

# LEGISLATIVE ASSEMBLY

Thursday 21 November 2002

---

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

**Mr Speaker** offered the Prayer.

## VALEDICTORY SPEECHES

**Mr GLACHAN** (Albury) [10.00 a.m.]: May I first of all thank the Leader of the House for his indulgence in allowing me this opportunity to speak today on this the last occasion on which I will address this Chamber. This morning began for me as mornings usually do when I am here in Sydney. I got out of bed, had my usual breakfast of cereal, toast and tea, then walked up from where I stay to Parliament House here in Macquarie Street. But, of course, it is not an ordinary or usual day at all, because this is my last chance to say things that I want to say about the people who have assisted me as I have been here serving the people of my electorate of Albury. In many ways, it is a sad day because this is the last chance that I will have to address the House. I do so with some sadness, of course. But, for me, it is simply one era of my life that comes to a close, and I look forward to the next era that begins at the end of March next year.

My life has been a very fortunate one, and I am very grateful to all of the people who have assisted me along the way. I am particularly thankful for the parents I had. Although I grew up in a home where there was not a lot of money, it was a very happy home. I had a father who was a great role model for me and a mother who was loving and caring. My parents made both my sister and I very much aware of the fact that we were wanted and loved. I think that is all that a child really needs to have a happy childhood.

I left school, on my father's advice, when I was 15 and began an apprenticeship as a fitter and turner on the waterfront in Sydney, in a little street called Lime Street. On one side were the sheds of the Darling Harbour wharves, on the other side, the workshops. I have been back there in recent times. Lime Street has disappeared altogether. There are home units there now. It is quite a different place to the one it was when I served my apprenticeship. There were lots of little workshops and lots of tradesman working in that part of Sydney down at the bottom of Erskine Street, but all of that has gone as this city has grown and developed.

During my apprenticeship, when I was about 16, I went to the Hornsby scout dance one night—the first time I had been to the old Scout Hall in Hornsby. There I saw a striking young woman—14 at the time—Helen Margaret O'Brien. I fell in love with her at first sight. It was the most important night of my life, and she has been with me for the rest of my journey through life.

When I finished my apprenticeship I was called up for national service in the Air Force, at Canberra. I was there for five months. When I was discharged I took a position as a detail engine draughtsman with the Australian Shipbuilding Board. I was a pretty hopeless draughtsman, but they kept me on. When I finished my marine engineering studies at the old Sydney Technical College I went off to sea as a marine engineer, after first of all becoming engaged to Helen. I was away at sea for about five years. We were married during that time.

Just before our first daughter was born I gave up the life of a seafarer, and we bought a farm in the New England. It was not much of a farm, I can tell you, but we struggled along for a while, realised that we would never be successful there, so we left and went to Gilgandra to grow wheat. That was a bit of a struggle as well. Wheat quotas were introduced soon after we arrived. We finally decided that the land would be a struggle for us for as long as we owed money, and we sold the farm and moved to Albury and bought the newsagency in Olive Street, and owned that business for about 18 years.

Then, without ever before in my life having given any thought to a career in politics, one day the former member for Albury, the late Gordon Mackie, happened to meet Helen in a store in Albury and suggested that I might consider a career in politics. This was in 1983. "But," he said, "don't bother about it now. The Liberal Party is looking for candidates for the '84 election. Wait till the election for '88. It's a bit of a rush now." The next day the Hon. Lloyd Lange, who was Leader of the Liberal Party in the upper House, rang me at the shop in Olive Street and said, "Don't wait. Nominate now." So I did.

Interestingly enough, although I had been a member of the Liberal Party for about eight years, I had never ever been to a meeting of the party, and did not know anyone in the Liberal Party in Albury. But I contested preselection, and was successful. I stood against the sitting member, Harold Mair—for me, unsuccessfully; he retained the seat. But I was endorsed by the Liberal Party immediately after that election. I worked in the news agency but I campaigned as well, and in 1988 I was elected to this Parliament. I want to say what a great privilege it was to be elected as part of the Greiner team and to have come into the Parliament at that time.

My election to this Parliament presented me with many opportunities, and I have met some remarkable and outstanding people since my election. I think of Governors of the State, Her Majesty the Queen, people like the Prime Minister, John Howard. I can boast that I actually know him, and from time to time have been able to speak with him. I was very proud to be part of the Greiner team, because I consider that history will show he was one of the greatest Premiers this State has ever had. I must also say what an honour it was to serve under other Liberal leaders who followed him: John Fahey, Peter Collins, Kerry Chikarovski and now John Brogden. I am very proud to have been a part of each of those teams.

During my first two terms in government I was able to achieve some significant things for my electorate. They include the new Albury Base Hospital; the new police station, which is magnificent; a new school at Jindera; a hall for the school at Lavington; and a new bridge over the railway line at Borella Road, replacing an old, single-lane wooden bridge. Those were great achievements, and I am most proud of them.

I am disappointed, though, that one issue is still running, one that has not been resolved. It has gone on for about 40 years now—and it looks like it might go on for another 40 years, the way things are going. That is the road issue. How disappointing that is. Everyone knows that this work needs to be done. They know it is desperately needed; they have been talking about it for 40 years. If it had been done 40 years ago, it would have cost about a sixteenth of what it will finally cost. But the arguments go on, backwards and forwards, decisions are made, decisions are changed, then changed back, and the saga goes on. It is disappointing that it has not been resolved during my time in the Parliament. It has been an issue for every election that I have contested. Like most people in Albury, I am getting a bit sick and tired of it all. But one day it will be resolved and it will be a great advantage to the cities of Albury and Wodonga once a final decision is made.

Let me now go on to thank all of those who have something to do with this place and make it work as effectively as it does. All of the staff here at Parliament are wonderful, helpful and considerate. I want to pay a special tribute to all of them and thank them for the help, the advice and the support they have given me in the almost 15 years that I have been a member here. I thank the Clerks, the Serjeant-at-Arms and the Deputy Sergeant, the attendants in the Chamber, people in the Library, the bookbinders, David and his catering staff, the waiters who serve us in the dining rooms, the people in the office store, the cleaners, the maintenance staff, and the security people. I thank the people in Hansard, who sometimes I am sure have great difficulty understanding what some of us say; they might often be excited by what is said but perhaps would not mind if I said they might sometimes be bored by what is said.

I also thank the staff on the committees of Parliament. I had the great privilege of being the first chairman of the Health Care Complaints Committee. I have been on the Public Accounts Committee for some time and chaired it for while. I thank the staff of those committees for the hard work they do. Only members on those committees know how hard they work. I am sure the general public has no idea of that. We know, because we know how the reports are written. I especially mention from the Public Accounts Committee, Patricia Azarias the director, Yael Larkin and now David Monk, and I thank each of them for their help and support while I served on that committee.

When I was a young person growing up in Sydney, people in politics were respected by the community and held in high regard. It is sad that today that has changed to some extent. There seems to have been an unofficial determination by some people in the media to denigrate people in politics. They paint us as people with our noses in the trough, lazy, self-seeking, self-centred and here just to look after ourselves. Of course, that is not true. I have known people for 15 years from every section of the House—Labor Party, Liberal Party and the National Party, and amongst the Independents. My experience with them is that they are all hard working and determined to do all they can to help the people they represent in their electorates. They are not elected for their own benefit, but to serve the people who vote for them. They do it to the best of their abilities. There would not be a person in this Chamber who works less than a 60-hour week, and many work even longer hours than that. They put their constituents before themselves and their families. I have the highest admiration for all of them.

I have made some wonderful friends here—great friends in the Liberal Party, in the National Party, in the Labor Party and amongst the Independents. There are people who have been very kind and considerate to me and they have given me good advice and help on many occasions. It has been a great pleasure and privilege to count myself as a member of this Chamber. I also want to say what a great experience it has been to be part of the Christian Fellowship Group. [*Extension of time agreed to.*]

The Christian Fellowship Group has been a tower of strength for me and I have enjoyed the time I have spent with those people as we met regularly and shared our faith. I also want to say something about the constituents who have continued to elect me over a number of years. I am very grateful to all of them. Over the years the electorate has changed. When I was first nominated by the Liberal Party to contest the seat, the shire of Tumbarumba was part of the electorate. That was taken out of the electorate at the subsequent election, put back again and now it is part of the electorate of Wagga Wagga, just as Holbrook, which was always part of the Albury electorate and is now part of the electorate of Wagga Wagga.

The Corowa shire is part of the electorate now, but for the first time. Over the years I have had the great privilege of representing the people of the Tumbarumba shire, the Holbrook shire, the Culcairn shire, the Hume shire, the Corowa shire and the city of Albury. They are wonderful people, hard working, dedicated to their families, their businesses, their farms and to that particular part of New South Wales. It is a wonderful part of the State and of Australia and I have been extremely proud to be the member who has had the opportunity and privilege of representing those wonderful people in this Chamber.

I want to say something now about some special people. The first is Frances Colquhoun, who joined my office in August 1988, and Janette Weber, who joined my office in January 1989. I am delighted they are in the Chamber today. Might I say what wonderful people they are, how supportive they have been of me, how dedicated they have been in working for and on behalf of the constituents of the Albury electorate. They are wonderful with the constituents, very kind and helpful to them. They are very supportive of me and very loyal in the work they do for me in the electorate. I am grateful to them for the service they have given to the electorate and to me. The people of New South Wales should be proud of them as well. There is not a morning when Frances is not in the electorate office well before 9 o'clock—sometimes she is working there at 8.40 or 8.30. Often I have had to order Janette to leave the office at 5.20 or 5.30. Unfortunately, she takes no notice of me and continues working. They represent the dedicated sort of people who work for the people of New South Wales and for the people of the Albury electorate. It has been a great pleasure to have them as my associates in the office. I am very proud of them and what they have done for the electorate.

Finally, let me talk about the most important person in the world as far as I am concerned. That young girl I met at the Hornsby scout hall, way back—many years ago—has been a wonderful help and support for me. She has been a great gift that God has given to me and has enriched my life in a remarkable way. God has been really great to me. I have been blessed in many ways. First, to be given by his grace and through no merit of my own the great gift of faith that I can believe in the Lord Jesus Christ and, second, this great gift of my wife, of my three daughters, of our three fine sons-in-law and our six wonderful grandchildren. They are great blessings that God has given to me and I am most grateful for them.

I can still remember quite clearly the night I met Helen and exactly how she looked. She has not changed at all. When we first became engaged, when I was just an apprentice in that workshop, she accepted that I would be going off to sea. When I was 21, off I went. We were married while I was serving at sea. When we bought our first farm and went to that little slab house with no laundry, she washed the baby's nappies in a copper pot with a fire underneath it out in the open. We were 35 miles from the hospital when the first baby was born. Two creeks could flood and cut off the road, and she never complained. When I was bringing stock back to the yards for stock work she would be waiting to open the gates and to assist. When it was time to go out and work on a fence and I needed a hand she would put one of those old-fashioned round playpens in the back of the Land Rover. When we got to the paddock, we set up the playpen under the shade of a tree, put the baby in it, and Helen would be running out the wires and working like a man to help me.

When we went wheat farming I had this old international diesel tractor that was a cow of a thing to start. She would be out early in the morning in the truck with a chain pulling me around the yard so I could get the tractor started and off to plough the paddocks. She has been a great support to me. We went into a newsagency business and lived above the shop in a tiny little flat. One room, that our youngest daughter lived in, was like a cupboard. We were there in our business, working together. I opened the shop at a quarter to four in morning, and she would be there from eight in the morning until late at night, seven days a week. She never complained, she was always there to help when I needed help. When I took the opportunity of a career in

politics, she was there beside me. I think that at times she is more popular in the electorate than I am. If I turn up at a function without her, the first question is "Where is Helen?" I have been greatly blessed.

I just want to say what a great privilege and honour it has been to be among all of my colleagues, every one of them, irrespective of the party they belong to. They have all touched my life in some way or another, and I am grateful for that. I will never forget them. Let me say also that it is a great privilege to be elected to serve in the Parliament by the people among whom I live, and I have treasured that privilege. Let me also say what a great privilege it has been to simply be Ian Glachan, MP, Member for Albury.

**Mr THOMPSON** (Rockdale) [10.20 a.m.]: A few weeks ago I announced that I would not seek re-election to Parliament at the next State election. At first, that was a difficult decision. But, having made it, after discussion with my family, I am now looking forward to new challenges with renewed enthusiasm. I am very fortunate indeed to have had the privilege of representing the people in the Rockdale district in the Parliament for nearly 12 years. I was born and bred in Rockdale and I know the area intimately. My family's links with the district go back to the 1890s. Both my mother's and my father's sides of the family are steeped in Labor politics and trade unionism. I owe my parents a tremendous amount for their positive influence and the opportunities they have given me. In my first speech in this House on 17 September 1991 I said:

... I wish to pay tribute to my long-suffering family, the members of which are largely responsible for my being here in the first place. My wife, Lucy, and my children, Ben and Erica, have had to put up with a lot over the years from a husband and father who has been a member of the Australian Labor Party [ALP] for 31 years and a full-time trade union official for most of the past 17 years. They have been supportive and tolerant in the extreme. Without them I would not be here. It has not been easy for them. They have been behind me absolutely. My parents also share some of the credit or the blame for the path I have chosen. They were battlers, who gave each of their five children every chance in life.

Looking back, I am particularly pleased that I said that. My parents have since died, but my wonderful wife, Lucy, continues to put up with me. She and Ben and Erica have never wavered in their support. As I said in my maiden speech, prior to coming into Parliament I was a bank worker and a union secretary for quite a few years. My job and my family's livelihood depended on my being regularly re-elected by the membership. In my time in the union, I contested six or seven elections and I survived them all. Following that, there were the preselections and general elections of 1991, 1995 and 1999. So, since 1974 to the present, the Thompson household has lived and breathed elections. We are all looking forward to a return to normalcy. I hope to be able to repay them in some way for their sacrifices and for the trials and tribulations I have put them through.

The 31 years of ALP membership that I referred to in my maiden speech have now grown to almost 43 years. My commitment to my party has never waned, and it never will. In preparing this speech I was reminded of some great words penned by the great Willie Nelson. I am a fan of country music, as are a number of members of this House, and Willie is one of the best. Those words are:

Ain't it funny how time slips away.

I clearly remember the night I joined the Labor Party in June 1960—just two weeks after my fifteenth birthday. It is as if it were only yesterday. I have vivid memories of the old ALP Youth Council where I first met John Ducker, Barrie Unsworth, Ted Cunningham, Marcus Einfeld, Jim Spigelman, Paul Keating, Bob Carr, Ron Dyer, Michael Egan, Laurie Brereton, Leo McLeay, Marie Andrews and many others. I think again of Roger Degan and that great character, Bobby Gould. To say the least, the ALP Youth Council in the sixties was a great training ground. No political education in the ALP was complete without some involvement in union affairs. My family background was such that I naturally joined a union as soon as I started work. In time, I became a job delegate and some years later I became the secretary. Like my Labor Party loyalty, my commitment and support for the union movement is absolute. I am proud to be a life member of my union, and I have continued to maintain close contact and interest in the good work it does.

I believe that if more people joined unions, there would be less misery and less exploitation in the workplace. It never fails to amaze me that people will pay thousands to ensure their house and car or their other goods and chattels, but they do not insure their job—their very livelihood. That is what a union subscription is—insurance—and I believe that union membership is the best type of insurance that a wage or salary owner can buy. My time in Parliament has been shared between Opposition and Government—four years in Opposition and eight years in Government. And, Government wins, hands down! But I found those years of Opposition stimulating and instructive. As Leader of the Opposition, Bob Carr was a slavedriver, a tough disciplinarian. He made sure that every one of us was involved in policy work—policy research and development. Given that I had a thorough grounding in industrial relations and in the workings of the State Industrial Commission, I took the opportunity to broaden my horizons in other directions.

I opted to become involved in a number of different caucus committees. Probably the best move I made was joining the Caucus Aboriginal Affairs Committee. Since my involvement, I have visited numerous Aboriginal communities throughout the State in the company of my good friend and colleague, Col Markham, the honourable member for Wollongong. It has given me an insight into and a great appreciation of Aboriginal Australians. It has opened my eyes to the true history of our country and has made me a better person for the experiences I have had. The point I started out to make about the years in Opposition was that they were not wasted time. Every single policy area was analysed, re-examined and updated. New policies were forged. It was not a simple process: each took time, commitment and discipline, but it was the foundation for the years of Government since 1995. That is the difference between us, on the Government side, and the Coalition. For anyone who experienced our period in Opposition, the difference is stark.

As an Opposition, I think we absolutely terrorised the Government on occasions. We had well-developed alternative policies and programs. I think it is tragic to see the Opposition in its current state; it appears to be so policy bereft. Members of the Opposition have not landed a glove on the Government for years. But having said that, I want to say that, during my time here, I have made friends on both sides of the House. I have enjoyed a working relationship that has developed between the Whips. I have never had cause to doubt either the word of the honourable member for Bega or the word of the honourable member for Coffs Harbour, and I know that the honourable member for Londonderry, Jim Anderson, endorses those remarks. In our positions, trust is priceless. It is what makes the system work. We have to be able to trust each other and trust each other's word.

I have never had reason to doubt the word that I have been given by the honourable members I have mentioned. Obviously, things can get pretty rough in this Chamber. We call it robust debate, and I think it helps if you have a sense of humour. Harsh things are often said and when someone is under the hammer it is no place for the faint-hearted. But it has been my experience that those matters are generally left in here and members treat each other with due courtesy outside the Chamber. As I said, I have made a number of friends on both sides in my time here. Indeed, it is a political truism that your enemy is usually behind you, and on the other side there is the Opposition.

One of the best things we have done in the interests of members of Parliament has been to bring the Parliamentary Remuneration Tribunal under the auspices of the State Industrial Relations Commission. After an initial hiccup the system has settled down and has already proved to be of great benefit. I personally obtained great satisfaction out of my close involvement in preparing the submissions on behalf of the parliamentary Labor Party for our various appearances in the commission, and in doing all the other shop steward type activities that go with the Whip's job. The Industrial Relations Commission is a great vehicle for arguing the case for protecting and advancing the working conditions of people, and I believe it is beyond reproach. The general public can now see our terms and conditions being set by the commission just as it adjudicates for many others. It is a transparent process and we are all accountable. And that is the way it should be.

In my experience most of the hard work of a local member is in the electorate. People come to you from all walks of life with a very broad range of problems. We all rely heavily on our electorate office staff, and that is certainly so in my case. The people of Rockdale have been well served by my electorate assistants over the years. Daphne Daley is here this morning along with Judy Blake, and Jan Clifford from the Whip's office. Daphne joined me soon after I was elected in 1991. She had worked for Allan Walsh for 14 years prior to that when he was the member for Maitland. Daphne was raised in Delungra in north-western New South Wales just up the Warialda road from Gum Flat, where my wife, Lucy, came from. Indeed, my wife and Daphne's sister were in the same class at school for a period. Daphne has been terrific. She is a non-stop worker, exceedingly efficient, and she has a great knowledge of the "system".

We all at some time or other have difficult constituents, just as we have many who are a pleasure to deal with. Regardless of the problem or an individual's idiosyncrasies, Daphne treats them all with respect and dignity. My job would have been so much harder were it not for the help Daphne has given me over the years. Judy Blake has been with me for about two years. She had experience working for Doug Shedden—a very fine gentle man whom I also treasure as a friend—the former member for Bankstown. Judy is a delightful lady who is attentive and courteous to our customers and is fully professional at her job. She complements Daphne perfectly and she is a valued member of our team in the Rockdale office.

I take this opportunity to acknowledge and thank the local branch members of the Labor Party for their efforts over the years in supporting me. The ALP has many stalwarts who seek no special recognition. They turn out without fail to support our candidates time and again. In Rockdale we have more than our share of such

good, honest and decent people. I salute them and thank them. I thank everyone who works in this place—the people in the Library, the Hansard people, the catering staff, the security people, the cleaners, the attendants and so on. I also thank Jan Clifford in the Whip's office and the Clerks and other professionals behind the scenes. As well as making the place work they also make being here a pleasurable experience. Rockdale is a wonderful community. Almost 50 per cent of the people in it come from non-English-speaking backgrounds. It is a dynamic and diverse community and I love it. It has been an honour and a privilege to serve the people of Rockdale in this Parliament.

**Mr E. T. PAGE** (Coogee) [10.36 a.m.]: By the time this Parliament has finished I will have given 21½ years service here, and I must say that I have enjoyed every minute of it: I have no regrets whatsoever. On 1 December this year I will have completed 40 years of elected democratic service: I was elected to Waverley Council on 1 December 1962 and I have been an elected member ever since. I thank my constituents. They have seen fit to continue to re-elect me in what is becoming virtually a Liberal seat. But I seem to be able to hang on. I hope I have not disappointed them and that I have fulfilled their expectations of me.

At a branch meeting recently just out of the blue someone asked, "What is the thing you have enjoyed most about being a representative?" I had not thought about it but I said, "Helping people." I get the best buzz out of people coming to my electorate office and my being able to solve a problem for them that otherwise would not have been addressed. That was my gut feeling. I get great satisfaction from helping someone with a problem that otherwise may not have been addressed. I have had great support from the branch members. It is common for there to be tremendous divisions in branches in some areas—Lefts and Rights and people who hate other people for various reasons. I have never had a problem in my branches. I have had absolute consistent support and I have never had to worry about my back or be concerned about divisions being detrimental to my candidature. I am very pleased about that.

During elections we run extensive campaigns and I send out about 160,000 pieces of addressed information. We have never had to pay a cent to have that information delivered. Branch members, people from various unions and personal friends put their hands up and deliver everything. I pay tribute to my first wife, Marianne, who gave me great help and encouragement. Not long after we were married we had two children. I did a commerce degree course at night while she looked after the children. We had five children in all, so she obviously made a tremendous contribution to everything that I achieved in the democratic area. Unfortunately, families pay a price for this lifestyle. I express my appreciation to my five children for their support, tolerance and humour over the years. They used to be ragged at school because their father was the mayor and so on but they put up with all of it. They became branch members because I asked them to. They did all the normal electoral work, sorting out envelopes, delivering them and helping on election day.

My family was a powerhouse of support. My eldest son, Harry, works for the Australian Taxation Office, and loves it; he has that sort of streak. My first poll was declared on his birthday, 30 September 1981. My second child is a daughter, Therese, and my first election was held on her birthday, 19 September, 1981. I well remember those two days. She and her husband, Clive O'Brien, and their children Jasmine and Kurt, live in Morayfield in Queensland. My second son, Matthew, was married about 12 months ago on the roof garden at Parliament House, and the reception was held in the parliamentary dining room. My second daughter, Janemaree, lives at Sawtell with her husband, Steve Cook, and three children Paige, Vincent and Joseph. My youngest daughter, Rebecca, and her husband Dave live at the old family house at Bondi with their children James, Ben and Olivia.

It would be remiss of me to not mention Barbara, whom I married about eight years ago. I have a tremendous relationship with Barbara. Everyone in Parliament would know Barbara, and they respect her and like her. Her two children, Alan Dixon and Jackie Bell, have accepted me into the family; there has never been a suggestion of any animosity. I pay great tribute to them. Jackie has two children, James and Jamica. In a former life I was an electrical engineer and James, who is now 18, is doing electrical engineering at the University of Technology Sydney. I cannot claim any connection with his skills in that regard.

I refer now to some political allies. All honourable members would know Ann Symonds; she and I have been close friends for 35 years. I was very sorry when she left this Parliament. Other allies were Jeannette McHugh, the Federal member for Phillip, and a Federal Minister; Barbara Armitage, the Mayor of Waverley for a record 10 years; and Paul Pearce, who has been Mayor of Waverley for six years and who will follow me in the seat of Coogee. Honourable members will get to know him very well in the next few terms of Parliament.

I pay special tribute to Paul Tracey, an extremely resourceful and innovative guy, who has run every State campaign in which I have been involved. He was a dedicated campaign manager, I say he is the best in

Australia. He is always thinking up new ideas that other people copy. No-one could do better than have Paul Tracey as a campaign director. Paul's wife, Sue, was my first electorate officer, and worked with me for 10 years before she moved on to work for Ann Symonds. My current electoral staff are Carolyn Nielson and Stephanie Richards. They have been with me for nearly eight years and they have made fantastic contributions.

My ministerial staff included Paul Tracey, Ted Plummer and Freda Backas, who were with me before I came to the ministry, as well as Ros Riordan, Paul Murphy, Vanessa Lovett, Samantha Mangan, who is now Samantha Whyte and has four young children, and John Westley, our driver. I owe them all a great debt of gratitude. Honourable members would no doubt know that I am an insulin-dependent diabetic. Now and again, when my sugar level starts to drop, I tend to lose the plot. John Westley was always very sensitive to that; no-one else was as sharp as he was to notice when my pattern of behaviour was changing. I pay great tribute to him for that.

In Parliament members could do nothing constructive without the help of the parliamentary staff. For an active member the start of operations is always the library; that is where we get information and advice. I pay tribute to Rob Brian, and his predecessor, Russell Cope, for the great management of the library system. I acknowledge also Greig Tillotson, Margaret Horton, Evan Cole, Philip Dixon, Prue Jessep, Christine Lamerton, Lynette Tavukcu and, of course, Carmen Vella. All members know Carmen, because if a book is one day overdue Carmen will drive you into the ground. I warn new staff about Carmen and advise them not allow a book to become overdue. I thank also Jan Duncan, who does the media monitoring, and David Clune, for research.

Second on the list of important sections is the Dining Room. I acknowledge David Draper, who today received an award for 10 years of service, Joseph Rokoqo, and chefs Scott Clark and Eric Bradley. Eric is a Canadian. When I was Mayor of Waverley I presented Eric with his citizenship certificate; I have that bond with him. I thank also Maureen Morgan, and Peter Doe and Robert Anitelea in the bottle shop. Another great character is Santiago Rodriguez, who members know serves drinks in the dining room. I thank also John Da Silva, who delivers meals to our offices.

I acknowledge also the staff of the Legislative Assembly. The Clerks provide great technical service to the Parliament. With all the ins and outs of the way in which the Parliament operates, we need experts who have some idea of what is going on so that the place functions correctly. Working in that office is Patricia Broderick, and in the general office there is Jenny Lamont, Jeffrey Page, Gary O'Rourke, John Hatfield and Rebecca Cartwright. The well-known Serjeant-at-Arms, Merv Sheather, is respected and admired by all members. I have never seen a member attack Merv as he accompanied that member from the Chamber. But I wonder if a member will be a bit outrageous and do that in future. I acknowledge also Lucy Gonano and David Auert.

Another section that we all have a lot to do with is the printing section. Unfortunately it was decided that that section be gutted, which I thought was horrendous. It is a sign of economic rationalisation times that if good personal service is given by some section that that section has to go. We cannot have people putting any soul and humanity into a service that they provide. I pay tribute to Patricia Makin, who has left the Parliament's service. I acknowledge also Demetrio Miraflor, Ross Fulwood, Paul Brock, known as Radar, and Robert Bartrim, known as Bones. They all did a tremendous job for me and I am sure we are all sorry that they have gone.

This morning I attended the ceremony of the handing out of awards for people who had served up to 30 years in this organisation. Economic rationalists hate those functions. If one has been here a long time, that is a reason for them to go. I hope that at some stage people will realise that that it is inhumane to shovel people out of jobs for no real reason. There should be a golden rule that if someone wants to rearrange an organisation, and shed staff, the first thing that person should do is write down why he should be retained. We have an accounts section, that is where the money comes from, and that is a pretty important service.

**Mr Orkopoulos:** What about the superannuation section?

**Mr E. T. PAGE:** The accounts do not handle superannuation, that is covered by a separate group. I thank Greg McGill, Iris Elder and Joyce Turner. They have always been very helpful at sorting things out for me. Parliament is becoming more involved with the information technology [IT] process. We have been given

great service by Parliament's IT section, from Neil Dammerel, Kerrie O'Brien, Helene Bell and Louise Hanna. They have always fixed up my problems and I thank them for that.

**Mr Fraser:** That's a big call.

**Mr E. T. PAGE:** Yes, it is not easy. Barbara Dixon and Christine Czintos, who are stenographers, have been here longer than I have. I have always been assisted by them to get work done. We do not get to know the names of the Hansard reporters, but we know their faces. They do a tremendous job. It is amazing and revealing that after giving a speech we read it in *Hansard* and cannot believe it is what we said—it sounds too good. They do a great job. I thank them for their innovation and their Christian spirit—I use that term in the general sense given that I am an atheist.

When I first came into this place there were no female Hansard reporters. [*Extension of time agreed to.*]

Because Parliament sat late at night it was deemed unsafe for them to go home by themselves. That seemed odd to me. Wran stopped that and allowed women to be employed as Hansard reporters. There are now more women than men in the job. Three female Hansard reporters were presented with ten-year service awards this morning, so there is not much evidence of them being mugged or getting lost on the way home after a long night of sitting. I also thank the attendants, the cleaners and the staff of the Building Services section. They have always been very helpful.

I pay tribute to George Thompson, who spoke before me. He has been a tremendous Whip. I have seen a few, but none has been better than George. The Whip has a thankless job, because he must berate members if they are not doing the right thing. George has never displayed any antagonism. He is tremendously respected and he should be here next year. I will not say more about that. I thank Jim Anderson and Jan Clifford, who have been his offsidiers. I will not say anything about members. If we want respect from anyone we must earn it. The way we behave determines what people think of us. I leave it up to individuals to judge my relationship with them. I am prone to calling out at Opposition members, but I have never said anything personal about a member. It is all hype—I was about to use the word "bulldust". It is designed to get a bite. I have never had a personal go at anyone. It is not a rational way to operate.

In my early years in politics we had a light on the hill; we had something to believe in and goals. That seems to have gone. People no longer have causes to pursue and problems to overcome. Everything is bureaucratic and inward looking. That has taken the soul out of Parliament and politics. Economic rationalism has been the greatest disaster for politics throughout the world. Everything is reduced to a profit and loss account. Unless we can provide figures on one side or the other of a ledger to prove a point, it does not matter. Ideas no longer count. It does not take long to find out that there is no positive economic basis for economic rationalism. It is leading the world into incredible economic problems; it is the doctrine of the hopeless. That must be changed so that personal feelings mean something in political parties. According to the economic rationalists, people and jobs do not count any more.

I worry about my children's future. When I grew up everyone had a job or a career in a public or private organisation. People did not face unemployment and society helped people. That is no longer the case. The future for young people is very bleak and society makes them no promises. Society no longer believes that it should look after its citizens. We are all on our own in overcoming whatever problems occur, and more and more problems are occurring because of the way society is going. That is very hard to tolerate. With those words, I have enjoyed working with everyone. No doubt I will see members around the traps. I hope life turns out well for them, despite my pessimism.

**Dr KERNOHAN** (Camden) [10.56 a.m.]: Almost 12 years ago I completed my maiden speech in this House with the quotation, "This above all, to thine own self be true; and it must follow, as the night the day, thou canst not then be false to any man", which I have followed throughout my political career. I can assure incoming politicians that they will sleep very well at night if they follow that quotation with words and actions. However, they will rarely climb the ladder of success as a politician. Refusing to be politically correct also does not help career progress. Honourable members should note my opening words and that the use of the term "maiden" instead of "inaugural" is historically correct—in 1991 we still made "maiden speeches". A colleague advised me that one should not be too controversial in a farewell speech; it should leave listeners with a happy glow. However, people who know me well and cannot believe I have stayed a politician for 12 years know that I could not make a bland, pedestrian farewell speech.



I first wish to record my appreciation to various people. I have never worked in a situation before in which the general staff—I refer to cleaners, attendants, security officers, secretaries, dining room, maintenance and legislative office staff—have all worked so hard to look after and satisfy a group of 135 egotists, which includes me, who believe their wants and needs are the most important thing on earth and that they must be met immediately. I will not mention any particular staff member's name because I am sure to miss out some very helpful person. I wish to thank not only those staff but also the committee staff, librarians, IT specialists and the Clerks of this Parliament who do a great job. I do not forget the Hansard staff, who can make written sense out of spoken sentences that often have little meaning. I thank all the Parliament House staff. Without their friendly help and support this place could well have been unbearable at times.

I wish to place on record my undying gratitude and thanks to my electorate office staff of the past eight years. Without Sandra Raine's and Pat Grundy's help, support and faith in me during a stressful time in my political career when they were only temporary staff, I would not be standing in this Parliament today. Their professional competence and their compassionate and caring attitude towards constituents, together with that of my more recent part-time electorate officers, Jan Stewart and Kathryn Small, played no small part in my success as Camden's local member of Parliament. No electorate office could have been run more efficiently and smoothly than my office was run over the past eight years with Sandra Raine as my senior electorate officer. We made a good team. My one regret for the future is that I will not have those friends around me virtually every day. I wish them every success in whatever they propose to do next with their lives. I also wish to thank Liz Richardson for her help and friendship during the 12 months she was my original electorate assistant.

I also put on the record my grateful appreciation and thanks to the local Liberal Party members who worked so hard to ensure my election. The help of those members and my non-party friends, who came from far and wide on such occasions, will never be forgotten. I name only two people—my campaign and office manager, Nance Cottle, and my agent, Wanda Sharpe, without whose help and support my three election campaigns would not have been smoothly run and relatively painless. Many individuals have done tremendous jobs in various capacities over the different campaigns but Nance and Wanda, who have been there for all three campaigns, remained steadfastly efficient and overcame any difficulty that arose. I thank those parliamentary colleagues on both sides of this Parliament and members on the crossbenches who have shown me friendship over the last 12 years. I look forward to continuing those friendships after my retirement. It is gratifying to know that a few members of a different political persuasion can be pleasant and friendly at a personal level at all times.

I believe I have been a good local member and I could have remained as the member for Camden virtually for as long as I wished. However, I did not want to. At my time of life, after 18 years of being an elected representative of the Camden people in local government and 12 years in Parliament, I decided it was time to relax and have a little time for myself. Members who are community people, love their local district and work hard for it generally can retain their seats because members of the public, despite overall voting swings on party lines, appreciate someone who cares and works hard for them. I have proved that by increasing my winning margin in two elections which were considered unwinnable, because Camden is a growth centre with an ever-increasing population and changing demographics, and despite swings against my party. Also, being direct and honest with constituents and refusing to play party politics are attributes that are much appreciated by them. However, that does not endear one to one's colleagues on the political scene because one could be dangerous and one has to forgo the chance of ever advancing past the backbench.

Despite being a lousy party politician because I considered the governance of our State too important for game playing, I have tried to abide by the rules of the game. It is a game, as everybody in this place knows. In other words, one does not embarrass one's party or colleagues by publicly disagreeing with them and one does not disclose what goes on in the party room. Generally, I have followed those rules and I have never defended myself in the press, despite being maligned on a number of occasions when lies were purposely leaked from the party room for political purposes. The Sydney media has to answer for the lack of esteem in which politicians are held by the general public. At every opportunity politicians are denigrated to make a story.

When asked by people if he was proud of me, my late father used to answer, "Sometimes, but I always thought she was meant to be intelligent." My father thought I was a fool to give up two prestigious positions when I had not only a reputation for honesty and integrity but also the respect of the local community and the New South Wales dairying industry. It is surprising to me that anyone who has a successful professional career, a good reputation, and a family would give up that career to be a politician. People's character can be maligned and their children baited and jeered at school due to a story in the media that might be highly inaccurate. The option to sue is always there, but it gives the media a chance to publicly rehash the lies. That, together with the stress of a trial with its ongoing publicity, hardly does a politician's career or health much good. Hence the media often gets away with untruths that are never corrected.

Within Parliament the only real contribution that backbenchers can make other than being a part of the "head count" at divisions is through their membership of various parliamentary committees. I have thoroughly enjoyed being on the Regulation Review Committee since 1992—a committee often considered boring by non-participating members. It will become one of the most important committees in this Parliament when, during the Fifty-third Parliament, it takes on the job of scrutinising bills. I have also found being on the Committee on the Independent Commission Against Corruption and the Legislative Assembly Standing Ethics Committee since 1995 a most educative process in relation to the workings of same.

My real joy was chairing the 1992 Joint Select Committee Upon Waste Management, which was unique when formed, with two non-parliamentary sub-committees, one representing local government and the other representing the environment and industry points of view. As the industry and environment members could never agree, even on a time to meet, I took it upon myself to accept and report the input from three separate committees rather than two. At the time the ensuing report was the most reprinted and sought after report the Parliament ever published. My one disappointment was that nothing ever came of it—not even discussions with the then Minister as to its inadequacies.

What really have I achieved over the last 12 years for the Camden electorate, that is, apart from helping my constituents with problems involving government departments, which has given me great personal satisfaction and enjoyment over these past years? Indeed, I loved the electorate work and I regret that I will no longer have that involvement. When in government, input as a member of backbench committees and the accessibility of Ministers made lobbying on policy possible. I did succeed in achieving the purpose for which I entered Parliament, namely, to stop the proposed urban development of the Cawdor Valley. That proposed development, although in Wollondilly shire, abutted Camden and would have destroyed the ambience of urban Camden for which I had worked so hard to maintain on Camden Council.

My lobbying of the Coalition ensured that Campbelltown's O'Hare's Creek Gorge was proclaimed the Dharawal Reserve, which was the highest environmental protection possible because of underlying coal seams and leases. I also lobbied the Coalition Government to buy a Singapore banking group's land at Wedderburn to save the famous koala colony threatened by its housing development—the first official koala sanctuary in Australia. I can take some credit for the following major works being expedited: the Picton Sewerage Scheme, the replacement of the Narellan Road level railway crossing by an overbridge, the upgrade of Campbelltown railway station, the Queen Victoria Hospital upgrade, the M5 missing link construction and the upgrade and refurbishment of many older primary schools. However, because those issues were highly desirable politically I often wonder just how much weight my lobbying really carried!

I also believe that my 36-page formal submission on the draft environmental impact statement for the second Sydney airport proposal, indicating its gross inadequacies when I gave it to the Leader of the Opposition, played a small role in the Coalition's stand in 1999 against the construction of a second airport in the Sydney Basin. Unknown publicly, my caustic letters to the Minister for Defence, Bronwyn Bishop, resulted in Army cadets once again using rifles for catafalque duty on Anzac Day.

Unfortunately, I have failed my constituents and the people of New South Wales in a number of ways, and I apologise for that. At the local level I have been unable even to get a decent taxi service for Camden let alone a fully functional general hospital, or to improve the existing roads and public transport system to cater for the ever-increasing population. I have tried since 1994 to get Ministers to accept the proposal of a local church group to solve the worries felt by 60-year-old to 70-year-old parents about what happens to their totally dependent 40-year-old to 50-year-old profoundly disabled children when they die. All Ministers were sympathetic and agreed it was a compassionate, sensible and commonsense proposal, but none was prepared to give it a trial. Is it the fear of politicians not winning the next election that lets the views of vocal lobby groups prevail over commonsense?

On the wider scale I did nothing to help to solve society's problems as it did not seem to be the role of a backbencher. Are the streets safer for citizens or the classrooms safer for schoolteachers than they were 12 years ago? Has the waiting time for surgery or treatment in hospital emergency departments been reduced? Has public transport been improved enough for people to use it rather than their cars? On reflection I was wrong: I should have lobbied furiously on a number of social issues when the Coalition was in government. [*Extension of time agreed to.*]

"Political science" is a widely used term, recognised by all as a reality. Yet science plays little part in practical political decisions. In politics, perceptions become reality, while political game playing, polling results,

emotions, and party affiliations play a real role in decision making. One of the reasons so few trained scientists are members in this place is that scientific training teaches one to look at facts, which can be either good or bad but are nevertheless facts, and one does not play games with facts. In politics it appears that one has to look at everything in shades of grey, with very few accepted facts, because every voter's opinion has to be considered in order to obtain his or her vote. Hence another reason I have not been a politician's politician, in that I have standards that decree that certain things are right or wrong and, being politically incorrect, that I state what I believe is right. What has happened to commonsense in legislation? In the debate on 17 October 1996 about the closure of the veterinary laboratories I said:

... commonsense is rare in academia; it is rarer in politics; and it is positively endangered on the front bench of the Carr Labor Government.

Everybody thought that a clever political jibe. However, I meant every word of it, and the lack of commonsense in legislation passed by members of the New South Wales Parliament over many years is often unbelievable. Why did it need a disastrous bankruptcy in the insurance industry for politicians to recognise that people should take some responsibility for their actions?

As a former academic, I want to talk about the role of academics and politics. More than 40 years ago "publish or perish" was a very well-known edict in academia, which nowadays can also affect actual total funding to universities. Hence academics concentrate on new ideas and lateral thinking, and work hard to discover new things. There would be little progress, particularly in our scientific and technological worlds, if that did not happen. The same requirements apply in social fields, so one must produce new concepts to gain prestige and position. The resultant theories can be absolutely correct on the basis of accurate research, with results that look great on paper, but when these theories are accepted and transformed in full into legislation many do not work in practice.

Has the Richmond report worked in practice when one considers the number of mentally disturbed people living on our streets or in our gaols? Ask schoolteachers whether they feel they can fairly apportion their time to all members of a mainstream class that includes a disabled or behaviourally disturbed child who requires a full-time aide. Academics and bureaucrats producing ideas for legislation are not required to look into the numerous traits of human nature, referring particularly to greed, spite, hate and envy. We, as politicians, should look at the effects of such traits on new theories and suggestions proposed for future legislation. This we now do only occasionally, as seen when every bad trait of human nature is brought out as the reason for not legalising euthanasia despite the fact that polls show that 70 per cent of the general public are in favour of it.

Is it the "emperor has no clothes" syndrome, are politicians without academic titles and degrees overwhelmed on a personal level, or are they too politically correct to question any new theories? Why do we not query new theories more? Why is there not a Minister for Commonsense? Perhaps finding someone willing to take the job could be difficult! However, a committee made up of politicians and non-academic, ordinary citizens could play the role of devil's advocate on all new theories proposed for legislation. They could consider how the nastiest aspects of human nature could affect these theories, and suggest possible modifications. Some legislation has disastrously affected so many good-living, decent people when the intention was to deal with only the worst 2 per cent to 3 per cent of the community. Some examples are the misuse of current sexual abuse laws and apprehended violence orders, which are a perfect weapon for malicious or spiteful people.

What kind of a society have we developed when female schoolteachers are advised not to pick up and cuddle a five-year-old child who has fallen over in the playground and hurt herself? What happened to the time when a teacher's duty was "in loco parentis"? What kind of society do we have when a father is frightened to cuddle his toddler or baby daughter in public because of what people may say about him? There are disgusting paedophiles in our community who should be in gaol, and laws to put them there were legislated many years ago. However, we needed only to overcome the "non-dobbing" Australian tradition and to educate people to report this behaviour and other gross abuse of children. We have gone overboard with legislation, but are the children any safer?

I believe we need to review the definition of "child" in legislation because more and more major crimes are being committed by so-called children. The child of today is hardly a child when he or she can leave home, live alone and hold a permanent job, if obtainable, at 15; legally marry with a magistrate's permission at 16; and drive a potentially lethal machine—a motor car—at 17 years of age. The broad education that children get these days and the activities they learn from television or publicly witness in today's community make them grow up faster than they did even 20 years ago. I believe that for legal purposes there should be three classifications of maturity: a "child" until the age of 12, an "adolescent" from 13 to 18, and an "adult" from 18 years of age. When

such adolescents commit adult crimes they should be treated as adults, with their names not suppressed and with the courts open to the public. We have so many laws in this State and country but so little justice. I believe that everybody is entitled to a fair and just trial but when guilty people are set free because we, the legislators, have made errors or left loopholes in the law for clever lawyers to find, that is not justice.

As a former agricultural scientist who specialised in dairying, I would like to conclude my final parliamentary speech with some thoughts on the general farming community and the value placed on it by politicians. I regret only that my experience and expertise were not tapped by my coalition colleagues in determining some agricultural policies. Farmers are generally to be considered the most conservative group in our society but in reality they are the greatest gamblers of all time. They gamble on the weather, hoping crops are not decimated by drought, flood, hail, locust or mice plagues, and the many plant diseases not yet controllable by science.

The animal industries are similarly affected by weather, with animal diseases playing a significant role, particularly in the intensive industries. Like urban business people, farmers suffer the vagaries of local and overseas markets, interest rates and the availability of bank finance. Urban families do not suffer the massive lifestyle change that occurs when a family farm is lost and they are forced into city dwelling. The people affected most are those farmers born and bred on a particular farm, who love their land, have an affinity with it—a trait readily acknowledged in our indigenous people—and who wish to continue earning a living by working it.

With the demise of family farms, there is an ever-increasing flow-on of economic problems to country towns and regional cities that will be felt more each year. Moreover, most of the current problems of rural New South Wales are caused by government decisions, both Federal and State, based on economic rationalisation, with little thought of long-term social effects. Because a farm is relatively small it does not mean that it is uneconomic or that its owners are bad farmers, but political decisions are forcing out many small farmers. The ever important balance between social and economic factors weighs heavily toward the economic side. Unless politicians start to take into consideration the social, and not just the economic, effects of their decisions there will be no need for governments and politicians: society could be run by companies on purely economic grounds.

With those words, I conclude my farewell speech to the New South Wales Parliament. I thank all those involved with it for a wonderful experience over the past 12 years.

**Mr ROZZOLI** (Hawkesbury) [11.16 a.m.]: I thank the House for the opportunity to say a few closing remarks on a career in this Parliament that has spanned some 30 years. The most important thing that I can do initially is to thank a few people, as have members before me. There are two thanks that I would like to make first of all, which are the most important. The first is to the electors of Hawkesbury, who have looked after me for 30 years—and I believe I have looked after them fairly well. They have supported me through thick and thin, and through swings to our party and against our party. The people of Hawkesbury are some of the finest people in the land. They have always shown a strong independent spirit and fierce loyalty to their area. That is what they look for in a local member. I hope I have been able to honour that commitment.

I will share with the House an anecdote I often tell about the people of Hawkesbury to highlight this longstanding tradition. When Lachlan Macquarie was recalled to England as a result of the report of J. T. Bigge, the personification of the arch bureaucrat, the people of Hawkesbury went to him and said that if he wished to overthrow the British yolk they would support him, and they would install him as the leader of the new colony. Macquarie, ever the sensible person, said, "Thank you very much. It is a great gesture on your part, but I do not think it is the right thing to do. I will accept the situation in which I have been placed." I find myself in somewhat the same situation today. The people of Hawkesbury would dearly love me to run as an Independent, but I chose not to because I do not think it is the right thing to do.

The second special thanks I wish to offer is to my wife, Carol. She has been an enormous support to me over the years. In public life too few people recognise the contribution of the family and the enormous strain of public life on people. I have not suffered as badly as many in terms of abuse or attacks on my children. They came through school remarkably well. We have not had to suffer in that way, but there are so many other areas in which you need courageous support to continue to make a dedicated contribution to the community, which should be the hallmark of every public representative.

It is of some concern to me, and I echo some of the remarks of my good friend the honourable member for Coogee, that to some extent the true spirit of elected representation is left wanting today. But as I have said

often, we are microcosm of the community at large. We are representative of the community at large. The community has a lot to answer for in terms of integrity and selflessness, which sits in strange contrast to the high levels of volunteerism from many sections of the community, but that is a specialist area. By and large we live in a very selfish, self-centred age. We, as members of Parliament, collectively tend to be representative of that.

I would also like to thank my secretary, Barbara Mork. When I first came to this Parliament 30 years ago I got a desk, a chair, a filing cabinet, and a phone. I shared my office with five other members of Parliament. There has been quite a change from then to now. Barbara first worked for me as an amanuensis, one-third of a secretary. We have worked together for almost 29 years, which is a record even for this place. I thank her for her long and dedicated support. Barbara had many opportunities to work for other members and Ministers during that time, which would have earned her more salary, but she stuck with me and I am very grateful for the support she has given me. She will retire at the same time as I do, and I wish her well in her retirement.

I would like to thank the staff of the Parliament, from my good friend Russell Grove, Clerk of the Legislative Assembly, right through to the cleaners, with whom I have always had a bit of a special association. I always believed that the people who work here deserve to be respected as human beings and as people who do their job well, irrespective of the position they hold within the Parliament. Whether it is a cleaner who works here 20 hours a week or a senior executive officer who might work 60, 70 or 80 hours a week, they should be treated equally.

During the period I was Speaker, I always tried to make a special point of ensuring that all members of the staff, irrespective of the level at which they worked, were treated properly. I am not saying that is not the case today. I am not making any comment on any other situation. But that was always my aim. I have a special relationship with many of the staff. I was very pleased to be the guest speaker at the recent farewell of three members of the Parliamentary Printing Service, which is some reflection of that special bond we have had over the years, one that goes back, in some cases, the full 30 years. When I was Speaker I always said to new members, "Treat the staff with respect. They are here to serve you. They serve you very well. You should always think of them in the demands that you make upon them, demands that often are very heavy by circumstance, not necessarily by choice." However, I know there are members who are excessively heavy in their demands and who do not always think of the ramifications of their demands of staff.

I would also like to thank the many public servants who have been of great assistance. I always had a philosophy that you never went to the top, you never went to the bottom, you went to a level about two or three rungs from the top, where the real work is done. Some of the people who now fill those positions started as junior officers in the public service when I started. We have grown up together. In many cases we have formed very strong friendships, which has been very useful. A quick phone call in the right place to the right person would work miracles when the long and tedious correspondence that might otherwise be generated did not seem to bring any result. I thank those people for the support they have given me over the years, which has made my life a lot easier and enabled me to deliver results for my constituents that I might otherwise not have been able to deliver.

I have probably left out groups of people. I certainly have tried not to mention too many individuals because it is a very odious thing: some people will always be left out. As other members have done I should make special reference to Hansard, who always have been a bit frustrated with me because I seldom, if ever, speak from notes. Therefore, when they come to ask me for my notes to assist them in reporting what I have said they never get any. I apologise for having been a nuisance in that regard over the years. This is a bit of an in joke, but I would like to acknowledge the membership of a very special little group in Hansard, the Cook Island club. *Kia Orana!*

Having made those thanks I would now like to turn to some more profound areas. As many of you would know, over the years I have taken a great interest in the operation of the Parliament as an institution. It probably has its manifestation in my period as Speaker, when, as part of what I considered was my job, I studied Parliaments assiduously and came to a number of conclusions about how the institution of Parliament should work. At present we have a great dilemma facing not only this Parliament but all parliaments, which is reflected in research that is done in parliaments throughout the world. Basically, we are operating according to a parliamentary mechanism that has been in place for many years.

Although we have been equipped with computers and all sorts of fancy gadgets, the basic philosophy on which we run our Parliament has just drifted along and is now out of keeping with the demands that are placed on us and on the institution. Our work is much more complicated than it used to be. If honourable

members are in any doubt about that, I will tell them of an incident I recall when I had been here about three years. In about 1974 I spoke to Doug Wheeler, who was then the Clerk-Assistant but became the Clerk. He said to me, "Kevin, nowadays you guys are actually full-time parliamentarians." When I first became a member of Parliament most parliamentarians would be part-time, but in 1974 Doug told me that we work very hard. We were full-time, and the demands on us then were much greater than they had been 20 years prior to that.

I can assure honourable members that from 1974 to 2002 the demands on parliamentarians have dramatically increased. Many so-called gadgets provided to facilitate the way in which we operate are a burden, as much as anything, as we try to get our job done. We have the ubiquitous email. I do not know how many emails other honourable members receive, but I get approximately 200 a day. I try to handle them all and work on the basis of keeping my outstanding emails down to about 50 so I can overview what is on the screen. Such things have made life much more difficult and the problems we face much more complex. [*Extension of time agreed to.*]

The population is much greater yet each member is still a human being who represents one electorate. Unlike many other professionals we cannot bring in a partner, as one can do in accountancy or legal firm or a medical practice. If we are to fulfil our duties properly we must reconsider our work role and the way in which we carry it out. It is of some concern to me that over the years I have seen a much greater reliance placed on staff to do electoral work, to write speeches and to do research. I am of the old-fashioned school: I do all my own research and prepare for my speeches. I attend to all my correspondence individually. That has given me a tremendous grasp on the issues in the community.

As many honourable members know, I have been involved in many human rights and social welfare issues: homelessness, drug and alcohol addiction, those with disabilities and the environment. The background knowledge and personal focus that I have developed has enabled me to do my job reasonably well. I do not make any judgment on how any other member of Parliament operates, but I see reliance being placed on others to do their job. That is only natural given their enormous workload, but I believe it reduces our capacity to do our job properly as representatives of the community. If that problem is to be addressed, we have to look at restructuring the way in which Parliament operates.

We should look at the way in which we structure the working program of the Parliament. For example, committee work should be recognised as part of the day-to-day parliamentary workload of members of Parliament. In a paper I have suggested, in line with many European parliaments, that committees should be convened on days that are regarded as sitting days. In other words, in addition to the 50 to 60 days in plenary sessions in the House, on another 40 to 50 days we are committee members working on our committee work. Those 40 to 50 days should be regarded in every sense as sitting days of Parliament.

It is unfair for people to claim that we only work 50 to 60 days a year because that takes into account only when Parliament sits. That is a totally false premise, and the media deserves their fair share of condemnation for compounding that impression. I think every member of Parliament should be involved in committee work. The current way of selecting members for committee work is not appropriate because the workload is not spread evenly and it is much heavier on some members than on others. As part of the constitutional structure of the Parliament that work should be more evenly divided. Everyone should have an opportunity to work on committees and their work should be acknowledged as part and parcel of the day's work.

We need many more broad-ranging policy debates in Parliament. It is a weakness of the system that we mainly debate legislation. I have always held the view that legislation is about fourth or fifth down our line of responsibilities. We should debate more and more major issues. Although in one sense our recent forum on public liability insurance did not serve any great purpose, in another sense it was a small light showing the direction in which we might go. On that occasion it was good for members to be able to access four eminent people in their field. Rather than move into a restricted debate on public liability insurance in which we were confined to the matters contained in the bill, the forum should have given rise to a much more wide-ranging debate. We could have raised and teased out the issues that surround public liability insurance so that when the legislation was debated we would have had a better grasp of the issues that should have been addressed.

Similarly, in relation to the introduction of major legislation, after a relatively brief introduction of the legislation—I go back to the first reading debates we used to have when I first became a member of this House—benchmark legislation should then be sent to a legislation committee which comprises the Minister, representatives of the parties and the Independents. That committee should have the capacity to call expert witnesses and members of the public to give evidence on the issues which surround the reason the bill was

introduced. The legislation is then amended and crafted by the legislation committee. That would result in a much more sensible outcome than the adversarial debate that now takes place in committee when amendments are moved by the Opposition and rejected by the Government because they have come from the Opposition. Most amendments that are drafted on the floor of the Chamber are not well thought through and they need to be drafted in much more detail. That is similar to what is done in many European Parliaments and has great value.

I thank everyone for their friendship and companionship in this place. I recognise particularly the work I have done across party lines in the areas I have mentioned: homelessness, drug addiction, and Amnesty International. I have enjoyed very much the camaraderie that has transcended the party-political boundaries. I have made some very great friends in Parliament and they will be friends for life.

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

### **Second Reading**

#### **Debate resumed from 20 November.**

**Mr WEBB** (Monaro) [11.38 a.m.]: It is with some concern that I speak to the National Park Estate (Reservations) Bill. I support what was said by the honourable member for Davidson, the honourable member for Ballina and the honourable member for Coffs Harbour in speaking to the bill on a previous occasion. There is a clear need to hold the bill in abeyance. Obviously, the Government has made a commitment to deliver something for the Greens prior to the State election next year. On that basis alone I have a philosophical objection to the process involved with the bill.

Many relevant bodies were not even consulted prior to the tabling of the bill. My information is that 35 permissive occupancy holders who will be affected by these proposals were not even notified about them. The New South Wales Farmers Association has significant objections to the bill. The level of detail in the maps associated with the bill provide yet another example of the devil being in the detail. I do not think anyone could work out on the maps the precise areas affected by the bill. It is a mosaic of patches of land joining together national parks and State forests, and revocation of some pieces of land. This proposal needs to be studied carefully, and not only by those who will be immediately affected, the permissive occupancy holders and adjoining land-holders, but more importantly by the National Parks and Wildlife Service and State Forests managed areas. They have a major task in discharging their responsibility to manage these lands.

Obviously, sufficient resources must be allocated to properly manage feral animals, weeds, the threat of bushfires and other critical aspects of land management. However, a lack of such resources puts the objective of national parks in jeopardy. Regrettably, this year the management of the national park estate, in a time of severe drought and serious risk of bushfires, is not only challenged but compromised. Some who should have a stake in this issue are not involved; they have not been consulted by the Government. The Government has adopted a process of foisting these proposals on the community and members of this House by stealth.

Further reservation declarations proposed by the bill affect the Braidwood area, but the word came down from the department that if Garry Nairn and I were to attend a particular meeting they would call the meeting off; that they would walk away from Braidwood and not consult the community. We did turn up on that day and had a separate meeting. People came to us and asked questions. Later, we went to departmental people who were in Braidwood and had a briefing. But then, as now, the detail of the proposal is not evident in the bill or in the maps, the scale of which is such that one wonders what are the Government's objectives.

The honourable member for Wagga Wagga has referred to the fact that many people who hold permissive occupancy permits will be affected by this bill, yet the proposal has not been fully explained to them. I have on the business paper a notice of motion calling on the Government to consider permitting grazing of cattle in recently resumed permissive occupancies. That was placed on the notice paper before I knew about this bill. I call on the Government to hold this bill in abeyance so that the livestock herd of New South Wales will be protected in the longer term. Core breeding stock is seriously under threat at this time of serious drought, yet at the same time thousands upon thousands of hectares of land are being locked up even though the land has been historically used for grazing purposes. Grazing is good for that land.

The Government and the department do not seem to understand that grazing of selected areas under certain conditions can be beneficial not only to the area of national park estate but to diversity of species and so

on. I point out that recent media releases of the shadow Minister for Emergency Services referred to an admission by the Government that a significant portion of the total area that has been hazard reduced over the past year was hazard reduced by grazing animals. Grazing is an effective passive hazard reduction tool that has been used for centuries. It not only supports biodiversity but significantly reduces the risk of bushfires. If the bill is passed and these land revocations are effected immediately, that passive hazard reduction process will stop.

The Minister has told this House that he will have a look at the issue, that he will instruct the director-general to consider this question of grazing. But we learned what the director-general thinks from recent reports in *The Land*. I believe the Government, the Minister and the department have no intention of allowing grazing in national parks, reserves or State forests, probably because that does not sit well with their objectives. I am aware that the director-general has said that a plan to look at this issue was compromised by weather conditions over the past 12 months. That same argument was used for hazard reduction by burning and prescribed burning. There are always excuses. Hopefully, it will not come to a situation that I and many people fear, with massive areas of the State that have been converted to national parks and reserves being seriously compromised and burnt. This year some 94,000 hectares of national parks have already being burnt by bushfires, and we are not even into summer.

A number of other matters need to be taken into account when considering these proposals. I am concerned about the ongoing process of national park declarations by stealth, little by little, right across the State. We have heard about a proposal that the Government is toying with at the moment that has the potential to lock up the Pilliga. That opens the door to wilderness declarations. The Colong Foundation, Friends of National Parks and all these people want all evidence of white man obliterated from the historical and cultural maps of New South Wales. Plenty of examples on the map enable those familiar with specific areas to confirm that the declarations proposed by the bill for specific pieces of land will result in the joining together of existing areas of national park, providing bridging areas between State forests and national parks.

The wilderness declaration process that is again being brought into play will cause further nominations by those who give no thought to other than locking up our countryside—only to see it devastated by feral animals and weeds proliferating out of control, creating an ongoing and increased threat of bushfires and mismanagement. That is because the Government does not fund management of public lands to the extent that it should now. Anyone who looks at the manpower available for land management of various areas knows that. Some people are in charge of doing specific jobs on hundreds of thousands of hectares of land.

The State Government's control of feral animals is in disarray. It requires trappers of feral dogs, wild dogs and foxes to attend their traps every day. Anyone with an ounce of sense knows that dog trappers are dedicated people. They set up a specific number of traps on a route and they care deeply, not only for target animals but also for animals that are accidentally caught. Dog trappers are employed on a part-time basis and are not funded to check traps every day of the week. That is yet another example of the Government fiddling the figures and claiming to have sufficient numbers of people in the field to do the job. Dog trappers are forced to take other jobs because they are employed on a casual basis; they are unable to fulfil the basic requirements of their contracts or to show compassion to animals.

I also object to the way this bill has been presented. It was introduced at the eleventh hour of the session. The Labor Government, with its typical arrogant approach to land management, sneaked the bill in through the back door without full consultation and accountability. Representatives of the timber industry had no idea that this bill was to be introduced, despite the fact that its provisions will have an impact on forest management zones and timber industry holdings. Regardless of the rhetoric of the Minister about the impact of the bill on forests, the timber industry was not consulted prior to introduction of the bill. Other interested groups were consulted, but not in a way that enabled them to fully understand the implications of the bill. Permissive occupancy land-holders and owners of properties adjoining the additional national park and reserve areas have not been consulted. The first the Opposition heard about the bill was on Monday evening, yet members are expected to debate the bill only a couple of days later. The bill should lie on the table until March next year when a new government will be able to properly consider its ramifications.

If the Government had given notice to all affected parties, including the shadow Minister and other Coalition members, of the introduction of this bill, as it has for similar bills, the Opposition would not oppose it. However, only some people were notified. The details of the map accompanying the bill are not discernible, and the purport of the bill other than in relation to specific areas is not discernible. The bill refers to hectares here and there, parts of areas, add-ons and extensions, but each case should be examined individually in determining the validity of the objections to the declarations. Schedule 8, which is headed "Land transfers—ancillary and special provisions", should have been the subject of widespread consultation with interested parties, such as State Forests and permissive occupancy land-holders.



I draw attention specifically to clause 2 of schedule 8, which is headed "Application of Act". It describes how this bill will affect existing legislation, such as the Forestry Act and the Crown Land Act. I wonder how this legislation can prevail over the Crown Land Act 1989 to change the procedure for revoking the dedication or reservation of land. The Opposition should examine those provisions with a view to amendment or deletion because they appear to permit ad hoc declarations of additional national park and reserve lands to be made. Clause 8 of schedule 8 is headed "Access roads within national parks etc" and is yet another example of the process for the declaration of national parks and reserves overriding permissive occupancies to expand the national park estate.

Sooner or later, the declarations will include access roads. A case in point is Woolcara Lane, which is near the Queanbeyan River in my electorate, where a small area is surrounded by permissive occupancy land-holdings that have not been converted to freehold land. Recently the area was resumed and became part of a reserve or national park. The road had provided access to freehold properties beyond that parcel of land since the 1930s or earlier and was the original road from Bungendore to Michelago across the Queanbeyan River. Until recently the road was suitable for two-wheel drive vehicles and provided access to blocks of land along the Queanbeyan River.

Because the land was resumed, the local officers of the National Parks and Wildlife Service put bulldozers to work along the road—they can get away with doing damage—and rollovers or drainage humps were put in to such an extent that two-wheel-drive vehicles can no longer traverse the road. It is now a four-wheel-drive road and the access it formerly provided for property owners and emergency vehicles during bushfires has been compromised. No doubt clause 7 will be significant in any attempts to deal with that problem.

While I have other specific objections to this bill, I have two general reasons for opposing it. First, the Deputy Premier did not even bother to deliver a second reading speech. Instead he incorporated his speech and snuck off into the corridors to deal with other grubby matters mentioned in Parliament this week. Second, insufficient consultation and a lack of detailed information have been the hallmarks of the introduction of the bill. I would have liked to discuss the necessity for cattle to graze on public land during the drought. The passage of the bill needs to be halted so that its future implications may be thoroughly examined.

**Ms HODGKINSON (Burrinjuck)** [11.53 a.m.]: I support the concerns expressed by my colleague the honourable member for Monaro. The incorporation by the Deputy Premier of his second reading speech in *Hansard* last Friday speaks volumes about the Government's laziness and disrespect for the procedures of the House. During my term as a member of this House, I have not seen anything like it, especially in relation to legislation that will have major implications for country areas. It was a display of absolute contempt for rural people. At the outset I state that I am not philosophically opposed to national parks, if they are managed properly. They preserve parts of our land, but they must be managed properly.

Time and time again the Opposition has pointed out the lack of resources and management associated with national parks. The consequences of that have been horrific for many parts of the State that have been destroyed by fires, overrun by feral animals and infested with noxious weeds. Those natural resource management failures have had implications for the general farming community and rural areas as a whole, not to mention those landowners whose properties adjoin national parks. If national parks are managed sensibly and properly, with sufficient resources to support preservation policies, that is all well and good. If that is not the case and legislation of this type is brought before the House without proper consultation with interested parties, including those members of the Opposition who will be personally affected by it, the Opposition will oppose it. The approach taken by Government is just not good enough.

Some of the declarations in the bill will affect parts of the Burrinjuck electorate, such as the Brindabella State Conservation Area and the Tallaganda State Conservation Area. How is the Opposition supposed to determine exactly which land will be affected by reference to a map that omits relevant details? Recently I met a delegation from the timber industry in Parliament House. When I asked what they thought of the bill they said, "What bill? We know nothing about it." About half of the population of my electorate is involved in the timber industry, and it is breathtaking that they have not been consulted on declarations of land for the national park estate. The New South Wales Farmers Association has expressed grave concern about the bill. Because the association was not consulted in sufficient time to enable a considered position to be put forward, it has had to hurriedly knock together a position paper which states:

The recent announcement of further additions to National Parks will again result in farmers being displaced from grazing livestock on areas of land that have been grazed for generations, and in fact the reason for the high conservation value of these areas is the careful management that has been exercised.

NSW Farmers Association opposes the transfer of these areas of land to National Parks for the following reasons;

- There is ample evidence that the management of these areas for fire, feral animals and noxious weeds deteriorates once they are transferred to National Parks control.

Evidence of that has been noted time and time again, and the cause is a lack of Government resources. For a long time the Opposition has called for sufficient resources to be allocated to the National Parks and Wildlife Service, but the Government fails repeatedly to come through with essential extra staff resources and funding. The position paper also states:

The decision displaces farm families that have been managing these areas for generations.

The practicality of surveying and fencing these areas has not been adequately considered, nor costed.

Neighbours of national parks often complain that there is a lack of back-burning in national parks and lack of preparation against fires. Feral animals destroy livestock and native fauna in the national parks. Noeline Franklin, who lives near Kosciuszko, and others complain that fauna, including echidna and wallabies, are destroyed by feral animals in the parks, particularly in the Brindabella Valley. The document from the New South Wales Farmers Association continued:

No guarantees have been provided to affected farm families concerning the adjustment arrangements that will be made.

In addition, despite repeated requests, these decisions have not been considered in any detail by RACAC.

That refers to the Resource and Conservation Assessment Council [RACAC]. I have a copy of that council's fifty-fourth meeting held on 28 October 2002, less than a month ago. The minutes state:

Council noted the progress on the assessment and noted no decisions on these areas had yet occurred.

Even RACAC has not made a decision; it is breathtaking. New South Wales Farmers also mentioned that in its position paper, which stated:

As late as 28<sup>th</sup> October, the RACAC Board was advised that no decision had been made in relation to these matters.

**What the Association is seeking;**

Guarantees that activities that are possible any existing licences, leases and permits on the land in question will be able to continue for a minimum of five years.

All fencing and surveying required will be completed within that period, at a full cost to the Government.

All lease, licence or landholders will continue to have guaranteed future access to their land.

The honourable member for Monaro mentioned that the availability of public land for grazing is very important, particularly in this time of drought. The drought has been spoken about many times in this House over the past few months. Areas such as Tumut are suffering the effects of the drought. Blowering Dam is down to record low levels and there is panic across the State about how people will be able to keep their stock fed and watered. Without access to public land this becomes a very important point. The Deputy Premier, the Minister responsible, must ensure that he answers all these questions in his response, including the lack of consultation with the timber communities, the position with RACAC, and the lack of consultation with the New South Wales Farmers Association.

Those issues lead the Opposition to oppose the bill, as does the Government's position on bushfire management in national parks. Earlier I mentioned Robyn Hunt of Tallong. Over the past few days Robyn has corresponded with me. Currently her property is facing a severe fire from the Morton National Park that has caused her to panic. Obviously there is a lot of fuel in that park and the lack of resources for parks has caused great concern to all residents in the Tallong area and to those on the Cowra road. I have highlighted some points made by previous members. I express also my deep concern at schedule 8 to the bill, clause 2 of which sets out the applications of the proposed Act and clause 7, which defines access roads within national parks. That is an extremely important issue that affects access not only to fire trails but access in general. I oppose the bill.

**Mr STONER** (Oxley) [12.03 p.m.]: The National Park Estate (Reservations) Bill is appropriately named, given that I have many reservations about it. In essence, we are talking about the transfer of 145,000 hectares of land, much of it in my electorate of Oxley on the mid North Coast, to the jurisdiction of the National Parks and Wildlife Service.

**Mr Armstrong:** It is bigger than the land mass of Sydney.

**Mr STONER:** Yes, it is bigger than the land mass of Sydney, and is quite a substantial area. The bill refers to State Forests land, privately owned land and land that is covered by an occupational permit; that is,

land in forested areas that is leased to cattle graziers, who maintain those properties and earn a living from it. Some of that land is productive and contributes to the local economy. The North Coast of New South Wales has one of the most depressed regional economies in the State. This bill is important because it impacts on money that can be produced through management of the land by way of timber, cattle grazing and the like.

Once control of the land is transferred to the National Parks and Wildlife Service the same production capacity will not be available, and the local economy will not benefit. The Government will probably respond by asking, "What about tourism?" My reply is that tourism into national parks in my area is not happening. In my view there is a greater potential for tourism in existing State forests in my area, because State forests are open to a wider range of recreational activities. In my view State forests are better maintained and more accessible than are national parks. The argument for tourism replacing the impacts on primary production does not wash.

Why has the Government introduced this bill in the last sitting week of the year, just prior to the election? The Government would try to convince members of the public that this bill is all about preserving wildlife, that it is good for the environment, that it is a living thing, and that sort of spin. But this Government has already substantially increased the size of the national park estate in New South Wales. The Government has not commensurately increased the resources to manage those parks in line with the increase in the estate. As a result, and I know this from personal experience as I travel throughout my electorate, many national parks are not adequately maintained. By that I mean that the parks contain feral animals, for instance wild dogs, pigs and cats.

Earlier the honourable member for Monaro spoke about feral dogs. Feral animals do untold damage in many parks, simply because the resources are not there to control them. I suggest also that the commitment is not there to properly manage feral animals. Many parks are filling up with flammable material. The track record in bushfire hazard reduction of the National Parks and Wildlife Service is not on par with that of State Forests. State Forests carries out hazard reduction in the order of 11 to 12 per cent of its land each year, because it regards timber in the forests as a valuable, renewable resource that needs to be looked after. On the other hand, the National Parks and Wildlife Service has a lock-it-up mentality. In 2001-02 the service carried out hazard reduction to 0.3 per cent of its land. Fires in national parks are moving and gathering in intensity and speed, because of the high levels of flammable material. For example, in the Brindabella Valley there are up to 80 tonnes of flammable material per hectare; that is a recipe for wildfires, and the fire services and volunteer firefighters will not be able to stop them. That is the impact of extending the national parks estate without providing commensurate resources to manage it.

As I mentioned earlier, this bill will prevent logging in areas that were open and available to all forms of recreation—areas that were well managed by State Forests that had timber, a renewable resource providing valuable jobs and money for depressed economies. That will stop. Government members have argued that we are talking about areas of State forest that cannot be logged, for example, steeper country on the slopes and on the escarpments. At the moment it is not feasible to log those areas, but technology is changing all the time. Once this land is locked up as a national park we will never be able to log in those areas again, regardless of whether technology is available to enable the effective and managed logging of these areas. We will not be able to touch those resources. Some of the best timber in the country behind Kempsey, Wauchope and Macksville is on those slopes and escarpments. So that resource will be lost to the community and to those local economies.

Why does the Government want to lock up another 145,000 hectares of land and include it in the national park estate when it will result in all these disadvantages and have a deleterious affect on communities in that area? That land, which has been productive, has provided jobs for people in a number of areas. The Government wants to lock up that land because an election is around the corner. The Premier is trying to appease the Greens, those hard-line ideologues who will never be satisfied with the amount of land that is locked up in the national park estate. The Premier, who regards himself proudly as the greenest Premier that this State has ever had—he certainly is the greenest Premier—is kowtowing and bowing to the Greens in a cheap and politically motivated attempt to acquire their preferences. This issue is all about Green preferences. Government members are saying: "Hang the timber jobs. Hang the farmers and graziers on the issue of occupational permits. We are about preferences from the Greens. We will deliver to them another 145,000 hectares just in time for the State election. We thank them for their preferences." That is what this legislation is about.

I referred earlier to occupational permits. For generations people have been running viable businesses in the middle of forests on land that has largely been cleared and that acts as a firebreak. When a fire is racing

through a national park and it reaches an area held by an occupational permit holder—an area in which cattle have been grazing for decades—it will suddenly fizzle out. That gives firefighting authorities time within which to control and put out a fire. These massive firebreaks are located in the middle of thick, dense forests which, as I mentioned earlier, the National Parks and Wildlife Service has not hazard reduced for decades. Under this bill trees and undergrowth will be allowed to grow on that land. Until the trees establish themselves there will be more undergrowth than trees in those areas. That is another disadvantage of this legislation. But the Government does not intend to worry about that; it is all about Green preferences.

I have specific reservations about this bill. The Government claims that this legislation will not compromise the 20-year industry wood supply agreements. Because of the reduction in the size and number of State forests, State Forests is turning to private forestry and it is requiring private land-holders to provide the timber that they need to meet their contractual arrangements. This bill will only exacerbate that problem. It would not be too much of a problem if private land-holders were given support and assistance to grow and log timber. However, the opposite, in fact, is true. Red tape, approval processes, the Native Vegetation Conservation Act and regional vegetation management plans prevent them from being able to access their own timber resources. I predict problems in the future for the timber industry as this process of locking up State forests and turning them into national parks continues. I mentioned earlier that new technology is likely to become available and that that technology will enable the careful and managed logging of some of these areas. However, in this case it will be too late.

The bill will enable the Director-General of National Parks and Wildlife to adjust and alter the boundaries of the land for the more effective management of national park estate land and State Forest land and to adjust boundaries to public roads. I have a concern about one agency, that is, the National Parks and Wildlife Service, being given the power to make decisions in relation to another agency's land. It comes as no surprise that the National Parks and Wildlife Service will have predominance over State Forests. There has been a continual erosion of the role that State Forests plays and an increase in the role that the National Parks and Wildlife Service plays. As much of the land that this Government proposes locking up is located in my electorate, I am concerned about the future of my electorate. If the Government can convince me that it will better manage and resource these national parks and encourage their use for tourism and recreation, I might be inclined to support some aspects of the bill. I have major reservations about the bill in its present form.

**Mr ARMSTRONG** (Lachlan) [12.16 p.m.]: I am a supporter of the principle of national parks but I believe that national parks should be properly and adequately managed. We have in this Parliament between 7,000 to 8,000 regulations that require private land-holders to adequately manage their lands. National parks should be managed in the same way. There should be no difference between privately owned and managed lands and publicly owned and managed lands. This State has an abysmal record in relation to its management of national parks and public lands. It would be folly for us to increase the responsibility of an inadequately resourced National Parks and Wildlife Service. Is the Government prepared to indicate before the conclusion of this debate that it will increase the resources of that department so that it can more effectively manage existing land-holdings as opposed to any land-holdings that it acquires as a result of the successful passage of this legislation? That simple test will establish the veracity and purpose of this legislation.

Is the National Parks and Wildlife Service able to manage these land-holdings to the satisfaction of the community and in accordance with regulations that apply to the management of other land in this State? It would take a lot to convince me that the department is able to do so. I look forward to hearing the Minister's reply to this debate. Is he able to demonstrate that the management capacity of the National Parks and Wildlife Service will improve and that it will be able to adequately manage these additional land-holdings? I hope that the Minister announces today that the Government will be allocating significant additional resources to maintain existing land-holdings and the land-holdings that it now wishes to include in the national park estate. Some freehold land will be included in the area that is to be included in the national park estate.

I understand that that freehold land has already been acquired by the National Parks and Wildlife Service. I have no problem with that at all. However, I have a problem with the social and economic changes that will occur within local government areas. If the Crown acquires rateable land from a local government area the Crown has a responsibility to subsidise that local government area for the loss of rates income. In recent years the shires of Gundagai and Tumut have lost significant areas of rateable land because of afforestation. Local government has not been adequately compensated for the loss of that rateable land and for the difference in the usage of that land. For instance, if the changes in title will result in additional road use the Government has a responsibility to compensate local government fully and to work with it to accommodate those changes so as not to disadvantage ratepayers or leave them bearing the major cost of a Government acquisition.

Freehold lands are fenced by land-holders and those whose land abuts national parks—this is the case with all Crown land—are 100 per cent responsible for boundary fences. If this acquisition goes ahead, people who had shared a boundary fence with freehold titleholders will suddenly find that they share a boundary with the Government. As a consequence, they will be responsible for 100 per cent of boundary fencing rather than 50 per cent under the boundary fences legislation of this Parliament. I note that a committee is to be established that will comprise a representative of the New South Wales Farmers Association—good luck to that representative as he or she will be only one out of about a dozen members—in an effort to ensure fairness and practicality. However, how does the Minister propose to deal with those people who find, without any action on their part, that their neighbour is now the Government, which will bear no cost for boundary fencing?

I am also concerned about the bill's impact on agriculture. While the number of hectares of agricultural land affected by this legislation is not great, it is significant nevertheless. It is yet another contraction of agricultural activity in this State. Since its election in 1996, this Government has claimed to promote and support agriculture. However, it cannot make that claim if it keeps pinching the land upon which agriculture depends. We cannot have nurseries, cattle or sheep runs or horse studs without land. If the Government keeps pinching land in order to run kangaroos, wild dogs, foxes and cats, agriculture will again be the loser. And what about the alpacas? We must preserve them at all costs in order to control the foxes. You never know, we might see alpacas bonding with chickens one day—but that is another story.

The bill also affects people who have permissive occupancies and who—as the honourable member for Oxley articulated so well—have been grazing these lands for generations. We are currently in the "worst drought for more than 100 years"—to use the words of the Premier. As a result, I ask the Government to guarantee that there will be no cancellation of occupational leases or restrictions on grazing for at least 12 calendar months after the official end of the drought. It would be cruel for the Government to force people to put their livestock on the market now when, according to today's edition of the *Australian Financial Review*, the value of cattle has fallen by about 60 per cent in the past four months. It does not matter how much compensation is provided; compensation is never enough to pick up the market loss in a case such as this.

I ask the Government to recognise this peculiar set of circumstances. It is not the fault of the Government; it is nature. However, farmers will need 12 months after the drought breaks to get their cattle into saleable condition. By that time there will be feed and the market will have recovered. The market will recover fairly smartly when the drought breaks and there is a significant quantity of feed because there has been an enormous sell-off of cattle in recent months. Many figures are floating around at present, but I suspect that none of them are accurate. Suffice it to say, according to the agents, abattoirs and the livestock transporters, the sell-off of cattle and sheep has been far greater than the official figures indicate. I think we need to do our calculations again.

Several honourable members, especially those from the Opposition, mentioned the impact of weeds and feral pests on agriculture. Weeds are a hell of a problem and I am sure the Government would agree that they are out of control in many places. New weeds, such as Parramatta grass, that are extremely difficult to control continue to have an impact throughout the State. Weed problems in national parks are no different from those experienced on other government and private lands, and are continuing to escalate. During a time of drought the land takes a holiday—it is known as long fallow—and when it finally rains there will be an eruption of native grasses and weeds, which will grow faster than anything else. The land will be fresh, warm and healthy because it has had nothing grown in it for so long. Many artificial pastures will be denuded as a result of grazing by livestock and the outrageous numbers of kangaroos and the weeds will erupt.

I reinforce the need for weed and feral pest management. We must give those with permissive occupancies 12 months in which to dispose of their cattle after the drought finally breaks. The Government must indicate what it intends to do about the contracting amount of land available for agriculture in this State. I ask the Government to confirm to the House that it will protect the interests of, and compensate fully and adequately, those people whose new neighbour is the Government—not just for one year but for life. The Government must also compensate local government, which has lost a significant portion of its income, to prevent it from being forced to increase rates for remaining land-holders in order to support local activities. If the Minister can respond to these challenges it might alleviate some of the Opposition's fears.

**Dr REFSHAUGE** (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [12.26 p.m.], in reply: I thank honourable members for their contribution to this debate. A number of points were raised to which I would like to reply. The Government does not accept the Opposition's proposal to defer consideration of this bill until after 31 March 2003.

The bill contains important benefits for the people of New South Wales that have developed with adequate consultation through the Resource and Conservation Assessment Council [RACAC]. A number of Opposition members persist in suggesting that this bill will impact on timber supplies. This is absolutely not the case—I repeat: This is absolutely not the case. Logging is not allowed now on the areas being transferred from State forests to the reserve system so there is no change in the area of State forests available for logging. State Forests support the proposals. The regional forest agreements, which we have painstakingly forged, all stay intact, as does the 20-year security of supply for the timber industry.

The suggestion made by a number of Opposition members that there has been no consultation with farmers and the timber industry on these proposals needs to be laid to rest. New South Wales Farmers, the body representing farmers, and the Forest Products Association are both represented on RACAC—the body through which consultation occurred on the proposals that resulted in this bill. They have certainly been informed about what has been going on during the development of this proposal and, importantly, their submissions influenced the final proposal. The Government accepts that there will be some impacts on a small number of graziers as a result of the transfer of some areas of State Forest and Crown land to national park. But the Government is far from insensitive to these concerns.

The establishment of the occupational permit task force will play a key role in managing the impacts on farmers. The task force will deal with farmers on a case-by-case basis. We will certainly not be evicting farmers from this land in a time of drought, and the new arrangements will be phased in over time. The task force will also assist in addressing other issues, such as individual hardship money to assist with transition, including payment for improvements such as fencing, access issues and whether alternative sites can be made available on State Forest or Crown lands. New South Wales Farmers is a key member of the occupational permit task force and will be critical to making sure that the process works effectively and for the benefit of its members.

The task force will start operation as soon as possible after the bill is passed. Members of the Opposition also referred to National Parks and Wildlife Service [NPWS] funding for the new areas for which it will be responsible. The Government is not in the business of creating new national parks without also putting in place the resources to make sure they are effectively managed. NPWS has received an adequate funding package to enable it to effectively manage the new areas: \$3.1 million in 2002-03, \$2.9 million in 2003-04, \$4.1 million in 2004-05, \$5.1 million in 2005-06 and \$5.1 million thereafter. With regard to some specific comments by members of the Opposition, I can give an assurance to the honourable member for Ballina that all freehold land to be reserved by the bill has already been purchased by the Government through voluntary sale.

Any freehold land foreshadowed for future reservation will also be purchased through voluntary sale. It is the same for any Crown leases over Crown land being transferred. The leases have already been bought by the Government through voluntary sale. Clause 1 of schedule 8 to the bill ensures that only freehold and Crown leases held for the Government can be reserved. Thus the honourable member for Coffs Harbour need have no concerns about Crown leases that include a right to convert to freehold. I can also advise the honourable member for Ballina that the 300,000 hectares of State forest to be given extra protection as special management zones are already in forest management zones 2 and 3A. These zones already exclude logging under the regional forest agreement (RFA).

The honourable members for Coffs Harbour should note that to advocate logging of some of these areas would be to promote a breach of the RFA. I advise the honourable member for Coffs Harbour that the boundary adjustment provisions in Clause 11 of the bill are the same as in the previous legislation of 1998 and 2000. The Opposition supported the National Park Estate (Southern Reservations) Act 2000 and did not raise this issue. The boundary adjustments are constrained in that it must be certified that they will not result in any significant reduction in the size or value of national park estate and State forest land, and must be approved by the relevant Ministers. The adjustments have worked smoothly under both those Acts. The honourable members for Coffs Harbour may be reassured that clause 7 of schedule 8 to the bill protects practical access to private land holdings through new reserves.

I am disappointed that the honourable member for Coffs Harbour chose to attack me and his parliamentary colleague the honourable member for Bega, who agreed to the tabling of the second reading speech. That was done for the benefit of all honourable members at the time. Far from showing contempt for the people of the North Coast, it was agreed to by the Opposition due to the late hour and the need to get information out as speedily as possible.

I would like to reiterate that this is an important bill. It is a key element in a process of forest conservation and reform unprecedented in the history of the State. It brings the total area of new parks and

reserves created by this Government through our regional forest agreement process alone to more than one million hectares. The 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—and it achieves all this without any impact on the timber industry and without any impact on the forest agreements that this Government has forged. I commend the bill to the House.

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

**The House divided.**

**Ayes, 47**

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

**Noes, 31**

Mr Armstrong	Mr Kerr	Mr Slack-Smith
Mrs Chikarovski	Mr Maguire	Mr Stoner
Mr Cull	Mr McGrane	Mr Tink
Mr Debnam	Mr Merton	Mr Torbay
Mr George	Mr O'Farrell	Mr J. H. Turner
Mr Glachan	Mr Oakeshott	Mr R. W. Turner
Mr Hartcher	Mr D. L. Page	Mr Webb
Mr Hazzard	Mr Piccoli	
Ms Hodgkinson	Mr Richardson	<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.**

**Motion by Dr Refshauge agreed to:**

That standing and sessional orders be suspended to defer the determination of the question on the second reading of this bill until a later hour.

**TERRORISM (COMMONWEALTH POWERS) BILL**

**Second Reading**

**Debate resumed from 13 November.**

**Mr HARTCHER** (Gosford—Deputy Leader of the Opposition) [12.43 p.m.]: Section 31 of the Commonwealth Constitution provides for the States to be able to refer powers to the Commonwealth, a constitutional power which is not frequently used. The last time it was used in this State was when the Carr

Government introduced legislation referring from the State to the Commonwealth firearms powers in response to the Martin Bryant tragedy at Port Arthur. That political stunt was a hurried cover-up by a Premier wanting to be seen to be doing something. The Premier introduced the legislation in one of his firm, statesman-like and dignified presentations for the television cameras.

**Miss Burton:** Don't even try.

**Mr HARTCHER:** If the honourable member for Kogarah wishes to interject she and I can have a very interesting interchange, but I will not waste the time of the House. The Opposition asks the honourable member for Kogarah to make her valedictory speech this afternoon, otherwise she will not have the opportunity. In response to the Port Arthur tragedy the Premier referred to the Commonwealth our firearm powers in a desperate attempt to get himself publicity as being seen to be doing something. It was a political stunt which went nowhere. As if further proof were needed, it showed the Premier's lack of bona fides when he responds to tragedy. He sees every tragedy as a political opportunity. I hope the Premier does not try to use the threat of terrorism faced by Australia as a political opportunity, but the evidence so far is starting to tell against him.

The Premier has made magnificent statements demanding that the Army be called out to guard the Harbour Bridge and other institutions as a television grab. On Tuesday morning on the *Today* program on channel 9 the Premier, extraordinarily, sat at a desk with the Australian flag—not the State flag—behind him as though he were the Prime Minister of Australia. He talked learnedly to the television cameras about terrorism, as a publicity grab. The Premier will use any excuse and seek any opportunity for political self-promotion, even at the cost of the interests of the State or Australia. He is a total harlot.

**Mr Debus:** Point of order.

**Mr HARTCHER:** You are going to take a point of order on that, when the words used by the Premier every day in question time are a total distortion of everything?

**Mr Debus:** The words "total harlot" are beyond the parliamentary and indeed the ethical pale, and I ask that they be withdrawn.

**Mr DEPUTY-SPEAKER:** Order! I ask that those words be withdrawn.

**Mr HARTCHER:** I withdraw the term "harlot" and I say "political prostitute".

**Mr Debus:** Point of order: The objection and the request are the same.

**Mr HARTCHER:** I withdraw both terms. The Premier simply tries to use every opportunity for his own political advantage. People can draw their own conclusions as to what type of word is appropriate for such a person. The Terrorism (Commonwealth Powers) Bill was introduced, as always, with such flourish by the Premier. The bill refers to the Commonwealth and validates the exercise by the Commonwealth of certain powers in relation to acts of terrorism. Clearly the Liberal Party and the National Party in New South Wales support the Prime Minister and the Federal Government in what they are appropriately doing to protect Australia from terrorism. Terrorism and the threat of terrorism are Commonwealth responsibilities. The State has a minimal role. The Commonwealth has a clear power to protect Australia from internal or external threat under its defence power and the incidental power, which, combined, would focus on any political violence designed to change the constitutional order of Australia.

Clearly, this is a matter for the Commonwealth. Equally clearly, the Premier's role is absolutely minimal. However, there is some potential for constitutional argument as to the ramifications of the Commonwealth's powers, and it is appropriate to dispense with any opportunity that might be available for people to argue constitutional points to avoid responsible and important law that upholds the very security of our nation. Therefore the Commonwealth, in conjunction with the States, sought referral of these powers, and the New South Wales Coalition is supportive of the referral.

I will not go through the detail of this legislation. I note the definition of "terrorist act" as provided for in the bill. I note also that the definition does not extend to cover action that is in advocacy, protest, dissent, or industrial action where that action is not intended to cause serious harm, death, endanger life, or create a serious risk to the health or safety of the public or a section of the public. So, appropriate safeguards are provided to protect normal rights regarding democratic protest or the taking of industrial action within the framework of industrial law.



The Coalition notes those safeguards and is supportive of them. The Coalition notes the penalties to be imposed. Terrorism is potentially one of the most serious threats facing our society, and therefore serious penalties should be imposed for terrorist acts. Severe penalties are to be imposed by the Commonwealth Criminal Code, which is sought to be validated by this New South Wales legislation. Accordingly, the Coalition expresses its support for this legislation.

However, once again I urge the Premier to act sensibly, to not pretend that he is defending Australia from the terrorist threat. He is but one of six Premiers, just one small cog in the chain. He should not posture in front of the Australian flag and pretend he is the guardian of our national security. He is not. He is very much a bit player on the national stage. The Prime Minister and his Government are taking appropriate, responsible and determined action to protect our country. If ever we have had an example of fine leadership in recent times it is in the leadership of the Prime Minister, John Howard in response to the terrorist threat and the Bali bombings, in the way he has expressed the concern and support of the Australian people for the victims of Bali, and in the way he has rallied the Australian nation to come together in the face of this serious international plague of terrorism. All praise to the Prime Minister. The Coalition is prepared to support legislation that will validate the Prime Minister acting in the national interest to protect our country.

**Mr DEBUS** (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [12.52 p.m.], in reply: Heaven knows why the Deputy Leader of the Opposition considered it necessary to attack the Premier for having had the responsibility and good sense to support, wherever possible, the efforts of all governments in this country to defend the national interest against the growing threat of terrorism. However, that has been his main purpose in the debate so far. That is extraordinary when set against recent demands by the Leader of the Opposition that the army be used to fight bushfires.

Be that as it may, I confirm that all the States are introducing this bill. Its purpose is to ensure there are no gaps in the constitutional basis of the new Commonwealth terrorism offences. The referral of State powers in this context is a sort of legal housekeeping to prevent the possibility of any legal uncertainty or complexity being exploited to frustrate the prosecution of terrorists. It is to ensure that terrorists will not be able, on the basis of legal technicality alone—legal technicality brought about by some inadvertent crossover between State and Federal laws—to avoid an otherwise legitimate prosecution. It is, therefore, a bill that is without controversy, and I commend it to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

### **BILLS RETURNED**

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

Superannuation Legislation Amendment Bill  
Superannuation Legislation Further Amendment Bill  
Child Protection Legislation Amendment Bill.

### **BUSINESS OF THE HOUSE**

**Bill: Suspension of Standing and Sessional Orders**

**Motion by Mr Whelan agreed to:**

That standing and sessional orders be suspended to permit the resumption of the debate on the Drug Misuse and Trafficking Amendment (Dangerous Exhibits) Bill.

### **DRUG MISUSE AND TRAFFICKING AMENDMENT (DANGEROUS EXHIBITS) BILL**

#### **Second Reading**

**Debate resumed from 20 November.**

**Mr TINK** (Epping) [12.55 p.m.]: The Opposition supports the bill, the purpose of which is the destruction or other disposal of exhibits that have been seized in connection with proceedings for drug-related

offences if the exhibits are a threat to health or safety. That seems to be in the occupational health and safety interests of police and others who may have to deal with exhibits, including court staff, sheriff's staff, and related staff. It is in the interests of the public generally that this bill be passed.

**Mr WHELAN** (Strathfield—Parliamentary Secretary) [12.56 p.m.], in reply: I thank the honourable member for his contribution. As he said, the bill will allow the prompt destruction or disposal of dangerous exhibits where there are clearly environmental, safety and health reasons for doing so.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

[*Mr Deputy-Speaker left the chair at 12.57 p.m. The House resumed at 2.15 p.m.*]

## DEPARTMENT OF LOCAL GOVERNMENT ANNUAL REPORT

### Ministerial Statement

**Mr WOODS** (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [2.15 p.m.], by leave: I table the New South Wales Department of Local Government annual report for the year ended 30 June 2002.

According to the department's official figures, 1,140 complaints were made against councils in 2001-02, an increase of 45 per cent on the previous year. That is a disturbing trend. For the second year in a row, Warringah Council has topped the list as the most complained about council in New South Wales. The council is already under investigation by my department following an avalanche of complaints and allegations of maladministration. It has until the end of the year to respond to a major investigative report before I decide whether further action is warranted. I note that the investigation report was tabled at a recent council meeting. I also note a *Manly Daily* article of 29 October recounting the ridiculous behaviour of Councillor Jones at the local government conference in Broken Hill on 28 October when he claimed that the investigator did not afford him the opportunity to consult with his lawyers.

Amid calls to Councillor Jones of "Sit down, you idiot", as reported by the *Manly Daily*, Councillor Jones was bleating about the results of a report carried out by Jim Mitchell, the former Deputy Auditor-General, which was unambiguously critical of Councillor Jones. However, Councillor Jones failed to reveal during his ranting in Broken Hill that he was specifically advised that, in accordance with natural justice principles, he could consult lawyers when he, in common with other councillors, received extracts of the draft report. The implication of the outburst by Councillor Jones at Broken Hill was that I should have suppressed the report, despite overwhelming public interest in the matter, particularly by ratepayers and residents of the Warringah area. That is interesting because, only the week before, the Opposition had tried to suppress the report by voting against the tabling of it.. What was the Opposition so worried about? Who was it trying to protect?

**Mr SPEAKER:** Order! There is far too much audible conversation in the Chamber.

**Mr WOODS:** The *Manly Daily* on 30 March quoted Councillor Jones, who was the Liberal candidate for the electorate of Manly in the 1999 election, as wishing his then campaign director well in his new job and describing him as tenacious, confident and capable. Who was the campaign director for Councillor Jones? It was none other than the current Leader of the Opposition, Two-job Johnnie.

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

**Mr WOODS:** The Opposition voted to try to block the tabling of this report. Councillor Jones wanted to block the report. Councillor Jones and the Leader of the Opposition are old mates. But I digress. The second most complained about council in New South Wales is Hastings Council in Port Macquarie. Many of the complaints related to an alleged conflict of interest of one councillor in local planning matters. The third council on the list is Maitland City Council, but I hasten to add that almost 70 per cent of the complaints lodged against that council were from a single ratepayer. I believe that in the majority of cases, councils are improving their complaint-handling mechanisms. I note also that many councils co-operated with the early inquiries into complaints and addressed specific service-related complaints without the need for the department to instigate more formal investigations.

In conclusion, I mention that complaints about the use of ratepayers money for political purposes have been drawn to my attention. Leichhardt Municipal Council spent \$12,000 on a political poll regarding the Callan

Park issue, seemingly at the behest of the deputy mayor, Councillor Jamie Parker. That should not be on. I will speak to Lgov NSW about developing protocols to stamp out such outrageous behaviour. Councils' funds should be spent on ratepayers and the provision of services for ratepayers, not on the self-aggrandisement of individual councillors.

## **PETITIONS**

### **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**.

### **Tweed Shire Art Gallery Development**

Petition asking the House to stop a new art gallery development approved by Tweed Shire council, received from **Mr Newell**.

### **Ku-ring-gai Municipality Planning Control**

Petition praying that planning control removed by implementation of State Environment Planning Policies Nos. 5 and 53 be returned to Ku-ring-gai Municipal Council, received from **Mr O'Farrell**.

### **Castle Hill Aged Care Facility Development**

Petition opposing the proposed high density aged care accommodation development at 42-46 Darcey Road, Castle Hill, received from **Mr Richardson**.

### **Coffs Harbour Radiotherapy Unit**

Petition praying for increased funding for establishment of a radiotherapy unit in Coffs Harbour, received from **Mr Fraser**.

### **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**.

### **Queanbeyan District Hospital**

Petition requesting that Queanbeyan District Hospital be upgraded, received from **Mr Webb**.

### **Mr Eric Swan Judgment**

Petition requesting that a District Court judgment against Mr Eric Swan be reviewed, received from **Mr Greene**.

### **Belrose Primary School Surplus Land**

Petition requesting that the sale of surplus land at Belrose Primary School proceed, received from **Mr Humpherson**.

### **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**.

### **M5 East Tunnel Ventilation System**

Petition praying that the Government review the design of the ventilation system for the M5 East tunnel and immediately install filtration equipment to treat particulate matter and other pollutants, received from **Mr J. H. Turner**.

### **Richmond Regional Vegetation Management Plan**

Petitions seeking extension of the exhibition period of the draft Richmond Regional Vegetation Management Plan, received from **Mr George** and **Mr D. L. Page**.

### **Lake Burrinjuck Water Level**

Petition asking that the Department of Land and Water Conservation be instructed to maintain the level of water in Lake Burrinjuck at a minimum of 45 per cent, received from **Ms Hodgkinson**.

### **Underground Cables**

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

### **Neutral Bay Public School Deputy Principal**

Petition requesting that the deputy principal position at Neutral Bay Public School be maintained, received from **Mrs Skinner**.

### **Muswellbrook South Public School**

Petition requesting approval for stage 2 building works at Muswellbrook South Public School, received from **Mr Souris**.

### **Circus Animals**

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

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

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

### **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**.

### **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**.

**COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION****Report**

**Mr Price**, on behalf of the Chairman, tabled the report entitled "Report on Matters Arising From the General Meeting With the Commissioner of the ICAC held on 27 November 2000", dated November 2002.

**Ordered to be printed.**

**REGULATION REVIEW COMMITTEE****Report**

**Mr Martin**, as Chairman, tabled the report entitled "Report on the Protection of the Environment Operations (Clean Air) Regulation 2002", dated November 2002.

**Ordered to be printed.**

**STANDING COMMITTEE ON PUBLIC WORKS****Report**

**Ms Beamer**, as Chairman, tabled the report entitled "The National Conference of Parliamentary Public Works and Environment Committees 2002, Adelaide, South Australia: Water—Engineering Solutions and Environmental Consequences".

**Ordered to be printed.**

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

**Mr Campbell**, as Chairman, tabled the report entitled "Review of the New South Wales Child Death Review Team Legislation—An Examination of a Report for the Minister for Community Services".

**Ordered to be printed.**

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

**Mr Tripodi**, as Chairman, tabled the report entitled "Follow-Ups of Auditor-General's Reports to Parliament 2001: Omnibus Volume".

**Ordered to be printed.**

**PUBLIC BODIES REVIEW COMMITTEE****Report**

**Mr Orkopoulos**, as Chairman, tabled the report entitled "Report on Accountability for Unforeseen Performance Outcomes and Use of Budget Supplementations".

**Ordered to be printed.**

**BUSINESS OF THE HOUSE****Routine of Business**

*[During notices of motions for urgent consideration]*

**Mr SPEAKER:** Order! Those members of the Opposition who want to voice their opinions may do so after the House determines whether the motion of which the Deputy Premier is giving notice should proceed. If his motion is given priority I will give those members the call. This is not the time to interject.

[*Interruption*]

**Mr J. H. Turner:** Point of order: The Independent Commission Against Corruption Commissioner has issued an edict that the commission is not to be used as a political football in the lead-up to the State election. The Deputy Premier is clearly in breach of that written submission.

**Mr SPEAKER:** Order! There is no point of order. The honourable member for Murrumbidgee will remain silent.

[*Interruption*]

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

### QUESTIONS WITHOUT NOTICE

---

#### CAMDEN AND CAMPBELLTOWN HOSPITALS EMERGENCY DEPARTMENTS

**Mr BROGDEN:** My question is directed to the Minister for Health. Given the serious allegations of deaths, injuries, physical attacks, bullying, harassment, threats and mislaid incident reports raised by five nurses from Campbelltown and Camden hospitals when they met the Minister with their solicitor at 12.30 p.m. on 5 November, why has the Minister not established a full, independent, and open judicial inquiry? Surely the Minister knows that an internal inquiry will not give witnesses adequate protection to reveal the truth.

**Mr KNOWLES:** That is a very fair question for which I thank the Leader of the Opposition. I have been made aware of those allegations, which are being taken very seriously—as they would always be.

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

**Mr KNOWLES:** Like all allegations of this type, they are referred to the Health Care Complaints Commission and other independent investigatory bodies, as appropriate. That has already been done, in this case by the Director-General of the Department of Health, who released a media statement about this issue last week.

**Mr SPEAKER:** Order! The Premier will remain silent. I call the honourable member for Fairfield to order. I call the honourable member for North Shore to order for the second time.

**Mr KNOWLES:** Frankly, I want the allegations tested. If anyone has acted in a clinically inappropriate way I want them brought to account.

**Mr SPEAKER:** Order! The honourable member for North Shore will cease interjecting.

**Mr KNOWLES:** An independent investigation must test the allegations, and they are being tested.

#### EXCEPTIONAL CIRCUMSTANCES DROUGHT ASSISTANCE

**Mr BLACK:** My question without notice is to the Premier. What is the latest information on drought in New South Wales?

**Mr CARR:** I was waiting for a big, interesting question from the Opposition in this last question time. But their lead question was the subject of a press statement last Friday. They are a go-ahead Opposition! The former Deputy Leader of the Liberal Party has just left the Chamber, but I will read what the *North Shore Times* said:

Barry's stars looking good

Ku-ring-gai MP Barry O'Farrell is looking more and more like foreman material every day. Today the saviour of North Turramurra, tomorrow the saviour of the Liberal Party?

The article continued:

With current Leader, John Brogden, having his difficulties with his pecuniary interest register Mr O'Farrell's future is looking brighter by the minute.

This is the *North Shore Times*. It says:

He's headed in the direction of the leadership.

Enough of these distractions! Today I want to answer the question and talk about drought. It was a good question. Our transport subsidies alone are helping more than 600 farmers keep core breeding stock alive, which is one of 31 drought assistance measures by the State Government. Six exceptional circumstances [EC] applications, covering almost 50 per cent of the State and more than 6,600 farmers, have been delivered to the Commonwealth. They are substantial documents, as they are required to be by the Commonwealth guidelines.

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

**Mr CARR:** Earlier today the Federal Minister for Agriculture changed the rules on EC yet again! Can you believe that mob in Canberra? The Prime Minister has not done a drought tour yet. He has not done the rounds. The Federal Minister for Agriculture is refusing to approve the five applications delivered in the past week. This man claims that he needs more information in addition to the 511 pages already provided at a cost of \$200,000. Instead of making it easier, the Commonwealth is making it harder for income support to reach drought-affected farmers. The Leader of the National Party should go to Canberra to make the case and try to get some movement.

**Mr Souris:** Point of order: I led a deputation to Canberra last week. The three applications lodged last week were approved today.

**Mr SPEAKER:** Order! The Leader of the National Party knows that is not a point of order. He has made a personal explanation, which he should do at the conclusion of question time.

**Mr CARR:** The drought started months ago.

**Mr Fraser:** Point of order: I draw your attention to standing order No. 105, which states:

When a member rises on a point of order:

- (1) The member who is speaking shall be seated.

The Premier stood for at least one minute without being seated. I would ask you to draw the Premier's attention to that standing order. I ask you to act according to the standing order.

**Mr SPEAKER:** Order! There is no point of order. I call the honourable member for Blacktown to order.

**Mr CARR:** I always like to bring the information into the House because I take the Parliament seriously, as honourable members would be aware.

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

**Mr CARR:** While the honourable member for Ku-ring-gai was out of here, I gave him a bit of publicity.

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

**Mr CARR:** "Barry's star looking good", from the *North Shore Times*.

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

**Mr CARR:** For the last week and a half I thought he had a spring in his step—beaming, bon vivant. It is very probable in the last week and a half, he has been through all the backbench, entertaining them as never before and now, when I tear open my home-delivered *North Shore Times* I find that it says he is looking like foreman material. I wonder who gave the paper this background information? The *North Shore Times* says that with the pecuniary interest troubles of the Leader of the Opposition his future is looking brighter by the minute.

That is his local paper. I will not be distracted from talking about the drought. The Minister for Agriculture in Canberra says he cannot make a decision about these matters because he needs more detail. This is the detail we have given him. Some \$547 million is in farm management deposits while farmers wait for their EC declarations.

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

**Mr Armstrong:** It's \$2.3 billion.

**Mr CARR:** I am talking about New South Wales. New South Wales alone has deposited \$547 million. We are not talking at cross-purposes. The honourable member for Lachlan is talking about the national total, but I am talking about the figure in the sovereign State of New South Wales. That is our State, New South Wales, the mother colony. This is money deposited by 12,000 New South Wales farmers during the good years. They put this money away to be taken out when times get tough. It is the best way for farmers.

**Mr SPEAKER:** Order! There is far too much audible conversation from the backbenchers in front of the Chair. That warning includes the honourable member for Wentworthville.

**Mr O'Farrell:** Point of order.

**Mr CARR:** This is what excites the interest of the *North Shore Times*.

**Mr O'Farrell:** In defence of the honourable member for Wentworthville, for the second day in a row someone has walked into the Chamber without action being taken. Mr Speaker, you ought to be aware of that.

**Mr SPEAKER:** Order! The honourable member for Ku-ring-gai should provide the Chair with the detail of what occurred.

**Mr O'Farrell:** A member walked into the Chamber—

**Mr SPEAKER:** A member of Parliament?

**Mr O'Farrell:** No. I would not have raised it if it had not been a member of the public. You are the Presiding Officer—

**Mr SPEAKER:** Order! Members of the public are not permitted to enter the area behind the Speaker's chair. The only people normally permitted in that area during question time are those who have dealings with either the staff of the Premier or the Leader of the Opposition.

[*Interruption*]

**Mr SPEAKER:** Order! If the Leader of the Opposition continues to interject I will, for the first time, direct that a Leader of the Opposition be removed from the Chamber. He seems to regard that as a joke. I place him on three calls to order. If he again attracts the attention of the Chair he will be removed. I have extended more latitude to him than I have extended to any Leader of the Opposition in the past eight years. I will not have that latitude abused during the last question time of this Parliament.

**Mr CARR:** I think I can solve the mystery: The person who came in was none other than the lawyer for the Leader of the Opposition because the Leader of the Opposition is going to the Independent Commission Against Corruption.

**Mr Hazzard:** Point of order: I am not sure there is any point in taking a point of order. It is time that the Premier, in accordance with the standing orders, behaved like a Premier and not a court jester. I am asking you, to apply the same rules to both sides. The Premier is a scandalously shallow court jester!

**Mr SPEAKER:** Order! There is no point of order. Members of the Government will refrain from interjecting.

**Mr Hartcher:** I draw your attention and the attention of the House to a breach of the standing orders by the Premier. The Premier made a remark that impugned the Leader of the Opposition and I ask him to



withdraw that remark. The Premier addressed the serious matter in relation to the security of honourable members and then said that the intruder was the lawyer for the Leader of the Opposition, which was not true. That was a deliberate and offensive remark. Mr Speaker, you are here to stop disorderly conduct and offensive remarks and I ask you to ask the Premier to withdraw that remark. It was offensive.

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition has called on the Chair to ask the Premier to withdraw a remark because he believes it to be untrue. If that standard were applied to every statement by every member of this House there would never be a debate. The Chair is not in a position to determine the veracity of every statement of every member of the House. Therefore, the Chair will not accede to the request.

**Mr Fraser:** Point of order: Once again I draw your attention to Standing Order 105. There were three members of the Opposition who sought to take points of order, yet you failed to recognise them and you allowed the Premier to keep berating members of the Opposition and garbling on. I ask you to draw the Premier's attention to Standing Order 105.

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

**Mr CARR:** It was a bit rich of you to bring your own cheer squad earlier. Compounding this problem is a bungle by the Commonwealth Department of Agriculture over farm management deposit [FMD] rules.

*[Interruption]*

The Leader of the Opposition keeps interjecting. He is going to the ICAC. That is all I said: he is off to ICAC. Don't object to that!

**Mrs Chikarovski:** Point of order: On the last day of the Parliament it is probably appropriate to remind the Premier of his words as Premier on the first day of the Parliament when he said that he would raise the standard of behaviour in this House. The Premier has not done that in eight years, why does he not do it on the last day?

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

**Mr CARR:** They do not want to hear about the drought, do they?

**Mr Fraser:** Point of order: I once again draw your attention to Standing Order 105, which states:

When a member rises on a point of order:

- (1) The member who was speaking shall be seated.

This is the third time—

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

**Mr CARR:** Farmers opened up short-term accounts offered by banks at good interest rates, believing they could roll them over to meet the 12-month criteria. The Federal Government had failed to tell farmers that this could not be done under farm management deposit rules. The Federal Government has known about this since July 2001, and has done nothing to fix it. The Leader of the National Party never raised it when he purportedly went to Canberra. The farm management deposits are tax free so long as money is not taken out in the first 12 months. Millions of dollars are sitting in these accounts, some of which are not even properly established. That is why I can advise the House that I have today written to the Prime Minister requesting his support for a five point plan that would fix the problem with these accounts, and would see millions of dollars prised out of these accounts and injected into rural economies. That would keep farmers on the land buying fodder, keep farm workers in jobs and help sustain rural business.

In the longer term, the plan will make it easier for farmers to make deposits and prepare for future droughts. In the short-term, those farmers who cannot afford to make deposits should be getting help through exceptional circumstances. That is why the Federal Government must approve the five new applications

immediately. My plan includes the following practical measures: First, allow farmers to withdraw their FMD funds within 12 months of their deposit date, while still retaining the tax advantage.

**Mr Souris:** He's also heard my radio interview about it.

**Mr CARR:** I do not think I have ever heard the Leader of the National Party give a radio interview. No one else has either. That is his problem. The Rehome report is shown every week. The honourable member for Murray-Darling and the honourable member for Bathurst get more mention on Rehome than the Leader of the National Party. A reasonable approach could be to limit such withdrawals to farm families in exceptional circumstances declared areas; second, to instruct the Commonwealth Department of Agriculture and the Australian Taxation Office [ATO] to resolve the problem of FMD roll-over accounts as soon as possible; third, to give a guarantee to farmers that they will not lose any funds as a result of an adverse ATO ruling on farm management deposits, fourth, to lift the maximum deposit limit above the current \$300,000; and fifth, to increase the off-farm income limit beyond \$50,000.

If adopted, my plan would help ensure a quicker, more sustained recovery once rainfall comes. This may set a precedent but I believe it is justified, given the severity of the drought. There are more than 100,000 small businesses in rural and regional New South Wales that would benefit from the flow of these funds. Farmers will generate economic activity by spending more money in country towns, shopping for groceries, clothing, spare parts and other essentials or buying Christmas presents.

Farmers will not be forced to lay off farm workers. The economic and moral boost would be significant. Now is when it is needed most. I have asked the Prime Minister to put the plan in place by mid-December so that farmers can get access to their deposits before Christmas. I restate my invitation to the Prime Minister to visit, for the first time, drought stricken areas in New South Wales. The farmers want to talk to him, as they have talked to me and to Simon Crean. I fully understand that the Prime Minister has some very big issues occupying his time, such as national security, but New South Wales farmers need the Prime Minister's support as never before.

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

**Mr CARR:** I give the Federal Government credit for instituting the farm management deposits. My plan is actually an affirmation that the farm management deposits scheme has succeeded in getting farmers to put aside money from the good years. What I am saying is that the Commonwealth needs to be more flexible in how the scheme works. Without these funds, farmers will have to slaughter their animals, destroying the core breeding stocks that they have been conserving so desperately over the past few months. Losing those animals will make recovery all the harder when the drought breaks. The message in my five-point plan is simple. The farmers do not want handouts; they want self-reliance through access to their own money. The plan—about which I have written to the Prime Minister, I hope convincingly and persuasively—will deliver precisely that.

#### REGISTERED CLUBS ASSISTANCE

**Mr OAKESHOTT:** My question is to the Minister for Gaming and Racing. What is the Government doing to help financially struggling small clubs in regional and rural New South Wales, particularly in the electorate of Port Macquarie?

**Mr FACE:** I thank the honourable member for Port Macquarie for this important question. He has had a pretty close and long involvement in the club movement—though I think he is a lot better these days than he was about 12 or 15 months ago in regard to an intense interest in the club industry, certainly in Wingham and Port Macquarie. Someone once said, "All's well that ends well." Back in 1973—a little over 29 years ago—I was sitting about where the honourable member for Burrinjuck is now, because we were in Opposition in those days. As a young backbencher, I stood in the House and asked a question without notice concerning the future of the club industry in New South Wales. So not much has changed in nearly 30 years. I said then:

Owing to the heavy burden of overhead on clubs in this State, some bowling clubs which provide a worthwhile sport for many thousands of people of all ages and walks of life are experiencing financial hardship in replacing greens and providing other amenities.

I asked what the Askin Government could do to help small clubs. I must say that I did not get a particularly favourable response. As Minister for Gaming and Racing, one initiative that I have been able to achieve in my portfolio in recent months has given me great pleasure. That is developing the new business improvement

scheme—or ClubBIZ, as it is known. I am pleased to be able to say that that in September I approved the formal arrangements for the establishment of ClubBIZ. It has been set up as a trust fund to provide financial assistance to registered clubs in New South Wales that might be in financial need, or that might simply be looking for ways in which to improve their performance.

Many clubs that have applied for the assistance are not in financial difficulties. They are simply trying to find a solution to their future given population demographics. Setting up a scheme like ClubBIZ has been an ambition of mine for some time. It is an initiative that I tried to introduce some years ago under the Registered Clubs Association. But, if you wait long enough, things can turn around. I am very satisfied to see such a scheme come to fruition to assist clubs in need with business improvement strategies. The scheme is being funded from unclaimed Keno prizemoney, dating back to 1991. As a result of deliberations between the Treasurer and me, ClubBIZ is to receive \$9 million. The money will be distributed to clubs that put in successful submissions for funding.

There are two phases of funding. The first allows clubs to apply for up to \$5,000 for what we call a "business health check". This will allow clubs to engage an experienced business consultant to undertake a financial health review and assist the club in developing a business plan. The second phase is just as important. It will allow clubs to apply for up to \$50,000 for "business improvement projects". It will be available to help implement business plans, and may include ongoing business strategies or capital improvements. As one can imagine, there has been great interest in the scheme, with almost 300 applications received in the first round of submissions. The formal release of the \$9 million occurred last week.

Today I can announce that about 160 applicants were successful in that first round of "business health check" grants, totalling upwards of \$1 million. I understand that the ClubBIZ company—through ClubsNSW—will issue each of those clubs with a letter of intent that will enable the clubs to begin work on the business health check virtually straight away. For the information of the honourable member for Port Macquarie I might say that I understand that some 15 clubs in his electorate and on the North Coast were involved. It is likewise for about 12 clubs in the Tweed. Most applications are coming from the north coast, indicating the strong interest in that region.

I am sure some small bowling clubs and golf clubs in this State—just like the ones I spoke about some three decades ago—will be able to make use of this new ClubBIZ funding to upgrade the greens, and in some cases fairways, of small golf and bowling clubs in this State, in which I have had an intense interest over 30 years. Our Government is very proud of the very considerable work it has done for the great club movement of this State over the past eight years, and will continue to work with those clubs well into the future.

## HEROIN USE

**Ms MEAGHER:** My question without notice is to the Premier. What is the latest information on heroin in Australia, particularly New South Wales?

**Mr CARR:** Today I am releasing a paper on heroin prepared by the Office of Drug Policy. It shows that overdose deaths, ambulance callouts and presentations to emergency departments are approximately 50 per cent down on figures from two years ago. Preliminary data indicates that drug-related deaths fell from 533 in 1999 to 233 in 2001, a decline of 56 per cent. The number of needles and syringes distributed has dropped from 12.5 million in 2000-01 to 10.3 million in 2001-02. Police advised that while there are indications of an increase in heroin availability in some areas, the general shortage is set to continue.

These are encouraging signs, but hardly grounds for complacency. Even minor changes in global opium production can lead to significant changes in the local target market. We need to be prepared should the heroin drought break. I can announce today the establishment of an Illicit Drug Monitoring Group to serve as an early warning system for this phenomenon. Its members will include the Bureau of Crime Statistics and Research, Police, Health and National Drug and Alcohol Research Centre. Despite some positive trends, heroin remains a serious problem in places like Kings Cross, Cabramatta and Redfern/Waterloo. That is why the Government is investing in targeted anti-drug measures in particular locations.

Today I advise the House of renewed action in Redfern and Waterloo to arrest dealers, shut down the drug houses and get users into treatment. In March this year I announced the Redfern Waterloo Partnership Project—\$7 million over 3 years—to tackle crime and social problems. This is part of a broader crime prevention and community building strategy which is operating in Miller, Cabramatta, Mount Druitt and other

locations. In Redfern and Waterloo, drugs are a key priority. A number of factors have combined to make this a tough problem to solve. Drug users come into the area by train, and they use derelict houses to hide their activities. They obtain needles and syringes from a mobile service run by health authorities to prevent the spread of infectious diseases.

The families who live in this area—the Aboriginal community and other local residents—deserve better. The Government is working closely with South Sydney Council in the Redfern Waterloo Partnership Project. Yesterday the Government approved several new anti-drug measures. The first plank in the strategy is a sustained, proactive policing strategy targeting the drug trade. A covert police operation, which included a raid on 8 November, resulted in 12 people being arrested on a range of drug charges. Police are now moving to the second stage—a sustained, high visibility policing strategy which is designed to stop dealing, prevent outsiders coming into Redfern for drugs, and reduce drug-related crime. Starting in March next year, we will establish the Magistrates Early Referral Into Treatment Program [MERIT], which will enable drug offenders to be steered into drug treatment as a conditional bail.

Early evidence—and I emphasise "early"—suggests that increased police activity has already affected patterns of drug use in and around the Block. Health authorities have observed a decline in the number of needles being distributed. This builds on a trend that has already been observed. The heroin paper I am releasing today from the Office of Drug Policy notes that needle distribution in Redfern has fallen from 1.09 million in 2000 to 1.05 million in 2001 and to 400,000 in the first half of 2002. Continued police activity is expected to reduce drug use even further. This will allow consideration of new arrangements for the delivery of needles and syringes. Of course, the supply of clean needles is an essential public health strategy to prevent the spread of HIV-AIDS and hepatitis C. The presence of a mobile service in the Block, however, has caused concern among local residents. As part of the anti-drug plan, the Government has instructed health authorities to conduct an ongoing evaluation of the delivery of needles and syringes with a view to reducing hours of operation to reflect the changing patterns of drug use.

Another plank in the strategy is a dramatic improvement in the clean-up of discarded needles. Existing clean-up programs have not been effective. The community has expressed strong concern about the needles that are left lying on the ground. I share that concern. There is no more powerful symbol of drug-affected neighbourhoods than the sight of a used syringe that is discarded in the gutter. Starting immediately, the Central Sydney Area Health Service has been instructed to manage the continuity of the clean-up of used needles in and around the Block. A quality assurance program will be put in place to ensure the job is being done properly. The Redfern and Waterloo anti-drug strategy builds on initiatives that are already under way, including the redevelopment of the Block by the Aboriginal Housing Company with the support of the State Government.

**Mr Hazzard:** How long has it been there?

**Mr CARR:** No-one has paid attention to the honourable member for Wakehurst for at least seven minutes, so he becomes restive. I think the conclusion of the honourable member for Penrith about him is correct: He had a trauma when he was eight, and he has never since stopped behaving like an eight-year-old. All Government agencies with a role to play in Redfern and Waterloo are on notice. I want to see significant and sustained improvement in these communities. Meanwhile the Government will remain vigilant.

**Mr Hazzard:** Point of order: Last Saturday afternoon there were 68 syringes in Caroline Lane. I counted them. This Government has done absolutely nothing and the Premier's answer is gross hypocrisy. What he should actually be doing is talking to the counsellors down there. They said that they would like to see the Premier down at the Block some time.

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

#### RESTRICTED RAIL LINES MAINTENANCE

**Mr SOURIS:** My question is directed to the Minister for Transport, and Minister for Roads. Why has he adopted a fix-when-fails approach to restricted rail lines, rather than maintaining and upgrading these lines which carry 60 per cent of the State's export grain and which are in such poor condition that trains are often limited to travelling at 15 kilometres per hour and to travelling only at night?

**Mr SCULLY:** What hypocrisy! The Leader of the National Party asks me about rail lines and whether or not they should remain open. You, sir, are a hypocrite! Do honourable members recall that goose from

Orange who asked me about keeping rail lines open? Later I will be happy to table a list of all the rail lines that were closed when he was a member of the previous Coalition Government. From memory, approximately 18 rail lines were closed. When we formed the Government, we said that no rail lines would be closed under the Carr Labor Government. I am able to report that, more than seven years later, not one rail line has been closed on our watch—not one!

As the honourable member for Murray-Darling will confirm, we know who closed Darnick station. How was Darnick station closed? The previous Coalition Government put a bulldozer through it! They closed Cowra-Blayney and we reopened it, and we opened Kandos-Galgand, and we ordered the Booz Allen Hamilton report into the condition of the interstate rail line. Members opposite do not like hearing this. The Booz Allen Hamilton report advised that we needed to spend another \$285 million on our interstate track and on some of our branch lines, and we approved it. I presented that report to the Premier and the Treasurer and it went through the budget committee. Payment of \$285 million per annum for the next five years has already commenced. Ian Sinclair chaired an inquiry, which culminated in a report expressing concern about some of the restricted rail lines which, as the Leader of the National Party would not know, are sometimes referred to as pioneer lines.

**Mr Souris:** What about maintenance?

**Mr SCULLY:** Those lines are used for only about four months of the year. The Leader of the National Party wants this Government to invest more money in some lines that are used only four months of the year. Those lines will continue to be open when they need to be open and they will be repaired when they need to be repaired, but the Opposition should not come into this House and lecture this Government about country railways. The Opposition has an appalling record that it ought to be ashamed of.

### PRIMARY SCHOOL CLASS SIZES

**Miss BURTON:** My question is directed to the Minister for Education and Training. What is the latest information on class sizes in New South Wales and related matters?

**Mr WATKINS:** In August this year, the most comprehensive audit ever of class sizes in kindergarten to year 6 by the Department of Education and Training commenced. Honourable members will know that this was the first step in planning a smaller class size pilot, which will begin next year. The audit collected detailed information about teaching and learning arrangements in New South Wales primary schools. This included measuring class sizes, counting classroom teachers, finding out what available classrooms space we have, and looking at how, and where, specialist teaching staff are being used. Today I released the results of that audit as well as details of where the pilot will run in 2003. I will address my remarks first to the audit.

On 21 August this year, a total of 16,686 classes with a 442,194 students were counted. It was a massive task and I thank everyone involved. The audit reveals an interesting picture. It shows that classes in this State's 1,714 government primary schools have an average size of 26.5 students. Since 1997, the average primary class size has fallen from 26.9. The audit also shows that 84 per cent of classes were at, or below, class-size limits suggested by the Department of Education Training and that over 80 per cent of New South Wales primary classes, that is, 13,348 classes, had additional specialist teachers assisting classroom teachers at some stage during the week, further increasing face-to-face teaching and learning.

This data does not include the many talented teachers aides who are working in New South Wales schools, such as Aboriginal education assistants or teachers aide specialists. We will be conducting that audit next year. The audit discloses other useful details that I will share with the House. The average class size of 25.8 students from kindergarten to year 3 is smaller than the average across the entire K-6 spectrum, and 1,141 classes—just under 7 per cent of all classes—had fewer than 20 students. The average kindergarten class size is 24.6 students, down from 25.2 in 1997. The average year one class size is 26.6, down from 27.1 in 1997.

The average class size in the 429 schools in disadvantaged areas under the Priority Schools Funding Program is 25.7 students, down from 26.2 in 1997. This includes an average 24.1 students in kindergarten. The average class size in 193 geographically isolated schools under the Country Areas Program, is 21.6 students, including an average of 22.3 in kindergarten. For the first time, the impact of targeted assistance to primary school aged students was measured by the audit. In the past, only class sizes and classroom teachers have been counted. This audit includes other specialist teachers such as reading recovery and English as a second language teachers.

I am pleased to advise that the audit shows how well this specialist, targeted assistance is being used. The audit found that 31.4 per cent of schools used support teachers to take small groups of students out of

regular classes for specialised lessons. In another 12.8 per cent of schools, support teachers took single students out of classes for more intensive work. That is an extra effort given to individual students or small groups. In the classroom, more than 28 per cent of schools used support teachers to assist classroom teachers with small group work or team teaching. These specialist teachers are focusing on the basics of learning and the audit shows us how great this support is. For instance, support teachers helped with literacy in 63.7 per cent of schools, with 4.7 per cent using them for numeracy and 8.4 per cent for both literacy and numeracy.

A final word about the audit: It provided an interesting snapshot of how school buildings are being used. It found empty classrooms in 112 schools, though around half of the schools reported the use of other rooms for student group activities, special programs such as reading recovery and those for students with special needs. As I mentioned earlier, today I am also releasing details of the class size reduction pilot to start at the beginning of the 2003 school year. In the 2002-03 budget, \$5 million was allocated to the pilot. Today I can inform the House that around 650 schools will participate in a class size reduction pilot to run in 2003 with 63 schools getting an extra teacher to help reduce class sizes in kindergarten to year 3.

The pilot will involve three groups of schools. Group 1 will see a sample group of 63 schools get an extra teacher to reduce the size of approximately 200 classes. Today I am releasing the list of those schools, and there is at least one school in each district. Group 2 will include more than 500 schools that already have smaller classes. Those schools will participate in teaching and learning and professional development aspects of the pilot. Of that group, 100 will be chosen to be closely monitored and evaluated. This list will be finalised between now and the beginning of the 2003 school year. Group 3 will be a control group of 63 schools where there is no intervention in class structure or organisation. This list will be finalised after enrolments for 2003 class divisions are finalised.

In the group 1 schools, class size targets will be: kindergarten, 20 students; year 1, 22; year 2, 24; and year 3, 26. The pilot will focus on a particular year in a particular school. Let me give a couple of examples. In one of the 63 schools, kindergarten classes might be reduced to 20 students by providing an extra teacher. In another school, year 1 classes might be reduced to 22. In some of the schools, year 2 classes might be reduced to 24 students and, finally, in other schools year 3 classes will be reduced to 26. The program will be skewed towards reducing kindergarten and year 1 classes, although, as I mentioned, some schools will have either their year 2 or year 3 classes reduced. Professor Bob Meyenn from Charles Sturt University will independently monitor and evaluate the pilot.

New South Wales school students are already achieving world-class results in the basics of learning. Honourable members will recall that at the end of last year, the Organisation for Economic Co-operation and Development found New South Wales 15-year-olds had literacy levels up there with the world's best. Only recently, the 2002 Basic Skills Test results were the best ever. It is clear that our primary schools and our primary school staff are delivering the goods. The class size audit and the class size pilot will help us learn how we can do even better.

### THE SPIT TUNNEL PROPOSAL

**Mr STEWART:** My question without notice is addressed to the Minister for Roads. What is the Minister's response to community concerns about a Coalition proposal to construct a tunnel under the Spit?

**Mr SCULLY:** As we all know, the Coalition had made a commitment to construct a large tunnel underneath the Spit, basically to connect from the Burnt Bridge Creek Deviation to the Warringah Freeway. When the Government costed that desktop analysis at around \$1.5 billion, the Leader of the Opposition was shocked. He was a bit worried that the mercury would blow through the thermometer, so he stepped away and announced that there would not be a tunnel but that there would be a \$1 million feasibility study. The *Manly Daily* got stuck into the Opposition for saying that it would not be committed to the building of a tunnel but would be committed to doing the feasibility study.

I do not know who might be doing that feasibility study, maybe PricewaterhouseCoopers, but the Opposition promised \$1 million for it. However, I inform the House that a feasibility study has been completed, so the Opposition can save its money. The study was done by the respected consultancy, Maunsell, which carried out an independent feasibility study into the Opposition's proposals. What will the tunnel cost?

**Mr Souris:** Table it.

**Mr SCULLY:** Yes, I will. There are three separate options, ranging between \$1.14 billion, \$1.27 billion and \$1.37 billion, but that does not include filtration. The Opposition said that it wants to put filters

everywhere—it will spend public money with gay abandon—and that brings the total to between \$1.215 billion and \$1.495 billion. Basically the feasibility study has shown that the cost of building the tunnel under the Spit Bridge, as proposed by the Opposition, is between \$1.2 and \$1.5 billion. Earlier this year in an interview the Leader of the Opposition said, "We could build a six- or seven-kilometre tunnel almost entirely privately financed", with perhaps a mere morsel of funds from the State, a mere trifle. Maunsells did the independent assessment of what a \$3 toll each way would finance and found that that would finance between \$300 million and \$500 million.

Depending on which option the Opposition pursues, potentially there will be a \$1 billion shortfall. Yes, I have to report that the tunnel can be built; there is no engineering reason why that project cannot go ahead. Yes, it could be partly privately financed, from a \$3 toll each away. However, the shortfall is \$1 billion. I want to know what the Opposition will do about that. The Opposition promised \$1 million for a study; does it want to know what the study cost?

Do honourable members remember the Victorian shadow Treasurer who did not know where he lived and forgot to nominate for an election? The New South Wales Opposition promised \$1 million for a feasibility study, which cost the Government \$56,000. I will report to the Treasurer and will tell him that he should take off the \$5.3 billion, and give the Opposition back that \$944,000 to play with. Now that we know that there is a \$1 billion shortfall, after the \$3 toll each way, is the Opposition going to commit to spending \$1 billion? Will the Opposition commit \$1 billion to building the Spit tunnel or not? The other question we want answered is: What did the Leader of the Opposition do for \$110,000?

I seek leave to table the feasibility study by Maunsell Australia Pty Ltd for the Roads and Traffic Authority on the tunnel from Warringah Freeway to the Burnt Bridge Creek Deviation dated November 2002.

**Leave granted.**

**Document tabled.**

#### **HOMELESS PEOPLE OUTREACH PROGRAM**

**Mr RICHARDSON:** My question without notice is directed to the Deputy Premier, and Minister for Housing. Did either the Minister or the Department of Housing consult with the Independent Commission Against Corruption [ICAC] before aborting the expression of interest process for the \$800,000 rough sleepers outreach program for homeless people which was compromised by interference from Lord Mayor and Labor candidate Frank Sartor?

**Dr REFSHAUGE:** We were unhappy with the tender process. We contacted the ICAC about our ability to interrupt that tender process. We have done so.

#### **WESTERN SYDNEY BUSINESSES ENVIRONMENTAL PERFORMANCE**

**Mr ANDERSON:** My question without notice is directed to the Minister for Western Sydney. What is the Government doing to encourage companies in western Sydney to improve their environmental performance?

**Mr YEADON:** The honourable member has had a continuing interest in western Sydney. Many businesses support sustainability principles but, unfortunately, have no effective mechanism to monitor and improve their performance. To address this problem my western Sydney environment task force has been working with industry to develop the industry sustainability initiative. This planning and monitoring measure will assist firms in western Sydney to measure their progress towards more environmentally sustainable outcomes.

The industry sustainability initiative will help participating businesses to minimise pollution, comply with relevant legislation, conserve resources, monitor and report on performance, communicate with all stakeholders and contribute to the local community. This Government is proud to be working with businesses and helping them become better long-term environmental managers. This is better for business efficiency and the environment and it will improve the quality of life of people living in western Sydney.

#### **MURRUMBIDGEE ELECTORATE MENTAL HEALTH SERVICES**

**Mr PICCOLI:** My question without notice is directed to the Minister for Health. Can the Minister justify an incident that occurred in my electorate when a schoolteacher and the parents of an 11-year-old child

who has attempted suicide on three occasions were told to bypass overstretched mental health services and present to the emergency department of their local hospital?

**Mr KNOWLES:** I do not seek to justify the assertions, but I will have them investigated.

**Questions without notice concluded.**

## **PARLIAMENT HOUSE SECURITY**

### **Privilege**

**Mr ARMSTRONG** (Lachlan) [3.40 p.m.]: I raise a matter of privilege. I refer again to security in Parliament House. Today a member of the public, who apparently is not authorised to enter this Chamber, gained entry to the bar and was then escorted from the Chamber by a member of staff. That once again highlights the weakness in this Parliament's security arrangements. Mr Speaker, I ask you, as the Presiding Officer, to ensure the safety of members of the public and members of Parliament in this place. We must prevent access by unauthorised people into the secured areas of this Chamber.

**Mr SPEAKER:** Order! I have received a verbal report in relation to that incident. The person involved was a guest of a member of Parliament.

## **CONSIDERATION OF URGENT MOTIONS**

### **Leader of the Opposition Pecuniary Interest Disclosure**

**Dr REFSHAUGE** (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [3.42 p.m.]: My motion is urgent. For the past two weeks the Leader of the Opposition has refused to provide evidence of what he did for \$110,000. The Leader of the Opposition has had plenty of opportunities to say what he did for \$110,000. The issue is: Was it cash for questions? This motion will enable the Independent Commission Against Corruption to examine the behaviour of the Leader of the Opposition, as far as the legislation will allow, and it will ensure that we have rules that stop the sponsorship of members of Parliament and do not allow the behaviour of the Leader of the Opposition to be repeated by anyone else.

### **Sydney Urban Development**

**Mr HUMPHERSON** (Davidson) [3.43 p.m.]: The only motion that is urgent today is my motion, which relates to the urban character of Sydney. People are sick and tired of having forced on them overdevelopment that destroys the character of their communities and the amenity and privacy they enjoy. This motion is more urgent than the motion proposed by the Minister for Planning. Before this parliamentary session is concluded we want to establish what this Government has delivered over the past eight years as a result of its urban consolidation and overdevelopment policies. This Government has to explain why it has raped our communities and allowed overdevelopment in suburbs right across Sydney. This Government has to explain what it intends to do over the next four years if it is returned to government.

The Minister for Planning must tell honourable members why he will not listen to communities right across Sydney. As a result of the policies of this Minister and this Government, high-density and medium-density development has destroyed the character of streets, localities and suburbs. People living in these communities want to know what developments are proposed in their areas. High-density and medium-density developments have been permitted next door to conventional dwellings, resulting in people losing their savings and their investment. Their amenity and lifestyle have been destroyed because the Minister for Planning, through his Labor Party policies, refused to listen to them.

Before we conclude this parliamentary session we must establish what urban development should be permitted in this city. This Government, through State environmental planning policy [SEPP] 5, allowed ad hoc and scattered overdevelopment right across Sydney. This Government, through SEPP 53, held a gun to the heads of councils and members of the community and allowed high-density development to proceed. This Government, through SEPP 53, forced councils to accept high-density development and high-rise buildings. That is what has occurred in Miranda, which is located in Sutherland shire. There would be no high-rise buildings in Sutherland if the honourable member for Miranda had not accepted—



**Mr Collier:** Point of order: The honourable member for Davidson is misleading the House.

**Mrs Chikarovski:** That is not a point of order. That is a personal explanation. The honourable member can make a personal explanation after the honourable member for Davidson has concluded.

**Mr SPEAKER:** Order! The honourable member for Davidson will resume his seat. The honourable member for Miranda will resume his seat. I do not know on what basis the honourable member for Lane Cove has interjected. She is encroaching on the speaking time of her colleague. The Chair is only able to listen to one member at a time. The Chair was unable to hear the honourable member for Miranda as the honourable member for Lane Cove approached the table and interjected at a volume equal to that of a truck horn. I ask the honourable member for Miranda to take his point of order.

**Mr Collier:** The honourable member is misleading the House. He well knows that Sutherland shire was granted an exemption from SEPP 5 by the Minister and that that exemption was backdated to 7 May this year. He also knows that SEPP 53 does not apply in Sutherland shire.

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

**Mr HUMPHERSON:** This matter is urgent. Members such as the honourable member for Miranda must decide whether they are opposed to or support overdevelopment. If the honourable member for Miranda does not vote for my motion it will be obvious that he supports overdevelopment, as does the honourable member for Kogarah, the honourable member for Wyong, the honourable member for The Entrance, the honourable member for Georges River, the honourable member for Parramatta and the honourable member for Ryde. [*Time expired.*]

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

## BUSINESS OF THE HOUSE

### Private Members' Statements: Suspension of Standing and Sessional Orders

#### Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow the postponement of private members' statements until a later hour and the provision for the automatic adjournment of the House not to apply.

## LEADER OF THE OPPOSITION PECUNIARY INTEREST DISCLOSURE

### Urgent Motion

**Dr REFSHAUGE** (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [3.50 p.m.]: I move:

That, having regard to the issues raised in the debate on the censure motion in the Legislative Assembly on 14 November 2002 and to subsequent questions relating to the conduct of the Hon John Brogden MP, Leader of the Opposition, the member for Pittwater, the House requests the Independent Commission Against Corruption (ICAC) to look into those matters and report to the Speaker as soon as practicable on what measures might be taken in respect of regulating or limiting the employment of members of Parliament to provide advice on public affairs.

In particular, the House requests the ICAC to consider the adequacy of the provisions of the Code of Conduct for Members of the Legislative Assembly.

In respect of the above, the ICAC should specifically consider provisions in:

- (a) the United Kingdom House of Commons Code of Conduct and Guide to the Rules Relating to the Conduct of Members, which:
  - require the nature of any post held by a member to be properly described, for example, as a 'legal adviser' or 'parliamentary and public affairs consultant';
  - require a written contract of engagement to be disclosed, together with details of all clients to whom the member provides advice, where the provision of services depends upon, or arises out of, the member's position as a member; and

- prohibit 'advocacy' whereby a member receives a direct or indirect benefit to advocate or initiate any cause or matter in proceedings in Parliament specifically on behalf of an outside body, where such action would confer an exclusive benefit on that body;
- (b) the Code of Conduct for Members of the Scottish Parliament, which:
- prohibits advocacy for a fee in proceedings in Parliament;
  - directs that a member should not accept any paid work which would involve the member in lobbying on behalf of any person or organisation or any clients of a person or organisation; and
  - directs that a member should not accept any paid work to provide services as a parliamentary strategist, adviser or consultant, for example, in advising on parliamentary affairs or how to influence the Parliament and its members and
- (c) any other relevant provisions in other jurisdictions.

It is eight days now since the *Sydney Morning Herald* broke the news of the Opposition leader's \$110,000 consultancy with PricewaterhouseCoopers [PwC] Legal—eight days in which the Leader of the Opposition has refused to explain what he did over a four-year period to earn that money. What work did he do, what advice did he give and what service did he provide to PricewaterhouseCoopers Legal at the same time as he was a member of Parliament and a shadow Minister? There is much we do not know about what the Opposition leader did—much of it is unclear and unexplained. But there are a few things we do know, critical facts that are beyond dispute.

We know that the Opposition leader was paid \$110,000 over four years as a consultant to a private sector firm. We know that at the same time as he received that money he was a member of Parliament and a shadow Minister. We also know that he asked questions upon notice about issues in which his client had a direct interest. The Opposition leader may deny a conflict of interest, but the facts are beyond dispute. He says there is no written contract: there was nothing on paper outlining what he was required to do, this was a verbal agreement. The only material he has been prepared to release simply confirms that he asked for payment and that he received payment.

The actions of the Opposition leader and his failure to explain cannot be ignored. His conduct demands that this House take action. Today the Government calls on the House to request the Independent Commission Against Corruption [ICAC] to look into this matter further. The Government will request the ICAC to look at it and report to the Speaker as soon as practicable on what measures might be taken in respect of regulating or limiting the employment of members of Parliament as public affairs advisers.

If this motion is passed, the House will request that the ICAC consider the adequacy of the provisions of the code of conduct for members of the Legislative Assembly. In doing that, the ICAC will be asked to look specifically at the measures put in place in the United Kingdom House of Commons after its so-called "cash for questions" scandal. The code there requires that any post held by a member of Parliament be properly described, that members provide a written contract of engagement, and that members acting as advocates for a fee be prohibited. The Scottish Parliament also prohibits members from being advocates for fees and also requires that they do not receive payment for lobbying. It bans members of Parliament from providing services as a parliamentary strategist, adviser or consultant.

This issue, although highlighted very clearly by the actions of the Leader of the Opposition, is bigger than the Leader of the Opposition. His actions have highlighted a situation that casts a cloud over this entire Parliament. Left unresolved, it will diminish the standing of the New South Wales Parliament in the eyes of the public that it seeks to serve. The ICAC must be asked to look into this as a matter of urgency. As with the United Kingdom, we in New South Wales do not want to see a situation arise in which members of Parliament can be sponsored by private companies. We do not want our own cash for questions scandal.

Let me remind the House of the conduct of the Opposition leader in the four years during which he was paid \$110,000 by PricewaterhouseCoopers Legal, four years during which he was a member of Parliament and shadow Minister, and four years during which he asked questions that were of direct interest to the people paying him. For example, in April 2000 the Opposition leader, then being paid by Dunhill Madden Butler, asked a question about Landcom. Landcom was at the time getting legal advice from Dunhill Madden Butler. Again in April 2000 the Opposition leader asked a question about Sydney Water. At the time PwC Legal was employed by the Independent Pricing and Regulatory Tribunal to review developer charges relating to water infrastructure. In October 2000 the Opposition leader asked questions about the sale of railway yards at Rozelle. PricewaterhouseCoopers Legal has a direct interest in advising clients on the development of old railway yards.

In September 2001 the Opposition leader introduced his illegal brothels bill that aimed to stop developers using State environmental planning policy [SEPP] No. 1 to set up brothels. Just two months earlier PricewaterhouseCoopers Legal represented a client in court trying to stop a brothel where the use of SEPP 1 was suggested by the judge as a way of circumventing council's planning laws. That was raised specifically. In October 2001 the Opposition leader, then being paid by PricewaterhouseCoopers Legal, asked three questions about Landcom. Landcom was at the time receiving legal advice from PwC. As documents have shown, there was a significant conflict between Landcom and PwC. In fact, Landcom sought advice from other solicitors because it was unhappy with the advice that PwC was providing.

Of course, there is the Leader of the Opposition's strenuous opposition to the Mogo carbon plant. As revealed in the House just yesterday, once again PricewaterhouseCoopers Legal is a key player. It was retained by the Eurobodalla Shire Council to appeal against the approval of the plant. There are six separate instances when the Opposition Leader asked questions that were of direct interest to the people paying him directly. One instance would be concerning, and two doubly so, but the Opposition leader asked questions on six occasions, which creates a pattern that is hard to ignore.

It is a pattern of great concern. It is not as though this man was asking questions every day; he was very sparing with his questions. However, on six occasions he asked multiple questions about issues in which his paymaster, PwC Legal, had a direct interest. If it is a coincidence, it is a coincidence that diminishes the standing of this Parliament. It diminishes all members of Parliament in the eyes of the public. Members of this House are elected and paid to do a job for the people of New South Wales: to represent the interests of their constituents and to govern properly in the public interest. We are paid to do that job—not two jobs.

I urge the House to support this motion. It is in the interests of all members of Parliament and it is in the interests of good government, but, most of all, it is in the interests of the people of New South Wales, who deserve to be able to have full confidence in the integrity of their elected representatives. I urge all honourable members to support this motion, which refers the actions of the Leader of the Opposition to the ICAC as far as the ICAC legislation will allow and seeks to ensure that "cash for questions" does not occur again.

**Mr BROGDEN** (Pittwater—Leader of the Opposition) [3.58 p.m.]: Today we have finally seen the Government's attempt to hide its embarrassment about the Oasis affair and Eddie Obeid and the \$1 million bribe come to a conclusion. Today we have seen the reference of these matters, which have been dragged through Parliament by the Deputy Premier, finally surface in a motion. And it is a motion with most curious wording.

I note that the Deputy Premier is scurrying from the Chamber after dropping his piece of dirt. I again remind honourable members that the Deputy Premier has been unwilling to raise these matters outside this House. He stands here in coward's castle and makes his allegations, but he has been completely unwilling on any occasion to make any of the substantive allegations outside this House, because he would only make them in coward's castle. The motion asks the Independent Commission Against Corruption [ICAC] to:

... look into those matters and report to the Speaker as soon as practicable on what measures might be taken in respect of regulating or limiting the employment of Members of Parliament to provide advice on public affairs.

The motion seeks to pull together the loose and unproved allegations of the Deputy Premier and throw them to the ICAC for broader public advice. The motion does not seek an investigation into the matters raised by the Deputy Premier. Why? Because the Government cannot prove a conflict of interest because there is no conflict of interest. There has never been a conflict of interest. I categorically state that at no stage was I asked by Dunhill Madden Butler or PricewaterhouseCoopers Legal to raise any matter in this House or to ask any question. There was no conflict of interest at any stage. The Government has failed absolutely to prove there was a conflict of interest. The best we have seen from the Government for the past week is continued mudslinging because it has been embarrassed about the matters relating to Oasis.

I will go through the matters raised in the past week by the Government. He referred to matters relating to Landcom and St Hilliers on two occasions. On no occasion did I have any dealings through my relationship with PricewaterhouseCoopers Legal with Landcom. Full stop. No questions asked. Therefore, no conflict of interest. The Deputy Premier alleged that because the accounting firm PricewaterhouseCoopers—a separate entity to PricewaterhouseCoopers Legal—advised the Independent Pricing and Regulatory Tribunal [IPART] on Sydney Water connection charges and because I asked a question, there was a conflict of interest. Northmist was never engaged with the accounting firm PricewaterhouseCoopers; the engagement was with Dunhill Madden Butler and, subsequently, as it merged, PricewaterhouseCoopers Legal. They are separate entities. I had no involvement with PricewaterhouseCoopers.

The matters raised about Walsh Bay are probably the dumbest of all raised by the Deputy Premier. He alleged that as PricewaterhouseCoopers, once again the accounting firm, were the auditors to the Walsh Bay Development Corporation there was a conflict of interest. First, and once again, I never had a relationship with PricewaterhouseCoopers. Second, in May 1999 when the bill went through the House, Dunhill Madden Butler was still a separate entity to PricewaterhouseCoopers Legal. That matter came before the House before the merger between Dunhill Madden Butler and PricewaterhouseCoopers Legal. On two counts the Minister's allegations fall flat.

The Deputy Premier then made what I regard as a ridiculous and spurious allegation about the illegal brothels bill I introduced, which sought to do something about this Government's pathetic failure to close down illegal brothels, particularly in the suburbs of Sydney. The proliferation of illegal brothels under this Government has caused enormous concern among people in Sydney. At one stage, 10 illegal brothels operated in Harris Park under regulations allowed by this Government. The Opposition sought to introduce a bill to provide local councils with greater powers to close down illegal brothels. It is alleged that in doing so I have some conflict of interest yet again. I rule out that claim entirely.

The Deputy Premier also claimed that my role as a consultant on a retainer through Northmist to Dunhill Madden Butler, then PricewaterhouseCoopers Legal, which represented Eurobodalla Shire Council, was part of the reason why the Opposition strongly opposed the Mogo development. We opposed the Mogo development because it was environmentally insensitive and inappropriate for that community. We stood against it for the right reasons. The Deputy Premier sought to approve it for all the wrong reasons. We took a public policy decision in the open space of that debate. Most important, we did so in February 2002, months after I had ceased my relationship with PricewaterhouseCoopers Legal. Therefore, there is no capacity for a conflict of interest.

On all the matters raised by the Deputy Premier, no conflict of interest is proved. The motion seeks to refer the matters raised by the Deputy Premier to the ICAC and ask for a policy outcome. It also seeks to grossly politicise the ICAC in the run-up to the election. As the Deputy Leader of the National Party said, that would only frustrate the Independent Commission against Corruption. I understand that the commissioner has issued a request that members not politicise the commission in the run-up to the election. The Government has proved no conflict of interest. If the ICAC seeks to investigate this matter it will find no conflict of interest, because there has never been a conflict of interest. At all times I have acted in an appropriate manner in the provision of public affairs advice.

As I stated outside the House on Wednesday, that advice related to social, economic and public policy trends. I also attended internal forums and seminars for the firm. Before entering Parliament I was a public relations consultant and a public affairs adviser. That is my profession, and I sought to continue it, as do many members who come into this place. From 1990 to 1995, when the Hon. Jeff Shaw, QC, was a member of the Legislative Council he continued his practice at the bar. During that period he was also shadow Minister for Industrial Relations.

As a barrister he represented unions. In representing unions there was, clearly, potential for conflict of interest. He was a barrister representing unions and sitting in the Labor Party shadow Cabinet. But any allegation by me about a conflict of interest by Mr Shaw is as ridiculous as these allegations against me. The Government saw fit, just 10 days ago, to appoint Jeff Shaw to the Supreme Court of New South Wales, an appointment not criticised by the Opposition. All that Jeff Shaw did was to continue his profession in an appropriate manner while a member of Parliament. That is all I sought to do. The Deputy Premier scurried out of this Chamber and the other day he was completely unwilling to make a single statement outside of coward's castle.

The Premier is not here. He has disappeared. I make it extremely clear that if the ICAC is to investigate this matter in any form it will find absolutely no conflict of interest because there is none to be found. The Opposition will not oppose the motion. We want this matter dealt with. We note the backdown of the Labor Party today by its failure to use words such as "investigate" and instead use words like "look into the issues". We want this matter to go forward. We want it cleared up so we can get back to the real issues that will confront the people of New South Wales at the election in March next year.

*[Debate interrupted.]*

#### **DISTINGUISHED VISITORS**

**Mr SPEAKER:** I draw the attention of the House to the presence in the gallery of His Holiness Karekin II, who is visiting Australia as an official visitor to the State. He is the Pope of the Armenian people. We welcome His Holiness to the Parliament. At a later stage he will join me and others in the Speaker's suite. Members who wish to join us are most welcome.

**LEADER OF THE OPPOSITION PECUNIARY INTEREST DISCLOSURE****Urgent Motion**

*[Debate resumed.]*

**Mr LYNCH** (Liverpool) [4.08 p.m.]: In recent days the Leader of the Opposition has lost not only his temper but his integrity. His actions have hopelessly confused his private interests and his public duty. He is perceived as having asked questions for cash and for being a member of Parliament for hire. His defence to those allegations has been comprehensively unconvincing. The best he can say in his defence is that he has done nothing wrong. One needs slightly more than that in this situation. In particular, if all the Leader of the Opposition can say is that he has done nothing wrong, there are a number of questions that arise. If the Leader of the Opposition has done nothing wrong, why did he hide his income in his pecuniary interests register? If he had done nothing wrong, there was no need to hide it.

**Mr Hazzard:** Point of order—

**Mr SPEAKER:** Order! The honourable member for Bligh will resume her seat. The honourable member for Bega will resume his seat. The honourable member for Liverpool will resume his seat.

**Mr Ashton:** He has taken his point of order and he has nothing to say.

**Mr Hazzard:** I have more substantive things to say than the honourable member for Liverpool currently has. I ask you to rule that this motion is not by any means a substantive motion attacking the Leader of the Opposition. The standing orders require that if a member wants to launch a substantive attack on another member the motion must be of a substantive nature.

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

**Mr LYNCH:** There was no need for the Leader of the Opposition to hide behind the corporate veil of Northmist and prevent people from knowing from where his money was coming. There was no need for him to pretend that he was getting share dividends rather than income. The Leader of the Opposition tried to defend himself, of course, by hiding behind the robes of the Clerk and claiming the Clerk told him it was all right. Apart from being cowardly, that is, in addition, no answer because it is the responsibility of the Leader of the Opposition, not the Clerk. Then the Leader of the Opposition got the advice of a silk. He churned out advice from Henric Nicholas, QC. If that advice is correct and he had technically complied, why did he need to change his form? Why did he need to change the details he had already put down? The change is a concession of his guilt.

If the best the Leader of the Opposition can do is to say he has done nothing wrong the inevitable question arises: What was he getting \$110,000 for? If there is nothing going on here, what is the \$110,000 for? It is a nice little earner and one would have thought he might be doing something in return for it. The best he can say is he was giving general advice, that is, he was doing his job as a member of Parliament and getting paid for that and he was getting an extra \$110,000. It is not Two-job Johnnie, it is Two-salary Johnnie for the one job.

**Mr Fraser:** Point of order: My point of order is one of relevance. The motion refers to the censure in this House last week. The substance of this motion is a reference to ICAC of a code of conduct for members of the Legislative Assembly reflected by the United Kingdom House of Commons.

**Mr SPEAKER:** Order! If the honourable member wishes to debate the motion, I will give him the call to do so. There is no point of order.

**Mr LYNCH:** The remaining really interesting question is, regardless of what the Leader of the Opposition says he has or has not done, why was the money being given to him? What did PricewaterhouseCoopers Legal think it was getting for \$110,000? The answer to that question is simple: He was being bought by the big end of town. He was being bought by the sort of people who look after members of the Opposition all the time.

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition is grossly out of order.

**Mr Hazzard:** Point of order: The honourable member for Liverpool would not have done many mentions in the Local Court as a lawyer, and he is now making a legal analysis of the issues facing the Leader of the Opposition. We have heard it all before but under Standing Order 67, tedious repetition—

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

**Mr LYNCH:** Criticism from a lawyer with the reputation of the honourable member for Wakehurst in relation to wills is a disgrace. Where there is a will, there is a way. The interesting question is why was the \$110,000 being paid? The Leader of the Opposition was being bought by the big end of town, by the silvertails. [*Time expired.*]

**Mr Hazzard:** Point of order: In relation to what the honourable member for Liverpool just said, honourable members will recollect that he came in here after knifing Peter Anderson and now he is trying to knife somebody on this side. He tried to knife the honourable member for Camden when he came in here. It is time that the Government put up the A team instead of the Z team.

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

**Mr TINK (Epping)** [4.14 p.m.]: This motion clearly indicates that the Government has nothing to take down to the Independent Commission Against Corruption [ICAC] other than some proposals to change the rules that govern all members. The only motivation for the Government to bring this matter forward at all is a grotty, grubby attempt to embarrass the Leader of the Opposition, which has backfired completely. The Government, particularly the Minister for Planning, has not been able to take the matter any further than the letter of John Churchill, who said some time ago that he finds any suggestion that there is a conflict of interest arising out of the retainer of the Leader of the Opposition without foundation and offensive.

During the past weeks the Government has wasted the valuable time of this House with this garbage when we could have been discussing the drought, class sizes, terrorism or crime. The Government does not move this motion with clean hands. The Deputy Premier, the Premier and the honourable member for Liverpool have all been senior members of a government that has suffered for a number of years a Minister for Police who was also a publican and had the most outrageous conflict of interest that this Parliament has seen since 1856. The Government has not seen fit to bring any material forward unless and until it believed it could embarrass the Leader of the Opposition. It has tried to do so on spurious grounds.

If the Leader of the Opposition is to be considered in the broad context of this motion so should the parliamentary chairman of the Committee on the Independent Commission Against Corruption, the Hon. John Hatzistergos. The disclosure of the pecuniary interests of the Hon. John Hatzistergos indicate that he is a barrister. The honourable member for Liverpool gets into a lather about no numbers, no figures, no dollar signs having been disclosed by the Leader of the Opposition, but I have searched in vain to find them in the return of the chairman of the ICAC committee. We do not know by whom the chairman of the ICAC committee was being briefed or what his instructions were for preparatory work or other work outside the court. We do not know if the questions he asked in the Legislative Council related to that work.

In the get-real department, the chairman of the parliamentary committee that oversights the body to which this matter is being referred has as many questions to answer, if not more, as the Leader of the Opposition. The Leader of the Opposition, unlike the chairman of the parliamentary committee or the former Minister for Police, has answered questions that no other member of this Parliament has been required to do. The next person who comes forward procedurally—and I will ask the ICAC to give this special consideration when considering the bona fides of the Government in this matter—is the Premier. In what I thought was an appalling performance on Tuesday 19 November the Premier said that the Leader of the Opposition allegedly refused to answer the questions of the Ethics Adviser.

The Ethics Adviser has subsequently replied in writing that he has had no communication, directly or indirectly, with the Premier or anyone from the Premier's office, nor would I expect him to because the Ethics Adviser can be approached confidentially by members. In other words, the Premier deliberately lied to this House. He came with unclean hands to this House. His bona fides are in question. He is happy to besmirch the Ethics Adviser of this Parliament to score a cheap political point against the Leader of the Opposition. I will ask the ICAC to take full account of the way in which the Premier has conducted himself by taking the name of the Ethics Adviser in vain, by misrepresenting the discussions of the Ethics Adviser with the Leader of the Opposition and by misleading this House when he claimed that the Ethics Adviser had misconducted himself by breaching an in-confidence discussion with a member of this House. So the Premier not only lied to Parliament

about the Ethics Adviser's role but tried to suggest to the Parliament that the Ethics Adviser himself was in breach of the rules of this Parliament that give him power to act. I move:

That the motion be amended by the addition of the following words:

- (d) Further requests the Independent Commission Against Corruption to look into and report to the Speaker as soon as practicable upon:
- Whether persons who have served on the Premier's or a Minister's personal staff should be prohibited for a period of time from receiving payment for making representation to that Minister, the Premier or any other Minister.

I table the amendment and rely on the comments about Brophy, Oakley, Hawker and Britton previously made.

**Mr Ashton:** Point of order: Is it not outside the standing orders to move an amendment about the Premier?

**Madam ACTING-SPEAKER (Ms Beamer):** Order! There is no point of order.

**Mr CAMPBELL (Keira)** [4.19 p.m.]: The contribution of the honourable member for Epping says it all. He made absolutely no attempt to defend the Leader of the Opposition. His was an attempt to mount another attack and raise other issues. The fact is that members of the community are telephoning the offices of Government members on the subject of the motion. Last weekend, when I was out and about in my community, people were coming up to me and saying, "What in the world is going on up there? How can someone get \$110,000 from a private consultancy company to do the same job that he does as a member of Parliament?" Community members are following this debate, and they now understand that on six occasions the Leader of the Opposition has either asked a question or put a question on the notice paper, made a suggestion or introduced a bill when that appears to have been on behalf of the legal firm that retained him.

I was minded to move to extend the time allowed to the Leader of the Opposition to speak in this debate on the basis of the old adage that if you give people enough rope they will hang themselves. The Leader of the Opposition told the House that the decision of the Opposition to oppose the Mogo charcoal plant was taken in February, after his relationship with PricewaterhouseCoopers had finished. If that is the case, why are invoices 50 and 49—both tabled in this place last week—dated 1 March 2002? The fact is that the relationship continued. The Leader of the Opposition was still being paid by PricewaterhouseCoopers when he took his decision on Mogo. We should have fed him more rope and let him continue speaking, because the more he speaks on this the more he demonstrates his inexperience to the community.

This is all about the inexperience of the Leader of the Opposition and his lack of understanding of what constitutes a conflict of interest. Another reason for my support of the motion is that it might lift the veil or mist, perhaps a north mist, if the Independent Commission Against Corruption [ICAC] has a look at this. That might bring some transparency to the issues, enabling people to understand the issues and get advice from the ICAC, which has at least two roles. One is to investigate allegations of corruption. Another is to provide advice on prevention of corruption. That is an important part of the motion being debated. It gives the ICAC an opportunity to look at this matter and offer advice on how to prevent this sort of issue arising in future.

It may be that at some stage we will be saying to the Leader of the Opposition, the member for Pittwater: Thank goodness you did have that veil or mist hanging over the pecuniary interests register; thank goodness you did try to hide the fact you were receiving income from this company, disguising it as some share income; thank goodness you changed your pecuniary interests declarations; and thank goodness on six occasions you gave the impression of asking, if you did not in fact ask, questions for cash. If at some stage the ICAC comes back with advice on corruption prevention, we may one day say thank you to the Leader of the Opposition for clarifying this question for the future.

I still make the point, having moved around my community last weekend and having had a number of telephone calls from constituents, and having had calls from constituents this week in this place, that the community is concerned to know why on six occasions this link was made. But they will be more concerned to learn that the Leader of the Opposition took a decision on Mogo in February, but told this House that that was after he finished his relationship with PricewaterhouseCoopers Legal. He took that decision in February, when he was still on the firm's payroll because invoices 50 and 49 are dated 1 March 2002—after the decision was taken. So he was still in the employ of PricewaterhouseCoopers and still being paid by the firm when the policy decision was taken. One assumes that although the invoices are dated 1 March payment was made later. The

motion provides an opportunity for the ICAC not only to look at what has occurred but also to give Parliament some advice on corruption prevention that will be of benefit in the future.

**Dr REFSHAUGE** (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [4.24 p.m.], in reply: I thank all honourable members for their contributions for they have clearly highlighted that this matter should be examined by the Independent Commission Against Corruption [ICAC]. When a member of Parliament is paid to be a member of Parliament and represent his constituents, and as shadow Minister to represent the interests of his party without fear or favour, then receives payment of \$110,000, then asks questions in which those who are paying him have a direct interest, one wonders why he would continue to do that. One wonders whether this is the case of cash for questions. It is important that the House set rules to prevent cash for questions because that concept would totally undermine democracy in this State.

The Independent Commission Against Corruption Act enables reference of all these issues to the Independent Commission Against Corruption for investigation. It is reasonable to suggest that the Leader of the Opposition should follow his own advice on investigations by the ICAC, that is, he should step aside from his position while the ICAC is deliberating on these issues. The Leader of the Opposition has said on a number of occasions that while an investigation is taking place the Minister involved with the issue should stand down. I suggest that the Leader of the Opposition now follow his own advice and step down while the ICAC examines these issues.

**Mr Tink:** Point of order: The Deputy Premier is not speaking in reply to the debate or to the motion, which does not call into question the personal conduct of the Leader of the Opposition, as the conduct of some Minister has.

**Dr Refshauge:** It does.

**Mr Tink:** It does not. My point is that the Deputy Premier is not replying to the debate or speaking to the motion. This is a dirty little ambush tactic used after the Leader of the Opposition has spoken in the debate.

**Madam ACTING-SPEAKER:** Order! The honourable member for Epping will resume his seat.

**Mr Tink:** If the Deputy Premier wanted to raise this matter, he should have done so upfront. This matter is not even raised in the motion.

**Madam ACTING-SPEAKER:** Order! The honourable member for Epping will resume his seat.

**Mr Tink:** This is typical of the Deputy Premier's conduct throughout on this issue. These are dirty, two-faced tactics designed to ambush somebody who is trying to comply.

**Mr Fraser:** To the point of order: The motion before the House refers to the ICAC the code of conduct of the United Kingdom House of Commons and the code of conduct of the members of the Scottish Parliament. It does not permit the Deputy Premier, or any other member for that matter, to raise substantive issues that were dealt with in a censure debate last week.

**Madam ACTING-SPEAKER:** Order! The honourable member for Coffs Harbour is making the same point made by the honourable member for Epping. Members on both sides of the House have ranged wide on a number of issues. I will permit the Deputy Premier to continue.

**Dr REFSHAUGE:** The question is very simple: What did the Leader of the Opposition do for the \$110,000? He has not answered that question. What do you do to earn \$110,000? Would you do nothing for \$110,000? He said he was providing business advice on economic forecasting. Was he providing weather advice as well? That \$110,000 is more than many people will earn in two years.

**Madam ACTING-SPEAKER:** Order! The honourable member for Coffs Harbour will cease interjecting.

**Dr REFSHAUGE:** The Leader of the Opposition has not explained what he did for \$110,000, but we do know that he asked questions a number of times—six times. He either asked questions or introduced his own legislation concerning issues of direct interest to the people who were paying him. The Leader of the Opposition



says that there is no conflict of interest. I have no idea which dictionary he used to define "conflict of interest", but it is not a matter of him claiming there is no conflict of interest that determines whether there is in fact a conflict of interest. If a person is asking questions and that person is being paid by people who will benefit from those questions being asked, inherently there is a conflict of interest. Irrespective of whether the person's intention was affected by whether payment was made, there was a conflict of interest. The Leader of the Opposition has not explained his conduct. As the editorial in today's *Daily Telegraph* states, the Leader of the Opposition is not only naïve, but stupid.

**Madam ACTING-SPEAKER (Ms Beamer):** Order! The honourable member for Coffs Harbour will cease interjecting.

**Dr REFSHAUGE:** This matter needs to be sorted out because we do not want anyone repeating the actions of the Leader of the Opposition and bringing this Chamber into disrepute.

**Amendment negatived.**

**Motion 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 postpone the consideration of the matter of public importance until a later hour and to permit the Minister for Gaming and Racing and the Minister for Small Business, Minister for Tourism and Minister for Women to make ministerial statements forthwith.

## **LICENSED VENUES PATRONS WATER AVAILABILITY**

### **Ministerial Statement**

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.32 p.m.]: The Government has received reports that several nightclub venues in New South Wales have removed water taps, thereby forcing patrons to purchase bottled water at inflated prices, or simply to do without. There have even been reports of venues providing only hot water in bathrooms so that patrons who want a cool drink can purchase it only from the bar. It appears that those venues are trying to force patrons who want to quench their thirst to purchase alcohol or bottled water, often at outrageous prices, to maximise their profit. The lack of water availability in any licensed venue is a serious concern and has been a source of complaint for some time.

There is a dehydration risk when patrons cannot easily access water or obtain it at all. This is a particular problem at dance venues. In fact, the Government's guidelines for the conduct of dance parties recognise the importance of having free water available at such events to prevent dehydration, and to moderate alcohol consumption. Licensed venues that do not have water available are not complying with the Government's responsible service of alcohol [RSA] requirements—a matter in which a great deal of progress has been made during my administration of this portfolio. That non-compliance flies in the face of agreements upon which the responsible service of alcohol has been based, especially RSA training. The provision of water is an important liquor harm minimisation measure as water may slow down alcohol consumption as well as assist in counteracting the dehydration effect that alcohol has on the body.

The removal of taps from bathrooms is also a health hazard. Patrons have a right to access proper sanitary facilities in a nightclub or bar. Venues must recognise that proper facilities are an integral part of selling liquor under their licence, which is a privilege given to venue operators by the public. The Licensing Court is increasingly imposing a condition on liquor licences requiring that chilled drinking water be available to patrons free of charge, or at a nominal cost. The number of licensed venues with that type of condition is increasing, with the result that the requirement to provide water has the force of law. The provision of water is also being imposed as a condition on certain licences approved by the Governor and by me as the Minister for Gaming and Racing. The Government's message so far has been that all licensed venues are required to ensure that they contribute towards minimising alcohol-related harm in the community. One of the ways in which that can be done is by venues making certain that water is available to patrons.

As a matter of principle, the Government encourages licensed premises to have free water available. However, the Government also believes that licensees and clubs, as responsible members of the hospitality industry, should ensure that if water is not available free of charge it must be realistically priced, particularly when compared with alcoholic beverages. There have been isolated instances of that not happening in the liquor industry, although the venues are acting responsibly. I cannot say as much for nightclub venues. The Government has raised this issue in recent years with licensees of venues of all types, both directly and through the Liquor Industry Consultative Council. The industry's response has been that many venues already choose to provide water free of charge. As I said earlier, that applies mainly to clubs and hotels. However, others do not, because of labour and other costs associated with providing water, or because the provision of tap water is not practical or reasonable.

In responding to the industry's position, the Government has emphasised the need to ensure that water is available at a reasonable cost if it cannot be provided free of charge. I am happy to say that the Liquor Industry Consultative Council, which I appoint and participate in, supports that position. However, a few venues—usually those that are operated by cowboys, as I describe them—continue not to want to do the right thing. Therefore, the Government has decided to introduce regulations that will require all licensed premises and registered clubs to make water available for consumption by their patrons. It is proposed that those venues must make available chilled drinking water free or at a nominal cost whenever alcohol is being sold.

Venues will be expected to dispense drinking water over the bar. It will definitely not be sufficient for a venue to satisfy the new obligation by forcing patrons to obtain drinking water from basins in washrooms. Any liquor licensee that does not comply with this new condition faces a range of sanctions that can be imposed by the Licensing Court, including reprimand. I make no apology for the strong measures that will be applied because the position has become serious. There will also be a penalty of up to \$20,000, suspension of the licence, disqualification of the licensee and, in the worst cases, cancellation of the licence. The Government will introduce the new regulations before the end of the year.

## **FEMALE BODY IMAGE**

### **Ministerial Statement**

**Ms NORI** (Port Jackson—Minister for Small Business, Minister for Tourism, and Minister for Women) [4.38 p.m.]: As the Minister for Women, I draw the attention of honourable members to the increasingly inappropriate portrayal of unrealistic body images for girls and women and, even worse, the marketing of sexually inappropriate clothing to girls in middle childhood—that is, girls aged as young as eight through to 13 years, the age when a child is growing up and finding her place in the world. Some warped messages that are being sent to young girls by commercial interests are, of course, reinforced by peer pressure. We know from various surveys that approximately 70 per cent of young girls in high school want to be thinner. A large percentage of them have reported using extreme diets in the month prior to the survey, including the use of diuretics and laxatives. One survey revealed that 16 per cent of girls between the ages of 11 and 15 had indulged in purging or restrictive eating behaviours.

Magazines for young girls carry conflicting messages about staying healthy allied with reams of information about the latest crash diet. Of course, that obsession carries through to adulthood for women and is supplemented by highly inappropriate advertising for weight loss schemes, pills and potions. We are all familiar with the badly lit, slumped, unflattering "before" pictures, contrasted with the bright and sunny "after" pictures; the inference being that if a woman loses weight, instantly she will be beautifully made up and dressed and have magical access to a beach to run along with her hair blowing in the wind.

In other words, the marketing message is that the weight loss scheme will change her entire life. I am not here to be a political correctness fascist. We are all concerned about body image and we try to be as youthful as possible, and that is a good thing. However, some things go over the line of decency. Many parents complain that the available clothing for their daughters jumps straight from the simple and practical clothing of early childhood to a version of adult clothing that they are loath to buy. They have no wish to inappropriately sexualise their daughters at such an early age. Chainstores market padded bras to girls as young as eight and offer clothing that includes skin-tight pants and even high-heeled shoes. Marketing messages ensure that that is what many girls want.

Parents despair about finding clothing that they consider appropriate to their daughter's age but which is still attractive and acceptable to their daughters. This growing trend is typified by the Olsen twins, who visited

Australia recently to promote their range of clothes, accessories and make-up aimed at girls from six to 16. The problem is that the six-year-olds are being offered much the same products as the 16-year-olds. A recent article in the *Sydney Morning Herald* quotes a Brisbane paediatrician, Dr Michael McDowell, as saying:

Corporate interests are engaging vulnerable children in a direct consumer relationship ... and the danger is children don't have the cognitive abilities to deal with it.

The State Government has acknowledged the problem of eating disorders and has implemented a number of strategies and appointed committees to deal with it. This is taken so seriously that a body image working party has been formed across all Australian governments, and that body includes a representative from the Department for Women. This is a difficult and frustrating issue for parents, and we have all had the 16-year-old princess arrive at 7 o'clock at night, having poured herself into something and thinking that she can go out looking like that. My suggestion to parents is this: Have the strength and the fortitude to say, as nicely and unconfrontationally as you can, that you do not want her going out looking like that. Do not let her. I know that young women have a mind of their own, and that is a good thing. However, as parents we have a right and a duty to guide them. I am very happy to work with parents to tackle this problem. I commend my department, the Department for Women, and other departments across government for the work they undertake to tackle this important issue.

### VALEDICTORY SPEECHES

**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.42 p.m.]: I would like to thank the House for the opportunity to speak on my valedictory speech. It will not be like many of my lengthy contributions, for which I am renowned. In fact, there was concern by the Premier and others, who passed me a note saying, "Keep it going", and later another note saying "No, that is a joke", when they realised what might be in store. After the election on 22 March I will have served in the seat of Charlestown for 30 years. That is not a long time in world history, but in political terms it is a pretty fair innings.

I do not propose to give an historic overview of how I came to be elected or what has happened in those 30 years—some people would not believe what I say. It is for others and history to judge whether I was successful, what was done and what I achieved in that period. I thank the Premier, Bob Carr, and my Cabinet colleagues of the past eight years for my great experience in being a Minister. Those who have been a Minister know that nothing is more rewarding. It has been a great privilege to have presided over the liquor, gaming, racing and charities industries and the Hunter development portfolios. I will say more about them when I see the staff before I leave.

I will not mention any people individually, but will do so collectively. As one could imagine, it would take the rest of the afternoon to mention the people who have supported me over that time and to name one would open a Pandora's box. However, I first acknowledge and thank the officers and many people who work within the confines of Parliament itself and for the kindness and courtesies that have been extended to me over the years I have been here. I have always had a great relationship with the staff of Parliament House, as it has been a second home to me. I have experienced many highs and lows with many people at Parliament House on a personal basis over those years.

I do not know how I can repay my electorate office staff, past and present. My success as a local member has been as a result of their loyalty and untiring efforts. I will have ample opportunity personally and in other forums to thank them for their contribution to me and to the Charlestown electorate. Likewise, my success as a Minister in the main has been as a result of the efforts of my ministerial staff in both the gaming and racing portfolio and the Hunter ministerial office. It is more like a family than staff, and that is the way I am. Each one of them can look back proudly at what has been achieved in that time. History will show that in many areas New South Wales has been the better for the changes made, and that achievement will be unparalleled.

Likewise, between now and March I will have an opportunity to express my thanks to each of those great people in other forums in a private and personal way. That is my way of doing things. I could not have asked for better or more efficient or resourceful people of complete integrity than the people who work in the Department of Gaming and Racing. That small but tight-knit group brought the gaming and racing portfolio into being. I have been their only Minister and their efforts for the government are legendary, from the Director-General down.

I thank my Charlestown electorate constituents who elected me in a by-election in 1972, and nine times since, and I thank them for their confidence in me. Being the member for Charlestown was not just a job for me,

it was a way of life. I will have an opportunity to say a lot of fond farewells to literally hundreds of people and organisations that I have come into contact with over my 30 years as the member for Charlestown and my beloved Hunter region, of which I am so proud.

To my family I say thank you. I can never repay the debt to those closest to me. For the tolerance and understanding of my difficult job shown by my immediate and extended family I can only say thank you very, very much. Last Monday morning, after the Sunday family get-together with my Newcastle and Hunter staff, I had a photograph taken. That photo was published in the *Newcastle Herald*, to which I am deeply grateful. That photo encapsulated my kids and those close to me; most importantly, my new little 11-month-old grandson, Will Morrow. To my children, Melita, Warwick, Marika and Stephen, thank you. I say to all members of Parliament, it is not easy being the child of a high-profile public figure—not in Newcastle and the Hunter.

I think all of them are a little tougher for having had to bear that burden. They were denied a lot of my time over the years, which is my loss. Whatever time I have left I want to see what I can do to be part of their life. Thank you, kids, for your love and understanding and, overall, your immense tolerance. I have kept this contribution brief today, as everyone would recognise that it has become an emotional time for me. There is an emotional side to Richard Face, although he appears to be pretty tough from time to time, but underneath we all have emotions.

Today I leave this place after 30 years, with a tinge of sadness. I said that it was never just a job for me, it was a way of life. A few days ago in a statement I made about my decision, I said, "Many want to serve in public life, but few are chosen or get that opportunity." Some people say when they move on or retire—and I am not retiring—that they would not have changed a thing, as they did it their way. In my view that is a foolish statement. I say with humility that I would have done some things differently, but I am a human being with human frailties. I have made some mistakes along the way and I have tried to learn as best I could from those mistakes. That is the real lesson that we should all learn. I was not deliberately vexatious in anything that I have done over those 30 years, and I hope that my actions are viewed in that light.

I wish those honourable members who are leaving this Parliament all the best in their respective careers. I also wish those honourable members who are remaining in the Parliament all the best for their parliamentary terms. I, more than anyone else, have met many of members of Parliament from all political persuasions as they have passed through the portals of this place. In the main—there are only a few exceptions—I have respected them. I thank them for their friendship. A lot of people who become members of Parliament expect respect immediately. One gets respect only after one earns it. I hope that I have earned the respect of all honourable members.

Now let me indulge in a bit of fun. I am sure all honourable members would be aware that, as Minister for Racing, my staff would be running a book today. Sue O'Brien, my ever faithful and loyal chief of staff, has lost her money. Fred Smidt, my media liaison officer, who has worked in Parliament House for the past 35 years, will not make it. Fred said that I would speak for 14 minutes and 30 seconds and Sue said that I would speak for four minutes and 30 seconds. Sue saw my original speech which was written on the back of some scrap pieces of paper. All honourable members know that speaking times vary. If I speak for a little longer my partner Gay Bryden will be the winner. However, the stewards might then be called in because she is a late starter.

Paul Whelan, who is as good as, if not better than, any former Leader of the House, has a long way to go. He said that I would speak for 30 minutes. George Thompson, one of the great Whips in this place, gave a time somewhere in between, but he was always late in placing a bet. I said that I would not mention the names of too many people, but I could not conclude my speech without mentioning Paul and George. Finally—and the word "finally" can usually be defined—on many of those occasions when I have said that I was about to conclude my speech I would have spoken for an additional five or 10 minutes.

Some time ago I attended a mass at the Illawarra Catholic club. A great friend of mine, Bishop David Cremin, stood up and said, "Whenever I said the word 'finally' I used to speak for an additional five or 10 minutes. I was saying mass at Kogarah the other day and I used the word 'finally' and a fellow who was seated in the front pew got up and started walking out of the church. I said, 'Joe, where are you going?' Jo said, 'I am going to have a haircut, Bishop.' I said, 'Why didn't you have a haircut before you came to mass?' Jo said, 'Well, I didn't need one then, Bishop.'" I look forward to a future outside Macquarie Street. I look forward to making a contribution to society through the various interests that I have. I again thank honourable members. I am grateful for all my experiences.

**Mr COLLINS** (Willoughby) [4.54 p.m.]: That is a very hard act to follow. I join, I am sure, all honourable members in congratulating the Minister for Gaming and Racing, the retiring father of the House, on a splendid contribution to this Parliament over three decades. My contribution is not quite as long as the contribution of the father of the House, but I suspect that it is at least as colourful. I begin where most speeches end—that is, with thanks. Above all, I thank upfront my extended family. I thank my mother, my sisters and all my family members. Today I thank my sons Ben Collins and David Collins who are present in the gallery. Ben was seven when I was first elected as the member for Willoughby. Having pledged never to follow in his father's footsteps, he is now on the staff of a Federal Minister. He is also sharing my interest in the Army Reserve.

I welcome my son David, who was three when I was first elected. David, like three of my four sons, has never really known me outside politics. I hope that we really get a chance to do that when I leave this place in March. I know that every member who leaves this Parliament makes the point that our families make huge sacrifices and do not get to see a lot of us because of the time that we have to spend serving our electorates, serving in ministries, and serving the people of this State. But both Ben and David have been there for me, particularly over the last four years, which have sometimes had their difficulties. Unable to be here today is John Collins who is now aged 14. John was born three weeks before our successful bicentennial election. My namesake Peter Collins, who is aged 10, would like to be here too. Peter was the best thing that happened to me in 1992, a year, as so many years around this place turn out for people, of mixed achievement and loss.

Of each of my four sons I am exceptionally proud. As I said in my book, they are the four points in my compass of life. After four sons I can now add a stepdaughter, Tara, and acknowledge my wife Jennine in the gallery today. I can disclose to honourable members—and it seems as though the Parliament has not lost its interest in disclosure—that Jennine and I met here in the Parliament for all of 20 minutes some 15 years ago. All I can say is that since she came into my life at the beginning of this year I have been exceptionally happy. I am sure we will be happy for the rest of our lives. I thought that I would do that upfront because that is the really emotional bit. I want to thank the people of Willoughby—the people who have returned me not eight times but six times—people in suburbs like Artarmon, Chatswood, Northbridge, Castle Cove, Middle Cove, Castlecrag and Naremburn, where I lived for 17 years, longer than I have lived anywhere else in my life.

Given the large Armenian population in my electorate, although it has drifted a little over into electorates like Ryde over the two decades that I have been there, I thought it was very nice of the Armenian community to have the Supreme Patriarch of the Armenian Church attend when my speech was scheduled earlier this afternoon. I am just sorry that he was not able to stay because I am sure that he would have enjoyed my comments. I want to thank members of the Liberal Party of New South Wales, the Willoughby State electorate conference in particular, because they had the good sense to preselect me in the first place and send me back here six times. I was challenged twice, I might add, along the way. Of course, that would not have happened to anyone on the other side of this House.

I am pleased to see in the gallery today Councillor Stewart Coppock. I am sure that Councillor Judith Rutherford would have liked to have been here today. Peter Kavieris and the Kavieris family are tremendous supporters. Barbara Elliott and Erica Riley are unable to be here this afternoon, but they are with me in spirit. I thank the Liberal Party for giving me the chance to represent a wonderful, intelligent, articulate and caring community for what will be 22 years by the time I leave this Parliament, and to be both Deputy Leader and Leader of the Liberal Party in New South Wales. I want to thank the press gallery to which I belonged. Members of the press gallery are typically in attendance this afternoon, doting on my every word. When I was a member of the press gallery some 30 years ago I got to see the Chamber from a different perspective. I have been treated well by the press gallery in this place. What enemies I have had in the media are not resident here—they are those who drop in once a year and view State politics occasionally through reverse binoculars. Again, I am sure that is just a personal experience and would never happen to anyone opposite.

To parliamentary staff—from the Clerks to the gardeners and the security guards—I say thank you. People such as David Draper and Greig Tillotson have been enormously helpful over the years, and unfailingly courteous. I thank my personal staff. I will not read out 70 or 80 names—when you have been in this place for 20-odd years, a Minister for seven of those years and leader or deputy leader for another few years, it is 70 or 80 names. It is good to see Jack Simos, who was my chief of staff when I was Leader of the Opposition, in the gallery. Of course it is great to see the redoubtable Belinda Lawton, who was my secretary and who probably knows more about me, having typed *The Bear Pit*—I put on the record that she was paid separately out of my earnings as an author—and her sister, Kate, who works for me now.

I have employed seven Young Liberal presidents during my time in this place. I think that is a record both in this State and nationally. By the 2003 election, five of my former staffers will have gone on to be elected

to different Parliaments. They include—with the good grace of the people of Willoughby—my successor, Gladys Berejiklian; Catherine Cusack, who is a candidate for the Legislative Council; Don Harwin; Federal Minister Joe Hockey; and Louise Asher of the Victorian Parliament. I thank my electorate staff, Jeanette Sanderson and Jane Clark—who are here this afternoon—for being the vital first line that we all have in our electorates to sift whom we need to see and how quickly we need to see them. Well done over many years.

Everyone who comes into this place on either side comes here to make a difference. I would like to mention a couple of things that have meant something to me and where I feel that I have been able to make some difference. When we were first elected to government the Gore Hill Freeway was a promise that I delivered on for my constituents. I think it has done a lot to help them. As Health Minister, I committed something like \$2 billion to major health projects around the State and planned, approved and saw the commencement of the New Children's Hospital. It was very nice to be invited to the opening—it is a shame that we did not get a mention. It is amazing how the Labor Party built that hospital in the first five weeks or so after its election in 1995. The New Children's Hospital, the women's hospital, Nepean Hospital, Liverpool Hospital, St George Hospital, Gosford Hospital and Wyong Hospital were all projects that I drove as Health Minister. I gave professional rates of pay to nurses and established the position of chief nursing officer. I ran a campaign to reinvigorate the nursing profession—"Nurses, you can't live without them"—and I saw the introduction of the new Mental Health Act in 1990.

As Attorney General and Minister for Consumer Affairs, I did preliminary work on bail and sentencing. It is good to see that Parliament has made progress in that area since then because I think the community wants far stronger sentencing laws in this State. Juvenile justice was another area of particular interest. As Minister for State Development—my year in the salt mines, as those of you who have read my book will know—I was able to do one thing that should please a few Labor members here: secure the Minehunter project for Newcastle. I wish Newcastle all the best with a flow-on project after the completion of the last Minehunter.

As Treasurer, I introduced accrual accounting—many of you are probably still trying to work out what accrual accounting is about. But my major contribution—even though, unlike one of my predecessors, I had no economic credentials—was to sell the State Bank of New South Wales. I must say those of you opposite made it as hard as you possibly could. But we did sell it at one minute to midnight just before the 1995 election. I was Minister for the Arts for the whole seven years. Although we did not get to say, "And the winner is: Fox!", we did all the groundwork on the film studio idea. The film and entertainment industries will go on to be major economic generators in this State for generations to come. The Museum of Contemporary Art, the Museum of Sydney, Writers Walk and writers centres were other ideas.

You do not get to do much as Leader of the Opposition, but one thing I was able to do was persuade the Prime Minister to establish the Sydney Harbour Federation Trust to save the brilliant foreshore that distinguishes Sydney Harbour from any other harbour and makes it the most beautiful harbour in the world. As a former television journalist, I championed the cause of television in Parliament. The other issue that I certainly claim strong allegiance to is Aboriginal reconciliation and the steps taken by both sides of this Parliament, as the mother of all Australian Parliaments, to recognise the original inhabitants of this country.

I want to make a few more comments in the time remaining. During my watch—my 21 years in this place—State politics has been municipalised dramatically. We have been downgraded. In a television sense, we are the victims of globalisation. All too often, the best picture story of the day pushes important issues that affect people's lives and upon which we deliberate into the second bracket of news every day. That is a trend that we should recognise and talk about. I think we need to recognise and deal with the fact that we live increasingly in an age of infotainment. We take what we do seriously and we would like the rest of the electorate to do the same. I will not try to go through the various friendships that I have formed here over the years. Suffice it to say, I have friendships in all parties and I hope that those friendships will endure. I have always worked very closely with the National Party, and I particularly acknowledge Ian Armstrong, who was my co-leader from 1995 to almost 1999. I thank him for his friendship and good humour over the years.

Many members of Parliament do not get the chance to choose the circumstances of their departure. Political misfortune or the whim of the electorate can sometimes determine it in a way that the member did not intend. In my case, I have the luxury of choosing the time of my departure. I could have gone around again, but I chose this time to go to make room for someone else and to make room for a new generation, if you like, in my party to come forward and learn the ropes in this place. They are hard ropes to learn. It is a tough place. It is an exacting profession but it is a profession. I have seen a lot of people look at it and shy away from it because they basically could not hack it or were not prepared to do it for the money. I respect everyone who gets elected to

this place. I respect everyone who makes the rank of Premier in this State, in particular, because it is a hard job and it is unrelenting. I think we have a vested interest in making sure that people respect this institution and respect the profession of politics.

Finally, I thank the people of New South Wales—from Albury to Tweed Heads, from Bondi to Broken Hill—because I could count on two hands the number of nasty comments I have had over 21 years. I think there is overwhelming goodwill out there and that people are prepared to support you for having a go. I thank the House for its indulgence on this occasion, and on many previous occasions. It has been a great privilege to serve in the bear pit.

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

### **Second Reading**

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

**The House divided.**

#### **Ayes, 52**

Ms Allan	Mr Greene	Mr Orkopoulos
Mr Amery	Ms Harrison	Mr E. T. Page
Ms Andrews	Mr Hickey	Mrs Perry
Mr Aquilina	Mr Hunter	Mr Price
Mr Ashton	Mr Iemma	Dr Refshauge
Mr Barr	Mrs Lo Po'	Ms Saliba
Mr Bartlett	Mr Lynch	Mr W. D. Smith
Ms Beamer	Mr Markham	Mr Stewart
Mr Black	Mr Martin	Mr Tripodi
Mr Brown	Mr McBride	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 Debus	Ms Moore	
Mr Face	Mr Moss	<i>Tellers,</i>
Mr Gaudry	Mr Newell	Mr Anderson
Mr Gibson	Ms Nori	Mr Thompson

#### **Noes, 33**

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

**Question resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

### Third Reading

**Dr REFSHAUGE** (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [5.20 p.m.]: I move:

That this bill be now read a third time.

**Mr HUMPHERSON** (Davidson) [5.20 p.m.]: The Opposition indicated in the second reading debate that it would reserve its position, subject to what the Minister said in reply. The Minister did not address the paramount issues in relation to this bill. Reluctantly, the Opposition will move amendments in the Legislative Council. We will oppose the third reading of this bill because there has not been adequate consultation with stakeholders or with people who have tenure of areas of Crown land and whose tenures will be put at risk. The Opposition has always supported, and will continue to support, the principle of having national parks and reserves in this State. However, adequate resources have to be provided to manage them and to undertake hazard reduction.

Adequate resources need to be provided for the control of noxious weeds, and proper management plans need to be put in place to keep feral animals and wild dogs under control. Adequate consideration must be made of the impacts on adjoining landowners, particularly those with freehold title who use their land to earn a livelihood. There should have been proper and direct notification to affected stakeholders who will lose tenure as a result of this legislation. We have been advised that those stakeholders have, in the main, if not entirely, not been told they will be adversely impacted upon. Even though there have been some fairly glib assurances of compensation, given the history of the management of such matters by the Government they have no assurance that these matters will be satisfactorily addressed.

The Opposition is deeply concerned that it was lied to. This week the Government told the Opposition that New South Wales Farmers was consulted in relation to this legislation, but that is completely untrue. New South Wales Farmers, as one of the stakeholders, knew nothing of this legislation until it was introduced. Worse still, the Resource and Conservation Assessment Council [RACAC] process, which should have given rise to appropriate consultation with all stakeholders, was not followed. At its most recent meeting in late October when questions were raised, RACAC was told that the introduction of legislation was not imminent. Not only was the Opposition lied to but lies were told to meetings of RACAC.

New South Wales Farmers and other stakeholders were lied to by the Government. As a result, it is safe to say that we are completely dissatisfied with the Government's position in this regard. When a whole range of stakeholders are impacted upon there has to be proper consultation. On that basis, the Opposition is not prepared to support this legislation. We intend to pursue changes and consultation and proper debate in the Legislative Council. Accordingly, the Opposition opposes the third reading of this bill.

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

**The House divided.**

**Ayes, 50**

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



**Noes, 32**

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

**Question resolved in the affirmative.**

**Motion agreed to.**

**Bill read a third time.**

**BILLS RETURNED**

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

Gaming Machines Further Amendment Bill  
Law Enforcement (Powers and Responsibilities) Bill

**BUSINESS OF THE HOUSE****Bill: Suspension of Standing and Sessional Orders****Motion by Mr Whelan agreed to:**

That standing and sessional orders be suspended to provide for the introduction forthwith and progress through all stages of the Guardianship and Protected Estates Legislation Amendment Bill at this sitting, notice of which was given this day for tomorrow.

**GUARDIANSHIP AND PROTECTED ESTATES LEGISLATION AMENDMENT BILL**

**Bill introduced and read a first time.**

**Second Reading**

**Mr WHELAN** (Strathfield—Parliamentary Secretary), on behalf of Mr Debus [5.33 p.m.]: I move:

That this bill be now read a second time.

This bill provides a simple, cheap and quick process for appeal to the Administrative Decisions Tribunal [ADT] from decisions of the Guardianship Tribunal, the Mental Health Tribunal, and magistrates against guardianship and financial management orders. It also allows the ADT to review the decisions of the Public Guardian and the Protective Commissioner. The bill implements the recommendations of the Public Bodies Review Committee report entitled "Personal Effects: The Roles of the Public Guardian and the Protective Commissioner in Managing Clients' Affairs". The committee recommended that the Protective Commissioner function independently from the Supreme Court and that an external right of appeal to the ADT should be available for clients. The bill makes amendments to four Acts: the Guardianship Act 1987, the Protected Estates Act 1983, the Administrative Decisions Tribunal Act 1997 and the Defamation Act 1974.

I deal first with the amendments to the Guardianship Act 1987. Under the current Act, any decision of the Guardianship Tribunal is subject to appeal to the Supreme Court. This right of appeal continues under the provisions of this bill. The amendments in schedule 1 supplement this right of appeal by allowing parties to appeal to the Administrative Decisions Tribunal against certain decisions made by the Guardianship Tribunal. Appeals to the ADT are cheaper, quicker and easier for parties. The procedures are simple and parties usually do not need legal representation. The ADT acts with as little formality as the circumstances of the case permit. It is

not bound by rules of evidence and it has a duty to act as quickly as is practicable. The provisions of this bill allow access to a fair, transparent and independent tribunal for people who may not be capable or willing to mount a Supreme Court case.

The simple appeal process from the Guardianship Tribunal to the ADT is available to people who are affected by decisions relating to the appointment of enduring guardians, the making of guardianship orders, the making of financial management orders, and the giving of directions to guardians. The bill makes it clear that parties must be provided with reasons for the decision by the Guardianship Tribunal and be advised of their right to appeal. In addition to the appeal rights, the bill provides a process for review of decisions made by the Public Guardian. The bill gives the ADT jurisdiction to review these decisions on the application of the person to whom the decision relates, their spouse or carer, and any other person whose interests have been adversely affected by the decision.

I turn now to the amendments to the Protected Estates Act 1983. Historically, the Protective Commissioner was an officer of the Supreme Court who performed judicial as well as administrative functions relating to financial management orders. This is not consistent with modern best practice. The bill separates the functions of judicial decision making from financial management. Under the new scheme the Supreme Court and the Guardianship Tribunal will continue to have the power to make financial management orders, and the Protective Commissioner will act exclusively as the financial manager or the supervisor of private financial managers.

The bill promotes transparency and independence in the decision-making process. It allows the Ombudsman to review the administrative decisions of the Protective Commissioner. This provides clients and their families with a cheap and simple avenue for resolving complaints and is consistent with the recommendations of the Public Bodies Review Committee. Alternatively, clients can ask the ADT to review the decisions of the Protective Commissioner relating to the approval of a private manager to authorise a protected person to deal with part of the estate, and the general management of estates of protected persons.

The bill also allows the Protective Commissioner to supervise the functions of private estate managers who have been appointed by the Supreme Court or the Guardianship Tribunal. It creates an offence for failing to comply with a direction of the commissioner. The provisions are necessary because the Protective Commissioner needs statutory power to perform the duties previously undertaken by an officer of the Supreme Court and coercive powers to ensure compliance. The decisions of the Protective Commissioner in relation to the functions of private managers will be reviewable by the ADT unless the decision was as a result of a direction by the Supreme Court. The bill allows private estate managers to lodge estate funds with the Protective Commissioner and allows the commissioner to invest the funds. These provisions give private estate managers greater choice in where they lodge their investments and will allow the Protective Commissioner to compete with private sector trust companies for estates which are managed privately.

The bill provides a right of appeal against orders by magistrates or the Mental Health Review Tribunal making estates subject to management under the Protected Estates Act 1983. Any person to whom an estate management order relates, or who was party to the proceedings, may appeal to the ADT against the order. To further safeguard the interests of protected persons, the bill requires the decision maker, either the Mental Health Review Tribunal or the magistrate, to provide formal written reasons for the decision at the request of any party to the proceedings. The decision maker must also inform the party of their appeal rights.

The Administrative Decisions Tribunal is now well established as a multidisciplinary body which has jurisdiction over a diverse range of decision making. Since its inception the ADT has demonstrated the capacity to adapt its procedures to accommodate new areas of jurisdiction in a client-oriented and accessible manner. It is imperative that clients, subject to decisions made by the Protective Commissioner, the Public Guardian, the Guardianship Tribunal, the Mental Health Review Tribunal and magistrates be given access to this specialist forum for dispute resolution. The bill gives the ADT the jurisdiction to review many of the administrative decisions made in relation to protected persons and the jurisdiction to hear and determine appeals from tribunals.

The bill provides for a specialist panel to determine the appeals from external judicial decisions. The appeal panel consists of a presidential judicial member of the ADT, one other judicial member and a non-judicial member who has experience in dealing with people with a disability. This structure provides a combination of extensive expertise and specialist knowledge and empathy with specific client needs to ensure that the rights of people with a disability are vigilantly protected. The bill provides for the review of administrative decisions by the Public Guardian and the Protective Commissioner in the general division of the

tribunal. Further, to ensure that people with disabilities are able to comprehensively put their case to the appeal panel, the bill allows the ADT to appoint a representative to any person who is a protected person within the meaning of the Guardianship Act 1987 or the Protected Estates Act 1983, or in respect of whom a guardianship order has been made or refused.

Under section 79 of the Protected Estates Act 1983, the Protective Commissioner may direct a person to provide a written report on a protected person. The report may contain sensitive information about the protected person such as comments about their state of mind, bodily health, general condition, and care and treatment. The amendment provides that the person preparing and publishing the report has a defence in any action for defamation arising from the contents of the report. This ensures that the report can provide a full and frank assessment of the person and the circumstances without the author risking a law suit for defamation. The bill confirms the ADT as the principal forum for reviewing the decisions of public authorities, and establishes the ADT as an accessible appeal forum for people aggrieved by the decisions of tribunals. It implements the key findings of the Public Bodies Review Committee and provides a simple and accessible means of review and appeal by people with disabilities and their relatives and carers.

The bill demonstrates the continuing commitment of this Government to the delivery of access to justice, and fair and transparent administrative and judicial decision making. It ensures that parties are provided with a cheap and quick appeal process. More importantly, it ensures they are given information and assistance to enable them to understand their rights, and a specialist, informal appeal forum in which to exercise them. I commend this bill to the House. I thank the Opposition for its co-operation in this matter.

**Mrs CHIKAROVSKI** (Lane Cove) [5.42 p.m.]: The reason for the Opposition's co-operative attitude to the passage of this bill is that it is long overdue. As the Leader of the House pointed out, this bill has been introduced in response to a report published by the Public Bodies Review Committee in 2001. The committee examined the Office of the Public Guardian and the Office of the Protective Commissioner to assess how they were working. Although I am not a member of that committee, I have had discussions with the honourable member for Wagga Wagga and other members of the committee. They told me that the inquiry was a trying one because of the terrible stories told by witnesses who were completely overwrought after their dealings with both the Public Guardian and the Protective Commissioner.

The stories often concerned families that were under stress and in strife because of the mismanagement of the care of their relatives. It is probably true that people come under the care of the Protective Commissioner because of family disputes, and it should be said that that does not make the task of the Protective Commissioner or the Public Guardian any easier. Having said that, I must also say that those offices have clearly been the subject of great concern for a long period. In 2001 the committee held public meetings and hearings at which woeful stories were told of family despair, fraud and the cessation of regular contact between family members and their relatives who were under the care of the Protective Commissioner. The problems all seemed to be characterised by a lack of financial planning and consultation with family members. In many instances people in care in small communities seemed to have no outreach within those communities.

The evidence gave rise to three important issues. First, the Protective Commissioner is an officer of the Supreme Court. Appeals against decisions made by the Protective Commissioner must be heard by the Supreme Court. Apart from any other problem that may create, by far the most significant problem for family members was the prohibitive cost of actions in the Supreme Court. Second, in the event of an appeal the Protective Commissioner would defend its case in the Supreme Court and, in doing so, would use the financial resources of the person whose affairs were being managed. In other words, the office was using its client's money to defend actions in the Supreme Court, thereby diminishing the estate of the very person it was supposed to be protecting.

As honourable members may imagine, that caused enormous concern for family members because the standard of care that was the subject of complaint at first instance would have been lowered because the funding for that care was being reduced by the costs of the legal action. Third, there did not seem to be any oversight of the office of the Protective Commissioner. That was in fact the case because, as an officer of the Supreme Court, the decisions of the Protective Commissioner are not subject to independent review. This bill is designed to address a number of these issues.

Honourable members may wonder why I, as the shadow Minister for Infrastructure and Major Projects and shadow Minister for Public Private Partnerships, am leading for the Opposition in this debate. In common with other honourable members, my constituents have been affected by decisions of the Office of the Protective Commissioner. Some time ago I became involved when a constituent who was in dispute with her brother came

to see me. Her brother had committed their father to the care of the Protective Commissioner. The first decision was that her father, for whom she had been caring in the family home, was removed and placed in a nursing home. Her father was suffering from dementia but was not overwhelmingly affected. He was coherent, orientated and was still able to function, but he was in the first stages of Alzheimer's disease.

My constituent's concern was that the removal of her father from his home—from surroundings which were familiar to him and where he was comfortable, having spent so many years of his life there—would cause him to deteriorate rapidly, and that is exactly what happened. It is fair to say that we fought for a number of years to try to have her father returned to her care. She used to say to me, "I understand the reason why my brother is doing this. He thinks I am using up his inheritance, but this is our father we are talking about, and we should not be worried about what happens to his money after he dies. We should be worried about how his money can be used to look after him now." That is why she wanted to keep her father at home: so he would be cared for in familiar surroundings.

She admitted that she would give up her job and use some of her father's money. However, at the end of the day she was not using the money for herself, but for her father. It was probably one of the saddest days of my political career when I was informed that the fight had become too much for that woman. One day she stepped into a bathtub of water, threw a hairdryer into the water and killed herself. That is why I am participating in this debate. I want to ensure that that does not happen to anyone else. Clearly, the bill before the House is designed to do that.

The changes proposed by the Government will ensure that family members who object to the way in which their relatives are being treated may appeal against decisions made in relation to their relatives' care. The removal of the Office of the Protective Commissioner from the Supreme Court will mean that in future appeals will not have to be referred to the Supreme Court. Experience points to the probability that lodging appeals with the Administrative Decisions Tribunal [ADT] will mean that appeals will be able to be dealt with in a quicker and less expensive way. The removal of appeals from the Supreme Court to the ADT will mean that people who object to the way in which their family members are being cared for will have the benefit of a simpler and cheaper process.

The taking of appeals to the ADT is also important because it will ensure the separation of that power from the Supreme Court. There seems to be a view that the Protective Commissioner being an officer of the Supreme Court could lead to a bias in the court. I know that is not the case, but that is certainly the perception. Transferring that appeals process to the ADT will ensure that there is no perception of bias. Removing the Protective Commissioner from the umbrella of the Supreme Court will allow the office to be subject to the scrutiny of the Ombudsman. That is important because there will be another way in which complaints can be investigated.

For a long time people have sought to have their complaints investigated in a way that is effective and, at the end of the day, relatively inexpensive. The Opposition has not had an opportunity to go through the details of the bill. That is because the Government and the Opposition have agreed to pass the bill quickly. We have agreed that if the bill does not go through today, the people who are most affected by it will have to wait at least another six months, given that the House will adjourn shortly. Those people have waited too long already. The Opposition will not oppose the bill. In fact, we support it. Undoubtedly, those in the community who have been desperately crying out for it will also support it.

I take this opportunity to thank the members of the committee, particularly the honourable member for Swansea. Over the past week he has worked tirelessly with me to ensure that the bill will receive support. In this House there are times when we put aside politics and acknowledge that what we are doing is in the best interests of the community. This is one of those times. I thank Patty Costa, a name familiar to anyone who sat on the committee. Patty started an organisation called the Carers of Protected Persons Association. She has fought tirelessly for changes in the law to ensure that there are fairer provisions for people who are in the care of the Office of the Protective Commissioner, the Guardianship Board or the Public Guardian. I thank Patty for all the work she has done over the years and her tireless lobbying.

I thank also Judie Stephens, a lady who is known to many people in this House. I acknowledge that Judie is present in the public gallery. Judie has lobbied not only the State Government on this matter, she has also successfully lobbied the Federal Government in relation to structured settlements. Judie has my total admiration for all sorts of reasons. She is probably one of the best and most successful lobbyists I have ever known. She is also the carer of her grandson, Jackson, a most beautiful boy. Many years ago Jackson suffered a

disability as a result of car accident. One reason Judie has been fighting over this issue is to make sure that she continues to have the care of that beautiful child.

This bill is a victory for Patty Costa, Judie Stephens and Jackson. It is a victory for all those who knew that if they continued to argue, fight to be heard and talk to politicians, they would eventually get it right. Everything that needs to be done has not yet been done, and the honourable member for Wagga Wagga will probably have a few words to say about the report. On the last full sitting day of this session, this is an appropriate victory and an appropriate way for Parliament to conclude. The bill is in the interests of the people of New South Wales, whom we are elected to represent. I thank the Government for its co-operation in ensuring that this bill is passed before Parliament rises for the election. For those who need care and for the family members who know that they need care, we need to make sure that we get it right. Looking after those who are unable to look after themselves is one of the most important things that any government, any family, any community, can do.

**Mr ORKOPOULOS** (Swansea) [5.55 p.m.]: This bill, which has bipartisan support, is a triumph for the committee system of this Parliament. The report that brought the recommendations to the attention of the Government and the Parliament also had bipartisan support. Clearly, the sentiments of the honourable member for Lane Cove are echoed by members on this side of the House. The honourable member for Lane Cove covered amply most of the salient points of the report. The bill implements the recommendations of the Public Bodies Review Committee contained in the report entitled "Personal Effects: A Review of the Offices of the Public Guardian and the Protective Commissioner". The bill goes beyond the recommendations of the committee's report and includes the Guardianship Tribunal and the Mental Health Review Tribunal within its provisions.

The bill amends four Acts, the Guardianship Act 1987, the Protective Estates Act 1983, the Administrative Decisions Tribunal Act 1997 and the Defamation Act 1974 and allows for a greater, easier and more accessible process of review of the decisions of those tribunals. In the course of the inquiry the committee found that the original shock, anger and frustration of many people who gave evidence to the committee or made submissions to it resulted in the first instance from contact with the Guardianship Tribunal. They were in conflict with the Guardianship Tribunal process; they fundamentally disagreed with it. In a large number of cases, the decisions made by the tribunal were difficult for families to accept.

The immediate relatives of a constituent of mine who needed care fundamentally disagreed with the tribunal's decision to award financial guardianship to a distant niece who had spent some time in prison for fraud. That made me aware of the experiences of many people who wanted to challenge the decisions of the Protective Commissioner, the Public Guardian, the Mental Health Review Tribunal or the Guardian Tribunal. They were thwarted because the only body they could appeal to was the Supreme Court of New South Wales. Clearly, that is an inappropriate course for many people. Not many people have a lazy \$50,000-odd to spend on lawyers to get a simple decision reversed or reviewed. This bill provides a mechanism to resolve that problem.

I am particularly pleased that the Office of the Protective Commissioner is to be separated from the Supreme Court. That connection is anachronistic. In the past the jurisdiction was exercised in New Wales by an officer of the court known as the Master in Lunacy, who was under the general oversight of the Chief Judge in Equity. The Office of the Protective Commissioner was holed up in a registry in the Supreme Court with enormous security. To seek a review of a decision some internal complaints handling processes were instituted rather belatedly, certainly after the performance audit review by the Audit Office. If any external review were required the Supreme Court would be the only avenue of appeal. I thank Patty Costa and Ms Judie Stephens, who is present in the gallery, for their constant vigilance. This excellent report, which was supported by all members of the committee, will shape government policy for the betterment of this State. The bill will achieve just that.

**Mr MAGUIRE** (Wagga Wagga) [6.00 p.m.]: The honourable member for Lane Cove and the honourable member for Swansea referred succinctly to the contents of the committee's report. If the bill achieves the results that all members believe it will achieve, it will be a legacy of the Fifty-second Parliament. As a member of the Public Bodies Review Committee I am aware of the necessity for this report. Members of the community desperately wanted the Government to do something about those issues raised earlier by the honourable member for Lane Cove and the honourable member for Swansea. I will not refer to the detail of this report, which, as I said earlier, was referred to succinctly and dealt with competently by other members.

The report contains 24 recommendations. I understand, after speaking to the chairman of that committee, that all but one of those recommendations have been implemented. The action that has been taken by

the Government, which is fully supported by all members, will make life much better for those who so bravely made submissions and lobbied long and hard for changes to the roles of the Protective Commissioner and the Public Guardian. I looked through the committee's report to remind myself of some of the events that occurred while we were compiling it. I attended every meeting of the committee as I wanted to help to make permanent and lasting changes for people with brain injuries and others with disabilities. The stories that we heard were horrendous and woeful. It is disgraceful that governments of all political persuasions have left these people to suffer under the conditions that were described to us.

It was a pleasure to work with all members of the committee in compiling this unanimous report. I say to the chairman of the committee, the honourable member for Swansea, "Well done." His chairmanship guided us through this inquiry in a professional and constructive manner. The honourable member for Port Stephens, the honourable member for East Hills and the honourable member for The Hills all contributed to what I believe to be one of the best reports to be presented to the Fifty-second Parliament. I acknowledge the hard work of the staff of the committee. The staff of a committee are often the unsung heroes. They have to deal with the demands of members and meet all sorts of deadlines.

I thank Catherine Watson, Committee Manager; Jackie Ohlin, Project Officer; Keith Ferguson, Committee Officer; Glendora Magno, Assistant Committee Officer; and John Chan Sew, Financial Consultant, for their contributions. They assisted in the formulation of this bill, which will make a difference for those people who have been mentioned in debate by other honourable members. I am pleased that the Government has accepted and implemented most of the committee's recommendations. I hope that this legislation will achieve the desired outcomes.

**Mr ASHTON** (East Hills) [6.05 p.m.]: I thank the honourable member for Lane Cove for ensuring that this bill was dealt with before the conclusion of this parliamentary session. As the honourable member for Wagga Wagga has said, this legislation is a great achievement. The Public Bodies Review Committee wanted to produce a report that would assist those in the same position as the thousands of people in New South Wales who, for more than 100 years, have been affected by decisions made by the Public Guardian and the Protective Commissioner. Only last week Ms Judie Stephens arranged a meeting with a group of people who had been affected by such decisions. I thank the Attorney General, the Hon. Bob Debus, and his staff for their speedy preparation of this legislation. Most committee members would be aware that often reports are called for, an investigation is undertaken, the report is eventually produced and it remains on the table and gathers dust.

The bill will enhance the lives of many people. If carers and those for whom they are caring disagree with decisions that are taken against their interests, at present they are compelled to take their case to the Supreme Court, which involves them in a great deal of expenditure. Under the bill the Administrative Decisions Tribunal [ADT] will be given the power to hear and determine appeals against guardianship and financial management orders made by the Guardianship Tribunal, magistrates, the Mental Health Review Tribunal, the Public Guardian and the Protective Commissioner. That will make them more accountable for the decisions they make. Many witnesses who appeared before the committee said that they could not get people to return their phone calls or client officers to report on what was happening to their loved ones. Some officers who had to review the cases of 35 or 40 people were not able to make decisions.

One of the committee's final recommendations specified that appeals should be determined by the ADT and that the ADT should be able to rule against certain decisions of the Guardianship Tribunal, such as decisions relating to guardianship, and financial management orders. The bill will allow appeals to the ADT against orders by magistrates or the Mental Health Review Tribunal and the estates of persons will be subject to certain arrangements. The decisions made by the Protective Commissioner and the Public Guardian will be reviewed by the ADT. The role of the Protective Commissioner will be separated from the Supreme Court.

Many people were concerned about the fact that if they believed they had not been treated fairly and wanted to appeal against the decision, the matter had to be dealt with by the Supreme Court. The legislation, which will give that power to the ADT, will assist in helping a number of people. I thank the members of the committee. There were no disputes in the preparation of the committee's report; it had the unanimous support of all committee members. I thank Opposition members for their support for this legislation.

**Mr KERR** (Cronulla) [6.08 p.m.]: I support the legislation, which I realise will not solve all the problems that are being experienced by many people. The conflicts are too deep and the issues involving families and citizens in this State are so complex that reconciliation will not be able to be achieved. The unanimous report of the Public Bodies Review Committee was tabled in October 2001. No reason was given by

the Minister in his second reading speech why this legislation was not introduced earlier than today. The Government could have acted upon the committee's recommendation much earlier. In fact, a great deal of hardship and pain was inflicted as a result of that delay—even the honourable member for East Hills would appreciate that justice delayed is justice denied. The delay in introducing this legislation has occasioned injustice.

It is worth retelling how this legislation came into being and why its introduction was so unconventional. There was a demonstration outside the Parliament about a week ago attended by Judie Stephens, who is in the gallery. With the honourable member for Lane Cove leading the way, we went and spoke to the chairman of the Public Bodies Review Committee, the honourable member for Swansea, and the honourable member for East Hills. They gave undertakings that they would do all they could to ensure that the legislation was introduced in Parliament before the end of the session. It is a great credit to those individuals, rather than the Government, that this legislation is now before the House.

This legislation came into being because those people who demonstrated outside the Parliament would not take no for an answer. Justice was on their side and their complaints were authenticated by the committee. They asked simply that the committee's recommendations be implemented—the bill would not have been drafted otherwise. It is nearing the end of this parliamentary session and we are about to go to an election. Many of my constituents, including Judie Stephens, have been instrumental in this process. They appeared before the committee and convinced its members to accept their evidence. When the committee made its recommendations they ensured that those recommendations were converted into legislation. The legislation that we are about to pass—I do not believe the House will divide on its second reading—is the result of last week's demonstration.

I have been lobbied by some of my constituents as the legislation will impact on my electorate. This is very good legislation in that it complies with their wishes. I hope that the legislation will pass through the upper House and go on to be proclaimed. I ask Government members to keep an eye on it and ensure that that happens. There is no point completing this process and then finding, when the survivors assemble after the election, that the legislation has not been proclaimed.

**Mr Ashton:** I think it will be proclaimed.

**Mr KERR:** Thank you. Happiness will be achieved. I rely upon the honourable member for East Hills to ensure that that proclamation takes place. The price of success in these matters is eternal vigilance, and no-one will be complacent about this legislation.

**Mr ROZZOLI** (Hawkesbury) [6.13 p.m.]: I welcome the opportunity to say a few words about the Guardianship and Protected Estates Legislation Amendment Bill. I appreciate that this is humanitarian legislation and that certain aspects of it are needed desperately. I appreciate the fact that honourable members on both sides of the House believe the legislation should be passed today otherwise those who hope to benefit from it will have to wait many more months before another likely opportunity presents itself. Having said that, I believe it is reprehensible that legislation as important and significant as this, with far-reaching ramifications for the lives of people who suffer great disadvantages, should be rushed through the House with such expedition. I received a copy of the bill only a few minutes ago, although I gather it was discussed by Government and Opposition members prior to this debate. That is simply not good enough. This legislation is worthy of proper investigation by Parliament and we should be given the opportunity perhaps to improve it. I condemn the Government for delaying the introduction of this legislation for so long. I gather from the debate that its introduction is due to the prompting of Judie Stephens, who is in the gallery. The Government's incompetence is equally reprehensible.

The Leader of the House indicated in his second reading speech that the bill provides a cheap and simple answer to disputes that may arise between the Protective Commissioner, the Guardianship Board, the Guardianship Tribunal and the Public Guardian, which deal with those who are placed under protective orders of one kind or another. I do not think that is the case. I do not think the bill offers a simple and cheap avenue. The legislation immediately transfers to a disputes tribunal any problems experienced by those bodies in an endeavour to find some solution to the mish-mash of incompetence and the quite destructive behaviour of many agents of the government that deal with people who need some form of protection.

The Public Bodies Review Committee's original terms of reference were incomplete and inadequate. Whole areas that required scrutiny desperately were left out of the committee's brief. That is not the committee's fault; that is the brief it was given. The Government is at fault because it failed to widen the scope of the

committee's terms of reference to include an examination of the many issues that fundamentally underline the problems in this area. This legislation does nothing to address those issues. It does nothing to address the causes of disputation and it does nothing to deal with the day-to-day administration and first-contact conduct of those bodies. They can continue to operate in their usual manner and anyone who disagrees can take their case to the Administrative Decisions Tribunal [ADT]. This will lead inevitably to the ADT grappling with many complex questions with which I think it will have much more difficulty than is envisaged in this legislation. It is not a cheap and simple answer. I wish it could be, but unless we go back and consider the fundamental issues that give rise to disputation, we will not address the problem.

The capacity to take a dispute to a tribunal should be based on the premise that the agency that is responsible for delivering the service in the first place gets it right in most instances. In the relatively rare cases when there is disagreement about the way in which an agency conducted its affairs the disputants should be able to go to a tribunal to seek a resolution. Like all members of Parliament, I have had considerable experience in this area. I have been deeply involved in terribly time-consuming and traumatic issues. I have had constituents in my office in tears. In many cases I have gone far beyond the role expected of a member of Parliament in an effort to resolve issues because the fundamental conduct of these bodies leaves so much to be desired. Unless we address that problem we will make very little headway with this legislation. That is not to say that this bill should not be passed. I certainly do not oppose it. However, I do not think it will be the panacea that the Leader of the House suggested.

Some matters in the legislation are separate from the establishment of the Administrative Decisions Tribunal as the appeals tribunal, and need much more detailed consideration. Proposed section 31B, which deals with the development of financial plans, is an example. I acknowledge that we, as members of Parliament, hear only about the problems. No-one tells us that the Protective Commission is doing a great job. In many instances the Protective Commission has not demonstrated that it has the capacity to prepare appropriate financial plans for the estates of protected persons. That aspect has been glossed over in the legislation.

A more beneficial approach would have been to issue the legislation in draft form, so that we could have considered it much earlier. The legislation is a classic example of the parliamentary process to which I referred earlier today. A broader ranging debate delving into all the ramifications of this critical area of legislation would have been beneficial for the Parliament and the beneficiaries of the legislation, the community who are disadvantaged by the way these agencies conduct themselves. I do not want to repeat what I said about the conduct of some of those agencies when the report was tabled, but that certainly leaves a lot to be desired. I am happy to support the legislation. It is a step forward. I hope sincerely that it will provide relief for some of those who currently find themselves in dispute with various agencies.

However, I fear that the legislation will not go as far as the Government believes. The conduct of these agencies is wide open for further review and amending legislation. I regret that I will not be here to speak on future debates in this area, but that is a natural fact of progressive history. I trust that in the life of the next Parliament a further reference to the Public Bodies Review Committee will enable the committee to explore in much more detail the area that needs to be considered. I compliment the Public Bodies Review Committee on its work. It is a conscientious and excellent report within the limited terms of its brief. I urge this House, in the Fifty-third Parliament following the election, to take on all the other unaddressed problems for no other reason than the simple humanity of allowing people who are in need of that form of protection to live their lives with compassion, dignity and security.

**Mr HAZZARD** (Wakehurst) [6.23 p.m.]: I have given an undertaking to the Leader of the House that I will keep my contribution short because he wants to bring on other matters. I would have been delighted to speak on this bill and the problems within the Office of the Protective Commissioner and the Office of the Public Guardian at great length. I have been a solicitor for 25 years and a member of this House for 11, but I cannot count the number of times I have had to advise people on problems that arise in the interface between themselves and the Office of the Protective Commissioner or the Public Guardian. Unfortunately, it is always a difficult time. The committee quite properly observed that.

If the Protective Commissioner and the Public Guardian are involved there is already family conflict. Otherwise, by default, family members would manage the estates, assets and so on of the person who has some disability. We must acknowledge that the Protective Commissioner and the Public Guardian have a difficult job because of the genesis of the problem. However, the report that forms the background to the bill underlines some of the difficulties. It is more about lack of appropriate management of the issues at the earlier stages. In other words, we should be more focused when the family is in dispute about who should control what assets,



what should happen with mum's or dad's assets, and where she or he should live. Otherwise we abrogate our responsibility to have the family properly sort it out.

Once an application is made to the Protective Commissioner or the Public Guardian becomes involved, we are on the next part of the treadmill. I am not denigrating the officers who work in the Office of the Protective Commissioner or the Office of the Public Guardian. But quite often the officers do not have the appropriate human skills to handle complex family problems surrounding core financial issues. Consequently, files are not properly maintained because of a lack of experience and capacity to handle these difficult issues. I am aware of files that have been put in bottom drawers and forgotten about, or phone calls not returned because the officer at the other end of the phone is fed up to the back teeth with talking to the family, and the family is causing the officer grief because they are unhappy with a decision of the Protective Commissioner or the Public Guardian.

The legislation will do very little to resolve the problem. I am not detracting from the hard work of the committee: it was a tough job. But the legislation will not necessarily resolve those problems. Parties who are aggrieved will no longer have to apply to the Supreme Court, which is an extremely modest benefit. But it will still be necessary to head off to the Administrative Decisions Tribunal, engage lawyers, properly prepare the cases and appear before the ADT. We talk about mediation and conciliation, but the solution offered by the committee and, effectively, this House to those who are suffering this grief is more litigation, but in a slightly different way.

I am a lawyer. I understand the value of litigation. But litigation should always be the last resort. There should be ways to bring people together at the earliest stages when problems are just arising. There should be ways to bring people together when the problems are at their white-hot point. There should be a whole system of options. The legislation does not provide that. I am very disappointed that the legislation, which is important, was not properly negotiated. It was not made available in the form of a draft bill for discussion. We are talking about some steps to change the way people relate to an office that has quite remarkable control over a family's assets and the life of family members.

It would have been far more beneficial if the Labor Government had released draft legislation for consultation. I see no indication of who has been consulted about the legislation. As the honourable member for Hawkesbury recounted, the bill was produced to most members of the Opposition only a few minutes ago. It is farcical to say that the bill has undergone proper consultation. However, I notice the ever-omniscient presence of the honourable member for Strathfield in the Chamber. For that reason I shall cease my contribution with the forlorn hope that in the next Parliament, when the Liberal and National parties are in government, there will be proper consultation about this issue to ensure that real outcomes are achieved for families in distress.

**Ms MEAGHER** (Cabramatta—Parliamentary Secretary) [6.29 p.m.], in reply: I thank honourable members who have taken part in this debate.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

## **BUSINESS OF THE HOUSE**

### **Bill: Suspension and Standing and Sessional Orders**

**Motion by Ms Meagher agreed to:**

That standing and sessional orders be suspended to permit the resumption of the debate on the Terrorism (Police Powers) Bill forthwith.

## **TERRORISM (POLICE POWERS) BILL**

### **Second Reading**

**Debate resumed from 19 November.**

**Mr TINK** (Epping) [6.30 p.m.]: The Coalition supports the Terrorism (Police Powers) Bill but has a number of concerns about its limitations. We foreshadow one amendment, and will raise a number of other

issues without seeking to amend. We do not want to delay this legislation. Considering the original approach taken by the Premier, in particular, the bill comes up short. It is a matter of record that on Sunday 17 November 2002 on the ABC television news the Premier said:

If we get a serious warning of a terrorist strike I don't want there to be people out there who've got links to JI or al-Qaeda, questionable links with these organisations. I want them detained.

On the same evening on Channel 7 news the Premier said:

I want them detained, it's as simple as that.

His quote went around the world and on 18 November 2002 it was also reported in the *Sunday Times* in London:

Where we get a credible warning from our allies or from Canberra about a heightened risk of terrorism, I want us to be able ... to trigger an increased police capacity to act to save Australian lives," Mr Carr said. "If we get a serious warning of a terrorist strike, I don't want there to be people out there who have links to JI (Jemaah Islamiyah) or al-Qaeda ... I want them detained.

The Premier clearly indicated he wants police to be able to detain people who have got links to Jamaah Islamiah or Al Qaeda. It is also clear that the Premier in earlier debates, when responding to questions in the House or other matters, said that we would expect NSW Police to retain a central police role within this jurisdiction to deal with terrorism in New South Wales. The Premier has a habit of passing things over to the Federal Government, at times when it suits. It is critically important that the State and Federal authorities co-operate at all times. Obviously steps will be put in train and are being put in train to do that. In the opinion of the Coalition, the New South Wales Government retains a central policing responsibility to deal effectively with terrorists and terrorist threats in this jurisdiction.

That means that the police must have power in this jurisdiction to detain terrorists, but such a power is not provided for in this bill. The Opposition believes that is a major failing of the bill and an example of the Premier saying one thing and doing another. He said on television to the people of New South Wales, Australia and London that the police will have the power to detain. However, I have searched in vain for the power to detain in this bill. In many ways it is a curious bill. Part 2 of the bill deals with authorisation to exercise special powers, to which I will refer shortly. Basically part 2 sets out how the Minister for Police, the Government and senior police start the process rolling, and part 3 deals with their special powers when they get the process rolling.

Police have the power to obtain disclosure of identity, to search persons, to search vehicles, to enter and search premises and to seize and detain items. That part then deals with the use of force generally by police officers, offences, and the supplying of a police officer's details. The words "detention" or "arrest" do not appear in the bill. In other words the promise made by the Premier on the news, and published in the United Kingdom, is hollow. The Parliament is about to bring this session to an end. The Premier supported the Acting Federal Attorney-General who said there will be a general terrorist threat during the Christmas and new year period. That is common ground, a matter of record and the subject of a press release by the Hon. Chris Ellison. However, on this final full sitting day of the Parliament, with the Premier having made the point that he wants terrorists detained, with the jurisdiction of this Parliament having been made clear within New South Wales and without saying anything out of the ordinary about potential targets of interest within this jurisdiction, nothing is offered by the Premier in this legislation about detention at all.

The words "detention" and "arrest" do not appear in the bill, nor do any synonyms in the Thesaurus appear in this bill. We are left with the operation of the law as it already exists, that is, the Crimes Act. The Government has hyped up this bill but the police are left to use the Crimes Act to detain terrorists and to focus on exercising their coercive powers to detain where those powers cannot be found in this bill. Police powers to detain and arrest will soon be provided for in the Crimes Act; they will be found in the police powers legislation which has just been returned from the Legislative Council. And this Government has watered down the power of police to make an arrest under the police powers legislation.

The original power was created in section 352 of the Crimes Act, which provided three powers for arrest without warrant where a crime is being committed or has been committed, or where there is a reasonable belief that a serious crime is about to be committed. Those three powers in the Crimes Act have now been reduced to two in the police powers legislation—the powers to arrest during the commission of a crime and after the commission of a crime. The height of irony is that on this last sitting day of this Parliament, with a current terrorist alert out for the Christmas and new year period, and with all the talk by the Premier about detaining terrorists, the bill does nothing to detain terrorists. We have a bill, returned from the Legislative Council, which

waters down the police powers to otherwise use the arrest power and thus abolishes the police power to arrest on suspicion.

There has been a lot of dancing around the head of a pin in relation to the police power to arrest on suspicion. The Minister for Police has been at great pains to suggest that the common law powers relating to the police power to arrest on suspicion remain. My view plainly is, in light of two contributions from the Attorney General, that they do not remain; they are gone. They are gone because the Attorney General, who had carriage of the Law Enforcement (Powers and Responsibilities) Bill, made plain not only in his second reading speech but in his comments in reply that there is no such power.

In his second reading speech the Attorney General said that part 8 of the bill codifies the common law. That will slam the door on any attempt by police to use a common law power. Any defence barrister will rely on what the Attorney General said in introducing the Law Enforcement (Powers and Responsibilities) Bill to say there is no common law power because the Attorney General, who had carriage of the matter, said that part 8 codifies the common law, and part 8 does away with the power that was in the Crimes Act to deal with the question of arrest on reasonable suspicion. Because it codifies the common law—as any first-year law student knows—anything outside the codified law ceases to have effect.

But having raised this matter in the debate on that bill, the Attorney General was not for turning on the point. He was not for saying, "Oh well, there may be some common law powers that continue, or there may be some law that exists outside this bill." He was not for turning. In his speech in reply he dug himself further in and made this statement, which I will put on the record because it is fundamentally important:

This arrest power has no related offence.

That is the arrest power that the Coalition wants retained, and will move to retain, in the legislation. The Attorney General said:

This arrest power has no related offence. It allows police to arrest a person who is not even in the process of committing an offence. If the police have arrested a person but there is no offence, they cannot then process that person and bring him or her before the court. All they can do is release the person. Therefore this power serves no useful purpose.

There it is in black and white. If the Attorney General were to be given the benefit of the doubt of having made a mistake, or of going a little bit wide in his comments, and the Government really wanted to retain this common law power, it is nonetheless dead and buried, cremated by what he said in reply. It is dead and buried because the Attorney said—and that carries great weight in the courts—the arrest power has no related offence. We wanted to maintain the power that allows police to arrest a person who is not in the process of committing an offence. So the power to arrest on reasonable suspicion is dead. Therefore, what the Government did today, as reflected in the message received from the Legislative Council, constitutes a reduction in police powers to arrest and detain. At the same time the Government is bringing forward an anti-terrorism bill that relies on those reduced powers of arrest and detention, because there are no powers of arrest and detention in the bill.

What the Coalition says, and what I suspect the police would like—and I would support them in keeping it because, to my mind it is commonsense, especially where there is concern about a terrorist threat—is power to arrest where a police officer forms a reasonable view that a person is about to commit a serious indictable offence. Then the powers relating to part 8 of the law enforcement bill kick in, and police have power to take that person into custody, hold the person under part 8, hold the person under the time limits for part 8, question the person under part 8, and maybe get some admissions about what the police officer reasonably suspects was an offence about to be committed, or some other offence, and deal with the person further.

But, as things stand, those powers do not kick in—because the Attorney General tells us so—until an offence has been, or is being, committed. Those are the Attorney's words, not mine. So we have the position that although the Premier promised that Jamaah Islamiah and Al Qaeda terrorists will be detained, there is no power to detain them. The Government has in fact diminished the power of police to detain people under this legislation. That is the position on the final, full sitting day of this House of Parliament, in the knowledge that in the coming months we face a heightened terrorist alert.

Originally I had intended to move amendments or express my concerns in relation to some matters. In light of advice I have received, I do not particularly want to push ahead with amendments, but I will put my concerns on record. Part 2 of the bill relates to authorisation to exercise special powers. As I understand it, this

part deals with two basic authorisations. The first is an authorisation given by police, and that is significantly time limited. A further authorisation is in the form of a ministerial concurrence or confirmation, and that, I understand, can extend the time limit. I think it is important for an elected official to be involved in making that decision, and I accept the Government's reasoning for that.

I also accept the Government's reasoning that, in relation to clause 8, the primary power to give an authorisation, whilst held by the commissioner or deputy commissioner, can also, if they are unavailable, be exercised by somebody above the rank of superintendent. In practice, that means an assistant commissioner or, most likely, a regional commander, who is not likely to be in Sydney if called upon to make that decision. The point to be made about this was referred to by the Premier. As awful as it may be to contemplate, it is not beyond the bounds of reality that all the very senior police could be the subject of some sort of attack, and therefore appropriate authorisation is required from someone else. I accept that we are talking about problems that require an expansion of the ranks of people who are able to provide the authorisation.

The Minister stands alone as an individual who can give the concurrence or confirmation referred to in clause 9. Initially, I was minded to move an amendment to include some other specific people, possibly those on the new terrorist committee, which I understand includes the Premier, the Attorney General, and the Treasurer. I was dissuaded from so doing by Parliamentary Counsel and others who referred me to section 37 of the Constitution Act. That section, entitled "Unavailability of Minister of the Crown", provides:

A Minister of the Crown may exercise or perform for and on behalf of another Minister of the Crown a function appertaining or annexed to the office of that other Minister if the firstmentioned Minister is satisfied that the other Minister is unavailable and that any Minister of the Crown authorised under section 36 to exercise or perform that function is unavailable.

However, after reading section 36 I am still a bit uneasy about this. That section, which provides authority for a Minister of the Crown to act on behalf of another Minister, is quite long and convoluted. In the ordinary course, it requires the involvement of the Governor, gazettal, and all that sort of thing. I am uneasy that, if there is an extraordinary event that this legislation specifically contemplates, some of the most senior police may be dead, and it is possible that the Minister for Police, who might be meeting with senior police, could also be dead or legally incapable of acting.

My concern is that section 37 of the Constitution Act may not be quite as easy to bring into operation as some people seem to think. It may be difficult to locate the Governor or somebody acting in her stead, and it may be difficult or even impossible to gazette something. I remain uneasy that in the face of such a catastrophic event, we would need to muck about because we have shackled ourselves with section 36 of the Constitution Act. Personally I would be much more comfortable if the bill specifically nominated people who would stand in the stead of the Minister for Police, if the Minister for Police were dead or incapable of acting, but I do not wish to be, or wish to be seen to be, taking points if there is a doubt.

This is very important legislation and, having placed my views on the record, I will not press the amendment. However, I seek an assurance that at some stage before this bill becomes law there will be provision for someone to automatically stand in for the Minister for Police. If the Minister were alive but captured or held hostage, the legislation should clearly state the legal position. I would feel more comfortable if the terms of the legislation were clarified. I believe that the scenarios I have mentioned are not fanciful, because they are clearly contemplated by the Government in the flexibility that is built into the ranks of senior police officers who are empowered to carry out authorisations. For the sake of abundant caution, that flexibility should apply also to the office of the Minister for Police.

The Opposition will press one amendment to clause 11, "Duration of authorisation". I had considered moving two amendments but, to avoid confusion, decided not to move them. However, there are some matters that must be placed on the record. Clause 11 (3) refers to the period of authorisation being extended "by the giving of a further authorisation, with the concurrence of the Police Minister", provided that "the combined period" in the case of clause 5, which relates to an imminent terrorist attack, is not longer than 14 days. As I understand that provision, there is a one-plus-one authorisation, that is, an initial authorisation and one further authorisation. As I interpret the plain language of the clause, there is no room for multiple authorisations. In other words there cannot be a third or fourth authorisation. There are two authorisations, and after the second authorisation is given, that is it.

This is an important point because any court called upon to interpret that provision will read the words very tightly. This is not the sort of legislation that expands to cover particular circumstances being dealt with by a court. Clause 13, "Authorisation not open to challenge", limits the interpretation of the wording of the bill, but

if a question arose about multiple or further authorisations, I suggest that a court would read down clause 11 (3) quite severely and decide that the legislation provides for "a further authorisation"—singular, not plural. I considered "further authorisations" as an amendment, but I have decided against moving it. However, I seek some confirmation or assurance that the plain words in the bill do not mean what they say; that is, that in fact "a further authorisation" means more than one authorisation. I seek an assurance that the words of the legislation are not to be interpreted strictly, and that multiple authorisations will be possible. At the moment the bill provides for one plus one, but there has to be more flexibility than that.

The Opposition has foreshadowed to the Leader of the House an amendment that it will press relating to time limits. Clause 5, "Authorisation of special powers to prevent imminent terrorist acts", and clause 6, "Authorisation of special powers to investigate terrorist act in the immediate period after its occurrence" are subject to separate time limits, and I do not understand why. Separate time limits apply to the prevention of an imminent terrorist attack on the one hand and, on the other hand, to the investigation of a terrorist attack after it has occurred. As I understand the bill, the period of authorisation for an imminent terrorist attack is seven days, but it can be extended to 14 days. That should be compared with the period of authorisation after a terrorist attack, which is 24 hours with an extension to a maximum of 48 hours.

A maximum of 14 days is allowed to deal with an imminent terrorist attack. After intelligence reports are received and when this legislation is invoked, a period of 14 days will run. But after an attack takes place, these powers will apply for only 48 hours. I do not understand the 48-hour limitation after an attack. The Bali tragedy showed that for a considerable period after the atrocity took place, critical steps and decisions were being taken in the investigation of that crime, and it also showed that every power available to police is absolutely critical in the aftermath of a terrorist attack to enable officers to properly investigate the matter.

For argument's sake, if intelligence reports had indicated that the Bali attack was imminent and, after 14 days of attempting to apprehend the perpetrators the attack occurred anyway, it would have been absolutely absurd to have only a period of 48 hours in which to apprehend the perpetrators. On any critical reasoning it is incomprehensible why the same time frame for prevention would not apply for the apprehension of the perpetrators after a terrorist attack under these special powers.

One terrorist attack may well lead to another, and the difficulty with these provisions is that more than 48 hours will probably be needed to deal with the aftermath of an attack. After the expiration of these special powers in the aftermath of a terrorist attack, what are investigators left with? In the absence of these special powers, investigators are otherwise left with the ordinary operation of the criminal law. In that sense, after the expiration of the 48 hours following a terrorist attack, the bill adds nothing to the ordinary operation of the criminal law. Investigators who are hot on the trail of the perpetrators will need to use these powers and they will need more time. Why limit these powers to 48 hours after a terrorist attack and then say, "That's it. Now it's back to the ordinary powers"?

I wondered why any time limit would be placed upon an authorisation, but after discussions I came to the view that the Premier is right in suggesting that a balance must be struck between the exercise of these powers and other freedoms that people enjoy. As matters stand at the moment, we are faced with the concept of time limits and, on balance, that is probably the correct course. However, for the life of me I cannot understand why differential time limits apply to the period immediately before an attack and the period immediately following an attack.

If the Bali tragedy teaches us anything at all it is that the post-attack scenario is of critical importance because that is when the best information is to be found and when there is the best chance of arresting the perpetrators. During that time forensic investigators are at the crime scene, as well as people who are directing their investigations. That seems to be what is happening in Bali. Those powers will be needed for as long as the investigators can have them, and I do not understand why the Government would want to cut off these special powers after 48 hours and revert to ordinary common law criminal investigation powers that would apply to minor offences, such as shoplifting.

**Mr Debnam:** Minor crime.

**Mr TINK:** That is right. Why should the rules of criminal investigation that apply to a shoplifting offence also apply to the aftermath of a terrorist attack from 48 hours after an attack occurs? Why would we treat a terrorist attack as a shoplifting offence, from a criminal investigation perspective? The Premier has stated publicly that he wants people involved in terrorist attacks detained, and he has said he will go after Al Qaeda,

but the provisions of this legislation suggest that we will go after them for only 48 hours. His attitude is that 48 hours will do and, after that, we will stop and go back to ordinary criminal investigation powers, and treat the attack as we treat shoplifting or some other mid-range criminal offence. Why would an investigation be stopped dead in its tracks after just 48 hours?

In other debates the Premier has commented on terrorism and spoke about the referral of terrorist acts to the New South Wales Crime Commission for investigation. I am surprised that the legislation does not include provisions about referral to the Crime Commission. The Crime Commission may or may not have power to deal with terrorist acts, but I think the position is far from clear. Section 25 of the New South Wales Crime Commission Act 1985 empowers a management committee to refer, by a written notice, matters relating to "relevant criminal activities" to the commission for investigation.

"Criminal activity" is any circumstance in which a relevant offence may have been, or is about to be, committed. There is no reference to a terrorist act. In vain I searched the New South Wales Crime Commission Act for any reference to terrorism. We should not have to join up the dots or fill in the blanks in the New South Wales Crime Commission Act to assume that police have the power to deal with terrorist acts. In the Terrorism (Police Powers) Bill the definition of a terrorist act takes up almost two pages. Why is there no definition in the New South Wales Crime Commission Act, if, as the Premier appears to be telling Parliament, it will be critical in the use of coercive powers and so forth to interview terrorists and people suspected of terrorism?

It may be that the Crime Commission's power to deal with offences about to be committed is the answer. I would rather see it spelt out; it is an omission that it is not spelt out. With the heightened terrorist alert that we face, it is the duty of this Parliament, particularly the Government, to introduce legislation that inserts a definition of terrorism in the New South Wales Crime Commission Act, if terrorism is a priority, as it should be. I will not be comfortable that those powers follow, as night follows day, until that omission is remedied.

Before the Premier introduced this bill, and during question time recently, I said that the Premier and his Commonwealth parliamentary colleagues need to give a bit of bipartisan support to the Federal Government on a couple of key issues. I was referring to the powers of the Australian Security Intelligence Organisation [ASIO]. As I understand it, ASIO has some additional powers that enable it to detain and question suspected terrorists. There are two key areas. One is giving ASIO powers similar to those of a royal commission to question people over their objection. Several organisations in New South Wales currently have that power, including the Crime Commission, the ICAC, the Police Integrity Commission [PIC] and royal commissions, and there may be others.

ASIO does not have that power, and that is patently absurd in the current climate. ASIO needs the power that the Crime Commission has to question people. If the Premier says that the State Government will work with the Commonwealth Government, he has an obligation to convince Simon Crean and the Federal Labor Party that they have to get their act together and stop blocking the Howard Government's bill in the Senate that is to give ASIO royal commission powers to question suspected terrorists. The Premier says very often, "That is a matter for the Federal Government," or, "We will pass that over to the Federal Government," or "We will detain these people and send them to the Federal Government." The Premier should tell Simon Crean to stop mucking about and support ASIO having the power to proactively question suspected terrorists.

The Federal Attorney-General has indicated that the country is in a heightened period of alert, yet the Federal Labor Party is blocking legislation in the Senate that would allow ASIO to actively question suspected terrorists. No person in this country would want to stand in the way of ASIO having that power. The Premier must prevail on Simon Crean to allow the legislation to pass. The Federal Government wants to have power to question people aged 14 years and older. Regrettably, in other terrorist outrages juveniles have committed terrorist acts and taken their own lives and those of many innocent victims. The extension of the Government's power to take action against juveniles is not unreasonable.

To be fair, I have not heard the Premier say that it is unreasonable; nor have I heard him publicly tell Simon Crean to get out of the way and let ASIO have those powers so that over this high-risk Christmas period ASIO is not shackled by not having the powers that have been given to the PIC, the ICAC, and other investigative bodies, including royal commissions. It is utterly astonishing. The PIC has the power to demand answers from police, whether they want to answer or not. I agree that the PIC should have that power. However, the Federal law enforcement agency, ASIO, does not have power to ask terrorist suspects the questions that are asked of police. That is nonsense. It is crazy that police can be questioned, over their objection, but that terrorist suspects get the benefit of protection that is not given to police. That is an absolute disgrace, and it needs to be

fixed by Simon Crean and others getting out of the way and allowing the Federal legislation to pass on a bipartisan basis.

The Premier's second reading speech was strange in many ways. It follows some of the strange consequences of the bill. The Premier gave an introduction about the Counter-Terrorism Command, and so he should as it is a vitally important command. Good luck to that command over the coming professionally challenging period. The Premier set the scene by mentioning New York and Bali. He then outlined the clauses in the bill, without getting to the vital question of what those powers will be used for. The Premier said:

In ordinary circumstances we rely on standard police investigations and the co-operation of Australian and international law enforcement and intelligence agencies. However, when an attack is imminent, all resources must be able to be mobilised with maximum efficiency. Similarly, when an attack has just occurred, there is an increased chance of catching the terrorists, and this chance must be seized.

In that regard the Premier put an arbitrary 48-hour limit on the chance of catching the terrorists. There is a 14-day chance if a threat is imminent, but an arbitrary 48-hour limit is placed on the time in which police can use their extra powers to catch terrorists. The time available to catch terrorists after the event is a fraction of the time available to catch them if an attack is imminent. That does not maximise the chance of catching them. Interestingly, the Premier said:

In ordinary circumstances we rely on standard police investigations and co-operation ...

A problem with the bill is that apart from stopping people and searching cars and so forth, that fundamental power of arrest or detention—the cornerstone of the Premier's public comments—is not there. That is what is missing from the Premier's speech. We got the grab on television, the *Sunday Times* in London repeated that grab, but it is not in the Premier's second reading speech. It has disappeared. Once the television cavalcade is over and the moment has passed we return to something which, when we look at the fine print, is limited in its effect. There is no punchline in the bill or in the second reading speech. The power is not there, and that is a fundamental flaw in the bill. Opposition members toyed with the idea of amending the bill. The Government should amend the bill and the Premier, who introduced this legislation, should explain how he intends to deliver on his promise to detain Jamaah Islamiah and Al Qaeda terrorists. He might like to inform honourable members where that provision is to be found in the bill. The onus is on the Premier to fix that problem.

The Opposition believes that this is now an election issue. The bill has been introduced, the die has been cast and the Government is not fixing up the mistakes that it made in relation to police powers of arrest. Opposition members will go to the election saying that they will include the power in the Law Enforcement (Powers and Responsibilities) Bill to enable police to detain people who they believe on reasonable grounds are about to commit a serious indictable offence. We must give police the power to detain those they believe are about to commit a terrorist act. I am trying to approach this issue in a balanced way. From the Government's point of view we should somehow involve the Crime Commission. If the police detain someone about whom they are concerned they should be able to get the Crime Commission to interview that person and use its coercive powers.

That is a fairly big leap. If the Government wants to make that leap it should do so without including any reference in the Crime Commission Act to terrorist acts. If the Government wants police to be able to exercise all those powers other than the power to arrest or detain someone, those definitions should be spelled out and included in the Crime Commission Act. On many occasions I have said in this House that I am all for giving important powers to members of our Police Force, but those powers must be spelled out. They cannot be left to inference, for two reasons. First, if they are left to inference, or police officers have to join the dots, they will be more open to attack and they will be liable to be struck down, especially when the increased powers are exercised. I am sure any court would then lean favourably towards reducing those powers.

Second, when these sorts of powers are introduced the community must know what they are. Members of the public have a right to know whether the State, the Government or the Police Force will have increased powers. It is doubly important that those powers are spelled out in an Act of Parliament. As I understand it, that is one of the reasons the Law Enforcement (Powers and Responsibilities) Bill was introduced. It was deemed unsatisfactory and inefficient for police to search through 20 different Acts to establish what their powers were. It is not right in principle for ordinary citizens to have to look through 20 different Acts to establish whether police coercive powers can be used. I agree that as a matter of principle they should be contained in one Act. Similarly, it is even more important when these unprecedented powers are in place that ordinary citizens, police and courts do not have to join the dots to establish what those powers are. They ought to be spelled out in the bill. I refer again to the Premier's second reading speech, in which he stated:

Clause 3 defines a terrorist act—and we have adopted the Commonwealth definition. This is essential to permit the maximum possible co-operation between the New South Wales Police and Commonwealth law enforcement agencies and ASIO.

The Premier said that there is a critical link between the Australian Security Intelligence Organisation [ASIO] and NSW Police. That is why it is important for the Government to prevail upon Mr Crean to support the powers that are being given to ASIO. If he does not do so, ASIO will continue to operate without the powers that have been vested in the Crime Commission. The Federal Government will also be deprived of the powers that have been vested in the Crime Commission. It is important that those are congruent one with the other. I again refer to the Premier's speech, which is reported in *Hansard* as follows.

Police might receive a warning that a particular type of vehicle will be involved in a terrorist attack.

Imagine a scenario in which police have information that they believe is important to track down a vehicle. It might not be information that in itself constitutes an offence or a conspiracy to commit an offence which is known to the law. It may be that the police have a registration number or a description of the occupants of the car. It may be that they are aware of the colour and the make of the vehicle. I do not want to trivialise this matter, but let us assume that the police have all that information and that the vehicle is on the road when a terrorist attack is being planned. Let us assume that the occupants of the vehicle are going to get some pizza to take back to the location where they are putting together a bomb, and the police happen to catch them or they are apprehended when they are doing something apparently innocuous. There is nothing particularly offensive in the vehicle and the occupants of the vehicle have been adequately trained and drilled about not giving anything away.

The police have the vehicle, which has been identified, but they do not have anything that will enable them to take the matter any further. Under this bill they are not able to do anything, even though the Premier said in his second reading speech that he wants the police to be able to detain such people. The police should be able to act in that situation if they have a reasonable suspicion that a terrorist act is about to be committed. Under this bill police are not able to do anything and they cannot do anything under the Law Enforcement (Powers and Responsibilities) Act. The police have to let those people go, which is absurd. Police who are reasonably informed that a terrorist act is about to be committed must be able to detain and interrogate the people who are involved. That will not happen under this bill. The words "detention" and "arrest" do not appear in this bill.

We are left with a Crimes Act that does enable police to take action if they know that something is about to happen. People must be committing an act of terrorism before the police can take action. Something has to be happening when a car is pulled over or the occupants of the car have to be coming from an area where something has just happened. The first scenario is a real one. This bill will ensure that police are engaged in dealing with an imminent attack rather than dealing with the aftermath of an attack. They are able to exercise their powers only in the lead-up to such an attack. If the sorts of events to which I was referring earlier were to occur the police would not be able to do anything. This is one of the most important pieces of legislation that has come before this Parliament. I hope we never have to use it. We cannot ignore the terrorist warning that has been given by the Federal Government, a warning that has rightly been endorsed by the Government.

It is sad that this bill leaves more questions unanswered than it answers. We are about to go to an election and this Chamber will not sit again for about six months. It will be a period of critical risk but the New South Wales Crime Commission Act makes no mention of terrorism. That portrays the Government in a bad light in terms of its responsibility to protect the New South Wales community. Federal and State governments have joint responsibility in this area. The Federal Government is attempting to pass the relevant legislation but it is being blocked by Federal Labor. The Premier has promised that suspects will be detained but he is not delivering the goods. We go to a recess with legislation that does not address the problem of terrorism fully, if it does so at all, and a New South Wales Crime Commission Act that does not even mention terrorism.

**Mr DEBNAM** (Vaucluse) [7.20 p.m.]: I congratulate the honourable member for Epping, the shadow Minister for Police, on his rigorous analysis of the Terrorism (Police Powers) Bill. I made a speech in this place in October last year, just a few weeks after September 11 and a week after a firebomb attack in a street in my electorate, in which I outlined what we as a Parliament and as a State needed to do to counter terrorism. One of my suggestions was echoed by the shadow Minister for Police, who said that the Opposition is trying to help the Government get this legislation passed but that we want to critique and improve it wherever we can. In my speech last year I suggested harnessing the resources of the Opposition. All wisdom does not reside with the Government—we see proof of that time and again—and some legislation needs to be beyond politics. This is one such piece of legislation, and the Government could have made far greater use of Opposition members' expertise when perfecting it.



The shadow Minister for Police mentioned the period before an incident occurred. I repeat my concerns—I do this every few months—about the lack of preventive measures in New South Wales, especially in my electorate. I have often referred to the lack of police resources and the need to install video cameras and clear abandoned vehicles that are left in residential streets as well as shopping centre car parks. The large Jewish community in my electorate suffers continual attacks. The police have a bad record when it comes to responding to those attacks and the Government's record in that area is appalling—and this is during a time of normality, not during periods of heightened tension. It is time that we considered what resources should be applied to particular geographical areas.

A few hours ago a suicide bomber blew himself up in Israel, resulting in huge loss of life. I speak regularly in this place about terrorism and the concerns of the community in that regard. I raise these matters with the Government in the House, during meetings with the Minister for Police and in questions on notice, and it always comes down to a lack of police resources. A few police in my area are doing a great job, but they are stressed and stretched. They do not have the back-up or the resources they need. We argue about the installation of video cameras in hot spots and in target areas. I have been pushing strongly for the use of that technology.

I have referred several times in this place to the problem of abandoned vehicles. This legislation mentions vehicles specifically. It emphasises the need to remain vigilant and to provide special powers to deal with abandoned vehicles. I have told the Government time and again that it could do a few quick, simple things to improve safety in our community. For instance, it could remove abandoned vehicles from our streets and stop using residential streets and shopping centre car parks as impounding yards. I again congratulate the shadow Minister for Police on his eloquent analysis of this bill.

**Mr BARR** (Manly) [7.24 p.m.]: The Terrorism (Police Powers) Bill gives police additional powers in respect of terrorism situations. The definition of "terrorism" is derived from Commonwealth legislation. The powers conferred on police include requiring a person to disclose and prove his or her identity; stopping and searching a person and things in that person's control; stopping and searching a vehicle; and entering and searching premises without a warrant. Those powers can be exercised against target persons, vehicles or in particular areas, and a police officer may use reasonable force in exercising these powers.

The powers in the bill appear to go beyond those normally available to police in that they can be exercised without a warrant. However, some of these powers already exist in respect of certain offences and situations, such as drug trafficking and possession of knives. These general powers are in the Law Enforcement (Powers and Responsibilities) Bill, which is currently before Parliament. The powers in the bill can be invoked by authorisation of the Commissioner of Police, a deputy commissioner of police or by any officer above the rank of superintendent. The authorisation must have the concurrence of the Minister for Police. Officers other than the commissioner or a deputy can make an authorisation only if these officers are not contactable. The Minister's office claims that this power is necessary in case these senior officers were to be subject to a terrorist attack. An authorisation is not open to challenge in the courts other than under the Police Integrity Commission Act. The Government would argue that this is required as terrorism action needs a speedy response and legal action could result in power being frustrated unnecessarily. I accept that argument, but with some misgivings.

A major concern is whether this bill can be used as an instrument to oppress legitimate political dissent or particular groups in the community. The definition of "terrorism" is quite wide and not that clear. To fall within the scope of the bill the action must be intended to coerce the government and advance a political, religious or ideological cause. It must also cause serious harm or risk of harm to persons, property or an electronic system, such as telecommunications. It is not clear what action will be deemed as causing serious harm. Action deemed to be advocacy, protest, dissent or industrial action is excluded from the bill if it is not intended to cause serious harm or risk to persons—property does not count. Therefore, it would appear possible for these forms of action to be included in the scope of the bill if it is found that intention to cause harm to persons existed. The intent element may become contentious in the case of a spontaneous protest action that turns violent. It is arguable that the powers in the bill could be invoked during such a protest if intent were proven. The fact that an authorisation under the Act is not open to challenge makes the potential for the power to be abused in this way something of a concern.

I believe there will be considerable community support for the police having these additional powers, given the current circumstances. These are exceptional times and exceptional times require exceptional responses. However, once the threat of terrorism subsides allowing the police to retain this power could not be justified. The bill currently requires an annual review and the Government might like to consider inserting a sunset clause. I was in Canada when the war measures Act was invoked after the kidnapping of a British

diplomat in Montreal. That was followed by the kidnapping of the manpower and labour Minister, Pierre Laporte, in Quebec. The war measures Act basically put the country on a war footing. What I found scary was the number of people who then came forward and said that it was a good opportunity to get rid of undesirables, to have a clean-up. We can see from that example how, when such measures are enacted, people will seek to abuse them even in a tolerant, humane society. That is what we must guard against when these kinds of measures are introduced. These are exceptional times, there is a real threat and we must empower the police to take whatever action is necessary to protect people and our democratic system.

On the other hand, I add the caveat that we must be careful in the way that is done. Another example is the Internal Security Act in Malaya. There are many examples of Acts introduced during the time of the old colonial powers that are still being used today. They were introduced to control the locals who were protesting against the colonial powers at the time. Another example is what is happening in Zimbabwe today. We have to be sure that laws that have an impact on people's rights of assembly and so on are not abused. Overall, I support the bill because, as I have said, these are exceptional times and we have to make sure that we protect our democratic system, our democratic Australia.

**Ms MEAGHER** (Cabramatta—Parliamentary Secretary) [7.30 p.m.], in reply: I thank all honourable members for their rigorous appraisal of this critical bill and for their bipartisan support. The bill is a measured response to a genuine threat. Whilst it gives police exceptional powers in limited circumstances, these powers are, unfortunately, necessary to help prevent and respond to a terrorist attack. The bill also contains a range of safeguards to ensure that police are accountable for the way they exercise their special responsibilities under the bill.

The shadow Minister for Police referred to the Crime Commission. Many State offences fall under the umbrella of the definition of a terrorist offence. The Crown Solicitor has advised that a Crime Commission reference may be made in relation to key New South Wales offences. The Crime Commission can investigate any matters arising from that reference: it is not confined to the offences in that reference. The Crime Commission's ability to consider Commonwealth offences arising from a New South Wales reference is clearly dealt with in the New South Wales Crime Commission Act.

The honourable member also referred to the police ability to detain. New South Wales police may arrest someone who they reasonably suspect is about to commit a terrorist act under section 101.6 of the Commonwealth Criminal Code. That section provides that "a person commits an offence if the person does any act in preparation for, or planning, a terrorist act." A person may be charged even if the terrorist act does not occur. The penalty for the offence is imprisonment for life. If New South Wales police have reasonable suspicion that a person is planning a terrorist act the person may be arrested and detained by the police. Section 3W of the Commonwealth Crimes Act allows a New South Wales police officer to arrest persons for Commonwealth offences. Under the Commonwealth Criminal Code it is an offence to be a member of Al Qaeda and Jamaah Islamiyah. So New South Wales police can arrest and detain under clause 102.3 of the Security Legislation Amendment (Terrorism) Act.

The shadow Minister also raised the issue of authorisation. An authorisation may be issued before a terrorist act has occurred when the authorising officer is satisfied there are reasonable grounds to believe a terrorist act is imminent and is satisfied that the exercise of the special police powers will substantially assist in preventing a terrorist act. An initial maximum authorisation period of seven days is appropriate because the information available might not be precise about the time of an attack. The seven days can be extended to a maximum of another seven days if the Minister agrees. There is nothing to stop a further authorisation being made if the commissioner remains concerned that there is an imminent threat. However, the process must start again. This is considered an important safeguard. Like all members, I hope the power under the bill will never need to be invoked, but like all members I am pleased that those powers are available if they are ever needed. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time.**

#### **In Committee**

**Clauses 1 to 8 agreed to.**

**Clauses 9 and 11**

**Mr TINK** (Epping) [7.35 p.m.], by leave: I move Opposition amendments Nos 1 to 3 in globo:

No. 1 Page 6, clause 9, line 19. Omit "in the case of an authorisation under section 5—".

No. 2 Page 7, clause 11, lines 6-10. Omit all words on those lines. Insert instead:

(2) The period an authorisation has effect must not exceed 7 days beginning with the day on which it is given.

No. 3 Page 7, clause 11, lines 14-18. Omit all words on those lines. Insert instead "exceed 14 days beginning with the day on which it was first given."

The period of authorisation available should not be different for the period before a terrorist act has occurred and after a terrorist act has occurred. I do not see any reason to limit the post terrorist act period. If Bali tells us anything it tells us that it is important to allow the police maximum time, maximum powers, and maximum resources to go after people who have been involved in a terrorist act. I do not understand why the time is cut off at two days when the maximum period in relation to an imminent threat use of the powers is 14 days. There should not be that limitation. I thank the Parliamentary Secretary for putting some of the other matters on the record.

**Ms MEAGHER** (Cabramatta—Parliamentary Secretary) [7.36 p.m.]: The Government accepts that the Opposition has put forward these amendments in good faith but we simply believe they are not necessary. We oppose the amendments.

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

**The Committee divided.**

#### **Ayes, 31**

Mr Armstrong  
Mr Brogden  
Mr Cull  
Mr Debnam  
Mr George  
Mr Glachan  
Mr Hartcher  
Mr Hazzard  
Ms Hodgkinson  
Mrs Hopwood  
Mr Humpherson

Mr Kerr  
Mr Maguire  
Mr McGrane  
Mr Merton  
Mr O'Farrell  
Mr D. L. Page  
Mr Piccoli  
Mr Richardson  
Mr Rozzoli  
Ms Seaton  
Mrs Skinner

Mr Souris  
Mr Stoner  
Mr Tink  
Mr Torbay  
Mr J. H. Turner  
Mr R. W. Turner  
Mr Webb

*Tellers,*  
Mr Fraser  
Mr R. H. L. Smith

#### **Noes, 43**

Ms Allan  
Mr Amery  
Ms Andrews  
Mr Aquilina  
Mr Ashton  
Mr Bartlett  
Ms Beamer  
Mr Black  
Mr Brown  
Miss Burton  
Mr Campbell  
Mr Crittenden  
Mr Face  
Mr Gaudry  
Mr Gibson

Mr Greene  
Ms Harrison  
Mr Hickey  
Mr Hunter  
Mr Knowles  
Mrs Lo Po'  
Mr Markham  
Mr Martin  
Mr McBride  
Mr McManus  
Ms Meagher  
Ms Megarrity  
Mr Mills  
Mr Moss  
Mr Orkopoulos

Mr E. T. Page  
Mrs Perry  
Mr Price  
Ms Saliba  
Mr W. D. Smith  
Mr Stewart  
Mr Tripodi  
Mr Watkins  
Mr West  
Mr Whelan  
Mr Woods

*Tellers,*  
Mr Anderson  
Mr Thompson

**Question resolved in the negative.**

**Amendments negatived.**

**Clauses 9 agreed to.**

**Clause 10 agreed to.**

**Clause 11 agreed to.**

**Clauses 12 to 36 agreed to.**

**Schedules 1 and 2 agreed to.**

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

## **CRIMES (SENTENCING PROCEDURE) AMENDMENT (STANDARD MINIMUM SENTENCING) BILL**

**Bill returned from the Legislative Council with amendments.**

### **In Committee**

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

*Schedule of amendments referred to in message of 21 November.*

No. 1 Page 9, Schedule 1 [4], proposed Table. Insert after line 13:

9A Section 61M (1) of the *Crimes Act 1900* 5 years  
(aggravated indecent assault)

9B Section 61M (2) of the *Crimes Act 1900* 5 years  
(aggravated indecent assault - child under 10)

No. 2 Page 9, Schedule 1 [4], proposed Table. Insert after line 26:

15A Section 203E of the *Crimes Act 1900* (bushfires) 5 years

No. 3 Page 12, Schedule 1 [5], proposed section 100J. Insert after line 11:

(4) In the exercise of its functions, the Sentencing Council may consult with, and may receive and consider information and advice from, the Judicial Commission of New South Wales and the Bureau of Crime Statistics and Research of the Attorney General's Department (or any like agency that may replace either of those agencies).

No. 4 Page 18, Schedule 3.1 [3], proposed clause 12, lines 21-25. Omit all words on those lines. Insert instead:

(2) Part 7 of Schedule 2 to the *Crimes (Sentencing Procedure) Act 1999* also has effect for the purposes of the application of the *Crimes (Sentencing Procedure) Act 1999* to offences dealt with under Division 4 of Part 3 of this Act.

No. 5 Page 20, Schedule 3.2 [9], proposed clause 45, line 18. Omit "The amendments". Insert instead "Except as provided by subclause (2), the amendments".

No. 6 Page 20, Schedule 3.2 [9], proposed clause 45. Insert after line 21:

(2) Sections 3A and 21A of this Act, as inserted by the *Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002*, apply to the determination of a sentence for an offence whenever committed, unless:

(a) a court has convicted the person being sentenced of the offence, or

(b) a court has accepted a plea of guilty to the offence and the plea has not been withdrawn, before the commencement of the section concerned.

(3) Section 21A of this Act, as in force immediately before its repeal by the *Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Act 2002*, continues to apply as if it had not been repealed to the determination of a sentence for an offence in respect of which:

(a) a court has convicted the person being sentenced of the offence, or

(b) a court has accepted a plea of guilty to the offence and the plea has not been withdrawn, before that repeal.

(4) In this clause:

*convict* includes make a finding of guilt.

**Legislative Council's amendments agreed to on motion by Mr McManus.**

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

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

## **BUSINESS OF THE HOUSE**

### **Routine of Business: Suspension of Standing and Sessional Orders**

#### **Motion by Mr Whelan agreed to:**

That standing and sessional orders be suspended to provide for:

- (1) no divisions or quorums to be called for the remainder of this sitting and during the sitting on Friday 22 November 2002;
- (2) private members' statements to be taken at the conclusion of Government business; and
- (3) at the conclusion of private members' statements the House to adjourn, without motion, until tomorrow at 10.00 a.m.

## **PUBLIC HEALTH AMENDMENT (JUVENILE SMOKING) BILL (No 2)**

### **Second Reading**

#### **Debate resumed from 19 November.**

**Mrs SKINNER** (North Shore) [7.50 p.m.]: The Cancer Council has recently outlined four policy areas that it has identified to be of primary importance, including a proposal designed to reduce smoking. It focuses on well-funded antismoking campaigns. It and other bodies, such as the Heart Foundation and Action on Smoking and Health, have proposed that \$13.5 million a year be spent on such a campaign. That is at odds with the money allocated by the New South Wales Government and its tobacco action plan—only \$3.3 million has been allocated to implement that program. That is less than the amount the Cancer Council believes is necessary and much less than the \$13.5 million that the Coalition promised if it were successful at the last election. We will be making policy announcements and commitments with regard to this important area at a later time.

This is a very serious subject. I do not believe anyone would refuse to support the desire to make it less attractive for young people to take up smoking. I am sure many other honourable members this week attended interesting briefings organised by the Cancer Council with experts from California, which has had phenomenal success with its antismoking campaigns. I attended two thorough briefings with Dr Don Lyman, the chief of the Division of Chronic Disease and Injury Control, and Dr Dileep Bal, the chief of the Cancer Control Branch of the Californian Department of Health Services. I was very impressed with what they have achieved. It was fascinating to hear that they are building on the gains made in New South Wales in the 1990s.

They were very concerned that we had gone backwards in this State. They remarked on the great moves forward introduced by the Liberal Government, and I pay due respect to the tremendous commitment that the Hon. Peter Collins made in addressing this subject at a time when it was less popular to do so. We have come a long way. No-one needed to, but Dr Lyman and Dr Bal highlighted that we are in stall mode in this State. The issue that bothers me is that one in five students—that is, 85,000 students—had smoked during the week of the last secondary school smoking survey. The problem with this legislation is that it treats this very serious subject in a frivolous way. The Coalition will not vote against this legislation, but it is not a serious attempt to address a very serious issue.

We need a comprehensive range of initiatives. I am sure the Government agrees that we need multifaceted education campaigns targeting all the different groups that we want to discourage from taking up smoking. We need press campaigns, handouts and people talking about it. We should involve non-government organisations, the ethnic media and so on. We can use different methods to attract the attention of young Koori kids. A range of strategies will be required to attract the attention of adults and parents of young people. The Californians have a four-pronged strategy and education is probably one of the most important strategies. I will spend a little time talking about California's success, particularly because the experts claim that they have picked up from where we left off. That points the direction in which we should be heading to make a difference to the number of young people smoking.

In 1988 the Californians passed a referendum called Proposition 99. Despite the reluctance of the State Legislature to introduce this kind of legislation, the people voted in favour of trying to reduce tobacco smoking. From the passage of that proposition until 1993, the incidence of adult smoking in California declined at nearly twice the rate of that in the other American States. That is an amazing achievement. It went from about 11 per cent lower than the rate in the rest of the nation to about 20 per cent lower in 1996. There are now one million fewer smokers in California than would have been the case had Proposition 99 not been passed. Overall, per capita cigarette consumption in California has fallen by more than 50 per cent since the passage of the proposition. As I said, the education campaign is one of a number of strategies implemented in California, including a smokers helpline, smoke-free workplaces and so on.

The other fascinating thing achieved in California is a change in the incidence of cancer-related diseases. I will not read onto the record a great deal of detail about cancer-related diseases. However, smoking is the major cause of disease and early death in this country and this State. If controls are introduced to reduce tobacco smoking the results take some time to show up. The Californians stated that the effect emerges after about 10 to 15 years, and I am sure no-one would dispute that. The results are already emerging in California. The incidence of lung and bronchus cancer is declining at a significantly faster rate than in States that do not have these tobacco controls. The incidence of lung cancer in women has started declining for the first time anywhere in the world. The rate of youth smoking in California is also declining. Since 1995, youth smoking—that is, from years 12 to 17—has declined by 43 per cent.

That was not achieved by the implementation of legislation such as this bill. It was the result of a comprehensive campaign. Sadly, this legislation demeans the importance of this subject. As I said, the Coalition will not vote against this legislation—it would have voted against the Oldfield bill. However, this is not the best way to reduce the incidence of smoking in young people. It requires a far more serious approach and a far greater commitment of financial resources. We need an education campaign to ensure the community drives the need for reform in tobacco control to reduce the death rate and years of productive life lost due to diseases caused by tobacco smoking.

**Mr BARR** (Manly) [8.00 p.m.]: Given that this may be the final sitting day and members wish to make private members' statements, my contribution will be brief. I support the Public Health Amendment (Juvenile Smoking) Bill (No 2), and I understand the Government also supports it. The bill addresses the anomaly that under-age drinking is treated differently from under-age cigarette smoking, which is entirely appropriate. It gives police officers the power to confiscate cigarettes, and to seize tobacco products or non-tobacco smoking products in the possession of minors. A person of or over the age of 18 years who purchases, on behalf of a person under the age of 18 years, a tobacco product or non-tobacco smoking product will be fined if found guilty of the offence. The bill gives police officers and environmental health officers the power to confiscate a proof-of-age card if it is suspected that the card has been used fraudulently.

**Mrs Skinner:** They can do that anyway.

**Mr BARR:** That is fine. Provisions relating to the sale of tobacco products need to be consistent with those relating to the sale of alcohol. Cigarette smoking and addiction are serious issues, and the State and Federal governments have not gone far enough to deal with them. The bill is at least a step in the right direction. It has the approval of Anne Jones of Action on Smoking and Health Australia [ASH], whom I respect enormously. If cigarettes were introduced as a new product today they would never be allowed to be put on the market. Cigarettes are a dangerous product. Large corporate businesses involved in the manufacture and marketing of cigarettes are nothing other than drug pushers—in fact, they are simply purveyors of disease and death. We need to seriously address the issue. Hospital beds are taken up with people who have cigarette-related diseases.

Smoking shortens people's lives. Smoking has long been an initiation into adulthood. Young people like to hang around in their favourite haunts smoking cigarettes—it seems to be part of their culture. Smoking cigarettes is one of the first acts of rebellion on the part of young people against adults. Young people think it is rather cool. A major concern is the number of young girls who are smoking cigarettes these days. Of course, the trend has been for middle-class people to kick the habit—it seems that they are on a health kick. Smoking is now primarily a pastime of blue-collar workers and young females, which is a major concern. We should be doing everything possible to discourage young people from taking up the habit. Once they take up the habit, it becomes a lifetime addiction.

**Mrs HOPWOOD** (Hornsby) [8.03 p.m.]: I wish to ratify the opposition of the honourable member for North Shore, the shadow Minister for Health, to the bill on the basis that it is not the way to go about reducing

smoking and people's use of tobacco products. The bill amends the Public Health Act 1991 with respect to the availability of tobacco products and non-tobacco smoking products to minors. It is an amended version of an original bill that was introduced, the object of which was to create certain offences aimed at reducing the use of tobacco products and non-tobacco smoking products by persons under the age of 18 years. The original bill would have made it an offence for persons under the age of 18 years to smoke. Whilst most people would strongly support the desire to discourage young people from smoking, introducing the one in five or 85,000 students who had smoked during the week of the last secondary school student survey to a regime of cautions, community service orders and fines is not the way to go about it.

The Cancer Council has outlined its policy proposals to reduce smoking, which largely focus on well-funded anti-smoking campaigns which receive \$3.3 million in funding currently. The Cancer Council and other bodies, such as the Heart Foundation and Action on Smoking and Health Australia [ASH], have proposed a significant sum to be spent on such campaigns. The Coalition made this commitment at the last election and a policy paper is currently being drawn up. I attended presentations by the Cancer Council and cancer experts from California, and I would like to reflect on some of the information provided to us in relation to cigarette consumption in California. We were told that since 1988 cigarette consumption per capita in California has declined by 60 per cent. During the same period, per capita cigarette consumption in the entire nation, including California, declined by 34 per cent. We were also told that the greater decline in cigarette consumption in California is a result of activities of the California Tobacco Control Program, along with increases in cigarette tax and the higher price of cigarettes.

We were told that declines in average daily cigarette consumption reported by current smokers appear to be causing the dramatic declines in per capita cigarette consumption in California; that the decrease in average reported daily cigarette consumption is seen across gender and race groups; and that the average daily cigarette consumption reported by everyday smokers was 18 cigarettes per day in 1994. This decreased steadily to 15.1 cigarettes per day in 2001, which was a decrease of 16 per cent over the six-year period. We were also told that a decrease in consumption has been shown to lead to short-term health benefits that includes significant reductions in the incidence of heart disease, lung cancer and total mortality. It was demonstrated to us that tobacco control is cost effective. Savings from the California Tobacco Control Program between 1990 and 1998 amounted to an estimated \$8.4 billion in smoking-attributable direct and indirect costs. In avoided direct medical costs alone, the program saved an estimated \$3.02 billion, or \$3.62 for every dollar spent on the program.

Short-term savings are nearly equal to the cost of operating the program. The experts also told us that youth smoking rates in California are declining. Since 1995 youth smoking in California among the 12- to 17-year age group has declined by 43 per cent, a decrease from 12.1 per cent in 1995 to 6.9 per cent in 1999. From 1998 and 1999 alone the prevalence of youth smoking in Californian decreased by 35.5 per cent. We were told that it is likely that much of this one-year decrease was caused by the 40 per cent increase in the price of cigarettes that occurred in California in 1999. I would like to refer to two graphs that prove conclusively the correlation between anti-smoking policies and reduced daily cigarette consumption, and that commitment to public health programs reduces deaths. It can be seen from the graphs that low spending on anti-tobacco programs has not done much to reduce the death rate.

The original Oldfield bill was inappropriate. It was withdrawn and replaced with the present the bill. This bill provides that a police officer may seize a tobacco product or non-tobacco smoking product in the possession of a person in a public place if the officer suspects on reasonable grounds that the person is under the age of 18 years. It also provides that a person of or above the age of 18 years who purchases a tobacco product or non-tobacco smoking product from premises where such products are sold on behalf of a person under the age of 18 years is guilty of an offence. But it offers a defence to a prosecution for an offence under this section if the court is satisfied that a person on whose behalf the relevant product was purchased was over the age of 14. It is hard to see how that could be effective. These measures will not be effective. The only effective measure is sufficient funding to stop tobacco consumption. Therefore the Coalition opposes the bill. I support the comments of the honourable member for North Shore with respect to the bill.

**Mr McMANUS** (Heathcote—Parliamentary Secretary) [8.10 p.m.], in reply: I thank the honourable member for North Shore, the honourable member for Manly and the honourable member for Hornsby for their contributions to the debate. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

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

## PRIVATE MEMBERS' STATEMENTS

### SUTHERLAND SHIRE TOURISM ASSOCIATION

**Mr KERR** (Cronulla) [8.11 p.m.]: I draw the attention of the House to the Sutherland Shire Tourism Association. I am glad the Parliamentary Secretary, the honourable member for Heathcote, is at the table—this House will lose one of its attractions after tomorrow. A tourism association office was set up at Cronulla railway station, thanks to my efforts and those of Bruce Baird, the former Minister for Transport. That office has been an information centre—no doubt the Parliamentary Secretary has admired the various publications and seen the excellent work performed by the staff. Unfortunately, State Rail has said that that office is to close on 31 December. That will be a great blow to the shire's economy.

As the Parliamentary Secretary would know, the Sutherland Shire Tourism Association has been extremely active. Its projects include zone marketing; the Cronulla precinct media representation in 1999; Cronulla visitor information—review of Internet sites—in 2000; a marketing plan and preliminary visitors study in 2000; a Sutherland and national park towns precinct media representation study in 1999; the Sutherland and national park towns visitor information and a review of Internet sites in 1999; a marketing plan in 2000; a preliminary visitor study in 1999; and, as the Parliamentary Secretary would be aware, a large number of activities associated with the Woronora River Valley, including a precinct media representation study and a preliminary visitor study.

Time does not permit me to provide the House with all the activities that this association has undertaken in relation to Kurnell. Margo Lagos, the officer in charge of the tourism association, has had a particular involvement in Kurnell, the birthplace of modern Australia. The association produced the Kurnell peninsula marketing plan and the festival of the sails report. I was involved with the Kurnell Precinct Committee on those projects but we relied heavily on the tourism association, which obtained sponsorship. The association was involved in the Kurnell historic drive campaign of 1998 and the Kurnell-La Perouse ferry.

In 1998 the association prepared a ferry prospectus. I have travelled on that ferry, as has the Parliamentary Secretary. If we could re-establish the Kurnell-La Perouse ferry it would be a good transport link. The ferry brief was undertaken to show the practicality of the ferry service. In addition to these projects, the association facilitated a tourist map and a visitor's guide to Sutherland shire. It undertook joint marketing projects with Tourism New South Wales and the Greater Sydney Tourism Group. These projects promote our shire. People who come to the shire need information, particularly when they alight at Cronulla railway station. That information is best located at the present venue, where it is readily available.

**Mr McMANUS** (Heathcote—Parliamentary Secretary) [8.16 p.m.]: As a Parliamentary Secretary and as a member of Parliament who represents the Sutherland shire, I acknowledge the concerns of the honourable member for Cronulla. My electorate office staff have informed me that the officer in charge of the Sutherland Shire Tourism Association, Margo Lagos, contacted my office in relation to this issue. However, I have been absent from my electorate office this week because Parliament is sitting. All reasonable members would be concerned about this issue. A lot of these issues impact on my electorate, particularly the Bundeena region. I share the concerns of the honourable member for Cronulla. I undertake to relay his concerns—which are also my concerns—to both the Minister for Transport and the Minister for Tourism as a matter of urgency.

### CESSNOCK ELECTORATE MEDICAL SERVICES

**Mr HICKEY** (Cessnock) [8.17 p.m.]: The Cessnock electorate is in dire need of general practitioners [GPs]. Recently another GP has moved from the Cessnock community due to illness and no other GP in the area has the ability to service the extra patients. All the doctors' books are closed. There is a similar problem in the Singleton community involving the retirement of the local surgeon. Hunter Health is trying to attract another surgeon to replace him. In Kurri Kurri two doctors are retiring, thus patients will not be able to see doctors. As a result, the people who have lost their doctors will block the emergency department at the local hospitals. If one goes to the local hospital after doctors' surgeries have closed for the day one sees a conga line of people trying to obtain consultations. There are many reasons for this, not just their inability to arrange an appointment to see a doctor. For instance, the high level of unemployment in the area means that people do not have the expendable cash to pay to see a doctor.

In 2000-01, 77.6 per cent of GPs across the States and Territories were bulk billing. In 2001-02 that figure had dropped to 74.5 per cent. It is the first time in 10 years this figure has dropped below 75 per cent. It is



the destruction of Medicare by stealth—something the Federal Coalition must acknowledge and rectify. People utilise the emergency departments 60 per cent more when GPs do not bulk bill. In the lower Hunter the Save Medicare and Retain Total Bulk Billing Services group [SMART] has been proactive in protesting the fact that people have been unable to access bulk billing services for the past three years. It has been joined by the Retired Miners Association and the Maritime Union of Australia [MUA]. They have highlighted this issue across the Hunter and have drawn it to the attention of the Federal Government.

In August the Minister for Health and other State health Ministers wrote to Senator Patterson, the Commonwealth Minister for Health and Ageing, to implement the recommendations of its report entitled "The Relative Value Study", and to convene urgent discussions to look at other measures to stop the national decline in bulk billing. The response of the Commonwealth was stony silence. That would to some extent be tolerable if the Federal Government had not undertaken the Relative Value Study in 1995 and the findings were with the Minister in December 2000. They showed strong justification for a significant increase in the Medicare benefits schedule fees for all practitioners and other doctors. Effectively, the Commonwealth has blocked the emergency departments of the hospital system by its ineffectiveness and deliberate stalling tactics because its philosophy is dollars before health.

This Federal Government has no conscience. It has total disregard for rural and regional Australia. It does not care for the frail aged and sick. The Federal Government only wants to destroy the health system that benefits so many; it is playing politics with the doctors, our communities and ultimately people's lives. If positive action is not taken immediately by Senator Patterson then the blocking of emergency departments of hospitals will ultimately cause someone somewhere to lose their life. If that occurs one can bet one's last dollar that the Opposition in this House will try to blame this Government, even when their Federal colleagues are creating the problem through their inaction and their bloody mindedness in seeking to destroy the Medicare system that helps so many.

The Commonwealth operates the rural remote and metropolitan area [RRMA] classification as an index of remoteness. However, that classification does not take into consideration socio-demographic factors such as population growth, the percentage of people on low incomes or the age of the population. This classification is faulty. It does not encourage the dispersion of doctors across regional and rural areas and should be adjusted to be a much fairer system. For instance, for an area to be eligible for Australian doctors who are trained overseas according to the New South Wales Rural Doctors Network Program, the doctors must be supervised, and areas with RRMA 3, RRMA 4 and RRMA 5 classifications can be eligible if they are able to obtain a provider number through the Rural Locum Relief program.

Those criteria, which are set down by the Commonwealth, do not help in any way, shape or form the rural areas of Cessnock where currently 10 doctors are trying to do the work of 16. The Commonwealth is deceiving the communities in my electorate by classifying them as RRMA 2, which is totally bizarre when one considers the size of rural areas and the low level of service available compared to that provided by Maitland Hospital in an area classified as RRMA 2. The Commonwealth needs to be transparent in its ranking to ensure that communities are not disadvantaged, because the current criteria are hurting all communities throughout my electorate and other regional areas.

**Mr McMANUS** (Heathcote—Parliamentary Secretary) [8.22 p.m.]: I acknowledge the concerns of the honourable member for Cessnock. As honourable members are aware, the Minister for Health is particularly concerned about the matters to which the honourable member referred. I concur that it is high time the Federal Government assumed responsibility and resolved the problems. I congratulate the honourable member for Cessnock, SMART, the Maritime Union of Australia and retired miners on keeping up the pressure. I am sure they will be successful in their campaign to protect the elderly, particularly the infirm.

#### **WAGGA WAGGA ELECTORATE ROADS AND BRIDGES**

**Mr MAGUIRE** (Wagga Wagga) [8.23 p.m.]: I refer to roads and bridges in my electorate. The Alpine Way is in the local government area of Tumbarumba and passes through Kosciuszko National Park. The last remaining 11 kilometres from the boundary of the Kosciuszko National Park to the Brungebrog Bridge has been described by locals as a death trap. I have asked questions on notice of the Minister in relation to this matter. I predicted that there would be a death on that road and, tragically, a week ago a life was claimed on the bridge on the border. I urge the Ministers involved in negotiations to pass over the management of the road from the National Parks and Wildlife Service within the Kosciuszko National Park to the Roads and Traffic Authority. I urge the Minister to discuss with Tumbarumba Shire Council handing over that local piece of road to the State.

A State road would then run through the Kosciuszko National Park and would become the responsibility of the RTA so funding would be guaranteed to upgrade that goat track and death trap. As honourable members know, for years Tarcutta has been a major interchange, although unofficial, for the trucking industry as the half-way point on the Hume Highway between Sydney and Melbourne. Peter Meyers has written to me about an incident a couple of nights ago. He said:

Once again we have had another incident in Tarcutta, and again, another trailer nearly fell off a prime mover.

The only problem is that this trailer was carrying 50,000 litres of Methanol and was right out the front of our shop at about 2 pm on Tuesday morning. This also blocked one north-bound lane ...for about 15 to 20 minutes.

Luckily, Mr Meyers helped the truck driver get the methanol back on to the prime mover, which he safely parked. I have previously raised in this House the need for the Federal and State governments to work together to get the interchange in place. The community want the interchange installed to the north of Tarcutta—not 17 kilometres out of town and not done as a mickey mouse job. They need a facility that will ensure that the community is protected from such incidents. Mr Meyers also said:

Remember the old ad "One flick and you're gone!" This could have been "One flash and you're ash!"

That is the case with methanol. We need to fix this dangerous interchange, and I urge the Minister and the Federal Government to put plans forward and provide funding. They should give the community a clear indication of what they will do with the Tarcutta truck stop and that treacherous road. Holbrook Shire Council wants to know if a cost analysis has been done on a proposed by-pass for Holbrook, and on the black-spots that have been identified on the Hume Highway. Currently, representatives from the NRMA are assessing the dangerous parts of the Hume Highway. We need action on this highway. We need a commitment from the State Government, or the incoming State Government, and certainly the Federal Government, to put firm plans in place to address these road issues.

The Staysafe committee visited Wagga Wagga and identified another death trap at the education triangle. The honourable member for Keira is in the Chamber. He has been to Wagga Wagga. The community has put a plan together but is short of just \$100,000 to realise their plan. For 20 years the community has wanted the problem fixed before a child is killed at the intersection known as the Five Ways. The community needs \$100,000 to fix the road. I appeal to the Minister to respond to the issues I have raised concerning roads in my electorate. I have been successful when I have raised previous matters, such as the Jingellic Road, Gentle Annie, funding for boom gates and level crossings, but I call for a favourable response in relation to these treacherous roads that need immediate action.

#### **ILLAWARRA BUSINESS CHAMBER OF COMMERCE BUSINESS AWARDS**

**Mr CAMPBELL** (Keira) [8.28 p.m.]: On behalf of the Minister for State Development, the Hon. Michael Egan, I recently attended the 2002 Illawarra Business Chamber Business Awards, sponsored by Integral Energy. I had the pleasure of being in the company of about 550 mostly small- to medium-size enterprise businesspeople from the Illawarra region to celebrate their contributions to the regional economy, to recognise their achievements, and to encourage them to continue to strive for excellence in presenting their business, their product and their employment of people in the region. The businessperson of the year award was won by Sylvia Wilson from Bark Busters—Bark Busters cleaned up during the evening, as one will see. I might say that award was sponsored by the Illawarra Turf Club.

The Professional and Commercial award, sponsored by Statewide Crushing and Screening and Affective Services, was won by BCH Printing, a small Unanderra printing firm. The Community Services and Health award, sponsored by Illawarra Health, was won by the Greenacres Association, which of course is an organisation that works with people with developmental disability and provides employment for them. The Retail and Wholesale award, sponsored by the *Illawarra Mercury*, was won by the Tory Toyota dealership. The Education award, sponsored by Hewlett Packard Australia, was won by Southbound Adventures.

The Information Communication and Technology award, sponsored by Telstra Mobile, was won by Business Machine Specialists. The Export award, sponsored by Park Express Australia, was won by Bark Busters. The Tourism-Accommodation and Leisure award, sponsored again by Tory Toyota, was won by Mollmook Cove Holiday Apartments. The Access award—a new category for businesses that provide access for people with a disability, sponsored by Wollongong City Council—was won by that great organisation Essential Personnel/Essentra. The Tourism-Restaurant and Catering award—an award sponsored by the Department of State and Regional Development, and one which I had the pleasure of presenting—went to an

adventurous businesswoman in Monica Armstrong from Culinarious, a great small business. Again I extend my congratulations to Monica Armstrong.

The Manufacturing award, sponsored by BHP Steel, was won by BCH Printing. The Small Business award, sponsored by Pauls Limited, was won by Bark Busters. The Innovation award, sponsored jointly by the Wollongong Image Campaign and City Coast Credit Union, went to a local firm, Unitech IT Solutions. Again I extend my congratulations to the owners of that firm. The overall winner of the Illawarra Business of the Year award, sponsored by Integral Energy, was BCH Printing.

It is a pleasure to note that three government agencies provided sponsorship of award categories. That shows the commitment of the Carr Labor Government to business development in the region. It shows a commitment to encourage people to invest and employ. I was particularly pleased to acknowledge that fact on the evening. The firm Bark Busters won two categories. One of the owners, Sylvia Wilson, was Business Person of the Year. This is a small but quite amazing firm offering franchises in the training of dogs and keeping them under control. That company now exports its franchise and process to about four or five countries, including the United States, parts of Asia and New Zealand. That is a fairly amazing service export from the area. As I said, Bark Busters won Business Person of the Year, the Export award and the Small Business award. That shows what can be done in this service category.

Some very strong sponsors were associated with the evening—Integral Energy, Prime Television, *Illawarra Mercury*, Snap Printing and the overarching organisation the Illawarra Business Chamber. It was particularly exciting that the evening again was produced by a young local producer, Michael Cassel, a person in his early twenties who works hard to put on these sorts of events. I congratulate him. An old mate of mine, Scott Radburn, was a feature artist in the after-dinner performances. I congratulate Kylie Torr from the Illawarra Business Chamber and Glenys Holby from Holby Marketing on organising and managing the event.

#### **ORANGE ELECTORATE BUSHFIRE HAZARD REDUCTION**

**Mr R. W. TURNER** (Orange) [8.33 p.m.]: I want to talk about fire risk in the Central West, more particularly in the Orange electorate, and the lack of hazard reduction works being carried out in the Mount Canobolas State Recreation Area and Mullion Range State Recreation Area. Whilst today fire risks eased with an odd sprinkle of rain, very low humidity and dry fuel conditions prevail. Until today many fires were burning throughout the State, the biggest fire closest to Orange being at Yeoval a couple of days ago.

On 26 September I asked a question on notice of the Minister for Emergency Services, Mr Debus. In that question I asked how many bushfire hazard reduction programs had been carried out this year in the Mount Canobolas State Recreation Area and the Mullion Range State Recreation Area, how many hectares in total had been burnt under the program in those two State recreation areas, and whether the Minister considered the size of the area that had been burnt under the hazard reduction program to be satisfactory. I also asked how many hectares of those two State recreation areas had been control burnt in 1998, 1999, 2000 and 2001. Sadly, the Minister basically refused to answer my questions. His response was a sweeping statement that "Hazard reduction priorities are decided by the various district Bushfire Management Committees", based on some vague priorities. But the Minister did say in his response:

I am advised that hazard reduction burning was undertaken on 4,675 hectares of parks and reserves in the National Parks and Wildlife Service's Central West Region this year.

If the Minister knew the total number of hectares that had been subjected to hazard reduction burning, one assumes he would know how many hectares of the areas I mentioned had been hazard reduced. Therefore I assume that, if the Minister wished, he could have referred to any specific hazard reduction works carried out in the Canobolas and Mullion Range State recreation areas. However, the Minister refused to do so. To the best of my knowledge, and from speaking to other people and personally visiting the area, no hazard reduction program works had been carried out in those areas in the previous 12 months. That concerns me and people whose properties border those State recreation areas. It is also a matter of concern that the State forest area surrounding those recreation areas has tens of millions of dollars worth of pine forests that could be at risk.

Back in the early 1980s we saw the devastation that could occur in such pine forests when, in two consecutive years, fires burnt through the area. The fires were so hot they reduced 15-year-old and 20-year-old trees to stumps. I emphasise that this was not dead timber, it was green timber—an indication of how hot the fires were. I am concerned that some areas in both of those State recreation areas have not been burnt for 30 years or more. I am concerned that such fires could burn out beautiful grassed alpine areas and kill many native

animals. Wombats, echidnas, wallabies, kangaroos and other native animals, of which there is an abundance in those recreation areas, would not be able to escape the flames in time. Controlled burning creates burnt areas through which trapped animals can escape to safety. I am deeply concerned, as is everyone living near those areas, that the Minister failed to answer my questions.

### MENAI ELECTORATE ROADS AND BRIDGES

**Ms MEGARRITY (Menai)** [8.38 p.m.]: It appears that a desire for improved road access is one of the few interests that the constituents in the three local government areas comprising the Menai electorate have in common. When I was elected as the very first member for Menai, work was under way on the construction of a Woronora Bridge. The official opening was in February 2001, and therefore the second anniversary of the bridge is fast approaching. The \$47 million Woronora Bridge has won awards for engineering excellence and, in terms of safety and convenience, has greatly improved my constituents' access to the eastern suburbs of the Sutherland shire. Menai Road carries a large number of vehicles each day and much of that traffic is through traffic. Local residents may be caught up in traffic congestion for considerable periods, even on weekends.

The Carr Government's commitment to construct the Bangor bypass—just as we fulfilled our commitment to deliver on the Woronora Bridge—has involved a long and complicated planning process. The original bypass commitment was confined to the east-west link, stretching essentially from the Woronora Bridge to Barden Ridge, at a cost conservatively estimated at \$36 million. In the early days of consultation, the community was clearly saying that the project needed to encompass the north-south link, stretching essentially from Barden Ridge to Alford's Point Road. State agencies firmly replied that the north-south link was not on the agenda and may not see the light of day for 20 years or so. I knew that my community was right and that the project, then realistically costed at \$60 million, must be expanded to include the north-south link. I raised this issue in the House and in meetings with the Minister for Transport, and Minister for Roads, the Hon. Carl Scully, on a number of occasions.

To his credit, the Minister listened to the concerns of my community, as he has on so many occasions. The project outline report, which was released in December 2001, included both links, taking the total estimated cost to \$100 million. The community raised more concerns about aspects of the environmental impact statement [EIS] which was released in February 2002. Again the Minister listened and a further \$15 million was allocated to address those issues. Unfortunately, as is often the case in projects of this magnitude, in attempting to assist some residents who were affected by the original plan, other concerns emerged. Planning NSW, in its assessment of the Roads and Traffic Authority's preferred activity report, is carefully considering the remaining community objections to certain aspects of the design. I understand that it will not be long before Planning NSW reports to the Minister for Planning on the project, outlining any conditions of consent. My community looks forward to the letting of the tender and to the commencement of work on this vital project.

I will certainly continue to do everything I can to minimise any impact on individuals or groups of local residents. The Alford's Point Bridge is another potential traffic bottleneck in that part of my electorate. The bridge is a tidal flow arrangement during non-peak hours. It is a vital link for my constituents in Padstow and Padstow Heights, providing access to shopping and other facilities in Menai and Sutherland. Residents of the suburbs of the greater Menai area use the bridge to travel to Bankstown and beyond. It also provides access to the excellent M5 Motorway. The residents in the suburbs of Illawong and Alford's Point particularly are adversely affected when an incident occurs on the bridge, or even when an incident occurs as far away as Stacey Street, Bankstown. Recently two crashes on the bridge caused traffic chaos. Four cars heading south were involved in a rear-ender in the centre of the bridge. A report in the *St George and Sutherland Shire Leader* of 5 November states:

Police said as traffic slowed to look at the accident, a semi-trailer travelling north in the left lane sideswiped a truck and car before veering right and straight into the path of an oncoming car.

The bridge was not finally cleared until 3.00 p.m. that day. Like the Woronora Bridge and the Bangor bypass, the expansion of the Alford's Point Bridge will be a costly and substantial project. However, I will continue to make strong representations on this matter on behalf of my constituents. At the other end of my electorate, the M5 overpass at Moorebank Avenue will officially open shortly. This project has been constructed at an incredible rate and is now one year ahead of schedule. It has relieved much of the heavy traffic congestion and has taken away the remaining set of lights between Sydney and Canberra. My community looks forward to the opening of the overpass. Interlink Roads Pty Ltd and the State Government should be proud of their achievement.

Similarly, in the Chipping Norton part of my electorate work recently commenced on Governor Macquarie Drive at its intersection with the Hume Highway and with Newbridge Road. The Hume Highway project is the first one to kick off, and it will include two right-turn lanes for traffic turning on to the Hume Highway, which will make peak hour traffic move much more freely in that vicinity. Governor Macquarie Drive in Newbridge Road will be given an additional left-turn lane. I am very proud to be able to achieve these improvements for my electorate. I know that more needs to be done. I take this opportunity to thank the Minister for Transport, and Minister for Roads, the Hon. Carl Scully, for his co-operation.

### HOMELESSNESS

**Mr RICHARDSON** (The Hills) [8.43 p.m.]: Tonight I want to raise an issue important to all of us in this House, and that is homelessness. It might be thought that an electorate like mine, with its family orientation, its large, detached houses and comparative wealth, does not suffer the scourge of homelessness. In fact, homelessness is an issue that I suspect touches every electorate in this State. It is just that in some it is more obvious, more overt, than in others. Soon after being first elected in 1993 I learnt, to my astonishment, that there are a considerable number of homeless young people in The Hills electorate. They are young people who, for one reason or another, cannot continue to live in the homes where they have been brought up. Often they are still at school, they have no jobs or income, and they have been forced to rely on the charity of friends to obtain a roof over their heads.

It was to deal with this problem that an organisation called Hills Accommodation for Youth [HAY] was formed. HAY, as it was known, operated two group homes for homeless youth in The Hills district until last year. Thanks to the tireless efforts of people like Cindy Manassen, Ian Howie and John Lauder, and the generosity of Keith Johnson from Johnson and Johnson Real Estate and the Castle Hill Seventh Day Adventist church, up to nine young people were given a roof over their heads. HAY enjoyed support from the Western Sydney Area Assistance Scheme [WSAAS], which funded a youth housing co-ordinator to assist the young people with their day-to-day lives. Many of those assisted by HAY went on to university or have obtained jobs. The work of this organisation in guaranteeing our young people an education and an appropriate start in life cannot be praised too highly.

Unfortunately, last year HAY ran into trouble, and it is no more. I am pleased to say that the two group homes, in Brisbane Road and Old Castle Hill Road, Castle Hill, have now been passed over to the Northern Sydney Youth Service [NSYS]. I shall be meeting shortly with Kerry Lawrence from the NSYS and will be lobbying the Government for financial assistance for this valuable service for young people. Of course, not all homeless people in The Hills stay in our area. Some drift into the city, where they may join the hundreds of people who are sleeping rough in the streets or in hostels like Matthew Talbot at Woolloomooloo, which I visited last month as the guest of welfare officer, Brian Hocking.

Homelessness knows no social bounds. HAY is not the only organisation for homeless people recently to have run into financial and administrative difficulties. One of my constituents gave me a letter this week, which was alarming in its implications. It related to the Rough Sleepers Outreach Program, which is jointly funded by the Department of Housing, South Sydney Council and the City of Sydney Council. The Department of Housing had sought to expand the program but, as the letter discloses, they were compromised by the actions of Lord Mayor Frank Sartor. The letter is addressed to Ms Elena Katrakis, Director, Housing Policy and Programs, Policy and Strategy Directorate, Department of Housing. It is dated 16 October 2002 and states in part:

It has been brought to my attention that the City of Sydney Lord Mayor, Frank Sartor, has been phoning certain workers in the sector, including Mission Australia's Missionbeat service, to obtain feedback about the performance of the City of Sydney Outreach Team which is managed by the ICLA [Independent Community Living Association]. ICLA are also applicants in the EOI process for the new Rough Sleepers Outreach Service.

As the City of Sydney is a joint funder of the proposed new service, and has a representative on the selection committee, Mr. Sartor's actions, in what seems to be an attempt at securing positive feedback about the current service, appears to be a conflict of interest. This could lead to the perception that the process may not be as transparent as I am sure you would wish it to be.

Today the Minister for Housing confirmed that this matter has been referred to the Independent Commission Against Corruption [ICAC]. As a consequence of that referral, I understand—on the basis of correspondence that has been made available to me—that the expressions of interest [EOI] process was aborted. There are something like 400 people sleeping rough on any one night in the Sydney CBD. The causes of homelessness are twofold: physical, because they cannot find or afford accommodation; and personal, because of broken relationship, drugs, inability to cope, or similar issues. Many homeless people cannot pay rent or live in a room

or a house until they sort out their psychological problems. Some are homeless by choice—they do not want the responsibility of looking after a home, or of paying bills. As its name suggests, the Rough Sleepers Outreach Program is designed to reach out to those people, identify the causes of their homelessness and attempt to deal with those problems so that they can eventually get back to having a roof over their heads.

All electorates are potentially affected by the lack of expansion of this program, yet homelessness knows no social bounds. The homeless people in central Sydney come from all over this city and indeed all over the State. What Frank Sartor has done in compromising the integrity of the EOI process is a disgrace. This is the man whom the Premier wants to become Minister for Local Government. His lack of understanding of due process and of the Independent Commission Against Corruption Act suggests he is unfit for that office. We will get the HAY program up and running again in The Hills, but for the sake of all those people sleeping rough, I hope the damage that Frank Sartor has done to the Rough Sleepers Outreach Program is not terminal.

### **BANKSTOWN AIRPORT**

**Mr ASHTON** (East Hills) [8.48 p.m.]: It is probably appropriate, for what perhaps will be my last speech during this session of the Parliament, that I again raise the matter of Bankstown Airport. It saddens me to raise this issue yet again because I have made six or seven speeches on this topic in this House previously. The privatisation of Bankstown Airport, which is situated in my electorate, is totally against the interests of several hundred thousand people in south-western Sydney. I have raised this issue many times, and despite the realisation that we are battling against the Federal Government, which could not care less about the residents of south-western Sydney, the matter has also been raised by the honourable member for Menai, Alison Megarrity, the honourable member for Liverpool, Paul Lynch, the honourable member for Bankstown, Tony Stewart, and the honourable member for Canterbury, Kevin Moss, who is presently at the table, as well as members representing up to 20 surrounding electorates.

Those members include the honourable member for Georges River, Kevin Greene, the Minister for Public Works and Services, the honourable member for Lakemba, Morris Iemma, and many others. It must be remembered that the Carr Government remains opposed to any expansion of Bankstown Airport. The Carr Government has insisted, although to no avail at this stage, that a strategic assessment of the impact of any upgrading must be carried out before a sale or privatisation of Bankstown Airport occurs; however, that also has not taken place.

The Carr Government has demanded that an environmental impact statement be carried out, but that has been denied by the Federal Government. I remain opposed, as do other Labor members, to the privatisation of Bankstown airport and to the relocation of regional airlines to Bankstown from Kingston Smith airport. I also remain opposed to any passenger jets operating in and out of Bankstown. Members who represent country electorates, particularly the Independents and probably many National Party members, who, unfortunately, do not have the courage to stand up and say so or vote so in the party room, are also opposed to passenger jets operating from Bankstown.

The site at Bankstown is surrounded by thousands of homes, factories, regional parks, and recreational facilities, including the Georges River. At Voyager Point and in parts of the electorate of Menai, hundreds of new homes have been built since the decision was taken some years ago to put Bankstown on the agenda for Sydney's second airport. That is an outrage. It is certain that Bankstown will be a 24-hour operation; no curfew has been planned or even vaguely mentioned by the Minister for Transport in discussions about the upgrade of Bankstown Airport. The Carr Government will do nothing to assist the sale. We will not build one more road, we will not put in a roundabout, we will not put in any extra lights. The Federal Government can take the blame for that shemozzle.

Two weeks ago Senator Nick Minchin, the Federal Minister for Finance and Administration, announced the appointment of a business adviser and legal adviser to prepare the sale. Hoxton Park and Camden were also to be sold in the same tranche of sales, in about June next year. Last year when the Deputy Premier wrote to the Federal Government he got a very terse reply from the Deputy Prime Minister, John Anderson, stating there would be no need for an environmental assessment or strategic assessment under section 146 of the Environmental Planning and Assessment Act, because it was neither necessary nor appropriate. That is the same John Anderson who has taken no interest in the drought that is affecting almost 99 per cent of New South Wales, and most of Australia.

Let us not forget that the Coalition wanted to build a second airport at Holsworthy, but people power defeated that proposal. With the Badgerys Creek site not politically acceptable to the Federal Government,

Bankstown seemed a shrewd Tory solution. It should be remembered that people power destroyed the Coalition's scheme for Holsworthy, and I am sure it will eventually destroy the Bankstown proposal. Country electors as well as those in at least nearly 20 State seats in Sydney that surround my seat of East Hills, which totally encloses Bankstown Airport, will be reminded that a vote for a Liberal candidate in the next State election, or a preference for them, will be a vote for a second airport in the southern suburbs of Sydney, with no curfew. That will destroy the value of their houses and create incalculable damage to their social and economic life. The proposal will be constantly opposed by me and by other State Labor members of Parliament in southern Sydney.

### BAULKHAM HILLS BUILDING DEVELOPMENTS

**Mr MERTON** (Baulkham Hills) [8.52 p.m.]: Tonight I raise a matter that is important to people of the Baulkham Hills electorate. I refer to the Carr Labor Government's policy of urban consolidation, or what residents of Baulkham Hills regard as overdevelopment. One has only to look at the two planning instruments that are relied upon by the Carr Labor Government to impose unnecessarily high-density housing on residents of the Hills. Tragically Baulkham Hills is becoming known as "Balcony Hills", a term not desirable to the residents. There are two fundamental planning policies affecting the area. First, State environmental planning police [SEPP] 5 was introduced in 1982 to facilitate the construction of purpose-built retirement villages. The primary motivation was the welfare of older people or people with disabilities, an objective with widespread community support.

However, that policy was changed in 1998 and 2000, under the present Carr Labor Government, allowing multi-unit developments in areas of detached residential homes, regardless of local planning rules and without any enforceable requirement that the developments be bought and lived in by elderly people or people with disabilities. Second, SEPP 53, has been the strong arm of Macquarie Street, the muscle imposed upon councils, and it has also created more than its fair share of problems for local communities, forcing councils across Sydney to increase housing densities and populations. In November 1995 every council in the greater metropolitan region, including Baulkham Hills Council, was asked to prepare a residential housing strategy to identify areas that could sustain higher densities of residential development and increased population.

If councils failed to meet those higher density targets they faced the prospect of losing their planning powers. As with SEPP 5, SEPP 53 does not take into account the local character, community wishes, environment, and infrastructure capacity. The Opposition policy is to abolish SEPP 5 and SEPP 53 and to undertake extensive community consultation with local communities to produce sustainable, balanced alternatives to provide for Sydney's continued growth. Mr John Dinnie, of 31 Sandringham Drive, Carlingford, wrote to me as follows:

Last week I received a letter from Book Hills council regarding a Development Control Plan and a meeting that will be held at the council on Thursday 11 July 2002 to seek resident comment.

From there is a little correspondence it appears that there is a development proposal that has been submitted to the Council and that there is a desire to change the zoning from the current 2(b).

I have recently paid \$700,000 for a property in this street and as you can imagine it is not in my interests or the interests of the community to have this zoning changed in order to increase the density of buildings which are not in keeping with the current streetscape.

The type of development he refers to is a multi-unit construction that he and many other residents in the area are opposed to. The plan for 32 townhouses is certainly contrary to the type of development in that area. I have received a letter from Maureen and Robert Alexander referring to development at 173-181 Pennant Hills Road, Carlingford. They are concerned about target rezoning. Their letter states:

We decided to move into and invest in the already developed area of Kingsdene 16 years ago. We feel that our interests and those of our local neighbours must be protected. We request your support in influencing both the State Government and BHSC to ensure that inappropriate developments, such as this, do not flow from Government requirements.

Mr and Mrs Macey live in 11a Kenneth Avenue, Baulkham Hills, and are literally surrounded by high-rise development. Whatever they can do with their property seems to be on hold by comparison with the surrounding development. On the other side of the story, Mr and Mrs Chessell have found themselves surrounded by multi-storey development in Windsor Road, Baulkham Hills, and yet all the traffic will go down the side streets. That is totally unacceptable and I ask the Minister to look into it. [*Time expired.*]

### CENTRAL COAST POPULATION GROWTH

**Ms ANDREWS** (Peats) [8.57 p.m.]: Yesterday my colleagues the honourable member for Miranda and the honourable member for Heathcote raised in this House as a matter of public importance overdevelopment in the Sutherland shire. Tonight I wish to speak about population growth and how it is affecting the Central Coast

region. In the *Sydney Morning Herald* on 12 November the Premier called for a clear bipartisan statement from our State and Commonwealth leaders committing Australia to a lower, more finely calibrated level of immigration. I agree with the Premier's sentiments. In an address to the Urban Development Institute Conference the Premier stated:

Migrants from overseas now account for 80 per cent of Sydney's 50,000 annual population increase.

This pressure on Sydney's population is having a knock-on effect in nearby regions such as the Central Coast, which I am proud to represent in this House. A high immigration approach is supported by many in big business who claim that Australia is restrained by its small domestic market. They need to think about developing export markets and generating wealth for the entire country. I hope that the Liberal Party does not succumb to its big business controllers and cave in to a higher immigration program. The Federal Government does not foot the bill for urban services; therefore New South Wales has to carry the full burden of infrastructure costs.

We do not need a national population of 50 million because that will require an extra \$1 trillion in spending on infrastructure, including 7,000 additional schools and 18 additional landfill areas. We have a unique environment and a relaxed lifestyle on the Central Coast. We do not want to jeopardise that lifestyle through a population explosion in Sydney that has a knock-on effect on the Central Coast and leads to the overdevelopment of our environment. We need to sustain the very reason why people move to the Central Coast. Debate is already occurring on the Central Coast about what is a sustainable population for the region.

A massively increased population could jeopardise the reason why people move to the Central Coast in the first place. Water restrictions have been in place on the Central Coast since earlier this year, although water is not a direct State Government responsibility. Wyong Shire Council and Gosford City Council have responsibility for water as they comprise the joint water supply authority for the Central Coast. It is, nevertheless, an important issue that must be addressed when we are looking at the substantial numbers that have been bandied around in the recently released CSIRO report. The solution is not a massive population increase through migration. The solution is to work out how we can go forward as a nation by generating wealth. That is why I have championed the peninsula collegiate and, importantly, the technology centre at the collegiate.

It is good that we have had substantial Central Coast firms such as Krone, a high-tech company, donating resources to this important project. Last week the Premier visited the Central Coast to open a new optic fibre manufacturing facility at Krone. That is the direction in which we need to head. We must support our existing population and provide people with opportunities for the future so we can continue to maintain our standard of living. My vision for the Central Coast in general and in the Peats electorate in particular is to provide opportunities so that people can get high-value, high-paying jobs and not simply become pawns on some global chessboard to be shunted around according to the dictates of certain business interests.

#### **NORTH COAST REGIONAL VEGETATION PLANS**

**Mr GEORGE** (Lismore) [9.02 p.m.]: On behalf of the Lismore electorate I extend my best wishes to all the honourable members who made valedictory speeches today. I have enjoyed my association with them and I thank them for the support they have given me. I also thank those who kept me informed of the effect of these regional vegetation and water sharing plans on the North Coast and in the Lismore electorate, which includes the top part of the Northern Tablelands. Those people believe that their work in this area has been to no avail. Trevor Wilson, who is a member of the committee determining these issues, and Geoff and Janise Bateman put a lot of work into researching the impact of these plans. I thank Trevor for his contribution to that committee. Geoff and Denise Bateman spent many hours preparing petitions that I have presented in this House.

The recently formed Rational Action Against Government Extreme Legislation group comprises a number of people from my electorate. James Murray, Val Ferris, Christina Ferris, Karen Smith and Vanessa Kook have travelled many kilometres and visited many towns in areas that have been affected by these plans. They collected 3,000 signatures and the petitions containing those signatures have been presented in this House. For the information of honourable members I table a number of other petitions that have been prepared by that group. Toby Smith, Brian Murchay and a number of other people in the Tenterfield area have also expressed concern about these regional vegetation plans. I have made representations to the Minister, to the department, and to everyone associated with these plans. Sadly, we have not achieved much success in relation to them, but I assure those people that their efforts have not been in vain.

When Coalition members come into government they will address all these concerns. A Coalition Government will be more sympathetic to the concerns expressed by people on the land whose lives have been



adversely affected as a result of these plans. A number of meetings have been held in that area, attended by between 300 and 400 people who all expressed opposition to these plans. Councils have objected to the plans, and petitions have been presented in support of farmers in these areas. After the March election the shadow Minister, the honourable member for Ballina, will be receptive to the needs of people in rural areas. He will adopt a responsible attitude to the problems being faced by rural New South Wales and address all the concerns that have been expressed in relation to these plans.

#### **ASIAN LANGUAGES AND STUDIES IN AUSTRALIAN SCHOOLS PROGRAM**

**Ms MEAGHER** (Cabramatta—Parliamentary Secretary) [9.07 p.m.]: Tonight I raise concerns about the Federal Government's funding cuts to the National Asian Languages and Studies in Australian Schools Program. That program is a joint Commonwealth and State strategy to increase the number of students learning targeted Asian languages and having access to studies of Asia as part of their curriculum. It was developed in response to a Council of Australian Governments [COAG] working group on Asian languages and cultures report, which was endorsed by the Prime Minister, Premiers and Chief Ministers at the COAG meeting in Hobart on 25 February 1994. The report proposed a long-term strategy—from 1995 to 2006—to bring about a major change in language education in Australian schools.

The strategy aims to support enhanced and expanded Asian languages and Asian studies provision through all school systems to improve Australia's capacity and preparedness to interact internationally, particularly with key Asian countries. It is premised on Australia's growing economic engagement with countries of the Asian region and the future need for citizens with skills in four targeted languages. The National Asian Languages and Studies in Australian Schools Program was conceived as a means to create in the next generation of Australians the range of linguistic and cultural skills necessary for this nation to maximise its economic opportunities in Asia. As a joint strategy, a 50:50 shared funding responsibility between the Commonwealth and the States and Territories that was organised and has been operating for the last eight years has resulted in the expenditure of nearly \$500 million on the program and approximately 750,000 students studying Chinese, Japanese, Indonesian or Korean in 5,000 schools.

The Federal Government announced that it is terminating its funding for this program. It was confirmed in the 2002 Federal budget that the program would not continue after the 2002 school year. As a consequence of that decision, Federal funding for the program is scheduled to cease as at 1 January 2003. That will leave the State and Territory governments to absorb the cost of funding the program; otherwise the program will cease to exist after this year. The Federal Government's withdrawal of support for the Asian languages strategy goes against the recommendations of the recently conducted evaluation of the National Asian Languages and Studies in Australian Schools strategy. While the report has not been endorsed, it was tabled at a meeting of former task force representatives in February, which recommended the continuation of the strategy.

Without the continuation of this funding it is probable that language programs in more than 180 primary schools will be in jeopardy and more than 20,000 students will be affected. Some 38 full-time equivalent [FTE] casual language teacher positions are in danger of being lost. Without the continued funding, the Department of Education and Training will not be able to continue the same level of consultancy support for targeted languages or maintain the employment of the six languages continuity initiative consultants, who work across the State.

The Carr Labor Government continues to be committed to supporting the teaching of Asian languages in our schools. Since 1995 there has been an increase of more than 30 FTE positions in primary schools for Chinese, Indonesian, Japanese and Korean. This Government has supported students of Asian languages through the annual provision of 450 to 500 scholarships for study overseas and is supporting the development of online resources for Asian languages to ensure that students from anywhere in the State can participate in programs.

The New South Wales Government's Community Language School Program supports the maintenance and development of languages spoken in community-based schools operating outside regular school hours. In June this year 10 of my local community-based organisations received funding to teach second languages. This time, 11 community-based organisations in the Cabramatta electorate will share in more than \$60,000 funding from the New South Wales Community Languages School Program for October 2002. Thanks to the Carr Labor Government funding such language programs, children can continue to learn the languages spoken by their parents and grandparents.

The Federal Government is jeopardising Australia's position in Asia and sending a dangerous message to the region by cancelling the strategy and cutting up to \$30 million a year in language study funding. The

study of Asian languages is vital to the educational, economic, and security interests of our nation and must be supported by the Commonwealth Government. We must invest in our children's future. I call on the Federal Government to reconsider its decision to terminate National Asian Languages and Studies in Australian Schools funding and to commit to continuing funding for this vital investment in Australia's long-term national interest. *[Time expired.]*

### WOLLONDILLY AND WINGECARRIBEE SHIRES OVERDEVELOPMENT

**Ms SEATON** (Southern Highlands) [9.11 p.m.]: My electorate is concerned about overdevelopment and the threat of overdevelopment, particularly in the Wollondilly Shire but also in Wingecarribee. Concerns were raised during a local planning and community issues public meeting that I convened on 5 November at the Wollondilly RSL Sub-branch Hall at Mason Street, Thirlmere. The meeting was attended by approximately 60 members of the local community and by councillors Helen Kuiper and David Auchterlonie. Committee members raised concerns about overdevelopment and the compromising of rural amenity and village and town values. They were concerned about trying to develop ways of balancing town and village growth with preserving important heritage values and rural amenities.

Community members expressed concern about how new jobs would be generated to keep up with the rate of residential growth that is occurring in the shire. They were also concerned about developing ways of assisting people to make the transition from agricultural to other land uses in an area that used to be predominantly agricultural but is becoming increasingly less so. However, the viability of agriculture land is compromised because people cannot buy other land to make up larger agricultural land-holdings. So they are essentially left with a large area of agricultural land from which they cannot derive any income but which they cannot use for any other purpose.

Several key issues were raised during the meeting, which began with an acknowledgment that Wollondilly is affected by two separate planning influences. On the one hand there is the local council, which has developed the Wollondilly growth strategy and, more recently, the Picton Tahmoor Thirlmere strategy. But of course whatever development the council initiates in consultation with the community is at risk of being overridden by whatever plans PlanningNSW and the State Government have regarding our future role in accommodating urban growth from the Sydney Basin. Proposals such as the Greater Macarthur plan have the potential to affect and even overrule whatever decisions are made at council level.

Another major concern is State environmental planning policy [SEPP] No. 5. In Wollondilly Shire, as in Wingecarribee Shire, a number of extremely inappropriate developments have been approved under the Carr Government's SEPP 5. The Coalition has a firm commitment to abolishing SEPP 5 on assuming government next year. I note that the Carr Government had yet another opportunity today to speak out against, and to turn its back on, SEPP 5 but failed to do so. SEPP 5 approval is being sought for inappropriate developments in Wollondilly in areas that are bush fire prone and that, on any assessment of merit, no-one would consider to be appropriate as locations for aged residents.

Concern was expressed about the lack of detailed information from the Government regarding the capacity of the Picton Regional Sewerage Scheme. We hear different stories from Sydney Water and the plant operators, which affects the ability of shire residents to connect to the service. I note yet again the concerns of Macquarie Grove Retirement Village, which has been shortchanged by this Government. It bought into the proposal on the understanding that it would be connected to the Picton Regional Sewerage Scheme. Money was paid and the units were built in anticipation of being connected to sewerage services, but they were not connected and pensioners and self-funded retirees are paying a lot of money for pump-out services, weekly and monthly. Sydney Water has also compromised the future provision of aged-care facilities at Queen Victoria Memorial Hospital because of its delay in finalising the capacity and future plans of the Picton Regional Sewerage Scheme.

Concerns were raised about sewerage services at Appin and Bargo and about the viability of rural residential land. About half of those at the meeting expressed the wish to have the capacity to zone rural residential so they could realise some capital asset on land that is no longer viable for farming. Infrastructure is a major concern and roads are considered a great priority. There was a good deal of support for the Coalition's proposal to conduct a feasibility study for the electrification of the railway line. People were very concerned about the lack of access at Picton railway station. I challenge the Government yet again to provide better access at that station, which is used by many disabled and aged people who simply cannot climb that number of steps. I thank the councillors who attended the meeting for their contributions. *[Time expired.]*

### **LIBERAL PARTY MEMBERS RETIREMENT**

**Mr O'FARRELL** (Ku-ring-gai) [9.16 p.m.]: I will use this unexpected opportunity to reflect on the contribution to this Chamber of three of my colleagues over periods of 14 and 11 years. I speak of Ian Glachan, the member for Albury; Russell Smith, the member for Bega; and Liz Kernohan, the member for Camden—the ABC of the Liberal Party. The three of them epitomise for me everything that is good about parliamentarians. We have a terrible reputation in the wider community but given the decency, modesty, and work ethic displayed by all three of these members, that reputation is undeserved—certainly by them and, in reality, by a number of members of this House. I pay tribute to that tonight. We have heard some great speeches in this Chamber over the years, but I think none has been as good as the three that Ian, Russell and Liz made in the past day or so. Each displayed their decency, modesty and work ethic. I thought an interesting sign of their decency, good humour and commitment is the fact that most of them have long-serving staff, who, despite the pressures of this place, stayed with them throughout their parliamentary career.

Ian Glachan was elected in 1988 together with Russell Smith. Liz Kernohan was elected in 1991 against the trend and has continued in each of her next two elections to buck swings against the Liberal Party and increase her margin. Ian and Russell epitomise what I think is good about the Liberal Party: we are not a party of the city or exclusively of the country but a party that seeks to straddle all dimensions of Australian life. Ian and Russell have been strong advocates within our party, our party room, and its forums for the interests of those people who live in country and regional centres. Ian Glachan is the only member of Parliament on my side I know of who, as a pastime, would doorknock streets and suburbs in towns across his electorate—year in, year out; week in, week out—irrespective of how close it was to an election campaign. A brochure that Ian pioneered entitled "How I can help" has been replicated by just about every member on my side as a way of demonstrating what a local member of Parliament can do for his constituents.

I have nussed out the work that Ian put in throughout the year every year that he has been in Parliament. I assisted him in what was a close result in 1999, and one in which I went to scrutineer because of my respect for the man. As Ian said today, he has also been supported by his wife, Helen. It has been an extraordinary relationship and a very close one. In this past few years Russell Smith filled the difficult role of Whip, which is not an easy task in any party. He certainly expressed some frustrations in getting speakers for this debate tonight. I thank him for his decency. I know that it has been difficult for him at times. I know that when gun ownership was debated in this Chamber, country members were under pressure that city members do not necessarily face. Russell opted for the public good and backed John Howard in that debate, which is to his eternal credit.

In my first year in Parliament Russell Smith organised a visit for me to the forest region of New South Wales. That, together with the Drug Summit, I list as the two most worthwhile exercises I have undertaken in seven and three-quarter years in this Chamber. Russell, like Ian, has been supported by his wife, Leslie. It has been a genuine partnership. Liz, of course, is not married. She came to this place in 1991. As State Director, I was responsible for allowing Liz to have her head and to run her own inimitable style of campaign in 1995 when a redistribution made the seat less favourable to the Liberal Party. Liz demonstrated what she always demonstrates: a remarkable capacity to buck trends, remain secure and keep the area.

If every electorate had a member like Liz Kernohan, if every electorate had a member who was identified as strongly in her electorate and the community as Liz Kernohan, this Chamber would never see any turnovers come election time. I thank all three of them for their friendship, wisdom and company in the time I have been in this Chamber. I have dealt with them as a ministerial adviser, State Director of the Liberal Party and, in the party, a fellow employee. They have taught me the lesson of how to be a good representative. Combined, all three of them represent what all of us should take as a model for our work in this Chamber. I will miss them all. Our party room will not be the same without them, for a variety of reasons. I wish them well in their retirement. I wish them a happy, long and successful retirement.

### **SYDNEY WATER AND MOORE STREET CORPORATE CENTRE PTY LTD**

**Mr LYNCH** (Liverpool) [9.21 p.m.]: I draw to the attention of the House the difficulties encountered with Sydney Water by the builders constructing a multistorey office building in Moore Street, Liverpool. I request that the appropriate Minister intervene to arrange for Sydney Water to establish an appropriate mechanism to deal with claims arising from the construction of this new building. The land upon which the building is being constructed is 13-15 Moore Street, Liverpool. The owner and the developer of the site, who has approached me, is a corporate entity named Moore Street Corporate Centre Pty Ltd. A director of that company, Andreas Brett Schneider, recently sent me a letter dated 5 November.

I have also had the advantage of discussing the issues with one of the company's advisers. The problem for the company is a Sydney Water building adjacent to 13-15 Moore Street. It is a significant site. It is a regional office of Sydney Water located at the intersection of Bigge Street and Moore Street. It is quite a well-known site. The building was constructed sometime ago. The 13-15 Moore Street site was a vacant block for a considerable period, and was used as a de facto parking lot. The core of the issue is that the Sydney Water building encroaches on the neighbouring site, which has necessitated extra expenditure claimed to be approximately \$300,000 in constructing the company's building at 13-15 Moore Street. After many months of discussion Sydney Water has now, apparently, denied liability. In his letter to me Mr Brett Schneider said:

We originally became aware of the encroachment earlier this year when we were preparing to construct an office building on our property. We found that the footings of the Sydney Water building encroached onto our property by 700mm to 800mm for the entire length of the common boundary (46.9 metres). Furthermore, steel columns on our land that were used to build the Water Board building still remained on our property.

We drew the problem to the attention of Sydney Water and after discussions it was agreed that we should remove the footings wherever possible and in the areas where they couldn't be removed we would have to build around them. As you might imagine this has been a very complex and expensive process given the extent of work involved. Consequently, our building is now running behind schedule by some 12-14 weeks which directly impacts on this company and the tenants with whom we have been negotiating.

In relation to the steel columns used to build the Sydney Water building and which were located on the adjacent land, I have seen photographs of the site before the current stage of construction was reached, which clearly reveal the existence of these posts. I am advised that there were some 40 to 50 of them. They were not simply placed on the neighbouring non-Sydney Water property. They were substantially and deeply embedded in the encroaching concrete footings. They had to be dealt with before construction of the new building could commence.

Dealing with the encroaching concrete footing was difficult. Rather than remove all the concrete footing that was encroaching over the boundary, these builders removed parts of them. Into those spaces were put steel pipes upon which the new building is built. The newly constructed building will thus be suspended over the encroaching Sydney Water building footings. To have built directly onto the footings would have been quite unacceptable: if the Sydney Water building were to be removed, the new building would have to be removed. Obviously, this has been time consuming and expensive.

The issue has not appeared out of nowhere. There certainly have been discussions between the developer and Sydney Water. I am advised that no significant steps were taken by the developer without advising Sydney Water in advance. The current quantification of loss is provided by an independent quantity surveyor, JPQS Pty Ltd. It is not just a guestimate by the developer. As I said, it is approximately \$300,000. Granted what seems to be a comparatively simple factual situation and granted the significant contact between the parties, a blanket denial of liability by Sydney Water seems unreasonable. I should indicate that the denial of liability was provided in a letter dated 27 August from G. Hooper. The attitude of Sydney Water is even more troubling when the nature of that organisation and its capacities are considered. There is no excuse for it to act in this way. It is not a naive or inexperienced organisation. Mr Brett Schneider further stated in his letter:

We are informed that when Sydney Water purchased the property in about 1985 it at that time held extensive property holdings and had a development experience and that it possessed all the expertise to facilitate the same. It had a wide range of professionals in its employ to manage and oversee the acquisition process and to confirm that the building complied with the approved plans. These staff included amongst others, architects, building inspectors, surveyors, engineers, valuers, property and accommodation managers.

It is no answer to this issue for Sydney Water to blame its builder for making a mistake. The property belongs to them and, thus, the problem of encroachment belongs to them. They purchased the building during the course of its construction. I should add that there is a very real suspicion that Sydney Water's actions were driven by urgency to get into the building to allow corporate reorganisation. It is suspected that a premium was placed on this issue rather than on other matters, such as encroaching footings. I request that the relevant Minister investigate this issue to determine whether there is some sensible way of coming to a resolution without spending a fortune on legal fees.

**Private members' statements noted.**

**The House adjourned at 9.26 p.m. until Friday 22 November at 10.00 a.m.**

---