who have supported me. Within the Parliament there are many units, and I have had a good rapport with all of them. I single out and thank Russell Grove and all his staff members in the Legislative Assembly for the invaluable assistance they have given me over the years. I give a big thank you to the Hansard staff, who are tremendous. Hansard reporters are more than expert stenographers, they have the great skill of always reporting accurately what we say but at the same time making us sound far more eloquent than we really are.

I single out two parliamentary colleagues for recognition, one former member and one present member. They are Brian Langton and Carl Scully, both of whom I have had the good fortune to work with over the past eight years as Parliamentary Secretary. I particularly enjoyed my role as Parliamentary Secretary, because of the fantastic co-operation and support I have received from both Brian and Carl and their staff, who are second to none. In fact, I regard Carl Scully's current staff members as the team who are, in Tina Turner terms, simply the best.

My secretarial staff deserve a lot of accolades. I refer, first, to Claudia Harrop, who has not been with me for long. Claudia has assisted me in my role as Parliamentary Secretary and has managed to fit in so well with my other staff members. Claudia, who comes from the public service, is an absolute expert at getting through to departments and individuals in the public service. I am grateful for that, because sometimes individuals are difficult to contact. I thank Claudia for all that she has done for me over the past few months.

I thank my electorate secretaries. My electorate assistant is Janice Dufficy, whom a number of members of this Parliament would know. Over the years Janice has worked for a number of members of Parliament. Janice is always willing to share her knowledge, of which she has a lot. I am indebted to Janice for her help over the years. I admire Janice particularly for her tremendous energy, she is a ball of energy and she never stops. I also thank Maria Acuna, my main secretary. However, I do not know what I can say of someone who has been with me for 14 years, she came to me virtually out of school. I do not know of anyone in the world who is more obliging than Maria. Both my electorate secretaries have families and, for that reason, they have all worries and cares that come with being mothers. But when they come to work for me one would think that I was the only person in the world. I thank them for putting up with me over the years, particularly with my mood swings. I particularly thank them for their loyalty and cheerfulness at all times.

I came into Parliament in 1986, when Labor was on the verge of decline. In 1988 we hit an all-time low. In the 1988 election the Canterbury electorate, like many Labor electorates, went to preferences. Since that time the Labor vote in Canterbury has clawed its way back and despite the Canterbury electorate picking up some conservative areas it is now one of the safest Labor seats in the State. There are many reasons for that, but I like to think I can claim some credit. I am well aware that I have held the seat as a Labor candidate. One does not win in Canterbury without running under the ALP banner. That has not been hard for me because I have had a deep and lifelong commitment to the ALP and what it stands for. I place on record my gratitude to the

hundreds of ALP members who, over the years, have shown great faith in me by supporting me in selection ballots and working for me in a number of campaigns.

Naturally I thank the people who voted for me. Over 30-odd years in public office I have covered a lot of territory. When I was mayor, the Canterbury municipality ran from Dulwich Hill to Narwee. Over the years the electorate has taken in sections of the municipalities of Bankstown and Strathfield, as well as falling within the Canterbury council area. Today the electorate falls within the local government areas of Canterbury, Ashfield, Burwood and Marrickville. I have always represented the suburbs of Hurlstone Park, Canterbury, Campsie and Belfield—as an alderman, as mayor and as a member of Parliament. For 30 years people in those suburbs have voted for me. I am extremely indebted to those people. It is humbling that people have given me that sort of support for 30 years.

I am sending out to my constituents a letter in which I mention that over the years a number of problems have been solved and many projects have eventuated with positive results for the area. I say in the letter that I am grateful to have played a role in achieving those outcomes. I can mention many outcomes but two of the most notable have to be the new Canterbury Hospital and the soon-to-be-opened redeveloped Campsie railway station. As a seventh generation resident of Canterbury I do not intend to move. I say in my letter that the residents can be assured of my continued interest and support in the years ahead. [*Extension of time agreed to.*]

When I retire, Labor's claim on the Canterbury electorate will not change but the nature of its representative will. I am a male Australian, descended from convicts. I have some fairly strong Irish connections. I am being replaced by a female Aboriginal Australian. I wish Linda Burnie every success as the next member for Canterbury. If she enjoys representing the area half as much as I have, I am sure she will be fulfilled. I once saw a little anecdote on a desk calendar that read:

A little rule, a little sway,  
A sunbeam on a winter's day,  
Is all we have really  
Between the cradle and the grave.

I can relate to that. I think we all can. It is saying that no matter what we achieve, in historical terms it is minute and brief. The time I have spent in this Parliament seems just like a sunbeam on a winter's day. However, I am keenly aware of the honour of having served for 30 years in public office. That is a long time. I thank God for the opportunity to be able to serve. I am for ever in debt to all those people who, in so many ways, have supported me throughout my political journey.

**Mrs LO PO' (Penrith)** [10.35 a.m.]: I take this opportunity to take my leave from Parliament. I have had the good fortune to have spent eight of my 12 years in government and seven of those as a Minister. For someone who was already a senior citizen when elected in 1991, this is not only remarkable fortune but an honour and privilege. I have spent my parliamentary life pretending I was 39. It is now time to confess that I am not. My public life covers 18 years in local government and 12 years in State Parliament. Some people believe that learning is a lifelong process. I have learnt many things—about people, bureaucracies and government. Here are a few of the lessons I have learnt.

Lesson one is that politicians, in the main, are extremely hard-working and caring. Conventional wisdom, alive and well in the community, would refute that premise. I have witnessed many acts that would be considered to be above and beyond the call of duty. Politicians have not only given moral support to their constituents but have also provided them with physical resources. People who believe that members of Parliament are self-serving and grasping would be surprised at the amount of caring that passes between MPs and their more disadvantaged constituents.

The second lesson is that communities rarely ever make mistakes in their choice of politicians, provided that they are given all the information needed to make a proper decision. I have the greatest respect for the community of Penrith, who have supported me for the past 12 years. This community weighs up the issues and votes accordingly. I am not saying this because Penrith is a Labor-entrenched seat—it is not. When I was elected in 1991 the seat was held by a Liberal. Our current Federal member is also a Liberal. Voting Labor is not a natural trend. On the contrary, the Penrith community looks at the values to be gained by its people and votes accordingly. Bob Carr has demonstrated to the people of Penrith that their lifestyle is enhanced and stable under his leadership, and thankfully for the past 12 years they have acted accordingly.

The next lesson is a lesson for life and one of the most important. Electorates want their representatives to be successful. However, if representatives fail having given it their best shot, voters will still support them,

but representatives will never be forgiven for not trying. The moral of this lesson is that if you are not fair dinkum you will not succeed. I would like to list some of the achievements that have occurred in my electorate in my term of office. They are proud achievements. They include five school halls; several sets of traffic lights, particularly one that now saves lives at the junction of the M4 and the Northern Road; an oncology unit at Nepean Hospital; a dialysis machine at Governor Phillip Special Hospital; stage two of the Nepean Hospital redevelopment; a mothers and babies unit and a maternity ward; \$8 million improvements at Penrith railway station; an MRI scanner service; \$6 million work at Penrith whitewater stadium; \$6.4 at the Joan Sutherland Performing Arts Centre; the widening of the Northern Road; the widening of Castlereagh Road; and a \$30 million expansion of the Penrith sewage treatment plant. The quality of Penrith water is par excellence.

A Japanese company that was looking for a place to establish a sake factory needed a location where the water was pure. Apparently, if there is too much iron in the water it turns the sake sour. There are many places in New South Wales to establish a sake factory but that company chose to establish its factory in Penrith. I praise the Government for the quality of the water in the Penrith electorate. During my seven years in the ministry I held six portfolios—Fair Trading, Women, Community Services, Disability Services, Ageing Services, and Juvenile Justice. Ministers change legislation constantly, but some pieces of legislation have more impact than others.

I believe that the permanency planning amendments to the Child Care and Protection Act 1988 will have long-term benefits for many children. I now confess that that legislation did not go as far as I would have liked it to go. I believe that children who are living with abusive parents now need more speedy protection. Sadly, a great body of thought in this State gives enormous sympathy to the rights of parents. In time to come there will be such an increase in the number of abused children that the permanency planning issue will have to be revisited and abusive parents will be time limited. In other words, they will have to sort out their violent activities and change their parenting methods within a period of 12 to 15 months, or they will lose their children.

Given the fact that we are regularly seeing children being abused, there will be a move towards giving parents a shorter string and telling them that they have to sort out their violent activities, or they will lose their children. Many children will be able to be removed from the foster care circuit and placed in a stable, permanent and caring relationship. In some cases that might mean adoption, which is another problem for some groups in the community. I say to my former Cabinet colleagues—and I am pleased to see Andrew Refshauge in the Chamber—"Best wishes and thanks." At no time did any of them falter in affording children more resources and improved legislation to make their lives better. Carmel Tebbutt is a compassionate young Minister who I believe is doing, and will continue to do, a fabulous job.

When members of Parliament announce that they are going to retire, people want to know what they are going to do. There are usually three general responses: a new career—and I again remind honourable members that I am no longer 39—spending more time with the family, and travelling. It is my intention to engage in the latter two of those three pursuits. I intend to spend more time with my long-suffering husband of 46 years. I am told that one does not get that for murder. We want to travel to Sicily and we want to see those parts of Australia that we have not seen. That is very much on the cards. Some of Sam's family still live in Sicily and visits there are traditionally family reunions. As attractive as Sicilian summers are, Sam is always grateful that he migrated to Australia when he did. Migrant life in the 1950s was hard. To repay his godfather's hospitality Sam cut cane in north Queensland for several years. Early migrants came to Australia with a strong work ethic—to learn the language, to work hard and to make their families secure. Making our family secure, however, led to most of us living next door to each other.

My mother Margaret McIntyre, my younger daughter Simonetta, my older daughter Palmina, her husband Paul and my adored grandchildren Mason Grady, who is aged 10, Callan Grady who is aged seven, and Sienna Grady who is aged 5, and Sam and I live next door to each other in four different houses with either shared yards or gates in the fences. For the last four years I have escaped my fair share of babysitting and I now have to catch up. No member of Parliament is ever successful without the support of outstanding staff. I would like to thank them and I extend to them my undying gratitude. Jody Small, who has been with me for 12 years, Lois Fisher, Jenny Fletcher, Djerki Toorneman and Lorraine Sheehy in my electorate office are the most caring and efficient women that any member of Parliament could have. Their attention to the people of Penrith made me look good.

I owe a great deal of gratitude to other local identities. Pat Shiehy, who is known to the honourable member for Blacktown, is the best campaign director. Members of the State Electoral Commission, in particular, Shirley Konze and Karen McKewon, and members of five Australian Labor Party branches worked hard in hot

or wet conditions simply because they believed in the Labor cause. I owe a debt of gratitude also to Colin Fisher, a generous worker and good friend, Harry Toorneman, who helped me on my first campaign, the Hon. Ross Free, who was always available for advice and assistance, Ron Mulock, my former boss, Peter Anderson, the former member for Penrith, and his late mother the Hon. Kath Anderson. In general, those people are the backbone of the Labor Party in Penrith and I owe them a debt of gratitude.

I actually hold the view that while Ministers and members of Parliament get a lot of accolades, the people who stand behind them and do the real work never get mentioned. For that reason, I want to read into *Hansard* a list of the people who worked with me when I was Minister. The former ministerial staffers to whom I owe a debt of gratitude are: Amanda Graham, Mark Greenhill, Sue Lenne, Marilyn Hoey, Noelene Edson, Francoise Bouton, Kerry Fanker, Judy Mannering, Lara Lloyd, Jeff Lewis, Alan Collins, Mary-Anne Armstrong, Claire Stanley, Anita Westra, Rebecca Magoffin, Paul Gaynor, Alyson Wills, Warwick Neilly, Julie Del Vecchio, Adam Walters, Ross Neilson, Robyn Henderson and Beryl Stevens. For the benefit of Opposition members those people did not all work with me at one time. I do not want an Independent Commission Against Corruption inquiry into former staff members. I owe those staff members a great debt of gratitude. I could not have functioned without them. They are great people and I miss their company.

My gratitude goes also to Margaret Allison and Carmel Niland—two women who did fantastic jobs in complicated portfolios and who made a difference to the lives of many disadvantaged adults and traumatised children. My thanks go to Paul Whelan and to George Thompson—the expert mechanics who kept this machine in perfect order. My thanks go also to my Labor colleagues for their support. One thing separates Labor Party members from Liberal Party members. Labor Party members are creatures of caucus. They are not given a portfolio by their leader; they are elected by their peers. If Ministers were honest they would have to say from time to time that the people who elect them probably could do a better job than they do. We do not normally say that openly, but I am saying it now. We have a great deal of talent in our caucus. I am grateful to them for elevating me to the ministry at their expense. I wish them well in the forthcoming election.

Mr Speaker, you have the patience of a saint and the wisdom of Solomon. I hope that my retiring colleagues live long and healthy lives. My respectful thanks go to the officers of the Parliament and to Russell Grove and his troops who are fountains of knowledge and efficiency. Hansard staff extend themselves above and beyond the call of duty. I do not know how they are able to make members of Parliament sound so good. They are skilled artists and performers. I extend cordial wishes to Opposition members. I am really sorry about the fact that I cannot wish them well in the forthcoming election. I just wish them a happy Christmas. I say to Bob Carr and to Andrew Refshauge: May the votes be with you.

## **WORKERS COMPENSATION LEGISLATION AMENDMENT BILL**

### **Second Reading**

#### **Debate resumed from 14 November.**

**Mr HARTCHER** (Gosford) [10.48 a.m.]: Workers compensation legislation used to be a simple Act of Parliament that was in place for many years and served the State well. In the last four years of this Government no piece of legislation has been as amended or revised as much as the workers compensation legislation. Despite constant revision and tinkering and despite the fact that new legislation has been introduced during every parliamentary session, the Workers Compensation Fund is spiralling into deficit, we still have the great black hole of unfunded liability and, tragically, workers are losing out on their rights to obtain fair compensation if they are injured in the workplace.

Every member of this House will recall the magnificent scene that took place in the Domain only six weeks ago when the Minister in charge of workers compensation, the Hon. John Della Bosca, called a press conference to announce the recent increase in the fund's liability. He misstated the figure as \$50 million but it was uncovered by a staffer in the office of the Leader of the Opposition in the Legislative Council, Ms Suzanne Fosbery, that the figure was in fact \$250 million. When that was put to the Minister out in the Domain he stood there speechless, unable to answer the question, unable to acknowledge that the \$250 million deficit was in fact the correct, and spiralling, figure. He was caught out in an embarrassing way. Yet that catch-out was to be replicated four hours later. He had four hours to get himself around what he was supposed to know at the original press conference, but when he was interviewed on ABC radio by Jean Kennedy he was caught out yet again. As he fumbled through he had to tell Jean Kennedy that he did not really know what he was talking about. On the 7.30 *Report* later that week the television and radio interviews were repeated—what passed for interviews with a Minister who was unable even to be aware of the spiralling deficit of his workers compensation fund.



The fund has lost another \$250 million in the last six months. So much for the amendments that were pushed through the House last year! So much for the constant stream—almost an avalanche—of amendments, correcting legislation and remedial legislation over the past 18 months! The Government does not know how to manage workers compensation. After it decided to move the WorkCover office to Gosford, in a gross discourtesy to the people of Gosford it did not invite the member for Gosford to the opening of the building. It is typical of the way the Minister has run his portfolio and of the way the Government has run WorkCover. There has been a revolving door situation with general managers. One wonders who the next general manager will be. There have been four general managers in the last five years. Each has been unable to bring the spiralling deficit under control, and each has made a sorry departure from the great black hole.

The only consistency has been the tenure of the Minister, who took over from the Hon. Jeff Shaw. In those television and radio interviews he demonstrated that he has simply no command or understanding of the problem. He cannot even get the basic arithmetic right. It is little wonder that such a discourteous, rude and impolite Minister is an incompetent Minister. The people of New South Wales can be but amazed that the Hon. John Della Bosca should still be in charge of WorkCover. The House is now dealing with the latest series of amendments, which are contained in the Workers Compensation Legislation Amendment Bill. It was introduced at 5.45 p.m. last Thursday. The second reading speech was delivered not by the Minister who normally represents the Hon. John Della Bosca in this House, the Hon. Kim Yeadon, but by Parliamentary Secretary Ms Reba Meagher. This bill, introduced on Thursday afternoon after most members had gone home, is extremely interesting. It is destructive of the entire subcontracting industry in New South Wales.

Schedule 2 groups all the subcontractors and compels the head contractor to accept responsibility for workers compensation. To make it clear that this is going to have a dramatic impact on the building industry—the building industry will really be torn apart by this legislation—a provision in the bill specifies as follows. It is a gem clause. Only Labor governments can boast of such clauses. The Parliamentary Counsel must have been amazed when he was writing new section 175B (13), which states:

To avoid doubt, this section extends to a principal contractor who is the owner or occupier of a building for the carrying out of work in connection with the building so long as the building is owned or occupied by the principal contractor in connection with a business undertaking of the principal contractor.

In other words, every building site—be it a cottage, be it a garage, be it building work on a person's own home, because he is the owner or occupier of the home, be it a huge multistorey home unit building, be it a factory building—is caught by this provision. To avoid doubt, that wording is inserted there. Under the Act a person will be required, as the head contractor, whether as a homeowner or someone putting up a 1,000 unit development, to accept responsibility for the workers compensation insurance of all the subcontractors. Members opposite might think that this is just a kick at the building industry and at building development companies. But that provision will affect every building owner in New South Wales who is "the owner or occupier of a building" so long as there is work being carried on in connection with the building. So if I call a plumber to my home I am responsible for ensuring that the plumber and any workers employed by him are covered by workers compensation insurance. I am the person employing the workers and it is aggregated to me. Workers compensation can be paid quarterly, and if the work is carried on for some time I would be responsible for obtaining all written statements and all the requirements.

No provision in the bill exempts homeowners. No provision exempts someone carrying on work on their own home. This is the typical result of rushed legislation. I invite the Minister in reply to give an assurance that this provision will not catch every person doing work in his or her home and engaging a subcontractor who may have employees. If the plumber that one employs has an apprentice one will be caught by this provision. But the effect of that provision will go right through the building industry in this State and wreak havoc. In Committee I will move to omit all words in schedule 2. We have not had the chance to properly study every detail of the legislation or to consult. We were not shown the bill before it was introduced late last Thursday afternoon. After we have further studied the bill, amendments to be moved in the Legislative Council may be more precise and targeted, but at this time the Coalition foreshadows its intention to reject the wide wording and sloppy approach especially in relation to building sites, and will vote against schedule 2.

At this stage we are saying, "You do not solve the problem of the workers compensation fund simply by forcing everybody to pay more." That is what this legislation is designed to do: hit the building industry particularly hard by making head contractors responsible for the liabilities of subcontractors, based on the hypothesis that some subcontractors are not paying their full workers compensation premiums. The Government's solution is to hit someone else. The Government could easily employ inspectors to enforce its laws, but it chooses instead to make someone else pay—if they cannot get it from X, they force Y to pay more

because Y—in this case, the head contractor—is the more convenient target. Why are more inspectors not employed? Why is more action not taken to combat fraud?

Fraud is endemic throughout the workers compensation system. The Federal parliamentary inquiry has received submissions from major insurers about the level of workers compensation fraud, which totals hundreds of millions of dollars. Yet under this scheme, which is administered so ineptly by the Minister and his continually changing general managers, only three inspectors are employed to investigate fraud worth hundreds of millions of dollars. The Government is prepared to give \$10 million over two years to trade unions to "educate" people about workers compensation when \$5 million would employ about 50 inspectors, at \$100,000 a year, to ensure compliance and prevent fraud.

The Government has had opportunity after opportunity to address the real issues of fraudulent claims and the understatement of wages by some subcontractors, but it has responded by passing the buck and handing the responsibility to the head contractor. That is not good enough. The Coalition does not accept that approach and I assure honourable members that we will maintain our position in this place and in the Legislative Council, where Coalition members will examine the bill in greater detail and with greater precision.

The bill deals also with changes to cross-border arrangements. We have considered the matter for only a short time and at this stage we have no problems with it. However, if there are grounds for objection following consultation, we will raise the relevant issues in another place. The bill also makes changes to sporting insurance. Once again, although we do not object to that provision now we reserve the right to change our position later. However, we object strongly to the mass cost imposition that will result from the transfer of financial responsibility from subcontractors to head contractors, especially in view of the implications that will have for the building industry in New South Wales. In respect of these grouping provisions the Australian Industry Group pointed out:

Any move to restructure the legislative grouping arrangements should only be contemplated in the following circumstances:

- \* The change is announced during a period when there is unambiguous evidence that workers compensation costs are coming down in NSW and will be reflected in a lower average premium rate prior to the introduction of new grouping arrangements; and
- \* There is adequate notice of change. We are of the view at least one full financial year after the first condition is satisfied would be required.

The Australian Industry Group believes that before contemplating a change such as this the Government should at least ensure that workers compensation costs are falling. In fact, the exact opposite is true at present. The Minister recently announced a \$250 million loss in the past six months, which will continue to grow. The Minister attempted to mask that loss with his honeyed words about income covering outgoing costs for the first time. We do not believe that; we do not believe that the Minister knows what he is talking about on this, or any other, issue. We wait to be convinced. The evidence speaks for itself: unfunded liability has continued to rise and has reached about \$2.8 billion under this Government. If ever there were an indictment of financial incompetence or an example of how not to run a government fund, it can be found in this Government's management of the WorkCover fund, which has a \$2.8 billion deficit in unfunded liabilities.

The Australian Industry Group also calls for adequate notice of any change. What is adequate notice? Presumably this bill was referred to the Workers Compensation Advisory Council—one does not know, as that is not made clear. If it was, what attempt has been made to advise employers and all head contractors in the building industry about the implications and flow-on effects of complying with these new amendments? The bill uses the delightful terminology "compliance amendments", which assumes that contractors are not complying at present. The head contractors are complying already but certain subcontractors may not be.

The Government has produced no evidence as to the extent of subcontractors' alleged non-compliance, but it is implied that head contractors will now be forced to comply. They have been complying and now they will assume the compliance responsibility of others. The responsibility should lie with the fund to maintain an adequate system of inspection to detect fraudulent workers compensation claims and the understatement of wages by subcontractors, if that is the problem. I could continue to detail the injustice of the present scheme and the fact that workers are being denied their rights.

I am amazed by the supine compliance of Government members, who come into this place and pretend to stand up for the workers of this State while endorsing legislative change after legislative change to workers compensation that diminish the rights of injured workers. Every one of those changes has eroded the rights of

injured workers in this State and reduced their entitlement to benefits. Yet Labor members have voted again and again in support of such legislation. We have distributed literature in the community stating that Labor members support the 13 sentencing excuses through which criminals can avoid the consequences of their actions, and we will also distribute literature pointing out how Labor members of Parliament have voted to reduce workers' rights.

Let the workers of this State understand that the Labor Party has taken away the rights of injured workers. The Labor Party cheerfully serves up appalling legislation such as this, which is designed to wreck the building industry. It gives no benefits to injured workers and does not mention their rehabilitation. Where is the good legislation that will establish an effective rehabilitation program, rather than simply words on paper? The Government's response is to transfer the responsibility to employers and to make them set up rehabilitation schemes and employ rehabilitation officers. WorkCover will give them no instruction, assistance or funding.

Where is the compliance system that will return the hundreds of millions of dollars that is lost in fraud and passed on to employers in premium costs? A major disincentive to employment in this State is the on-cost of workers compensation insurance. The Minister for Small Business, who is at the table, loves to talk about all sorts of issues but I have never heard her say how the cost of workers compensation premiums is driving business out of New South Wales. She has never had the integrity to acknowledge that in the House. The Minister does not admit that workers compensation premiums are far too high—22 per cent for a shearing contractor and something like 15 per cent for a worker in an abattoir—and are driving businesses out of New South Wales. This legislation affects the low paid low-skilled industries that the Australian Labor Party used to pretend to be the champion of.

The Opposition rejects the compliance requirements imposed in this legislation. We predict that there will be more changes to workers compensation legislation if this Government were to remain in office after March 2003. There will be more legislation and less attention to proper management because that is the way this Government has handled WorkCover. The Government introduces more legislation if it has a problem, whereas the real issue is the mismanagement of the Workers Compensation Fund. A poor level of leadership is shown by the revolving door of its general managers and by its Minister, and at the end of the day they demonstrate a lack of a vision and understanding as to how to implement a scheme that will look after the injured workers of this State. The Greiner Government was able to look after the injured workers of this State, but the Carr Government has not been able to do that. The only way to get a good workers compensation scheme in New South Wales is to change the Government.

**Mr ASHTON** (East Hills) [11.11 a.m.]: I was interested in the contribution of the Deputy Leader of the Opposition, who knows a bit about this subject. However, I thought he was having two bob each way. On the one hand he condemned the Government's attempts to amend the legislation, which will put more responsibility onto head contractors, and on the other hand he said that the scheme is failing workers at the bottom of the system. He said it was a terrible system and that the Labor Government has sold out all the workers.

His main criticism was that the head contractor would bear more responsibility than the subcontractors. Everyone who knows a bit about the building industry knows that it is the subcontractors who do so much of the hard work who are often left unpaid at the end of the job or are left without proper remuneration. They are the ones who take on so much of the responsibility to get the job completed on time, and they are penalised by the head contractor if the job is not finished in a satisfactory time. After all, the money is paid to the head contractor, who then distributes it to his subbies.

I was surprised that the Deputy Leader of the Opposition spoke so much about how this was bad government legislation for workers when workers are usually employed by subcontractors. The head contractor may do nothing more than fill out the standard head contract forms, hand them in, win the contract, and never attend the job site. All members of Parliament have had representations about head contractors not paying their workers compensation insurance premiums, they set up shelf companies, front companies or subcompanies to avoid paying them. A relative of mine worked for about 10 years as a non-highly paid person in a Pizza Hut franchise on the Central Coast. When she decided to leave she was owed \$600 or \$700 by the franchisee—who, in a sense, was like a head contractor—but she was not paid. It would cost her a couple of thousand dollars to go through the court system to get the \$600 or \$700 owed to her.

We know, and it is unquestionable, that the main contractor often does not pay workers compensation insurance premiums. Very often they also do not pay award wages. The subcontractor is much more likely to

have to pay his subbies, or the people working for him, the proper award wages as they are closer to him. The electrician arrives on the job with his staff with whom he has worked for years and does the job with the head contractor. It is most likely that he will pay the award wages, but they are often not paid to him by the head contractor. Who will pick up the cost of overtime? Often it is the subcontractor, and if he cannot meet the deadlines that are set in the contract of the head contractor with the major company, or even the Department of Public Works and Services, it is the subcontractor who is punished.

Recently I made representations to the Minister for Public Works and Services in relation to a head contractor who completely changed the head contract by rewriting it. He purported it to be the official contract between the Department of Public Works and Services and him, having changed its wording and printed it. The Minister is investigating that matter. When the job in relation to the contract was completed by the subcontractor—it was worth about \$500,000—the head contractor wanted to knock off a couple of hundred thousand dollars because of allegations of certain things not done, time overruns and the like.

That matter is tied in with WorkCover and possible injuries that can happen on a site when workers compensation insurance premiums or award wages are not paid. We know that for years this problem has blighted not only Labor governments but also Coalition governments. The building industry is the driving powerhouse industry for the future of New South Wales. Prices for houses and properties are going through the roof and buildings are going up, and if insurance is not paid, if workers compensation is not adequately covered, clearly the system is failing to some extent.

As the Deputy Leader of the Opposition said, this will not be the only attempt to correct the workers compensation legislation. This amending bill is introduced probably only 12 to 18 months after the principal legislation was passed. This Government recognised the problems and got through them, and this amending bill will tidy up more areas. If the Federal Government played a greater role in trying to bring all the States together with a compensation scheme for workers across the whole of the country—a bit like Gough Whitlam's attempt with superannuation and workers compensation 25 years ago—the system would be a lot better.

Recently the Federal Government and John Howard provided a lot of information about illegal migrants coming down on boats who will take over Australia. Where have there been more illegal migrants lately? Illegal immigrants have been found working in tiling factories, in brickyards, and with stonemasons building temples and the like. The Construction, Forestry, Mining and Energy Union [CFMEU] was criticised here last night by our colleague the boring honourable member for Murrumbidgee—he admitted he is bored here. He said these issues are terribly shocking, that the CFMEU will get a free ride, and that the Government is looking after unions and the like. The union has had to plead with the Federal authorities to investigate some of these sites where people are not only not getting award wages, or occupational health and safety coverage, or safety on site but they are not being paid award wages because they are not even Australian citizens.

We have read about raids, and people bolting over the fence and running off into the bushes out the back of Badgerys Creek or somewhere further afield in the electorate of the honourable member for Blacktown. All those aspects must be considered. The hypocrisy of the Deputy Leader of the Opposition talking about this Labor Government selling out the workers by making it harder for the head contractor is silly. It may be a little bit harder for head contractors. They are often the ones with the millions of dollars, whereas the subbies are the ones with a few hundred thousand dollars and if they are not fully paid by the head contractor they have difficulty paying their people.

I am aware that the Opposition will move amendments to the compliance provisions, but the Minister might deal with that matter in his reply to this debate. I compliment the Government on the action it is taking regarding cross-border protection for workers. For many years there has been concern about the need for employees to take out workers compensation insurance for individual workers in more than one State or Territory, even if those employees are working only temporarily in another jurisdiction. I know a butcher who some years ago took his knives to Queensland, where he worked for three or four weeks. He had to take out workers compensation insurance in that State—even though 98 per cent of the time he was employed in a butcher shop in Ulladulla, in the electorate of the honourable member for Bega.

**Mr Gibson:** It wasn't Mossy?

**Mr ASHTON:** No, it wasn't Mossy—but it might be in the next few years. That butcher was able to make a bit of money in Queensland, but he had to pay more workers compensation insurance. It is better to have satisfactory cross-border arrangements. The Federal Government has not played a full role in addressing this

matter, but Victoria and Queensland certainly have. Also, as a result of this bill, those working temporarily in another jurisdiction will have access to workers compensation entitlements, that is, common law benefits, available in their home State—or State of connection, as it is referred to in the legislation. I congratulate the Government on including that provision in this bill.

I want to refer briefly to the sporting injury amendments. As honourable members know, I am a former teacher. It was always a bit of a worry when teachers were trying to get students involved in organised sport because we knew there was always the risk that a student might break an arm or a leg playing in a game of rugby league or netball. I watched my daughter playing netball on the weekend. I know the Government has done a fair bit to address that matter in civil liability legislation, and that that provides some protection. But for a professional sporting person playing a professional sport there is always the likelihood of injury. There has always been a very grey area on the question of where liability lies.

Honourable members will recall that some years ago a couple of Canterbury Bulldogs players were taken to court. I think Mark Bugden was one, and Steve Mortimer might have been mentioned in dispatches once for contacting the head of Steve Rogers. Those sorts of things happen in football games. But often the lawyers get involved and people are sued. There has not been a proper structure for sporting injury provisions. Schedule 3 to the bill deals with a proposed amendment to the Sporting Injuries Insurance Act 1978. The purpose of the amendment is to enable the Sporting Injuries Committee to exempt a sporting organisation from participation in the Sporting Injuries Insurance Scheme under certain circumstances. An insurance exemption may only be granted if the committee is satisfied that the sporting organisation will have adequate private insurance for the period for which the exemption will be in force.

Professional sportspeople, those who receive remuneration—and it is very big remuneration if we are talking about Lleyton Hewitt or our top golfers, rugby league and rugby union players—are regarded as workers under workers compensation legislation. Therefore, sporting organisations that employ professional sportspeople are required to take out workers compensation insurance. And so they should. It would be very unfair if a professional sportsperson who earns \$700,000 a year to play rugby union for Australia, or who has earned some \$8 million this year, as Lleyton Hewitt has, playing tennis, fell over, broke an ankle, and somehow was eligible to sue the New South Wales Government through WorkCover. As an example, a sportsperson may sustain an injury while playing Davis Cup in New South Wales. I think it is quite reasonable that an organisation running an event that big should be required to have its own workers compensation insurance. The requirement on sporting organisations does not apply where the professional sportsperson is covered under the Sporting Injuries Insurance Scheme.

Under the proposed amendment, sporting organisations that participate in private insurance schemes providing adequate private insurance may be exempted from the requirement to take out workers compensation insurance cover or participate in the Sporting Injuries Insurance Scheme. This will eliminate duplication as sporting organisations that have exemptions will no longer need to take out workers compensation cover or cover under the Sporting Injuries Insurance Scheme, in addition to a private scheme organised by the organisation. The amendment requires the insurance provider to be an organisation that is authorised to carry on the insurance business subject to regulation by the Australian Prudential Regulation Authority [APRA]. Unfortunately, that authority has often failed. Let us hope that APRA, which was looking at organisations such as HIH Insurance, is a little more on the ball this time. Under the amendment, injury and death benefits that will be paid under the private scheme should be at least equal to those offered under the Sporting Injuries Insurance Scheme. This makes it possible for sportspeople to enjoy more generous benefits than are currently provided under the Sporting Injuries Insurance Scheme.

Sporting organisations will be required to pay a 10 per cent levy, based on the rate of premium they would otherwise have to pay, on each occasion of a grant or renewal of an insurance exemption, for the period of the exemption. The levy will be paid into the Sporting Injuries Fund to finance research into injury prevention. This will benefit all participants in the Sporting Injuries Insurance Scheme, and it could reduce premiums for both the Sporting Injuries Insurance Scheme and approved private schemes. The exemption can be granted for a period of up to 12 months, renewable for a further period of up to 12 months, and is subject to approval by the Sporting Injuries Committee. Most honourable members have an interest in sport, and therefore I would not expect they would do other than applaud that aspect of the legislation. I understand that the Opposition is not opposing that provision, although it will move some amendments in Committee.

The Deputy Leader of the Opposition referred to what he termed the \$2.5 billion deficit. A projected liability is somewhat different from a deficit when read by Treasury people and similar boffins. The projected

liability may not be anywhere near that figure. A deficit is a very different concept. The Coalition chooses to have a truck moving through the State announcing that the Government has a \$2.8 billion deficit. It should be delivering a message that is a little more accurate than the message on its truck that says that the Government is giving criminals 13 reasons to get out of gaol, because there are also 13 reasons for imposing longer sentences beyond those being touted by the Coalition on its truck.

**Mr RICHARDSON** (The Hills) [11.26 a.m.]: Workers compensation costs, along with payroll tax, are a major concern for businesses in my electorate. Indeed, the more I talk to business people in my electorate the more I realise that something has to be done not only to bring workers compensation costs down but to reduce the unfunded liability of \$2.8 billion—which has increased by \$250 million in the past six months. It may be claimed that it is impossible to do as I suggest, and that, without increasing the onus on businesses it will be impossible to make any inroads on reducing the deficit—unless of course benefits to workers are reduced.

The Opposition believes strongly in the principle of extending appropriate benefits to genuinely injured workers. We also support the idea of reducing the onus on employers. That is important in the context of employers not only running viable businesses but employing more people. I am not sure that this latest round of amendments to the workers compensation legislation will achieve very much at all. I have grave concerns that these measures will have the effect of increasing the costs borne by employers.

The broadening of the definition of "wages" to include the grossed-up value of fringe benefits, employer superannuation contributions, long service leave, lump sum payments in lieu of leave and trust distributions to working beneficiaries who are paid wages at less than market rates, will have the effect of increasing, by almost 3 per cent, employers' workers compensation costs across the board, regardless of claims experience, category of employer and so on. I base that assessment on some figures quoted in the budget papers relating to the payroll tax rate. Honourable members might recall that the Treasurer promised to reduce the rate of payroll tax to 6 per cent from 1 July this year. What the Treasurer did not say at the time he was boasting about this alleged achievement was that he would be broadening the payroll tax base to such an extent that there would be virtually no impact on government revenues and no savings to employers.

The budget papers speak for themselves. The reduction of payroll tax from 6.2 per cent to 6 per cent was supposed to cost \$130 million. The broadening of the payroll tax base was going to claw back \$107 million, which represents about 2.7 per cent of the total take of approximately \$4,000 million from payroll tax. The bill will directly increase the cost of workers compensation by about 3 per cent, on top of premium increases for this year of up to 15 per cent in a range of categories that will directly affect my electorate: poultry farmers, jewellers, plant nurseries, bricklayers, roofers, painters and decorators, domestic appliance retailers, bread cake and pastry retailers, liquor retailers and supermarkets, driving schools, furniture retailers, camera stores, restaurants, chiropractors, kennels and secretarial services.

When 3 per cent is added to that 15 per cent we are talking about an increase of 17 per cent to 18 per cent. That is an enormous impost on business generally, particularly those in my electorate. The business community is genuinely concerned about these issues. The Deputy Leader of the Opposition referred to a serious concern about the bill: it makes a principal contractor liable for workers compensation premiums when the subcontractors are not insured or not adequately insured. I was interested to hear him refer to proposed section 175B (13), which provides:

- (13) To avoid doubt, this section extends to a principal contractor who is the owner or occupier of a building for the carrying out of work in connection with the building so long as the building is owned or occupied by the principal contractor in connection with a business undertaking of the principal contractor.

The Deputy Leader of the Opposition said that he was extremely concerned that this provision would extend to people who employed subcontractors to carry out extensions on their homes. It is neither just nor justified for a contractor to accept workers compensation liability for subcontractors whom he has employed in good faith. A home owner who employs subcontractors to add a rumpus room or a spare room could be liable for the workers compensation costs and, presumably, any injuries incurred by subcontractors who are not insured or adequately insured. It is an absolute disgrace. There is absolutely no way that the Government can justify it.

I do not know how the Government has the temerity to bring this bill into the House in its current form. It is clearly an attack on contractors and subcontractors. The bill effectively says that subcontractors are employees of the principal contractor, even though there is an arm's-length relationship between the two. The people of New South Wales, the electors at the next election, will not tolerate it. The Opposition opposes schedule 2 to the bill and will move an amendment at the Committee stage to remove it from the bill. I reiterate my concerns about the cost implications of the proposal.

**Ms NORI** (Port Jackson—Minister for Small Business, Minister for Tourism, and Minister for Women) [11.34 a.m.], in reply: I thank honourable members for their contributions to the debate. I point out that the bill is the result of a green paper process and two reports over 18 months. We have had 15 years of talk about cross-border arrangements. The Deputy Leader of the Opposition accused me as Minister for Small Business of not taking an interest in workers compensation. I remind him that a number of us, unlike the Opposition, had to battle our way into Parliament House to debate the reform of the workers compensation law. It took rather more commitment from some of us to be here that it did for others.

The amendment to cross-border issues will cut the red tape for employers. The Federal Government has failed to solve this issue. It has taken a joint effort by the Labor governments of this State, Victoria and Queensland to provide a simple solution. This week both South Australia and Western Australia have also decided to introduce the same provisions. The amendment will provide certainty for both employers and workers. Businesses that work in different States will now be clear on their workers compensation needs. Under the present system such employers have had to hold multiple policies to cover the same worker. When a worker is working temporarily in a State other than his home State that worker will continue to be covered by the home State. Therefore, the employer will not be required to take out an additional policy in the other State.

The bill will amend the Workers Compensation Act 1987 to improve workers compensation premium collection and minimise premium avoidance. The Deputy Leader of the Opposition claimed that nothing has been done. The last scheme valuation states that for the first time 10 years the scheme costs are less than the premium collected. That is good news. Let us remember that the WorkCover deficit started under the former Coalition Government. The amendment will ensure that employers pay their fair share of workers compensation premiums. The broadening of the wage base will more accurately reflect true wages paid by taking into account different forms of remuneration.

Consistency with the definition used to assess an employer's payroll tax will enable WorkCover and the Office of State Revenue to compare data to assess employer compliance. I recognise that some honourable members will be concerned about the inclusion of trust distributions as wages. The distribution to a worker as a beneficiary under the trust will be included as wages only when the distribution is in place of wages for work done for the trust. The inclusion of trust distributions paid to workers for work done for the trust is in line with the inclusion of all other forms of remuneration. The changes to the definition of wages for workers compensation purposes are designed to be revenue neutral. It has been stated on a number of occasions that reduction in the average premium rate will offset the broader definition of wages. However, it is not possible to legislate for a reduction in the average premium rate. Proposed section 175B is similar to section 127 in the Industrial Relations Act 1996, and requires principals to ascertain that their subcontractors have paid the correct workers compensation premiums.

Principal contractors would already be aware of their obligations under similar provisions in the Industrial Relations Act. A principal contractor who does not comply with the requirements of section 175B will be obliged to pay either double premiums when there is no insurance or the amount of any unpaid premiums and any late payment in respect of a renewal of policy of insurance. Section 175B (8) provides that a written statement is not effective to relieve a principal contractor of liability if a principal contractor had, when given the statement, reason to believe it was false. Obviously, at least one member opposite misread section 175B. The obligations are imposed on principal contractors where that is in connection with their business undertaking. The obligations do not apply to an ordinary householder who is getting a tradesman to do work around the house.

Furthermore, under section 175B (1) (c) the obligations only arise where a subcontractor engages employees. The terms of section 175B are fair and just and are aimed at ensuring that subcontractors pay their share of workers compensation insurance premiums. The present system allows employers to legitimately minimise workers compensation premiums by splitting companies, thereby artificially minimising the experience component of their workers compensation premiums. This practice lessens any incentive for employers to ensure occupational health and safety and appropriate injury management procedures are in place.

Assessment of workers compensation premiums on a group basis rather than on an individual employer basis ensures that the correct premium is collected. This will provide a greater incentive to maintain effective occupational health and safety and injury management procedures. The introduction of grouping for the assessment of workers compensation premiums is about ensuring that all employers, not only some, pay their fair share. The injury notification amendments will allow workers, employers and insurers to move to a single notification system of injuries and incidents, replacing the current dual reporting requirements of the

Occupational Health and Safety Act and the Workplace Injury Management and Workers Compensation Act 1998.

**Motion agreed to.**

**Bill read a second time.**

### **In Committee**

**Clauses 1 to 3 agreed to.**

**Schedule 1 agreed to.**

### **Schedule 2**

**Mr HARTCHER** (Gosford—Deputy Leader of the Opposition) [11.41 a.m.]: I move the following Opposition amendment:

No. 1 Pages 14 to 28 schedule 2. Omit all words in schedule 2.

The argument in support of this amendment is the argument I advanced at the second reading stage pertaining to schedule 2, "Compliance amendments". I note the reply provided by the Minister for Small Business. I do not hold her personally responsible because she was reading notes that have been provided. However, other than by simply denying it, the Minister did not answer my questions about section 175B (13). Instead, she made the statement that the bill does not apply to people who are having work done around the house. That is not what the new section provides. It provides that any building work carried out on a building that a person owns or occupies will be covered. The Minister did not draw the attention of the Committee to any reason why that provision would not apply. She did not refer to any provision and did not advance any argument but instead simply made a flat assertion.

The assertion of the Minister is rejected because the clear words of the provision fly in the face of it. If this bill is an example of the standard applying in this Parliament, one can only be appalled at the level of presentation. The Government has the numbers to impose its will in the Legislative Assembly, but it does not have the numbers to impose its will without good reason in the Legislative Council. In the other place the Government will be called upon to provide a substantive reason rather than a gratuitous denial of an obvious fact. Section 175B (13) speaks for itself:

(13) To avoid doubt, this section extends to a principal contractor who is the owner or occupier of a building for the carrying out of work...

If a principal contractor who is a home owner contracts with a subcontractor plumber to fix a tap and the subcontractor arrives at the place where the work is to be done with one employee, under this section the home owner will be liable. The provision sets that out in black and white. If the Government wants to deny that, the Government should point to the provision that exempts the home owner. As the provision relates to the liability of a head contractor among other subcontractors in the building industry, the Coalition does not accept the proposition. Destruction of the subcontracting industry by grouping all subcontractors with the head contractor is part of the policy of this Government. That is evidenced by the Pay-roll Tax Legislation Amendment (Avoidance) Bill, which was forced through the Legislative Assembly last night. It is also consistent with the attitude of the Labor Council, which would prefer all subcontractors in the information technology and building industries to be classified as employees so that they may be more easily organised into a union.

At the end of the day the purpose of these so-called compliance amendments is simply to transfer responsibility for the costs of workers compensation insurance to a group that can be easily targeted. Instead of WorkCover chasing up a dozen subcontractors on a site, as a result of this bill it will only have to target one: the principal contractor. This legislation is solely about WorkCover not accepting its responsibility to make employers correctly file returns relating to the wages of their employees and pay workers compensation premiums appropriately. Instead of doing that, WorkCover wants to force the head contractor to pay by making only the head contractor liable. The so-called compliance schedule is fraught with enormous cost implications for the building and information technology industries.

The real remedy is not simply to try to make somebody else pay the bill. The remedy is reduce the bill by proper management of the fund. That has simply not been addressed by the avalanche of so-called workers



compensation legislation that pours through this Parliament. There has not been one session of Parliament when members have not been presented with yet another bill to rectify the incompetent administration of WorkCover by the Carr Government. The Opposition rejects this schedule.

**Ms NORI** (Port Jackson—Minister for Small Business, Minister for Tourism, and Minister for Women) [11.46 a.m.]: The Government opposes the amendment.

**Question—That the words stand—put.**

**The Committee divided.**

**Ayes, 49**

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

**Noes, 34**

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

**Question resolved in the affirmative.**

**Amendment negatived.**

**Schedule 2 agreed to.**

**Schedules 3 and 4 agreed to.**

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

**DISTINGUISHED VISITORS**

**Mr ACTING-SPEAKER (Mr Lynch):** I welcome to the Parliament a delegation from the Shaanxi Province of China.

**BUSINESS OF THE HOUSE****Precedence of Business: Suspension of Standing and Sessional Orders**

**Mr WHELAN** (Strathfield—Parliamentary Secretary) [11.55 a.m.]: I move:

That standing and sessional orders be suspended to permit Government business to take precedence on Thursday 21 November 2002.

**Mr TINK** (Epping) [11.56 a.m.]: If this motion is agreed to 17 private members' bills will not be discussed tomorrow, compared to a miserly eight government bills that remain to be debated. The Opposition expects the House to sit during the week of 3 December, and the week of 10 December is a reserve sitting week. However, it seems that after eight years in office, the Labor Government's program is governed by the timing of the press party. If the Government were serious, it would allow the House to sit to consider more private members' business. Today, hopefully, all honourable members will be meeting with members of the teaching profession and parents and citizens groups from their electorates. The Opposition was hoping to discuss tomorrow a number of bills relating to education. A number of proposed private members' motions relate to education. However, the motion moved by the Leader of the House allows no opportunity for members to move those motions.

I will be prevented from talking about issues that have been raised by Liz Boyd from Epping North Public School, Julie Barr from Epping West Public School, and Geoff Casson and Nick Thomson from Epping Heights Public School. In addition, I will be prevented from talking today about the 75 cards that have been signed by people from the north Epping area who support lower class sizes. Because of the initiatives of the Leader of the Opposition and the shadow Minister for education on lower class sizes, it is little wonder that the Government wants to lower the boom on private members' day tomorrow. I am sure that every member on this side of the House would have been in the Chamber tomorrow to take part in the education debate. As the honourable member for Strathfield knows, the will of the general community is for lower class sizes. That will be evidenced by, amongst other things, the 75 cards produced by one part of one suburb in my electorate alone.

**Mr Hazzard**: They are not happy with Bob Carr.

**Mr TINK**: Those people are not happy with the Premier. The Government is using the guillotine because it does not want Opposition members to debate these serious issues. We do not want the Minister for Education and Training making stupid schoolboy debating points. We want the Minister for Education and Training and the shadow Minister for Education to debate serious issues such as reducing average class sizes to 20 students. The first of the four dot points that I have been asked to consider relates to a reduction in average class sizes—in kindergarten and in the early years of schooling—to a maximum of 20 students. We want also to discuss issues such as investment in professional development to support the work of teachers and an increase in funding so that schools can be properly maintained.

In the short time available to me I have come across at least two notices of motions that should be debated. I refer, first, to the notice of motion of the honourable member for North Shore, which relates to serious issues concerning North Sydney Boys High School and the need for this Government to increase funding to properly maintain and provide for that school. I refer, second, to the notice of motion of the honourable member for Hornsby, who is present in the Chamber, concerning the problems being experienced at Normanhurst Boys High School. If either of those notices of motions were debated in this House I am sure that every Opposition member would support them and provide similar examples of schools in their electorates, which highlights the fact that this Government has not allocated adequate amounts of money for the maintenance of our schools.

Other issues that Opposition members would like to debate in this House include developing strategies to attract and retain teachers in a time of teacher shortages. Many important private members' matters that need to be debated have been placed on the business paper. I searched in vain for any Government business on the notice paper relating to education. I was told by the shadow education Minister this morning that the Government used its numbers in the Legislative Council to prevent debate on a motion relating to reducing average class sizes and effecting better educational outcomes. What a disgrace! What a shame! The Opposition will divide on this motion in support of better education in this State.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 47**

Ms Allan	Mr Greene	Mrs Perry
Mr Amery	Ms Harrison	Mr Price
Ms Andrews	Mr Hickey	Dr Refshauge
Mr Aquilina	Mr Hunter	Ms Saliba
Mr Ashton	Mr Iemma	Mr Scully
Mr Bartlett	Mrs Lo Po'	Mr W. D. Smith
Ms Beamer	Mr Lynch	Mr Stewart
Mr Black	Mr Markham	Mr Tripodi
Mr Brown	Mr Martin	Mr Watkins
Miss Burton	Mr McManus	Mr West
Mr Campbell	Ms Meagher	Mr Whelan
Mr Collier	Ms Megarrity	Mr Woods
Mr Crittenden	Mr Mills	Mr Yeadon
Mr Face	Mr Newell	<i>Tellers,</i>
Mr Gaudry	Mr Orkopoulos	Mr Anderson
Mr Gibson	Mr E. T. Page	Mr Thompson

**Noes, 35**

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

**Question resolved in the affirmative.**

**Motion agreed to.**

### **NATIONAL PARK ESTATE (RESERVATIONS) BILL**

#### **Second Reading**

**Debate resumed from 14 November.**

**Mr HUMPHERSON** (Davidson) [12.12 p.m.]: On behalf of the Coalition, I will make several clear points about the National Park Estate (Reservations) Bill. The Coalition condemns the Government for the lack of consultation on this bill. Many stakeholders had no forewarning that this bill was to be introduced in the final week of Parliament shortly before the State election. Many people who have access to, or tenure of, public land or whose land adjoins such land will be affected by any changes in land management, and I will elaborate on their concerns. The Coalition supports the principle of a national parks reserve system, and we have a strong record of conserving and improving our natural environment. Any comments that Coalition members may make in respect of this bill should not be construed as meaning that we have anything less than full support for national parks. However, the Government's actions in regard to this bill deserve the strongest criticism. Some people have tenure of public land that has been drawn into the national parks system, and the drought and the resulting lack of stock feed across the State have led to the intention to terminate access. There are other clear consequences for people with current land tenure and the Coalition is seeking guarantees from the Government in that regard.

I will detail various components of the bill and highlight areas of concern that the Government must address. The bill seeks to move a substantial quantity of land into the State's national park estate. This involves

transferring State Forest, Crown land, leasehold Crown land, freehold land and Crown reserve land. I seek the Minister's guarantee that there will be voluntary contractual negotiations with current freehold landowners about the transfer of freehold land to future reserves. That must occur without the Government placing excessive and undue influence on land-holders, who must not be compromised in those negotiations. Land-holders must be free to choose not to proceed and must not be disadvantaged for taking that decision.

The bill refers to parts of north-east and southern New South Wales and the Eden region. The Minister said in his second reading speech that the bill will not impact on the logging industry insofar as it will not compromise the 20-year wood supply agreements which have been signed and which are in their early stages of operation. The bill is likely to terminate licence holdings and permissive occupancies. The Opposition will focus on those particular provisions and I foreshadow that we will move an amendment in Committee that seeks to excise those parts of the bill. We note that it is intended to change tenure of public land, with potential impacts for licence holders. We assume at this point that none of those with permissive occupancies or occupational permits who have access to public lands and whose tenure will be diminished or cancelled have any knowledge of the bill or its impact upon them.

I seek an explanation from the Minister as to what consultation has occurred with stakeholders and what advice they have been given. I understand that this measure will impact on about 35 families—the exact figure is not clear. It is inappropriate to have only limited deliberations about a bill that will impact significantly on the livelihoods of families—probably more than the 35 whom I have mentioned. This legislation should have been introduced a month or more ago to ensure that appropriate consultation occurred in every respect.

The bill refers particularly to the establishment of an occupational permits task force. Those who were affected by the work of a similar task force established in 1998 believe that it was largely ineffective. The tenure rights of those whose licences and access were terminated were not respected and those affected received no real compensation. I seek from the Minister some specifics as to the Government's intentions in that regard, some details as to when negotiations will begin and whether any discretion or flexibility will be permitted. During this time of drought, when access to feed stock is a problem throughout the State, the termination of tenures at any time in the next 12 months will have an enormous impact. I note that the State conservation area category into which some of this land is to be transferred permits appropriate exploration and mining. The Coalition believes we can protect conservation values while allowing exploration for essential resources, and is very comfortable with this proposition.

National parks are created and additions made to existing national reserves and parks but extra resources are not being directed to park management. The Coalition has drawn attention on numerous occasions to a sore issue amongst many local members in regional and rural New South Wales. In their view, park management by the National Parks and Wildlife Service is very poor largely because the service fails to manage its land-holdings and estate appropriately by hazard reduction and control of feral animals, such as wild dogs and noxious weeds. If the parks system is expanded without provision of additional resources to assist management of the extra 145,000 hectares, the outcomes must be questioned. It is almost inevitable that conservation outcomes will be poorer without commitment of additional resources. In this debate there has been no reference whatsoever to extra resources.

I note that the Government proposes to give additional powers to the Director-General of the National Parks and Wildlife Service to alter and adjust land boundaries, including amending the boundaries of State Forests land and adjusting boundaries near public roads. That proposal may well have marginal merit but the Coalition has substantial concerns about how political some boundary changes may be. Without strong assurances about how those powers will apply and about the objectives of that amendment to the bill, the Coalition will reserve its position on that issue. Given the absence of any public consultation and any real notice to enable proper public debate on this issue, at this point in time in the Legislative Assembly the Opposition reserves its position. It will determine its position either at the end of debate in this Chamber during the next couple of days or in the Legislative Council. The Opposition has grave concerns that will motivate it to seek amendments to the bill at an appropriate stage.

My understanding is that major stakeholders, such as the New South Wales Farmers' Association, who were referred to in the Minister's second reading speech as playing a role in the occupational permit task force, had no prior knowledge of the bill. They were not involved in consultations and, not surprisingly, have publicly opposed the legislation. It borders on immorality that the Government should want to push this bill through the Legislative Assembly and the Legislative Council and have it become law without any proper consideration of the rights, and the removal of tenure rights, of stakeholders affected without notice by this legislation. I foreshadow that the Opposition will move the following motion at the conclusion of the second reading debate:

That the motion be amended by leaving out the word "now" with a view to adding the words "after 31 March 2003".

Our intention, unless we are persuaded otherwise in this debate, and unless assurances, guarantees and information about the legislation are provided to the satisfaction of the Opposition, is to have the bill set aside during the next four months to enable proper consultation. By the time Parliament resumes next year we will be able to make a much more informed decision and get a better result. Certainly in that time farmers whose tenure rights will be removed entirely will have had a chance to consider their options and provide input to assist determination of the Coalition's final position. I have received a response to an email I sent recently which reflects the views of many people in regional areas who will be affected by this bill and of other honourable members who will contribute to this debate. I will not mention names, but a person from the North Coast wrote:

The Ministers promises on case-by-case assessment of licensee impacts and amelioration of their losses are hollow; this governments modus operandi [with respect to] w.r.t. to land resumptions is to promise anything up-front, pass the legislation, then let the promises wither or expire in a long and protracted set of bureaucratic procrastinations and diversions. Similar soothing noises were made prior to the introduction of the Native Veg Conservation Act, yet this has resulted in a State-wide grab of private property management rights, without any reasonable consideration for landholder and rural industry/community losses. The Minister should provide an up-front estimate of licensee compensation costs (both in direct payments and in bureaucratic processes), and guarantee that sufficient funds will be available for that purpose within a reasonable time-frame.

What management programs are envisaged for control of fire hazard, feral animals and weeds within the new reserves, and how will these be integrated with neighbouring land uses, including commercial forest operations and grazing or cropping land?

There is no basis for members of the public and members of the Opposition to trust the assurances given by the Minister in his second reading speech. History has shown that this Government cannot be trusted and has lied to those affected by legislation. All legislation passed in this Chamber which has affected land users, land occupiers and tenure holders has been smoothed over and sold to them on the basis that they will not be adversely affected. The Government has said that they should not be worried as it would negotiate a good result. The truth has been anything but. Many of those people have been forced off their land without any compensation. Substantially, their multi-generational investments and assets have been taken away from them as a result of all kinds of legislation. If the arguments in support of the bill and in favour of expanding the national parks system are so good then the Government should provide far more clarification and information to assist debate.

Earlier I asked about what extra programs and resources are envisaged for the control of land management. Many owners of land adjacent to national parks and reserves in this State suffer because their obligations are far greater than those of the National Parks and Wildlife Service. Proper management of our reserves to both preserve vegetation and provide a quality habitat to protect threatened native animals requires additional resources. Our native animals are threatened by poor hazard reduction and by poor control of the enormous number of feral animals prevalent in many of our national parks. The only way to reduce that impact on owners of adjoining land is to increase the resources that would enable proper management of our parks and reserves.

In summary, the Coalition reserves its final position on this bill at this point of time. We await with some interest the contributions of other honourable members on this side of the Chamber. The Opposition wants the Minister in reply to give guarantees and assurances and to provide far more information than has been given to date before the bill is allowed to pass through this House. At this stage our intention is to amend the bill to remove any impacts on licence holders and those whose tenure will be expunged as a result of this legislation. The Opposition intends also to move—unless the Government and the Minister put a good enough case to the contrary—to adjourn consideration of the bill until the end of March next year to enable proper consultation, proper community debate and proper consideration of it by those adversely affected by the legislation. I formally move:

That the motion be amended by leaving out the word "now" with a view to adding the words "after 31 March 2003".

**Mr D. L. PAGE** (Ballina) [12.30 p.m.]: I support the position taken by the shadow Minister on this legislation. This is yet another piece of legislation introduced by the Government without consultation. As recently as yesterday afternoon, at a meeting of the Forest Industry Alliance—a meeting that was attended by many National Party members but not one member of the Government—I spoke about this legislation with many members of the timber industry and asked them what they knew of it. They told me in very clear terms that they knew nothing of it. I am concerned that although a large number of people representing a broad cross-section of the timber industry were in the theatre, they did not even know that this legislation was before the Parliament, let alone the detail of it.

The Opposition is very concerned that this legislation is being introduced without public consultation. Some statements made by the Minister shortly after introducing the bill cause me concern, and they need

clarification. As honourable members know, the regional forest agreements were set in train several years ago. Their purpose was to determine areas that would be reserved exclusively for conservation purposes, and other areas that would be available for timber production. I am concerned to ensure that this legislation does not in any way impact on the integrity of those regional forest agreements. In his second reading speech the Minister said on several occasions that this legislation would not impact on the availability of resource for the timber industry. I am hopeful that that will be so. However, I am concerned that the Minister also said in his second reading speech:

This bill delivers to the people of New South Wales an additional 145,000 hectares of national parks and other reserves up and down the east coast.

The Minister went on to say:

It also gives additional statutory protection to more than 300,000 hectares in forest management zones in which logging is not permitted on State forests in the upper and lower north-eastern regions.

That indicates that a total of 445,000 hectares of forest will not be available to the timber industry. I think the Government is arguing that that timber was never available to the timber industry. I want the Government to clarify whether we are talking about not just 145,000 hectares of State forests and other reserves being converted to national parks, but an additional 300,000 hectares also being converted. The point is that if 445,000 hectares of timbered country is included in the reserve system, and this Government or a future government finds—as I think they will find—that it has difficulty meeting its obligation under the 20-year wood supply agreements, it would be helpful if the Government had the capacity to access some of the additional resource of existing State forests in order to meet contractual obligations.

I am concerned that such an amount of land, which was not included in the reserve system to start with, appears now to be included in the reserve system. It certainly will not be available to the timber industry. No doubt it will be said that forest management zones were identified at the time that regional forest agreements went through, that those areas were never going to be available to the timber industry, but that an assessment would take place. I would like the Government to clarify why it felt it needed to do further assessment on these forest management zones if indeed those areas were never going to be available to the timber industry in any event. There seems to be a dichotomy in the Government's argument. On the one hand it is saying that the timber was never going to be available; on the other hand it is saying that this assessment process needed to occur after the regional forest agreements were concluded. I would like clarification on why it was necessary to do the assessment after the regional forest agreements if that resource was never to be made available.

The legislation provides for the removal of occupational permit holders whose permits relate to occupation of areas of State forests that are converted to national parks. They will lose their entitlements. I am very concerned about that. We had experience of that on the North Coast and indeed in other parts of the State when the original regional forest agreement was signed. People who had occupational permits, particularly those who had cattle in those areas, were basically kicked off those lands. About 10,000 cattle on the North Coast alone had to be removed from State forests that became national parks. That impacted adversely not only on the families who were kicked off those lands but also on the beef industry as a whole.

I know the Government set up a task force which had a New South Wales Farmers' Association representative on it, but my experience of that task force—and the second reading speech on this bill talks about creating a task force—in regard to issues related to occupational permit holders is that it was nigh on useless. The task force did absolutely nothing to assist people who were in that difficult position. The best that could be said is that they were given an extension of time of perhaps a maximum of two years. But the guillotine still fell, and those whose very livelihood depended upon those occupational permits for grazing were hunted off those lands and were unable to carry on those grazing activities.

The shadow Minister said earlier that the Opposition is very concerned about that from an equity point of view, but it is also concerned from the viewpoint of the current statewide drought. Many people need to access feed for stock. Access to feed through occupational permits relating to State forests will be lost as a result of this legislation, adding to the woes of those affected by the drought. Surely this is the worst time to introduce legislation that removes the rights of occupational permit holders and graziers to find feed during the drought. Therefore, the Opposition has foreshadowed that it will move amendments to delete all reference to the occupational permit arrangements.

As I said before, I believe that the Government talk about setting up a task force and about compensation for infrastructure is nothing but a ruse. There is no substance to those statements. The

compensation for infrastructure will not benefit the individuals concerned. I believe that this measure is a repeat of what happened before: the Government wants to be seen to be interested and concerned, but in reality it will do absolutely nothing about addressing the issue. The legislation makes reference to the acquisition of freehold land. I am led to believe that those acquisitions will be on an entirely voluntary basis. If that is true, that is fine. I seek reassurance that that is in fact the case, that there will be no compulsory acquisition of freehold land as a result of this legislation.

The bill also deals with access roads and buffer zones—matters that inevitably arise when legislation of this kind is put in place. We have the benefit of past experience when a certain land tenure changed from State forest to national park and, because of existing geographic arrangements, individual property owners and others were not able to continue the right of access they would have had if the land had remained State forest. I seek an assurance from the Government that all existing access arrangements will not in any way be diminished by this legislation.

Access is particularly important in the context of bushfire management. We must ensure that people who are charged with the responsibility, in many cases volunteers, are not further endangered by having to go into areas that do not have decent access. They may need to get out in a hurry. Access is quite important. I, like those who are genuinely interested in ensuring that we protect biodiversity in our national parks system, would like an assurance from the Government that it will provide money to improve these new areas—52 new national parks or reserve systems plus additions to another 41 existing parks—if the legislation passes through both Houses.

People who are involved in the parks system and visitors to our national parks, people who do not have a political axe to grind, will say that the increase in noxious weeds across the State, certainly in the area represented by the honourable member for Burrinjuck and on the North Coast, is appalling. The increase in the number of feral animals, feral pigs and wild dogs is also appalling. If these new national parks are created I would like to think that the Government would commit an additional significant amount of money to improve the quality of the management of the parks system generally.

The Opposition is not comfortable with the lack of consultation on the bill. As is so often the case, it is being rammed through at the end of the parliamentary session. Stakeholders, whether they be the Timber Industry or farmers, should be consulted. I do not know exactly how many permit holders there are, but I hear one figure of 35 and then I hear from the New South Wales Farmers' Association that 150 farmers or permit holders will be affected by the legislation. My understanding is that none of them knows that the bill is before the House, let alone that their occupational permit and grazing rights will be completely removed. As a basic act of decency the Government should consult with those who, in some cases, will have their livelihood taken away. There is a very strong case for postponing the passage of the legislation. There is a great need for more consultation and clarification. As the shadow Minister said, regardless of what happens we intend to move amendments to delete the sections dealing with the removal of rights of people who have occupational permits.

**Mr FRASER** (Coffs Harbour) [12.42 p.m.]: Here we go again! At 6.15 p.m. last Thursday the Deputy Premier ran into this House and tabled a second reading speech. He did not even deliver the speech to this House. *Hansard* shows that he sought leave to have the second reading speech incorporated in *Hansard*. This bill may not mean much to him, but it means one hell of a lot to the people of the north-east and south-east of this State. The bill is being rushed through this House in the dying weeks of this Government to keep its promise to the green movement and others of being the greenest Government ever. I have endeavoured to acquire maps that show the intention of the legislation. This map provided by the Minister shows the areas to be incorporated.

The pink-coloured area is marked "State Forest FMZ areas agreed for transfer to the National Parks and Wildlife Service Estate". Forest management zones can cut forests and forest areas into sections. Many of the forest management zones to be incorporated under the legislation are in areas that bound gullies and rivers; they are not the large pink areas shown on the map. How on earth the Minister can rush in here and 6.15 p.m. on Thursday afternoon, table the second reading speech, and have the people of New South Wales and this House believe that we should accept this legislation is beyond me! The speech, which he did not deliver and which was written for him, contains some very interesting comments such as:

Therefore the bill fully preserves the regional forest agreement this Government entered into with the Commonwealth, which allows for the upgrading of areas from informal to formal reserve.

The regional forest assessment [RFA] has been done and completed. What is incorporated in the legislation is not, has not been, and never was, intended to be part of the RFA. This is a second bite. A study proposed

in 1998 by the National Parks and Wildlife Service of the Carrai forest, which is in the electorate of the honourable member for Oxley, to give some credence to the area incorporated in this bill has never been done by the Government. It never went through to groundproof the information put forward to incorporate that area in a national park.

But guess what? The New South Wales Farmers' Association and a group of farmers went into the area and did the groundproofing. They found that Carrai does not meet the criteria outlined in the legislation or the RFA process, or anything else for that matter. This legislation, which will reserve Carrai, is flawed. The social or economic surveys were not done in any area. It has not picked up the basic tenets that the Government promised during the RFA process. In his tabled speech, the Deputy Premier went on to say:

Consistent with this, the bill does not in any way affect the 20-year wood supply agreement entered into with the timber industry, agreements which provided it with the certainty they had long been seeking and which previous Governments had failed to deliver.

I have submitted three freedom of information requests to State Forests about how much timber, as outlined in the 20-year agreement, is available to the timber industry in New South Wales in the north-east forest. People, including employees of the National Parks and Wildlife Service, say privately that only 49 per cent of the timber under those agreements is currently available, and that includes private property timber. Yet in the upper north-east we are going to include 25,339 hectares, and in the lower north-east, 36,299 hectares of State Forest areas.

When only 49 per cent of the resources are available, as per the current wood supply agreements, how can we lock up another 61,000 hectares and tell this House that timber will be available to meet the 20-year long-term wood supply agreement? One does not have to be a genius or a mathematician to work out that the wood will not be available. The timber industry on the North Coast, and probably across the State, has suffered a severe blow: the industry was promised a wood supply, but it is not there. According to the original agreements, wood supply will be reassessed in 2006. If this legislation goes through, and it will on the numbers in this House no matter what we say, will the Minister reassess it in 2006? Yes, I suppose he will. But how much more timber will be lost by then? When 2006 rolls around, which is about the halfway mark, the timber will not be there.

Because the long-term wood supply arrangements are in two stages, the renewable part of it, the extra 10 years, will have to be compensated at a discounted rate. Those who made a massive investment in the timber industry will get something back, but barely enough to pay out their leases and their staff. They have \$120 million under the Forest Industry Structural Assistance Package [FISAP]. If the Auditor-General were to carefully examine that package he may find some major discrepancies and that nepotism exists. Ultimately, our timber industry will fail.

It is the only industry based on a totally renewable resource, yet this Government, in its rush for green preferences and to attract the green vote, has steadfastly ignored the plight of the timber industry and has failed to take into account that the industry is based on a renewable resource. Value adding is viable in the timber industry, and it should be done. There have been poor policy decisions in the past, perhaps not so much on logging but certainly on the value-adding process. The Minister referred in the second reading speech to the addition of 145,000 hectares of national parks and reserves to the national park estate, and went on to state:

An additional approximate 59,000 hectares will be transferred to the National Parks and Wildlife Service estate after finalisation of discussions with stakeholders, and through voluntary acquisition of Crown leasehold lands by the National Parks and Wildlife Service...

I honestly do not believe that. Land owned by Mr Robert Young is surrounded by proposed national park. The roads to his property will be incorporated as a result of this bill and his access to his property will be denied. I suggest that the Minister's advisers and officers of the National Parks and Wildlife Service will say that that will not happen because a Crown easement will provide access to his property.

In my view, a six-legged mountain goat would not be able to obtain access along the Crown easement. Over the years Mr Young has been able to obtain access to his property by agreement with State Forests and the National Parks and Wildlife Service [NPWS], and he has put in his own road. However, that has not been protected by the provisions of this bill. I suggest that Mr Young will be forced to sell his land. The issue is whether the sale of the land will be categorised as voluntary acquisition. In those circumstances, the National Parks and Wildlife Service would suggest that he voluntarily offer the land to the NPWS because of the access problem that would be created by legislation which was introduced at the death knock of last week's parliamentary sitting.



Clause 11, "Adjustment of description of land transferred to national park estate", causes me great concern. The incorporated second reading speech—I emphasise that the speech was incorporated, and how gutless was that—states:

I draw your attention to clause 11 of the bill which enables the Director-General of National Parks and Wildlife to adjust the descriptions of land in schedules 1, 2, 3, 4, 6 or 7. These adjustments must be in order to alter the boundaries of the land for the purposes of the more effective management of national park estate land and State forest land and to adjust foundries to public roads.

Any such adjustments must not result in any significant reduction in the size or value of land.

The Director-General of the National Parks and Wildlife Service has been given authority by this legislation until 31 December 2007 to adjust, as he sees fit, boundaries of additional parks created by this bill. The director-general certainly must make any adjustment in conjunction with the Minister responsible for State forests, the Minister for Land and Water Conservation, or the National Parks and Wildlife Service—but only upwards adjustment is permissible. That is clear from clause 11, and it is an absolute farce.

In the Tenterfield to Grafton area, a minimum—I specify minimum because the area grows daily—of 310,000 hectares of national park and State forest has been burnt out. The area has been ravaged by fire. It is the responsibility of the NPWS to protect the uniqueness and biodiversity of national parks, yet the poor management of national parks and reserves is revealed in parks and forests that have been ravaged by fires and burnt to a cinder. In spite of that, the NPWS wants to add to the national park estate. Are the additions necessary because the parks and forests have been burnt and other land needs to be reserved? If so, how will the NPWS manage those additional lands? How much biodiversity should have been protected in the area between Tenterfield and Grafton, which in fact has been incinerated?

To my knowledge the NPWS has written to three landowners in the upper north-east area of the State and threatened them with legal action if they do not remove their cattle from national parks. The cattle were driven into national parks because the NPWS undertook backburning operations on private property to control fires that had emanated from national parks. It burnt out fodder and fences on private property but now wishes to sue the private landowners. Last Sunday, officers of the NPWS were making an assessment of damage based on the number of cattle in the park, and they intend to sue the private landowners while this Government contends that grazing is an effective and acceptable way of reducing fire hazard. It is absolute lunacy.

**Mr Webb:** Hypocrisy!

**Mr FRASER:** I think it is worse than hypocrisy. [*Extension of time agreed to.*]

When those types of things happen, it makes my heart bleed for those hardworking Australians who are in the grip of drought and who have worked their guts out to maintain their properties in some sort of drought-resistant condition. During the early stages of the fires to which I have referred, the NPWS officers refused to come onto their properties and undertake hazard reduction strategies, such as bulldozing, without charging them for it. They told the landowners that if they come onto their property, they must pay. When NPWS officers come onto the land, they back-burn and the fire gets away from them, destroying thousands of hectares of fodder and destroying fences.

According to the Minister for the Environment's estimates, this Government is paying \$25 per hectare to manage national parks, and an additional \$3.625 million will be needed to manage the extra reserves created by this bill, yet there is nothing in this legislation which suggests that the Treasurer will allocate \$4 million to ensure that the acquisitions are managed properly; nor is there provision for \$150 million for fencing that will be needed around national parks adjacent to private property. The costs are expected to be borne by the landowner or the land-holder. This legislation is unacceptable because it leaves far too many questions unanswered. Clause 8 (2) of schedule 8, headed "Status of land vested in NPW Minister", states:

Any such land is, to the extent that it relates to land subject to a lease preserved by section 8, taken to be Crown land reserved from sale for the purpose of any application by the holder of the lease to purchase the land comprised in the lease.

Does that provision cover leases which provide for a statutory right to convert? Will the effect of this provision be that a statutory right to convert is extinguished? Before this legislation is passed by the House, I ask the Minister to answer that question. This is a vital issue because leasehold tenure is the next best thing to freehold tenure, and land held in that way has been in families for generations. Yet, by virtue of this bill, those rights can, and will, be thrown straight out the door.

I could probably talk for hours on this bill. I would love to sit down and go through it line by line, chapter and verse, to examine how it applies to each reserve, but time does not permit. This legislation saddens me, and I suggest that it will sadden not only the people of my electorate but all the people who live in regional New South Wales. As I said earlier, the Minister incorporated his second reading speech into *Hansard*. He also produced a map that is not worth the paper it is printed on, except that the paper was probably produced from trees on the Dorrigo Plateau in the first place. How is anyone expected to examine areas of land in detail on a map that is so small that I need to put my glasses on to even read it? The map does not provide the fine detail that is required. It is no wonder that clause 11 has been included to empower the Director-General of the National Parks and Wildlife Service to adjust whatever land he likes whenever he likes, in consultation with the Minister. It is all very well to say that oversight by the Minister will ensure that nothing untoward happens, but this Government has a reputation for accepting bureaucrats' decisions without consulting the people.

The whole of the regional forest assessment process, everything that has been done so far, has achieved nothing. Yesterday the honourable member for Monaro and the honourable member for Burrinjuck both said that no socioeconomic studies have been done under native vegetation conservation legislation. Similarly, no socioeconomic studies have been done under this legislation. Every piece of legislation brought into this House under this Government that affects primary producers, the wealth producers of our nation, and the lifestyles of their communities was accompanied by a promise that socioeconomic studies would be undertaken—and they certainly need to be done. The lies and the promises of this Government will not go unnoticed at the election on 22 March.

Once again, this bill is nothing more than rushed legislation with no forethought apart from an attempt to grab the Green vote, which the Government thinks it needs in light of the Cunningham by-election. The Greens won the Cunningham by-election because of the interference by Labor in the preselection process. The Government should remember that, because it will pay dearly in other electorates in which it has interfered in the preselection process. Instead of rushing in green legislation that is not worth a cracker to the people it will affect, the Government should get decent candidates, support them, and start helping people in regional New South Wales to maintain their present standard of living. This legislation is nothing more than a slight on the hard-working people of my electorate, and, indeed, the hard-working people of the whole of New South Wales.

**Debate adjourned on motion by Mr Webb.**

*[Mr Deputy-Speaker left the chair at 1.01 p.m. The House resumed at 2.15 p.m.]*

**BUSINESS OF THE HOUSE**

**Matters of Public Importance: Suspension of Standing and Sessional Orders**

**Mr WHELAN** (Strathfield—Parliamentary Secretary) [2.16 p.m.]: I move:

That standing and sessional orders be suspended to allow two matters of public importance to be considered at this sitting.

**Mr TINK** (Epping) [2.17 p.m.], in reply: I am happy to agree to the motion on the understanding that the matter of public importance of the honourable member for Vaucluse relating to home warranty insurance is considered.

**Mr WHELAN** (Strathfield—Parliamentary Secretary) [2.17 p.m.]: The motion relates to the two matters of public importance of which notice has been given. I will provide for the matter of public importance of the honourable member for Vaucluse to which the honourable member for Epping referred by a further suspension motion after question time.

**Motion agreed to.**

**ASSENT TO BILLS**

Assent to the following bills reported:

Holiday Parks (Long-term Casual Occupation) Bill  
Guardianship Amendment (Enduring Guardians) Bill

**GOVERNMENT AND POLICE DISPOSAL SALES FAX SCAM****Ministerial Statement**

**Mr AQUILINA** (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading) [2.19 p.m.]: It is important that I warn fellow honourable members and consumers to be on the lookout for a new version of a familiar fax scam that has surfaced across New South Wales. The Department of Fair Trading has received many reports and inquiries from different parts of the State regarding a faxed advertisement promoting government and police disposal sales. The fax contains examples of items that have been sold through disposal sales including cars, computers, mobile phones and even vintage wine, at incredibly reduced prices.

Consumers are encouraged to contact a 1902 fax number to obtain, by reply fax, a 14-page guide to the sales. The scam is that the return fax is charged back to the consumer at \$5.50 per minute, and takes between five and eight minutes to come through. This means that consumers can pay in excess of \$40 for information that is freely available in major newspapers. Earlier this year real estate agents were targeted in a similar scam when they received a fax from a person claiming to act for a company in England named Dennett and Dennett asking for prices and details of a number of properties to be faxed to them. When agents responded they were charged \$5.50 per minute for the fax message and never heard from Dennett and Dennett again.

The big problem with con tricks is that the victims do not realise that they have been stung until their phone bill arrives. I have mentioned two types of fax scam, but there are many more and they appear to be on the increase. They are more than just con tricks. Some fax scams are outright fraud, and fraud is a crime. My department is now working more closely with the police, the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission in investigating many of these matters. However, I urge consumers that the best way of avoiding a sting is to ignore the requests and to be wary when asked to fax material or to order fax material. If in doubt consumers should contact the Fair Trading hotline on 13 32 20.

**Mr DEBNAM** (Vaucluse) [2.21 p.m.]: I share the Minister's concern with the so-called fax scam. I know nothing about it because, as has happened so often, the arrogance of the Government has resulted in the Opposition not being informed that a ministerial statement was to be made. No advice was given about what the Minister has just said. Today the Minister has raised con tricks, scams and fraud. It is an appropriate issue for the Government to raise in the last sitting week of this House. For eight years this arrogant Carr Government has presided over a series of cons, frauds and scams. We have only to look at what the Premier did in the run-up to the 1995 election. He adopted a scorched earth policy, promising everything that one could imagine right across the State. He was elected to office by a majority of only 83 votes and then could not deliver on any of his promises. The biggest fraud in New South Wales is Bob Carr. He has been a fraud for eight years. The Minister for Transport, and Minister for Roads is the second biggest fraud and the Minister for Land and Water Conservation, and Minister for Fair Trading is the third.

Every day the Minister for Transport, and Minister for Roads tells members of the community that the Government has a decent public transport system in place. The only decent public transport system that has been put in place in New South Wales is for the Minister's dog, Belle. Belle was ashamed of that system and ran away. The Minister for Transport, and Minister for Roads has presided over scams and frauds every single day that the Carr Labor Government has been in office. Every day for the past eight years the Carr Labor Government has imposed new taxes and charges. The Government is in deep trouble in relation to its latest charges involving home warranty insurance. Even the Government's so-called reform package includes increased taxes. The Minister for Fair Trading, who is a fraud, should have resigned years ago. In this last week of the Carr Government he should enjoy his position as Minister for Fair Trading.

**WIND FARMS****Ministerial Statement**

**Mr YEADON** (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [2.25 p.m.]: The New South Wales Government is actively promoting lower emission and renewable energy infrastructure throughout the State and is doing a good job of it. The New South Wales Government is seeking to reduce greenhouse gas emissions while enhancing energy supplies and creating jobs. A number of energy options—from cleaner coal right through to renewable energy, such as solar energy—is available for reducing greenhouse gases. One technology that is increasingly becoming

an important part of the alternative energy equation is wind. Wind is the fastest growing energy technology in the world. We could probably capture a bit of wind from the Opposition frontbench. New South Wales already has wind farms at Blayney, Crookwell and Kooragang Island, representing an investment of around \$35 million. The Blayney wind farm in the Southern Highlands, which has 15 wind turbines, produces enough energy to power 3,500 homes.

Further development of wind farms must be planned carefully for the maximum benefit of New South Wales. We need to know such things as where the best sites are, where it is economically viable to connect wind farms to the electricity grid and what local communities think about having wind farms in their backyards. Over the past two years the Sustainable Energy Development Authority [SEDA] has been working with the community, councils, industry, New South Wales State planners and energy specialists on wind energy. To assist in this process the Government has produced a New South Wales wind energy handbook, held a series of network planning forums with local communities, developed environmental planning guidelines for wind energy, and established 26 40-metre wind-monitoring towers across the State. TransGrid and Country Energy are working with industry in a co-ordinated approach to connect wind developments to the electricity grid.

In October 2000 I announced that a wind atlas would be developed for New South Wales. The \$1.5 million wind-mapping project produces data to be used by electricity generators, retailers, landowners and anyone who has an interest in owning and operating a wind turbine or a wind farm. Today I can inform the House that the wind atlas is now ready. For the first time this atlas maps the State's wind speeds for potential wind energy development. In addition to wind speeds the atlas also displays the State's high voltage transmission network and diagrams to explain how the atlas was produced, its limitations, and how the wind interacts with local New South Wales terrain. Some areas of New South Wales have comparable wind speeds to coastal sites in southern Australia. The atlas shows that some of the windiest areas in the State are the Snowy Mountains, the areas north of Goulburn, west of the Blue Mountains and north of Armidale.

According to current data, the windiest spot in New South Wales is at the top of Mount Kosciuszko, with average wind speeds of 12 metres per second. The next three top windy locations in New South Wales are Lake Bathurst, with winds averaging more than 8 metres per second; Bourke, with winds averaging more than 7 metres per second; and Scone, where winds also average around 7 metres per second. The atlas, which will be available free of charge, will help communities to make decisions on potential development sites.

**Mr Souris:** Are we going to have a wind farm at Scone?

**Mr YEADON:** The Leader of the National Party is already a wind farm in his own right. The viability of wind sites is determined through in-depth wind monitoring, consultation and other local issues such as land use. A business unit of SEDA has been developed to provide some of these services to assist commercial wind developers to invest in New South Wales. Long-term data will minimise the risk for big investors, track wind consistency and prevent inappropriate or unwanted developments in areas across New South Wales. The new wind atlas will help the economic and employment benefits of the wind energy technology flow through to the people of New South Wales.

**Mr HUMPHERSON (Davidson) [2.29 p.m.]:** The Opposition is pleased to hear about some of the environmental initiatives that the Government has introduced belatedly. Anything that reduces our dependence on coal-derived energy is welcome. However, there are other environmental priorities. The Government has failed to control air pollution. Despite promising in two successive election campaigns to reduce motor vehicle emissions through vehicle emission testing, the Government has not delivered that testing. Labor will make the same promise in two months and it will be unable to deliver this time because it will not be in government after the March election.

Let us talk about our urban environment. What has the Carr Government delivered in that regard? It has delivered only one thing: overdevelopment. It does not matter where one travels—around Sydney or in outlying areas—one can find evidence of the single legacy that the Government has left our urban environment. There are high-rise developments, increased building densities, urban consolidation and nothing else. Let us hear what the honourable member for Miranda has to say about urban development. He and his Government are responsible for overdevelopment in Miranda. Labor has delivered every high-rise, high-density development in Miranda through its policies and its local member of Parliament.

Let us talk finally about our national parks. We support our national parks estate absolutely but we want to have it managed properly. The Government has done nothing in terms of hazard reduction. It has done

nothing to reduce the number of feral animals, including wild dogs, or to control the spread of exotic weeds. Our national parks are a disgrace because the Government is not devoting adequate resources to them. The Government has a long and sordid environmental management record. We do not want to hear rhetoric about reducing emissions. When the Government talks about improving air and water quality and the better management of our national parks, we will listen. The Coalition will deliver in those areas when we are in Government.

## **ALPACA STOCK PROTECTION TRIAL**

### **Ministerial Statement**

**Mr WOODS** (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [2.32 p.m.]: I wish to inform the House about an innovative trial that has taken place in the Central West to see whether alpacas could protect sheep and newborn lambs from predatory foxes.

**Mr SPEAKER:** Order! The honourable member for Bathurst will remain silent. If the honourable member for Lachlan, the shadow Minister for Agriculture, wishes to respond to the ministerial statement he should listen to the Minister.

**Mr WOODS:** Originally from South America, alpacas have been found to be quite aggressive during lambing and are reportedly capable of repelling wild dogs. Last year New South Wales Agriculture at its agricultural research and advisory station at Cowra purchased eight alpacas to test this idea. In July 2001 New South Wales Agriculture staff reported that lamb losses attributed directly to foxes accounted for 30 per cent of stock lost. When alpacas were first introduced before the autumn 2002 lambing, lamb losses were similar to the July 2001 figures. However, alpacas were used again in spring 2002 and there was a reduction of 8 per cent, with losses down to 22 per cent. Although researchers have cautioned that it is too early to draw conclusions, those results are encouraging. The New South Wales alpaca industry is growing. It is based mainly in Wellington, Yass, Young and Berrima. There are 12,782 registered alpacas, which are currently reared mostly for their wool. This is rural innovation at its most resourceful.

**Mr ARMSTRONG** (Lachlan) [2.34 p.m.]: I am delighted to hear the retiring Minister for Regional Development talking about agriculture matters. Perhaps the Minister for Agriculture is under threat—this could be a comeback by the Minister for Regional Development. Alpacas, which are originally from South America, were imported to Australia just after World War I but an increasing number have been imported recently. They produce valuable, hard-wearing wool, which is keenly sought after by the fashion industry. This is the first that I have heard of alpacas being used to deter foxes. With all due respect, I must point out that the agricultural research station at Cowra is located almost in an urban area. It is only three kilometres from the town, opposite the cemetery and adjacent to the World War II prisoner-of-war camp, which is one of the most popular tourist destinations in inland New South Wales. So I am not too sure whether it is the tourists or the alpacas that have kept the foxes away.

I suggest that the alpacas should be trialled in a more broadacre environment. In the meantime, I recommend that the Government concentrate on eradicating foxes. Let us deal with the problem at source and then worry about some other form of secondary control. I commend the use of a poison called 1080 under New South Wales Agriculture supervision as an effective method of controlling foxes.

## **PETITIONS**

### **Urban Planning**

Petition asking that the House address the need for urban planning designs to be decided by local communities, received from **Mrs Hopwood**.

### **Planning Control Reform**

Petition requesting reform of planning controls by gazettal as a legal document, oversight by the Department of Planning, public benefit assessment of variations, and a ban on development-related donations to political parties and elected officials, received from **Ms Moore**.

### **Wagga Wagga Calvary Hospital Obstetric Services**

Petition praying that the House provide assistance to make obstetric practice viable at Calvary Hospital, Wagga Wagga, received from **Mr Maguire**.

### **Mental Health Services**

Petition requesting urgent maintenance and increase of funding for mental health services, received from **Ms Moore**.

### **Container Deposit Legislation**

Petition requesting introduction of container deposit legislation and implementation of a refundable deposit recommendation, received from **Mr McGrane**.

### **National Parks and Wildlife Service Prosecutions**

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

### **Freedom of Religion**

Petition praying that the House retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Mrs Seaton**.

### **Hornsby Shire Rail Parking Facilities**

Petition requesting additional commuter parking facilities at railway stations in the Hornsby Shire, received from **Mrs Hopwood**.

### **Surry Hills Bus Services**

Petition praying that the State Transit Authority reinstate the old 301 bus route, extend the 352 bus service, provide bus shelters and seats at all stops, reinstate the Market Street bus stop, and provide better information, received from **Ms Moore**.

### **Underground Cables**

Petition requesting that the House ensure that an achievable plan to put aerial cables underground is urgently implemented, received from **Ms Moore**.

### **Old-growth Forests Protection**

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

### **Circus Animals**

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

### **Giant Parramatta Grass Control**

Petition requesting a review of applications for funding the control of Giant Parramatta Grass, received from **Mr Stoner**.

### **White City Site Rezoning Proposal**

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

### **Community-based Preschools**

Petition requesting adjustment of funding to ensure viability of community-based preschools, received from **Mr Hartcher**.

**Mr David Higgins Guardianship Order**

Petition requesting that guardianship order amendments granted on 12 November 2002 to the Public Guardian in relation to Mr David Higgins be held in abeyance pending a full inquiry, received from **Mr McGrane**.

**Homeless Services Funding**

Petition asking that homeless services funding be increased urgently and maintained until no longer needed, received from **Ms Moore**.

**Gerringong and Gerroa Policing**

Petition requesting a greater police presence in Gerringong and Gerroa, especially during weekend and holiday periods, received from **Mr Brown**.

**Surry Hills Policing**

Petition seeking increased uniformed police foot patrols in the Surry Hills Local Area Command and installation of a permanent police van or shopfront in the Taylor Square area, received from **Ms Moore**.

**PUBLIC ACCOUNTS COMMITTEE****Report**

**Mr Tripodi**, as Chairman, tabled the report entitled, "Review of Reporting Requirements for Small Agencies—Discussion Paper", dated November 2002.

**Ordered to be printed**

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

**Mr Hunter**, as Chairman, tabled the report entitled "Discussion Paper on Investigations and Prosecutions Undertaken by the Health Care Complaints Commission", dated November 2002.

**Ordered to be printed.**

**Mr Hunter**, as Chairman, tabled the following reports:

The Handling of Health Care Complaints in Western Australia (July 2002), dated November 2002  
World Congress on Medical Law and Study of International Jurisdictions (July-August 2002), dated November 2002

**COMMITTEE ON CHILDREN AND YOUNG PEOPLE****Report**

**Mr Campbell**, as Chairman, tabled the report entitled "The Fatal Assault of Children and Young People—An Examination of a Report by the New South Wales Child Death Review Team", dated November 2002.

**Ordered to be printed.**

**QUESTIONS WITHOUT NOTICE**

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**INDECENT ASSAULT OFFENDER PRISON SENTENCE**

**Mr BROGDEN:** My question without notice is to the Attorney General. What is the Attorney General doing about the case of a nine-year-old girl, devastated when her predator escaped with weekend detention after

indecently assaulting her from the age of four and who is now further traumatised after seeing her attacker in the local area, at a time when her family believed he was serving weekend detention? Why will the Attorney General not support the Coalition's policy to establish a 25-kilometres safety zone for the victims of child sexual assault?

**Mr DEBUS:** The Leader of the Opposition seems a little less agitated today than he was yesterday. Child sexual assault matters are the most difficult and the most distressing of all. That is so because so often they involve members of the immediate family—as was the case in the matter just raised—with claims and counterclaims from the immediate family. It is incumbent on all of us to treat this terrible problem with seriousness and with respect for the victims. The Government has already clearly outlined its proposals to reform child sexual assault laws and procedures.

The two elements in the Government's plan are: a new, separate court devoted to dealing with child sexual assault matters; and new standard minimum sentences of 15 years for sexual assault of a child under 10 years, and five years for aggravated indecent assault. These reforms are based on clear research and careful thought. A committee of the upper House recommends them. They will ensure more sensitive treatment of children during all stages of criminal proceedings, more convictions, safer convictions, and longer and more consistent punishments. These initiatives will ensure that those who seek to take advantage of children do not escape punishment.

### TOBACCO ADVERTISING PENALTIES

**Ms HARRISON:** My question without notice is to the Minister for Health. What is the latest information on tobacco fines in New South Wales and related matters?

**Mr KNOWLES:** Two weeks ago a decision was reached in the District Court on a matter where the South Eastern Sydney Area Health Service took action against tobacco giant Philip Morris. The case involved the advertising of tobacco products by Philip Morris. Everyone would be aware that advertising of tobacco products is illegal. Philip Morris had an associated, but technically separate, business entity, which arranged a semi-private function. Entry was by invitation only, although invitations were distributed indiscriminately, including via the Internet. It was also advertised through magazines, flyers and posters.

The event was marketed as a fashion parade—a fashion parade in order to draw the targeted demographic, principally young women. It was held at Fox Studios in December 2000. At the event itself all the promotional activity reflected the corporate colours of a particular brand of cigarette, including staff uniforms. Sales units were established, depicting the images associated with the brand, and cigarettes were being handed out free of charge to the audience. The case was heard in the Downing Centre Local Court. Philip Morris pleaded guilty. The court imposed a fine of just \$9,000. The magistrate made it clear that:

Philip Morris was well aware of the legislation prohibiting cigarette advertising and chose deliberately to get around that legislation.

For a company like Philip Morris, a fine of \$9,000 is little more than a slap on the wrist. Philip Morris is not a corner shop. It is a multinational company with a billion-dollar turnover. It has deliberately sought to circumvent both the spirit and the letter of our advertising legislation. New South Wales has been the first jurisdiction in the country to go after a tobacco giant about this type of advertising. We did that in order to send tobacco companies a warning that we will come after them too. Now, here is the second part of the warning.

I can advise that the relevant part of the legislation will be amended to increase the maximum penalty for manufacturers and distributors who flout our advertising legislation to \$1 million; that is, a \$1 million fine for manufacturers and distributors who break the law against the advertising of tobacco. We now have the precedence of an unambiguous win in the courts, and with vastly higher penalties tobacco companies are clearly on notice. I can advise the House that all such funds recovered will go back into cancer research. The Government's multifaceted approach to reducing smoking in New South Wales is working. We have the lowest smoking levels of any State of Australia. We are not prepared to sit by and have those efforts and, most importantly, the lives of our younger generations put at risk by the greed of these tobacco giants.

### BRIGALOW BELT SOUTH BIOREGION

**Mr SOURIS:** My question without notice is directed to the Minister for the Environment. Can the Minister confirm that a public announcement on locking up the Brigalow Belt South Bioregion has been



postponed until after the next election, leaving the lives of businesspeople and local communities hanging in the balance for a further five months?

**Mr DEBUS:** No, that is wrong.

### **SOUTH COAST CHARCOAL PLANT**

**Mr MARTIN:** My question without notice is to the Deputy Premier, and Minister for Urban Affairs and Planning. What is the latest information on the Mogo charcoal plant and related matters?

**Dr REFSHAUGE:** I thank and commend the honourable member for his constant interest in his community and rural jobs. On 24 September the Premier informed the House that Australian Silicon Ltd had advised the Stock Exchange that it would not proceed with its plan to build a mill and charcoal plant at Mogo and a silicon plant at Lithgow. In a statement to the Australian Stock Exchange, Australian Silicon Chairman, George F. Jones, said the main reason was:

... the overall risk to the project based on statements attributed to State Opposition members and candidates about its future treatment under a Coalition Government.

Here is the cost of losing the project: 250 construction jobs—gone; 120 new jobs for Lithgow—gone; 12 new jobs in Cowra—gone; 53 new jobs in the Eurobodalla shire—gone; 20,000 hectares of tree plantings in the Murray-Darling Basin—gone; \$100 million in export income each year—gone. This new industry, worth more than \$4 billion—gone, because of the statements of the Leader of the Opposition. That is what we lost. On 22 September the Leader of the Opposition said:

I will not let this go ahead if elected in March.

He repeated that theme the day after, when he said:

I am opposed to Mogo. I have been opposed to Mogo from the outset even before I was Leader, as the Shadow Minister for Planning.

The Coalition once stood for business, investment and jobs but no more under this leader. The Leader of the Opposition sent a very clear message to Australian Silicon, Lithgow and potential investors anywhere: if he sniffs a cheap political advantage he will run any project out of town. But did the Leader of the Opposition have another reason? Did he put his second job ahead of 430 rural jobs? Did the Leader of the Opposition and his \$110,000 consultancy fee loom large in his thinking? The char Coalition's newsletter of 18 April confirms that the Eurobodalla Shire Council had retained our old friends PricewaterhouseCoopers Legal to provide advice on an appeal against charcoal plants at Mogo. Their newsletter states:

According to the Mayor Peter Cairney, PWC believes that the Charcoal Plant is the most important environmental issue ever to come before the Land and Environment Court.

The same document states:

Mayor Cairney was quick to point out that PWC agreed, good humouredly, that this case would look good on their curriculum vitae.

The newsletter further states:

PWC advised that multiple actions were preferable to a joint appeal but indicated that co-ordination of all actions would produce the best outcome.

Remember, of course, that at a press conference at one o'clock on 13 November when the Leader of the Opposition was asked a question about conflict of interest he said:

I made it very clear that I would not participate in any activities where there was a conflict of interest.

**Mr Hazzard:** Point of order: Yesterday the Deputy Premier was asked to repeat allegations, these snivelling little accusations, outside the Chamber. Why don't you step outside of cowards' castle and make these sort of snivelling accusations? You can laugh, Bob, but you're in this up to your eyeballs. You are part of this lowly, puerile, snivelling attack. Go outside and repeat it! Show some guts! Show us that you are a Premier! Step outside and do something!

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

**Dr REFSHAUGE:** If the honourable member for Wakehurst wants to be leader, he should give up method acting. It does not work for him.

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

**Dr REFSHAUGE:** Did the Leader of the Opposition's \$110,000 consultancy loom large in his thinking? But he did say:

I made it very clear that I would not participate in any activities where there was a conflict of interest.

PwC Legal has paid him. It was advising Eurobodalla Shire Council, opposing the Mogo plant. The Leader of the Opposition opposes the Mogo plant, and kills it off.

**Mr Humpherson:** Point of order: The Minister should tell the House in responding why he was involved in a crooked deal to approve this plant over the wishes of the local community. How much did he get from Hawker Britton? How much access did that company have to his office to approve this application over and above the wishes of the local community? You are the one who is crook, sir.

**Mr SPEAKER:** Order! The last two points of order contravened the standing orders. In the past I have been extremely tolerant in allowing members to take points of order. However, my tolerance is exhausted. The members who took the points of order to which I have referred did not impress those in the gallery or anyone else. If members wish to take points of order they should do so in the proper way, and their points of order should be relevant.

**Dr REFSHAUGE:** The Leader of the Opposition said:

I make it very clear that I would not participate in any activities where there was a conflict of interest.

Where better was there a conflict of interest than when the people who were paying him were also working for Eurobodalla Shire Council to knock off the Mogo plant? And he effectively knocked it off. That is what he did. How could anyone say that is not a conflict of interest? Did he ask? Did he work on it?

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

**Dr REFSHAUGE:** We have been asking what he did for that \$110,000, which is a lot of money. He asked some questions. He has not asked many questions without notice in this place. The other day we looked it up. I think he asked about two questions in three years on planning, but he was very busy asking other questions. We have made a table of John Brogden, consultant, who received monthly instalments between 1 August 1997 and 31 December 2001 from Dunhill Madden Butler and then PricewaterhouseCoopers Legal. If he will not say what he did for the money, this is the question he must answer: Was he doing this not because they asked him to but because he felt obliged to? What was he doing for \$110,000?

This is a list of the dates of the questions, the questions he asked and the potential conflict of interest, because the group that was paying him was directly involved with these issues. I lay the document on the table for the information of members. It is fair to say that we lost a major business enterprise when the work of the Leader of the Opposition stopped the Mogo plant from going ahead. The jobs that we lost in Lithgow and on the South Coast and the forestation of the Murray-Darling Basin were major losses.

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

**Dr REFSHAUGE:** When the Leader of the Opposition says that he will not do anything that creates a conflict of interest but then specifically does the job that effectively PwC, his paymaster, was trying to do, one wonders about the conflict of interest.

#### **CAMDEN AND CAMPBELLTOWN HOSPITALS EMERGENCY DEPARTMENTS**

**Mrs SKINNER:** I direct my question to the Minister for Health. How does he respond to the claim by Dr David Hugelmeyer, Director of Emergency at Campbelltown and Camden hospitals, that the department is "one marked by inefficiency, long patient delay and, most seriously, patient neglect"?

**Mr KNOWLES:** We responded by building a brand new hospital at Campbelltown, which we are opening in the near future.

**Mrs Skinner:** Point of order: This memo was written after the new hospital was opened.

**LEADER OF THE OPPOSITION PECUNIARY INTEREST DISCLOSURE**

**Mr LYNCH:** My question without notice is directed to the Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing. What is the latest information on the Landcom development known as Victoria Park in Zetland, and related matters?

**Dr REFSHAUGE:** I thank the honourable member for his question, for his forensic ability and for being able to sniff out interesting questions to ask and answers to be received. I see the honourable member for Ku-ring-gai is leaving the Chamber and I ask him to remain. Perhaps he is going to get the numbers again, or is going to answer the phone! The Leader of the Opposition refuses to state what he did to receive \$110,000. He says that he has done nothing wrong, which makes his refusal to lay everything on the table much harder to comprehend. Why does he not tell us what he did for the money and tell us what he did to receive \$110,000? Why does he not release all the material that would clear him of impropriety? The longer he delays, more questions seem to arise and new information comes to light.

Honourable members will recall that one of the specific issues in which the Leader of the Opposition involved himself related to Landcom. Honourable members will also recall that PricewaterhouseCoopers [PwC] Legal was advising Landcom and was also paying the Leader of the Opposition. In October last year, the Leader of the Opposition asked me three questions upon notice about Landcom, even though he was on PricewaterhouseCoopers Legal's payroll at the time and Landcom was a PwC Legal client. The Leader of the Opposition denied that there was any conflict of interest—that was strange, but that was what he did—and said that the suggestion was rubbish. Central to his defence was a statement that he made at a press conference on 13 November:

... I certainly did not ask questions on behalf of PwC Legal. In fact, I asked questions that attacked the New South Wales Government's Landcom for the incompetency in this area.

Why, he asked, would he criticise Landcom when it was a client of the people paying him? That is quite a reasonable question, I must admit. I could not work it out, so I called for the documentation. Landcom provided the documentation, and I must say that it makes very interesting reading. An internal Landcom email, dated 10 August 2001, creates a suggestion that Landcom is not exactly happy with the advice being provided by PwC Legal. A bit of a rift was occurring. The email states:

PwC Legal does not seem to have grasped the concept.

It goes on to state that PwC Legal's drafting is very sloppy, so clearly the relationship is not so cosy. Another email, dated 6 September 2001, shows that Landcom, increasingly unhappy with PwC Legal's advice, raised the prospect of having to hire a second set of eyes—another legal firm—to oversee what PwC Legal was doing. This is not a very cosy relationship at all. Another internal email states, very succinctly, "We need to locate new lawyers." Landcom is planning to dump PwC Legal and all of a sudden the Leader of the Opposition starts to ask questions, but not beforehand. All of a sudden when the tension is rising and these two firms are falling apart, the firm that happens to be the one that pays the Leader of the Opposition is the one he sides with. He asked questions that absolutely attacked the credibility of Landcom. The people who are paying the Leader of the Opposition handsomely are falling out with Landcom, and the Leader of the Opposition is suddenly asking questions in this House that attack Landcom. Is this a coincidence?

Is it coincidence that Landcom and PwC Legal fell out and that the Leader of the Opposition was asking questions? Maybe one instance is an anomaly. What about Sydney Water and its pricing policy, with PwC Legal working for the Independent Pricing and Regulatory Tribunal? Two may be a coincidence—but three, Walsh Bay; four, the failure with the sale of State Rail Authority land; five, the brothels legislation; and, six, Mogo? The Leader of the Opposition has to explain why he was paid \$110,000 and what he did for it. Was he asking questions in this House for it?

*[Interruption from gallery.]*

**Mr SPEAKER:** Order! Honourable members will resume their seats. The Deputy Premier had not finished his reply. I ask the Deputy Premier to resume his seat and continue his reply when the House comes to order.

**Mr Armstrong:** Point of order: My point of order does not relate to the Deputy Premier's answer but to security. I draw to your attention what is obviously a major breach of security. I ask that the matter be attended to immediately.

**Mr SPEAKER:** Order! The matter has been attended to. The House will come to order.

**Dr REFSHAUGE:** The Leader of the Opposition received \$110,000 from PricewaterhouseCoopers Legal.

**Mr SPEAKER:** Order! I ask the Deputy Premier to resume his seat and wait until the House comes to order.

**Dr REFSHAUGE:** The Leader of the Opposition received \$110,000 from PricewaterhouseCoopers Legal. What did he do for the money? Was the Landcom St Hilliers issue part of that \$110,000? Was the Sydney Water pricing policy part of that payment?

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

**Dr REFSHAUGE:** Was the Walsh Bay question and legislation part of that payment?

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

**Dr REFSHAUGE:** Was the sale of State Rail Authority land part of the \$110,000?

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

**Dr REFSHAUGE:** Was the brothels legislation part of that payment?

**Mr SPEAKER:** Order! If the Chair has to ask the Deputy Premier to resume his seat again, all members will be placed on three calls to order. We know what happened when I did that last Thursday. Let us not have a repeat of that.

**Dr REFSHAUGE:** What did the Leader of the Opposition do for \$110,000? Did he ask the questions on Landcom St Hilliers? Did he ask questions on Sydney Water's pricing policy?

**Mr SPEAKER:** Order! I place all members on three calls to order.

**Dr REFSHAUGE:** Did the Leader of the Opposition support the legislation on Walsh Bay because PricewaterhouseCoopers Legal was involved? Did he ask questions on the sale of SRA land because of that payment?

**Mr Hazzard:** Point of order: Standing Order No. 67 provides that the Speaker may direct a member to cease speaking if the member persists in irrelevance or in tedious repetition. We have heard the same thing for three days from the Deputy Premier, and it is tedious requisition, very much tongue-in-cheek.

**Mr SPEAKER:** Order! There is no point of order. The honourable member for Wakehurst will resume his seat.

**Dr REFSHAUGE:** On six occasions the Leader of the Opposition has been asked a question about a conflict of interest and six times he has not answered. He has not told the House what he did to earn \$110,000.

**Mr Tink:** Point of order: The Deputy Premier asks questions. The questions for the Deputy Premier are: What access was granted by him to Hawker Britton for Mogo? What fees were charged by Hawker Britton for access to him on Mogo? Did he approve the development because of Hawker Britton involvement in Mogo? I table questions for the Deputy Premier to answer.

**Mr SPEAKER:** Order! I ask the Serjeant-at-Arms to remove the honourable member for Epping from the Chamber.

*[The honourable member for Epping left the Chamber, accompanied by the Serjeant-at-Arms.]*

#### **RURAL FIRE SERVICE TANKERS**

**Mr STONER:** My question without notice is directed to the Minister for Emergency Services. Given Labor's 1999 election promise to ensure that no front-line tanker is more than 15 years old, why are almost one-third of tankers used by Rural Fire Service volunteers still dangerously over 15 years old, with some nearly 40 years old?

**Mr SPEAKER:** Order! I remind the honourable member for Lane Cove that she is on three calls to order.

**Mr DEBUS:** The present budget of the Rural Fire Service is 140 per cent more than its budget under the former Coalition Government. During the time of the Carr Labor Government we have actually allocated the money for 2,100 new fire tankers. I think that is probably more trucks than you will find in the Australian Army. Every time firefighters from other States visit New South Wales they speak enviously of the state of our tanker fleet. The honourable member for Oxley is aligning himself to the kind of political propaganda that involves the telling of a very big lie.

**Mr SPEAKER:** Order! Members will cease interjecting.

### FEDERAL GOVERNMENT SECURITY WARNING

**Mr COLLIER:** My question without notice is directed to the Premier. What is the Government's response to the Federal Government's security alert announced yesterday?

**Mr CARR:** Yesterday afternoon the Federal Government issued a national statement. It read as follows:

Security alert—The Federal Government has received credible information of a possible attack in Australia at some time over the next couple of months. Acting Attorney Senator Chris Ellison said the information was generalised and non-specific as to possible targets and precise timing.

Last night Acting Commissioner David Madden directed all police local area commanders to, first, ensure that any critical infrastructure sites and national icons within their commands are patrolled. Examples are the Opera House, Sydney Harbour Bridge, Sydney Water facilities and oil refineries. Second, local area commanders were directed to identify any premises associated with the interests of the United States of America, Germany, the United Kingdom, Israel and Indonesia; third, to ensure that logs are maintained indicating the times and locations of those patrols; fourth, to collect all relevant intelligence from those patrols; and fifth, in light of the current increased threat levels, those taskings are to be carried out with heightened vigilance. In addition, police are being asked to visit large public gatherings including cinema complexes, railway stations, bus interchanges and nightclubs. Contact is being made with relevant health facilities, utilities, transport and emergency service organisations.

**Mr SPEAKER:** Order! There is far too much audible conversation in the Chamber. If the honourable member for Lachlan and the honourable member for Wakehurst wish to discuss matters they should do so outside the Chamber.

**Mr CARR:** Those are the instructions to the men and women of the New South Wales Police Force. This morning more than 100 police representing all police regions or local area commands met in Sydney for security alert briefings. The briefings were to plan for the expected duration of the security alert into the early months of 2003. Today I have issued memoranda to all Ministers concerning the alert. Government staff are required to display personal identification at all times and appropriate arrangements are required for visitors to government premises. All unattended packages and other objects are to be brought to the notice of building security and suspicious activity is to be reported to police.

Individual judgment must apply, but I offer some examples to assist. Videotaping of critical infrastructure would raise suspicion in the present climate; empty vans or trucks outside critical infrastructure or in crowded areas for prolonged periods must be deemed suspicious; similarly, unauthorised people testing security fences at the local electricity substation must be queried. In those types of circumstances people should contact police. Yesterday the Cabinet subcommittee on counterterrorism was briefed regarding security at the Lucas Heights nuclear reactor. The advice was as follows:

Lucas Heights is a research facility. It contains 7 kilograms of uranium. A standard nuclear power reactor contains 150 tonnes of uranium.

This puts in proper perspective any security risk around that facility. Further, we were advised that the domestic washing machine-size reactor, encased by a concrete shell, with multiple barriers and governed by automatic shut-down procedures, was secure. With absolute vigilance in mind the Government is maintaining contact with Federal authorities to ensure continuing security. I also address today's criticism of the Federal Government—criticism that the Federal alert was too vague and a catalyst for panic. On the contrary, we support the stand

taken by the Federal Government on this alert, because in our sort of society people have a right to know. I believe our people are entitled to know when the Commonwealth is in receipt of credible information about a possible terrorist attack.

I ask the House to contemplate the reverse. A Federal Government in receipt of credible information, but failing to pass that on to the public would be irresponsible in the extreme. In good faith we must accept the validity of the warning and respond vigilantly. Above all else, now is the time for productive unity at all levels of government. We support the view of Federal officials that at this time people must remain calm, and for good reason. While the security alert has been issued, the Federal Government's threat assessment level has remained at level three medium. We must remain calm as an act of defiance. We remain calm to show Jamaah Islamiah and Al Qaeda that we will not be intimidated.

One final point is that all we have heard in the past 24 hours about arrests in Perth and this alert confirms the validity of the legislation I introduced into the House yesterday. When passed, that legislation will equip our Police Force with comprehensive powers of search when a credible warning is made or a national terrorist strike occurs. I ask the critics of this legislation to contemplate the evidence of the past 24 hours, the sort of evidence that led the Government to carefully craft this legislation in the first place.

### GUY FAWKES RIVER NATIONAL PARK BACK-BURNING

**Mr FRASER:** My question without notice is directed to the Minister for the Environment. Why is the National Parks and Wildlife Service threatening farmers with prosecution over cattle in Guy Fawkes River National Park when recent back-burning by government agencies destroyed millions of dollars worth of fodder and fencing, resulting in cattle being forced to go into the park to survive?

**Mr DEBUS:** The Nero of the North Coast, who just asked that question, constantly complains about the fact that government agencies do not carry out any back-burning.

**Mr Carr:** He has done some himself.

**Mr DEBUS:** The honourable member has done his own back-burning. I am not aware of any threat of prosecution, but I have asked the Director-General of the National Parks and Wildlife Service to investigate whether any specific areas of land that are owned by the National Parks and Wildlife Service can be used in some way to provide feed for stock.

**Mr FRASER:** I ask a supplementary question. As this back-burning has destroyed up to 150 kilometres of internal fencing on these properties, will the Government pay for the replacement of those fences?

**Mr DEBUS:** Frankly, I want some other indication of the fact that this back-burning occurred. I do not accept on face value the assertions of the honourable member. However, if they are true, the Government will follow the normal procedure, which will be to ensure that farmers are not put out of pocket by these kinds of events.

### SCHOOL STUDENT SUSPENSIONS AND DISCIPLINE

**Mr GREENE:** My question without notice is directed to the Minister for Education and Training. What is the Minister's response to the recent report into discipline and student suspensions in New South Wales government schools?

**Mr WATKINS:** On 20 March this year I advised the House that the Government would commission independent data on suspensions in New South Wales government schools. Professor Andrew Goncz, Dean of Education at the University of Technology, Sydney, recently provided me with his report. That report, which was written in collaboration with Associate Professor Geoffrey Riordan, is entitled "Measuring and Reporting on Discipline and Student Suspensions in NSW Government Schools." Honourable members would be aware that in April and again in August this year the Minister for Police and I jointly convened a forum comprising members of the community, parents and police to look into the issue of how violence impacts on our schools.

One of the issues that was discussed was the reporting of suspensions. The participants at that forum agreed that commissioning this research into factors relating to student discipline, suspension and expulsion was

the best way forward. On page 5 the report clearly states that many schools have no incidents at all—a statement that is worth repeating. I advise the House of the following further findings. Of the total number of students suspended in any one year almost 75 per cent are being suspended for the first time. The number of incidents per student in government schools that fall into the violence and weapons category is 0.04 per cent. The report also tells us that we need to improve how we report these matters. The current violence and weapons category, which is unclear, does not always show when serious violence is involved. But the report also states that serious violence in our schools is rare.

The increase in suspensions over the past few years reflects an increasing concern from educational leaders rather than an increase in incidents. Let me make it clear: The study found that the increase in the number of suspensions over recent years reflected increased concern among teachers and principals about a range of aspects of student behaviour rather than a rise in violence in schools. As I said on 20 March in this place, in 1999 principals and teachers were given a more effective discipline policy—a policy that they are not afraid to use, and that they are using wisely. Used effectively, suspensions can stop incidents before they turn nasty. Given that the report identifies a wide variation in the severity of incidents that can lead to suspension, Professor Gonczi suggested that new data management procedures need to be developed which are consistent and are based on a common understanding.

That is why the report will form the basis of an action plan for the Department of Education and Training subject to detailed consultation with forum participants. This will also see the University of Technology, Sydney working with the new Safety and Security Directorate of the department overseeing the development of a reporting process which tracks trends and investigates variations. This is about greater and better reporting. Professor Gonczi also recommended that long suspension data should continue to be reported in modified categories to ensure a more accurate reporting of serious incidents. Specifically, Professor Gonczi recommended that the category of violence be redefined to include serious physical violence, or a real threat of serious physical violence, and that "possession of weapons" be redefined to include weapons as outlined in schedule 1 of the Prohibited Weapons Act 1989.

Professor Gonczi has also recommended that principals receive more help in categorising suspensions more reliably through examples and case studies. In addition, he suggested that principals would benefit from annual workshops in conjunction with the Safety and Security Directorate. The report that I tabled today contains suspension data for the past three years in government schools. The next phase of Professor Gonczi's study will examine policies in non-government schools. This will provide data on which to base appropriate recommendations for both government and non-government schools and provide for even better consistency when schools are reporting to their communities about security and safety. This will help all schools with their responsibility to address discipline and safety.

To ensure that we do this properly, Professor Gonczi and his team from the University of Technology, Sydney will be asked to undertake a further in-depth study of school-based factors that lead to successful student welfare and discipline policies and resolution studies. This work will complement research that is being undertaken by the Bureau of Crime Statistics and Research, looking at various factors that may contribute to school incidents becoming serious violent incidents. I am confident that this integrated research program will provide increased understanding and improve the capacity of schools to respond to incidents of serious misbehaviour. I seek leave to table the report.

**Leave granted.**

**Report tabled.**

**Questions without notice concluded.**

## **PARLIAMENT HOUSE SECURITY**

### **Privilege**

**Mr ARMSTRONG** (Lachlan) [3.39 p.m.]: I raise a matter of privilege which relates to security in Parliament House. This afternoon during question time an incident occurred in the gallery. I am not necessarily referring to the incident; I am referring rather to the capacity of staff to deal with such an incident. If that incident happened to be one of a serious nature I believe that staff would have been inadequately prepared to cope with it. This Parliament, which has the largest public restaurant in New South Wales, serves 4,500 to 5,000

meals each week. Events this afternoon demonstrate just how inadequate our security arrangements are. Today and yesterday I listened with interest to the statements of the Premier—

**Mr SPEAKER:** Order! What is the point of privilege?

**Mr ARMSTRONG:** Members of this Parliament are entitled to fair and reasonable security. This is the place of governance in this State. Today we saw the inability of staff to cope with security issues. I am not reflecting on individual staff members; I am reflecting on the parliamentary process.

**Mr E. T. Page:** You were under no threat.

**Mr ARMSTRONG:** You should listen, Ernie. I ask that the security in this place, both for members and the visiting public, be reviewed as a matter of urgency, particularly in light of the Premier's warning and the incident today.

**Mr SPEAKER:** Order! The honourable member for Lachlan has claimed that staff did not respond instantaneously to the incident in the gallery this afternoon. There was an instantaneous reaction, but the incident was what might be termed a love-in, the first occurrence of that type of behaviour that I have seen in this House in all the years I have been a member. It is difficult to know how to deal with that type of conduct. As the honourable member for Coogee has pointed out, no member was under any threat.

However, the honourable member for Lachlan made the valid point that a security alert, to which the Premier drew attention in the House today, has been announced. He asked how Parliament is responding to that alert. Last week the Director-General of the Premier's Department, Col Gellatly, met the Presiding Officers, senior staff and senior police who had been given the task of examining security in all major government buildings. Prior to that meeting we had produced a changed security manual that is currently with the police protection unit for analysis.

We have implemented a number of the recommendations in the document. The implementation of all the recommendations in the document will strain the budget of the Parliament to some extent as it will involve the installation of 10 or 15 additional security doors connecting each lift foyer with the areas occupied by members. Those doors will be opened by means of a swipe system, which is costly. All costs are now being analysed. I assure members that Parliament has not been remiss in considering the difficulties of making this place secure. I am quietly confident that the police will agree with the measures we have proposed and, more importantly, that Treasury will fund them.

## CONSIDERATION OF URGENT MOTIONS

### Ovine Johne's Disease Management Strategy

**Mr AMERY** (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [3.43 p.m.]: The House should consider urgently the new industry management practices for ovine Johne's disease. Although I recognise that the disease has been around for many years, the new management practices being considered by the industry should be debated urgently. The ovine Johne's disease advisory committee has already given in-principle support to a new management strategy that I understand will be discussed by the industry later this month. Consideration of this issue this afternoon will allow us to hear not only from the Government about the new management procedures but from members on both sides of the House who represent regional electorates.

### Camden and Campbelltown Hospitals Emergency Departments

**Mrs SKINNER** (North Shore) [3.44 p.m.]: My motion is extremely urgent because it affects individual patients, their care, the quality of their care, and the morale of hospital staff. I refer to a memo written by Dr Hugelmeyer, Director of Emergency Medicine at Camden and Campbelltown hospitals, operating as the Macarthur Health Service. Dr Hugelmeyer states in the memo—which is four pages long—that the department is:

... one marked by inefficiency, long patient delay and, most seriously, patient neglect.

Dr Hugelmeyer highlights several issues, one of which is inappropriate implementation of the so-called "code red". Code red is the new name for the life-threatening only protocol. When code red is declared, ambulances



are turned away from emergency departments that are deemed to be too busy to deal with additional patients. Dr Hugelmeyer says that administrators are now making that determination and instructing emergency departments either to close or to remain open, even when doctors recommend closure in the interests of the safety and wellbeing of patients. I have grave concerns about this development, as does Dr Hugelmeyer. It has never been accepted practice for bureaucrats to determine the clinical condition of patients; that is the doctor's role. If doctors say that patients are very sick and the hospital can no longer cope, bureaucrats should not be able to override their decision. That is exactly what is happening at Campbelltown and Camden hospitals.

Dr Hugelmeyer refers also to confusion over the level of service to be provided at Camden hospital emergency department. Honourable members may recall that the recent metropolitan hospitals plan referred to downgrading—I think it used the word "integrating"—emergency departments at several hospitals, one of which is Camden. Dr Hugelmeyer spills the beans and reveals that the Government's real plan, as we have claimed, was to downgrade the level of service. He says he recommended that they take down the shingle so that the department was no longer called "Accident and Emergency", but there was "political interference". In other words, the Minister for Health got a little nervous that the public would discover before the election the Government's true intentions. Staff in Campbelltown and Camden hospitals are now confused, their morale is terribly low, and, as Dr Hugelmeyer points out, patient care is being compromised.

Dr Hugelmeyer is not the first doctor to speak out in recent weeks about the Government's secret agenda to downgrade emergency departments—a doctor in the Blue Mountains did just that, and I have also been contacted by a whistleblower. I know that the Minister for Health is aware of this issue because he issued a press release at 5 o'clock on Friday afternoon. Imagine that! Why would one issue a press release at that time? I think the Minister was hoping that members of the press gallery would be in the bar having a drink or would have already gone home and that nobody would notice. That press release said there would be an investigation of Campbelltown and Camden hospitals. The DirectorGeneral of Health said in a press release that she regarded it as a very serious matter and that she did not want to see patient care compromised. Yet the senior doctor in charge of emergency medicine at Camden and Campbelltown hospitals has said that patient care is being jeopardised.

It is scandalous that honourable members could even consider not debating this matter urgently. Patients' lives are being threatened and hospital staff are suffering from low morale. They are walking away from our hospital system—it is no wonder—because this Government will not take seriously the concerns raised by senior doctors, patients, and their families, who have spoken out through the media and contacted my office. They have also approached the Minister directly but he does not even respond to their telephone calls. Government members are contacted by doctors, ambulance officers, nurses, patients, and their families but they do absolutely nothing. Perhaps one or two of them have raised some concerns in this place in a private member's statement to make it look as though they are taking action, but in reality they are doing nothing to represent the doctors and nurses in their electorates.

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

## **OVINE JOHNE'S DISEASE MANAGEMENT STRATEGY**

### **Urgent Motion**

**Mr AMERY** (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [3.50 p.m.]: I move:

That this House:

- (1) notes the impact of ovine Johne's disease on New South Wales sheep producers;
- (2) recognises the efforts of farmers in the Yass, Central Tablelands, Braidwood and Goulburn rural lands protection boards in developing a management area for ovine Johne's disease; and
- (3) supports efforts by the Government to assist farmers in affected areas.

Over past weeks significant changes to the management of ovine Johne's disease [OJD] in New South Wales have been introduced and others are currently being proposed. On 6 November a series of changes to the financial assistance provided to producers affected by OJD was announced. OJD, as some honourable members would know, was first diagnosed in New South Wales in 1980 in sheep on the Central Tablelands. A wide range of strategies is now available and being used to assist affected producers to minimise the economic impact of OJD.

These include controlled trading opportunities; vaccination for infected flocks in the residual and control zones; profiling of infected flocks with low level of disease, particularly studs detected while on the Market Assurance program; financial assistance for producers with infected flocks comprising up to \$1,000 to develop a property disease management plan and up to \$25,000 to implement the plan; loan assistance for owners of infected flocks of 5,000 sheep or more; and loans up to a maximum of \$75,000, repayable over 12 years. That assistance is based on a rate of up to \$5 per head of adult sheep, to a maximum of \$25,000. Funding for this package is raised through the OJD contribution and/or levy paid by New South Wales producers and is provided to producers who develop property disease management plans.

Property disease management plans use a range of flock management strategies, which may include vaccination with the Gudair vaccine and the construction of new stock yards and new, clean, flock watering points. In a nutshell, vaccination significantly reduces bacterial shedding in faeces and therefore damps down contamination. Producers are encouraged to incorporate the vaccination of lambs in their property disease management plans as this has major benefits in reducing future flock infection rates and spread to neighbouring flocks. Vaccination is also a primary strategy in the control of the disease in local catchments and hence in regional OJD control. However, vaccination is not, as has been described by many people, a "magic bullet", and hence the movement of vaccinated sheep and consequent trading opportunities still need to be strictly controlled.

For this reason, NSW Agriculture has been working with the rural lands protection boards in the residual, or high infection, zone on a new model for disease control, which includes greater trading flexibility for producers in this area. This was developed by the Yass, Goulburn, Braidwood and Central Tablelands rural lands protection boards in conjunction with NSW Agriculture. Last Friday I had the pleasure of discussing this proposal with Mr Mac Wilson, the Chairman of the Yass Rural Lands Protection Board, the director of the board, Nigel Baines, and the Labor candidate for Burrinjuck, Michael McManus. Mr McManus first raised this issue with me when I attended the Country Labor conference in Cooma. The individual members of the boards who were involved should be congratulated.

This is important when one thinks of the individual impact on farmers of the OJD quarantining of a number of farms. The proposed OJD management area approach will allow individual property quarantines to be lifted and replaced by a regional quarantine zone. This will give producers in these areas additional trading options which, while still consistent with the national OJD management plan, are much more flexible. At face value, it is an approach which rewards producers who adopt a more proactive approach to disease management, by giving them enhanced trading options which reflect the strategies being adopted by them.

Essentially, the proposal being considered consists of removing all individual property quarantines; instituting a Ministerial quarantine order over the whole of the quarantine zone, allowing the Minister to determine the conditions for movement of stock within the residual zone; renaming the zone "The OJD Management Area"; having an interim period, to be defined by producers in the residual zone itself, during which all stock can be moved freely within the residual zone; intense on-going advice to producers; and, at the end of the interim period, arrangements to allow low-risk stock—that is stock from assured, tested flocks, or sheep which have been vaccinated as lambs—to be moved between properties in the area. Other stock, however, that are considered to be high risk, can only move to slaughter.

These new arrangements will free up some of the resources currently being allocated to individual property testing and monitoring within the residual zone. On 6 November I also announced changes to the New South Wales OJD State-based financial assistance package to help producers access funding for on-farm disease control strategies. These changes have been introduced at the request of the New South Wales Ovine Johne's Disease Industry Advisory Committee. The committee was of the view that the State-based financial assistance program that was in place at the time assisted OJD affected producers to adopt management strategies to minimise the impact and spread of the disease on-farm. However, the committee recommended that industry funds could be better managed if a number of changes were introduced to ensure that more producers receive funding in the short term to implement OJD disease control strategies.

The changes, which I subsequently announced in the media are: a producer's entitlement to financial assistance on eligible expenditure will be reimbursed at the rate of 40 per cent in year one, 30 per cent in year two, and 30 per cent in year three; and infrastructure expenditure will be capped at 20 per cent of an individual's entitlements. This includes, for example, expenditure on fencing, flock watering points, feed storage and other farm buildings, stock handling facilities, and silos. Modification to property disease management plans will also be allowed, but changes to the originally proposed draw-down of funds will not be permitted within 12 months of a plan being approved.

This brings me to a key point of this urgency motion. A number of producers who have had funding approved for property disease management plans under the rules that existed prior to my announcement of the new arrangements on 6 November have expressed concern that their plans will be compromised by these new arrangements. They have been made in response to a request by the industry to ensure that funds raised by the OJD voluntary contribution are best targeted to ensure good disease control.

The committee was concerned that 36 per cent of funds collected were being spent on the types of infrastructure works I mentioned earlier. It wanted a better distribution of available funds across the range of control actions and across a larger number of producers. It subsequently proposed changes to give a better spread of spending across the range of control actions and to enable better matching of the spending of industry funds with the rate at which they are being collected. So far, 300 OJD financial assistance applications valued at \$4.5 million have been approved.

I can assure all producers who have begun to implement property disease management plans, or who have received written notification that their plans have been approved prior to the announcement of the new arrangements, that they can continue with their original plans. In other words, all existing assistance agreements will be honoured to ensure that producers are not affected by the new arrangements for the distribution of financial assistance. Each producer will still be entitled to payment of \$5 per head of stock—up to a maximum of \$25,000. However, under the new arrangements, producers will still be eligible to receive up to \$10,000 for on-farm infrastructure works paid over three years rather than as a single payment.

These changes have been introduced in conjunction with the development of a market assured vaccinated [MAV] status by NSW Agriculture. New South Wales is still working with the stud sector in an effort to gain National Ovine Johne's Disease Veterinary Committee approval of a new market assured vaccinated status. If successful, this will give producers yet another tool to manage OJD. The aim of these changes is to try to get the money that is being collected to more farmers spread right across the zone. Whilst there might be smaller amounts for individuals, more people will be involved in the program.

As I said, so far some 300 OJD financial assistance applications, valued at \$4.5 million, have been approved. It is obvious that the industry is now moving forward with this problem. I congratulate the people from the rural lands protection board who saw me and who have been working on this project for quite some time. It shows that the industry is moving ahead with what has been a very difficult disease for them to manage. I hope the House will support this motion.

**Ms HODGKINSON** (Burrinjuck) [4.00 p.m.]: I thank the Minister for moving the motion for urgent consideration, which is in these terms:

That this House:

- (1) notes the impact of ovine Johne's disease on New South Wales sheep producers;
- (2) recognises the efforts of farmers in the Yass, Central Tablelands, Braidwood and Goulburn rural lands protection boards in developing a management area for ovine Johne's disease; and
- (3) supports efforts by the Government to assist farmers in affected areas.

I move:

That the motion be amended by inserting after the word "recognises" in paragraph (2) the words "and congratulates" and in paragraph (3) leaving out the words "supports efforts by" with a view to inserting instead the words "calls on" and inserting the word "fully" before the word "assist".

The motion as amended would then read:

- (1) notes the impact of ovine Johne's disease on New South Wales sheep producers;
- (2) recognises and congratulates the efforts of farmers in the Yass, Central Tablelands, Braidwood and Goulburn rural lands protection boards in developing a management area for ovine Johne's disease; and
- (3) calls on the New South Wales Government to fully assist farmers in affected areas.

I am pleased that the Minister has just highlighted what was reported in an article at page 13 of the most recent addition of *The Land*, in the upfront news section entitled "OJD aid shakeup". That was a good appraisal of the article. It is good that OJD is finally on the Government's agenda. I have been giving notices of motions about ovine Johne's disease for debate in this House since 16 November 1999. Stud breeders in my part of the world certainly have been approaching me since then, and I have been making direct representations to the Minister over that time.

It is interesting that only now is the Minister willing to debate this issue—after he has introduced a marked policy shift. My most recent notice of motion has been on the notice paper since 11 April, when I expressed my concerns about comments made by the NSW Agriculture OJD Policy Co-ordinator that it may take up to two years for the Gudair vaccine to become widely available for common usage. What a difference six months makes! By saying this I am not having a go at the Minister. I am saying it is great that finally the Minister is reacting in a positive manner to the demands of sheep producers, who are the subject of this motion.

This new management program is intended to provide enhanced trading options for producers in the Goulburn, Yass and Braidwood areas. It will focus on on-farm prevention of infection or intervention well before clinical losses are experienced in flocks. It will wipe away a significant amount of the stigma attached to sheep from this region. It will provide improved disease control and minimise the effects of the disease on productivity. It will also assist in attempts to improve relations between producers and advisory agencies providing beneficial effects of control of other diseases. I welcome these intentions. They are in line with measures I have been calling for since 1999.

The severe impact of the early days of the New South Wales control program was out of all proportion to the effect of the disease. The Stock Diseases Act is intended to combat dangerous imported diseases such as foot-and-mouth. We have recently seen a large-scale exercise designed to test Australia's readiness to combat an outbreak of foot-and-mouth. I have grave concerns that the way the New South Wales OJD Control Program has been implemented has created a rift between producers and NSW Agriculture. Many sheep producers have told me they will never again trust NSW Agriculture and report diseased sheep. They are quietly destroying diseased sheep and burying them on their properties. This could have disastrous results in the face of an outbreak of a really dangerous disease in New South Wales. I am sure the Minister is aware of this.

However, when I raised my concerns with the Minister, in writing and on the floor of this House, I was accused of being alarmist. I welcome the Minister's acknowledgement that he was mistaken about the need for improved relations between sheep producers and NSW Agriculture. As the Minister knows, OJD is not eradicable. Despite several efforts, no country in the world has been able to eradicate OJD. Typical losses to this disease are in the order of less than 5 per cent, which makes them comparable to blowfly strike, liver fluke, feral animal attacks, or the many other causes of stock loss that face sheep producers. On 16 March 2001 the Chief Executive Officer of Animal Health Australia, Geoff Neuman, stated:

OJD is **not** considered highly infectious.

The emphasis is Mr Neuman's. He further wrote:

Generally the disease has less impact on production than major sheep diseases such as footrot, lice, flystrike and internal parasitism.

In only a few rare and extreme cases have losses of up to 26 per cent of same-age sheep in a flock been observed. The disease is not the "grim reaper" of the sheep industry that the Minister has previously portrayed. OJD was first formally diagnosed in Australian flocks in 1980. The National OJD Control and Evaluation Program did not commence until after August 1998, 18 years after formal diagnosis. There are distinct differences between the national control program and the State control program. The Federal Government has no constitutional right to impose an overall approach to the disease. The Federal Government's approach has been one of funding research into the disease, which is badly needed, and establishing broad national guidelines.

Each State has taken an individual approach to the broadly established national guidelines. Unfortunately for the New South Wales sheep industry, its producers made the mistake, as did the New South Wales National Party at the time, of believing that the Carr Government had the best interests of sheep producers at heart. The Minister for Agriculture has said in this House that we went into the March 1999 election with an OJD policy that supported the zoning and control measures proposed by his Government. That is true. But what we, like sheep producers everywhere, just could not believe was that the New South Wales Government would use the draconian measures of the Stock Diseases Act to enforce the zoning and control policies.

We in the National Party, the only party that has properly represented the concerns of sheep producers, saw the damage that was being caused to businesses and families and acted to try to ameliorate the worst effects of this Government's OJD policy. The Minister, on the other hand, adopted the attitude, expressed so cuttingly in the Blackadder series, of the British World War I General who said of trench warfare, "If all else fails, a blind refusal to accept the obvious will always see us through."

Restrictions on trading due to zoning within New South Wales began on 1 July 1999. The Minister's control measures portrayed the disease as virulently contagious. Yet, after running rampantly unchecked for at least 18 years and possibly 60 years, OJD is now primarily restricted to the Central Tablelands, Goulburn, Molong, Young, Forbes, Yass, and Hume rural lands protection boards. The real problem faced by New South Wales sheep producers lay with the draconian approach to the disease by the New South Wales Minister for Agriculture between 1999 and earlier this year.

I recognise, and applaud, the changes that the Minister has recently made in his approach to this disease. Whenever I raised my concerns about his earlier policy I was howled down and accused of being populist and of wanting to spread the disease Australia wide. The Minister justified his actions by saying he was constrained by having to take a national approach. That is just not true. Each State is responsible for its own control measures. He has now gone a long way towards introducing many of the measures for which I have been calling since 1999.

It behoves us to cast our minds back to the early years of the Minister for Agriculture's OJD Control Program. Instead of supporting farmers whose properties were affected with the disease, the approach of NSW Agriculture was to destroy their ability to earn an income. Rather than choosing to work with sheep producers, he took the decision to use the Stock Diseases Act of 1923 to bludgeon sheep producers into trying to eradicate the disease. Other States took a more co-operative approach and financially assisted producers with their control program. For example, earlier this year the Victorian Government announced a \$16 million write-off of the OJD debt of its sheep industry. The Victorian Government has committed to a disease management program, abandoning the eradication approach to which Mr Amery had clung since 1999. The Victorian Minister for Agriculture said:

Nobody knows enough about eradication yet to say whether it is possible or even if it is worth the hassle.

The Minister will raise the oft repeated mantra that his program was put in place on the advice of industry bodies. That may have been true in 1998, but it is not true today. Before the Minister's turnaround, the New South Wales Stud Merino Breeders Association issued a strong condemnation of the New South Wales OJD Control Program, saying:

The destruction of the New South Wales sheep industry is at hand, not because of OJD but because of the bureaucratic rules and regulations being imposed.

I have on file comments criticising NSW Agriculture's handling of OJD by many other industry bodies. So many veterinarians involved in the OJD program were critical of NSW Agriculture that the Minister sought, unsuccessfully, to muzzle them. Executive board members of the Australian Wool Growers Association have spoken out against the Minister's program. Clearly it was the Minister who did not have the support of the general sheep and wool industry. Many sheep producers have told me that the OJD program is driven by NSW Agriculture's bureaucracy as a means of self-perpetuation.

With significant progress being made in the right direction, we should stop and reflect on what Minister Amery's earlier approach to OJD control has achieved. Alan McCormack from "Walwa" Stud at Gurrundah informed me that his property has been infected since 1993. He was only given approval to use the vaccine in July 2001 and has suffered annual sale losses, not stock losses, of about \$80,000 to \$100,000 a year. He is upset that after losses of about \$900,000 he may now receive \$26,000 assistance! He has written:

I have carried the burden of financial hardship and personal suffering caused by OJD yet no Government has had the will to assist me to get back into business and ultimately survive.

Progress has been made, but more can still be done. Sheep producers across the State need unrestricted access to the vaccine; easing of trade restrictions between zones based on vendor declarations and buyer-beware principle while supporting the voluntary Sheep Market Assurance Program; more direct and focused research on an Australian-developed vaccine with the aim of allowing producers to manage the disease on their property; registration of the Gudair vaccine for unrestricted use to allow on-property management of OJD; and compensation for farmers if slaughter of a stud animal or a flock of sheep is required for control of the disease.

Again I commend these initiatives to the Government. We have had many, many changes over the past few months. We have also seen many criticisms of NSW Agriculture by people affected by OJD. Last year at the Senate inquiry into OJD, which I attended, Steve Phillips said that it was time for the government bodies in charge to make some solid decisions and not leave it to the so-called middle management of the OJD administration section of the Department of Agriculture, where career self-preservation has become more important than commonsense. As a result, the industry is suffering greatly. [*Time expired.*]

**Mr MARTIN** (Bathurst) [4.10 p.m.]: I support the motion. I am sure the Minister will deal with many of the inaccuracies we have heard from the honourable member for Burrinjuck, who has been consistent in this debate since day one: she has been about three paces behind the industry approach. For example, she questions a national approach. It may be lost on her, but national funding is conditional upon a national approach. There is no doubt that ovine Johne's disease has been one of the most contentious issues in the sheep industry for many years. It has bitterly divided many in the industry and local communities. A number of positions have been taken, from those who would ignore OJD, bury their heads in the sand and believe they can live with it, to those who have advocated the complete eradication of flocks.

Many people have worked hard to ensure that commonsense has prevailed. I refer particularly to John Seaman and his wife, Rosemary, who operate a stud at Perthville, which is just out of Bathurst. John is one of the pioneers who fought hard for vaccinations. It should also be pointed out to the honourable member for Burrinjuck that before the Minister could sign off on the use of the vaccine, it had to be extensively tested by the appropriate Federal bodies. It is not within the province of Ministers to make those sorts of decisions without full verification and a scientific analysis. When others in the industry criticised John Seaman he was making representations to the Minister, as I have been since 1991. It is largely due to John that the vaccine became available.

The present changes are the result of discussions with industry and advice from the OJD advisory committee. A producer's entitlement to financial assistance on eligible expenditure will be reimbursed at 40 per cent in the first year, 30 per cent in the second year and 30 per cent in the third year. Previously, it was paid in a single year. Infrastructure expenditure will be capped at 20 per cent of an individual's entitlements, including expenditure on fencing, buildings, stock handling facilities, et cetera. I was pleased to note the Minister's assurance that that cap will not be applied retrospectively. Those who are already committed above that figure will be compensated at that level.

It is interesting to note that the four rural lands protection boards [RLPBs] are co-operating. I have been briefed by representatives from the Central Tablelands board. They are taking an active and constructive approach. As honourable members know, the 48 RLPBs around the State do not always see eye to eye, but in this case the four boards involved have done an excellent job of producing a management plan. Their work will be enhanced by funding to upgrade their information technology systems, as announced by the Premier at the Country Labor conference in Cooma. Better databases will result in a more accurate and timely approach.

The OJD advisory committee was concerned that the amount of money spent on infrastructure was too large a percentage of the total. It has now capped that amount and made a number of recommendations. Modification to property disease management plans will be permitted, but changes to the original draw-down of funds will not be permitted within 12 months of the plan being approved. There is a temporary suspension of the current financial assistance package for flock confirmed infected on or after 4 November, pending the findings of a review and recommendations for a future financial assistance package.

It is important to note that all previously agreed property disease management plans will be honoured. These changes have been made in response to requests from industry to ensure that funds raised by the OJD voluntary contribution scheme are targeted to ensure good disease control. Although we may have had some debate about that, the industry is now talking through the issues and developing constructive, co-operative plans. I pay particular tribute to the Central Tablelands Rural Lands Protection Board for its co-operation with adjoining boards. I commend the motion to the House.

**Mr ARMSTRONG** (Lachlan) [4.15 p.m.]: Ovine Johne's disease is insidious. It was first identified in 1980. Many people in the sheep industry, particularly those in the southern part of the State, would agree that it may have been around for as long as 30 or 40 years. Anecdotal evidence supports that view. We are yet to establish why it is so difficult to eradicate—or, more precisely, to manage—the disease. Most people would agree that eradication of the disease is highly unlikely, but management is possible. The connection between Crohn's disease and Ovine Johne's disease is yet to be established anywhere in the world.

Management practices have not followed a template; they have been one-off. They have been extraordinarily expensive both financially and personally for many families, individuals and districts. The districts of Goulburn, Gunning, Yass and Bathurst in particular have taken a real pasting. In the past few weeks I have had calls from responsible woolgrowers, one of whom has a road going through his property. One side of the road is a protected zone but the other side is not, which means that he cannot take sheep from one paddock into the other paddock and into his shearing shed. In the current drought many people need to move sheep to maintain feed and lactating ewes, but they are severely restricted.

I have heard reports that the price for store lambs, particularly in the southern part of the State in the Wagga Wagga-Wodonga area, can vary by as much as \$20 to \$25 between those that have the infection and those that have not had the infection or have come out of infected areas. That variation could make at least a 50 per cent difference in the current market. Both the ovine Johne's disease advisory committee and the RLPBs agreement to provide ovine Johne's disease-approved feedlots for sheep in some protected areas has caused a great deal of concern.

Ovine Johne's disease is extraordinarily difficult to manage. I suspect that the frustrations of those who are caught up in the level of indecision was best highlighted by the extraordinary attack on the Minister on the opening day of the sheep show at this year's Royal Easter Show. The Minister would probably agree with me that the people involved were some of the most highly respected, most sensible and well-educated people in the sheep industry. I note the news release by the New South Wales Farmers Association dated 22 October, which states that the association's executive council meeting in Bourke unanimously endorsed a strategy put forward by a committee of producers from both infected and non-infected areas. The recommendations accepted by the New South Wales Farmers Association Executive Committee aim to:

- return the State to two zones by October 2004, and remove individual property quarantine;
- use vaccination to allow low risk trading of flocks, including permanent identification of vaccinates;
- joint industry and government funding of vaccine; and
- a communications strategy to ensure producers understand the seriousness of the disease, and the opportunities available to control its spread.

The achievement of all of those aims by 2004 is the way forward. The recommendations are simple, easily understood and acknowledge the good work done by the industry. The program has been industry driven and, if anything, the motion before the House does not adequately acknowledge that the farmers and people involved in the industry have driven the process, working alongside governments.

**Mr Amery:** I agree with you. How refreshing!

**Mr ARMSTRONG:** So the Minister should, considering all the wisdom emanating from the Coalition side of the Chamber. The Opposition accepts the content of the strategy and believes that, provided the four recommendations are accepted, this State may yet have a properly managed approach to the eradication of ovine Johne's disease. [*Time expired.*]

**Mr WEBB** (Monaro) [4.20 p.m.]: This debate reflects the terms of a motion of which I gave notice only a few days ago. The Government knows that ovine Johne's disease [OJD] zoning is causing a great deal of anguish among the sheep producers throughout the Monaro, Braidwood and Cooma areas. The value of lambs stored for finishing in a zoning rated differently from their home property will be significantly reduced. If, at the end of the day, the cost of transporting stock to sale or to an abattoir is greater than disposing of them sheep producers may have no alternative but to destroy livestock on their properties. That has occurred during previous droughts.

I am alarmed that some sheep and wool producers have been prevented from moving their stock from adjoining properties in different zones to their own woolsheds for shearing. The honourable member for Lachlan also referred to that problem. I do not know what happens in such a case. It may be acceptable to shear the sheep in a neighbour's shed. Obviously sheep producers would not want to sell sheep that are in wool. I have called on the Government to bring its policies into line with the recommendations made by the New South Wales Farmers Association, to which the honourable member for Lachlan also referred, and to remove the zoning barriers that prevent stock movements.

The Government should also consider the social and financial impact on farmers of unworkable restrictions, particularly during the drought. Everything possible must be done to reduce red tape to ensure the preservation of core breeding livestock. To date OJD has not been managed with a view to securing the best outcomes for producers, and problems have been exacerbated by drought conditions. I call on the Department of Agriculture to provide technical and financial assistance so that farmers may vaccinate older stock for transport to agistment. The responses to the OJD debate have been interesting. I welcome the honourable member for Burrinjuck bringing the matter to the attention of the Government on behalf of the Coalition.

The term "ovine Johne's disease" is common in the bush, but older farmers who are not familiar with the term know about the disease and usually refer to it as "that sheep disease" or "that wasting disease". They all

say that it has been around for decades and I believe that to be true. Worldwide evidence tends to confirm that. My neighbour, Barry Walker from Ledgeston, who is a superfine woolgrower and sheep breeder of some renown recently visited Portugal. He asked sheep producers there to tell him about how they control OJD. They told him that they did not have to deal with it because they all vaccinate their stock. That is also the practice elsewhere, particularly in New Zealand.

The impact of levies on producers has certainly been inequitable. Small producers, such as Kevin Clark from Berridale—an older, experienced farmer, who currently has a small flock—has been penalised by having to pay hundreds of dollars a year compared to large producers with thousands of animals who pay only \$350 plus a small capped amount. Producers who have more than 3,000 sheep pay a fee that is capped at \$350. Large producers with tens or hundreds of thousands of sheep pay a fee based on lower rates per head, and that has resulted in inequity.

Over the years producers have experienced difficulties in implementing different testing regimes. It recently became evident that problems associated with identifying and controlling the disease are impossible to overcome. The New South Wales Farmers Association resolution calls on the Government to implement four recommendations, one of which will enable farmers to utilise vaccines in the management of the disease. We do not want stock agents to continue telling farmers not to bring in their stock for sale because zoning restrictions seriously hamper the movement of stock. Graziers are in trouble. A proper approach to the control and management of ovine Johne's disease must be adopted. [*Time expired.*]

**Mr AMERY** (Mount Druitt—Minister for Agriculture, and Minister for Corrective Services) [4.25 p.m.], in reply: I thank the honourable member for Burrinjuck, the honourable member for Bathurst, the honourable member for Lachlan and the honourable member for Monaro for their contributions to the debate. I particularly thank the honourable member for Bathurst, the honourable member for Lachlan and the honourable member for Monaro for their positive comments. The Government is happy to accept the amendment that congratulates people who have been involved in the development of the plan. However, the Government does not support the other part of the amendment because it is not clear, bearing in mind the diverse groups that have provided financial support for the plan, what the honourable member for Burrinjuck intends to convey by the words "fully assist".

The honourable member for Lachlan correctly stated that ovine Johne's disease is an insidious disease. He expressed doubt about whether the disease will ever be fully eradicated, a comment that was reflected in speeches made by other honourable members. The honourable member for Lachlan understands—in contrast to the honourable member for Burrinjuck, who does not—that the OJD control program is a six-year national program in its fourth year. The six-year period is all about research and management. After the program is completed, decisions will be made on whether it will be possible to eradicate the disease or what other action should be taken.

When OJD is being discussed, the honourable member for Burrinjuck seems to be on another planet. People from the rural lands protection boards in the Burrinjuck electorate seem to have a view on how the disease should be managed that is totally different to the view taken by the honourable member for Burrinjuck. It was obvious when one listened to the contributions of the honourable member for Lachlan and the honourable member for Monaro that the honourable member for Burrinjuck is out of step with the industry.

**Mr McManus:** Experience shows through.

**Mr AMERY:** That is exactly right. The honourable member for Burrinjuck claimed that what I say about the industry and the national approach is untrue. She contends that the States can go it alone. I point out to her that the OJD program is worth \$40 million nationally. Although the New South Wales Government has ample legislative power to go it alone, Federal funding, industry contributions and contributions from other States would be forgone as a result. I state for the record that out of the \$40 million program, \$10.5 million is allocated to research and development, \$22.5 million is committed to operations and \$2.7 million is allocated to management of the program. The contribution by the New South Wales Government is \$7.24 million, the Commonwealth Government's contribution is \$9.3 million, and the national industry contribution is \$9.17 million. The total State contribution is approximately \$11.2 million.

The suggestion made by the honourable member for Burrinjuck that this State can somehow go it alone is stupid. It is possible, but the industry would be the loser and the whole program would suffer as a result. It is already difficult to convince the Western Australian Government to contribute to a national levy, so one wonders how many other States would be pleased to jump off the bandwagon and cease contributing to a disease control program that is focused primarily in New South Wales, the area most affected by OJD.



The honourable member for Burrinjuck misled the House and the producers in her area by claiming that the Government was reluctantly dragged into discussing OJD. The *Hansard* index shows eight entries in my name on this matter going back to 1999, and that does not count the numerous questions on notice directed to me by the honourable member for Burrinjuck and others. Hundreds of letters and press statements involving OJD have been mentioned in the House. To claim that this is the only occasion on which the House has spoken about this matter is, again, part of the game of misrepresentation that the honourable member for Burrinjuck plays with OJD.

Last week I visited Goulburn with Michael McManus, the Labor candidate for Burrinjuck, and spoke to producers about OJD. I am sure he will do extremely well in the next election. Rural lands protection board directors from the Burrinjuck electorate are producing a plan that they want the Government to be part of. I am happy to add the word "congratulate" to the motion, because those directors should be congratulated. However, my point is that their view on OJD is totally different from that of the honourable member for Burrinjuck. She has consistently politicised this issue from day one. She refuses to acknowledge that the program is a national one involving industry at a State and national level to which the Federal and State governments are major contributors. I accept the first part of the amendment, but I reject the word "fully". I ask that the questions on the two amendments be put separately.

**Amendment to paragraph (2) agreed to.**

**Amendment to paragraph (3) negatived.**

**Motion as amended agreed to.**

## **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, at this sitting, for:

- (1) a third matter of public importance to be discussed;
- (2) the time limits for the matters of public importance in the names of the following members to be:
  - member for Bligh—four members at 10 minutes each, with no reply;
  - member for Miranda—normal shortened time limit;
  - member for Vacluse—normal shortened time limit;
- (3) no divisions or quorums to be called after the commencement of private members' statements;
- (4) private members' statements to be taken at the conclusion of the first matter of public importance and at the conclusion of the third matter of public importance;
- (5) the House to then adjourn, without motion, until Thursday at 10.00 a.m.

## **SUTHERLAND SHIRE OVERDEVELOPMENT AND POPULATION**

### **Matter of Public Importance**

**Mr COLLIER** (Miranda) [4.34 p.m.]: To the people of Miranda, the Sutherland shire is a special place indeed. Those who were born and raised in the shire tend to remain there. It is not uncommon to find three or four generations of the same family group scattered throughout the area. The people of Miranda regard their shire as unique. In Miranda the key issues are local ones. First and foremost is overdevelopment. In the past few years the Liberal-controlled Sutherland Shire Council has approved more flats than any other council in Sydney. That Liberal council approved 1,383 flats in 1997 and 1,400 in 1998. That is more than five times the annual number of 275, which its housing strategy allowed.

To compound matters, a sample survey of 37 council approvals in 1998 showed that 81 per cent failed to comply with the council's planning controls. In one well-documented case the Liberal council approved a block of units in Miranda without bedroom windows. The people of Miranda were justifiably outraged by the Liberal council's open-slasher approach to development, at the pressure it was placing on the shire's resources and at the detrimental impact that that rampant overdevelopment was having on the environment and on their way of life.

Those are not new words; they come from my inaugural speech in this House on 12 May 1999. Nearly four years on my sentiments remain the same, but some things have changed. The people of the shire tossed out Kevin Schreiber, the duke of development, and his Liberals with their open-slather approach to development. They tossed out his council that added a few extra stories to Northies at Cronulla. They tossed out Schreiber's mob that approved the 10-storey monstrosities we now seek taking shape in Caringbah. Sadly, we are still feeling the effects of the 2,400 developments approved by Schreiber and his mob but not commenced before he was tossed out.

However, there are good grounds for optimism in the second change that has occurred. The number of development applications for high-density and medium-density housing has fallen dramatically as a result of the tightening of council's controls since Schreiber and his Liberal team were tossed out. I am informed that applications fell by up to 84 per cent in the three years to June 2001. The State Government has also granted Sutherland Shire Council an exemption from State environmental planning policy [SEPP] 5, and backdated it to 7 May. That has had the effect of knocking out two large SEPP 5 developments, one at Yowie Bay and one at GyMEA Bay. More recently it has had the effect of knocking out proposed large SEPP 5 developments at Wyralla Road and Warrah Road in Yowie Bay.

The State Government has moved to reform the Land and Environment Court and to implement the recommendations of the Joint Select Committee on the Quality of Buildings, of which I was honoured to be a member. Recently the Minister for Transport announced the abandonment of the F6, with the potential for a multi-million dollar investment in open space in the shire—green space being given back to the community, green space that will not be handed over to developers. More recently the State Government and I have been working with the new mayor on a housing strategy that is appropriate for the shire and that will restrict further development.

However, something else has changed, and that is the recent push by some in this country to dramatically increase Australia's population. This threatens the progress we have made in the Sutherland shire. I turn now to the population debate and the rampant overdevelopment that would result from a large increase in population. The Federal Liberal Minister for Tourism, Joe Hockey, has made it clear that he wants the Australian population increased to 50 million by 2050. That is a simply outrageous and dangerous target. A population of 50 million would destroy the way of life we have come to enjoy in Sydney and the shire and would lead to overdevelopment on a scale never seen before.

Some councils would like to stick up high-rise housing at every opportunity. But could they cope with an extra seven million residents? That is what a population of 50 million in Australia would mean to Sydney, and the city's population would increase from the present four million to almost 11 million. Forty per cent of migrants settle in Sydney, and that is understandable. Sydney is the magnet, and people like to live near the coast. As has been all too amply demonstrated recently with 98 per cent of the State being drought affected, our land is subject to the ravages of nature, particularly drought.

I am the first to acknowledge the great role that migrants have played and continue to play in our community and their contribution to our country. Australia would not be the great nation it is today without them. But the fact remains that Australia cannot handle an increase in migration that would deliver a population of 50 million. To reach that figure, Australia would need to take more than 460,000 migrants a year. Currently Australia takes about 90,000 a year, of whom 53,000 are classified as skilled migrants. And make no mistake, that is what we must focus our attention on: skilled migrants.

Future job growth is in the high-tech and skilled job sectors. Australia does not need the hundreds of thousands of workers that it did in the 1950s to deliver massive infrastructure and to help develop the cities. Targeted and strategic skilled migration has the most to offer Australia. That is the path that we must follow, and not the proposal put forward by the Leader of the National Party, who in the *Sunday Telegraph* of 16 January 2000 advocated an additional 1.2 million general migrants for Sydney. Immigration on a massive scale would destroy Australia and the shire that we have come to love. It does not take a rocket scientist to realise that if we increased our population to 50 million, that would have a huge impact on housing development.

Planners have estimated that Sydney would need about 1.1 million new homes on the fringe of the city and, more significantly, 1.4 million new units in existing urban areas to cater for this increase. We would have wall-to-wall units from the coast to the Blue Mountains—an extra 1.4 million units in suburban Sydney and more units in the shire. That would halt the progress that we have made on stopping overdevelopment. We

tossed out Kevin Schreiber, the duke of development, and his mates. That is why I am diametrically opposed to plans by the Leader of the Opposition to increase Sydney's population by an additional two million people. On 6 July 2002 the Leader of the Opposition said in the *Sydney Morning Herald*:

Sydney is not full. We must grow in both skilled and unskilled workers whether they are from other States, country New South Wales or migrants.

The Leader of the Opposition went on to state:

We need to continue to cater for that growth, and we will need continued urban consolidation.

Perhaps that is what he was talking about with the developers who attended Kevin Schreiber's fundraiser in Miranda. With comments like that, no wonder those who are helping to lead the charge for migration and large populations are the big developers. With the prospect of 1.4 million new high-rise buildings it is no wonder that some developers are salivating. Imagine those renegade local councils—those who count success and community progress by the number of unit blocks they approve during their term. I am referring to councils like the one presided over by Kevin Schreiber. If those councils had their way, not one park would be left.

With increases in population such as those being bandied about, councils would finally have an excuse to develop at all costs—a concept that is scary for those in the shire. As I said earlier, over the three years to September 1999 families in the Sutherland shire had to deal with a council that was bent on overdevelopment. In Schreiber we had a mayor who wanted to leave a legacy of a shire skyline featuring concrete canyons on the Kingsway. As the Premier said last week in this House, the most salubrious person is the duke of development, Kevin Schreiber of Sutherland Shire Council. Yesterday's the *St George and Sutherland Shire Leader* had this to say about the battle in Miranda:

Liberal candidate, Kevin Schreiber, 58... carries baggage from the development boom when he was mayor.

That article was reported in *Hansard* on 11 November. In fact, Kevin Schreiber has more overdevelopment baggage than is to be found in the cargo hold of a fully laden Boeing 747. In an article in the *St George and Sutherland Shire Leader* on 6 August the Leader of the Opposition criticised claims that Schreiber was the mayor of Sutherland shire during the development boom. If he was not the mayor I do not know who was. A quick look at the board located outside council chambers—a board that has on it the names of former mayors—reveals the name of Councillor Kevin Schreiber for the periods 1997, 1998 and 1999.

Not much undeveloped land remains in Sydney. If we were to triple the population of Sydney the population of the shire would have to be doubled. Imagine what would happen to the shire! It might resemble Manhattan or Miami. That is what would happen if we returned to the open slather approach of councillors like Kevin Schreiber. Apart from buildings that are actually heritage listed there probably would not be one house left. Backyard cricket would be a concept available to kids through history textbooks or on a computer screen. The shire, which is the birthplace of modern Australia, is a unique place not just for those families who still call it home; we all know it as the best place on earth. Honourable members might accuse me of being biased, but I do not care. Honourable members might say that it is a case of the "not in my backyard" syndrome. I plead guilty as charged because I was elected to represent the people of Miranda. They want to protect their great way of life and that of the shire as a whole. I am proud to represent them. I will leave honourable members with the words of Bill Rob, the last Labor member before me who was elected to represent the Miranda electorate:

The electorate should not be overdeveloped by real estate and commercial interests at the expense of the residents and their lifestyle in this wonderful residential electorate. People came to settle to enjoy the great natural features of our shire's waterways, beaches and nearby national park and reserves. These national assets should not be diminished.

Those insightful and significant words still ring true more than two decades later.

**Mr HUMPHERSON** (Davidson) [4.44 p.m.]: It is timely that we debate overdevelopment and population issues in New South Wales. Over the past eight years the Carr Government has had in place a policy of which it has been proud—its compact city policy, which is about not releasing land to allow for population growth and ensuring that all dwelling demand is restricted to Sydney's existing urban areas. That policy has been facilitated by policies such as State environmental planning policy [SEPP] 5 and SEPP 53. SEPP 53 is a threat to local government. If local government did not accept high-density development—and the majority of councils have done so, including Sutherland council—SEPP 5 would have allowed ad hoc development right across Sydney in a range of areas, including Sutherland shire.

The honourable member for Miranda did not acknowledge that SEPP 53 forced Sutherland council to increase high-density development in areas in which it would not have permitted such development. The Carr Government's policies forced Sutherland council to accept greater high-density development. The Carr Government policies forced Sutherland council to include SEPP 5 ad hoc medium density development in its local environmental plan [LEP]. So Sutherland council was not exempt from that sort of development; that sort of development is well and truly entrenched in its LEP. Over the past seven years SEPP 5 and SEPP 53 have been the Carr Government's urban consolidation policies. The Minister for Planning implemented those policies without any parliamentary oversight.

We have not been given any opportunity to disallow those policies and the Minister has not listened to what members of the community have had to say. The Minister implemented those policies and, on a number of occasions, he has withdrawn them. What role did the Minister play in this area? He allowed overdevelopment right across the State. I remind honourable members of one example—the proposed Mogo charcoal plant on the South Coast. The Minister ultimately approved that development after taking it out of the hands of Eurobodalla council, which was almost certainly going to refuse that development application. What influenced the Minister? Bruce Hawker and David Britton, former staff members of the Premier, and the lobbyists behind that development, had access to the Premier's office and to the office of the Minister. That development was subsequently approved.

I refer also to the proposed development on the sand dunes at Kurnell in the Sutherland electorate—another issue to which the honourable member did not refer. The Minister approved that development. Trish Oakley and David Brophy, former members of the Minister's office, influenced the Minister. Hawker and Britton were also involved in the Greystanes estate proposal in western Sydney. That development was also approved by the Minister. A meeting is being held tonight to discuss the aluminium plant that is to be established in Camden, in south-western Sydney. Hawker and Britton are again involved in that development. Is that development destined for approval by the Minister? One would think so. The Minister will not listen to members of the community if we take into account the influence of Hawker and Britton on members of this Government.

Another major development in the southern part of Sydney is the Cooks Cove development on the foreshores of Botany Bay. That development is overseen by the Sydney Harbour Foreshore Authority. Will the Minister for Planning ultimately consent to that development application? Another body that is working hand in glove with the Sydney Harbour Foreshore Authority and the Minister is Rockdale council. Honourable members will recall that Rockdale council took bribes to facilitate overdevelopment. Government members might have conveniently forgotten those facts. Hawker and Britton were again engaged to help facilitate that development. Hawker and Britton, who have access to the Premier's office and to the office of the Minister for Planning, and who again have their fingers in the pie, will help to facilitate approval of that development.

The Minister has appointed a number of people to the Sydney Harbour Foreshore Authority but he also appointed none other than Frank Sartor, Lord Mayor of Sydney and the Labor candidate for Rockdale. None other than Frank Sartor is involved in the Cooks Cove Development Corporation, which was established to approve this project. Who has been using Hawker and Britton to sell his image? Who has engaged these consultants on a retainer to sell his case to the Australian Labor Party? It is none other than Frank Sartor. Hawker Britton drafted the Premier's letter to the administration committee last Friday asking it to intervene and deliver Frank Sartor a seat in Parliament—the Premier is proud of that. Hawker and Britton are involved in that project up to their neck. Frank Sartor's roles appear to conflict dramatically. He is the Lord Mayor of Sydney, a member of the Sydney Harbour Foreshore Authority and of the Cooks Cove Development Corporation, and he works hand in glove with Rockdale City Council.

If this project proceeds a large area of open space on the foreshore of Cooks River will be lost forever. What will happen to 30 hectares of public land in the Rockdale City Council area? It is pretty clear that Rockdale City Council and the good citizens of Rockdale will receive only \$1.5 million for the 30 hectares that they will hand to the Sydney Harbour Foreshore Authority and the Government in concert with Frank Sartor. In a secret sell-out Rockdale City Council will deliver to the proponents of this project a huge windfall of 30 hectares of public land for which the ratepayers of Rockdale will receive a mere \$1.5 million. That is the sort of deal that the Minister for Planning and Frank Sartor are delivering to Rockdale residents and that is the extent to which those residents are being ripped off.

This deal has been facilitated by none other than Bruce Hawker and David Britton, who are former staff members of the Premier and who have direct access to his office and to that of the Minister for Planning

whenever they want it. Why would the Minister listen to these people? It is possibly because they are former staff members. Perhaps they made a donation. An interesting \$25,000 donation was made to the Labor Party in 1999 to facilitate its election campaign. That is a matter of public record. Who made that donation? It was none other than Hawker Britton. Bruce Hawker and David Britton have managed to buy for \$25,000—that is the only donation that has been disclosed—unlimited access to the offices of the Minister for Planning and the Premier. One might say that is cheap at half the price because Hawker and Britton have delivered through the Minister for Planning approvals on a range of projects, from Mogo to Greystanes Estate and inevitably the Camden aluminium plant and the Cooks Cove development. Hawker and Britton have greased the palm of the Minister for Planning with a mere \$25,000 to secure approvals whenever they want them.

Brophy and Oakley have been involved in the St Leonards project, in overdevelopment in the sand dunes at Kurnell and Sandon Point and in the Roselands Shopping Centre development. The Minister intervened personally in these projects and went over the heads of local government, councillors and ratepayers. The Minister also approved overdevelopment at Callan Park but had to pull back because of public pressure. He approved high-rise development on the foreshore at Prince Henry Hospital. The Minister is going to approve 30 per cent development of the Ballast Point site in order to justify its acquisition. Ballast Point will not be returned as Sydney Harbour foreshore for the people of Port Jackson.

Under this Minister for Planning and this Government we have seen forced residential, high-rise and high-density overdevelopment across Sydney against the wishes of local communities. The Minister has cherry picked projects and taken them out of the hands of local councils across the State. The same players are usually involved: Hawker and Britton, and Brophy and Oakley. Whenever those consultants were involved in projects they made money and used their influence, through the offices of the Premier and the Minister for Planning—who has intervened on their behalf—to secure planning approvals.

**Mr McMANUS** (Heathcote—Parliamentary Secretary) [4.54 p.m.]: This is probably my last speech in Parliament so there is really no reason for me to be political. However, it is important that I raise the issue of overdevelopment in Sutherland shire, which I have represented for most of my time in this place, first, so that my constituents know that I treat overdevelopment seriously; and, second, so that I can set the record straight—as the honourable member for Miranda said. Development of the Sutherland shire not only impacts on the skyline and the lives and wellbeing of my constituents but has serious implications for water usage.

It has come to my attention that the Sutherland shire—due in no small part to overdevelopment—today earned the dubious distinction of being the biggest suburban water user of any local government area in New South Wales. In fact, Sutherland Shire Council is the Niagara Falls of local government when it comes to water usage. The council is the worst water waster in Sydney Water's area of operation. Sutherland Shire Council uses 506 megalitres of water each year compared with its neighbour, Rockdale City Council, which uses 156 megalitres and Hurstville City Council which uses 95 megalitres. Sutherland Shire Council is currently controlled by Labor but this issue is above partisanship. Its culture was fostered by the likes of Councillor Schreiber when he was mayor of that great council.

We are in the middle of the worst drought in a century and water is too precious to waste, particularly as we have just had our driest month on record. Sutherland Shire Council must change its ways immediately. We are on the verge of compulsory water restrictions and the council is letting the tap run. On my way to work this morning I saw sprinklers on full blast in public areas after the 8.00 a.m. deadline. We must all do our bit to conserve water and we hope that local councils, particularly Sutherland Shire Council, will lead the way. This morning I saw people hosing their driveways and using sprinklers and I even saw someone washing his car. The council must recognise that New South Wales is in a desperate position as a result of the drought and everyone must pull their weight.

I make this appeal after the Premier recently warned families that mandatory water restrictions would be introduced by Christmas if they did not reduce their water usage. Last Thursday the Minister for Information Technology, who is responsible for Sydney Water, introduced involuntary restrictions in Sydney, the Blue Mountains and the Illawarra. These included not using any watering system or sprinklers between 8.00 a.m. and 8.00 p.m. and not hosing down any hard surfaces, such as paths or driveways, at any time. To its credit, Sydney Water plans to conduct an audit of water use on council properties in order to identify areas where they could cut back on their water usage. I certainly hope that Sutherland Shire Council will heed that advice and accept any assistance that Sydney Water offers.

The general public should also follow the handy hints that the Premier outlined the other day. In the home these include taking shorter showers, waiting until there is a full load before using the washing machine or

dishwasher, tipping onto the garden water used to steam or boil vegetables, turning off the tap when brushing one's teeth and using a half flush in the toilet whenever possible. In the garden it is recommended that people use mulch around plants, water plants slowly and plant native trees and shrubs. People should wash their car on the lawn using a bucket not a hose. I am concerned about not only Councillor Schreiber's past efforts in the area of water usage but the amount of development that has poured into Sutherland shire over the years under Liberal governments. That must stop. This Government was elected four years ago by the people of the Sutherland shire to protect them from overdevelopment, and we continue to do that. However, in my last speech in Parliament I assure residents that, if the Coalition is elected to government in this State, Sutherland shire will suffer.

**Mr COLLIER** (Miranda) [4.59 p.m.], in reply: For the information of the honourable member for Davidson, State environmental planning policy [SEPP] 53 does not apply to the Sutherland Shire Council. At the moment, council is working on a new strategy under the new Labor Mayor, Councillor Phil Blight. I am working with him to put a sensible new housing strategy to the Minister for Planning. Sutherland Shire Council was granted an exemption from SEPP 5 backdated to 7 May, after I urged council to apply for an exemption earlier this year. Council got that exemption backdated because it could demonstrate to the Minister for Planning that it could come up with a sensible policy to meet the needs of our aged and disabled population into the foreseeable future.

The exemption has put planning back to the people and back to the Sutherland Shire Council as the consent authority. That is working, as was evident when a proposed SEPP 5 application, lodged on 31 July, was knocked out not only by State Government policy but by council's own policy and controls. The development proposal was so bad that staff of Sutherland Shire Council asked the developer to withdraw the application and council would give back his money. Of course, the person refused and other proceedings may follow. In relation to Australand, referred to by the honourable member for Davidson, I refer to an article in the *St George and Sutherland Shire Leader* dated 24 February 2000 by Pascal Adolphe, who wrote:

Sutherland Shire Council has moved to preserve the remnants of the Kurnell sandhills ...

Council also rejected a proposal from Australand to rezone its former sandmining site for residential development.

The article continues:

Australand did receive support on the council floor, namely from—

Guess who?

—Councillor Kevin Schreiber who said the company's proposed development would bring great benefits.

That demonstrates that Councillor Schreiber, who claims to be anti development, was siding with developers for the residential development rezoning of the former sandhills that shire residents love so much. On 8 August 1988, the *Sydney Morning Herald* reported:

The highest level of approvals for new apartments and townhouses is in the Sutherland Shire suburbs.

About 1,400 new unit dwellings have been approved annually since 1996.

Sutherland has overtaken approvals in South Sydney, which averages 1,200 ... a year, and Sydney which, since peaking at 1,600 in 1995, has declined to about 1,100 a year.

Councillor Kevin Schreiber was Mayor of Sutherland in those years. I agree with my friend the honourable member for Heathcote, who quite rightly said that the people of the Sutherland shire run a great risk in electing Mr Schreiber to the State Government, and run a great risk of undoing all the hard work we have done in combating development since the people of the shire tossed him out of the mayorship of the Sutherland Shire Council.

I take this opportunity, given that the speech of the honourable member for Heathcote was his last in this Chamber, to express my personal thanks to him for his assistance and guidance since I was elected to the honoured position of honourable member for Miranda. I remember my very first street stall, after being endorsed, at Jannali shopping centre with the honourable member for Heathcote. He has been a source of guidance to me and has given me great advice. I have relied on his experience. I wish him all the very best in his retirement.

**Discussion concluded.**

**Pursuant to resolution private members' statements taken forthwith.**

**PRIVATE MEMBERS' STATEMENTS****EPHING AND PENNANT HILLS RAILWAY STATIONS CAR PARKING**

**Mr TINK** (Epping) [5.05 p.m.]: I refer to commuter car parking around railway stations, particularly Pennant Hills and Epping, in my electorate. Epping will be the western end of the first section of the Epping to Chatswood rail link, and specific issues have been raised about commuter car parking at Epping station by my constituent Mr Douglas Sneddon. In relation to the proposed Pennant Hills car park and Pennant Hills police station I have received correspondence from my constituent Mr Jason Barber, of Pennant Hills. On behalf of both constituents, I wrote to the Minister for Transport, from whom I have not received a reply, and to Hornsby Shire Council, from which I received an interesting and curious reply. In relation to both constituents the council has replied in materially identical terms. The letter states:

... you might wish to note that although the [State Rail Authority] SRA supports the provision of car parking for commuters at some locations and in particular where it promotes increased rail patronage, their current practice is to oppose the provision of such facilities at rail stations with good feeder bus systems to ensure the viability of existing bus services.

I accept the importance of the principle that bus service viability must be maintained. That is a key priority in any public transport policy. It bothers me that there appears to be a blanket policy of opposing the provision of such facilities "at rail stations with good feeder bus systems". Any analysis would show that many railway stations will continue to have good feeder bus systems whether or not car parking is provided at railway stations to which the buses go. That is the clear case with both Pennant Hills and Epping stations. It seems to me that whilst there are important feeder bus services going to both those stations, commuter car parking could be put in at those stations without affecting the viability of those feeder bus systems.

Indeed, the idea that the provision of feeder bus systems at those stations amounts to the exclusion, prohibition or rejection of commuter car parking is wrong, misconceived and misfounded. Commuters at Pennant Hills park their vehicles throughout the local street network. There is ample evidence of the need for commuter car parking, but that does not detract from the viability of feeder bus services. Mr Barber, a structural engineer, has prepared plans for precious land behind the Pennant Hills hotel that is available for commuter car parking. The plan would have to be negotiated with the hotel and with related interests. I would like the idea to be explored and discussed rather than ignored just because buses happen to go to and from that station.

In relation to Epping Station, the original idea was to build the rail link from Parramatta to Chatswood but the Government has cut the proposal in half and will build a rail link from Epping to Chatswood. A huge range of commuter car parking issues is raised, particularly at the Epping end where there are difficulties, vis-à-vis the intersection of Beecroft, Carlingford and Epping roads. There is some land available upon which car parks could be built. Again, ruling this out because buses feed that station is, I think, misconceived, particularly as, in the case of Epping station, overwhelmingly they are State government buses. We need to re-examine commuter car parking at both Pennant Hills and Epping.

**DEATH OF Mr PERCY JAMES SEARLE**

**Mr GAUDRY** (Newcastle—Parliamentary Secretary) [5.10 p.m.]: I pay my respects and those of the Merewether community to the late Percy James Searle, whose funeral took place at St Augustine's Anglican Church, Llewellyn Street, Merewether, on Monday this week. Percy Searle loved Merewether, and he loved The Glebe. He was a great family man, a great trade unionist and a great member of the Australian Labor Party. Percy dedicated his life to the service of his community, particularly the community of The Glebe—the area bounded by Selwyn, Wilton, Macquarie and Edward streets. It is an area in which people live close together and enjoy a great sense of loyalty.

Percy Searle's father was a noted alderman on the Merewether and Newcastle City Councils. Percy spoke lovingly of the work done by his father, particularly in the Depression to assist with employment programs for people in the area who were struggling at that time. He spoke with great pride of the concrete roadworks undertaken then—roads that remain to this day. Percy was a member of the Painters and Dockers Union, working at the Newcastle dockyard. He was a great story teller, regaling people with stories of the operations of the dockyard, the hurly-burly of life within the trade union movement and the exploits of the painters and dockers.

This extremely loyal and hard-working member of the Australian Labor Party insisted on putting out notices across the whole of the Merewether West branch area, and was always present from daylight to dark on

election days working at the booth in Lockyer Street. He was one of the extremely loyal and hard-working members of the party who ensure the return of members at Federal, State and local government level—never looking for advancement himself, but making sure he was there to do work for others.

Percy dearly loved his wife, Joyce, and cared for her so attentively in the failing years of her life. Percy was also a great animal lover. You could not visit his house without admiring his three dogs and his bird. Percy could be seen all over the Merewether area walking his dogs. Of course, it was a long conversational walk. Percy loved nothing better than to discuss matters of politics and government with people along the way. He was a very colourful character. Percy was a man who will be missed by his community because, as well as working for the Labor Party, he was very much in evidence in assisting aged people in the community. It is my understanding that when he had the stroke he was returning from assisting a person whom he had driven home. As a consequence of the stroke, Percy went to Royal Newcastle Hospital, and then to a nursing home.

I visited Percy in the Royal when he was recovering from the stroke. Typically of Percy, he was not interested in talking about himself or his future. He was worried about what would happen to the many people in the community that he was helping, what would be happening within the Labor Party, and whether we were ready for elections and campaigning at Federal, State and local government level. It was that depth of interest and involvement that really marked the quality of Percy James Searle.

Percy was also a noted sportsman in his past. The Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development, the Hon. Richard Face, has advised me that back in the 1950s Percy was coaching junior soccer teams in Merewether and was very much involved in the resurrection of Merewether as a noted soccer team in that era. You could always guarantee that if you met Percy the discussion would be about politics first, sport second, the community third, and always the love of his family. I pay respect to his family, Mavis and Laurie Copeland, Dennis and Frances Searle, and Ken Searle and their families, on the passing of a very good citizen of The Glebe, Merewether and Newcastle.

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.15 p.m.]: I thank the honourable member for Newcastle for raising this matter in the Parliament this afternoon. The Searle family is one of the families that identify with The Glebe and Merewether because so many of the family have made a contribution to the area. It was where I was born and brought up, so it is quite natural that I should have a very close association with the Searle family. Percy's late father was an alderman on Newcastle City Council who made a significant contribution to the council, particularly during the Depression with the laying of those famous concrete roads in the local area, as well as in other areas, under what was called unemployment relief during the Depression.

Percy Senior lived in Edward Street. His father and mine were very close mates. Percy Searle Junior was of a similar age to my mother and father. I went to school with Mavis, who was one year ahead of me. I went to school with Dennis, who was known as young Percy. He was one year behind me. His father's name was Perce, and Dennis was known as young Perce. His younger brother, Kenny, went to school a little after we did. Percy had great affection for his wife, Joyce, who accompanied him everywhere, including to branch meetings and any other public events.

Along with a fellow called Inwood, a fellow called Blim, a fellow called Snedden and others, Percy resurrected the Merewether Soccer Club. I played with the club after it was resurrected. Dennis played in the same team as I did. The Searle family, the Adamthwaite family and several others were pioneers in what was known as The Glebe. His passing will be of significant consequence because he was always out there helping others. That was the nature of the late Percy Searle. Likewise, it was the nature of Mavis, Dennis and Ken, and of the Stevensons, who were related to him. He will be sadly missed.

### **MELVILLE HIGH SCHOOL FUNDING**

**Mr STONER** (Oxley) [5.17 p.m.]: On 28 February last year I referred to the withdrawal of Priority Schools Funding, previously known as Disadvantaged Schools Program funding, from Melville High School, in South Kempsey. Melville High School had been funded under the program for many years and had been doing fantastic things for children from disadvantaged backgrounds with that funding. When I raised the matter previously I made the point that I believed there was an anomaly in the process for determining eligibility for this much-needed funding.

Melville High School caters for a large population of indigenous students, students from lower socioeconomic groups, as well as quite a number of students with disabilities. Melville High is surrounded by



other schools that retain Priority Schools Program funding. They included South Kempsey Primary, East Kempsey Primary, and Kempsey High School. On the surface, Melville High School had more students from disadvantaged backgrounds than many other schools that attracted the funding. I understand that part of the problem may have been due to the way in which survey forms had been completed by some parents associated with Melville High. Despite the best efforts of the school community, including some wonderful teachers and parents, Melville High ultimately was forced to cease many of its ground-breaking and highly effective programs.

As a result, students in need of targeted and individualised learning programs have been going without in an area that has one of the State's lowest school retention rates and highest unemployment rates. It is a tragedy. Recently, the Minister for Education and Training announced a new program, Priority Action Schools, which I very much welcomed because it would benefit students from several schools in the Oxley electorate, including Bowraville and Kempsey. Unfortunately, it has had the unintended consequence of exacerbating the funding gap between Melville High School and other neighbouring schools. A precondition for the Priority Action Schools funding was that the school be in receipt of Priority Schools Program funding.

I understand that the Minister has spoken to the President of the New South Wales Teachers Federation, Maree O'Halloran, and that he is considering this matter. I have not yet had the opportunity to raise this matter with the Minister. This is my first communication with him. Together with the local Teachers Federation branch and the President of the New South Wales Teachers Federation, I am representing the school community to bring to the attention of the Minister what appears to be an anomaly in funding caused by problems with the surveys and exacerbated by the advent of this new program. I thank the Minister for agreeing to consider the matter. I urge him to treat Melville High School as a special case.

I am unsure whether the current Minister for Education and Training has visited South Kempsey and, in particular, Melville High School, but if he did he would realise that it is an area of great need. The school has a large number of indigenous students. Absenteeism, truancy and retention rates are of great concern. Melville High School needs special programs such as a special breakfast program, which I understand is in place in some schools. But Melville is struggling for funding. I urge the Minister to provide funding that would allow the school to resume its excellent programs that have helped many disadvantaged students to achieve academic and employment outcomes. As the President of the Macleay Valley Teachers Association, John Jeayes, said to me recently,

At the end of the day it is the kids that matter.

### **DOG MICROCHIPPING AND REGISTRATION**

**Mr ORKOPOULOS** (Swansea) [5.22 p.m.]: I bring to the attention of the House a concern of a number of residents in the electorate of Swansea. The Companion Animals Act 1998 requires that all dogs born, or that have changed owners, since 1 July 1999 be microchipped and lifetime registered. Dogs previously registered under the Dog Act 1966 were allowed to continue under the annual system up until 30 September. It is now time for those dogs to be microchipped and registered under the New South Wales Government's lifetime system. I refer to a notice received by a number of constituents in early September from Lake Macquarie City Council. In early September I received a letter from Mrs Lorraine Kenworthy from Swansea, which states:

I have received a letter from the Late Macquarie City Council saying it is necessary for me to get my dog microchipped as well as a lifetime registration. My dilemma is that my dog is 14½ years old, suffering from arthritis for which I get the vet to give her six monthly injections. I can't walk her anymore and she presents no problem to the area. I have always paid for her registration since she was a pup. I chose not to get lifetime registration and microchipping when it first came in because of my dog's age, the life expectancy for Belgian Shepherds is 12 to 14 years.

Clearly, Mrs Kenworthy's dog has exceeded the average life span. I also received a letter from Mrs Norma Sharp, which states:

I would like to strongly object to the Fee of \$100.00 for undesexed Dog plus \$35.00 for Microchipping, plus Council said we still have to pay Registration Fees each year as well. When I rang Council they said the \$100.00 went to the Government. Could you please justify these outrageous fees ...

On this and a whole range of other representations I wrote to the Minister for Local Government and put a proposal to him in the following terms:

I seek your response to the proposal that upon certification by a vet that a dog is either too old, too infirm or unable to walk that the owner in that case be exempt from the requirement for their dog to be microchipped.

I would appreciate your earliest response to this request.

On the same day I issued a media statement calling for the Government to consider changes to the companion animals legislation that is affecting many pensioners who have older animals. In that statement I said:

The requirement that all dogs and cats be microchipped by September 2002 has been known for the past three years, since the legislation was passed on 1 July 1999, number of anomalies have emerged.

I have been approached by many distressed dog owners whose dogs are also aged and some infirm, where the requirement for microchipping prior to registration is, I believe, unnecessary.

While the intention of the legislation is basically sound, the unintended consequence of this requirement is onerous particularly where the age of the dog is advanced in relation to its breed.

I have therefore written to Harry Woods, Minister for Local Government seeking amendments to the Companion Animals Legislation, whereby an owner can register their pets on the production of the certificate by a vet that the pet is over 10 years of age and unlikely to wander and therefore is no longer a concern to the community and Council. This should enable people who have continuously registered their pets to avoid the costly and unnecessary requirement to microchip their animal where it can be demonstrated it is infirm and unlikely to pose a problem to the authorities. There is no reason why otherwise law abiding citizens should be placed in a situation where they have to choose to break the law because of its inflexibility.

I have been assured that the microchipping procedure is painless. It seems unreasonable that people, especially pensioners—notwithstanding the fact that they get a discount—who have an infirm dog that they have otherwise registered each year, are forced to pay a significant amount of money to microchip and desex a dog when, clearly, it is unnecessary because of the advanced age of the animal. I call on the Government and the Minister to consider changes to the legislation.

#### **Mrs KERRIE COOPER PARKING INFRINGEMENT NOTICE**

**Mr MERTON** (Baulkham Hills) [5.27 p.m.]: I draw to the attention of the House a matter that is very sad and most unfortunate, to say the least. I refer to a letter I received from Kerrie Cooper of Winston Hills which states:

Dear Mr Merton

I am a mother of two young children one of which has cerebral palsy. She underwent major surgery last November to enable her to walk with a better gait, however is unable to walk more than just a short distance. I surprised her for her 13<sup>th</sup> birthday and took her to Circular Quay for dinner, which was our first trip to the city. I proceeded to park in a metered zone and removed the sticker to read my rights. I replaced the sticker higher up the windscreen for it to be more visible.

On our return I was extremely upset to see a parking ticket, however realised when I opened the car that the disability sticker had dislodged itself and fallen to the floor. I have written to the police department explaining the situation but was completely aghast with their response.

Being a carer of a disabled child has shown me much sadness and discrimination over the years that most people would never imagine but this situation seems so unjust from a section of the community that is supposed to care for humanity.

Can you please help as it is almost impossible to attend a court hearing.

Ms Cooper wrote to the NSW Police Infringement Processing Bureau in the following terms:

I am a single mother of two young children, one of whom has cerebral palsy. I have a disability sticker to accommodate her needs as she is unable to walk long distances. I had this sticker on my windscreen the night of 31st August 2002 at Circular Quay, however, it fell off and was on the floor on our return. Inadvertently I was issued with a fine as this sticker was not visible.

Please consider my case and taking into consideration this was the first time I had actually driven into the city as it was my daughter's birthday.

On arrival to Pitt Street, I removed the sticker from the windscreen to read my rights as the driver of a vehicle with a disabled pass. It stated that I could park in a metered space without payment. I positioned the sticker back onto the windscreen, higher than normal, so any parking officer could view it. However being higher, as it fell it simply missed the dash—and fell onto the floor.

Please find attached a copy of the sticker given to me by the RTA and a letter from my daughter's physio. If you require any information please do not hesitate to contact me.

She received a response from the NSW Police Infringement Processing Bureau which, omitting formal parts, stated:

Initially, the reviewing officer examined the offence details recorded by the reporting officer to ensure the notice was lawfully issued. If this is established, the issues raised in the representations are assessed within strict guidelines, to determine whether leniency may be granted as a result of mitigating circumstances.

The letter goes on to state:

On the information before me, I am satisfied the infringement notice was correctly issued and have no option but to allow the matter to proceed.

To say the least, I find that a little disturbing. I have a photocopy of the parking authority, number A685278, whose expiry date is "07-11-2004". I also have a certificate from a physiotherapist relating to the condition of the young child. The certificate states that she has cerebral palsy and that she "demonstrates imbalance of certain muscle groups in both her legs—which affects her walking gait." The certificate goes on to state:

[She] is still in rehabilitation... and... has a Disability Parking Sticker for use when parking the family car - to reduce walking distances when out during day or evening.

Quite clearly this lady was issued with a parking authority for the assistance of people who are affected by a disability. Surely a record of that authority exists. I would have thought that the authorities could have taken those considerations into account in determining that Ms Cooper was entitled to park without paying any fee, and that the matter would have been dismissed. However, Ms Cooper faces the usual predicament of deciding whether to go to court or pay the fine. I remind the House that Ms Cooper is a single mother who is under enormous pressure and stress as a result of caring for a young disabled person. She cares for her child, as a loving mother would, and she will continue to do so. I have written to the Minister for Police, the Hon. Michael Costa. I certainly hope that he will examine this matter with a view to exercising some discretion or showing some leniency to this poor mother from Winston Hills.

#### PORT STEPHENS ELECTORATE MEDICAL SERVICES

**Mr BARTLETT** (Port Stephens) [5.32 p.m.]: On 27 February and 3 September this year I pointed out the chronic problems in Port Stephens associated with the provision of adequate general practitioner services in Karuah, which has not had the services of a doctor since February. I pleaded in February for relief for Dr Soraya Felix in Medowie because Dr Felix said she was totally stressed out with what she was required to do. Because no assistance was forthcoming, the doctor has called it quits, and the Port Stephens electorate now has two rural areas, Medowie and Karuah, where doctors have either died or walked away from their medical practice, and the provision of medical services for my constituents is stretched.

The arrangement relating to the provision of general practitioner services for Australian cities and towns is quite straightforward. The citizens pay a Medicare levy and the Commonwealth Government pays doctors to provide a service. Doctors bulk-bill, thereby saving administrative costs, and doctors are supposed to be able to derive an income from their work. That arrangement has broken down in the Port Stephens electorate. I suggest that many areas in the State of New South Wales are similarly affected.

Parts of my community are in crisis over inadequate general practitioner services. I have mentioned the need for a doctor in Karuah and the need for assistance to be provided for the doctor in Medowie. All of the patients who are not receiving treatment in those areas are attending medical centres at the closest general practitioner services centre, which is in Raymond Terrace, and the Raymond Terrace doctors, who already have a three-weeks waiting time, have inherited another 4,000 patients.

The Commonwealth Government's Rural and Regional Metropolitan Area Scheme [RRMAS] is too rigid and inflexible. Rules for overseas-trained doctors are proving to be too difficult when an established general practitioner is not available to provide them with assistance. In spite of demonstrable need, those doctors do not seem to be placed where they are needed. In my view, an attitude of complete inflexibility has been adopted by the bureaucrats, despite the warnings that were given to them more than 12 months ago about the crisis in Medowie.

The RRMAS classification for Medowie and Karuah needs to be changed from urban to some type of rural classification. Apparently the system has classified the towns as urban areas, but they are not. The rules governing the practice of medicine by overseas-trained doctors also need to be changed so they can be placed in areas where there are no other doctors to assist them. The rules resulting in doctors being offered only a six months service provider number should also be changed. After all, doctors will not give up their practices to resettle in Karuah and resettle their children into local schools for a service provider number that lasts for only six months. Dr Soraya Felix asked repeatedly for assistance but has said:

Unfortunately like so many other solo practitioners, I have found that the rising costs of medical indemnity, business insurance and staff payroll... have made this practice not viable anymore.

She had not had a day off in four years. After I made my speech in February, the local Federal member for Paterson, Bob Baldwin, stated that the Federal Government had issued a service provider number for another doctor for Karuah and Medowie. Dr Felix had a Swiss doctor who was ready to commence work but, because of incessant procrastination by the Federal Government, she could not obtain confirmation from the system that the service provider number had been issued. She recently broke her wrist but had to continue working for her community for eight weeks because there was no replacement for her. The Federal Government's failure destroyed Dr Felix emotionally and physically, so she moved to Adelaide. She said:

I cannot survive financially or personally. The costs are enormous and there is no benefit in running a solo practice in Australia any more.

The shortage of general practitioners is a crisis for rural areas in New South Wales. It is certainly a crisis in the Port Stephens electorate. I call on the Federal Government to change the system immediately.

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [5.37 p.m.]: I sympathise with the honourable member for Port Stephens, who is confronted with a difficult problem in several quarters. His electorate is sparsely populated, but that does not diminish the problems experienced in his electorate as a result of a shortage of general practitioners. The problem has reached a very serious stage. Indeed, the latest episode in Medowie and Karuah shows that the situation has reached crisis point. I plead for the application of commonsense to this crisis situation.

As the Minister Assisting the Premier on Hunter Development I am becoming tired of blame-shifting and the game of intergovernmental pass the parcel—a practice that is not confined to the Port Stephens electorate. Although I am not one who normally criticises people under parliamentary privilege, I say with all due respect that Federal Member of Parliament Bob Baldwin runs around telling everybody how good he is, yet not one comment has been heard from him regarding a problem that confronts various small townships and hamlets throughout the entire Hunter district, particularly in Paterson and in areas such as Gloucester, Dungog, Stroud and various other places.

I repeat that I am not concerned about how this matter is fixed. However, I am concerned that it be fixed before we have a serious situation on our hands. The situation in Karuah is made worse because one of the busiest sections of the Pacific Highway runs through the town. Karuah needs a general practitioner as well as accident services. I understand the frustration of the honourable member for Port Stephens, and I appeal for commonsense to prevail so that the problem can be fixed. I do not dislike Mr Baldwin, but I am amazed that although he has an opinion on everything, he does not have one on this problem.

#### **LANGUNYAH HOUSE YOUTH REFUGE RESIDENT Ms JENI ROBERTSON**

**Mr PICCOLI** (Murrumbidgee) [5.39 p.m.]: I have no doubt that in this modern world it is difficult to be a young person. Fortunately, in our education system we have teachers who support young people who are experiencing difficulties in their lives. Last Monday night I had dinner at Langunyah House, at the invitation of two teachers who are totally dedicated to their students. Mr Peter Mowbray and Mr Anthony Catanzariti, the deputy principal and head English teacher at Griffith High School, invited me to have dinner with Jeni Robertson, a 16-year-old who is now a resident of Langunyah House, having left home. Unfortunately, she has also left school, at least for the time being. She is an intelligent, engaging young lady with a bright future. At dinner she expressed to me the frustrations she had with the education system and other matters affecting her life. She expressed those concerns to me as a member of Parliament. I invited her to prepare a speech that I could give to the House. I am sure that people get sick of hearing politicians speak, so I will quote the words of Jeni Robertson. She wrote:

Mr Piccoli recently came and visited my home, Langunyah House Youth Refuge. While he was in our company, he inspired me to bring up and talk about subjects that I think are important.

One out of these two topics is about the funding and educational problems faced by schools inland, isolated and in the middle of nowhere. As a year 10 student, I found it an extremely hard year. What made it even harder for me and my classmates in my year, was that, in July, our science teacher left. The school could not find a teacher to fill this position. Being in science one, it was extremely difficult for us to learn and achieve the requirements of the syllabus. We often had relief teachers who were inexperienced and not qualified in this subject. This did not have any advantage for us at all. If there was more funding for isolated schools, there may have been a chance that we could've found a qualified teacher for our school. The funding would have helped to be an incentive to encourage teachers to relocate. I am deeply saddened by the fact that this year counts for a lot in my life, especially if I was to leave at the end of the year. For me, and the rest of my class, not to meet the full potential in science is only depriving us. This may not be of much concern to you, but I see it as an extreme problem, that we didn't get a fair chance, to achieve the best results that we could, that I could.

Another problem that I would like to bring to your attention, is again about funding, but this time for youth refuges. As a resident at a refuge, I think that it is imperative that they receive government funding, in some form. We receive some funding, but it is nowhere near the amount that we require. At a refuge, we understand how important things are, and fully appreciate what we get. However because of the poor funding, we are on an extremely tight budget, and it is getting quite difficult to provide all the things that young people need, considering there are another 6 residents here. I feel that it would be of a great advantage to all refuges if there was a type of fund that they could receive money from, like an allowance. This would help assist young people, who are not as fortunate as myself, and do not receive an income (sometimes young people arrive at the refuge without clothes or personal items). The government sometimes assumes that young people will get help from their parents and that they are responsible for them, but who pays for essential identification, medical and educational items?

Thank you for taking the time to listen to what I had to say, I hope that there is maybe some consideration and ideas concerning what I have spoken about. I truly appreciate the opportunity that I have had to express my feelings, and hope to see a result, maybe in the near future.

Yours sincerely  
Jeni Robertson

## OLD TOONGABBIE RENAMING

### WENTWORTHVILLE REZONING

**Ms ALLAN** (Wentworthville) [5.43 p.m.]: On a number of occasions I have said in this House that Toongabbie, which is within the electorate of Wentworthville, is an extremely historic area of Sydney. Toongabbie is regarded as Sydney's third oldest settlement, having been settled after Sydney itself, which was then named Port Jackson, and Parramatta. At present, the local media is having an animated debate about the name "Toongabbie". The first sally was a few weeks ago when a group of residents currently designated as living in Old Toongabbie wanted that part of their suburb to be renamed Northmead. The debate has drawn a serious response from the Toongabbie and District Historical Society Inc. I have received a letter from, Marion McGuirk, the secretary of the society who is a friend of mine, expressing the society's opposition to any name change.

While I sympathise with residents of Old Toongabbie, they have been placed in a fairly perilous position because the policies of the current Federal Government have resulted in a former Australia Post site being moved. As a result of that move, there has been a change in postcodes and there have been difficulties with mail delivery. However, a sudden name change from Old Toongabbie to Northmead is not the solution. Other creative solutions should be considered. I will speak with the Federal Liberal member, Ross Cameron, about that problem as soon as possible. According to the authoritative text on Toongabbie, *The Toongabbie Story* by Doris A. Sargeant, the local Aboriginal people called the area Toon-gab-be, which means land of the hills near the water. In the early days of white settlement the area was near water.

The area is still flood-prone, and that is major issue in Toongabbie. Given that water is still a problem, it is interesting that the original Aboriginal name for the community is relevant today. The people of Toongabbie are a fairly tough lot. In his book *Vinegar Hill* Colin Free describes the Toongabbie settlement in the early eighteenth century as the worst place for the worst offenders. That claim has been backed by other sources. The book *The Battle of Vinegar Hill*, by Lynette Ramsay Silver, was published in 1989 and is about to be republished. That book mentions the tough environment that was Toongabbie as a penal settlement.

Within the Toongabbie area there is an important part around north Wentworthville called Constitution Hill. For those interested in the history of the rebellion of Sydney as a settlement, Constitution Hill was the area where in 1804 the Irish rebels were to amass, continue on to the Hawkesbury, take on the then Governor and battle with the local constabulary. Constitution Hill is part of the community in which I live. It has strong heritage links and people are interested in maintaining that heritage. Unfortunately, the 1804 battle of Vinegar Hill was a disaster. The Irish rebels became merrily drunk while sitting on Constitution Hill waiting for Elizabeth Farm to be fired as their signal for as many dissidents as possible to march to the Hawkesbury. They were enjoying themselves so much that they became rather distracted, they lost the initiative and eventually they lost the battle—perhaps the war as well.

At the moment an interesting development is emerging at Constitution Hill. Last Monday I met with Mr Alex Balanda, of 12 Constitution Road, Wentworthville—hence the connection with Constitution Hill. He is upset at a couple of multi-unit housing developments at 19 and 55 Constitution Road. He is particularly upset that Parramatta City Council has recently rezoned the area from 2A to 2B, which means that medium-density housing can be constructed. I certainly share his concerns. I will make strong representations to Parramatta City Council about that important heritage area in Wentworthville. It is important for the existing houses to remain, and not be overwhelmed by multi-unit housing. I look forward to working with residents to achieve that. Miss

Silver's book states that the origin of Constitution Hill had nothing to do with the Constitution, but with the fact that the residents of Old Government House, Parramatta, including the Governor, who wanted to go for a constitutional walk, ducked out the back gate, and walked to the nearby hill. Hence the name Constitution Hill. [*Time expired.*]

### KU-RING-GAI ELECTORATE RAIL SERVICES

**Mr O'FARRELL** (Ku-ring-gai) [5.48 p.m.]: Ku-ring-gai residents are strong supporters of the rail system. The latest available census data reveals that 22 per cent of Ku-ring-gai commuters' journeys to work were made using trains. In comparison, 57 per cent of journeys were made by car. That figure of 22 per cent of rail journeys to work compares with a Sydney-wide average of only 12 per cent. Demonstrably, Ku-ring-gai residents like their trains. It is desirable from a number of perspectives, therefore, to try to encourage greater use of public transport within Ku-ring-gai. That is particularly important at a time when, regrettably, the number of rail trips fell to 9.2 million last year. If that trend were to continue this city would grind to a halt and we would all suffer as a consequence. That trend must be stopped.

I believe that the Ku-ring-gai community supports my determination to have a greater use of public transport and for all possible measures to be pursued to achieve that end. I am, therefore, delighted that local bus companies ShoreLink and Forrest Coach Lines have formed a unique and historic alliance that extends to north Turramurra residents the popular city express services via St Ives and east Killara. But more must be done to encourage the use of trains. Obviously, personal safety on and around stations is critical, punctuality of services is vital and so too is the elimination of station skipping. Accessible and improved all-weather coverage of stations is also essential. On behalf of the local community, I again place on the record my appreciation for the Government's recent commitment to improve access to, and coverage at, Gordon and Turramurra stations.

The overwhelming number of train travellers live within walking distance of a station. Others may use buses to connect to trains, but more can and must be done to promote greater frequency of feeder bus services, especially during peak periods, to boost that mode of travel. Other people still drive to stations. Those people park in State Rail car parks, they occupy council parking that is meant to provide parking for shoppers, or they park all day on our suburban streets. Some residents have expressed concern about people parking on suburban streets. I have seen a small number of selfish drivers blocking driveways and preventing residents accessing their properties. I urge those offenders to be more mindful of other people.

I am committed to encouraging people to make greater use of trains, but I also recognise the need for improved and increased commuter parking in Ku-ring-gai. It is one of the issues that is most often raised with me by local residents. Opportunities to improve commuter parking do not exist at all our railway stations. A number of railway stations that are landlocked experience existing traffic problems or they simply do not have suitable sites available to expand current parking arrangements. Any expansion of car parks must be appropriate to the location. In planning generally, a one-size-fits-all approach will only create problems, not solve them. But there are stations where local opportunities exist or where existing facilities could be improved for the benefit of local residents.

Equally, local improvements ideally should be matched by programs across the entire CityRail network. Local action nevertheless should be taken. At Turramurra there is a major car park that could, in my view, be used more efficiently to increase parking opportunities for local residents, commuters and shoppers alike. I have written to both the council and CityRail urging them to approach Coles and explore the opportunity of a redeveloped joint facility that will meet the needs of the local shopping centre and expand commuter parking for residents. At a time when the State Government is pursuing a series of public-private infrastructure projects, this type of project is not beyond our ken. It could prove to be a model for similar developments in other suitable parts of the city. All it requires is a recognition of the problem, a determination to fix it, and goodwill between all the parties involved.

An appropriate two-storey or three-storey multi-storey car park that provided both time-limited parking for shoppers and a secure section for Ku-ring-gai commuters is feasible. A similar proposal could be adapted for the existing parking station at Gordon. In my view, such a facility should be tied to a priority resident scheme similar to those operating in other parts of the city, that is, access to the secure commuter parking would be for Ku-ring-gai residents. Without such a control, improved local commuter parking would simply draw commuters from across Sydney's north-west and beyond. I have already met Central Coast commuters who park at local commuter car parks because of the lack of punctuality of trains and because of the availability of car parking at a number of stations.

That is why I recognise the need to address commuter parking across Sydney. That is why I support the efforts of the honourable member for Hornsby to secure improved commuter parking in that electorate. Better commuter parking and the other sorts of improvements that I have referred to will make rail travel more accessible and available to residents in my area. That is a desirable outcome, locally, across Sydney and worldwide.

### **AUSTRALIAN DEFENCE INDUSTRIES SITE REDEVELOPMENT**

**Mr ANDERSON** (Londonderry) [5.53 p.m.]: Tonight I draw to the attention of honourable members the proposed development of the Australian Defence Industries [ADI] site, which comprises 1,536 hectares in the St Marys area in my electorate. The project is a joint venture between the Federal Government and the Delfin Lend Lease consortium. I listened with interest to some of the comments made by speakers in the debate on the matter of public importance raised by the honourable member for Miranda as they said some of the things I want to say. The Federal Government, the owner and developer of the site, must take on board its responsibility to tell those in the local community what is to happen on the site and what they can expect. I do not have any difficulty with the proposal, but I am concerned about the fact that the developers have not seen fit to inform my community about what is going on.

For a number of years I have asked that the community be informed about the project. During the last Federal election I was working in a polling booth at Cambridge Park. People who lived along Palmyra Road at Wilmont told me that Cumberland Plain, which is located directly opposite their properties, was to be cleared. However, that is not what is to happen. The master plan does not provide for the clearing of Cumberland Plain. It will be fenced off and protected. The developer should tell those in my community who are concerned about the matter what is to be protected. The developers have not seen fit to hold one public meeting to inform members of my community about their intentions, and they have not asked for community opinion.

It is incumbent on all major developers to tell local communities what is going on. I do not believe this problem is restricted to this ADI site; I believe it happens across the State. In the period 1995 to 1999 when I was the member for St Marys prior to the abolition of that seat, I remember a consortium presenting me with a leaflet and seeking my concurrence on a development proposal. The consortium wanted to distribute that leaflet to the community, but that never happened. It is still sitting in a box in some engineer's office. The community was never told what to expect, and it has not been told about the current proposal. The consortium should inform my community that 930 hectares of this 1,535-hectare site will be kept as open space.

No other development in Australia includes the open space component that is proposed for this site, but people in my electorate are not aware of that fact. It has been estimated that there are between 640 and 670 kangaroos on that site. People are genuinely concerned about those kangaroos. Somebody has said that they will be destroyed, but that is not the case. However, the consortium has not told people in my electorate. Nobody knows what will happen to those kangaroos. The company told me that nothing will happen to those kangaroos and that they will be included in the conservation areas. Why does the company not tell the people in my electorate and the rest of western Sydney that this area will be protected and well cared for? I call on that consortium to do so.

### **Mr DAVID HIGGINS GUARDIANSHIP ORDER**

**Mr McGRANE** (Dubbo) [5.58 p.m.]: On 30 October in this House I referred to the plight of David Higgins of Dubbo. Several things have occurred since that time which have made his situation worse. On 12 November the Guardianship Tribunal reviewed David's guardianship order and effectively allowed his public guardian to move him wherever he chose without David's consent. The Guardianship Tribunal suggested that the public guardian should investigate other options for accommodation in Dubbo before taking the option of moving David to Orange. The Public Guardian wants to move David from Dubbo and install him in a group home in Orange. This group home has four other occupants who are physically disabled and non-verbal. Anyone who has met David knows that he loves a yarn. The health professionals' claims that David lacks social contacts in Dubbo have been disproved to me first-hand through my numerous meetings with David in social situations and by accounts from many people who have interacted with him socially.

The instigator of a petition that I presented to the House today—I have another to present tomorrow—Mr Bill Kelly, the proprietor of the South Dubbo Tavern, confirmed that David is a regular visitor to the tavern. Almost 300 signatures have been gathered at the tavern—not bad for a person with no social contacts. In fact, more than 2,000 signatures have been gathered to date and honourable members will know that raising 2,000

signatures in five days is proof of overwhelming community support for David's cause. The petition seeks to suspend the guardianship order amendments granted to the Public Guardian on 12 November 2002 pending a full inquiry into the management of David's financial assets and to ensure that his existing accommodation and care status is maintained while other accommodation options in Dubbo are explored.

The view advanced by health professionals, which is perpetrated by the Public Guardian, is that it is too difficult to find housing for David in a setting that will allow him to continue his social interaction in his hometown of Dubbo. David's social situation, and accordingly his temperament, have improved dramatically in the past eight years and I am sure that this good work will be undone if he is moved to a completely different level of care in Orange. It is not David's fault that he now has insufficient funds to enable him to live a life that we take for granted. When David turned 21 the court awarded him \$1.5 million, and after nine years in the care of a government instrumentality that sum has been reduced to \$165,000. It amounts to mental cruelty to take away David's social outlets when his disability already denies him the physical outlets that many of us enjoy.

As support for the petition shows, the public perceives that a great injustice has been done to David. The concern that I place before the House is that the bureaucrats have no reasonable plan for David's future. David should remain in the Swan Street home in Dubbo, and I call upon the Department of Housing and the Macquarie Area Health Service to make this possible at least until alternative accommodation and care arrangements are made for David in his hometown of Dubbo. I spoke to the Minister for Community Services, the Hon. Carmel Tebbutt, yesterday and to members of her staff today. They are fully aware of the problems David faces in the future.

The Department of Community Services is currently trying to place David in other accommodation. It is not the department's fault that it has been given the task of finding accommodation for David, and at present group homes are the only alternative that it can offer. As I said earlier, the original arrangement involved placing David in a group home in Orange. Since the hearing it has been suggested that David be sent to Nyngan. That is ludicrous. David has lived in Dubbo for the past nine years. There are several group homes in Dubbo, and David should stay where he is and continue to enjoy the quality of life that he so deserves. [*Time expired.*]

#### **HUSKISSON RSL SUB-BRANCH REMEMBRANCE DAY DINNER**

**Mr W. D. SMITH** (South Coast) [6.03 p.m.]: The Huskisson RSL Sub-branch Remembrance Day dinner, a special event, was held at Huskisson RSL in my electorate on the evening of 9 November. Kerry and I had the privilege and honour of being invited to attend that dinner, for which I thank the RSL. The evening honoured those who, during wartime, made sacrifices that have given us the freedoms that we tend, unintentionally, to take for granted. The occasion allowed us to focus on those who paid the ultimate price and on the family and friends of returned service men and women, who have made sacrifices for us all. The event was organised by the President of the RSL sub-branch, Mr Rod Simpson, who deserves great credit for his efforts. Rod, a Vietnam veteran, works tirelessly on behalf of returned services personnel.

The guest speaker for the evening was Air Commodore Geoff Michaels, AO, OBE, Royal Australian Air Force retired. Geoff gave an excellent speech about his experiences as a bomber pilot and told stories that opened our eyes to the experiences of service men and women during wartime. He spoke of how cold it was flying at 22,000 feet. There was no insulation in the bomber, which he described as a bit like flying a large garden shed—noisy and cold. He also related what it was like flying on a night mission with 600 to 800 planes, navigating by instruments only with no lights. He said he knew of the presence of other planes around him only when he felt the turbulence when he got too close.

Geoff explained that a plane hit by enemy fire would more than likely clip and take out another plane as it went down. He said that pilots wore their full uniform when flying missions—tie and all. They would also wear a parachute—they would sit on the actual parachute—and then have a normal seatbelt harness over the top. Geoff explained that pilots had to wear a uniform in case they were shut down and captured in order to convince the enemy that they were not spies and should be treated as prisoners of war. Of course spies were shot on the spot. Air Commodore Michaels also mentioned that his son had never asked him about his wartime experiences and that he had never told his son about them. I discussed this with him and said how I thought stories like those that he told us would send an invaluable message to others about the realities and experiences of wartime service. Geoff said that he believed we should return to the practice of his youth when two minutes silence was observed at 11 a.m. on the eleventh day of the eleventh month.

While driving to Sydney on the evening of 11 November I was staggered to hear the story of a caller to an ABC radio program. The caller, who is employed in a family business, said that he had observed two minutes



silence for which the two brothers who ran the business had had a go at him. He tried to explain why he had observed two minutes silence—he did not think he was too successful—and then attempted to explain his actions to their father, a person of his generation, but to no avail. The father, who owned the business, said, "If you want to argue the toss perhaps you should seek employment elsewhere". That is pathetic, because without the sacrifices of those who fought for us that family might not own a small business.

Some 140 people attended the dinner, and staff provided a terrific meal—especially since there were power problems on the evening. The staff got their act together somehow and were applauded loudly for their efforts. Other notable attendees on the night were John Wells, Senior Vice President of the RSL sub-branch; Lilian Dalton, President of the women's auxiliary sub-branch; John Cole from the Nowra Legacy Group, who presented the Legacy Shield to life member of the RSL sub-branch, Doug Brennan; Roy Wellard, President of the St Georges Basin RSL sub-branch; and John Davis, President of the Vietnam Veterans Association Jervis Bay sub-branch. [*Time expired.*]

### ILLAWARRA ESCARPMENT

**Mr CAMPBELL** (Keira) [6.08 p.m.]: In the past I have taken advantage of private member's statements to refer to the Illawarra escarpment, which is vital to the broader Illawarra community. The escarpment, which is part of the Great Dividing Range, is a dramatic backdrop to the city of Wollongong and to the electorate of Keira. Indeed, Keira takes its name from Mount Keira, a peak on the Illawarra escarpment. For 12 to 15 years community debates have continued about the future of the escarpment, particularly in regard to residential development encroaching up the escarpment. A number of local government working parties have looked at the issue. In 1997 Wollongong City Council resolved to ask the Government to call a commission of inquiry to look at planning issues on the escarpment.

It was interesting to be part of the debate that led to that commission of inquiry being called. All of the Independent councillors on Wollongong council at the time voted not to proceed with the commission of inquiry: they opposed it. Only the Australian Labor Party councillors at that time supported the resolution. Fortunately, the Australian Labor Party had sufficient numbers to carry a resolution that called on the Government to establish a commission of inquiry. The then Minister for Urban Affairs and Planning commissioned the inquiry, and Commissioner William Simpson undertook the commission of inquiry and reported in 1999. He indicated that there would be a need for some further studies into the environmental aspects of the escarpment, and issues relating to flooding, and a number of environmental aspects.

Some of the studies included a bioregional assessment of the flora and fauna of the Wollongong local government area, to be undertaken by the National Parks and Wildlife Service; a review of riparian corridors, to be undertaken by the Department of Land and Water Conservation [DLWC]; a native vegetation management plan, to be undertaken by the DLWC; a flooding assessment of the eight catchments in the city of Wollongong as they flow off the escarpment, to be undertaken by council, although partly funded by the DLWC; a bush fire assessment by Wollongong council; a land stability assessment by Wollongong City Council; and the mapping of past and present mining areas, a joint undertaking between the council and the Department of Mineral Resources.

The commissioner indicated that the studies may take two years to complete. In 2000, through the present Minister for Planning, the Government committed \$450,000 for its share of the cost of those studies. The studies are nearing completion within the proposed two-year time frame recognised by Commissioner Simpson, and will be referred to a recently established community reference group. That group, although appointed by government, has a membership of three Wollongong city councillors; three industry and commercial representatives; a representative of the Nature Conservation Council; six community representatives, including landowner groups and local environmental groups; and six individuals, two from each of the northern, central and southern areas of Wollongong.

The community reference group has held a number of meetings. Its aim is to review the studies and assist council to put together a plan of management for the Illawarra escarpment. I understand that the council is working towards exhibiting that plan of management for further community input in February 2003. After the adoption of a plan of management, obviously council will be required to review a number of its zonings and planning policies, such as the fair trading policy and the rural resident policy. Trying to get a handle on planning on the escarpment has been an issue for about 15 years. The Labor Party in the region has shown strong leadership. The community has had a great deal of input and that continues. I look forward to reading the draft management plan and seeing the finalisation of this long and torturous process. [*Time expired.*]

**Mr MARKHAM** (Wollongong—Parliamentary Secretary) [6.13 p.m.]: I support the comments of the honourable member for Keira about the Illawarra escarpment, which is a magnificent backdrop to the great city of Wollongong. I assure honourable members that I have been proactive in fighting for the retention of the natural beauty of that escarpment for many years, ever since I was elected to this Parliament. The honourable member for Keira failed to mention that a couple of weekends ago the peak of Mount Keira was on fire. I can assure honourable members that it caused a number of problems for people, particularly the Mount Keira Public School community which was celebrating 125 years of public schooling on the Sunday.

On the Friday night the fire fell over the front of Mount Keira and was heading towards the school. The honourable member for Keira and I attended the celebration and the teachers were very concerned that their celebrations may not have gone ahead because of the ferocity of the fire. The Illawarra escarpment is fantastic, and wildlife abounds in the area. When I was a child I spent a lot of time there because of my interest in wildlife and particularly in birds. The escarpment needs to be protected. It is great that the inquiry was commissioned to make sure we know what is on the escarpment. I am keen to see the results and recommendations of the group. I congratulate the honourable member for Keira for raising this matter.

#### **Private members' statements noted.**

#### **BILL RETURNED**

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

Rail Safety Bill  
Drug Court Amendment Bill

*[Mr Acting-Speaker (Mr Mills) left the chair at 6.16 p.m. The House resumed at 7.30 p.m.]*

#### **VALEDICTORY SPEECHES**

**Mr WOODS** (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [7.30 p.m.]: After 13 years in the Hawke, Keating and now the Carr governments, I have decided it is time to go. So, having talked to the Premier and the party and after discussing it with my family and close friends, I am going at the election in March 2003. The Labor Party has preselected Terry Flanagan, a good friend and a farmer from near Grafton, as our candidate for Clarence for the next election. I urge the electors in Clarence to vote for Terry. He will make a superb local member. He will be a member of great energy with broad experience and understanding of country issues.

My wife, Sandra, has acted as a surrogate member. She has attended functions and meetings, joined community organisations and visited people on my behalf for the full 13 years, and I thank her for her efforts on my behalf and on behalf of the people she has helped. It has been no easy task for her. She has worked very hard. My family, my sons Harry and Patrick, my daughters Joanna and Kate and new grandchildren Jacob and Jordan, have been very supportive over those 13 years, but now they deserve my full attention. I will be retiring from politics at the age of 55, which gives me time for another section of life, I hope. I will not be lawn bowling or playing marbles, but I will be looking to another stage of my life with the experience of being a member of Parliament behind me, and I will have a renewed value for anonymity and ordinariness.

Political campaigning can be unpredictable at the best of times. I well remember my first introduction to it in that first Federal campaign back in 1990, at Iluka. A public meeting was called by the pensioners of Iluka, and I needed to attend. I attended with uneasiness and trepidation, not having spoken in public, and not having had to answer questions armed with a handful of papers and, I thought, all the answers. When it came my turn to speak one of the people in the congregation of pensioners fell down with a heart attack. It was Maurie Wallington. I gave him CPR, from my experience with the surf club. After working on him for a long time, the ambulance turned up. Maurie recovered after a long time in hospital. But Maurie saved me from having to make the speech and answer the questions. As I said to Maurie some months later when he was out of hospital, "It's great to have Labor supporters that will go to any length to help." In this case it was getting me out of making a speech and answering questions. As well as being a Labor supporter, Maurie was a union delegate.

But back to the meeting. The meeting broke up shortly afterwards, and we had a cup of tea. In the election I got a huge vote at Iluka—about 66 per cent of the primary vote. We ultimately won that election by a narrow margin. It was a victory, the first for Labor in the Page electorate for 30 years, when Frank McGurren beat Sir Earl Page back in 1960. That victory was earned by an exceptional effort by branch members and my

campaign committee—Laurie Brown, Michael Fleming and Peter Crosby. There was not a cross word between us for the whole campaign—mainly because I did exactly what I was told by Laurie Brown. The same team retained Page in 1993, and we all remain firm friends to this day.

After losing the Federal seat of Page in 1996 I was prepared to sit back and take stock of my life. But my good friend Laurie Brown intervened. He said I should stand for the State seat of Clarence. After a discussion with family and friends, I decided to contest the by-election. For the only time in my career, I was able to claim victory on the night of the election, with a swing to Labor of about 14 per cent. I know the Premier was very pleased with that win. I know that Peter Collins, the then Leader of the Opposition, was not. He relates that in his book *The Bear Pit*, on page 258.

In 1997 I was appointed Minister for Regional Development and Rural Affairs. One of the things I am happy about in the Regional Development and Rural Affairs portfolio was our ability as a Government to change policy on economic development in country New South Wales. We championed the view that governments need to intervene to correct market failures in regional New South Wales. We were not prepared to accept the free market policy that was fairly popular at the time. We adopted a more interventionist role for government. We encouraged country towns to take advantage of their own talents and motivations, we urged them to capitalise on their unique competitive advantages, and we helped them do that.

Areas like Dubbo, Orange and Griffith continue to have high levels of employment, as do other areas. The same can be said for Tumut and Tumbarumba. The band of prosperity can be expanded further despite difficulties like the current drought. Country Labor was also formed during these years, and it continues to grow. It has become a potent force in country politics, not just because of the strength of its membership, but also because the Premier has taken on country issues as important core government policy areas. Under the Country Labor banner, Labor achieved a record result in country New South Wales and returned eight Labor members in 1999—the best result and gain for Labor in the bush since McKell in 1941. I fully expect that result to be better for Country Labor in 2003. I have often said that Country Labor is the face of the Labor Party in the bush—and it is a friendly face. But, more than that, it is now a strong and forceful face as well.

Over the last four years I have been given responsibility for local government. It has been a privilege to work with the many talented and hardworking men and women who serve on local councils across New South Wales. I believe that local government faces an enormous challenge over the next decade. As communication and administrative systems evolve, I believe that there will be inevitable pressure to form larger local government areas. Good, substantial reform of local government can bring significant benefits particularly to country New South Wales. The key to any change will be adopting a reform model which ensures efficient delivery of services but retains accessibility and representation for smaller areas and towns.

I want to pay tribute and extend my thanks to the Director-General of the Department of State and Regional Development, Loftus Harris, and Michael Cullen, the Executive Director of the Regional Development Division—both have a real feel for the country. As well, Garry Payne has been a terrific Director-General of Local Government over the last four years. All three have given me excellent advice and support over those years, and I thank them very much for that. I would also like to thank the staff from both departments for their hard work and diligence. I say thank you to my electorate office staff, David Bancroft and Annette Lamont. Annette has been with me for the whole of the 13 years that I have been in Parliament. Thank you very much for your efforts. I do not think anyone here would have more dedicated people in their electorate offices.

To my current ministerial staff and my previous staff—Michael Fleming, Troy Overy, Shoshana Lenthén, Ken Long, Jeff Lewis, Siobhan Barry, Danielle Bevins, Sarah Conway, Terry Flanagan, Sharon Armstrong, Korena Flanagan, Lisa Williams, Maureen Conner and Glenn Taylor—I thank them as well. I wish Glenn Taylor well in his campaign in Orange as the Country Labor candidate. He is a great candidate, and I feel good about his chances. Staff members have come through my office who have moved on, Craig Munnings, Ado Zanella, Scott Davies, Glen Byers, Helen McInerney, Tim Gleason, Helen Nezeritis and Tatiana Brown. Every one of them has been terrific to work with, but for them I have not always been so easy to deal with. I know that Shosh will miss the tussle with me, trying to get me to do early morning radio grabs.

By March 2003 I will have served 13 years. Probably a few others should think about giving it away, but one person in this House who should continue is the Premier. His continuing enthusiasm for his job, his experience and his overwhelming positive attitudes set him apart from most of us here. He has an enormous workload, but that is more than matched by his energy and stamina. I confidently predict his return on 22 March 2003 to become the longest-serving Labor Party Premier in the history of this State, and that will be good for

New South Wales and country New South Wales. I make my final speech to this House with gratitude and, I have to say, some relief. I value my time as the member for Page and the member for Clarence, and the years I have spent as the Minister. I leave with no regrets, but with a certain feeling of excitement for the upcoming campaign and for the next phase of my life.

For once I can throw myself into a campaign, into the fight, and not have my future hanging in the balance for the week after the campaign, as is usual with my election campaigns. In the past 13 years I have contested five elections. I have won three by margins of less than 700, two of those by about 150 votes, I have lost one and won one with a big swing. I have indeed been fortunate. I would like to thank the officers and staff of the Parliament for their assistance over the years. If there have been any successes or accomplishments, they are due to the people who have helped me, from Laurie Brown, Michael Fleming and Sandra Woods to all those branch members up on the Clarence. Thank you for your attention, and I wish you well.

## HOMELESSNESS

### Matter of Public Importance

**Ms MOORE** (Bligh) [7.42 p.m.]: I ask the House to note as a matter of public importance the urgent need for action on chronic homelessness in New South Wales. I shall address the ongoing crisis in the inner city, and I would hope that other members would address the situation in other parts of New South Wales. First, I will refer to the scale and nature of the homelessness crisis. The 1996 census identified 30,000 homeless people in New South Wales. The 2001 census figures are expected to show a significant increase. Inner Sydney, like other urban centres in Australia, has a disproportionate number of homeless people, many of whom are drawn from suburban and rural areas. They are predominantly young adults, with a slight majority of males.

Some 200 people sleep rough in the Bligh electorate and a further 133 sleep rough in neighbouring Port Jackson. Many hundreds stay in crisis accommodation, in boarding houses, or with friends or family in these inner-city areas. In early 2000 I raised the crisis in Woolloomooloo when up to 70 people were sleeping rough in Tom Uren Square. Local residents found it difficult going to the only shop in the area because of the anti-social behaviour of some of the homeless people who were harassing residents, urinating, defecating and copulating in the public square. Conflict between the two groups was tragically underscored by the murder of a rough sleeper in November 2000. It took media exposure and much lobbying to get government action on this crisis—first, an eight-week outreach program, followed by the Woolloomooloo Homeless Outreach Service that has operated since August 2001.

This service has significantly reduced the crisis in the area through intensive case management of many rough sleepers, although the need is ongoing. This dire situation is not confined to Woolloomooloo and is repeated in hot spots around the city. Homelessness is caused by many factors. It is a bottom-line indicator of how well the public safety net provides for people in our community. The rise in homelessness reflects a complex interplay of factors, including the growing gap between rich and poor, high youth unemployment and government policies promoting urban consolidation. Some 80 per cent of the homelessness services in inner Sydney rely on social security benefits. Pensioners and other low-income earners are continually displaced as property values soar and Sydney's low-cost accommodation is whittled away.

Tenants pay a large proportion of their income in rent, often well above the 30 per cent benchmark of the national housing strategy, making it difficult to sustain tenancies and increasing the likelihood of homelessness. The estimate of 100,000 people in New South Wales on the public housing waiting list is well known. Overdevelopment in this already densely populated area is reducing the amount of public open space where people can congregate, thus increasing tension between homeless people and other residents. In its interim report tabled on 3 September, the inquiry on mental health services in New South Wales highlighted the Government's failure to replace large mental institutions with adequate community care.

Deinstitutionalisation has left the bulk of responsibility for supporting mentally ill people to families and carers, placing huge stress on communities and leaving many mentally ill people homeless. Some 75 per cent of clients of inner-Sydney homelessness services suffer at least one mental disorder, compared with only 18 per cent of the general population. Without proper treatment many end up in prison then back on the streets when released. I am very concerned that mentally ill people are overrepresented in New South Wales prisons, and that prison has become a default institution for mentally ill people. Approximately one-third of prisoners have a mental illness, 40 per cent of prisoners meet the diagnosis of personality disorder, and 73 per cent of female prisoners have been previously admitted to psychiatric or mental health units.

New South Wales imprisonment rates rose 64 per cent between 1981 and 2000. In contrast, the number of psychiatric beds fell 600 per cent between 1970 and 2000. There are other causes. Substance and gambling addiction, a history of abuse and neglect, family breakdowns and lack of education all contribute to homelessness. It is easy to understand how a homeless person might miss out on vital living skills. If they have been homeless for a long time, and have formed a community on the street that they are loath to give up, moving into a "proper home" may be too isolating for them to contemplate or sustain. Homeless people have complex and varied needs. They require well-resourced services that can address the underlying causes and help them access and maintain accommodation.

Agencies funded by the Government Supported Accommodation Assistance Program [SAAP] cannot meet the overwhelming demand for assistance. In New South Wales SAAP agencies a shocking 72 per cent of demand for psychiatric services was not met in 2000-01. Without access to crucial services, people get stuck on the homelessness roundabout. New South Wales has the second-highest SAAP retention rate in Australia, with 24 per cent of clients moving from one crisis service to another.

What action has been taken? In response to my pressure, the Woolloomooloo Homelessness Project was set up. It is now being evaluated and it will be used as the model for an inner-city homelessness strategic implementation plan, an initiative of the Partnership Against Homelessness. The inner-city plan was launched by the Governor-General and the Director-General of the Department of Community Services in May 2001. It promised to improve services to homeless people through a common approach by government and community agencies, which will be rolled out to other areas. It also promised a separate strategy on indigenous homelessness. I am very concerned about the lack of progress on the plan, and that no additional funds have been allocated for its implementation. DOCS took eight months to appoint what was known as a change agent to oversee implementation of the plan and now, 10 months later, progress has been hampered by confusion over roles of authority. The Department of Housing has taken over the project.

DOCS will retain responsibility for reshaping SAAP services, but it is only now beginning consultations with those services and estimates that it will take up to five years to reconfigure the SAAP system. Meanwhile, homeless people will continue to increase in numbers on our streets. There is a plethora of plans but a dire lack of real co-ordination and resources. Some 18 months after the plan was launched the Partnership Against Homelessness is developing an inner-city homelessness action plan. The South-East Sydney Area Health Service homelessness plan is also incomplete, and has no new funds for implementation.

The New South Wales Health \$5 million supported accommodation project is not linked to the plan and will not provide places for people in inner Sydney. There is no specific strategy for indigenous homelessness, despite indigenous people experiencing a higher rate of homelessness than the general population and needing culturally appropriate solutions. The Woolloomooloo Homelessness Outreach Service has been extended several times. In its first year of operation it helped 10 homeless people into public housing, 33 people into private rental accommodation, 75 people into temporary accommodation, and 22 people into detoxification programs and crisis accommodation.

The Department of Housing committed to expansion of the service to cover the inner city and put out a tender brief for the wider service in July 2002. But I have now been informed that the tender has been withdrawn amid disagreements within the Partnership Against Homelessness have developed. I understand that the current service will close at the end of December and has already begun winding down its operations in readiness. This will breach the trust that the outreach service established with long-term homeless people. It will leave rough sleepers without vital support which may have enabled them to break out of the cycle of homelessness. I believe it could be devastating for marginalised homeless people, as well as for the troubled community of Woolloomooloo.

This breakdown in service occurs despite the array of partnership projects involving key government agencies. The Premier's Kings Cross task force on homelessness has been operating for a year and so far has not come up with better co-ordination proposals and action on the streets. In contrast, the Victorian homelessness strategy has been well co-ordinated and implemented, focusing on early intervention and preventing the drift of homeless people from rural to urban areas. The Victorian Government has increased funding to homeless services by more than 30 per cent since the inception of the strategy in July 2000, injecting \$40 million to establish new services or 300 extra support staff and 700 extra transitional long-term properties.

In conclusion I call upon the New South Wales Government to immediately ensure that an expanded homelessness outreach service is operating in the inner city, without loss of continuity, impetus, or expertise. I

call upon the Government to also urgently develop a co-ordinated, resourced commitment to people who are homeless or who are at risk of becoming homeless. In 2001-02 the Government reaped \$1.2 billion in gambling taxes and \$900 million in a stamp duty windfall, making a total of \$3 billion collected in stamp duty. I believe that part of that windfall revenue should be dedicated to reforming the homelessness service sector and to providing affordable housing and effective support to the casualties of urban development and the gambling industry.

Investment in long-term housing solutions is imperative to reduce the cost to government and to improve the wellbeing of homeless people, as well as the resilience of society. A Government of British Columbia study found that it was more cost effective to provide housing for homeless people because having a home reduced their need for costly health care, criminal justice and social services. That is only logical. I urge the Government to strengthen its response to the homelessness crisis by providing adequate funding for homelessness services and by providing effective, efficient and co-ordinated, strategic direction to resolve the crisis. I believe that the provision of effective, compassionate solutions for the most disadvantaged members of our society is what a government in a civil society should do.

**Dr REFSHAUGE** (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [7.52 p.m.]: Homelessness is a priority for this Government each and every day. We know that a safe and secure home is fundamental to a person's quality of life. I am therefore pleased to identify a number of this Government's achievements in this area. The Government upholds the values of social justice and has worked hard to improve services for homeless women and men. In the 2002-03 budget we committed more than \$53 million from the Housing portfolio alone for direct assistance to the homeless and those at risk.

There are no simple answers to homelessness. The causes are complex and they are often linked to mental illness, to drug and/or alcohol abuse, to domestic violence, to unemployment, to family breakdown, and to physical, sexual or psychological abuse. We understand this complexity, and our programs are tailored in an holistic way. One of the first things I did as Minister for Housing was to set up the Partnership Against Homelessness. We know that homeless people often need help from different areas. The partnership brings together 11 government agencies with responsibilities in this area. The Department of Housing is the lead agency for the partnership, and the partnership is delivering tangible results on the ground—tangible results in Woolloomooloo, tangible results in after hours temporary accommodation, and tangible results in helping people with the transition from crisis accommodation to living independently in the community.

The main priorities for the partnership are, first, to diversify the types of assistance offered to homeless people; second, to improve access to support; third, to improve the standard and appropriateness of the Crisis Accommodation Program; and, fourth, to create better pathways for people to move from crisis to long-term housing. Let me outline two good examples of this Government's priorities in action. The Woolloomooloo Homelessness Project was established in May 2001 as an activity of the Partnership Against Homelessness. The project has involved a number of government, local government and non-government agencies working together to help rough sleepers around Woolloomooloo access housing and support services. I acknowledge the support of the honourable member for Bligh and her ongoing involvement in this project.

The project is wide ranging and it has achieved significant improvements in public health standards with the collaboration of the Department of Housing, South Sydney City Council, and the South Eastern Sydney Area Health Service. An outreach service which is working with rough sleepers in Woolloomooloo was set up, and it has delivered significant results for homeless women and men. Since it began in August 2001 it has worked with 119 homeless men and women. Working on the ground, it has helped homeless people to access health and welfare services and find appropriate accommodation in the event that they choose to leave the streets. By September 2002, 54 had moved into long-term private rental or public housing, 80 had accepted temporary accommodation and 18 had gone into crisis accommodation. The residents feel safer and the environment is more cared for.

The experience gained and the outcomes achieved during this project have helped in the development of the inner city homelessness action plan. It has supported the development of specialist services to work with rough sleepers. Let me provide two case studies where people have been helped by the outreach team. The first is of a 60-year-old man who has been chronically homeless for more than 12 years in the inner city and Woolloomooloo area and who has often slept rough. He is a Vietnam veteran and comes from a non-English speaking background. Alcohol-related brain damage has left him with poor communication skills and poor memory. He has been helped in a number of ways and is currently in transitional housing for older men, and a plan to meet his long-term needs and options is being developed.

The second case study involves a couple being referred to the outreach service by the Chemical Use in Pregnancy Service because the female partner is currently five months pregnant. She also has an active history of IV drug use and IV drug dependency. This couple want to find sustainable, long-term accommodation before they have their baby. They have not been accepted for private rental properties, partly because of their lack of tenancy history. The outreach service has arranged suitable boarding house accommodation with assistance from the department's Rentstart Program. A priority housing application has also been lodged. They are receiving a range of support, and a management plan is being drawn up in consultation with them and other support providers.

Another initiative of the Partnership Against Homelessness was the establishment of an after-hours temporary accommodation line, as a result of which anyone whose only requirement is a bed for the night is guaranteed that we will find them one, and it is worthwhile emphasising that point. But we do not just leave it at that. We assess their needs the next morning, and work out how we can best assist them in the long term. This service is now available in Sydney, on the Central Coast, and in the Hunter region and has helped more than 1,600 people since December 2001. Another way the Government is meeting people's needs is by helping them to move out of crisis services and into the community. The homeless action team comprises five people working in the inner city. Between 1999 and 2001 the team helped 448 people to move from crisis services and to live independently in the community. Creating pathways out of the crisis system is essential to break the cycle of dependency. Exit housing is an important part of the Government's overall strategy.

An example of this program is working well in Fairfield. This project provides medium-term, subsidised accommodation to young people who are in transition from refuge accommodation to independent living. An accredited community-housing provider operating in partnership with a local youth service manages the accommodation. This provides a transition between the high level of support in the refuge environment and a lower level of support in shared housing. The level of support is discussed and agreed to with the young people prior to their moving into independent living. The Crisis Accommodation Program is a key Government program to deal with homelessness. It funds short-term and medium-term transitional accommodation for people who are homeless and in crisis. This year we expect to help 75,000 people with crisis accommodation.

The Government is improving the quality and effectiveness of the current accommodation for homeless people. We are increasing the number and range of housing opportunities for people leaving crisis refuges. Every night, across the State more than 3,200 beds are available to help people who are homeless. That is an extra 1,100 places since we came to government in 1995. This year almost \$14 million will be directed to fund 40 new homes and 126 new leases. The Government is committed to providing housing and support for the most vulnerable in our community, and that stands in stark contrast to the record of the Howard Government.

The Commonwealth Government is not meeting its responsibilities for the homeless or the housing sector as a whole. The New South Wales Government recently decided to fund both the State's and Commonwealth's share of the social and community sector award, which pays the wages of the people who provide support to the homeless and the most vulnerable in our community. Without our paying the Commonwealth's share—that is \$101.3 million—those services would have been forced to close. It is thanks to this Government, the foresight of the Premier and the Treasurer, that those crisis services remain open. Since taking office in 1996 the Howard Government has cut more than \$375 million from New South Wales funding under the Commonwealth-State Housing Agreement. That is in stark contrast to the extra \$157 million the State Government is spending on social housing over the next three years.

It is depressing that the Opposition has been silent on these issues throughout this period. If Opposition members were serious about helping the homeless and those in crisis they would be calling on their Federal colleagues to meet their most basic responsibilities for the most vulnerable people in our community. Unfortunately, we hear nothing. The current Commonwealth-State Housing Agreement expires in June 2003. For each of the next five years we will receive less money from the Commonwealth for housing than we received this year. The New South Wales Government is committed to providing a comprehensive service to homeless people, and not only for accommodation, although I believe that accommodation is a very important first step. The Government is bringing in other agencies in the non-government sector to help homeless people to get past other problems that are often the major reason they are homeless.

**Mr HAZZARD** (Wakehurst) [8.02 p.m.]: Listening to the Deputy Premier one would think we should all be very grateful for what the Carr Government has done to alleviate homelessness. However, I know that people are not grateful, because there are people who are desperate for services. Today a 20-year-old Aboriginal woman telephoned me and said she had come out of prison and was staying with a person who was unlikely to

facilitate long-term accommodation for her and her two-year-old son. This case epitomises the sorts of problems that homeless people face. That young woman will go back to prison if she does not find accommodation for herself and her child. She is being assessed for home detention, but has no-one to turn to.

She contacted the Department of Community Services [DOCS] but was told that the department could not do anything for her. She contacted the Department of Housing for assistance, but she met a blank wall. If the Deputy Premier were fair dinkum about trying to help people, rather than sprouting rhetoric about the Federal Government, he would make sure that services are delivered to homeless people. That young woman's child will be taken from her and put into the care of DOCS, and so the cycle will continue. Instead of slamming the Federal Government and carrying on, the Minister should have done his job. For almost a decade he has been the Minister for Aboriginal Affairs, so he is in a position to do what is necessary, but he has not done it. It is not only Aboriginal people who need assistance; non-indigenous people and children in foster care also need it.

As the shadow Minister for community services I propose to look in more detail at the issues involving children who have been in care or who are trying to find accommodation and are in need of assistance from DOCS. According to the Royal Melbourne Institute of Technology, since 1994 there has been an 8 per cent increase in the number of homeless young people. In Australia more than 26,000 people aged between 12 and 18 are homeless. The recently released Salvation Army report on the youth homelessness census found that 68 per cent of homeless students in New South Wales were under 16 years of age. That is a particularly significant cut-off age, and I will address that relationship with subservices later. Many young homeless people are in the care of the State. The Salvation Army report states:

Young people who are, or have been in the care of the State are over-represented amongst our young people who are chronically homeless.

Over almost a decade children who are supposed to have the State as their nominal parent have been let down by the Carr Government, which is supposed to have social justice as part of its reason for being. The exact numbers are unknown, as no study has reliably determined the figures. If you want to know the number of homeless people in the greater environs of Sydney, you have to go to the City of Sydney Council's homeless service. That service does a good job, but if you ring that service and ask for the figures, you are referred to this fellow who is to be the saviour of Rockdale, Frank Sartor. He has a block on the figures; he keeps them under lock and key. Because one of the Government's Labor mates is running city hall, no-one can get those figures without his personal approval. Labor has allowed that disgusting and appalling state of affairs to develop. However, international studies are quite chilling. The 1998 United Kingdom Select Committee on Health, Second Report, stated:

70% of homeless young people have been in care.

An article in the *Los Angeles Times* headed "Study of Runaway Youths Finds One-Third Were In Foster Care", referring to youth in the United States of America, stated:

According to a nationwide study of runaway youths, more than one-third had been in foster care in the year before they took to the streets ... more than one out of five youths who arrive at a shelter come directly from a foster or group home ...

Another United States study reported on in the *San Diego Daily Transcript* was headed "Abused, Abandoned Juveniles Get Schooled for Adult Life". It stated:

Some experts estimate that 45% of those leaving foster care become homeless within a year.

We do know that in the mid-1980s the Burdekin report into youth homelessness found that in New South Wales children and young people in care make up half of all homeless youth. Many of the children and young people in State care—State wards or children in need of protection—are referred out of care to homeless programs. The Community Services Commissioner, Robert Fitzgerald, who has given evidence to a number of parliamentary inquiries, including one into child protection in August, stated:

On the Government's own figures in the last [DOCS] annual report, 1.5% of the 9,100 children were in supported accommodation ... homeless persons services.

Additionally, 3.4% of the 9,100 had no allocation, they were in the "other" or "no fixed place" categories, and we do not know where they are.

In other words, this Premier and this Deputy Premier, who just treated the House to some platitudes and feel-good statements, do not know the whereabouts of about 300 children who, allegedly, had been placed in



services. In September 2001 the Community Services Commission began a review of Supported Accommodation Assistance Program [SAAP] services and their use as placements for children in substitute care. That report stated:

SAAP is increasingly being called upon to make up for the deficiencies in the substitute care sector, particularly in relation to residential care.

This growing reliance on SAAP is clearly indicated by the use of Individual Services packages (ISP) to broker placements in SAAP services for children and young people who are in the care of the State, and the referral to SAAP of young people being discharged from care.

According to the report, clients of the Department of Community Services comprise almost 25 per cent of those under 14 years of age and almost 16 per cent of those aged 14 to 15. Significantly, the Community Services Commission found that the initial placement in SAAP of a vulnerable child in DOCS care might be inappropriate under the Act. I say that it is inappropriate under the Act, because the SAAP services that are relied on to house children that DOCS cannot care for are not meant to provide for children under 16 years of age. SAAP services, which are for older homeless people, were never intended for children below school-leaving age. As a result, services cannot be developed exclusively for homeless children.

The Minister referred to Federal and other cutbacks. However, behind the scenes, federally-funded SAAP services have been used, almost criminally, by this Labor Government to put children into services even though the services, which are being provided by the Federal Government, are not designed for children of that age. Children are being put into those services because that is all we have. For eight years the Premier and the Deputy Premier have sat on their backsides and done absolutely nothing. Community Services Commissioner Fitzgerald also found that children that DOCS placed in SAAP services do not have better outcomes. According to Fitzgerald:

Contact with SAAP does not appear to necessarily result in resolution of crisis of children and young people.

In other words, the Department of Community Services wants to wipe its hands clean by palming children off to another agency and, in this case, by getting the Commonwealth Government to jointly fund the service. Senator Amanda Vanstone said:

A referral to the Commonwealth-funded Supported Accommodation Assistance program is often the final contact that DOCS will have with a young person due to be discharged from care.

But there is no guarantee that anything is any better for those children. Homelessness must be addressed but it should not be viewed in isolation. Mental health, physical health, education, stability and family ties are all things that society regards as necessary, fundamental rights. The challenge to governments of whatever political persuasion is to ensure that everyone in society can achieve those rights. Children who are in care—children who are supposed to be looked after by the Department of Community Services—have the Premier as their father, heaven help them, but the problem is that the Premier is not performing the job that he should be performing. In the past eight years he has not even looked over his shoulder at homelessness. The Premier would not know how many children are on the streets in Sydney. He would not know how many children in New South Wales sleep rough every night, or sleep in other than some sort of safe home.

To be fair, governments of both political persuasions have not done enough for homeless people. When this Government was elected to office it promised social justice for everyone, and it has let everyone down miserably. People are starting to say, "Let us try an alternative government. Let an alternative government have a go." There are a number of people in the shadow Cabinet who are truly committed to social justice outcomes and to ensuring that homeless children get a fair go. The Coalition will make a difference after 23 March next year.

**Mr OAKESHOTT** (Port Macquarie) [8.12 p.m.]: I wish to give a coastal and country perspective on this homelessness issue. It is perceived that there has been a drift to metropolitan areas and that homelessness is confined to metropolitan areas such as Sydney, Newcastle or Wollongong. That perception is wrong, particularly in coastal centres such as Port Macquarie; unfortunately, homelessness in Port Macquarie is alive and well. At a local level we have limited services to provide accommodation for men and women at risk. "No vacancy" signs have been erected by the two main service providers in Port Macquarie—the McCosker House for men and the women's refuge.

Whenever individuals at risk require accommodation, staff at those services ring around for hours to try to find alternative accommodation. That reflects the pressures that are being placed on service providers and on

the Government. I inform honourable members that this is not just a city-based issue; homelessness is a problem that is being experienced everywhere in Australia. Whenever we leave Parliament House we are confronted with this problem. Areas outside Parliament House are used by homeless people. Every night of the week many people sleep just outside the glass windows of the parliamentary members' bar and billiard room—surely a wake-up call to all honourable members!

Sir William Deane has been quoted as saying that a society is judged by how it treats its most marginalised. We can judge the society in which we live by the way in which we treat our homeless people. The honourable member for Bligh referred to a plethora of reasons why people are without accommodation on any night of the week. They include mental health, education, substance abuse, family breakdown, and youth sexuality issues. There are a number of reasons why people do not have a roof over their heads. We do not need any more plans or ideas from the Government. We have been given a plethora of plans, but we are in dire need of practical co-ordination. Those plans must be implemented. The missing equation in New South Wales and in Australia today is a commonsense Chris Riley-like drive from the ground when dealing with issues such as this.

Rather than talking about 1,001 different reasons and plans, I thought I would ask the Government to deal with the problems that exist in the Port Macquarie electorate. Two broad portfolio areas—Housing and Community Services—are in desperate need of greater support from the Government. Both departments, which are incredibly underresourced, are at or beyond breaking point. The emergency housing waiting list for the Department of Housing is now eight or nine years; it is extraordinarily long. The Department of Community Services is underresourced and many workers in the Port Macquarie office are feeling the pressure. There is a desperate need for the Government to improve funding in those two areas. I continue to call on the Government to provide that funding.

I highlight two areas in which we require some support. One is the program to which the Minister referred earlier—a program that is focused around Sydney, the Central Coast and the Hunter region, which guarantees accommodation for anyone in need of it. I do not know whether that program has a name, but I would love to see it extended to the mid North Coast. The implementation of that program in both the Hunter and Central Coast recognises the need for us to deal with coastal transience. I hope the Minister will consider my request and extend that program to the mid North Coast, where we are attempting to deal with that problem.

Another outstanding health issue in Port Macquarie and on the mid North Coast is mental health needs. Sadly and cruelly, mental health, which is underfunded, is in desperate need of additional resources. Lack of funding is placing pressure on all government sectors, including the courts, the police, the community, and individuals. Societies have to deal with a number of mental health issues, and a number of things can be done. We have debated issues involving Port Macquarie Base Hospital, the privately funded public facility, but we must still address mental health issues such as local hospitals accepting involuntary mental health patients.

It is not another Chelmsford. The reports have been written and the guarantees are in place. The mental health sector, the local magistrate and the chief executive officer of the local area health service would love to have this issue resolved to allow Port Macquarie Base Hospital to accept involuntary mental patients. At present someone who has a mental health episode is bundled into the back of a paddy wagon and receives no treatment until he or she reaches Newcastle. It is a 2½-hour drive to James Fletcher Hospital, where that person is diagnosed and finally treated. Patients are separated from their support networks and certainly do not receive the treatment they need as quickly as possible. That is completely inappropriate and it occurs for no reason other than ideological bloody-mindedness regarding a 10-year-old issue. I hope the Government will address this problem and allocate specific funding for mental health services on the mid North Coast.

In Manly there is a mental health clubhouse. It empowers those with mental health issues, helps them to explore employment opportunities and assists them in building a social network. A group in Port Macquarie is looking to deliver that sort of model in our area. I hope the Minister for Health will support that initiative and provide specific funding in the near future. Homelessness is a huge issue. There is a plethora of reasons why people have no accommodation and a plethora of Government plans that presumably allow it to argue that it is doing all it can in this area. But I have outlined a couple of simple initiatives that government could undertake in the Port Macquarie electorate that would make a difference. I urge the Government to extend a guarantee of a night's accommodation and to do a hell of a lot more in the area of mental health resourcing and support in our region. I congratulate the honourable member for Bligh on putting this issue, which often goes undiscussed, before the House. I hope that when honourable members leave this place every night and pass the many homeless people on our doorstep they will think about this important issue.

**Ms MOORE** (Bligh) [8.22 p.m.], by leave in reply: I thank the Minister, the honourable member for Wakehurst and the honourable member for Port Macquarie for contributing to this important debate. We agree

that the causes of homelessness are complex. The rise in homelessness reflects the growing gap between rich and poor, high youth unemployment, government policies promoting urban consolidation, substance and gambling addictions, a history of abuse and neglect, family breakdown, and a lack of education. I strongly support the Minister's condemnation of the Federal Government for failing to honour its commitments regarding the Commonwealth-State Housing Agreement. That has put tremendous pressure on the housing sector and may have contributed to the New South Wales Government's decision not to provide as much funding for homelessness as the Victorian Government.

I do not know why the Government has not contributed at the same level as the Victorian Government or why the Federal Government has failed to honour its commitments. Whatever the reasons, as elected representatives of the New South Wales community, we must consider what we should do about this serious issue. I will summarise the main points raised in this debate and those that I made in my initial speech. The Government is committed to an inner-city plan and has promised to take action in that regard. There have been many meetings, much talk and co-ordination, and multiple plans and strategies have been drafted. I have been involved in much of that work.

The main action on the ground is the Homelessness Outreach Service in Woolloomooloo. This has been effective: it has built relationships with homeless people, linked them with accommodation and support, as the Minister said, and has been extended several times. But—and this is my great concern—the project ends in December. Therefore, despite all the talk and the plans, I am concerned about what appears to be piecemeal progress on this important issue and the inability of government agencies to collaborate effectively. I am also concerned about the lack of transparency in this process and the fact that, unlike Victoria, there has been no consultation with homeless people in this State. I am concerned that agencies are working from existing budgets and that little money has been allocated to this issue.

The future of outreach services hangs in the balance—the very successful Woolloomooloo service began to wind down today. I am concerned that the Department of Community Services is not prescriptive enough to some large charitable organisations that are resistant to change. We still have a system that cannot meet the needs of homeless people. A core group of people live in intoxicated persons units provided under the Supported Accommodation Assistance Program. Progress on the key initiatives in the Government's plan has been extremely slow. For example, the project to create exit plans for people soon to be released from prison to ensure that they do not end up on the streets is still being discussed. The Department of Housing is only now hiring consultants to research the needs of homeless indigenous people. It should be well beyond the stage of assessing their needs: Aboriginal homeless people living in Fitzroy Gardens need urgent support now. Affordable housing and supported accommodation are lacking, and pensions and benefits are inadequate. We are confronted with a fairly desperate situation.

I call upon the Government to establish immediately an expanded homelessness outreach service for the city, to develop a specialist Aboriginal homelessness strategy and on-the-ground service, to invest in long-term supported housing solutions, to fund adequately homelessness services that help homeless people get back on their feet—not just give them a bed for the night—and to provide effective, efficient and co-ordinated strategic direction. I believe that government and parliament in a civil society should provide effective, compassionate solutions for its most disadvantaged members.

**Discussion concluded.**

**HOME WARRANTY INSURANCE AND HOME BUILDING REGULATION**

**Matter of Public Importance**

**Mr DEBNAM** (Vaucluse) [8.27 p.m.]: I ask the House to note as a matter of public importance the crisis in home warranty insurance and home building regulation. I have raised this issue several times in the House and the Minister has ignored the concerns of the community at large and of thousands of builders who are suffering and in distress as a result of his basic lack of management of the whole issue of home warranty insurance and home building regulation. There is no doubt that the Government is in denial and the Minister for Land and Water Conservation, and Minister for Fair Trading, who has come recently to this portfolio, is in a state of confusion. I suppose that is understandable as he is the fifth Minister to have carriage of this mess since the honourable member for Penrith, who was then the Minister for Fair Trading, privatised home warranty insurance in 1997.

We well remember the speech she made in October 1996 when she said that she was carrying out the instructions of the Premier to privatise home warranty insurance in New South Wales. She said that she would

do two things: first, privatise home warranty insurance; and, second, strengthen regulation of the home building industry. The former Minister certainly privatised home warranty insurance but she did nothing about regulation of the home building industry. As a result we have had five years of crisis. It is now 2002 and a few months before the State election. There have been five Ministers in five years, and they have been five years of hard Labor for New South Wales builders.

During the past six months I have been responsible for this issue on behalf of the Coalition and the Government has heard a great deal from me on the topic. It will be worthwhile to hear from a few other speakers this evening. I will reflect on the words of the industry bodies that have responded to the Minister's latest supposed rescue package—I would prefer to call it his panic package. On 29 October the Housing Industry Association [HIA] put out a press release which stated:

Today's response by the NSW Government to the Campbell Inquiry into the Quality of Buildings sends mixed signals to the housing and building industry, according to the State's peak building association, HIA.

The HIA continued:

... the NSW government has added to the complexity of the home building process.

While welcoming a number of initiatives including efforts to improve consumer awareness through producing a guide on acceptable standards and tolerances similar to the guide produced in Victoria, HIA remains concerned about others that will add to costs.

Further on, when talking about building codes, the association press release stressed:

This will lead to a plethora of building regulations, creating confusion and unnecessary costs for both builders and consumers alike", said Elizabeth Crouch, NSW Executive Director of HIA.

Moving forward to 18 November, I refer to a press release from Builders For Active Industry Reform [B-FAIR] headed "Angry builders say Govt gets its wrong". I will refer to this document extensively because B-FAIR has got it right. The press release stated:

The Carr Government, in particular John Aquilina, Minister for Fair Trading, have come under fire by the housing sector of the building industry for failing to fix the problems with home warranty claims B-FAIR (Builders for Active Industry Reform). B-FAIR says that the privatised home warranty system is in desperate need of reform but the Government is ignoring those problems and ramming through legislation that on its own, is just window dressing for the election.

"The Government has got it very wrong and have put the cart before the horse" John Fransen, President of B-FAIR said. "We need reform on home warranty NOW. We need help NOW. We can't wait for the Government to realise its reforms will take too long, are not adequate and do not address the problem. They have missed the point entirely.

"The system is totally unfair. The insurance is compulsory yet there is no compulsion on the insurers to make the insurance available.

"Under the privatised system, home warranty is not treated like any other insurance. Normally you take out insurance to protect yourself if someone makes a claim against you. The premium may rise if a claim is made, but you don't have to pay the premium as well as the claim. But that's what the insurers are demanding.

"The government is well aware of what the insurers are doing and are letting it go on. Good builders are being forced from the industry and in the end it will be the consumers who suffer" said Mr Fransen.

B-FAIR has been lobbying parliamentarians over the past few weeks to ensure they all understand the issues and are aware that industry wants a return to a BSC type scheme ...

"It appears that the Carr Government is happy to let the insurers run the show and let the housing sector of the building industry go to the wall" said Mr Fransen.

"The crisis has reached such a point that industry is considering a range of legal, social and political options to force reform.

On 19 November the Master Builders Association [MBA] talked to the media about Dexta leaving the market on 31 December. The association referred to the reassuring noises it had heard from the Minister over the months since he was dumped with this portfolio. The Australian Associated Press said of the MBA representative, Brian Seidler:

But chief executive of the Master Building Association of NSW, Brian Seidler, said builders would be in chaos if Dexta was unable to continue to provide services.

"We see it means absolute bedlam again, as with the fall of HIH", Mr Seidler said.

"The industry will not accept a monopoly, particularly while insurers are making outrageous and onerous demands on contractors which give absolute protection to the insurers but none to the builder."

On 6 November the Building Action Review Group Inc. [BARG] issued a press release headed "Carr Government Shuns Campbell Inquiry Recommendations". It stated:

The Inquiry led to more than 50 recommendations, yet John Aquilina announced the proposed implementation of only seven (7) of the Inquiry recommendations. BARG believes that these represent a second-rate, watered-down interpretation of the recommendations that will only further undermine consumer protection in the home building industry.

In referring to recommendation one of the Campbell inquiry, BARG said:

In response, the State Government proposes to establish an "Office of Home Building" to "regulate, mediate and investigate the operation of the home building industry in NSW" and "[bring] major improvements [to] the home building industry for both consumers and builders". Yet, the Office of Home Building will apparently be "under the Department of Fair Trading umbrella", *totally contrary to the Inquiry recommendation and assessment.*

Quoting from the report of the inquiry, BARG stated:

*"As the Committee has already observed, it does not believe the Department of Fair Trading is performing an effective leadership role in the home building industry ... the Committee does not see that it is an appropriate vehicle to implement the required changes."* Refer to page 26 of the Report.

In relation to the total Campbell report and recommendations, BARG said:

BARG could fill pages with examples of the shortfall between the raft of Campbell Inquiry 55 recommendations and those few to be implemented by the State Government. BARG believes that John Aquilina's October 29th announcement fails to appropriately implement the Inquiry recommendations and, in essence, makes a mockery of the Inquiry. The announcement disappointed and infuriated consumers, who believe that the proposed reforms pay only lip-service to the Inquiry recommendations and will not adequately alleviate the devastating financial and personal impacts of home building disputes on consumers and industry alike.

To date, there have been many reports and inquiries, yet minimal material reforms have occurred. Why does the Government allow the extensive deficiencies of the home building industry to continue? Why does the Government undertaken inquiries yet fail to adopt the reforms proposed? Whatever the reason, BARG will not stop exposing the shortcomings of the current system and will agitate for yet another public inquiry to hopefully bring about necessary changes. Sadly, BARG and too many consumers have lost faith in the State Government's commitment and ability to bring about adequate reform.

The last sentence is a summary of the Carr Government. I do not reflect on the current Minister for Fair Trading because, as I said, he bought the dump when he took over this portfolio. He has ended up with a mess created by the four previous Ministers. BARG has summed up the Carr Government with that last sentence:

Sadly, BARG and too many consumers have lost faith in the State Government's commitment and ability to bring about adequate reform.

I refer to the response of the MBA to the Government. It has strong concerns about the lack of consultation and said:

... the MBA strongly emphasises that the significant recommendations of the Campbell Report would initiate substantial changes to building regulation that cannot be introduced or imposed on the resident building sector while ever the home warranty insurance issues remains unresolved.

Unresolved it is and it will be even more unresolved as of 31 December when we move into a second crisis, a major panic for the home building industry. The MBA, commenting on the Office of Home Building said:

The MBA considers this response to fall well short of, and essentially ignore the detail of the Joint Select Committee's primary recommendation.

That is recommendation number one.

**Mr AQUILINA** (Riverstone—Minister for Land and Water Conservation, and Minister for Fair Trading) [8.37 p.m.]: I am delighted to have the opportunity to respond to a number of comments made by members of the Opposition in relation to this matter. I want to put on record some of the major achievements of the Government. On a number of occasions the honourable member for Vacluse has made a claim that I was dumped with my portfolio, which was left in a mess by the four prior Ministers. In fact, nothing could be further from the truth. The problems in the home building industry arise from the fact that the past 24 months have been a difficult period not only for the State but right around the world. The experiences of other States in Australia have in many ways mirrored the problems experienced in New South Wales. They relate to the collapse of HIH Insurance and the events of 11 September 2001. No-one can be isolated from those crucial events and we have experienced, and continue to experience, a number of the problems they have caused.

Frankly, despite the picture of gloom and doom that the Opposition would like to paint, in this State the housing industry continues to boom. Every day, though it seems the Opposition would like it otherwise, the

media carry items that support that statement. It is conceded that difficulties exist. Nonetheless, the building industry continues to thrive. It is only in recent days that the honourable member for Vaucluse told this Chamber of the windfall that the New South Wales Government has enjoyed from stamp duties due to extensive activity in this industry. He cannot on the one hand claim that the Government is having windfalls of revenue from activity in the building industry and real estate generally, then on the other hand say that the industry has major problems. In fact, the New South Wales industry is not running into major problems. It has had its problems in the past, but we have been working through those, and we will continue to do so in a positive way.

The Government has responded in a responsible way to the recommendations of the Campbell inquiry. The outcome of the Campbell inquiry recommendations included the creation of the Office of Home Building. Last Saturday honourable members would have noted media advertising for the position of General Manager of the Office of Home Building. We will start the recruiting process for that position soon. Another outcome was the appointment of inspectors to rule on building disputes on site—a new initiative specifically in response to concerns raised by people like Mr Fransen and the Master Builders Association. The Government is responding to those concerns by appointing a number of building inspectors—I think some 29—and those are in addition to the 33 investigators with the Office of Home Building. Other outcomes were the tightening of licensing requirements to keep shonky operators out of the industry, a review of penalties under the Home Building Act, continuing professional development for builders, online checks of builder licences and disciplinary records, and a pilot advice and advocacy service for consumers.

The honourable member for Vaucluse quoted some comments made by Mr Fransen and once again made a point about re-establishing the Building Services Corporation. However, I note that the Coalition has fallen short of saying that it will implement that as one of its policies. The reason the Opposition will not do so is that it knows the pitfalls of re-establishing the Building Services Corporation. So far, the only public comments made by the Opposition relate to the so-called wonderful things that happened under the Building Services Corporation. Opposition members say nothing about the considerable liability that it left New South Wales. This State inherited tens of millions of dollars in claims from the Building Services Corporation, which was abolished in 1996. Because we are now nearing the end of the seven-year statutory period, the claims are rolling in. That point is conveniently not mentioned by the Opposition. Why do Coalition members not mention it? Obviously, they like to put a gloss on the positive points and not comment about the good and valid reasons for the abolition of the Building Services Corporation. Its abolition was initiated not by a Labor Government but by the Fahey Coalition Government.

In relation to the withdrawal of Dexta from the home warranty insurance market post 31 December 2002, again Opposition members like to make out that that is a reason for expressing great gloom and doom, that that event will lead to major chaos, and so on. Nothing could be further from the truth. This Government has been working hard with Royal and SunAlliance and Reward—two insurance companies, which is far from a monopoly in this market—and they will continue to remain in the home warranty insurance sector to ensure an orderly transfer if Dexta withdraws after 31 December. The fact is that Dexta only ever gave an assurance that it would stay in the home warranty insurance industry until 31 December 2002.

I remind the Opposition also that in Victoria Dexta withdrew from 30 September this year. Has there been chaos and catastrophe in that State? No, those gloom and doom events have not materialised. Why? Because there has been an orderly transfer of home warranty insurance away from Dexta to Reward and Royal and SunAlliance, which continue to take up home warranty insurance. That transition has been made progressively and effectively. That will be the case here in New South Wales. I need not remind the Opposition, or anybody else for that matter, that other insurance companies continue to talk to the Government and are keen to enter this industry.

As much as the Opposition would like to tell everyone that home warranty insurance will become a sector of great chaos, the circumstances are otherwise. On previous occasions I have pointed out to the House that the New South Wales building industry has enjoyed dramatic growth. It continues to be a very vibrant and buoyant industry with good growth. Of course, home warranty insurance will continue to pose a major challenge, but it is a challenge that we will be able to meet and cope with. Royal and SunAlliance is well aware of its obligations and what it needs to do in relation to this matter. It has been gearing up its own organisation to enable it to take up the additional requirements consequent upon Dexta's withdrawal from the industry.

In the time that I have been Minister, whilst from time to time I have received complaints about the way in Dexta has provided home warranty insurance, that is not the case with Royal and SunAlliance. It is certainly not the case with Reward either. Generally speaking, builders who have turned to those organisations

for support have been well satisfied with the response. We will have an orderly changeover. There are challenges—as indeed there have been challenges in all other States in relation to this issue. There will continue to be issues that will require adjustments to be made on a day-to-day basis. But I am extremely confident that these organisations, through their willingness to work with one another, will be able to provide the industry with the support it requires, and that in this State that will result in an atmosphere in which our industry will continue to thrive, prosper and grow, as it has done consistently now over a substantial period of time.

The Government, through the Office of Home Building, will provide positive support. Some 170 personnel will be out there doing precisely the sorts of things that people like Mr Fransen have been requesting us to do, without going to extremes such as making the taxpayers of this State liable for the actions of those in the industry who are negligent. This is a good industry. A great number of people in it are strong, supportive and co-operative, and work with one another. The Government is delighted to be working with them to provide positive support to them and to the industry as a whole.

**Mr MAGUIRE** (Wagga Wagga) [8.47 p.m.]: Here we go again! I have lost count of the number of times the Opposition has had to raise in this place the issue of home owner warranty insurance.

**Mr Debnam:** We are embarrassed to have to do that.

**Mr MAGUIRE:** We are embarrassed. Members on the Opposition benches remain concerned about this because in our electorates the issue of home owner warranty insurance is still being constantly raised. As of this week I personally made more representations to the Minister's office, seeking assistance for builders who are having difficulties getting home owner warranty insurance so that they will be able to remain in the building industry. The Minister referred to the booming home building industry and referred to growth in the building industry generally. That growth and boom clearly results from policies that the Federal Government has put in place. The take-up rate of the first home owners scheme in Wagga Wagga is one of the highest in the State. The figures speak for themselves. At my invitation the Minister came to Wagga Wagga to speak to our builders who were holding public protests and meetings about their concerns with homeowners warranty insurance.

**Mr Aquilina:** We solved all the problems.

**Mr MAGUIRE:** They are not all solved. I took problems to the Minister this week. They continue to occur and I will continue to forward them to his office to try to have them resolved. This afternoon I sat in this Chamber and listened to the former Minister, the Hon. Lo Po', give her valedictory speech. I was listening to her achievements, but I did not hear anything about home owners warranty insurance, which the former Minister presided over. It would probably be the former Minister's failure. I acknowledge that the Minister was left with a mess to clean up. I know that he has been caught between a rock and a hard place. Wagga Wagga, as the Minister was told at a public meeting, wants to build 90 homes for the Royal Australian Air Force, which will inject more than \$10 million into the local economy.

I am informed that to this day builders are having trouble tendering for that work. The problem is that they cannot obtain enough insurance. They continue to be limited. They are encouraged by the Minister and the department, and certainly by insurance companies, to increase their financial base. Builders have stopped me in car parks, builders and their pregnant wives have stopped me at public functions to tell me that they cannot build their financial base because they are limited by home owners warranty insurance. Correspondence I have from HIA, which I have forwarded to the Minister, encourages builders to build their financial base.

This policy is working against young builders who are trying so desperately to get on with their lives, build a business and excel in their chosen industry. I looked at the Campbell report, and I regard it as a damning report on the Department of Fair Trading and the systems in place. The Builders for Active Industry Reform [B-FAIR] protested outside this place. They are coming to get the Minister and the Government at this election. They will knock on doors and protest because they are unhappy that their views have not been listened to and that the views of their peak bodies have not been listened to.

I attended the HIA meetings in Wagga Wagga and the Master Builders Association meetings. I can assure the Minister that the comments were not kind. He knows that what I say is true. Builders are most unhappy because of this Government's reaction. I do not blame it entirely on the Minister. Minister after Minister has had this bundle and it has been dumped on him. But home owners warranty insurance is still causing problems. I have been referring these problems to the Minister's office and I will continue to do so. I was told about a builder who could not get retrospective home owners warranty insurance to sell a property. He

had to buy the property so that he would not be sued for breach of contract. Renovations to \$20,000 do not have home owners warranty insurance. It will come back to haunt this Government. [*Time expired.*]

**Mr DEBNAM** (Vaucluse) [8.52 p.m.], in reply: Tonight we heard a great deal from the Opposition, but again we have heard the same thing from the Government—a government in denial, a Minister in strife, a Minister in panic and an industry in crisis. The Master Builders Association [MBA] said that no detail has been provided about the extent of the consumer advocacy and advice service pilot program. For example, will the parties conducting the pilot be independent from the Department of Fair Trading, which currently provides advice and assistance to consumers? It also referred to the implementation of the new dispute resolution model and stated:

It is recognised that the DFT administers over 40 separate pieces of legislation other than the Home Building Act, therefore the expertise of customer service officers in respect of building matters in order to mediate disputes must be questioned. It has been reported to the MBA on many occasions that the unqualified advice from customer service officers was, "do not allow the builder back on the site and not to make any further payment", simply based upon the story provided by the caller.

The MBA has raised a large number of concerns, including the financial testing linked to licensing, in the following terms:

The private insurers have made it clear that they will still impose their own criteria, predominantly financial criteria and therefore the establishment of financial criteria linked to licensing is a nonsense under such circumstances.

Licensing in NSW only has meaning in respect of complying with provisions of the Home Building Act, however the responsibility for determining who works in the industry and the extent of such work has been abdicated to private insurers.

I have pointed out to the Minister many times in this House that insurers in New South Wales had become the de facto regulators because the Department of Fair Trading has failed totally. The MBA went on to say:

This proposal emphasises why the warranty issue must be resolved in NSW before such proposal as establishing financial criteria with licensing can be implemented.

The MBA also raised major concerns about cost. The Minister has heard enough from the Opposition and me. I quote from the industry:

It is proposed that the new Office of Home Building will be fully funded by a levy on building licences. The imposition of this levy is considered offensive in respect of monies currently collected from the industry and directed to consolidated revenue. It is also a hypocrisy when the private warranty insurance providers consider the majority of residential builders as being undercapitalised, however the government considers licence holders can support an additional levy.

The Campbell report is revealing in identifying the proportion of license fees being "milked" from the industry:

*The value of home building licensing fees collected during 2000/2001 was almost \$19.44 million. Of this \$18.75 million was transferred into the NSW Government consolidated fund.*

*Since 1 January 2002, a 10% levy has been applied to home building licensing fees. The money will be applied by the Director-General, with the consent of the Minister, to the cost of operating the Building Conciliation Service.... It is projected that \$713,000 will be collected from licensing fees during 2001/2002.*

Income from licensing fees has been increased, while at the same time benefits or a return to license holders have been decreased. As an example, advice and information previously circulated in the "Building Connection Magazine", previously provided free to license holders and through the DFT's "Target" magazine has been discontinued. It is understood that the industry education fund has also been wound-up.

However, the industry is now expected to fund recommendations that fall well short of the Joint Select Committee recommendations and will appear to be imposed upon industry without further consultation.

There is no doubt that the Minister at the table, the Hon. John Aquilina, is tired at the end of eight years of hard Labor under the Carr Government. This Minister has been beaten up in several portfolios. Then he has been dumped into Fair Trading. The crisis in home warranty insurance and home building regulation has been raised many times in this House in the past five years, but in past six months since I have been the shadow Minister responsible for this portfolio I must have raised it 10 or 20 times. Every single time I raise it the Minister at the table is in denial. He is in denial for two reasons, first because he is looking forward to the election so that he can get out of his seat—he is known as a disinterested local member; and second because he is very tired. He has been dumped with a portfolio that four previous Ministers have messed up. The Department of Fair Trading is the problem, not the solution.

**Pursuant to resolution private members' statements taken forthwith.**



## PRIVATE MEMBERS' STATEMENTS

### PORT STEPHENS ELECTORATE MEDICAL SERVICES

**Mr BARTLETT** (Port Stephens) [8.58 p.m.]: On 27 February and 3 September 2002 I made speeches in the New South Wales Parliament pleading for a commonsense approach to be adopted by the Commonwealth Government to the provision of assistance in obtaining the services of general practitioners in Karuah and Medowie in the Port Stephens electorate. The local Federal parliamentary representative made promises, but I am afraid that nothing happened as a result, and 4,000 patients in the Medowie and Karuah areas no longer have a doctor. The problem is such that I am now pleading for medical practitioners to practise in the Raymond Terrace area. I cite an article prepared for the Australian Medical Association by Dr Chris Boyle of Raymond Terrace. He refers to the fact that Karuah lost its doctor in February and the doctor still has not been replaced. He states:

The neighbouring town of Karuah has had no local doctor for nearly a year. The patients have come to Raymond Terrace to see our practice, as all the other practices in the area have closed their books and will not see new patients.

We have chosen to keep on seeing new patients, as the next practice is in Newcastle—a further 30 minutes down the road.

The patients already would have had to travel 20 minutes further up the road to Karuah. Dr Boyle makes a vital point:

This is an issue of equity, as all patients should be able to access medical care.

During the past two weeks the Medowie general practitioner, Dr Soraya Felix, declared that she had had enough. She had been unable to obtain any assistance from the Federal Government to replace doctors in Medowie. After calling for help for more than 12 months, she resigned and went to Adelaide. As a result, 4,000 people from the Medowie area are travelling to Raymond Terrace to obtain medical services, and there is already a waiting list in Raymond Terrace of two to three weeks. The shortage of medical practitioners in the Port Stephens electorate has reached crisis point. The local Federal member promised that service provider numbers would be available for Karuah and Medowie, and he came up with an absolutely ludicrous scheme.

In 1999 when I left the Port Stephens Council to become the member for Port Stephens in this House, the council was debt free. Councillor Bob Baldwin was elected to the council in September 1999 and is also the local Federal member. Partly under his guidance, the Port Stephens Council accrued a debt of approximately \$12.5 million and is running a \$12 million deficit. He was convinced that the only way that the community would attract a doctor to Karuah to make the relocation not only financially attractive but also attractive to the doctor and his or her family. Councillor Baldwin proposed to the Port Stephens Council, which is now managing a debt of \$12 million, that the council should assist with relocation and ongoing costs of establishing a medical practice, most notably through such measures as providing subsidised or free rental accommodation.

Considering the financial position of the Port Stephens Council, that is a ludicrous proposal. The scheme is even more ludicrous when it is remembered that it is the responsibility of the Federal Government to provide general practice medical services in rural areas of Port Stephens. The position currently is that when the local Federal parliamentary representative finally realised, following the resignation of Dr Felix, that a problem existed, he decided that he would see Prime Minister Howard about it. That would have been a great idea if he had decided to see Prime Minister Howard 12 months ago, before Medowie lost its doctor. The majority of people who live in the Port Stephens electorate think that the shortage of funding for the provision of medical practitioners is a sign that Prime Minister Howard is trying to kill off the Medicare system. Add to that the fact that hardly any doctors are bulk-billing and that pensioners are travelling up to 80 kilometres to attend the nearest hospital and it is obvious that there is a crisis in the provision of general practitioner care in the Port Stephens electorate. Changes must be made.

### FERAL ANIMAL CONTROL

**Mr WEBB** (Monaro) [9.03 p.m.]: The report of the inquiry of General Purpose Standing Committee No. 5 into feral animal control was presented on 15 October 2002. I will highlight some of the features of the report and acknowledge contributions that have been made to the report. I believe that the inquiry and the report were the result of the application of continuous pressure by graziers throughout the State, but particularly those

in the Monaro electorate, and as a result of a great deal of work being done by members of this Parliament, including me. The pressure forced this Government into setting up an inquiry into feral animal control following the Guy Fawkes River National Park horse-culling fiasco. Shortly I will formally acknowledge the contributions made to the inquiry by others. The committee decided to report on the damage caused to the environment by feral animals across all land tenures.

In my representations to the inquiry, I emphasised the impact of attacks by feral animals on sheep flocks and cattle herds as well as the social and economic effects of those attacks. The report makes recommendations on the adequacy of current practices and resources as well as potential improvements. At the outset I state that the report contains a statement of dissent by three members of the Legislative Council: the Hon. John Jobling, the Hon. Rick Colless and the Hon. Malcolm Jones. Their statement of dissent relates to several chapters in the report. The subject of the statement of dissent is the matter that I wish to deal with during the course of my speech. The report outlines the responsibility for funding of feral animal control across New South Wales. Most land-holders realise that they have a primary obligation.

The essence of many submissions was a call on government agencies, such as the National Parks and Wildlife Service, to take seriously their obligation to control feral animals. It is interesting that the focus of public attention has changed over time. This year the State has been faced with the massive destruction of feral animals, native animals and domestic stock as a result of bushfires—another environmental control matter that this Government has completely ignored. The report makes the point that staff resources in State Forests and the National Parks and Wildlife Service are simply insufficient to manage the control of feral animals and noxious weeds on a statewide basis. Funding allocated to that task has simply been insufficient. Part-time trappers in rural areas are required to apply animal husbandry techniques, which means that they are expected to inspect their traps every day.

That makes sense to anyone who has any compassion for animals, feral or otherwise, yet trappers are employed on a part-time basis. They set their traps on a Thursday afternoon and at that time they check the traps and work on them. But what happens during the rest of the week? Trappers cannot possibly return to check the traps off their own bat because they have no resources and they are underfunded. In spite of that, this Government requires them to check the traps, and that is simply a nonsense. A number of recommendations in the report simply do not go far enough to address the detailed concerns that were expressed by witnesses at the hearings. The report refers to adoption of a precautionary approach in the use of 1080 and the inclusion of an analgesic in 1080 baits so that their impact on feral animals is reduced. That is also a nonsense. It is imperative to maintain the availability of 1080. In a debate in this House, the Minister for Agriculture acknowledged that 1080 is fundamental to the control of feral animals.

I take this opportunity to acknowledge the contribution made by many people in the Monaro electorate to the work of the inquiry, including Sue and Mike Litchfield, Winston Phillips, Ellen and Bill Green, Noelene Franklin, Mike Green, who is the Director of the Cooma Rural Lands Protection Board, Brian and Jan Mitchell, Bob McGuire, Graham Hillyer, Susan Mitchell and many others who generously gave up their time to put the case of graziers and land-holders to the Government. I am pleased that the matter became the subject of a Legislative Council inquiry. The runs are on the board. The control of feral animals is of paramount importance. Aerial baiting must be reinstituted, and responsible, effective and fully funded control of feral animals must be implemented to support landowners and to halt destruction of the sheep flocks of this State. I am pleased to have had the opportunity to make this representation on behalf of the people of the Monaro electorate.

#### **Mr BRENTON McGRATH SKI FOR A CURE WORLD RECORD CHALLENGE**

**Mr NEWELL** (Tweed) [9.08 p.m.]: I pay tribute to a generous and courageous Australian from the Tweed electorate, Brenton McGrath, who at 11.00 p.m. tomorrow will commence an amazing challenge to ski the Tweed River for 60 consecutive hours. He is to take part in the Ski For A Cure World Record Challenge. Brenton has survived leukaemia and this is his way of raising money for the Leukaemia Foundation. Brenton's aim is to raise \$200,000 for a holiday unit at Coolangatta or Tweed that is to be made available for people suffering from leukaemia and their families to enable them to have a holiday and relieve them of some of the stress they are undergoing. The Tweed Club Association has committed \$100,000 to this worthwhile cause.

Brenton is well known in the endurance skiing field. A couple of years ago Brenton and some friends successfully skied the entire length of the Mississippi River as part of a fundraising venture. Recently he skied across Bass Strait but was not able to break the record for which he was aiming, because of the adverse weather conditions. Nevertheless, he completed the task. In November last year Brenton skied for 36 consecutive hours

along the Tweed River as part of an attempt to break a distance record. Again, because of high winds that made skiing conditions anything but smooth, he was not able to achieve the speed or distance he was seeking. Brenton aims to ski non-stop for 60 hours to break the 56-hour record held by a Canadian duo. I wish him well in his endeavours.

The publishers of the *Guinness Book of Records*, who are supervising the endurance attempt, require Brenton to stop every two hours for 10 minutes to enable the boat to be refuelled and, more importantly, for his health to be checked. His backup team will include a physiotherapist, dietician, doctors, a masseur and *Guinness Book of Records* observers and other specialists to help ensure that he is physically capable of carrying on, or to order him to stop if his health is at serious risk. Last year I saw Brenton when he was halfway through his attempt at the 36-hour ski. When I saw his condition I thought he had Buckley's chance of completing the task. But his toughness and resilience got him through. In his preparation for this ski he has been in rigorous training, including cycling 50 kilometres and running 10 kilometres every morning, and going to the gym a few days a week to build up his muscle tone and stamina. He is a courageous man and has done an amazing job.

The ski event will be part of the Tweed River Festival, which will run for a week. The festival is to be officially opened on Saturday 23 November. Brenton's ski challenge will operate from the banks of the Tweed River near the small township of Tumbulgum, commencing at 11.00 p.m. on Thursday. As part of the Tweed River Festival, from 9.00 p.m. tomorrow night a number of fundraising activities will be held. Live bands will perform at the historic Tumbulgum Tavern, and there will be Harley Davidson motorcycle rides, face painting, mime artists, chocolate wheels and open air movies screening for children and their families. I pay tribute to the Waterways Authority which has assisted Brenton by providing the appropriate certificates to allow him to operate. I pay tribute to Telstra and Country Energy for their work in providing power and telephone lines to the site. [*Time expired.*]

#### CHATSWOOD POLICE STATION

**Mrs CHIKAROVSKI** (Lane Cove) [9.13 p.m.]: As honourable members would be aware, this year Police Open Day was supposed to be held on 10 November. However, as the meeting of the World Trade Organisation was held on the following weekend, requiring all police resources to attend to deal with people who obviously were going to cause some trouble, Police Open Day was deferred until 24 November. We all look forward to Police Open Day, but Chatswood police station will not be open on that day. Police at Chatswood have decided to not open that station because of its appalling condition. Chatswood police station has been falling down for a number of years. The former Commissioner of Police said that it was the worst police station he had ever visited—probably anywhere but certainly in New South Wales.

On 6 August the Police Association wrote to the Local Area Command at Chatswood. The police association occupational health and safety co-ordinator, John Cumberland, conducted a full survey of Chatswood police station and produced a six-page report containing breaches. Those serious breaches include inadequate ventilation in the charge room, cabling and electrical leads requiring attention in the BAS room, inappropriate storage of supplies, cabling requiring attention in the supervisor's room, fire exit access blocked, inadequate security in the car park, and inappropriate handling of chemical waste in the crime scene area.

The Government has acknowledged the need to upgrade Chatswood police station. The Treasurer, Mr Egan, wrote to the Minister for Police, Mr Costa, stating that Chatswood police station was seriously deficient from an occupational health and safety standpoint and was a very high priority for replacement. Mr Egan approved police proceeding with a call for detailed proposals from three respondents to the initial expressions of interest for redevelopment of the site. Unfortunately those proposals fell over, because the Government felt constrained in offering sufficient financial support for those proposals.

Currently there are no plans to redevelop Chatswood police station. Last week the Minister for Police visited the station and spoke to staff. The Minister understands how greatly they are concerned about the state of the station. Unfortunately he was not able to offer a time frame in which he could resolve their problems. The Minister said that he would get back to them with an evaluation from the Valuer-General, because the proposal now is that the site of the station will be sold and that there will be a lease-back arrangement. The Minister was supposed to get that valuation on 18 November—last Monday—and refer it to the Police Association. That has not happened.

It comes as no surprise that tomorrow morning there will be a meeting of police officers at Chatswood police station to discuss what they might do. Their concern is that the station is continuing to deteriorate. Police

have reported to me that there are signs of rats under the demountables at the station. They tell me that the only saving grace is that the station has not deteriorated more rapidly in the past few months because there has been no rain. Whenever it rains, the electrical system shorts out. As a consequence of those ongoing problems and the fact that police are now on a major security footing there are grave concerns that, with facilities so poor that they are falling apart, if a power failure or fire occurs there is potential for the custody manager to be trapped inside the custody area with prisoners.

The facilities are so bad at the station that tomorrow the meeting will discuss industrial action. It is likely that the old police station will be declared a no-go zone, and police will not allow the station to be used. They will move into a mobile station and use that only. That action will be taken out of frustration by local police who are fed up to the back teeth with promises and no action. That frustration is shared by the local community, which is asking why money is available for new police stations in Auburn, Ashfield, Mascot and Bankstown? The Government has been able to fund the multi-million dollar project for new police headquarters at Parramatta, but is unable to come to terms with the need for a new police station at Chatswood.

Members of the community and the police are frustrated. The police are now saying they will no longer tolerate this occupational health and safety issue. Police officers, no matter where they are located, are entitled to work in decent conditions. Police officers and members of the Chatswood community are quite rightly saying to Minister Costa, "It is time to stop talking and start delivering." We need a new police station in Chatswood. We need it for the police officers and for the community to ensure that adequate police services are provided in the Lane Cove and Chatswood areas. I say to the Minister, "Stop talking to people in the community. Tell police officers and members of the Chatswood and Lane Cove communities how you are going to deliver a new police station."

#### **GEORGES RIVER FORESHORE IMPROVEMENT PROGRAM**

**Ms MEGARRITY** (Menai) [9.18 p.m.]: On 6 November I had the great honour of officially opening the Riverside Park Urban Environment Centre. That day was the culmination of hard work and commitment stretching back many years. Just before the election of the Carr Labor Government in 1995, a large area of land on Riverside Drive, Chipping Norton, was earmarked by the Coalition Government for sandmining. The community was told that after the sandmining and the eventual rehabilitation of that area—a process that could take up to 20 years—they would have a wonderland that provided sporting and passive recreational activities. The community was dissatisfied with that prospect. After all, the nearby Chipping Norton Lakes were the result of an enormous sandmining exercise.

The prolonged sandmining had an enormous impact on the local environment and on infrastructure in that area. Fortunately, the election of the Carr Labor Government in 1995 resulted in the dedicated local member, the Hon. Craig Knowles—the former member for Moorebank—becoming Minister for Urban Affairs and Planning. The land was saved from sandmining and the community got to work to develop a plan of management for the site. The master plan identified the appropriate uses of the site and the associated costs of development. It was hard work but our dedicated team produced a thoroughly investigated plan. I am pleased to advise honourable members that, unlike many plans and reports, it did not sit on the shelf and gather dust. It took some time but, finally, stage one of the master plan, which comprises two baseball diamonds and associated facilities, was constructed.

On 6 November 2002, stage two of the master plan was realised. I refer to the official opening of the Riverside Park Urban Environment Centre. In a jointly funded project between the New South Wales Government's Stormwater Trust and Liverpool council, three wetlands were built to filter urban stormwater entering the Georges River. The State Government provided council with total funds of \$700,000 and council's contribution was \$500,000. The Riverside Park Urban Environment Centre is a place where everyone can learn about how human activities affect stormwater in their local area and what they can do to improve water quality. In particular, school, university and TAFE students will be able to undertake activities in that area. Activities include research on the impact of existing human activities on stormwater, field-testing of different treatment products and management measures, and first-hand teaching and demonstrations of how stormwater is treated and managed.

Importantly, the urban environment centre will improve water quality. Every time it rains, stormwater that is collected from roof gutters, paved areas, and streets is directly discharged into the Georges River. That stormwater carries pollution that can have a negative impact on the quality of the water. For example, dirt and leaves in stormwater can kill fish, plants, and small animals that live in the river. Fertilisers and detergents in

stormwater can cause bad smells, algae and weeds. The wetlands are designed to protect the Georges River by removing pollution from the stormwater prior to it entering the river. I offer my congratulations to all those who worked so hard to realise the community's dream at the urban stormwater centre. I was pleased and proud to be part of the Georges River Foreshore Improvement Program during the term of this Carr Labor Government.

These projects will improve the environment and create new recreational opportunities along the river. Under the \$6 million four-year program, councils and State agencies match New South Wales Government grants to generate \$12 million worth of work. Recently I welcomed the Government's grants to Sutherland Shire Environment Centre and the Georges River Environmental Alliance. An amount of \$60,000 went to the Shire Environment Centre for a feasibility study on a 20-kilometre regional walkway along Woronora River, potentially linking with existing coastal and proposed Botany Bay and Georges River walking trails, and an amount of \$85,000 went to the Georges River Environmental Alliance to prepare a plan to guide the construction of the 120-kilometre Georges River walking trail linking Botany Bay with Campbelltown.

Everyone will benefit from these walking trails. We will have a much more attractive and safe environment and new opportunities for walking and cycling. By investing in the local environment we are not only achieving results but inspiring solid community support and pride. I ask honourable members to contrast that commitment with the Federal Government's attempt to sell three kilometres of Georges River foreshore bushland between Sandy Point and Alford's Point and to open it up for development. Sydney Harbour foreshores are protected but it appears as though the Georges River foreshore is to be sold off to the highest bidder.

Through my campaign, the campaign of the environmental movement and the campaign of my colleagues in this place, we will continue to protect that land. I urge everyone to attend the public rally that will be held in a few weeks. The Minister for the Environment, the Hon. Bob Debus, wrote to me and confirmed the State Government's opposition to the sale of the land. He referred to the rare habitats and important species that are located in that area and said he had informed the Federal Government that he would attempt to ensure that this land was included in the Georges River National Park, something with which I am sure my colleagues will agree.

#### SUTHERLAND SHIRE TRAFFIC CONGESTION

**Mr KERR** (Cronulla) [9.23 p.m.]: I have spoken before in this House about the need for measures to be taken by this Government to alleviate traffic congestion in the Cronulla electorate. I have also said that the Government must address parking and traffic issues. The NRMA, which carried out an extensive survey of traffic in Sutherland shire, made a number of recommendations. A public meeting was held which was attended by me, members of the public and members of Sutherland Shire Council. Those parking and traffic problems have worsened and they will continue to worsen. We are expecting a long, hot summer, and we know that people from various parts of Sydney and beyond will want to visit Bate Bay beaches. During the week and at weekends local residents are already experiencing difficulties in obtaining parking spots.

**Mr George:** It is a shame.

**Mr KERR:** As the honourable member for Lismore said, it is a shame. There is a danger that people in Cronulla might well become peasants in paradise. If the Government implemented appropriate measures it might have alleviated this traffic congestion and addressed the car parking problem. Some time ago Councillor Spencer was featured in a *St George and Sutherland Shire Leader* article that said that a pedestrian overpass would be built to Rydges Hotel—a development that has not yet occurred. If it had occurred it would have alleviated some of this traffic congestion.

[*Interruption*]

The honourable member for Lismore asks a question that should be answered by the Government. He is not the only person concerned about that issue; people in my electorate are concerned about it and people outside my electorate want an answer to that question. Many of the people who go to those beaches come from outside the electorate. Council must tell us what it intends to do about these NRMA recommendations. A focus group was established during the course of that investigation. Many of the issues that were raised by the NRMA should now be addressed. I would like to hear the response of Sutherland Shire Council to the comments expressed by that group. For quite some time I have drawn the attention of the House to the need for active traffic management and additional parking in Cronulla. Cronulla will become a focal point during the summer and the condition of roads across the shire, and particularly in my electorate, must be improved. I recently conducted a survey on roads and discovered that many people who pay a fortune in rates live in streets that are not curbed and guttered. That situation must be remedied.

### TRIBUTE TO MARK WAUGH

**Mr ASHTON** (East Hills) [9.28 p.m.]: Tonight I wish to talk about a lifelong resident of the East Hills electorate and a local hero, who also happens to be a neighbour of mine. His name is Mark Waugh. As we all know, Mark was a great international cricketer for Australia until very recently. He played for Panania Public School, which is my old school; Panania East Hills RSL, which is my old team; Bankstown, the greatest club side in the Sydney grade competition; for New South Wales; and for Australia. He also played English county cricket. I should add that Mark is a great and fanatical fan of the Bulldogs rugby league team.

Mark played his first Test, against England, in Adelaide and the person he replaced was his brother, Stephen. Mark scored a century on debut and, until three or four weeks ago, has played consistently for Australia ever since. He had waited almost six years and scored thousands of runs before he had the opportunity to play his first Test for Australia. After his four successive ducks in Sri Lanka, Mark's nickname changed briefly from "Afghanistan"—the forgotten Waugh, as he was called at the time by those who knew him pretty well—to "Audi" because of the four-circles symbol on the front of those cars.

Mark Waugh was, and remains, one of the most elegant, stylish and entertaining cricketers to play for Australia. Whether batting, bowling, fielding, or catching in slips, Australians always wanted him to succeed. As a kid growing up in the 1960s and 1970s I always wanted to see Doug Walters get some runs. Doug was legendary for putting down his cigarette, going into the middle and knocking up the runs. If he was out cheaply he would return to the dressing room and wonder why his cigarette had gone out. Mark also had that great laconic attitude of "what will be, will be" and proved very popular with the fans. Fans got double value when watching the Waughs bat because if Mark did not succeed perhaps Steve would.

**Mr Gaudry:** A beautiful batsman.

**Mr ASHTON:** I agree with the honourable member for Newcastle. I remember, as a teacher, watching Punchbowl Boys High School senior cricket team post a very competitive score in a one-day Davidson Shield match against East Hills Boys High School. The team was all out for about 150 after 40 overs. Brad McNamara, a lifelong friend of both Mark and Steve, played very well and scored 80-odd runs, and we thought we were likely to win the match. But then out came these two young fellows, Mark and Steve, who proceeded to score the 150 runs in about 24 overs. Neither lost their wicket and the game was well and truly won.

Mark Waugh's slip catching is legendary. I remember seeing footage of Mark taking a catch some years ago—I think it was off Alec Stewart—when, fair dinkum, the ball appeared to be two or three metres behind him when he somehow managed to throw his body back and catch it. It is an image in sport that I will never forget. Mark exhibited grace under pressure. There were often rumours that he would not be selected, but Mark would make the team and then go out into the middle and do well. The tactics he used to get on top of the West Indies fast bowlers, in particular, helped make Australia the great cricket side that it has been for a decade at least.

Mark's one-day centuries should not be forgotten. While many cricketers have struggled to make any centuries in one-day cricket, Mark has made 18 one-day centuries playing for Australia. That is an amazing record and, when added to his Test record, is a measure of the man. That is why Australia is the world champion in limited overs cricket. Mark's record number of catches will probably never be exceeded by a cricketer not wearing gloves. On behalf of my constituents, I take this opportunity to congratulate Mark.

**Mr Torbay:** Hear! Hear!

**Mr ASHTON:** I thank the honourable member for Northern Tablelands for his acknowledgement. I am sure I speak also for everyone in this place. I wish Mark all the best and I hope he continues to play for New South Wales and Bankstown. I also send my good wishes to his partner, Sue. Many people have commented about the way in which Mark was dropped from the Test team. I believe that, in the end, Mark was dropped not because the selectors thought he would not get runs against England but because they thought he would. If Mark had scored the runs he usually did, the selectors would not have been able to drop him and another player would not have had the opportunity to play for Australia. Well done, Mark Waugh.

### UPPER CLARENCE MOBILE TELEPHONE COVERAGE

**Mr GEORGE** (Lismore) [9.33 p.m.]: I tried to contact the relevant Minister about this issue but unfortunately no-one answered my calls. I refer to a mobile telephone tower at Yabbra at Bonalbo north of

Casino, which I first discussed with the Minister's office earlier this year. This mountainous area has poor communications and television, radio, and mobile telephone reception. It has also been affected by the Government's policy of halting forestry operations and by dairy deregulation. It is one of the poorest socioeconomic communities in Australia. There is no argument about that.

In July 2001 the Upper Clarence Community and Economic Development Organisation obtained a commitment of \$290,000 from Networking the Nation to provide regional code division multiple access coverage. In an unprecedented response, the socioeconomically disadvantaged communities of the area raised a community contribution of \$30,000 for the project—which was three times the Networking the Nation requirement of \$10,000. I pay tribute to the Upper Clarence West of the Range Lions Club, which ran the appeal and organised the banking of the money. This money was raised because the community realised the necessity and the importance of mobile coverage.

Telstra, the successful bidder for the project, initiated technical site assessment and determined that three transmission locations were necessary in order to meet acceptable service standards. The locations were Richmond Range at Mallanganee and Woodenbong—these facilities will be opened shortly—and Yabbra Mountain at Old Bonalbo on National Parks and Wildlife Service estate. The height and central location of the Yabbra site will dramatically increase coverage in the hilly terrain of the Upper Clarence, and will extend project coverage westward to the extent that in-car coverage is expected to be achieved along the New England Highway from Tenterfield to Warwick, which has a high volume of traffic. The site has existing road access and is sparsely vegetated. Minimal site vegetation disturbance will be required as power will be provided by suspension cable.

However, the existing radio tower facility on the northern end of the mountain necessitates the maintenance of a road more than a kilometre long through high conservation value rainforest vegetation on the National Parks and Wildlife Service estate. The Telstra facility will allow negotiation about rationalisation of facilities and reduced maintenance costs. Kyogle Council has determined development applications for the Richmond Range and Woodenbong sites, where, as I said, the facilities are nearly completed and will be opened in the next few weeks. It is understood that for work on the crucial Yabbra site to proceed, amendments to the National Parks and Wildlife Service Act will be required. It is understood that the amendments have been drafted and are awaiting presentation to the Government. I do not believe they will be presented until after the election next year.

The Networking the Nation projects must be operational by 30 June 2003. Delays over the Christmas-New Year and election periods will leave insufficient time for that to be achieved. The upper Clarence will miss out not only on mobile coverage but on \$1 million of investment and the flow-on social economic benefits. Locals, tourists, coaches and trucks travelling on the Summerland Way south of Casino, the Bruxner Highway west of Casino, the Mount Lindsay Highway west of Woodenbong, and the New England Highway north of Tenterfield will continue to have severely inadequate mobile coverage. It is important that this project be approved immediately, and I call on the Minister to do so before the end of this session. The communities of the upper Clarence area deserve to have the tower completed. They have raised money against all odds; even the National Parks and Wildlife Service has contributed to this fund.

#### **UNIVERSITY OF NEWCASTLE BIRABAHN CENTRE AND CULTURAL FESTIVAL**

**Mr MILLS** (Wallsend) [9.38 p.m.]: I extend my congratulations to Professor John Lester, Mandy Kelly, and all the staff and students of Wollotuka School of Aboriginal Studies at the University of Newcastle on their great success in conducting the Birabahn Cultural Festival at the university from 17 to 20 October. As a celebration of Aboriginal culture in the university setting, the festival merged the cultural and the academic. The Aboriginal community of the Hunter region was comprehensively involved. A feature of the festival was that schoolchildren were heavily involved in the activities.

The Birabahn Cultural Festival was held to mark the official opening of the new Birabahn Indigenous Higher Education Centre at the University of Newcastle. The centre is a striking and culturally appropriate building, of which the Aboriginal people of the Hunter are extremely proud. The activities at the Birabahn Cultural Festival included an art exhibition; an Awaba web site launch; a comedy night; a corroboree; a country music show in which indigenous talent performed for the country music talent quest; a dinner dance; a drama production entitled "Get Up and Dance" written by Ray Kelly and directed by Brian Joyce, which was a seminal work in indigenous theatre; film screenings and talking circles, in which indigenous filmmakers and writers such as Darlene Johnson, Erica Glynn and Romaine Moreton were welcomed as special guests; a lecture series

on contemporary indigenous issues by international and national indigenous scholars; and a music festival sponsored by the University of Newcastle Union, with contemporary music featuring big name indigenous and non-indigenous artists and home-grown talents such as Archie Roach, the Resin Dogs, the Screaming Jets, the Stiff Gins, Tonchie and more.

That was on Saturday night at number four oval, in front of the Birabahn Centre. On Friday I was pleased to attend the opening ceremony, together with my colleague the honourable member for Newcastle. Following that there was a performance entitled "Birabahn, Flight of the Eagle" with indigenous artists and schoolchildren. There were workshops on art, dance, music, oration and storytelling, drama and film, and writing. Finally, there was a Higher School Certificate Aboriginal studies student project exhibition. Those events were held at sites all over the University of Newcastle. I want to thank the financial sponsors, including the University of Newcastle and the University of Newcastle Union. On the evening of the dinner dance, Professor John Lester announced a \$25,000 grant from the New South Wales Department of Aboriginal Affairs.

The new Birabahn building in the University of Newcastle is unique in Australia and is unparalleled as an academic indigenous higher education centre. In addition to Wollotuka, it houses the Umulliko Centre for Indigenous Research. All of the Wollotuka staff, including part-time lecturers, are indigenous. Indigenous enrolment at the University of Newcastle has recently increased by 20 per cent, compared with a decline nationally in indigenous enrolment in the same period. Wollotuka School of Aboriginal Studies exceeds every national benchmark in indigenous higher education. The senior management of the university has shown strong support for indigenous higher education. Mr Deputy-Speaker, as a member of the council of the University of Newcastle you also deserve to share in the credit for the great work that has been done by the university in indigenous higher education.

Many years ago the University of Newcastle made a commitment to become the leader in indigenous education and to be recognised worldwide as an indigenous research centre. I have met people at functions at the University of Newcastle who have come from Finland, the United States of America, South America and other countries where there is indigenous research and where indigenous communities are active in working towards their own future. The university has achieved those goals. The Wollotuka Aboriginal and Torres Strait Islander Education Centre was established 19 years ago in a small tea room in the Hunter building in what was then the Newcastle College of Advanced Education.

Wollotuka was set up to provide support for Aboriginal students studying at the college of education. Today, while it continues to provide that support, Wollotuka has become an integral part of the university. The Wollotuka staff began teaching an Aboriginal elective within the Diploma of Education. The training program of the university for indigenous doctors has been so successful that now six out of every 10 indigenous doctors in Australia have done their training through the University of Newcastle. Congratulations to the University of Newcastle and to the indigenous people of the Hunter.

**Mr GAUDRY** (Newcastle—Parliamentary Secretary) [9.43 p.m.]: Mr Deputy-Speaker, I know you share our pride in the opening of the Birabahn Centre. As founding President of Wollotuka, you would be well aware of the great strides that have been made by the University of Newcastle and our indigenous community. Professor Roger Holmes reflected that in his opening of the building. Phillip Pollard was very involved in the design of this fantastic building, following consultation with the Aboriginal community. It reflects the Goorie totem and the Birabahn eagle hawk, and it shares its name with a human figure renowned in Aboriginal culture with enormous wisdom and knowledge. Professor Holmes said:

This building, its design, style and strength reflects the strength of the University's commitment to Indigenous Education.

The building is as unique as the culture of Australia's Indigenous communities.

It will be a place where that uniqueness can be explored and understood by Indigenous and non-Indigenous students and passed on to other generations.

Professor Holmes handed over the keys of the Birabahn Centre to elders Chicka Dixon and Aunty Colleen. Chicka Dixon said he was proud of the Aboriginal doctors and lawyers and of the building that was opened that day, and that he would like to have one at La Perouse. He grew up at Wallaga Lake and his education was in the universities of Long Bay, Bathurst, Goulburn and Grafton. His message to the many young Aboriginal people in attendance with their elders at the opening of the cultural and educational centre was, "If you can walk, you can dance. If you can talk, you can sing. If you can listen, you can learn." The centre is the hallmark of the University of Newcastle and its approach to indigenous studies for our Aboriginal people and those people undertaking degrees there. Congratulations to Wollotuka. Congratulations to Birabahn. Congratulations to the University of Newcastle.



**KARRABEE FERRY****GOSFORD ELECTORATE LAW AND ORDER**

**Mr HARTCHER** (Gosford—Deputy Leader of the Opposition) [9.45 p.m.]: The *Karrabee* is the oldest surviving *Karrabee*-class ferry of its type, and it should be rescued. Once she was hailed as the finest designed ferry on Sydney Harbour. Her claim to fame in 1984, at 71 years old, when she sank after the inaugural Great Ferry Race really detracts from her long list of historical attributes. Her history is fascinating. Built in Balmain in 1912, and weighing 107 tonnes, her original steam engine was made in Scotland and currently has pride of place at the Powerhouse Museum. In the early days of her life as a steamship she plied the Parramatta River route, serving the residents of Lane Cove and Hunters Hill, and she was seen on Sydney Harbour each day for more than 70 years. In 1945 she was fitted with modern diesel engines and took on the Manly to Circular Quay run, and finally the Taronga Zoo run. Her diesel engines are displayed in the Maritime Museum.

Her history shows that she has been everything from a vessel used for special chartering, social functions, a movie star in *Summer of the Seventeenth Doll*, and a recruitment ship for the Navy—the only vessel in the ferry fleet to be painted in patriotic colours, bearing the slogan "Join the Navy, Army, Air Forces NOW". History also records that she was on her way back to Circular Quay when the Japanese submarine entered Sydney Harbour. In fact, it is said that the submarine went directly under her.

The sad finish for the *Karrabee* was not her fault. As the oldest vessel in that fateful ferry race, she was coming third despite the fact that her captain, Ron Archer, could not pump out the water she was taking on. She made it to the jetty, enabling all her passengers to disembark, and then she slipped quietly into 30 feet of water, making history as the first boat to ever sink at Circular Quay berth. It was later determined by the Court of Marine Enquiry that her wooden hull had not been given enough time in the water before racing her, as she had been in dry dock.

The *Karrabee* has always attracted attention. Her rescue from the harbour depths was no different; this was watched by thousands who lined the Quay and a huge television audience. Within 48 hours she was back on the surface and then taken to Balmain for a refit, then finally brought to Gosford to operate as a restaurant. She has seen many celebrations, happy diners, Christmas parties, wedding receptions and twenty-first birthday parties while moored on Brisbane Water at Gosford. It would be unthinkable to end this grand Edwardian-style vessel's life in such an undignified way. Let us keep her for posterity. Her resting place should be the Maritime Museum. My electorate has an ongoing problem of law and order. I draw the attention of the House to an event which occurred in June. A correspondent writes to me:

... my 17 year old son was in the Terrigal Surf Club car park with his girlfriend and about 5 mates. A kid (16 yr old) approached him and accused him of assaulting his friend some months before, obviously picking a fight.

While distracted by this approach another assailant "king hit" my son from behind, knocking him to the ground. These two plus other gang members proceeded to kick my son in the head and body (resulting in loss of tooth, \$10,000 or so in dental work and about \$3,000 for nose work), and kick in the panels on his girlfriend's car. Then the assailant's other gang members assaulted my son's friends and caused several thousand dollars damage to their car. I spent that night in hospital with my son.

The next day the assailant was heard to be boasting of his actions. He has about 56 incidences against his name [I have been advised by police] and been to four youth conferences prior to this savage assault. These incidences include intimidating witnesses, police, assault etc. He is well known to Gosford police.

When the day came for this person to go to court, with four youth conferences against him, he pleaded guilty and the magistrate awarded, yes, another youth conference.

What an extreme disappointment for my son, for my family and the police who investigated the matter and brought him to court. The police were extremely frustrated with this result.

**Mr ACTING-SPEAKER (Mr Mills):** Order! I interrupt the Deputy Leader of the Opposition to refer to a ruling of Speaker Rozzoli that private members' statements should be confined to one subject. The member has moved on to a second matter. Does the House grant the member indulgence to continue with the second subject? The House having so indicated, the member may proceed.

**Mr HARTCHER:** These incidents are not unknown in the Gosford area. Savage assaults are made on young people, assailants are eventually caught by the police to be brought to justice, but the only sanction imposed upon them by the courts is youth conferencing. I call upon the Government and the Premier to take urgent action to ensure that young criminals are brought to justice and made to pay a price for their crimes, and are not allowed to continue to walk the streets after the imposition of these token penalties.

### GREEN HILLS LIBRARY PROPOSAL

**Mr PRICE** (Maitland) [9.50 p.m.]: I speak about a community problem in the electorate of Maitland. It relates to the proposed location of a new library in the suburb of East Maitland. Recently council made a decision to locate a new library on green space in Green Hills, a significant distance from the suburb of East Maitland, with very little capacity for public transport access to it. The site is well away from local high schools and aged persons who currently frequent the library, now located in the shopping centre of East Maitland. An organisation called Green Hills Gardens Action Group has appealed to me for assistance to resolve this problem. The site for the proposed library, in Garnett Street, Green Hills, covers part of the site allocated many years ago, under the leadership of Mayor Noel Unicomb, as botanic gardens for the city of Maitland.

This is a large piece of green space bordering the New England Highway and Garnett Street. This quiet area has been regarded by the community as one of its parks. I am advised that the proposed location is Crown land and therefore is under the care and control of Maitland City Council. But this is also a site that can be acquired, through the Department of Land and Water Conservation, for the use proposed. Given the anguish of the local community, and the tremendous level of support given by the Green Hills Gardens Action Group to the movement against the location of this library, I am happy to present these concerns to the Parliament, trusting that the Minister will take note of these concerns when an application ultimately is made to annex part of this green space for a local library site.

This is not the first building to be constructed on part of this site. Currently, there is a church at one location. Of course, along with the establishment of a library comes a significant need for car parking spaces, so that even more green space will be annexed to service these buildings and associated facilities. The group is extremely concerned. I would like to read two paragraphs from correspondence written on 8 November 2002:

Our community group has been galvanised by this proposal because it has been proposed to alienate public land, Crown land, to accommodate a new library complex. A questionnaire was distributed throughout the East Maitland community by Maitland City Council to establish the support it could gain to place the library on public land in Garnett Street, Green Hills. This community group believes that the questionnaire was biased in favour of the Garnett Street site by Council, as seen by the financial considerations that were presented to the public. The only sites canvassed in the questionnaire were the Garnett Street site and an unknown site in the East Maitland precinct, around the present East Maitland library site. The result of the questionnaire was 55% of library users indicating a preference for a site in the East Maitland shopping precinct.

As a history to this development proposal, we can tell you that the Green Hills Gardens site has been the area of a very active urban Landcare initiative, which has been active for nearly ten years. This Landcare group is known as the One Mile East Maitland Landcare group, and is comprised of a group of hard-working community members. These members are quite incensed at the Council's decision, and will have real difficulty continuing to stay in Landcare and continuing to conduct Landcare plantings in what will be left of the Reserve. They have expressed to us their real disappointment and sense of betrayal at this decision.

When the request for annexure of the site from portion of the Crown land referred to is made, I hope the Minister and his officers will take careful note of the concerns of the community, as well as considering the council's application. It is important that the community's views be understood. If at all possible, this site should be salvaged as space for its originally intended use, that is, a botanic garden. [*Time expired.*]

### RURAL SUICIDE

**Mr MAGUIRE** (Wagga Wagga) [9.55 p.m.]: On numerous occasions I have raised in the House the issue of rural suicides. Tonight I again express my extreme concern about what is happening as this terrible drought tightens its grip on rural and regional New South Wales. I am concerned that strategies should be in place to address this crisis. In 1998 more than 50 people a week, or 2,683 people, died by their own hand in Australia. The suicide rate is 14 for every 100,000. That is much the same, on the figures I have, as it was in 1921. What has changed is the age of the victims and where they live. Whereas suicide was once the domain of the old, disturbed and sick, now the young and healthy have become the casualties. Men commit suicide at four times the rate of women. Suicide rates for males aged between 15 and 24 years have trebled since the early 1960s, while female rates have remained the same. Country people are 30 per cent more likely to kill themselves than are their city counterparts.

The drought is worsening. I had not informed the Minister that I would make this speech, but I know he will respond to the questions. All honourable members are concerned about suicide because it affects the electorate of every member. Politics does not come into it. I would like the Minister for Health to provide a statement to all honourable members of services to which we can refer our constituents, and which our electorate staff can use as a guide when people contact us about suicide. We need to know what counselling

services are available, particularly for families who are suffering the effects of a suicide. As honourable members would know, it is always the families that ask, "Why did this happen?" They are the ones that I am concerned about and the ones who will need help.

I suspect that suicide rates in this State have increased and are increasing at a rate of at least 20 per cent. I would like the Minister to verify my suspicions. I have spoken with various honourable members and I am disturbed by what I am hearing. I have spoken with the honourable member for Murray-Darling, the honourable for Tamworth and the honourable member for Northern Tablelands, all of whom are concerned, as are my other Coalition colleagues, about the news that is filtering through. Suicide should always be treated delicately, but we should not sweep it under the carpet. I want to know what resources the Government will allocate to suicide prevention and I want the Government to ensure that an 1800 number or a counselling service can be accessed by people in rural areas.

I am not referring specifically to farmers. Truck drivers, people in the grain industry and businesspeople are starting to suffer stress because of the financial implications of the drought. We must ensure that they have every opportunity to access counselling and help so that we do not end up with more of these terrible tragedies that I am hearing of in my office. I have previously drawn to the attention of the House a program called After Suicide Support that is run by Mary Walsh and which we began in Wagga Wagga. I have written to the Minister and asked him for funding for the program. He advised me that the After Suicide Support group should apply to become a non-government organisation, which it is doing. As the days roll on I am concerned that more people will think that there are no options other than to exit this world through self-harm. All honourable members would agree that we do not want to promote that option. We want to assist. I call on the Minister to make a public statement that will provide us with the information to help these people who are in that frightful situation. *[Time expired.]*

#### RELATIONSHIP CONSULTANCY GROUP

**Mr LYNCH** (Liverpool) [10.00 p.m.]: I draw to the attention of the House the disgraceful treatment handed out to a resident of the Liverpool area by enterprises called Vian Australia Pty Ltd, Relationship Consultancy Group and Lush Developments. These various entities run relationship consultancies, also known as introduction agencies. They have ripped off a resident of the Liverpool area. To protect his identity I will refer to him tonight as John. John is currently 65 years of age. In March 2000 he was living in New South Wales and saw an advertisement in a seniors newspaper for an introduction agency. As a result, he rang the Relationship Consultancy Group, which persuaded him to send to them \$8,690, which went to Adelaide.

A written contract, which was called an agreement for the provision of services, dated 27 March 2000 resulted. He contracted with an entity called Vian Australia Pty Ltd, trading as Relationship Consultancy Group [RCG]. Its address was Flinders Street, Adelaide. John elected to have the country VIP package, which was referred to as a level one file review. The total cost of the package was \$8,690. The contract provided that RCG would provide what it termed contract referral consultancy services. One of the provisions of the contract allows for suspension of the contract. RCG may, in its absolute discretion, make a partial refund to the customer. Towards the end of the contract, it talks of the customer having purchased a membership package. The particular package for John involved a personal consultant for 12 months with a full membership period of 24 months. This was expressed in the form of paying for 18 months, with an additional six months at no charge. It seems to have been the most expensive package offered.

On 28 March John indicated that he wished nothing further done. He sought to cancel the arrangement two days after he had entered into it. Despite this, they took and kept his money. John pursued the issue and kept requesting a refund. RCG sent a pompous letter dated 19 April 2000 to John saying that it would only consider a refund to him at the expiry of his contract, which was two years hence in March 2002. Even that was totally at its discretion. John's inquiries of the South Australian Office for Consumer and Business Affairs resulted in the following advice:

RCG ceased to trade under Vian Australia Pty Ltd on 1 March 2001 and Vian Australia Pty Ltd ceased to trade on 16 July 2001.

On 18 April 2002 a letter was sent to John by the General Manager of a concern called Lush Developments. In part the letter said:

In regard to a recent company amalgamation. I write to inform you of the following changes: As of Monday 22<sup>nd</sup> April 2002, Relationship Consultancy Group will officially be known as Lush Developments. Management has restructured the company and is now working as a "correspondence calling centre". This means RCG will assist their clients via telephone correspondence only.

Personal interviews will be conducted at appropriate venues and will be established confidentially between the co-ordinator and client. Your membership program remains unaffected and your file will continue to be serviced accordingly. RCG will now formally be known as Lush Developments.

Their postal address remained the same, although phone and fax numbers changed. John continued pursuing the refund. The next missive from the relationship consultants was on 9 May 2002. This letter was signed by Tammy West, who purported to be with the accounts department of Lush Developments. Her letter said:

As of 1<sup>st</sup> March 2001 Relationship Consultancy Group ceased trading under Vian Australia Pty Ltd, therefore all contractual arrangements entered into prior to 1<sup>st</sup> March 2001 are the property of Vian Australia Pty Ltd and have no bearing with our organisation.

Please forward all further correspondence relating to this matter please address to Vian Australia Pty Ltd. The company now considers this matter final.

Despite the fractured language and incoherent grammar, the meaning is tolerably clear. John was also told by the South Australian Office of Consumer and Business Affairs:

I confirm I wrote to Lush Developments in an effort to resolve the matter and I have received a reply. Lush Developments advise that as you contracted with Vian they are not prepared to act further and consider that the matter is closed.

This is outrageous and a disgrace. It is outrageous that it will not give him a refund when it has done nothing at all to learn the money. More importantly, as Lush Developments took over Relationship Consultancy Group and said it was doing so—all the obligations pass on to Lush Developments—it is an even greater outrage that Lush Developments, in fractured English and a pompous manner, say that it has absolutely nothing to do with it. I ask the Minister to investigate this matter to ascertain what can be done. In September I raised a similar matter in relation to the Liberty Network. I note that matter is now in court. I hope that an appropriate result will flow. I hope also that similar action can be taken against this bunch of crooks that are ripping off the people I represent.

#### **NORTHERN TABLELANDS ABORIGINAL COMMUNITY**

**Mr TORBAY** (Northern Tablelands) [10.05 p.m.]: I acknowledge the leaders and other representatives of the Aboriginal community in the Northern Tablelands. Over the past few months I have been delighted to have been involved with the local State representative of the Aboriginal Land Council, Tom Briggs, and his planning forum. They have held a series of important meetings in the major centres of the Northern Tablelands. At each centre they gather all the Aboriginal community groups in special meetings to determine the priorities for each area. The encouraging aspect of the process is the willingness of the groups to co-operate with each other and work together through this process.

"Unity across the Community" is their slogan, and it has been engineered through the influence of the elders who want to end divisiveness. They wish to assert, once again, the proud Aboriginal heritage of self-respect and self-reliance, and work together to improve the employment, health, education, housing and overall economic prospects of their people. Aboriginal youth have been invited to participate strongly in this new movement, to work with the elders and community leaders to put forward their ideas and ambitions, and work towards achieving them.

This model has been welcomed by the Aboriginal people as one that will empower them. They are seeking an end to duplication of services. They want to make the best use of all funds that flow into the community. They want to take their future into their hands and establish small businesses, become involved in ecotourism and improve the education and health and economic standards of their people. I have been invited to speak at several of these community meetings. Above all, I have welcomed this new willingness of all the Aboriginal groups in each centre to work together, and get behind projects and plans with a sense of unity. They have asked me to read to Parliament their own statement about this process. I now willingly do so, and commend it to the House.

#### **STATEMENT OF "SHAKING HANDS"**

We would like to make Parliament aware that we are currently establishing a new and culturally appropriate way of doing business with Aboriginal communities of the Northern Tablelands. We call this process "shaking hands".

Our distinct Aboriginal Planning Model is based on our people's identified needs and priorities. This will be the driving force in determining how our community, government and business and services will be delivered.

This is to say "this unique Aboriginal Regional Development Strategy is based on developing Community-Up planning".

This new way of doing business receives its directions from community and elders which will forge new reciprocal relationships with government, setting benchmarks in policy, programs, service delivery and how funding will be allocated

We will accomplish this through research that is initiated and created by communities and by entering into collaborative agreements at local and regional level with ATSIC, New South Wales Aboriginal Lands Councils and Federal and State Government Departments.

We seek a local/regional governance structure and autonomy that facilitates increased community capacity-building and perpetuates economic sustainability—ie enterprise development, better outcomes in education, housing, employment, health and social justice.

We have established a Northern Tablelands Regional Aboriginal Community Planning Forum and seek our own research centre as a vehicle to lay the foundations to co-ordinate, accelerate and give voice to our people's plans and aspirations. We seek to develop sustainable Aboriginal communities. This is an evolving plan of excellence.

We call on the government to support fund our Northern Tablelands Regional Aboriginal Community Planning Forum Research Centre as an initial commitment towards our regional model.

This regional model is unique and asserts our inherent right to define "who we are". It is inclusive and addresses all the issues of our elders, men, women, youth and communities through local and regional forums and the establishment of community working parties.

The elders agree to endorse the activities of the Northern Tablelands Regional Aboriginal Community Planning Forum as a way to develop greater levels of collaboration to benefit Aboriginal people.

As our elders say "it has been a process of ours for millennia to connect the wisdom and spiritual knowledge of the land, air and water in its totality. We are now re-awakening and linking our people back into the healing of the land and caring for our country."

We are now in the process of "Shaking Hands" and re-igniting our ways of doing business and we would like to thank Richard Torbay for his enthusiastic encouragement and support throughout this process.

**Mr GAUDRY** (Newcastle—Parliamentary Secretary) [10.10 p.m.]: I congratulate the honourable member for Northern Tablelands on bringing to the attention this House the statement of shaking hands, the Aboriginal regional development strategy for the New England area. There is no doubt that self-determination and the involvement of indigenous communities in securing their economic future, while constructing a social future in conjunction with all levels of government, is a positive strategy. I thank the honourable member for bringing the matter to the attention of the House.

### COMMONWEALTH FENCING CHAMPIONSHIPS

**Mr GAUDRY** (Newcastle—Parliamentary Secretary) [10.11 p.m.]: Last night I had the pleasure of representing the Premier at the opening ceremony for the 2002 Commonwealth Fencing Championships, which are being held until 24 November. The championships have brought together 12 nations and territories of the Commonwealth, namely, Australia, England, India, the Isle of Man, Jersey, New Zealand, Northern Ireland, Scotland, Sierra Leone, Singapore, South Africa and Wales, as well as some 250 athletes, 100 officials and 100 volunteers. The championships have brought together a magnificent collection of athletes for events such as epee, foil and sabre. Last night I had the pleasure of presenting the gold, silver and bronze medals to winning athletes in the first series of competitions, the women's foil and men's sabre events. I congratulate Ellie Collier of Northern Ireland, who was the winner in the women's foil event, and Robin Knight, who is appropriately named, from England, who won the men's sabre event. The sport is probably not generally well known in Australia, but the various categories of events require highly developed skills, and high levels of athleticism and concentration.

**Mr Hazzard:** And intellect.

**Mr GAUDRY:** Yes, and intellect. The competitions were searching. Having had the benefit of watching the semifinals and finals in both categories of events, I must say to the people of Newcastle, the people of the Hunter region and the people of New South Wales that if they are interested in sporting competitions at the highest international level, these championships are not to be missed. The championships are a boon for Newcastle. I congratulate the Newcastle and Hunter Events Corporation, particularly Dr Adrian Hurley and his team. The regional branch of the Department of Sport and Recreation is represented on the board of the corporation, as are other sporting organisations. Those groups are dedicated to ensuring that Newcastle and the Hunter district have the strongest representation in the staging of sporting events.

The championships follow the successful Australian Masters Games, which were held in Newcastle last year. I look forward to the Trans Tasman Masters Games, which will also be held in Newcastle as a result of

representations made by the Newcastle and Hunter Events Corporation. I pay a particular tribute to the Premier's Major Events Board, led by Chris Bastick, and I commend the Department of Tourism and the Department of Sport and Recreation for assisting with the provision of funds for the staging of such a major event as the Commonwealth Fencing Championships, which are equivalent to the Commonwealth Games. Up until 1970, fencing was included in the formal games competition but is now a separate event with exactly the same outcomes.

The games have led to a positive result for Newcastle, particularly when it is remembered that 250 athletes and 100 officials spent a week in the city. They require accommodation and restaurant services, and each visit tourist attractions in the Hunter region to check out wonderful wildlife and environmental delights. They can visit the Cessnock area for wine tasting—after the competitions for epee, foil and sabre, I suggest, not during them. They can also enjoy the beaches and walking along the ocean shores. The championships have been a positive commendation not only for sporting competitions, businesses and recreational groups in Newcastle, but also for increased tourist visitations for Australia, New South Wales, the Hunter region and Newcastle. I commend everyone involved in the 2002 Commonwealth Fencing Championships.

### PUBLIC LIBRARIES FUNDING

**Mr ROZZOLI** (Hawkesbury) [10.16 p.m.]: I draw the Parliament's attention to a problem that is occurring in public libraries of this State. My family has had a long association with the public library movement: My grandfather was the first Treasurer of the Free Library Movement of Australia, and my daughter is currently completing a librarianship course through Edith Cowan University. There has been a longstanding tradition in my family of supporting public libraries, but one could not say that such a tradition has been maintained by the present State Government. It is fair to say that that trend has been followed not only by the current Government but also by previous governments.

Since 1980 State Government contributions to libraries have declined markedly in real terms. Most of the burden has been shifted to local government, which has increased its level of funding over that period by 700 per cent. By comparison, in that same period the State Government has increased its funding by only 125 per cent. In real monetary terms that is an increase per year of \$170 million by local government as against \$11.2 million from the State Government. By contrast, Victoria and Queensland have increased their contributions by twice as much as New South Wales on a per capita basis. New South Wales provides only 9 per cent of the funding required to maintain the State's public library services.

The problem facing local government is to both maintain the level of traditional services and make provision for an approximate 40 per cent increase in public library membership. The annual cost of the Hawkesbury City Council library service is \$1.4 million, of which the State Government provides a miserable \$127,658. On a statewide basis, councils contribute \$200 million, against the State's \$19.7 million. Thus honourable members can see that the State Government has gradually shifted the burden of providing public library services very much from being its responsibility to that of local government. I call on the Government, which claims it has invested in the clever country, in excellence, and in the importance of education, to turn around this parlous situation and fund public libraries to a much greater extent.

Councils are facing more and more complex and detailed requests for information and have an ever-growing reliance on technology. Library staff must constantly upgrade and learn new skills. They must maintain current technology levels, and that requires council support and funding. A constant concern for customers of libraries is the need for them to be open at hours that suit their lifestyle and work commitments, and these are becoming more varied as time goes on. An increasing number of people are involved in life-long learning. Libraries are ideally placed to promote and support studies and further education for all and provide equity of access to the community. Statistics demonstrate the increasing usage of libraries in the Baulkham Hills shire. Across the service the rate of borrowings is increasing. The library service strives to maintain the most up-to-date collection possible within its financial resources.

Across the library service, about 70 per cent of new stock is on loan at any one time—an extraordinary figure. Councils have borne the brunt of promoting the legal information access facility, which is provided initially by the State Library but is funded in its outreach program almost entirely by local government. That is an unfair impost on local government. The State should pick up its responsibility to provide a much greater funding to library services than it does at present. The importance of libraries to community education and recreation makes library funding a State Government responsibility as much as any of its other responsibilities. I do not argue that local government, through the rating base, should not make some contribution, but

contribution at a ratio of almost 9 to 1 is completely unfair and unreasonable. If the Government wants to back its rhetoric with action, it should contribute by creating more balance and equity through funding library services. By doing so the Government would honour its claim, and its stand, that it is interested in education and the pursuit of excellence in the community. [*Time expired.*]

#### MURRUMBIDGEE IRRIGATION AREA POWERPACT PROGRAM

**Mr PICCOLI** (Murrumbidgee) [10.21 p.m.]: It is with pleasure that I support the important Murrumbidgee Irrigation Area PowerPACT Program in my electorate. The program has been running for a few years and supports farming enterprises in the Murrumbidgee electorate, particularly in the Murrumbidgee Irrigation Area [MIA]. I draw attention to the success of this program, which is funded jointly by the State and Federal governments. The citrus industry has been under enormous pressure in the past 10 years or so with competition from subsidised juice from Brazil. Other factors have impacted on the viability of the industry. The nature of farming enterprises in the MIA has meant that in the twenty-first century some farming enterprises are having difficulty remaining sustainable. A lot of farmers have been forced to secure off-farm income because of the nature of their properties. One reason for that is the size of the average holding.

When the MIA was established an average holding was sufficient to generate income for an extended family. However, in the context of modern farming that no longer occurs. As a result of structural problems within farming enterprises in the MIA, the Horticulture Council and other organisations got together and compiled a plan to assist farmers to evaluate their farming enterprises and determine whether they were sustainable. In addition they looked at ways in which farmers could get out of the business or expand. Essentially that was how the MIA PowerPACT Program was put together. The program has been very successful. The goal of the MIA PowerPACT Program is to create a self-reliant, forward-looking, market-orientated, prosperous rural community that will provide the foundation for a strong and sustainable regional economy in the MIA.

The program fostered a business approach to rural enterprises by encouraging business and property redevelopment and the uptake of appropriate technology. The program facilitated farm build-up where rural enterprises identify, through their own accredited business plans, that an increased production area is integral to the success of the business. Other initiatives were in a similar vein. The program has been important to the future of the MIA and has been successful. The Horticulture Council and other organisations involved with PowerPACT put a submission to the Federal and State governments for an expansion of the program, particularly related to citrus growers. The organisations have received an undertaking from the Federal Government that it will extend its funding, provided that it is matched by the State Government.

From the beginning this has been a jointly funded program and I take this opportunity to urge the Minister for Agriculture to support the MIA PowerPACT application for additional funding. Obviously the Minister is aware of the success of the program. The success is really on the ground, and has given people the opportunity to have a business plan compiled for their farming enterprises. In the past a business plan was not part of the psyche of farmers. This program has made farmers aware of the value of business plans and that they need to have an objective look at their business. The program has led some farmers to be even more successful and others to recognise that their holdings were too small and that it was appropriate to get out of farming.

The application for additional funding has been received by the Minister. I take this opportunity to again urge the Minister for Agriculture and the Treasurer to support an expansion of that funding. The Federal Government commitment is in place and it will have continued positive outcomes for the citrus industry. The great citrus industry is getting stronger, and part of its success has been through the MIA PowerPACT Program. I support the application for an expansion of this program and, yet again, urge the Minister and the Treasurer to support it. [*Time expired.*]

#### TAMWORTH ELECTORATE RENAL DIALYSIS SERVICES

**Mr CULL** (Tamworth) [10.26 p.m.]: I speak tonight on behalf of the Tamworth Renal Support Group—a group that is working under difficult circumstances to provide better facilities for those requiring renal dialysis services. The Tamworth Renal Support Group contacted me and expressed concern about a number of issues, in particular, funding inequities facing patients who live in regional and rural New South Wales who have end-stage renal disease. The group asked me to raise two issues tonight—the inequity between patients who undergo therapy at home and those who undergo therapy in hospitals. At present, home dialysis patients are significantly financially disadvantaged because this service is provided to them at home.

The second issue is the significant and unfair travel cost burden that dialysis patients and their carers experience in rural areas due largely to poor access to appropriate health services. About 6,712 patients are currently on dialysis machines in New South Wales. Forty-two per cent of those patients are over the age of 65. The provision of adequate and cost-effective transport is important to them. Dialysis is recognised as an expensive treatment and one that impacts extensively on the lifestyles of patients and their families. We should be conscious of the difficulties encountered by these people. We must ensure that life is easier for them and that dialysis services are more accessible to them. A number of patients have to travel long distances to the nearest town for supplies or to base hospitals where those services are delivered.

Some people who live in rural New South Wales do not have any form of transport. The group to which I referred earlier gave me two examples of people who do not have their own transport. If people in the Tamworth electorate do not have their own transport the ambulance service provides that service for them. However, that service is provided at great expense to the ambulance service and to the community, and ambulances are out of action while providing those services. One pensioner in my area who has his own transport has to travel vast distances to attend the public hospital at which he receives his treatment. The Isolated Patients Travel and Accommodation Assistance Scheme [IPTAAS] is available only to those who travel more than 200 kilometres one way from their homes, which is quite discriminatory.

The people to whom I referred earlier require dialysis services two or three times a week. This transportation issue has been highlighted in many government reports and, in particular, in the 1996 and 2001 New South Wales Department of Health "Review of Renal Dialysis Services." The current IPTAAS program does not support the people who require these services. I ask this Government to address two issues. Pensioners who rely on ambulance services should be able to use other forms of community transport. The Government should also consider extending the IPTAAS program to cover those who require home dialysis services. They should be eligible for some sort of assistance to cover their transport costs. This is not a one-off service for these people; they require these services on a regular basis. The Government must remove the 200-kilometre criteria and compensate those who are required to provide their own transport.

#### **HUTCHISON TELECOMMUNICATIONS HARBORD PARK MOBILE PHONE FACILITIES**

**Mr BARR** (Manly) [10.31 p.m.]: This morning something quite remarkable happened at Harbord Park. Warringah council cut down a light pole to prevent Hutchinson 3G from placing low-impact mobile telephone facilities on top of that pole. Earlier in the day council did not succeed in obtaining an injunction against Hutchison to prevent it from doing that. The facility is classified as a low-impact facility, which means that telecommunications carriers can place mobile telephone facilities that look like hills hoists on the top of buildings and light poles in local communities, which has created a lot of unrest in my community. I have organised four meetings to discuss this mobile telephone issue.

**Mr Hazzard:** And they were all very good meetings.

**Mr BARR:** They were all excellent meetings. The meeting that was held last Saturday discussed the Hutchison proposal for Harbord Park. The first meeting was held on 26 August 2000 and the second meeting was held on 2 June 2001. Both meetings were held to discuss One.Tel's proposals to construct facilities at a corner store site at 87 Harbord Road. At that time Hutchison had started to construct facilities at the 87 Harbord Road site, but it subsequently withdrew them. It is again proposing to erect facilities at the Harbord Road site. If carriers do not choose one location they will choose another, which creates problems for the community. On 31 August 2000 Hutchison wrote to residents living near 87 Harbord Road. The letter, which was written by the managing director of Hutchison Telecommunications (Australia) Ltd, states:

Dear Resident,

I am writing to give you my personal assurance as Managing Director of Hutchison Telecommunications (Australia) Limited, the providers of Orange One, that our company will not be revisiting 87 Harbord Road as a site for Orange One antennas, parabolic dishes or electronic equipment sheds.

Hutchison regrets and apologises for the distress caused by the installation of equipment at 87 Harbord Road. We have vacated the site and none of our equipment remains there.

Should we decide to pursue an alternative site in Harbord, it will be done in open consultation with the local community.

It is ironic that exactly two years later—on Saturday 31 August 2002—I held a public meeting at 87 Harbord Road because Hutchison was planning to erect its facilities at that site, despite promising residents that it would



not do so. As a result of that public meeting Hutchison decided to go elsewhere. It chose the Harbord Park site—the location of the public meeting on Saturday. In both instances stalwarts from the local community represented residents and stood up for their rights. Representatives included Saul Leighton and Keith Cameron from 87 Harbord Road and Clinton McNeill from Harbord Park. The Federal Government's legislation allows these carriers carte blanche. They can walk in and erect low-impact facilities wherever they want. If they are not low-impact facilities they are required to submit a development application. I wrote to the Telecommunications Industry Ombudsman about the former One.Tel proposal and received a letter from the Ombudsman which states in part:

The Code is part of a legislative scheme designed to encourage the rollout of infrastructure and which attempts to balance powers given to telecommunications carriers with the rights of owners and occupiers of land. Whether the Code adequately protects the rights of residents in multi-residential buildings is a matter for debate. In recent times there have been numerous complaints to the TIO about the narrow ambit of the Code and its bias in favour of carriers. In my view some of these complaints are well founded. The role of the TIO in matters of this nature however, is a limited one being also constrained by the terms of the Code.

The problem is that the code is totally biased in favour of the carriers, which I regard as an outrageous abuse of Federal constitutional powers. [*Time expired*].

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.36 p.m.]: Obviously, there have been problems with carriers over a considerable period of time. All I can do at this juncture is refer the concerns of the honourable member for Manly to the Minister for Planning to see whether any action can be taken at the State level to overcome these problems.

### HORNSBY ELECTORATE COMMUNITY FORUMS

**Mrs HOPWOOD** (Hornsby) [10.37 p.m.]: I inform the House about three forums in my electorate on subjects of considerable importance. A fire safety forum was held at the Asquith Rugby League Club on 6 November. I thank Ray Agostino and his team for providing that venue at no cost to the attendees. The forum had an important line-up of guest speakers to make presentations to the gathering, comprising more than 60 people. Terry Jackson from the New South Wales Fire Service has completed a term as Fire Control Officer and is stationed at headquarters. He gave an excellent presentation on the logistics of managing a bushfire. He pointed out that three things were necessary to constitute a bushfire: fuel, oxygen and a fire source. His presentation was very well received

The next presentation was given by Dave McMonnies from the Berowra Waters Rural Fire Brigade. This brigade fights fires from the water. Dave outlined river and foreshore problems associated with firefighting. I had met Dave a few months previously when he invited me to travel on a flat-bottom boat up Berowra Creek to look at the different terrain along waterway. He explained the difficulties with fighting fire when on a moving feast—that is, the creek. His team was instrumental in ensuring that the Spencer fire last Christmas did not jump the river. Chris Grudnoff from the National Parks and Wildlife Service gave a great presentation on the risk of living in bush and how to manage that risk. George Irwin from New South Wales Fire Brigades spoke about its role and about hazard reduction.

A volunteer from the community fire unit in Mount Colah, Carol McCormick, outlined her experience. Residents in local streets who decide to join together have a trailer that is equipped with fire equipment. Residents are extremely well organised and know each other's telephone numbers so that they can communicate with each other in an emergency. Terry Munsey, also from New South Wales Fire Brigades, teaches local community members how to set up community fire units. Gavin Matheson from Hornsby Shire Council was available to answer questions on bush regeneration. The forum included displays of pumps and other information.

Next week I will hold two more forums. The first will be the senior citizens and community concert on 25 November. I would like to thank Elizabeth Ward and Lyn Drabsch for assisting me to arrange this concert. The entertainment will comprise a fantastic line-up of top variety acts. People have been invited from nursing homes, retirement villages, churches and the wider community. Afternoon tea will be served. The final forum, which I have been organising all year, is the youth suicide forum. The idea originated from a local young man by the name of Matt Kean, who wrote an article for one of my newsletters.

The forum has a wonderful line-up of speakers. They include Lindy McGregor from Lifeline; Joanne Parsons from InfoReal; Tony Trimmingham from Family Drug Support; Declin O'Rierson from the Hornsby-Kuring-gai Mental Health Services; Sally Loane, a journalist with radio 2BL; Dr Carol Kefford, a general

practitioner specialising in adolescent health; Pastor Ralph Estherby from the Northwaters Christian Life Centre; Maya Aram, a student who will talk about music therapy; Dr Jane Burns from Beyond Blue; Emma Pierce, an author who has written about her personal experience in losing a son; and Kerrie McArdle from the Schizophrenia Fellowship, accompanied by her husband, Sean, will sum up and move a vote of thanks. This is an important forum. Youth suicide is a significant issue with which we all must deal. I thank Clair and Christine from my office for helping me organise the three forums.

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.42 p.m.]: I congratulate the honourable member for Hornsby on her actions. There is not an electorate in New South Wales that has a greater potential for fire outbreaks than her electorate. Berowra Waters and the isolated areas in and around those waterways always have the potential for significant fire outbreaks, in particular, around the Berowra Creek area. When I last visited the electorate of Hornsby we visited the Asquith Bowling Club, where I met an old mate of mine, Buck Rogers, who was a fire commissioner as well as a permanent fire officer. He has been a lifelong resident of that area and understands all too clearly the potential danger.

### NORTHERN BEACHES BUS SERVICES

**Mr HAZZARD** (Wakehurst) [10.44 p.m.]: I express concern on behalf of the residents on the northern beaches about the Better Buses North proposal. Newcastle already has the equivalent of that proposal. The State Transit Authority [STA] caused outrage when it sought to impose a series of new bus routes and timetables on the Newcastle community. The proposal was also inflicted on the eastern suburbs. The travelling roadshow has come to the northern beaches. I do not reflect on individual STA officers, who are simply doing their job, and no doubt doing it effectively. The difficulty is that a series of lines have been drawn on maps of the northern beaches by STA officials. It would appear to the residents of the northern beaches that those lines were drawn from an office far removed from the northern beaches. Two weeks ago I called a public meeting at the Dee Why RSL Club, and I thank the club for its ongoing indulgence in allowing its facilities to be used for public purposes. Approximately 150 people attended that meeting and, as with most meetings on the northern beaches, the mood of the meeting was polite.

However, those present expressed considerable concern and anxiety. More than half of them were concerned about the 169 bus route, which largely services Frenchs Forest and surrounding area. Other bus routes mentioned were those that service Harbord and Narrabeena. Indeed, barely an area on the northern beaches did not come under the spotlight that night as an area of concern. Since that time other public meetings have been held. In fact, Jean Hay, the Mayor of Manly and the Liberal candidate, held a public meeting a week ago, which I attended. Approximately 100 people attended that meeting. STA officials were present, politely doing their job. Again, the clear indication was that lines had been drawn on maps by people who did not know the topography and issues relevant to the area. A number of elderly ladies said that although the bus route along Fairlight Hill appeared on the map to have been moved only a couple of streets, in fact, it was a couple of blocks up a hill with a 30 degree slope.

The little old ladies pointed out that they simply could not walk those slopes. Jean Hay told the meeting that many elderly people live in an area called the Foam Street loop in Harbord and extensively use the two buses that have served that route for the past several years. Honourable members on both sides of the House acknowledge that bus services have the dual purpose of providing a public service without costing too much of taxpayers' money—in other words, we must use commonsense. Unfortunately, it is suggested—because of this Government's lack of interest in the Northern Beaches—that the public service function of bus services on the Northern Beaches is running a poor second to the objective of saving the State Government some money.

I have had various discussions about this matter and I understand that the Government is aiming to make a minimum of about \$2 million in efficiency savings—in other words, money that is cut from the system. The local union representatives believe that closer to \$3.5 million is being saved. So it appears that the price on the head of Northern Beaches residents ranges from savings of \$2 million to \$3.5 million. The Minister for Transport, and Minister for Roads is not in the Chamber, but I suggest to him that, while we understand the need for an efficient bus service provided at a reasonable cost, he must bear in mind that it is about public service. Buses are the only form of public transport on the Northern Beaches; we do not have a train line. We need our bus services, particularly for the elderly, the vulnerable, and the frail.

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.49 a.m.]: The crux of the argument advanced by the honourable member for

Wakehurst is that State Transit is all about efficiency savings. I am glad he used Newcastle buses as an example, because that is a vexed question. The honourable member answered some of his own questions when he said that elderly people "could not walk those slopes". He implied that cost savings are the only objective, but I refer him to my experience in the Newcastle area, and in my electorate in particular, which has an ageing population.

The honourable member for Wakehurst should do exactly what I am doing and try to resolve the problems he described by providing community transport for the elderly, who he admitted cannot walk to bus stops. They need a dial-a-bus or a community bus service that they can call upon at a given time to do their shopping and other activities associated with their daily life.

**Mr Hazzard:** State Transit said it would not give us that.

**Mr FACE:** It is happening in Newcastle and in other areas. The honourable member's claim that it is a cost-saving exercise is untrue. He should try to solve problems rather than apportion blame in this place. I have been around the Parliament for a long time and I am trying to point the honourable member for Wakehurst in the right direction. I identified a similar problem in my electorate. I think the honourable member should address the problems of elderly bus commuters and find a solution.

**Private members' statements noted.**

### **BILLS RETURNED**

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

Environmental Planning and Assessment Amendment (Illegal Backpacker Accommodation) Bill  
Law Enforcement and National Security (Assumed Identities) Amendment Bill

**The House adjourned at 10.54 p.m.**

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