

# LEGISLATIVE ASSEMBLY

Thursday 1 May 2003

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

**Mr Speaker** offered the Prayer.

## BAIL AMENDMENT (REPEAT OFFENDERS) BILL

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

### Second Reading

**Mr TINK** (Epping) [10.00 a.m.]: I move:

That this bill be now read a second time.

I wish to dedicate the Bail Amendment (Repeat Offenders) Bill to Patricia van Koeverden, who was brutally murdered this week by a repeat violent offender. I also wish to dedicate the bill to Nichole Collins and Lauren Barry, the Bega schoolgirls who were brutally murdered some years ago by a repeat violent offender. If ever there were a need for a bill to be passed by this House to cover a matter of urgent and pressing public importance, it is this bill.

The object of the bill is to amend the Bail Act to provide for a presumption against bail for certain offences where the offender committed the relevant offence while on bail for another offence, while on parole for another offence, while subject to a sentence, but not in custody, or to a good behaviour bond or an intervention program order relating to another offence or while in custody; to provide for a presumption against bail where the offender has previously been convicted of the offence of failing to appear before a court in accordance with a bail undertaking; to provide for a presumption against bail in respect of indictable offences where the offender has previously been convicted of one or more indictable offences; to require a court or authorised officer, when determining whether to grant bail to an offender referred to in the bill, and when considering the interests of the person, to take into account the nature of the criminal history of the person, having regard to the nature, seriousness and number of those offences and the periods between them; and to make other consequential amendments and provisions of a savings and transitional nature.

In recent times the bail debate has centred around repeat property offenders. The infamous Adam Speyer is one example of a repeat property offender. Indeed, he himself ran a commentary in the *Daily Telegraph* on the inadequacies of the Government's bail laws for repeat offenders. But this week we have had the most appalling reminder of the inadequacy of the Government's bail laws in respect of violent offenders of the most serious kind known to the criminal law. This week a young woman, Patricia van Koeverden, lost her life to a man who was already under the notice of the authorities for violent offences against her for which he was awaiting sentence by the court, and who had a long and violent history of repeat violent offences dating back to 1974. That woman lost her life in the most violent and appalling circumstances imaginable because the bail laws of this State failed to protect her.

As long ago as 1997 Lauren Barry and Nichole Collins, two Bega schoolgirls, lost their lives to a repeat violent offender who was out on bail under bail laws for repeat violent offenders that were no better than those laws are today. Although the present Government has attempted to change the law, the unmitigated and complete failure of its attempts is, unfortunately, recognised in what happened this week as a consequence of a bail decision taken by the Supreme Court on 15 April. That is an important date because it was well after the recent State election.

In the lead-up to and during the State election the Premier and others perpetrated one of the most disgracefully false and misleading representative campaigns I can recall. Just about every letterbox in New South Wales received a number of brochures, under the Premier's signature and showing the Premier's photograph, stating "no bail for repeat offenders". The statement was also made in community newsletters funded by this Parliament, in community letters funded by the electorate mail-out allowance, of which I have

here just one example, and also in ALP campaign literature and the infamous brochure of the honourable member for Georges River, which contains false and misleading photographs of police faking an arrest and also—not surprisingly and very disappointingly—claims in bold letters, "Gaol, not bail, for repeat offenders".

During the recent election campaign the Coalition did its best to argue that this was a malicious, deceitful and deliberate distortion of the law, as the Premier at least well knew. If there were ever any doubt about that, the bail decision of 15 April, one of the direct consequences of which is the murder of this poor woman, is the final proof of the falsity and dishonesty of those Labor Party campaign and community brochures.

The Parliament now has the opportunity to make amends for this state of affairs. Why can we not begin the Fifty-third Parliament with a bipartisan approach to amending a law that plainly, over a series of murders and a series of other offences, has been repeatedly shown to have failed? Why can we not all get together and support this bill, begin this Parliament on a bipartisan basis, and do something constructive to further protect the people of New South Wales from violent and repeat offenders and other offenders who are such a problem for the police and other people in relation to a range of property offences? Let us get this bill through the Parliament in a bipartisan approach to fixing a problem that at the moment, regrettably, is continuing to take the lives of innocent people.

In recent times the bail laws in this State have had a sorry and inadequate history, through a number of Attorneys General and Police Ministers who have served under the current Premier. As long ago as 14 October 1998 the then Minister for Police, Paul Whelan, said, "The presumption in favour of bail for certain offences is to be removed." On 24 February 1999 the *Daily Telegraph* reported:

Police yesterday urged magistrates to seriously consider not granting bail to convicted thieves after a man responsible for eight break and enters ... failed to appear for sentence.

I pay my respect to the police, including both the former and current police commissioners of New South Wales, who have been absolutely relentless and tireless in their support of meaningful changes to the bail laws. It is the police of this State more than any other group who know how grievously the current bail laws are failing them and the public. Time and time again the police are forced to go after repeat offenders who are given bail. In Newcastle, police were forced to listen in court to a woman plead her case against the accused being granted bail. The police went to court with her and did their best under existing bail laws to argue her case. She has now been murdered.

However, the courts make the decisions, and they do so according to the rules of this Government. It is those rules that must be changed. On 6 November 1999 former Commissioner Ryan—and it is a matter of record that he and I had much to disagree about—called for tougher bail laws. A long time later, on 20 March 2002, the Premier was quoted in the *Illawarra Mercury* as claiming that the Government was cracking down on bail for repeat offenders. On 30 May 2002 Dr Don Weatherburn of the New South Wales Bureau of Crime Statistics and Research released a report relating to repeat offenders. It stated:

Nearly 15 per cent of those charged by police and granted bail by the NSW Local Courts are absconding while on bail ...

Seventeen per cent of those with prior convictions who were granted bail by the NSW Local Courts in 2000 absconded while on bail, compared with just 4 per cent of those who had no prior convictions.

Commenting on the findings of the report, Dr Weatherburn further said:

... they showed that absconding on bail by Local Court defendants was a serious problem, particularly amongst repeat offenders.

In my view the *Daily Telegraph* has run an admirable campaign in an endeavour to have the bail laws changed. On 6 January 2003, referring to the New South Wales Commissioner of Police, the *Daily Telegraph* stated:

Police Commissioner Ken Moroney has ordered the tracking of magistrates' bail decisions, declaring he is "fed up" with courts letting down the community and the police.

According to the article of 6 January, some of those decisions were reported as follows:

The situation was highlighted last week when a magistrate decided to granted bail to three youths who are accused of murdering [a person in Emu Plains] ...

A male from the Newcastle area with an extensive criminal record of break and enters, drug matters, assault and resisting arrest, refused bail by police but given conditional bail for break and enter, drug matters and assault ...

An older male from the Eastern Suburbs with a long criminal history of assault and stealing, who is known to have assaulted police, was granted bail by the court after allegedly assaulting and resisting police.

Police talk to the victims of crime and then have to stand by and watch offenders get bail, and then rearrest the offenders—particularly property offenders—time and time again. Police also know that offenders who assault police are granted bail. Often offenders who assault police will reoffend. The notorious Mr Adam Speyer became infamous because he committed offences whilst on bail on so many occasions that it has become hard to keep track of them. He was accused of breaking the law 34 times in three years, but he still got bail. If the Premier had any shame about this man being the greatest recipient of largesse under the Bail Act, he would have been embarrassed by the ultimate humiliation of Mr Speyer running a critique in the *Daily Telegraph* about the inadequacy of the Government's bail laws. On 27 January the *Daily Telegraph* stated:

Even Speyer, who police described as an habitual offender with no respect for the law, has labelled the bail system a joke.

Speyer is one of the greatest beneficiaries of continuing bail for repeat offenders in New South Wales criminal history. During the recent election campaign the Premier had the hide to continue to lie to the public of New South Wales when he said there would be no bail for repeat offenders, but Mr Speyer, a professional crook, knows better than the Premier. The article reported Mr Speyer as saying:

They're not doing their bloody job properly. I'm not going to challenge it though. If I can get out of being locked up then I will.

To be fair to the man, he is putting the Government on notice that its bail laws are a pathetic disgrace. Even Speyer is calling on the Government to do something about the laws. He said further:

I want people to see what's going on. There are a lot of people worse than me out there on bail.

How true! The appalling murder in Newcastle this week demonstrated just how true Speyer's words are. However, there is still a revolving door, a complete inability by the Government to come to grips with bail laws. Last year in a great flurry of media speculation and activity the Premier finally got around to changing the bail laws. But all he did was remove the presumption in favour of bail for certain repeat offenders; he put no presumption either way. In other words the message, the direction, the rule for the courts is: We will leave it up to you guys. Despite Mr Speyer's critique about inadequate laws—and he is a practitioner in the field of criminal activity—the Government does not believe there ought to be a presumption against bail. The Government has decided to settle for no presumption either way, but that policy was sold to the electorate as "no bail for repeat offenders". Since the election the police have tried to do something about bail laws and, again, are pushing to have the bail laws tightened. On 7 April an article in the *Daily Telegraph*, quoting the internal police working party sources, stated:

Bail laws in NSW should be rewritten to make hardened criminals prove that they are no threat to public safety ... the Attorney General's Department—

a separate working party—

are concerned the changes may affect basic rights of justice and are attempting to block the plan.

After all the Premier's promises during the election campaign, after all the false and misleading representations, the Premier, in presenting a new Government, said, "Fresh faces, a fresh approach". But all we end up with is NSW Police and the Attorney General's Department at loggerheads over the most fundamental criminal reform needed in this State. The Premier has to show some leadership. He should speak to the Minister for Police and the Attorney General and tell them to support this bill. Last night, at the eleventh hour, when the Government's spin doctors realised what would be appearing in today's *Daily Telegraph*, someone scrambled to make the late deadline with some weak comments.

By the way, no Minister has been prepared to put his name to those comments. I hope that today a Minister, or even the Premier, might be sufficiently shamed by what was said during the election campaign and about the current state of the law to make an announcement. But last night and today no-one has put their hand up to claim those comments. An airy-fairy suggestion was put out by government sources that the Australian Capital Territory [ACT] legislation would be the precedent.

There are two fundamental problems with the Australian Capital Territory legislation. First, it is plain from section 9A that the provisions against bail for repeat offenders apply only to serious offences punishable by imprisonment for five years or more. The problem is that Mr Speyer and all his professional criminal colleagues are dealt with summarily in magistrates courts, where the maximum penalty for property offences is 12 months imprisonment. Strike one against the Government's idea of adopting the Australian Capital Territory legislation. Similar provisions would not have any impact on Mr Speyer and his mates.

Secondly, the legislation has effect only when a person is before a court for a serious offence and another serious offence is pending or outstanding. At the time of the bail hearing of the man who murdered the poor woman in Newcastle this week, as I understand it, he had no other serious criminal matter pending. Yes, he had a long criminal record for violent crimes but he had no earlier serious criminal matter pending. One can imagine how that may happen: somebody commits a violent crime or a series of crimes, nothing happens for a few years, and the offender comes to notice for a serious violent crime. Unless he then commits another serious violent crime while out on bail, the ACT provisions would not apply. They only operate when he is before the court for a serious crime that is pending or outstanding.

As I understand the facts of the terrible Newcastle tragedy—I will not put the man's name on the record—the murderer of the poor victim of that crime would not have been subject to the ACT bail laws for repeat offenders. The bill, on the other hand, makes it very plain that there is a presumption against bail in respect of indictable offences where the offender has been convicted previously of one or more indictable offences. If the bill could have been applied to the Newcastle tragedy, there would have been a presumption against bail for the murderer. When he appeared on 15 April these provisions would have kicked in and he would not have been let out of gaol. He would have been in custody and he would not have had an opportunity to commit the murder.

The bill does apply to the Speyers of this world, to people who are at liberty, on bail, on parole, serving a sentence but not in custody, subject to a good behaviour bond or an intervention program, or any of those categories, including being convicted of a previous indictable offence, whether on indictment or summarily. In Mr Speyers' case, larceny—which seemed to be his specialty—is an indictable offence under section 117 of the Crimes Act. Even though he was finally found by the authorities and compelled to attend the magistrates court to be dealt with summarily, he was nevertheless covered by the bill.

The ball has been in the Government's court for eight years but nothing has happened. This House should do something about a law that has failed the ordinary men and women who are victims of crime. We are all prone to have our houses burgled, we are all prone to property offences. As the police will tell anyone who asks, property offences are committed very significantly by repeat offenders, and that impacts on crime rates. Targeting repeat offenders and dealing with them effectively whilst they are on remand for offences they have already committed makes a vital contribution of driving down and preventing crime. A repeat offender who is in custody is prevented from committing other crimes. To my mind that is a simple proposition. It is also a fairly simple proposition to the police commissioner, the Police Association and just about every frontline police officer I have ever spoken to, but it still seems to elude the collective wisdom of the New South Wales Cabinet.

The ball is in our court to change the rules. People will criticise the judiciary and rulings made in individual cases. Not all rulings will be right. With great respect to the judge hearing the bail application in Newcastle, I believe that the result was a terrible mistake. But at the end of the day if we know that the rules are not right, if we are told by repeat offenders that the rules are not right, it is our responsibility to take note and do something. Could any honourable member go to a meeting in their electorate and argue with Mr Speyer, if he was there, that the current rules are right? Could any of us go to a meeting in any of our electorates and argue with local police who might be attending that they should not be getting better support from us when it comes to changing the bail laws?

This bill raises a presumption against bail and we ought to support it. I assume that debate on the bill will be adjourned today. With three sitting days next week, there is ample time for the Government to consider the bill and even deal with it as Government business. For all I care, the Government could introduce an identical bill, take it over, plagiarise it, steal it. I do not care. Just do something. Bob Carr has the numbers, and he should do something constructive with them to make amends for the disgraceful lie and misrepresentation that he made during the election campaign. Fix it up!

**Mr Sartor:** Point of order: Twice now the honourable member for Epping has accused the Premier of lies or whatever. I am not as familiar with the standing orders as you would be, Mr Speaker, but I would have thought he has crossed the line on that issue.

**Mr SPEAKER:** Order! The point of order taken by the Minister has been the subject of substantial debate in this Chamber. Although the Chair extends a degree of latitude to members who question the veracity of statements made by other members, a claim that a member has told a straight-out lie is out of order unless the claim can be verified. On this occasion I do not believe that is the case. I uphold the point of order.

**Mr TINK:** I trust nobody else will die at the hands of a repeat violent offender in this State before the Premier changes the law. It is obvious to me that in this State there is a high risk of people suffering that fate. If the Premier did not get the message after what happened to the Bega schoolgirls, let us hope that he got the message after the Newcastle tragedy. There is time this week and next week to make amends to fix this problem and to support the bill on a bipartisan basis. I commend the bill to the House and trust that next week it will receive bipartisan support. Out of deference to the Minister's sensitivities, unless the Government is playing fast and loose with the facts, I trust that the Government is well advanced in looking at the Australian Capital Territory legislation. I trust that the Government will understand, when it looks at the legislation, that it is not enough. Here is the bill to fix it, so let us get it done next week.

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

**Pursuant to sessional orders business interrupted.**

### **CONDEMNATION OF THE GOVERNMENT**

**Mr BROGDEN** (Pittwater—Leader of the Opposition) [10.30 a.m.]: I move:

That this House condemns the Government for misleading the people of New South Wales by covering up before the election:

- (1) independent advice from a respected rail safety expert to close Menangle bridge, thereby putting lives at risk.
- (2) detailed and ongoing operational and safety issues on the Millennium trains and refusing to withdraw the trains until April.
- (3) the true state of elective surgery budgets in country New South Wales, ensuring that in April funding for procedures had disappeared.
- (4) the tragic circumstances surrounding the death of a prisoner in January 2003 and the failure of the Minister for Corrective Services to immediately inform the deceased's family and the public of the bungled release date.

It is significant to note, when debating this motion, that Minister Sartor is not a member of the former Government. The former Minister for Transport, who was so keen to have this motion debated, is not in the Chamber. The former Minister for Transport is this Government's chief architect in its program of covering up and lies. In the run-up to the 2003 election time and again this Government systematically covered up serious matters from the people of New South Wales. I said before the election that this Labor Government would do anything to get re-elected. That has proven to be the case. The most significant of those breaches of public faith was with respect to this Government's failure to heed the recommendations in an independent report to close Menangle bridge.

On 5 March 2003 the Rail Infrastructure Corporation received a report from Professor West who conducted an initial review. His report states in part that a sudden catastrophic structural collapse could take place on that bridge. Professor West also said, "It is my urgent assessment that Menangle bridge must be closed." That report was prepared by an independent rail expert on 5 March 2003—a former engineer with the National Aeronautics and Space Administration who was employed by the University of Wollongong. That gentleman recommended clearly and directly to the Rail Infrastructure Corporation that Menangle bridge should be closed. But the Rail Infrastructure Corporation and the Government took no action. They monstered Professor West to make him change his report. For the next 22 days Menangle bridge remained open despite the fact that an independent expert required its closure. For 22 days communities in New South Wales used rail services and heavy loads were carried over a bridge that was clearly unsafe.

After the Waterfall accident in January this Government was so concerned about the politics of yet another rail problem that it was willing to cover up a matter of such importance and put the lives of the people of New South Wales at risk—real people that I have met. The honourable member for Southern Highlands has advocated on behalf of those people—people in her electorate who use that train on a daily basis to get to work. Once the Government finally closed the bridge one teacher in Western Sydney was unable to continue to use his normal method of transport. His wife and young children were distressed and said, "Daddy could have been killed because this Government did not close the bridge." This Government put the lives of people at risk for nothing more than cheap political gain. The former Minister for Transport, the Hon. Carl Scully, is not in the Chamber today. He is probably too embarrassed. If he had any spine or self-respect he would be ashamed.

The former Minister for Transport was sacked by this Government and shunted off into the Housing portfolio. I say to the thousands of tenants in public housing in this State: If the Minister treats them in the same

manner as he treated rail commuters, God help them. The former Minister for Transport has no respect for the people of New South Wales. Government is simply an achievement for him. This cover-up, which is simply appalling, goes deeper. There are real ramifications as a result of it. On 8 April the Opposition wrote directly to the Commissioner of Police, Mr Moroney, bringing this matter to his attention and seeking an investigation under section 212 of the Crimes Act, which states:

A person who by an unlawful act or a negligent omission endangers the safety of any person who is on or who is being conveyed on a railway is liable to imprisonment for three years.

The former Minister for Transport deserves three years in gaol.

**Mr Scully:** You just got four.

**Mr BROGDEN:** I note the interjection of the former Minister for Transport, who is now present and who thinks that this matter is funny. He, as the former Minister for Transport, really has only one of two ways out of this dilemma. He can say, "I was not advised" or "I was advised and I did nothing." Let us deal with the first option. If he was not advised, why was he not advised? He was the Minister for Transport. Why was he not concerned about what happened within his transport network? Why did he not know that on 5 March Professor West ordered that that bridge be closed? The former Minister for Transport did not want to know. Honourable members would remember the television show *Hogan's Heroes* and the bumbling Sergeant Schultz who used to say, "I know nothing."

The former Minister for Transport cannot get away with a performance like that today. Lives were put at risk as a result of his negligence, his arrogance and his willingness to cover up to try to save his own skin. He might still be a Minister in this Labor Government, but he is washed up in politics in New South Wales. That might be good for people in this Chamber but it is of no comfort to those whose lives were put at risk as a result of the Minister's cover-up. Honourable members might recall the former Minister for Transport and the Premier visiting Central station last year and trumpeting the arrival of the new Millennium trains. Let me quote from what the former Minister for Transport had to say:

The Millennium train will be very well received by Sydney's train community.

I regard it as by far the best train in Australia. It is modern, comfortable, futuristic and with a number of appointments that are absent from other trains around the world.

We have subsequently discovered that those appointments include doors that do not open and drivers who cannot get out of their cabins. Those are some of the appointments that this great Millennium train has. It was forced onto the rails as another election stunt. Immediately after the election, when the cover-up was exposed as a result of another report, it was taken off the rails. Drivers were being locked in their compartments because of electrical faults, trackside emergency systems were inadvertently activated and trains were running over or passing rail platforms. On 1 July 2002 the Premier said that the Millennium trains were the world's best. We now know that on 10 April an urgent report completed by the Co-ordinator-General of Rail, Vince Graham, found that the Millennium trains had repeatedly locked signals in the red position since September 2002.

Is the former Minister for Transport going to tell us that from September 2002 until March 2003 he knew nothing about Millennium trains running over rail platforms, locking signals in the red position, doors not opening and trains overshooting rail platforms? Before the 22 March election the former Minister was willing, as part of an election stunt, to force the introduction of these new trains. On many occasions the honourable member for Vacluse has reminded the people of New South Wales that the Premier said the Millennium trains were two years late. For a while we were not sure which Millennium train he meant—the twenty-first or twenty-second millennium. When the trains arrived they were pushed out early when clearly they were not ready to take people safely on the tracks. However, another cover-up exposed that problem.

There have been two other cover-ups. One cover-up, which has been exposed by doctors, relates to hospital budgets for elective surgery in northern New South Wales. The former Minister for Health put pressure on surgeons to do more elective surgery before the election. As a result, hospital budgets were run down and there is now no more money for elective surgery in parts of country New South Wales. Clearly the most shameful case was the death of an Aboriginal prisoner on 22 January in a New South Wales prison. He suicided on 22 January but he was supposed to be released on 4 January—he should not have been in gaol on 22 January. But his release date was bungled and he was kept in prison. [*Time expired.*]

**Mr SCULLY** (Smithfield—Minister for Roads, and Minister for Housing) [10.40 a.m.]: What an extraordinary amount of absolute claptrap from the Opposition!

**Mr SPEAKER:** Order! The Leader of the Opposition was heard in silence. The Minister will be heard in silence also.

**Mr SCULLY:** The Leader of the Opposition obviously has nothing serious to say about elective surgery budgets or about the last matter he raised, upon which he spent roughly 40 seconds. I will deal at length with the notion of an alleged cover-up. The Opposition has debased the currency of its allegations. Every five minutes over the past six months Opposition members have thrown out allegations of a cover-up like confetti at a wedding. I am sorry to disappoint ladies and gentlemen opposite, but it does not measure up.

**Mr Brogden:** What did you know?

**Mr SCULLY:** I will go through the facts if Opposition members want to hear them. They are already well aware of them. Mr Brogden, you have been lying your head off, and you know it. The Leader of the Opposition knows that he has been telling untruths; he has been economical with the facts.

**Mr Kerr:** Point of order: Pursuant to your earlier ruling, I ask that you direct the Minister to withdraw his accusation that the Leader of the Opposition lied.

**Mr SPEAKER:** Order! I remind honourable members of my specific ruling about references to members having lied. The Chair objects to the statement that a member is telling lies or has told a lie. There is no point of order.

**Mr SCULLY:** I have released to the media the briefing note that I received from the Rail Infrastructure Corporation [RIC] on 11 March 2003.

**Mr Kerr:** Further to the point of order: The Minister said to the Leader of the Opposition, "You have been lying your head off." In doing so, the Minister has transgressed both of your rulings.

**Mr SPEAKER:** Order! I have already ruled on this matter. To say that somebody is lying his head off is not quite the same as saying that the Leader of the Opposition is telling lies to this Chamber and to the public.

**Mr SCULLY:** On 11 March I received a briefing note from the Rail Infrastructure Corporation that Labor members will be interested to hear about. That briefing note was explicit: it advised me that Professor West was happy for the bridge to remain open. The advice from RIC at that time was that, provided speed restrictions were placed on the rail line, the bridge could remain open while further assessments were made in consultation with Professor West. Professor West's interim report was not provided as part of that briefing. The Rail Infrastructure Corporation did not advise me that the report recommended the closure of the bridge. On the contrary, the written advice stated:

As a result of these actions, Professor West confirmed that the bridge could be operational while the issues he raised were being addressed.

There was absolutely nothing in the briefing note to indicate that Professor West recommended immediate closure of the bridge. It is up to the Independent Commission Against Corruption [ICAC] to decide whether the advice given to me by RIC was accurate. I received advice to the effect that Professor West had issued a report and that we were dealing with the matter by imposing a 20-kilometre speed restriction, which Professor West said was okay. That is the advice that I received. I was given a briefing note on 11 March that said everything was fine, and I accepted that advice. On 24 March my office was contacted by Mr Coulthart from the *Sunday* program. He informed my office that Professor West had advised RIC that the bridge should be closed immediately. On that same day I sought a copy of Professor West's report, which I read. I immediately contacted the Director-General of Transport NSW and said, "I have read a copy of Professor West's report."

**Mr Brogden:** You are a disgrace.

**Mr SCULLY:** These are the facts—although they may not suit the Leader of the Opposition's attempts at cheap political point scoring. I asked immediately for the information to be conveyed to the Rail Safety Regulator so that he could conduct an urgent investigation, inspect the bridge and, if possible, interview Professor West and decide as soon as possible whether the bridge should remain open. That was 24 March, and three days later the bridge was closed. I acted as any Minister would have acted in the circumstances: there was advice that the bridge should be closed and it was closed.

The characters opposite refuse to recall that on 9 May 2002 I raised the issue of Cooks River Bridge. Labor members may know that some concrete deterioration was detected in the bridge, which raised a safety risk as to whether heavy vehicles crossing the bridge could cause some sort of collapse. The bridge was subsequently closed to trucks. In the face of advice that a bridge should be closed for safety reasons, any member with the relevant responsibility—be it Bruce Baird, the honourable member for Vacluse, Carl Scully or Michael Costa—would act. Those opposite must be kidding to claim that a Minister would say, "Wow, this is not good for the election; we'll just sit on this information." That is bizarre; it is offensive and ridiculous. Any Minister from any government of any political persuasion would have done exactly as I did. I received advice that said, "Professor West provided a report about Menangle bridge and we are acting in accordance with his concerns and his advice that a 20-kilometre per hour restriction is appropriate." I believe I acted appropriately and any suggestion—

**Mr Brogden:** You should have asked questions.

**Mr SCULLY:** I have nothing to be concerned about with regard to an ICAC inquiry. I welcome it. Opposition members can send as much as they have—

**Mr Brogden:** How arrogant!

**Mr SCULLY:** The Leader of the Opposition is the arrogant one. This is cheap political point scoring. Opposition members throw out cover-up allegations like confetti at a wedding—I think that is the best analogy. They have cheapened and debased their own allegations. They are not worth a pinch of salt. There is nothing in them. The Leader of the Opposition made yet another allegation about the Millennium trains. I am supposed to have received a secret report that the Millennium trains were not safe. The Opposition claims—shock, horror—that I kept the trains operating in the rail system and sat on the information as long as I could until the election, with its pressure-cooker atmosphere, was over. It was terrible! What a great yarn, but it is complete garbage. What about the Tangaras? Let us get out the Bruce Baird press clippings.

The Millennium trains have confronted exactly the same issues as the Tangaras confronted, mostly during the previous Coalition administration from 1988 to 1995. Yes, there were problems with the Tangaras' doors, engines and motors and how the trains worked in the system. Shock, horror! Exactly the same things happened with the Millennium trains. I have been transparent and open about everything that has occurred. All the glitches that one would expect to be associated with the introduction of a new piece of major technical infrastructure were addressed in an open and accountable manner. In fact, everything that the Minister for Transport Services has said is consistent with my comments following the introduction of the Millennium trains when problems occurred from time to time.

I direct honourable members to the *Stateline* interview in which the honourable member for Vacluse made a complete fool of himself. He said, "Quentin, this bloke Scully is covering up. Look at all these reports that show a cover-up on the rail system." I responded by saying, "Hang on, Quentin, that assertion is contrary to his claims. If he says that the Government has released 14 reports on the condition of the rail network, how can he then claim that there has been a cover-up?" Quentin said, "Yes, that's a good point. I will have to use that part of the interview." The honourable member for Vacluse was waving all of the reports released by the Government. He is a goose. On the contrary, we are open and accountable.

If members opposite have concerns—the Government has concerns from time to time—about rail agencies that need to be addressed, that is a legitimate discussion. I do not mind that. If members opposite have concerns about whether my administration was effective, let us discuss that. But do not dare come into this Chamber and suggest things occurred that did not occur. Do not reflect on my integrity! I am not having it. Do not suggest that there was a cover-up when there was no cover-up. The Leader of the Opposition should stop engaging in cheap political point scoring when he knows that he has no basis for making any of those claims. See you in four years time!

**Mr DEBNAM** (Vacluse) [10.50 a.m.]: I will not use the word to which the Minister for Energy and Utilities objects. The Minister for Roads, and Minister for Housing should stay here and listen to the debate. He used the words "transparent" and "open". He said, "I have been a transparent and open Minister." That is simply not the truth. It has not been the truth since the Minister took the oath of office in the Carr Government. I will remember the first piece of legislation moved by the Carr Government in this House; the Minister who spoke on it was the Minister for Roads. On that day back in April 1995 the Minister made the point that this was all about reintroducing ministerial accountability—that sense, that concept that he thought had disappeared.



For eight years we have seen exactly the opposite, and the Minister for Roads has been the worst offender. If we look at recent history in the Transport portfolio, all the problems that have arisen in recent years, and how the Minister handled them, we see again that he is the Minister for cover-ups. He has proved that time and again. In relation to the Glenbrook accident back in December 1999, Justice McInerney, on page 3 of his final report, expressed absolute frustration with the cover-up of information on behalf of the State rail entities. Why do honourable members think they were covering it up? They were not co-operating with Justice McInerney, because that is the culture led by the Premier and instigated in public transport in New South Wales by the Minister for Roads.

In May and June of last year there was a major problem with cracked rail heads across the State. At first the Minister's people simply denied it. The Minister came in here and downplayed the issue. It was such an issue at that time—there was great concern across the State—that the Opposition moved a motion of no confidence in the Minister on the last sitting day in June last year before Parliament adjourned for the winter recess. The Minister again denied and covered up the safety problem. He said that there was no problem. A series of major rail accidents then occurred during the second half of last year. After each accident—Hexham, Bargo, Matakana, Galong and Cockle Creek—the Minister downplayed the accident and every safety issue. He said that it was not a safety concern, that people should not be concerned about the rail system. It was all a cover-up.

When I took over the shadow Transport portfolio in April last year one message came through to me time and again from everyone, both outside and inside the Carr Government, to whom I spoke. They were waiting for the big one. I said, "What do you mean, the big one?" They said they were waiting for the big rail accident that would kill people. That rail accident happened on 31 January this year. Minister Scully has been the Minister for Transport since December 1997. He has presided over a culture of intimidation and a culture of cover-up. We are seeing it again today as Justice McInerney screams at witnesses appearing before him during the current Waterfall inquiry. He does not understand why people will not co-operate with him to find out the facts of the case.

These people will not co-operate because the Minister spent six years perfecting a culture of cover-up, a culture of intimidation, a culture of saying to anyone who pushes a safety issue, "You will lose your job." We have heard that time and again from members of the public sector, members of State Rail and train drivers. We have aired the issue in the media. After the Waterfall accident the Minister spent two months trying to blame the driver instead of acknowledging that the particular train that crashed had a history of acceleration or engine surging. Indeed, within half an hour of the Leader of the Opposition and I releasing that information on 13 February the union agreed with what we were saying.

However, the Minister still denied that there was engine surging. He called it power loss, power failure. That was a lie. It was a lie to the people of New South Wales, it was a lie to the inquiry, and it was a lie to the Parliament of New South Wales. The Minister for Roads has perfected that culture over the past seven years. He has escaped from the Chamber this morning. Although he made his 10-minute contribution, he treats this home of democracy in New South Wales with contempt. He will not sit through the rest of the debate. [*Time expired.*]

**Mr DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [10.55 a.m.]: The Leader of the Opposition has made certain allegations in relation to the death of an inmate in custody at the John Morony Correctional Centre. At the outset I should say that it is vital for all members of this House to remember that this case is in the hands of the Coroner at present. Any death in custody is made the subject of a detailed investigation. At the subsequent inquest, the Coroner will hear the evidence, in public hearings, and make findings and recommendations which are widely publicised.

**Mr SPEAKER:** Order! Members of the Opposition will cease interjecting.

**Mr DEBUS:** To rush ahead of the Coroner's findings, to purport to make conclusions about what did or did not occur in this tragic case, would be grossly improper. In advance of the Coroner's findings, my colleague the Minister for Justice has taken some firm and decisive action.

**Mr Brogden:** Point of order: My point of order relates to relevance. The Attorney General needs to advise the House on only one issue, and that is whether this individual should have been in gaol when he died. Is it yes or no? It is as simple as that.

**Mr DEBUS:** Obviously there is no point of order.

**Mr SPEAKER:** Order! The Leader of the Opposition will resume his seat.

**Mr DEBUS:** The Minister for Justice directed that the following changes to procedure should be implemented immediately from 10 April this year: That all dates of release of sentenced inmates calculated as a result of a Parole Board decision be supervised by a judicial member of the Parole Board; a new process established that requires calculations to be referred to the department's Sentence Administration Branch, which is trained to calculate complicated sentences and release dates; and the Director of Sentence Administration to then sign off those calculations before resubmission to a judicial member. Once this death was known, the Minister for Justice also arranged immediately for Mr Vernon Dalton to conduct a review of the Parole Board's operations to address issues arising from the procedures in this case. That is an inquiry independent of government.

**Mr Humpherson:** Point of order: In addressing the House on this matter, the Minister has an obligation not only to be fulsome in his comments but also to explain why the family of the dead inmate was not contacted and advised of the full circumstances of the death.

**Mr SPEAKER:** Order! What is your point of order?

**Mr Humpherson:** Also, why was a woman murdered earlier this week because of the Minister's inaction? Because of his deliberate inaction, a woman is also dead. The Minister should answers those questions.

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

**Mr DEBUS:** I believe that the terms of reference for the Dalton review are known to the Parliament and can easily be identified if they are not. The Minister has taken the decision to take to Cabinet a new measure of appointing an additional judicial member to the Parole Board to ensure that a judicial member is always available for final oversight of the sentence calculation. As a consequence of these events several staff members of the Parole Board Secretariat have been stood aside pending the conclusion of the preliminary inquiry being conducted by the former Assistant Commissioner of Police, Mr Dennis Gilligan.

The report of Mr Dalton will be forwarded to the Coroner, together with all other documentation from the department to assist him in whatever manner is necessary for the conclusion of the inquiry. There has been no cover-up in this matter. Rather, there continues to be an open process. Instead of making political points out of this tragedy, or taking absurd points of order in this House, our thoughts should be with the family of the person who is deceased. I suggest that honourable members await the findings of the Coroner before they rush to judgment. In no way has this been a cover-up. The Government is dealing with this tragedy in an open and transparent way—through an inquiry by an independent authority.

**Ms SEATON** (Southern Highlands) [11.00 a.m.]: Between 9 March and 24 March, during an election campaign, thousands of commuters—residents of my area—crossed the Menangle bridge every day, trusting that the Government would have told them if it was not safe. But we now discover that for every one of those days the Government had in its possession the West report. The Government covered up vital information that compromised the lives, safety and wellbeing of thousands of people in southern New South Wales. In a disgraceful performance here this morning the former Minister for Transport tried to accuse the Opposition of lies. The only liar on this occasion on this subject is the former Minister for Transport. He called me a troublemaker when I raised rail safety issues on ABC Illawarra before the election. He was then forced to admit that the issue I had raised, which was about a derailment at Moss Vale on 24 January, was in fact true, but he had no idea. He had no interest in what was going on in his portfolio. The West report states:

Prof. West discovered a fatigue crack approximately 35 mm in length ... on 8 March 2003 ... Such a gap indicates a serious and potentially dangerous change in the load distribution in the deck structure of the bridge.

The report continues:

The overloading is especially dangerous, and can result in unexpected, sudden failure and structural collapse . . .

There is a strong possibility of structural fatigue failure in Menangle Bridge ...

This, in turn, would certainly lead to violent impact loads on the deck, followed by sudden catastrophic structural collapse.

The report could not have stated the facts more clearly. On 5 March Professor West concluded in his report:

In conclusion, it is my urgent assessment that Menangle Bridge must be closed immediately to avoid any catastrophic events.

I seek leave to table the West report.

**Leave not granted.**

This is a cover-up. This is more evidence of a Carr Government cover-up. It does not want to know what is in the West report. It does not want to see the truth, admit it had the report and did not tell people in the Southern Highlands and in New South Wales that the bridge was dangerous. Were it not for the report being leaked to Ross Coulthart from the Channel 9 *Sunday* program, the bridge would still be in use in its current state. One wonders how many more reports of a similar nature are buried in other government departments. I have demanded reports from the Government about the condition of other bridges on the southern line. I want to know whether there are any more reports like this about other rail bridges in my area. Every member with railway services in their area would seek the same information. I have received nothing from the Government in response to my requests on behalf of the constituents of the Southern Highlands—no reports, information or answers.

The bridge has been reopened with a 20 kilometre an hour speed limit. This is an admission that it is unsafe for normal operating requirements. In addition, the conclusion drawn yesterday that a new bridge is necessary reinforces the fact that the bridge is unsafe. The people of the Southern Highlands want proof that it is safe to resume operations on that bridge with the reduced axle weight and speed limit. On numerous occasions I have asked the Minister for Transport or the Government to release publicly all engineering reports, the names of engineers who endorsed the decision and the documentation on which those engineers signed-off on their safety recommendation. We have not seen any such engineering reports. It is claimed that Professor West has also endorsed the decision. We want the Government to release all documentation and proof of the so-called claimed endorsements for their decision to reopen the bridge. The people of the Southern Highlands and the travellers in this State deserve nothing less than the truth. They are not getting it from this Government.

**Mr WEST** (Campbelltown) [11.05 a.m.]: Let me be clear that there has been no withdrawal of funding from orthopaedic surgery in Lismore hospital. Lismore hospital is a key provider of quality medical care in the Northern Rivers Area Health Service. The number of surgical procedures across the Northern Rivers Area Health Service has increased by 294 in the 12 months to 30 March 2003. In Lismore hospital, in the past two years the budget for orthopaedic joint surgery alone has doubled from \$1 million to \$2 million. The result is almost a 50 per cent increase in the number of patients to benefit from joint surgery this financial year—up from 149 in 2000-01 to 221 procedures scheduled to be completed by the end of this financial year. The Opposition conveniently left out these figures when it spoke about Lismore hospital.

The record shows that the Northern Rivers Area Health Service was allocated \$1.5 million in December last year as part of the \$7.5 million rural health plan. That is a targeted five-year funding plan to reduce orthopaedic waiting lists in areas where they are needed most. The Northern Rivers Area Health Service will receive recurrent funding of just over \$1 million for the remainder of that plan. We are seeing the results one would expect. Most importantly, there has been a significant reduction in the long-wait patient numbers for the entire Northern Rivers Area Health Service. These are patients who have remained on waiting lists for more than 12 months. The figure in March 2001 was 917 patients. As of March this year that figure has been reduced to 156 patients.

There have been claims that some people in Lismore will have to wait up to four years for an operation. I am assured that this is not the case and the figures I have just presented help to back that up. I am told that in the most extreme cases the wait may be up to 15 months. However, the average waiting time for booked orthopaedic surgery in Lismore hospital is 5.3 months. I am told the claim of a four-year wait is sometimes made by a handful of orthopaedic surgeons to try to heighten their priority for theatre time. Once again I can assure the House that there has been no withdrawal of funding.

**Mr DEPUTY-SPEAKER:** Order! Members of the Opposition will refrain from interjecting.

**Mr WEST:** It is quite normal for hospitals to schedule lower levels of elective surgery during the two-week Easter school holidays. The same applies for the Christmas period. Many health care professionals and patients choose to spend the time with family, and who would deny them that opportunity? A number of hospitals take the opportunity to complete necessary, scheduled theatre maintenance and upgrades, which are important tasks for all hospitals. I am also advised that the four orthopaedic surgeons who tendered their resignations have at no point stopped working. They continue to complete scheduled orthopaedic procedures.

**Mr Richardson:** Point of order: The former Speaker ruled that members could read their speeches provided they could verify that they had prepared the material themselves. Will the honourable member for Campbelltown verify that he has prepared this speech himself about a hospital very remote from his electorate?

**Mr DEPUTY-SPEAKER:** Order! The honourable member for Campbelltown is making passing reference to notes.

**Mr WEST:** The Opposition wanted information and I am trying to provide the facts. Members opposite are trying to cover them up with points of order. On 16 April a meeting took place between orthopaedic surgeons from Lismore hospital and the Northern Rivers Area Health Service. The tone of the meeting was positive and constructive. The parties have agreed to examine a number of options proposed and to reconvene this month. Meanwhile, the Minister has made it clear to all area health services that consultation with health professionals is vital. The Minister has asked that area health services and individual hospitals involve doctors more closely in planning health services to avoid the types of frustrations expressed by the four surgeons at Lismore hospital.

The doctors are key stakeholders in the provision of health care and we must ensure that they can contribute to the planning process to minimise fluctuations in health activity, particularly surgery, in the future. There has been no scandal at Lismore hospital. No money has been taken away. It has been used to provide the best-resourced orthopaedic care that the people at Lismore and the Northern Rivers Area Health Service have ever seen.

**Mr BROGDEN** (Pittwater—Leader of the Opposition) [11.10 a.m.], in reply: Direct from Baghdad—the speech of the honourable member for Campbelltown is worthy of an Iraqi information Minister. As I said earlier, those sorts of performances will guarantee the honourable member a spot in Cabinet. If the honourable member for Cessnock can get in, anyone can. The former Minister for Transport made an amazing contribution. He is now absent from this Chamber and will not listen to the genuine concerns of the Opposition on this matter. Are we to believe that he knew nothing about the technical failures of the Millennium train? Are we to believe that he knew nothing about the real crisis at Menangle? Are we to trust this man?

The Opposition does not trust the former transport Minister, nor do the people of New South Wales. More importantly, neither does the Premier. He sacked him from the transport role before we found out about Menangle and the Millennium trains. He was history and covered up during the election campaign. This culture of cover-up, which has been outlined by the Opposition today, is a demonstration of the venal behaviour of the Australian Labor Party. Its members are more than willing to put at risk the lives of people in this State in order to be re-elected. They will stop at nothing. They revel in the title of the Graham Richardson book *Whatever It Takes*. How can it be justified in the political life of New South Wales that whatever it takes includes endangering the lives of the people of New South Wales?

**Ms Judge:** Point of order: This has nothing to do with the substance of the motion.

**Mr DEPUTY-SPEAKER:** Order! I am sure the Leader of the Opposition will return to the substance of the motion.

**Mr BROGDEN:** That was a stunning contribution; even the Minister for Gaming and Racing is laughing. In his own defence, the Minister for Roads said he relied on the briefing note. The briefing note was his get-out-of-gaol-free card. The briefing note, released by the Government, stated:

On 5 March 2003, after a desk-top review, Professor West raised concerns with RIC that the bridge appeared to be deteriorating and was in urgent need of repair or replacement.

Why did the former Minister not ask questions? Why did he not say that he was uncomfortable with a 20-kilometre speed limit, that people's lives could be at risk? Why did he not say that an independent expert, Professor West, had found that the bridge was in urgent need of repair or replacement? If we can believe the former Minister—and we cannot—he based his judgment on the briefing note and, later in the month, after the election, pretended to respond to media inquiries on the *Sunday* program on Channel 9. The Opposition does not believe the Government. The chairman of the Rail Infrastructure Corporation is Rod Simms, a former staff member of Bob Hawke—a Labor mate—who continues to chair the newly announced and restructured rail agencies of infrastructure and transport services in Sydney.

The former Minister has a Labor mate chairing the Rail Infrastructure Corporation, an organisation that his successor, the Minister for Transport Services, has now described as corrupt—indeed, so corrupt that its management practices have now been referred to the Independent Commission Against Corruption by, in a remarkable set of circumstances, both the Opposition and the Government. Members of the Government have just been re-elected and they are wandering around New South Wales saying, "It wasn't my fault." The Minister for Health blames the former Minister and the Minister for Transport Services blames the former transport Minister. This is a continuing government, a continuing administration. We do not believe the cover-ups. There have been several cover-ups and no doubt there will be more. This Government's banality has been exercised on this occasion and the people of New South Wales will continue to be badly served by this Government. [*Time expired.*]

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

**The House divided.**

**Ayes, 31**

Mr Aplin	Mr Hartcher	Ms Seaton
Mr Armstrong	Mr Hazzard	Mrs Skinner
Mr Barr	Mrs Hopwood	Mr Slack-Smith
Ms Berejiklian	Mr Humpherson	Mr Souris
Mr Brogden	Mr Kerr	Mr Tink
Mr Cansdell	Mr O'Farrell	Mr J. H. Turner
Mr Constance	Mr Page	Mr R. W. Turner
Mr Debnam	Mr Piccoli	
Mr Draper	Mr Pringle	<i>Tellers,</i>
Mr Fraser	Mr Richardson	Mr George
Mrs Hancock	Mr Roberts	Mr Maguire

**Noes, 51**

Ms Allan	Ms Hay	Mr Pearce
Mr Amery	Mr Hickey	Mrs Perry
Ms Andrews	Mr Hunter	Mr Price
Mr Bartlett	Mr Iemma	Dr Refshauge
Ms Beamer	Ms Judge	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Lynch	Mr Scully
Ms Burney	Mr McBride	Mr Stewart
Miss Burton	Mr McLeay	Mr Tripodi
Mr Campbell	Ms Meagher	Mr Watkins
Mr Collier	Ms Megarrity	Mr West
Mr Corrigan	Mr Mills	Mr Whan
Mr Crittenden	Ms Moore	Mr Yeadon
Ms D'Amore	Mr Morris	
Mr Debus	Mr Newell	
Ms Gadiel	Ms Nori	<i>Tellers,</i>
Mr Gibson	Mr Orkopoulos	Mr Ashton
Mr Greene	Mrs Paluzzano	Mr Martin

**Pairs**

Mr Merton Mr Gaudry  
Mr Stoner Mr Knowles

**Question resolved in the negative.**

**Motion negatived.**

## HOSPITAL WAITING LISTS

**Mr O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [11.28 a.m.]: I move:

That this House condemns the Government for post-election cutbacks and reductions in surgery at the State's public hospitals despite pre-election promises to boost funding to reduce surgery waiting lists, especially in rural and regional New South Wales.

There is more than an echo of the previous motion in this motion. My motion refers to the cynicism, expediency and lengths to which Labor would go in seeking to win the last election. I note the presence in the House of the new Minister for Health. He, of course, like the new Minister for Transport Services, has to clean up the mess created by his predecessor. That is simply not good enough. It is not good enough for either the current Minister for Health or the current Minister for Transport Services to argue as new Ministers of the third Carr Ministry that these issues do not relate to them and the administration of the Carr Government.

The reality is that the people who misled New South Wales in relation to hospital waiting lists and rail services across this State are still significant members of the Carr Government. They are still part of the same administration, and are prepared to use the same tactics and adopt the same approach to governance in New South Wales. That has to end. Playing politics with people's health has to end. When it comes to essential health services in this State, the cover-ups, deceit, lies and deception have to end. The practice of new Ministers trying to blame the bureaucrats and their former colleagues has to end. When it comes to health services in New South Wales, it should be beyond politics that resources have to be provided at the time and place that the people require them.

Throughout the financial year 2002-03 the former Minister for Health toured the State and talked about the injection of funds into the State's public hospital system to reduce waiting lists. Further, during the election campaign the Government released the \$7.5 million rural health plan, which we were told would help reduce waiting lists, particularly in rural and regional hospitals. That announcement was welcomed by communities across New South Wales, by doctors and others associated with the State's hospitals, and by Independent members in this Chamber. And so it ought to have been, because the surgery waiting times incurred by people who live outside of metropolitan Sydney, Newcastle and Wollongong are significantly higher than those incurred by people who live in your home town, Mr Speaker, or in my electorate.

Within two days of the conclusion of the State election campaign, surgery times in public hospital theatres across the State were wound back. This was not a figment of the Coalition's imagination, nor that of doctors. These cutbacks, which are to last at least to the end of this financial year, were detailed in memoranda distributed to public hospitals in country and metropolitan New South Wales. I have the memo from St George Hospital and I have seen the memos from Lismore Base Hospital and the New England Area Health Service. Within 48 hours of the conclusion of the State election campaign—within two days of the Australian Labor Party being returned to office—the much sought-after extra resources to reduce surgery waiting lists in country New South Wales and metropolitan hospitals were being cut back. In the Government's normal deceptive and deceitful way, it blamed the cuts on the "traditional Easter shutdown".

**Mr Black:** The man bulldozed two of my railway stations.

**Mr O'FARRELL:** All I have to say to the honourable member for Murray-Darling is God forbid if anyone had been injured because under this Government they would have had to wait longer for surgery. I know that the honourable member for Murray-Darling will not laugh about hospital waiting lists in country areas. He understands the significance of the problem. I am sure that he, allegedly a Country Labor member, argued for the sort of program that the former Minister for Health promised last year and during the election campaign would produce additional funds to reduce surgery waiting lists in the State's public hospitals. I am sure that he and I have no disagreement on that issue. The issue he must determine today is whether he supports what occurred immediately after the State election campaign when suddenly theatre and surgery times were reduced, with one impact: an increase in waiting lists again across regional New South Wales.

*[Interruption]*

The honourable member for Murray-Darling says that he does not agree with what occurred after the election campaign. I look forward to the honourable member joining this side of the Chamber when we vote on the motion. It is all very well for the current Minister for Health to say it is the fault of the bureaucrats and to try to ensure that he is not accountable for the decision. But the Minister has failed to resolve the issue. The Minister has failed to explain how additional funding of \$900,000 for the New England Area Health Service—

which was announced by former Minister Knowles in December, as he stood beside the honourable member for Northern Tablelands, the local Independent member who Labor was keen to be returned to this place—had suddenly disappeared two days after the State election campaign.

The Minister for Health has failed to explain how funding of \$1.5 million for the Northern Rivers Area Health Service, announced again with great fanfare by the former Minister for Health during the State election campaign, has disappeared. There was no reason put forward in the memos or advanced by hospital administrators to surgeons other than the classic resources issue. How did the funding dematerialise two days after the State election campaign? If the Minister for Health can assure us today that the additional resources are being reinstated and that the decision to wind back theatre and surgery times has been overturned, with the result that hospitals will permit the same rate of theatre and surgery procedures as were booked in the lead-up to the election campaign, I will be delighted and conclude my motion now. But he will not do it.

I applaud the effort of the Minister's predecessor in providing the additional resources to reduce waiting lists, particularly in rural and regional areas, prior to the last election. However, I abhor, and the public is sick and tired of, the Government's cynicism. This Parliament ought to condemn the Government for playing politics with health issues. Once elected the Government's promises are forgotten and the resources disappear and, once again, surgery times in our public hospital system are inadequate and inappropriate. The honourable member for Lismore will speak of his first-hand experience at his local hospital and the honourable member for Cronulla will speak about the situation at metropolitan hospitals, in particular St George Hospital. This issue affects hospitals across New South Wales, not just those in country areas.

The Coalition asks the House to be honest. Either the former Minister for Health, Craig Knowles, and the Premier lied and deceived the people of New South Wales or the Minister for Health should explain why, contrary to the Government's pre-election announcements and promises of additional funding to hospitals, memos were distributed by hospital administrators about cutbacks in surgery and theatre procedure times—a matter protested by surgeons across New South Wales. If the Minister indicates that theatre and surgery procedures will be restored to what they were in the lead-up to the election campaign, I will happily support him. But he will not do that; he cannot do that without belling the cat, without revealing the deceptive tactics that this Government has engaged in, not only in this area but across all portfolios. The Minister should not start his ministerial career, as he has with hospital waiting lists, by trying to draw a red line across a corrupt, sick and tired ledger and say, "Let's start again." He is part of the third Carr Government. The people running this Government are the same people who ran the last Government. The people who sought to hide waiting lists are responsible for these surgery cutbacks. The people of New South Wales deserve better.

**Mr IEMMA** (Lakemba—Minister for Health) [11.38 a.m.]: I move:

That the motion be amended by leaving out all words after "That" with a view to inserting instead "this House notes the record funding allocated by the State Government to health services across the State and, in particular to rural and regional areas of New South Wales.

The Government is spending record amounts on health, with the annual budget now standing at \$8.8 billion—an increase of \$3.5 billion since 1995. In the same period, funding for elective surgery has consistently increased each year to the point where 188,000 people will undergo elective surgery in New South Wales public hospitals this year. That is despite increasing demands on our hospital system and emergency departments, which have resulted from factors such as the decline in bulk billing and the ageing population.

We are spending \$117 million more than we spent in 1995 to perform extra medical and surgical procedures. We have focused particularly on those who have been waiting for more than 12 months. Those figures speak for themselves. The number of people waiting for more than 12 months for surgery has halved in the past year. Currently the booked waiting list is 55,324, which represents all ready-for-care booked surgery patients. The number comprises the booked surgery waiting list of 49,691 plus 5,633 patients known as list transfers. As Minister for Health I find waiting list data a source of intrigue. For example, it does not seem that the total number on a list is a meaningful indicator. My experience is that patients are far more interested in knowing when they will be operated on than how many people are waiting. To use an analogy, none of us really cares how many cars are on the freeway so long as we are travelling at a reasonable speed.

For example, in the past three years average booked surgery waiting times declined from 2.53 months in March 2001 to 2.26 months in March 2003. As the *Sydney Morning Herald* reported recently, "There is no argument more arid than the waiting lists and waiting times at public hospitals." To the extent that waiting lists are an indicator, things have improved. I am advised that in March 2002, 8,350 people had been waiting for

more than 12 months for surgery. As at March this year that figure was 4,188. Government funding, which occupied much of the speaking time of the shadow Minister, is part of a three-year funding cycle that was introduced in 2000. Any claim that funding was allocated to boost surgery in the lead-up to the State election is wrong.

The issue in Lismore was a simple one, but apparently it remains beyond the grasp of the Opposition. The area health service failed to plan surgical activity across the 12-month period. However, the total number of surgical procedures for the 12-month period remained the same. The Northern Rivers Area Health Service, which encompasses Lismore, received \$244 million, a record amount of funding and an increase of almost 12 per cent. Lismore Hospital received an additional \$1 million for joint surgery, which enabled an extra 72 procedures to be performed compared to the number just two years ago. So 72 extra people will be able to move more freely and enjoy a better quality of life. The data shows a total of 221 procedures for this year compared to 149 in 2001. These figures are a direct result of increased funding allocated to the Northern Rivers Area Health Service.

**Mr George:** Do we get it again?

**Mr IEMMA:** I will come to that. The scheduling of elective surgery is a management issue for local area health services. It is important that administrators involve clinicians and doctors in planning those services, particularly surgery schedules. I have asked area health services to adopt that approach. It is one of the central issues in Lismore, and I note that the honourable member for Lismore is nodding his head. I want local area health services to work more closely with doctors to plan processes to ensure that surgical activity is scheduled sensibly across the year to minimise fluctuations in health activity. The Government has given rural and regional New South Wales extra funds for surgery. In September last year my predecessor announced the New South Wales rural health plan, which included the rural orthopaedic funding package.

Consultation for the package, which was put together in close consultation with the Australian Orthopaedic Association and local orthopaedic surgeons, began in about 2001, long before any State election. The package is worth \$7.5 million to rural New South Wales this year. For the benefit of the honourable member for Lismore, it includes \$5 million recurrent funding thereafter for the next five years. My recollection is that the Northern Rivers Area Health Service will receive \$1.5 million from the package. That answers the honourable member's question about future funding.

**Mr George:** For the future?

**Mr IEMMA:** Yes, future funding. It is guaranteed; it is part of the package put together with orthopaedic surgeons. One of the objectives is to keep orthopaedic surgeons operating in our public hospitals in rural areas. That funding will result in an additional 540 joint replacement operations. The Greater Murray Area Health Service will receive an extra \$1.2 million this year for orthopaedic surgery; the Mid North Coast Area Health Service, \$1.32 million; the Northern Rivers Area Health Service, 1.5 million; the New England Area Health Service, \$952,000; and Mid Western Area Health Service, \$795,000. This special funding package is in addition to annual growth funding for each area health service. I think Northern Rivers received \$26 million in growth funding in the total record budget of \$224 million. I note that funding for the New England Area Health Service has increased by 6.2 per cent to \$158.5 million in the past financial year, in addition to almost \$1 million extra for orthopaedic surgery under the rural health plan.

By the end of this financial year 560 orthopaedic operations will have been performed at Armidale Hospital, compared to 352 in the previous year, an increase of 208 or 60 per cent in general orthopaedic surgery. There is no doubt that access to surgery for people in New South Wales is improving significantly through the funding packages I have just announced. No-one pretends that the health system is not under pressure, but on the whole it is performing pretty well. For the first time in living memory we have a comprehensive plan for service delivery across the State backed by record funding and three-year budgets. That will allow administrators and clinicians to plan in an environment of far greater certainty than previously. There is always room to improve our health system. We will continue to work with doctors and nurses to make sure that happens.

**Mr KERR** (Cronulla) [11.48 a.m.]: This is an important issue. It is interesting that the new Minister for Health is intrigued by the fuss made about waiting lists. I suggest that he talk to the Premier and the Deputy Premier. Before the 1995 election they were so concerned about waiting lists and the danger they posed to the people of the New South Wales that they said they would sign a pledge in blood to halve the waiting lists. But



even on the doctored figures the waiting lists are larger than they were in 1995. As the shadow Minister said, the current figure is 58,000, compared to 43,000 in 1995. Yet we do not hear the Premier or the Deputy Premier, let alone the Minister for Health, threatening to shed blood now. One would have to be a Tracie Sonda not to realise that the health system in this State has been in crisis for the past five years. Similarly, the development application from Meriton Apartments was a public document that could have been brought before the council when she was deputy mayor. This health crisis is as obvious as the local environmental plan, the socialist document that she has now found contains mistakes.

One would think there had been a change of government, given the recent statements on a Sydney radio station. Members opposite are making it sound as though these problems have been inherited from a previous corrupt government. The Minister said in this House yesterday that he intends to refer the waiting list issue to the Independent Commission Against Corruption [ICAC] and the Auditor-General. That is amazing; it is the behaviour one would expect of a new Minister taking over from a corrupt former government. We need accurate information, and until the ICAC and the Auditor-General have provided the facts to the House it will be difficult to establish the extent of the Government's culpability. However, we do have a good idea of its scope. The speech of the Leader of the Opposition this morning deserves blanket coverage. He said the Government had more cover-ups than a doona factory. This cover-up applies to every public hospital in this State. It is an absolute disgrace!

[Interruption]

I will tell the House about cover-ups. This is the most blatant example because it affects people's lives: it is about death and suffering. Members opposite have been playing with figures. That is a disgrace. The former Minister for Health toured the State announcing enhanced funding to reduce surgery waiting lists. The honourable member for Northern Tablelands was a party to that exercise. It will be interesting to hear what he has to say about the Government's backflip and to see whether he will give evidence to the ICAC or speak to those involved with what has happened at the Lismore Base Hospital. Of course, the funding was welcomed by patients and families, but the Government's behaviour has been a travesty and a cruel betrayal.

**Mr McBride:** What is your margin?

**Mr KERR:** My margin increased.

**Mr McBride:** Is it the status quo?

**Mr KERR:** No, it increased nearly 4 per cent. The honourable member for Miranda moved a motion about the Government's achievements in the Sutherland shire. That is the Government's proudest achievement: it has increased my majority! Have no fear, I will not be swayed from the gravamen of the motion; it is too important. This crisis has not only exposed the Government at its most cynical but it has also demonstrated that it is prepared to do whatever it takes and to betray the most vulnerable in our community. The saving grace is that surgeons in Lismore had the courage to take on the might of the State and to tell the truth about what is happening.

**Mr TORBAY** (Northern Tablelands) [11.53 p.m.]: I am pleased to have the opportunity to speak to the motion moved by the Deputy Leader of the Opposition regarding health services. I am particularly pleased to be able to address the elective surgery lists at Armidale, given the concerns that have been raised. This motion is similar to a motion that I placed before the House yesterday. I look forward to debating that motion after having heard the Minister's contribution to this debate. Honourable members have pointed out the difficulties in their electorates. Armidale is also suffering an anomaly because, on the one hand, the health service is trying to attract specialists and specialist general practitioners and, on the other hand, it is facing reductions in elective surgery lists that will drive away many of the practitioners that it has managed to recruit. That is the main point of my contribution today. The *Armidale Express* contained an article highlighting the proposed cuts in elective surgery lists, and on the same page it had a photograph of a newly recruited specialist in the area.

The Minister was correct when he said that funding had not been decreased. In fact, it has been increased. That is the evidence, but the boom-and-bust scenario has a serious negative impact on attempts to attract specialists to our area. The four anaesthetists at Armidale and New England Hospital are particularly hard hit because the work they do at the public hospital is their main source of income, and the peaks and troughs make life difficult for them. The Minister indicated that the public hospital system is always under pressure, and that situation will not change. However, many State and Federal issues impact on the hospital system. There is

virtually no work for the specialists in the Armidale public hospital, particularly because all gynaecological and obstetric operations have been transferred to the public system as a result of the medical indemnity insurance crisis.

I received that information directly from the doctors. That is important and it is also relevant to this process. Given the reductions in the elective surgery waiting lists since the March election, that is a valid criticism. Serious concerns have been raised that the hospital might lose the specialists that it has been able to recruit after months of effort. The Armidale and New England Hospital has just recruited an orthopaedic surgeon from Germany and is trying to recruit a second obstetrician/gynaecologist. The concern is that the dramatic reductions in the surgery lists will impact on that process. After the increase in funding the hospital treated too many elective surgery patients and that had a negative effect on its budget, so the number of patients treated was reduced. That will not assist in attracting and retaining specialists.

All of that has occurred while the Federal Minister for Health and Ageing, Senator Kay Paterson, officially launched the University Department of Rural Health, Northern New South Wales, in Tamworth. The initiative is aimed at luring doctors to rural areas by allowing students from the University of Newcastle to undertake their education and training at Tamworth Base Hospital and the local health service. Although it is an excellent scheme and will deliver some good outcomes to our country areas, it will not encourage doctors to consider practice in country areas because there is no recognition by government of the fundamental differences between large city and country hospitals and the services they offer. Maintaining the critical mass of specialists and specialist general practitioners at hospitals such as the Armidale and New England Hospital requires a much more delicate balance than that required in Sydney or Newcastle.

When specialists leave a large city hospital there is always a queue of recruits to select from to replace them. The situation in the country is different because there are fewer specialists and it is difficult to recruit replacements for those who leave. That is discouraging, and it is sometimes impossible for the remaining doctors to carry the increased workload. Taking an ad hoc and across-the-board approach to elective surgery lists discriminates against country hospitals. There should be a different policy for country hospitals that considers the critical mass of specialists and measures the staffing impacts of any proposed cuts.

No-one would suggest that there are no budgetary restraints—the Minister has acknowledged them today—but it is self-defeating to gut a critically balanced system during the down time and then face the lengthy and difficult task of rebuilding it when the budgetary situation improves, if it improves. The public health system is overburdened with private patients, largely because of the unresolved medical indemnity insurance crisis. Budgetary pressures mean that the public system is taking advantage of the situation by competing with private hospitals for private patients. In the country, where private hospitals have been hard hit, the medical indemnity insurance crisis is impacting negatively and the Commonwealth Government should step forward to deal with the issue.

**Mr GEORGE (Lismore)** [11.58 a.m.]: Much has been said this morning about hospital waiting lists and elective surgery cutbacks, and on a number of occasions throughout the debate reference has been made to Lismore. I point out that these problems did not begin on 24 March, the first working day after the election, but have existed, especially in relation to orthopaedic surgery services in the Lismore electorate, for a long time. I wish to quote the words of Dr Ray Randle, an orthopaedic surgeon respected in New South Wales, throughout Australia and overseas who specialises in joint replacement surgery. He resigned from the Lismore Base Hospital three years ago because of the waiting list problems, and says that the situation is still desperate. Dr Randle found it highly stressful and upsetting to be unable to help people who were often crying because they were in real pain. All members would at one time or another have been approached by people seeking assistance to reduce their waiting time by having their names moved further up the list.

Dr Randle has referred to examples of people sliding around their homes on their backsides because they cannot stand or walk. He has pointed out that the cost to the community in real terms of people being unable to work or even perform simple tasks, such as shopping or housework, is enormous. Before Dr Randle left the public hospital system, he offered to perform joint replacement surgery free of charge because he felt so bad about the long waiting lists and the pain and suffering that people were enduring. His offer was rejected because supposedly there was not enough money to pay for the implants, which at that time cost approximately \$7,000 each. He admitted being very upset about that because he felt that he kept hitting a brick wall. The loss of Dr Randle to the public hospital system was enormous.

When Dr Randle was attached to the Lismore Base Hospital he was told that he could do only 16 joint replacements a year. The reality is that in private practice he does 16 joint replacements a week. Earlier in the

debate the honourable member for Campbelltown stated that health services in Lismore had not been affected adversely. I invite the honourable member to visit Lismore and see what a pleasant place it is, and I will introduce him to the surgeons and hear first hand their problems. The surgeons were advised of the proposal of the Northern Rivers Area Health Service that orthopaedic surgeons do no more than one joint replacement per week during the period between March and May and probably no joint replacements at all between May and the end of the financial year. That is a clear breach of requirement 3, which has a target of two joint replacements per surgeon per week. That is a rate that one would expect could be accomplished in the second half of the year.

Added to that is the obviously political notice that the Northern Rivers Area Health Service sent out on Monday 24 March, the first working day after the election, imposing a reduced activity period over the Easter break. It was quite clear that it had no intention of providing adequate hospital theatre access for orthopaedic surgeons to perform joint replacement surgery at the Lismore Base Hospital. All the orthopaedic surgeons were affected and they resigned as a result. The President of the Staff Medical Council at the Lismore Base Hospital, Dr Chris Ingall, supported the stand taken by surgeons over the cutbacks. They had no other choice but to resign. The cutbacks have meant that the waiting period for joint replacement surgery at the hospital has climbed to approximately four years, yet the Government has claimed that cutbacks have reduced waiting times. Medical staff in Lismore tell me that the cutbacks will force waiting lists to blow out.

**Mr O'Farrell:** Whom would you most believe?

**Mr GEORGE:** As the Deputy Leader of the Opposition says, whom would we believe? The situation has weighed heavily on surgeons in Lismore and has caused them to take desperate action. After seeing patients suffering so much, they decided that they had no choice but to tender their resignations. Today the Minister for Health claimed that funding has been increased to reduce waiting lists. I certainly look forward to that.

**Mr BROWN (Kiama)** [12.03 p.m.]: It gives me great pleasure to speak in support of the amendment moved by the Minister for Health—a Minister of the Carr Government who is totally committed to the health care of the citizens in this State. For the record, I again state that this Government is spending record amounts on health. Its annual health budget now stands at \$8.8 billion. As the Minister informed the House, this represents an increase of \$3.5 billion since 1995, and since that date funding for elective surgery has consistently increased each year. The Illawarra Area Health Service and the Southern Area Health Service are good examples of dramatic increases in health spending. The Illawarra allocation is \$265 million, which represents an increase of 7.6 per cent, and the allocation for the southern region is \$144 million, which represents an increase of 8 per cent. The Government has provided additional funds for surgery to rural and regional New South Wales, despite the claims made by the Deputy Leader of the Opposition. In September last year the Government announced the New South Wales rural health plan that includes the rural orthopaedic funding package referred to in detail by the Minister for Health.

One part of this issue maintains the status quo, namely, that the Government has a plan, but the Opposition has a whinge. The Opposition went to its policy cupboard and, guess what? The status quo prevailed, and the Opposition's policy cupboard is still bare. Not a single Opposition policy has been endorsed by the clinical community. The Government certainly will investigate legitimate matters of concern, which also maintains the status quo, because that is what a compassionate Labor Government is all about. But this Government will not allow the efforts of doctors and nurses in the public hospital system to be undermined by the carping of an Opposition that does not have a policy bone in its sick and sorry carcass.

I am surprised that Opposition members have had the gall to lift their heads on health matters, given that their Federal counterparts are currently seeking to dismantle Medicare. The people who live in the Kiama electorate will never forget the Coalition closing the Kiama District Hospital. The real issue for members of the Opposition when health matters are being discussed is whether they support the Prime Minister in his push. The people of New South Wales are entitled to know where the Opposition stands. It is not as though Medicare is an obscure policy recognised by only a handful of people.

**Mr O'Farrell:** Point of order: I refer to the leave of the motion that I moved and the amendment moved by the Minister for Health, in which there is no mention of the word "Medicare"; nor has there been mention of Medicare during debate to this stage. This is an issue of State funding for elective surgery and waiting lists of the State's public hospitals. Medicare has not been referred to. It was not mentioned by the Minister, it was not raised by previous speakers, and it is not reflected by the motion. Clearly the reference is outside the leave of the motion.

**Mr DEPUTY-SPEAKER:** Order! I am sure the honourable member for Kiama was merely making a passing reference to Medicare and that he will deal appropriately with the comments of the Deputy Leader of the Opposition.

**Mr BROWN:** I referred to Medicare because this State receives funding from Medicare to run public hospitals. When health care funding is being discussed, Medicare is definitely an issue that should be addressed during debate.

**Mr O'Farrell:** Move a motion.

**Mr BROWN:** I would be willing to take a wager that every Australian family has benefited from Medicare since its inception. If the Deputy Leader of the Opposition or any other person wants to challenge that point and say that this debate has nothing to do with Medicare—

**Mr O'Farrell:** Point of order: I accept the honourable member's invitation and I challenge the point he makes. I say again that, as the Minister for Health acknowledged and as I acknowledged when I moved the motion, this debate concerns State funding to the State's hospital system to reduce elective surgery waiting lists. That State funding largely comes from GST revenue that is disbursed to the States. Medicare has not been mentioned either by the Minister for Health or in the motion. The reference is clearly outside the leave of the motion. Mr Deputy Speaker, even in your terms, the reference is no longer a passing mention. I ask the honourable member, who has now been a member of this Chamber long enough to understand such matters, to return to the leave of the motion.

**Mr DEPUTY-SPEAKER:** Order! I am sure the honourable member for Kiama understands that, and that he will conclude his speech by referring to the motion.

**Mr BROWN:** No-one trusts the Coalition in Federal or State government when it comes to funding. I support the amendment moved by the Minister.

**Mr O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [12.08 p.m.], in reply: This motion is about the cynical act of the Carr Government, in the lead-up to the recent State election campaign, in announcing and providing additional funding to reduce elective surgery waiting lists at the State's public hospitals and then, within two days of Labor winning the election, the State's public hospitals experiencing cutbacks in surgery times, which is totally contrary to the policy that had been announced and funded up until that State election campaign. On 11 December, in a press release headed "Minister announces more surgery in all rural areas", the former Minister for Health said:

Today I am pleased to announce that this funding has been disbursed across the State with every rural area health service said to benefit. More importantly, people who need orthopaedic surgery, particularly joint replacements, will be able to get that care sooner in a hospital close to their home. Hip, knee and joint replacements are the targeted procedures for this funding, which is being determined by assessing the needs of each area.

The Minister went on to say that this was about treating more rural patients locally and sooner. It is clear that within 48 hours of the State election having been won Labor cutbacks were initiated to elective surgery programs at rural hospitals and area health services, and that is clearly at odds with the statement made by the former Minister for Health during the election campaign. The former Minister cannot have it both ways. He cannot say, in the first quarter of the financial year, that additional funding will be provided to allow these operations to be performed faster at a local level and then, in the fourth quarter of that financial year, say, "We are going to cutback on the number of operations being done."

The issue that the Minister for Health seeks to divert attention from in his amendment to the motion is his responsibility. Today in this House the Minister has provided no commitment to resolve the issue in Lismore, and nor has the Minister provided a commitment to reinstate the surgery lists as they were operating up until 22 March. The honourable member for Port Macquarie and the honourable member for Northern Tablelands, in particular, know that up until election day progress was being achieved in reducing elective surgery waiting lists across rural and regional New South Wales, and I suspect that they shared the Opposition's concerns about the impact of the Government's decision.

As the honourable member for Northern Tablelands said, the Government's decision has many adverse impacts. Clearly, it has an adverse impact upon patients who are awaiting surgery. The waiting lists will now blow out for at least the present quarter, and we do not know what will happen during the new financial year.

Secondly, as the honourable member for Northern Tablelands quoted from his local media reports, the Government's decision is totally at odds with everything that Federal and State governments are doing to try to attract qualified specialist personnel to regional and rural areas.

The Minister acknowledges that point, but he does so as though he is in a dream and has no direct responsibility for it. Four surgeons at Lismore Base Hospital resigned because they felt that was the only way in which to bring public attention to this issue. After eight years under the Carr Labor Government even the most uninformed constituents in this State understand that the only way to get additional resources or have something fixed is by blowing the whistle. Under this Government, the squeaky wheel really does get the oil.

This is an open-and-shut case. Additional funds were made available, additional funds were promised, and claims were made that those funds would provide more operations locally and sooner to patients across the State, particularly in regional and rural areas. This was happening up until 22 March, but from 24 March suddenly we saw cutbacks occurring. I repeat: The House need not believe either the Independent members or the Opposition who share concerns about this; it should listen to the medical experts. The Chairman of Medical Staff Council at Armidale Base Hospital said, "The imposed rosters will rapidly take waiting lists back to the unsatisfactory pre-election levels." Dr Mark Pearce at Lismore made the point that the cutbacks mean that the waiting periods for a joint replacement would climb to about four years. This is a disgrace; it is a classic Labor tactic—do or say anything to get yourself elected. It is time this House stood firm on this issue and sought to impose greater transparency, accountability and, above all, honesty in an issue that ought to be beyond politics.

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

**The House divided.**

**Ayes, 49**

Ms Allan	Ms Hay	Mr Pearce
Mr Amery	Mr Hickey	Mrs Perry
Ms Andrews	Mr Hunter	Mr Price
Mr Bartlett	Mr Iemma	Dr Refshauge
Ms Beamer	Ms Judge	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Lynch	Mr Scully
Ms Burney	Mr McBride	Mr Stewart
Miss Burton	Mr McLeay	Mr Tripodi
Mr Campbell	Ms Meagher	Mr Watkins
Mr Collier	Ms Megarrity	Mr West
Mr Corrigan	Mr Mills	Mr Whan
Mr Crittenden	Mr Morris	Mr Yeadon
Mr Debus	Mr Newell	
Ms Gadiel	Ms Nori	<i>Tellers,</i>
Mr Gibson	Mr Orkopoulos	Mr Ashton
Mr Greene	Mrs Paluzzano	Mr Martin

**Noes, 34**

Mr Aplin	Mrs Hopwood	Ms Seaton
Mr Armstrong	Mr Humpherson	Mrs Skinner
Mr Barr	Mr Kerr	Mr Slack-Smith
Ms Berejiklian	Mr McGrane	Mr Souris
Mr Brogden	Ms Moore	Mr Tink
Mr Constance	Mr O'Farrell	Mr Torbay
Mr Debnam	Mr Oakeshott	Mr J. H. Turner
Mr Draper	Mr Page	Mr R. W. Turner
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Pringle	<i>Tellers,</i>
Mr Hazzard	Mr Richardson	Mr George
Ms Hodgkinson	Mr Roberts	Mr Maguire

**Pairs**

Mr Knowles  
Mr Gaudry

Mr Merton  
Mr Stoner

**Question resolved in the affirmative.**

**Amendment agreed to.**

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

**The House divided.**

**Ayes, 49**

Ms Allan  
Mr Amery  
Ms Andrews  
Mr Bartlett  
Ms Beamer  
Mr Black  
Mr Brown  
Ms Burney  
Miss Burton  
Mr Campbell  
Mr Collier  
Mr Corrigan  
Mr Crittenden  
Mr Debus  
Ms Gadiel  
Mr Gibson  
Mr Greene

Ms Hay  
Mr Hickey  
Mr Hunter  
Mr Iemma  
Ms Judge  
Ms Keneally  
Mr Lynch  
Mr McBride  
Mr McLeay  
Ms Meagher  
Ms Megarrity  
Mr Mills  
Mr Morris  
Mr Newell  
Ms Nori  
Mr Orkopoulos  
Mrs Paluzzano

Mr Pearce  
Mrs Perry  
Mr Price  
Dr Refshauge  
Ms Saliba  
Mr Sartor  
Mr Scully  
Mr Stewart  
Mr Tripodi  
Mr Watkins  
Mr West  
Mr Whan  
Mr Yeadon

*Tellers,*  
Mr Ashton  
Mr Martin

**Noes, 35**

Mr Aplin  
Mr Armstrong  
Mr Barr  
Ms Berejiklian  
Mr Brogden  
Mr Cansdell  
Mr Constance  
Mr Debnam  
Mr Draper  
Mr Fraser  
Mrs Hancock  
Mr Hazzard  
Ms Hodgkinson

Mrs Hopwood  
Mr Humpherson  
Mr Kerr  
Mr McGrane  
Ms Moore  
Mr O'Farrell  
Mr Oakeshott  
Mr Page  
Mr Piccoli  
Mr Pringle  
Mr Richardson  
Mr Roberts  
Ms Seaton

Mrs Skinner  
Mr Slack-Smith  
Mr Souris  
Mr Tink  
Mr Torbay  
Mr J. H. Turner  
Mr R. W. Turner

*Tellers,*  
Mr George  
Mr Maguire

**Pairs**

Mr Gaudry  
Mr Knowles

Mr Merton  
Mr Stoner

**Question resolved in the affirmative.**

**Motion as amended agreed to.**

**BANKSTOWN AIRPORT**

**Mr ASHTON** (East Hills) [12.31 p.m.]: I move:

That this House:

- (1) notes the Federal Government's decision to sell Bankstown Airport.
- (2) calls on the Federal Government to include an environmental impact study and the introduction of a night curfew in the sale documents.
- (3) calls on the Federal Government to include the retention of the Australian Aviation Museum at Bankstown Airport as a condition of any sale.

It has long been known that the Federal Government proposes to sell Bankstown Airport. As we know, it now proposes to sell Bankstown Airport as one lot with Camden and Hoxton Park airports. There are three points I make about this. First, that on numerous occasions this House has placed on record the State Government's opposition to the sale of Bankstown, Camden and Hoxton Park airports. The Government believes that the loss of those airports would severely disadvantage country people in New South Wales, and that it would severely disadvantage the hundreds of thousands of residents who live within Sydney's south-western suburbs. Nevertheless, the Government has made the decision to hopefully sell the airports as a package of three.

The Federal Government has announced that it is going to sell Bankstown Airport particularly—which is totally within my electorate—but it has not said that it will carry out an environmental impact study. The Bankstown and wider regions communities have fought for an environmental impact study for two or three years since the Bankstown sale was announced. At present, Bankstown airport has no curfew, so there is the potential for any buyer of the airports to continue to conduct a 24-hour service into Bankstown. Also, because the sale documents indicate that no special conditions or special development obligations will apply to the sale, as the Federal Ministers have announced, it is equally likely that there will be no curfew.

I am calling for the Federal Government to carry out an environmental impact study. It has consistently refused to do that and one can only wonder why. It may be because the Government is afraid that an environmental impact study may show there will be a considerable deleterious environmental impact on the people who live around Bankstown Airport. The second possible reason is that if an environmental impact study is carried out, it is bound to show that the curfew is one of the major issues in the Bankstown area. Planes are allowed to take off and land 24 hours a day. A couple of planes have landed in the Georges River and one or two have landed in factories in the middle of Milperra. These are issues that the local community is still very much concerned about. I note the Government's suggestion that the proposed plan not have big jets come into Bankstown is predicated on these concerns. I quote from the media release by Senator Minchin and Wilson Tuckey:

Changes to the aviation environment since September 11 2001, the collapse of Ansett, and the trend to using larger aircraft particularly on regional routes mean that there is no longer a need for Bankstown airport to develop an overflow capacity to supplement Sydney airport.

We welcome the fact that it may well be that Bankstown does not have to take any overflow capacity from Kingsford Smith airport, but there is no guarantee about that. We already know that the Macquarie Bank consortium—whom we believe paid half a billion dollars too much for Kingsford Smith airport—may well need to put up their prices, and that may force an overflow to go to Bankstown. So, based on a press release, I do not have any great confidence that the message about the operation of Bankstown Airport is as good as some people first interpreted it.

I am wary that an airport, or one lot of three airports, is to be sold on the basis of a terrorist attack nearly two years ago and, for that matter, the collapse of Ansett that happened on the same day, 11 September 2001. There is a belief that bigger planes are in operation. At the moment the airline industry is absolutely crippled with a combination of problems, including the SARS virus. If this announcement had come out a week later it probably would have included the SARS virus as a reason why no-one is catching planes any more. It might as well have said also that the Wests Tigers are not winning many games—we hope to win a few more—and therefore there is no great need for airports. Fly into Bankstown and see what is happening there. We call on the Government to include the special conditions of an environmental impact study and a curfew in the sale documents.

For more than 10 years many volunteers in my electorate and in the wider electorates have been involved in establishing the Australian Aviation Museum at Bankstown. Work was commenced on the aviation museum in February 1994 by the then Prime Minister, Paul Keating, who turned the first sod and unveiled a plaque in memory of Sir Charles Kingsford Smith. Since then the project has come a long way and there is already a lease on this land at Bankstown Airport. Conceptual drawings and actual construction have already taken place in part, there is a massive hangar, and many volunteers spend their weekends and afternoons restoring old Australian planes. We have a great aviation history. We may not have been the first country in the world to get a big plane up in the air—I believe there is some argument that Lufthansa was first—but Qantas was certainly next. We know that Australia's history includes many great flyers and great achievements in the airport and aircraft industry.

Bankstown Airport is the perfect place to continue the operation of the Australian Aviation Museum. I know there is no great bucket of money, but I hope to approach the Premier about that. Most of this work is being done by the volunteer labourers who have been able—legally—to get disused fencing from building sites and who have taken possession of the old hangar that Sir Kingsford Smith had at Mascot. The hangar was sitting there rotting away and the volunteers are re-establishing it. This airport has the support of the local council. I have a letter from the Mayor of Bankstown, Councillor Helen Westwood, supporting the retention of the aviation museum, and there is some funding for it. The general manager of Bankstown Airport Limited, Kim Ellis, supports maintaining the airport and recognises that there is already an existing lease.

The Bankstown District Sports Club, one of the great clubs in the Bankstown area, is committed to supporting this aviation museum, as are the Bankstown Trotting and Recreational Club and all local schools. The University of Western Sydney recognises the need for increasing the size of this museum and making it even more professional. It will be a great attraction. I have a copy of a letter from Nancy Bird-Walton, one of the patrons of the museum, and Dr Paul Scully-Power, one of the first astronauts and a patron of the museum, who have written in support of it.

If the Federal Government persists with this sale—and I accept that this State Parliament will probably not be able to change that—it should conduct an environmental impact study and introduce a night curfew. Those are major issues of concern. As the lease has already been signed there is a good chance that it will be binding on any new operator who buys the site. However, leases can be changed. We want to ensure that that lease is continued. I hope that the Federal Government can do those three things. The Federal Government, which has not been supportive in the past, has tended to treat the Bankstown and south-western areas of Sydney as no-go zones. Large jets might not be coming into Bankstown at present; however, I do not have a great deal of faith in press releases. I would like to see the sale documents. I hope that this motion will make the Federal Government aware of what is expected of it.

**Mr DEBNAM** (Vaucluse) [12.41 p.m.]: I am pleased to have an opportunity to speak in debate on this motion. About once every six or 12 months the honourable member for East Hills moves a motion relating to the aviation museum at Bankstown. I acknowledge that the honourable member is placing on the record the concerns of his community, so the Opposition will not oppose the motion. The honourable member for East Hills referred to a number of legitimate issues that are of concern to communities around the airport.

*[Interruption]*

As the honourable member for Wakehurst said, I hope that the honourable member for East Hills has already sent a letter to the Federal Government expressing these concerns. I am sure that the Federal Government will deal sympathetically with them, as it would with any other community concerns. The honourable member for East Hills raised the issue of transport infrastructure in Western Sydney, which is an issue we should consider—an issue which the Carr Government has ignored for eight years and which has been a major embarrassment to it. That is one of the reasons why the former Minister for Transport was in hiding for the entire election campaign. What has the Carr Government done in Western Sydney, especially around the airport? The former Minister for Transport spent about \$350 million on a bus transitway in south-western Sydney, which proved to be a local bus service for his constituents.

**Mr Lynch:** Point of order: I have been provoked into taking a point of order. The honourable member for Vaucluse spent about the first 20 seconds of his speech referring to issues that are germane to the motion. Thereafter he has said nothing at all that is germane to the motion. It might be interesting but it is not relevant to the motion.



**Mr DEBNAM:** To the point of order: I was referring to the motion, which is about transport infrastructure in Western Sydney. The honourable member for Liverpool has always had an interest in Federal issues and I am sure that his interest in those issues will continue next year. We will watch that closely. I am talking about Bankstown airport and about transport infrastructure in Western Sydney—issues of great importance to the community of Western Sydney.

**Madam ACTING-SPEAKER (Ms Andrews)** Order! I uphold the point of order. The honourable member for Vacluse may continue.

**Mr DEBNAM:** As I said at the outset, the Opposition does not oppose this motion. The honourable member for East Hills has done his job by expressing these legitimate and worthwhile concerns on behalf of his community. The three points to which he referred earlier have been issues of concern for a long time. There is nothing new in what he said. However, today he put on the agenda the transport infrastructure issue that is being confronted by communities in Western Sydney and, specifically, around Bankstown airport. The honourable member for East Hills referred to country residents. I am sure the Federal Government is aware that a number of country residents and general aviation enthusiasts will watch closely what happens to Bankstown Airport.

As I used to work at Bankstown Airport I am aware of the great level of employment around the airport, which is critical to New South Wales. What has the Carr Government done to the economy of New South Wales in its eight years in office? It has tried to run down the economy and milk it. Employment in Bankstown is a major issue. The former Minister for Small Business—the present Minister for Tourism and Sport and Recreation, and Minister for Women—who is in the Chamber, has said often in this Chamber that this Government created jobs in New South Wales. Jobs are not created by the public sector and they are certainly not created by the Carr Government; jobs are created by private enterprise in Australia on the back of the economy of the Federal Government.

I am sure that the Federal Government is mindful of the fact that employment at Bankstown Airport is critical. Has the honourable member for East Hills put his concerns in writing and sent those concerns to the Federal Government? If not, he should do so today. I am sure he will receive a sympathetic hearing from the Federal Government. I endorse the comments made by the honourable member for East Hills relating to the aviation museum. We should do all we can to acknowledge our history and our tradition in aviation. With the tyranny of distance in Australia, that aspect of Australian history is extremely important. Recently, when I visited Canberra I saw the new presentation of aircraft at the Australian War Memorial. I commend to honourable members a visit to the War Memorial to see the display of aircraft. It is worthwhile having a look at the Beaufort bomber, which was included in the new section of the War Memorial one week after the election, and at the aviation museum at Bankstown.

If honourable members use public transport to get to Bankstown Airport they will discover just how difficult it is to travel around Western Sydney. The train system is in disarray and there is a major problem in relation to buses that are run by the public and private sectors in eastern Sydney. The Carr Government has not fulfilled its part of the bargain and worked with private bus companies in New South Wales. That resulted in almost all the contracts with private bus companies lapsing prior to the election. The Government promised to behave itself after the election and it offered to sign new contracts a few weeks before the election. Public transport in Western Sydney was not a priority for the former Minister for Transport or for the Premier. If the honourable member for Liverpool uses public transport to get to Bankstown airport he will see how difficult it is to get there. It is a major problem. The train system is in disarray.

Michael Costa is telling people privately—I am sure he is not stating it publicly in the House—that everything I said over the past 12 months about the public transport system, and especially rail services, is correct. For the past 12 months I expressed community concern about how unreliable and unsafe are public transport and the rail system. Michael Costa found that out two weeks ago. As I said earlier, Michael Costa is now talking publicly about restructuring and reshuffling, but privately he is telling people that he is amazed as everything I said over the past 12 months is true. The former Minister for Transport was moved to another portfolio area because he failed the people of Western Sydney and the people around Bankstown airport. Clearly, he was a major embarrassment to the Government.

The former Minister for Transport was demoted and given the job of Leader of the House, which is a make-or-break job for him. In a few weeks he will prove as much of an embarrassment for the Carr Government as he proved in his last job. I have no doubt that he will be a major embarrassment to this Government. However, we are happy not to oppose this motion and to encourage the local member to put his concerns in

writing to the Federal Government. I assure him that he will get a sympathetic hearing regarding the community's legitimate points of concern. I urge honourable members who have not already done so to visit the aviation museum to learn about the history of aviation in Australia.

I urge them also to consider the employment opportunities at Bankstown Airport—I am not sure whether the honourable member for East Hills mentioned that during his contribution. Such employment is absolutely critical. The airport and its associated services employ thousands of people and we must protect their jobs. The Federal Government will be extremely mindful of protecting employment, of the environmental impact of any changes at the airport and undoubtedly of curfew issues. Let us consider the handling of the Sydney airport issue. John Howard was the first person to take a sensible, commonsense approach to the issues concerning Mascot airport, which people such as Laurie Brereton had mishandled over the years. Laurie Brereton used to tell people, "The third runway is coming and you'll just have to put up with it". That was how Labor approached such issues.

**Mr STEWART (Bankstown)** [12.51 p.m.]: It is good to see Opposition members for once showing a little commonsense and supporting this motion. However, I am perplexed by the comments of the honourable member for Vacluse about public transport infrastructure, particularly in Bankstown and the surrounding region. I suggest that the honourable member would need a packed lunch, a map and a compass to get to Bankstown. He has probably never been there. He has probably seen Bankstown only from a plane window. I am happy to take the honourable member to Bankstown one day to show him the real world. We could enjoy some good Bankstown hospitality.

**Mr Debnam:** Point of order: I must correct the record. I worked in Bankstown from 1980 to 1982 and then for a period until 1985 I travelled backwards and forwards from Bankstown Airport to Melbourne several times. I understand the issues very well. Even at that time I understood the inadequacies of public transport for the people of Western Sydney. That remains the case today, 20 years later.

**Madam ACTING-SPEAKER (Ms Andrews):** Order! I uphold the point of order. The honourable member for Bankstown may continue.

**Mr STEWART:** I respond to the point of order only by saying that it does not show: one could not tell that the honourable member for Vacluse had spent time in Bankstown. This is an important issue and I am pleased to support the motion of the honourable member for East Hills regarding the proposed sale of Bankstown Airport and its potential impact. Along with him, I am particularly concerned that the Federal Government has handled this issue in a relatively clandestine manner. The sale was announced in March 2001 but the issue received only superficial attention from the Government. The press release issued on 9 April 2003 by Senator Nick Minchin, the Minister for Finance and Administration, and Wilson Tuckey was not sent to the local State or Federal members. It was not sent to me or to honourable members representing the electorates of East Hills, Auburn, Menai or Liverpool—the honourable member for Liverpool is in the Chamber—that will be affected by the sale. No details or background information were provided. Those opposite may have received copies of the press release as they are members of the Coalition. That rings alarm bells and that is why this motion is important and needs our strong support.

We must ensure that the sale progresses in a fair and reasonable manner. We must ensure also that it does not have adverse effects on the amenity of residents in the Bankstown region. It could easily do so. In his press release, the Federal Minister says that no changes to the operation of Bankstown or Camden airports will be required or are proposed as part of the sale and that therefore the sale is not expected to impact on local communities. He goes on to say that there will be no real changes to existing conditions at the airport. We need to know what that means, how the airport will operate and whether that will affect the amenity of local residents. That is why this motion has been moved in this place. We must be a barometer of public concern about the proposed sale.

If the Federal Government had got its way on this issue it would have already sold the airport and allowed large jet aircraft to land there. However, the community took up that fight and won. I commend the action of Bankstown City Council in support of its local State and Federal members—Michael Hatton and Daryl Melham—who expressed concerns about this issue. We must now ensure that this sale is handled in a fair and reasonable manner that is in tune with the wishes of the local community. We must protect the largest industry in the Bankstown region: the airport. About 4,000 people are employed at the airport, which is also a feeder industry for approximately another 7,000 jobs. We must protect those jobs and ensure that residential amenity is not affected adversely. Local State members will join our Federal colleagues, Michael Hatton and Daryl Melham, in that quest.

**Mr HAZZARD** (Wakehurst) [12.56 p.m.]: This is an interesting motion. It is almost as though the honourable member for East Hills was instructed to make work for himself—his endeavours proved most successful—by moving a motion and taking up the time of the House. The motion does not say much. It calls upon the House to note "the Federal Government's decision to sell Bankstown Airport". Why do we need to note it when the sale was announced in the *Sydney Morning Herald* and the *Daily Telegraph*? Senator Nick Minchin also spoke about it extensively on television and radio some weeks ago.

The simple fact is that we do not need a take-note motion. It is interesting to note that the honourable member for East Hills has marched into the House and moved a nothing motion when privately and publicly for the past few years Labor members have jumped up and down claiming that they would oppose the sale of Bankstown Airport. What has happened to that view? This motion signals a hypocritical shift by those opposite: They have not said publicly that they welcome the sale but that is exactly what they are doing privately. The honourable member for Bankstown should indicate clearly to the House whether he supports the Federal Coalition's decision to sell Bankstown Airport. Why have he and his State colleagues spent so much time in the past few years opposing the sale only to accept implicitly now that it will be good for the people of Bankstown and for industry in that area?

I must correct the claim made earlier that Liberal members do not know anything about Bankstown. We have heard already that the honourable member for Vacluse worked in Bankstown for some years and travelled to the airport by public transport—when he could get it. I worked in Bankstown as a solicitor for nearly four years and during that time I gave up trying to use public transport because the infrastructure offered by the then Labor Government was appalling. The situation has not changed under the current Government—in fact, it has worsened: as the population has increased the transport services have diminished. I talked only yesterday to residents of Penrith who told me that the train from St James station in the city to Penrith has been cancelled regularly—often three out of five times every week—in the past couple of months.

**Mr Tripodi:** What's that got to do with the sale of Bankstown Airport?

**Mr HAZZARD:** We are discussing the transport infrastructure surrounding the airport. The honourable member for Fairfield has come late to this debate. We have been talking broadly about transport infrastructure. In addition to working as a solicitor in Bankstown I also learnt to fly at Bankstown Airport. It has been interesting to hear the comments of the honourable member for Bankstown about the airport from time to time.

**Mr Tripodi:** They let you fly?

**Mr HAZZARD:** Yes. The honourable member for Fairfield had better watch out because I might fly an aircraft over his next factional meeting. I notice that half the members currently in the House are his factional colleagues so I congratulate him on whatever tactics he is using. This is a do-nothing motion; it is a make-work motion. Paragraph (2) calls on the Federal Government to include an environmental impact study and the introduction of a night curfew in the sale documents. What does the honourable member mean? Has he sent a letter to Senator Minchin simply to raise a reasonable issue, that is, the environmental impact?

**Mr Stewart:** I have.

**Mr Ashton:** And the Deputy Premier has sent letters.

**Mr HAZZARD:** The honourable member for East Hills should table the letters today and show us what he has done. He should let us help him because the Coalition supports what he is doing in that regard. An environmental impact study is necessary if there are to be substantial changes to the use of Bankstown Airport and to the flight path—I have flown that flight path in both directions many times—that could impact on the residents of Bankstown. That is the key, the catalyst. It is not simply a case of having an environmental impact statement for the sake of having one, which is what the motion seems to imply.

We would support a request that the Federal Government look at those issues to assist the people of Western Sydney. To simply play political games, as the honourable member for East Hills has done today, indicates the certain paucity in his arguments. Finally, the night curfew is a significant issue. If the night curfew requested by the honourable member were introduced, it would curtail any opportunity for night training at Bankstown Airport. The outcome must be sensible. Next time the honourable member should come back with a motion that tells us something substantive. I look forward to the honourable member tabling the letters and showing us what he has done. [*Time expired.*]

**Debate adjourned on motion by Ms Nori.**

[*Madam Acting-Speaker (Ms Andrews) left the chair at 1.01 p.m. The House resumed at 2.15 p.m.*]

## MINISTRY

**Mr CARR:** I advise the House that in the absence of the Minister for Tourism and Sport and Recreation, and Minister for Women, who is ill, the Deputy Premier will answer questions on her behalf.

## AUDITOR-GENERAL'S REPORT

**Mr Speaker** tabled, pursuant to section 52A of the Public Finance and Audit Act 1983, the report entitled "Auditor-General's Report—Financial Audits—Volume One 2003".

**Ordered to be printed.**

## ASSENT TO BILLS

Assent to the following bill reported:

Crimes Legislation Amendment (Commencement) Bill

## VARIATIONS OF PAYMENTS ESTIMATES 2002-03

**Mr Knowles**, by leave, tabled, variations of the payments estimates and appropriations for 2002-03 under section 24 of the Public Finance and Audit Act 1983 flowing from the transfer of functions between the Department of Juvenile Justice to the Department of Health.

## VARIATIONS OF PAYMENTS ESTIMATES 2002-03

**Mr Knowles** tabled variations of the receipts and payments estimates and appropriations for 2002-03, in terms of section 26 of the Public Finance and Audit Act 1983 arising from the provision by the Commonwealth of specific purpose payments in excess of the amounts included in the State's receipts and payments estimates.

## PETITIONS

### Darling Anabranh Management Plan

Petition praying that the Darling Anabranh management plan be rejected to enable continuation of assured annual water flow from the Menindee Lakes storage scheme along the Anabranh into the Murray River, received from **Mr Black**.

### Local Government 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**.

### White City Site Rezoning Proposal

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

### Sutherland Shire Draft Local Environmental Plan 2003

Petition praying that Sutherland Shire Draft Local Environmental Plan 2003 be rejected, received from **Mr Kerr**.

### 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**.

### Speech Therapy Services

Petition praying for a review of speech therapy services funding, received from **Mr George**.

### **Mental Health Services**

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

### **Surry Hills Policing**

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

### **Underground Cables**

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

### **Department of Agriculture and Mrs Kath Day**

Petition requesting that the Department of Agriculture not prosecute Mrs Kath Day, of Collins Creek, received from **Mr George**.

### **Circus Animals**

Petition praying that the House end the unnecessary suffering of wild animals and their use in circuses, received from **Ms Moore**.

## **QUESTIONS WITHOUT NOTICE**

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### **PATRICIA VAN KOEVERDEN MURDER**

**Mr BROGDEN:** My question without notice is to the Attorney General. Considering that last year members of the Government released documents signed by the Premier that proclaimed "no bail for repeat offenders", will the Attorney now apologise to the family of Trish van Koeverden, who was murdered by a violent repeat offender, and bailed despite desperate pleas to keep him in gaol?

**Mr DEBUS:** I welcome the opportunity to make some comment on this tragic case. The Director of Public Prosecutions advised me yesterday morning, when the case came to light, that bail had been strongly opposed by the Crown in the Supreme Court but the submissions of the Director of Public Prosecutions were not accepted. I am personally committed to a simpler, stronger bail regime for people charged with serious offences, a regime that protects women such as the victim in this tragic case.

**Mr Brogden:** Point of order: My point of order relates to relevance. I asked the Attorney General directly whether he would apologise to the family because of the failure of his own bail laws.

**Mr SPEAKER:** Order! There is no point of order. The Leader of the Opposition will resume his seat. The Minister has the call.

**Mr DEBUS:** I have expressed my deepest commiserations to the family of the victim in this tragic case. Over recent months legal staff and police have been carefully considering additional bail reform in detail based on a careful consideration of the law as it has been operating. I have asked the working party to accelerate its deliberations and, in particular, to accelerate its consideration of some of the principles that underpin the bail laws in the Australian Capital Territory.

**Mr Tink:** That would not have made a difference in this case in Newcastle, and you know that. You can do better than the ACT.

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

**Mr DEBUS:** Reform of the law in this area is extremely difficult at a technical level. It is much more difficult than the honourable member for Epping would have us believe. My reading of the bill recently

introduced by the honourable member for Epping would not have guaranteed refusal of bail and prevented a situation like the tragic one that involved the death of Patricia van Koeverden. In other words, his bill is no guarantee against what happened in this tragic case. Under the Government's proposal offenders who are charged with a serious offence and who have a history of serious offences will be refused bail unless there are exceptional circumstances. This is a harder test to satisfy than the presumption against bail proposed by the honourable member for Epping. The Government is also considering a higher threshold in cases where there are charges involving domestic violence. The Government is also actively developing additional changes to our bail laws as they apply to repeat offenders generally, building, I should say, on the very extensive changes that were introduced in the middle of last year—

**Mr Brogden:** And changed nothing.

**Mr SPEAKER:** Order! The Leader of the Opposition will cease interjecting.

**Mr DEBUS:** —and have had the effect, apart from anything else, of increasing the number of people on remand by more than 300 in that period. So do not tell us we have done nothing. We have a responsibility to carefully craft laws that will provide renovation to the bail system—not a responsibility of merely stringing together hasty amendments of the sort that the Opposition has brought forward today. There is no doubt that the Government's reforms will represent stronger protection in cases where there is a risk of very serious violence.

The recent tragedy will be the subject of a coronial inquiry, and that inquiry will proceed following the Coroner's receipt of a brief of evidence from NSW Police. It clearly will be open to the Coroner to make comment on all of the circumstances that have given rise to this tragic matter. In the meantime, this most recent bail reform process—building, as I say, upon changes to the law that came into effect in the middle of last year—will soon be finalised. That will ensure that New South Wales has the most rigorous legislative framework in the country. It will not be a framework that reflects the content of the bill introduced by the Opposition today, because that bill would not overcome the tragic circumstances that we are now discussing.

#### ANTI-DISCRIMINATION BOARD RACISM REPORT

**Mr COLLIER:** My question without notice is to the Premier. What is the Government's response to the recommendations of the Anti-Discrimination Board's report "Race for the Headlines: Racism and Media Discourse"?

**Mr CARR:** The President of the Anti-Discrimination Board released his report during the election campaign in March. If there was a "race for the headlines", this was a competitor. I have read the report, and I would have to say frankly it is ill informed, it is inflammatory, it is tendentious. It attempts—I believe in denial of the facts and the public record—to generate a climate of guilt and paranoia on issues of race, relying on the bald assertion that Australia is a racist nation. It purports to be a critique of practices in the media. But this cloaks a deep contempt for Australians and Australian society. I quote from page 74 of the report:

Systemic racism underpins Australian society—the laws, rules and norms which are woven into the social fabric and result in the unequal distribution of economic, political and social resources.

But what laws? You could say of South Africa that after 1948 its systemic racism shaped its laws. But what laws of this Parliament or of the Federal Parliament reflect systemic racism? I have no sympathy—no-one in this House has—for hate peddlers and those of the lunatic fringe, in the media or elsewhere, who seek to breed division, fear and hatred in the community. Where they infringe the law, the law will deal with them. But I treat with contempt a report that brands Australians as racist—contradicting the whole happy experience of this country in the post-war period when we established a reputation second to none for receiving people from diverse backgrounds and making them welcome. Especially after the reforms of Harold Holt and Gough Whitlam, it cannot properly be claimed that Australia is a racist society; that we have been shaped by systemic racism. But, equally offensive, the report cloaks this slander in a veneer of spurious scholarship and moral superiority, reflected in its pompous language. Listen to this sententious ideological claptrap:

Huntington's "clash of civilizations" has all but displaced Fukuyama's "end of history" as the intellectual paradigm—

I pause. Always suspect anyone who uses the word "paradigm"! In my first years as Opposition leader some critics on the Left—I have none now—would go around saying, "This Carr lacks a paradigm." I think that was right: throughout my career I have always favoured principled, restless pragmatism as a guide to action. But I did lack a paradigm, and I am happy to plead guilty to that accusation. It goes on:

—in contemporary debate about the future shape of the world in countries such as Australia. Its influence permeates most of the contemporary debate about social, cultural and immigration policy and it skews the debate about the future of international relations, war and peace. It is profoundly pessimistic and determinist.

It is not that useful a report. It makes one think of George Orwell's great essay "Politics and the English Language" in which he makes the remark that sloppy language is used to disguise foolish thoughts. I think in this report we see sloppy language being used to disguise confused thoughts. The report takes a curious attitude to the media. It gives the case study of an editorial in the *Weekend Australian* of 17-18 August 2002, which detailed the paper's investigation of the claim for asylum by Mr Ali Bakhtiyari.

Honourable members will remember that a journalist went to his village. It turned out that no-one in the village, according to the journalist, had heard of this asylum seeker. The paper ran an editorial—I think a fairly balanced one—making some sensible points about the case, as well as about the need for a more humane and decent refugee processing system. It was a good piece of investigative journalism to send a reporter to this village to investigate the claim and all the rest of it. But this report from the Anti-Discrimination Board, as part of its dissection of the media, makes a vigorous attack on that report. It says this:

It is clear that *The Australian* has taken on an investigative role that is the role of the courts.

So a newspaper cannot check out these things; that has got to be left to the courts! It continues:

In court proceedings, the parties have their own representatives, they are entitled to present evidence and such evidence is subject to cross-examination and there are rules of evidence that are designed to ensure fairness between the parties. No such safeguards exist where journalists take it upon themselves to investigate the veracity of any individual's claim for asylum.

Any one of us, on either side of the House, would say that if a newspaper, television station or radio station puts together a criticism of us we would like to have a paid legal representative there defending our interests. But that is not how it works. It cannot work like that where you have a free press. If this standard were accepted, there could be no investigative journalism, and all of that would be confined, as in a Stalinist system, to the courts, the tribunals, the boards and the commissions.

The report also has a curious idea of this concept of "moral panic". It uses this term to describe the community's reaction to recent tragic events and their treatment in the media, to wit, September 11, Tampa, Bali, the "war on terror", Iraq, asylum seekers, and debates about law and order in Sydney. It says all of those have had a cumulative effect of generating a "moral panic" in Australia. That is rubbish. I know a lot of families that have been affected by Bali. They live around Malabar in my electorate. A big group go there every year for a holiday. And of course there were the Dolphins from Coogee.

A few weeks ago the honourable member for Heffron, the honourable member for Coogee and I were at the unveiling of a memorial at the northern end of Coogee Beach. These are families that have been touched by this tragedy. Some of them lost two loved ones in Bali. But they are not engaged in any "moral panic". They are not demanding vengeance. They are not promoting race hatred. I have not heard a word of prejudice from the mouths of any of these people. And they were the ones touched by it. I spoke to one of the victims of gang-rapes in Sydney—a very dignified and brave young woman who gave evidence in the court each day throughout that process. Nor was her approach one of vengeance, or hatred or prejudice. No hatred or prejudice emitted from her as she reflected with the police officers who had assisted her and her friend on her experience, which she had bravely faced.

I do not believe that a wave of prejudice and racism has been unleashed in Australia by these profoundly challenging events. I suggest that what most of these events have generated are legitimate concerns about security, a legitimate unease, a heightened awareness, a desire to be vigilant and a lot of thoughtfulness, but not anything that could be described as moral panic. In a climate of panic we would expect, at the very least, a dramatic upsurge in the number of racial discrimination complaints. Those events—Bali, September 11, gang rapes—happened. If, as the report suggests, moral panic has followed we would expect there to be acts of prejudice. What do the Anti-Discrimination Board statistics suggest? Its report for 2000-01 revealed a total of 236 complaints on the grounds of racial discrimination. In 2001-02—after *Tampa*, September 11, Afghanistan—there were 262 complaints, an increase of only 26. There were 52 racial vilification complaints in 2000-01 and the next year, after the so-called moral panic had taken hold of this systemically racist nation, the Anti-Discrimination Board received 55. The moral panic generated a rise in racial vilification from 52 complaints to 55.

I do not make light of any of those complaints. We are a civilised society and any such complaints should be thoroughly investigated. It is right that we as a society declare it wrong that people might hang a sign

on their store-front stating, "People of a certain racial origin not served here." It is wrong that people should discriminate without the remotest justification. Our law clearly states that, and it has been supported by both sides of the House. But if we are making a case for wide-ranging government interventions, accompanied by intimidating measures to re-educate journalists and reform their behaviour, the Anti-Discrimination Board's official figures hardly disclose an escalating climate of hatred or prejudice. I will mention a few of the measures proposed for the media: compulsory induction programs, ongoing staff training in all media organisations, measures to "inform and educate journalists" on racism, and official monitoring and reporting to the Premier on media coverage.

What is pernicious and ignorant in all of this is not so much the plan's ignorance of how journalism actually works or the air of sententious moralising; it is the assumption that Australians are not intelligent or sensitive enough to recognise race prejudice. In all of these matters we are well advised to trust the good sense of the Australian people. Trusting in the good sense of the people is our best guarantee against a society being eroded by prejudice and intolerance. It is true that the New South Wales Anti-Discrimination Act does not cover discrimination on the grounds of religion. It has never done so. There was a reason for excluding certain church employment policies from the ambit of the legislation. After all, why can't a Baptist congregation discriminate in favour of a Baptist when choosing a minister? Why can't an Islamic school discriminate in favour of a Muslim in choosing its principal? That is discrimination, but in those circumstances it is justified discrimination.

There can be no doubt that the Act covers ethno-religious groups. Amendments in 1994 made it clear that, in the words of the then Attorney General, "Religious groups, such as Jews, Muslims and Sikhs, have access to the racial discrimination and vilification provisions of the Act." And so they should. That legislation was supported by both sides of the House. The report calls on me to convene a "forum of relevant stakeholders" regarding police and media use of ethnic descriptors. It is important to recognise that people from all backgrounds commit crime and that the use of ethnic descriptors by the police to identify suspects is justified if it enhances the prospects of arrest. Of course, it should always be used sensitively. No government has had a stronger commitment than this one to the principles of racial and social harmony. I say again, this approach has been supported consistently by both sides of this Parliament.

After September 11 the Government set up a hotline to assist Arabic-speaking communities who may experience racial hatred. One month later I chaired a formal meeting with New South Wales Islamic community leaders to hear their concerns. The NSW Police directed its local area commands to record all racially motivated crimes and to ensure that they were firmly dealt with. I have been meeting regularly with Islamic- and Arabic-speaking communities, including Arabic youth. In November 2001 we brought together the leaders of the religions in this State to condemn terrorism and support Australian cultural diversity in an historic Unity in Adversity assembly. An affirmation, which came out of that assembly, together with a statement of principles of multiculturalism set out—for those who care to study them—a comprehensive set of principles and policies for a community determined to live in a spirit of mutual respect and goodwill. We have a good record of striving to work on community relations and to eliminate any pockets of racism. But in this report it barely gets any recognition. I will not have this good record besmirched by those who are prepared to risk feeding paranoia in parts of the community by themselves racing for the headlines.

### **RURAL RAIL SAFETY**

**Mr STONER:** My question is directed to the Minister representing the Minister for Transport Services. Given the obviously dangerous condition of the Stoney Creek rail bridge near Wauchope and numerous other rail bridges on the North Coast, how can the Minister guarantee the safety and reliability of passenger and freight services throughout country New South Wales?

**Mr KNOWLES:** The first point I make is that whatever this Government can guarantee, it is \$120 million more than the Opposition would be able to guarantee because \$120 million disappeared from the costings the Opposition submitted to KPMG just before the election. I will do two things: I will speak to the Minister for Transport Services to find out whether the scope of his comprehensive announcement yesterday related to this particular matter. If it did not, I will ask the Minister to provide further advice on this issue.

### **SYDNEY WATER PERFORMANCE AUDIT**

**Mr WEST:** My question without notice is to the Minister for Energy and Utilities. What is the latest information on senior management at Sydney Water and related matters?

**Mr SARTOR:** I thank the honourable member for his question.



**Mr Brogden:** What is his name?

**Mr SARTOR:** He is the honourable member for Campbelltown, Graham West.

**Mr SPEAKER:** Order! The Leader of the Opposition will cease interjecting. The Minister will refrain from responding.

**Mr SARTOR:** I noted the tabling this afternoon of the report entitled "Auditor General's Report—Financial Audits—Volume One 2003", which includes a review of the Sydney Water customer information and billing system project. Whilst I have had the benefit of seeing the final report for only a short time, I concur in principle with the Auditor-General's critique and recommendations. Let me say from the outset that the process followed has been a very public one. The Government brought the matter to the attention of the public as soon as the relevant Ministers were briefed. I remind the House of the facts of this matter. In October last year the board of Sydney Water resolved to terminate its customer information and billing system project. The board took this action after the former managing director briefed the board on 16 October, reporting that the project could not be completed to an acceptable standard at an acceptable cost and in a timely manner. On 17 October the chairman and the former managing director of Sydney Water briefed the former Minister on this matter. On 18 October the Treasurer was also briefed. The same day the Treasurer publicly announced that he had written to the Auditor-General to ask him to audit the project.

**Mr SPEAKER:** Order! Members on the Opposition benches will refrain from interjecting.

**Mr SARTOR:** The Treasurer asked the Auditor-General to report to Parliament on this matter. On 30 October the board of Sydney Water resolved to terminate the information technology [IT] project in its entirety. On 1 November the former managing director, Alex Walker, publicly announced the termination of the IT project. On 20 November the chairman of Sydney Water announced the resignation of the managing director for unrelated matters. Mr Walker left Sydney Water on 29 November. On 11 December Sydney Water formally advised the portfolio Minister in writing that the IT contract had been terminated. The Government acted and started the Auditor-General's audit 13 days before the board of Sydney Water decided to terminate the project in full and no fewer than six weeks prior to formal notification to the Government.

Although I do not wish to apportion fault, which is the subject of litigation commenced by Sydney Water, clearly the performance of Sydney Water has been deficient, especially at the executive level but also, to an extent, at the board level. Today the Auditor-General's report has been tabled, and it does not reflect well on the handling of this project by Sydney Water. I assure the House that the Auditor-General's report is being acted upon. Today the Treasurer directed all government agencies to follow strict new procedures for the management of information and communication technology projects that exceed \$10 million.

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

**Mr SARTOR:** The Government has ordered Sydney Water to establish a committee to review all its major capital works projects and to report to NSW Treasury on its status. I inform the House that, on the advice of the board of Sydney Water, I will recommend to Her Excellency the Governor the appointment of Mr Greg Robinson as the new managing director of Sydney Water. Mr Robinson has extensive experience with major corporations, including Lend Lease; the Federal Airports Corporation; the City West Development Corporation, where he was general manager; and the Sydney Harbour Foreshore Authority, where he was more recently the chief executive officer. The Government has given Sydney Water instructions to implement all the Auditor-General's recommendations. We expect the new chief executive officer to give this issue his priority. New South Wales taxpayers and Sydney Water customers expect nothing less.

#### MENANGLE BRIDGE

**Ms SEATON:** My question without notice is directed to the Attorney General. Will he give the House an assurance that anyone charged with a criminal offence for covering up the Menangle bridge scandal will not receive any taxpayer-funded legal assistance?

**Mr DEBUS:** It seems to me that this is a "Have you stopped beating your mother?" question. It is very nearly unintelligible. Therefore, I am unable to answer it.

### SEVERE ACUTE RESPIRATORY SYNDROME

**Mr CORRIGAN:** I direct my question without notice to the Minister for Health. What is the latest information on severe acute respiratory syndrome [SARS]?

**Mr IEMMA:** I welcome the first question of the honourable member for Camden and congratulate him on his 11 per cent swing to get into this place. SARS is a frightening addition to the other medical acronyms that have brought so much uncertainty to modern life—AIDS, HIV and TB. We know that SARS originated in China and has since spread to Hong Kong, Singapore, Vietnam and Taiwan in Asia, and as far as Toronto in Canada. The organism that causes SARS is thought to be a new type of corona virus, the same family of viruses that causes the common cold. As of yesterday there were 5,462 cases of SARS worldwide and there had been 353 deaths. We know that SARS is spread by close personal contact, which is why health workers have been issued with guidelines stating that they must wear masks, gowns and gloves, and why patients must be isolated.

The New South Wales Government has taken prudent steps to classify SARS as a category 4 condition—together with tuberculosis and typhoid—under the Public Health Act. An infected person may be required to be isolated, tested and treated should that person refuse to co-operate with health care professionals. Those who do not comply face six months gaol or a fine of \$5,500. It is a tough pre-emptive response, but we must keep SARS in perspective. The virus has the capacity to cause serious disease, but the best medical advice suggests that the risk of contracting SARS through casual contact is very low. Most cases have been contracted through close personal contact with a seriously ill person, almost exclusively in hospitals and between family members. The best medical advice tells us that there is little risk of contracting SARS through everyday activities, such as walking down the street.

So far no known cases of SARS have been reported in New South Wales. Since March 37 possible cases have been identified in this State, with test results pending for one patient. On closer examination, none of the other patients have been diagnosed with SARS. But we must be ready and we must take all major precautions. This State is a major tourist attraction and has trading connections with the Asian region. There is no doubt that we are vulnerable. That is why the Government has put in place a series of considered responses, which I would like to relate to the House. NSW Health began active surveillance for SARS on 17 March. Hospitals and general practitioners were alerted to report possible cases to the public health unit and put in place SARS infection-control measures. A national expert committee reviews all patients under investigation to determine whether they have the virus.

I also advise the House that we have prudently identified 1,000 beds across New South Wales capable of accommodating SARS patients in the two stages of dealing with the disease. The first range of beds is isolation beds for those suspected of having SARS; the second is acute care beds with ventilator capacity essential for treating all forms of respiratory illness. I am pleased to advise the House that many of the 482 isolation beds identified exist in regional New South Wales. We have ensured that hospital isolation facilities are up to scratch in all area health services. For example, Wollongong Hospital has 34 isolation beds, Shoalhaven District Memorial Hospital has eight, Lismore Base Hospital has eight, Grafton Base Hospital has six and Gilgandra Multipurpose Service in western New South Wales has 29. All these beds are currently in use, but they are equipped to deal with any escalation of SARS.

Two nurses have been stationed at Sydney airport since 5 April to work with Federal quarantine and customs officials. We have distributed comprehensive guidelines on all aspects of infection control for SARS to both public and private hospitals and to all health services throughout New South Wales. These guidelines have been provided to GPs, doctors, nurses, ambulance staff and all other staff who may be involved in the care of any possible SARS cases. The guidelines include appropriate triage arrangements for potential SARS patients to be placed in isolation facilities and the use of special filter masks, gloves, gowns and goggles. The provisions are similar to those for all intensive care patients who carry infectious life-threatening diseases.

The guidelines provide that if a health professional has been on holiday in an infected area overseas, but not working, that person is required to self-monitor and will be excluded from work at the first sign of any SARS-like symptoms. Health professionals who have had direct contact with SARS or who have worked in overseas hospitals that care for SARS patients are subject to a 10-day exclusion period from work because symptoms develop within 10 days. Last Sunday I had the pleasure of announcing the formation of the SARS task force, chaired by Professor Ron Penny, to provide the Government with clinical advice, and advice on how best to manage and co-ordinate the State's resources to combat SARS. It is my pleasure to announce today that the task force had its first meeting. I commend the work of Professor Penny and members of the task force, which includes representatives of Commonwealth agencies combating SARS, to the House.

### NORTH HEAD WILDLIFE SANCTUARY PROPOSAL

**Mr BARR:** My question is directed to the Premier. What is the Government doing to pursue the wildlife sanctuary concept at North Head?

**Mr CARR:** I am happy to inform the honourable member that the Government supports the efforts being made to create a wildlife sanctuary. By the way, I am sure honourable members find the election win in Manly remarkable. They will recall that after the election the Leader of the Opposition said that the Liberal Party did not win the election campaign—it would not have wanted to win a dirty election campaign—but it did win the grassroots campaign! How do members opposite explain Manly? The figures are interesting and directly relevant to the wildlife refuge that the Government is creating. The Liberal Party promised an extraordinary spending program for the electorate of Manly: \$950 million for The Spit tunnel, \$150 million for Mona Vale Road, \$180 million for the Wakehurst Parkway and \$200 million for the new Manly hospital. Members opposite made that promise.

**Mrs Skinner:** Quite so. What are you doing about it?

**Mr CARR:** Jillian, Jillian, Jillian, Jillian! What happened to the idealistic, cheerful Jillian who came into this Chamber all those years ago? She is allowing bitterness to overtake her, and that is not a good thing for someone as good as she is. The Liberal Party's promises for Manly represent spending of \$40,000 per voter in the electorate and the Independent member got a 3.2 per cent increase in his vote. The Leader of the Opposition claims to have won the grassroots campaign. Imagine how well the party would have done if it had not made that promise! That happened after the party had won the grassroots campaign and its statewide vote decreased by 1.5 per cent. It went backwards in two seats if Port Macquarie is included. Chikarovski did two seats better, but the Liberal Party won the grassroots campaign! Members opposite would have been in a hell of a fix if it had not! We had a bit of honesty from the member for The Hills, who is not with us—the excitement today has been too much. On 1 April he was quoted in *The Hills News* as saying:

I'm the last true blue surrounded by a sea of red.

He went on:

We're not alone here in the north west. In the 1999 landslide to Labor, Liberal seats on the North Shore went backwards on the 1995 figures and we haven't really recovered.

New members will note that when I attempt to answer a question honestly and openly and to share information with the House, I am distracted by members opposite inviting me to comment on extraneous issues. That is why I rely so heavily on the Speaker for his guidance. We should ignore members opposite and return to the wildlife sanctuary, which I know engages the attention of every member. In the lead-up to the election, my colleague the Minister for the Environment announced that the Government would commit \$64 million over four years to help protect our State's threatened species. This includes exploring the concept of establishing sanctuaries or wildlife parks for threatened plants and animals. By eradicating feral pests and weeds, we can create wildlife sanctuary zones to protect threatened birds and animals. A good candidate for a wildlife sanctuary is Sydney's North Head. It could also offer special protection to the local bandicoot population.

[*Interruption*]

The last one of your colleagues to attack me aggressively about bushfires was the guy with the handlebar moustache, and I cannot see him anywhere. He went. He is corralled and is now roaming around with wild horses. Good luck to him!

Work is progressing on the development of the North Head sanctuary concept. In July 2002, a sanctuary forum was held at the quarantine station to map out a plan for conserving the natural and heritage values of the area. Arising from the forum, the North Head Sanctuary Foundation was established to develop the concept. Its members include the Sydney Harbour Federation Trust, Sydney Water and the National Parks and Wildlife Service. The Sydney Harbour Federation Trust has hired a consultant who has set up his own wildlife sanctuary in New Zealand to help manage the project. He has already held a series of workshops to define what a sanctuary can be in this unique setting. North Head is a site of extraordinary natural beauty in the heart of our magnificent harbour. I am delighted that work is under way to better preserve its environmental and cultural values through the establishment of a sanctuary. I commend the honourable member for Manly for his commitment to this great concept.

**Mrs Skinner:** A good Labor man.

**Mr CARR:** I would love to think that the Labor Party could win Manly. It has been a long time since it has done that. However, the honourable member would bridle at that suggestion. He was re-elected with an increased majority—of which he is justly proud—as an Independent. It is on that basis that I welcome this opportunity to congratulate him and welcome him back to this Chamber.

### ELECTRICAL APPLIANCES AND INSTALLATIONS SAFETY

**Mr GREENE:** My question is directed to the Minister for Fair Trading. What is the Government's response to consumer concerns about dangerous electrical appliances and installations?

**Ms MEAGHER:** When families purchase electrical products and services they have a right to be confident about their safety and reliability. They might be making a minor purchase, such as a toaster, or a major purchase, such as a washing machine, drier or refrigerator. In many cases, after the family home or car, it could represent a family's biggest domestic purchase.

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

**Ms MEAGHER:** A report prepared for the Federal Government has estimated that more than 500,000 washing machines and 700,000 microwave ovens are sold in Australia each year. In addition, millions of power boards are used in Australian homes. All electrical items have the potential to deliver a lethal dose of electricity if they are not made to appropriate standards. Families should also be confident that the tradespeople installing electrical fittings, appliances or wiring in their homes are appropriately qualified. In New South Wales this area is governed by the Electricity Safety Act, which aims to ensure that electrical products are safe before they are sold so that they do not cause injury, death or fires.

The number of people electrocuted in New South Wales each year has been steadily declining since the introduction of this important legislation. There have been 10 deaths by electrocution in the past year in New South Wales, with three attributed to faulty appliances or installation. Since 1994, 20 per cent of electrocutions were caused by equipment failure, but the majority of electrical equipment-related deaths are caused by misuse or do-it-yourself repairs. That is why the Government has been selling the important message to consumers not to attempt do-it-yourself electrical projects but to use the services of one of the 26,000 qualified electricians in New South Wales who are licensed by the Office of Fair Trading.

Although the legislation has been a great success in protecting consumers, the range of appliances, manufacturing techniques, wiring rules and community expectations has changed dramatically over the 60 years since the legislation was first drafted and it is time it was updated. Honourable members will be interested to know that the New South Wales Government has undertaken a review of the legislation and the final report is now available. The report recommends that the regulatory system that protects consumers be maintained. Of course, the Government accepted that recommendation immediately. However, the report also recommends that the Government introduce on-the-spot fines for minor offences under the Act, which will streamline disciplinary action for breaches. The Office of Fair Trading successfully prosecutes traders for offences. Last financial year, 14 traders were fined for breaches and 13 have been successfully prosecuted to March this year. However, the report notes that a prosecution can take up to five months, and even then a conviction is not always certain.

The report concludes that the power to issue on-the-spot fines to traders for minor offences will act as a strong deterrent, protect consumers and free up investigators from the court system to concentrate on weeding out the shonks from the industry. On-the-spot fines, which are successfully used under other legislation such as the Fair Trading Act and the Motor Dealers Act, are proposed to apply to relatively minor self-evident breaches and will target traders who, for example, sell unmarked declared articles. Serious breaches of the Act will still be prosecuted through the normal judicial channels.

I am now keen to seek industry, union and consumer input on the proposal before making a final decision. The final report is available to all stakeholders for their comment, and advertisements calling for written submissions will be placed in major newspapers shortly. The closing date for submissions is 20 June and after that the Government will make a final decision on the reforms and any subsequent legislative amendments. The Government is committed to ensuring that New South Wales consumers are appropriately protected from the risks associated with electrical appliances and installations.

### CLARENCE RIVER BRIDGE

**Mr CANSELL:** My question is addressed to the Premier. Will he confirm his ironclad commitment to match the Opposition's election promise of a \$7 million road bridge across the Clarence River at Grafton?

**Mr CARR:** I do not match the Opposition's promise; I will match my own. I made the commitment, and I will keep it.

### TUMBARUMBA EMPLOYMENT AND INVESTMENT

**Mr WHAN:** My question without notice is directed to the Minister for Regional Development. What is the latest information on jobs and investment in Tumbarumba and related matters?

**Mr CAMPBELL:** I congratulate the honourable member for Monaro on his election victory, which he achieved by a margin of nearly 4 per cent. I note that the architect of the grassroots campaign and the status quo result is no longer in the Chamber. I also congratulate the honourable member for Monaro on his inaugural speech, which demonstrated that he will be a valued and valuable member of Country Labor in this Chamber.

The Government's support for job creation in regional New South Wales is paying dividends, and that is good news for local jobs creation and local businesses in the Tumbarumba area. The Government's support for the purchase by the Queensland-based timber company, Hyne and Sons, of the former Boral timber mill is well known. As the Premier announced in March, the New South Wales Government strongly supports this development. This was also highlighted by the former Minister for Regional Development last September in this House. Today honourable members will be interested to hear of further developments that will provide more security for local families. Hyne and Sons have given the Tumbarumba community a further vote of confidence with plans to quadruple the mill's output.

The company will increase production from 200,000 cubic metres a year to 800,000 cubic metres a year. This investment will make Tumbarumba the largest softwood production mill in southern Australia. The mill currently produces 23 per cent of Australia's softwood timber products. The expansion will make Hyne and Sons one of the world's top 10 sawmilling operators. This is another great win for the State's southern slopes, where innovation means greater security for local families. The company plans to increase its financial commitment in the redevelopment to \$106 million in capital investment by 2005.

**Mr Fraser:** They have got good suppliers.

**Mr CAMPBELL:** This extra injection into the Tumbarumba economy is good news for the local community. It is clearly not good news for members of the Opposition, who continually interject in an attempt to obstruct my answer to this important question. The redevelopment includes a new sawmill and planer mill. The new planer mill is on track for commissioning in August this year. It is planned that this redevelopment will be fully operational by 2005. Upon reaching full production, the work force of the mill and its associated contractors will increase from 286 to 440 workers. The company advises me that its investment will create more than 330 new jobs in the region.

**Mr Maguire:** That was announced 12 months ago. This is 12 months old.

**Mr CAMPBELL:** The negative interjection of the honourable member for Wagga Wagga will not help to attract this form of investment to regional New South Wales. When fully operational, the redevelopment will inject \$46 million a year into the regional economy, which represents an extra 20 million a year in new money being spent in local shops and local businesses, thereby stimulating economic activity and growth in Tumbarumba. The proposal represents an enormous vote of confidence by Hyne and Sons in Tumbarumba's community and businesses. The company has sourced plantation pine wood from New South Wales State Forests and from private plantations. Indeed, this whole redevelopment is based on using a renewable resource: plantation timber. Hyne and Sons currently produces a variety of products, including softwood house frames and roof trusses which are sold on Sydney and Melbourne markets.

The company also has extensive wholesale markets in Sydney, Coffs Harbour, Newcastle, Canberra and within the Illawarra. There are plans to value-add softwood products in the future. The Government is helping this company during the upgrade, in training and with infrastructure. This assistance includes help with

project engineering and design cost, infrastructure cost and worker training and development. The Government's help in providing a long-term plantation timber source has been a key element in this company's decision to commit to the Tumbarumba development. This is a tremendous project with enormous potential for the Tumbarumba community and the people of New South Wales. It is another regional development project that is supported by the Government.

**Questions without notice concluded.**

**BUSINESS OF THE HOUSE**

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

**Mr SCULLY** (Smithfield—Minister for Roads, and Minister for Housing) [3.16 p.m.]: I move:

That standing and sessional orders be suspended to allow the introduction and passage up to and including the Minister's second reading speech of the National Park Estate (Reservations) Bill forthwith.

**Mr HARTCHER** (Gosford) [3.16 p.m.]: In the great tradition of his predecessor and without any notification to the Opposition, the Leader of the House has moved a motion to suspend standing orders to interrupt the business of the House. He seeks to take away the prerogative of this House to debate an urgent motion, notice of which was given earlier today. Effectively he has taken away the time for debating that motion in an attempt to deprive the Opposition of the opportunity of debating the important issue of hospital waiting lists. That is the urgent matter before the House that the Leader of the House is seeking to displace. What is the justification for the National Park Estate (Reservations) Bill being introduced and debated this afternoon? Why could the bill not have been introduced this morning? What justification is there for the Leader of the House to make this sudden change?

The predecessor of the Leader of the House was intelligent and witty; he knew how to win the hearts and minds of members of this Chamber. If the new Leader of the House adopts a jackboot approach to suspending standing orders willy-nilly without regard for due process or procedural formality, this House will quickly reach meltdown. Why did the Leader of the House not consult the honourable member for Epping to discuss what he proposed to do? The jackboot way he ran the railways in this State meant that trains were always late and he was always playing catch-up. He wants to run the House the same way. The Leader of the House is wasting everybody's time. He is robbing the House of the time to debate the urgent motion, and he adopted a similar style when he ran the railways.

The inquiry by the Independent Commission Against Corruption [ICAC] is not an inquiry into the railways but, rather, an inquiry into how the former Minister for Transport ran the railways. The Minister for Infrastructure and Planning, who wants to stop him from going for the leadership of the Labor Party, has set him up. The ICAC inquiry will be interesting as the Minister for Transport Services, Michael Costa, shoves every problem in the railways onto the Leader of the House and claims they all occurred while the Leader of the House was the responsible Minister. That will all go before another ICAC inquiry, and the person who will wear all the blame will be the Hon. Carl Scully. Bye-bye, Carl. Craig does not have to worry about you. Craig is worried only about Frank. The only person Craig worries about now is Frank, not . Carl. The former Minister made the trains run late, and now he is going to make this Parliament run late. His incompetence was revealed over the last four years. We do not want it revealed here again, on the floor of this Chamber.

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

**The House divided.**

**Ayes, 50**

Ms Allan	Mr Greene	Mrs Paluzzano
Mr Amery	Ms Hay	Mr Pearce
Ms Andrews	Mr Hickey	Mrs Perry
Mr Bartlett	Mr Hunter	Mr Price
Ms Beamer	Mr Iemma	Dr Refshauge
Mr Black	Ms Judge	Ms Saliba
Mr Brown	Ms Keneally	Mr Sartor
Ms Burney	Mr Knowles	Mr Scully
Miss Burton	Mr Lynch	Mr Stewart
Mr Campbell	Mr McBride	Mr Tripodi
Mr Collier	Mr McLeay	Mr Watkins
Mr Corrigan	Ms Meagher	Mr West
Mr Crittenden	Ms Megarrity	Mr Whan
Ms D'Amore	Mr Mills	Mr Yeadon
Mr Debus	Mr Morris	<i>Tellers,</i>
Ms Gadiel	Mr Newell	Mr Ashton
Mr Gibson	Mr Orkopoulos	Mr Martin

**Noes, 37**

Mr Aplin	Ms Hodgkinson	Ms Seaton
Mr Armstrong	Mrs Hopwood	Mrs Skinner
Mr Barr	Mr Humpherson	Mr Slack-Smith
Ms Berejiklian	Mr Kerr	Mr Souris
Mr Brogden	Mr McGrane	Mr Stoner
Mr Cansdell	Ms Moore	Mr Tink
Mr Constance	Mr O'Farrell	Mr Torbay
Mr Debnam	Mr Oakeshott	Mr J. H. Turner
Mr Draper	Mr Page	Mr R. W. Turner
Mr Fraser	Mr Piccoli	
Mrs Hancock	Mr Pringle	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

**Pair**

Mr Gaudry

Mr Merton

**Question resolved in the affirmative.****Motion agreed to.****NATIONAL PARK ESTATE (RESERVATIONS) BILL****Bill introduced and read a first time.****Second Reading**

**Mr KNOWLES** (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [3.30 p.m.]: I move:

That this bill be now read a second time.

I am proud to introduce this bill, which builds on the already considerable achievements of this Government in the important area of forest conservation and reform. This bill is part of a package of initiatives the Government is implementing to protect in reserves 65,000 hectares of the last remaining icon areas of north-eastern New South Wales including high conservation value old-growth forest and rainforest. These initiatives complete a journey that for many people began 20 years ago with Premier Wran's decision to save Terania Creek and other rainforests of this region of New South Wales. These areas are, of course, now registered on the World Heritage List. Since coming to office in 1995 we have built substantially on that landmark achievement. With this decision nearly a million hectares of national parks, nature reserves and State conservation areas have been created through this Government's forest policy. But this Government has been dedicated to creating not just more national parks, but a comprehensive, adequate and representative reserve system.

This system is based on scientific assessment of forest attributes. It links up national parks and other protected areas to provide extensive reserves in the eastern region of New South Wales. New reserves that this bill provides for are the culmination of this process. The reserves protect 65,000 hectares of the north-east's forest icons—including outstanding areas such as Wollumbin and Whian Whian—for future generations of Australians. The new conservation reserves have been shown to contain over 500 species of birds and animals and 4,000 plant species. The areas also contain pockets of rainforest and old-growth forest, wilderness and habitat for threatened fauna such as the koala, powerful owl, Hastings River mouse, tiger quoll and yellow-bellied glider. But the decision to include these important areas in reserves has been made only after careful assessment of the implications for timber supplies on the North Coast.

I stress that the decision to include these important areas in reserves is matched by steps that reaffirm the Government's intention and capacity to maintain timber supplies on the North Coast. These timber supplies were an important component of the regional forest agreement that was struck through negotiation between conservation groups, industry and Government in 1998. They have remained central to our deliberations. Our

approach is set out in a complete package of measures that, taken together, allow for the conservation of the icon areas while maintaining timber supplies. This, of course, is a balanced and comprehensive solution. In relation to the timber supply initiatives, we have been conscious that timber yield has been constrained by some limits on logging near streams and other environmental exclusion zones. Studies have estimated that up to 18 per cent of timber theoretically available is, in practice, unavailable as a result of these restrictions.

The advent of better harvesting technology over the past few years along with new information on protecting water quality has allowed timber to be harvested without posing a significant environmental risk to the conservation values of these protected areas. I advise the House that the Ministers responsible for the portfolios of Natural Resources, Forests, Fisheries and Environment have already approved the amendment of the environmental prescriptions to remove the buffer-on-buffer effect while still ensuring environmental protection. Those signatures were provided as recently as 24 hours ago. Some additional changes to the threatened species licence to allow for more flexible management approaches are also being finalised and will be made a high priority. Measures to address supply issues are being taken to ensure that the industry continues to be supplied and receives a more reliable flow of timber.

Furthermore, we are confirming for timber production the interim forest management zones—that is FMZ 8—that were not initially included in the supply estimates. This is possible following the completion of investigations into these areas. This package is designed around the principle that there will be long-term sustainable logging of all available areas of State forests. The House would also be interested to hear that purchases of private land by State Forests of New South Wales funded through the 1998 decision on forests, have already added about 5,000 cubic metres to the annual supply, and additional purchases will continue to augment supply. To underscore our commitment to the timber industry we propose to enter into direct discussions with timber companies that hold wood supply agreements in the region to provide even greater certainty to industry. At present these agreements subject the mills to a timber supply review in 2006.

The Government is seeking to remove the uncertainty that this may pose by offering to enter into fresh supply agreements. The Government has entered into a memorandum of understanding with Boral, one of the region's largest millers, to provide for new investment and new jobs for the North Coast. Boral has indicated that by securing long-term timber supply it will be able to undertake major investment in its timber mills, value-adding operations and new hardwood plantations. To remove the potential uncertainty for other millers the Government has invited, via its representative body, the Forest Products Association, other holders of wood supply agreements in the region to negotiate similar arrangements to meet their individual needs and timber availability. The Minister Assisting the Minister for Natural Resources (Forests) has written to the Forest Products Association seeking its views on the option of entering into memoranda of understanding with its members.

The Forest Products Association has responded with in-principle agreement, and negotiations will now proceed. Renegotiating contracts will mean that industry will gain greater certainty now, not later. I am proud to say that this package of reforms ensures that we keep faith with the industry while making an historically important conservation decision. The package also demonstrates the New South Wales Government's commitment to the Regional Forest Agreement, which provides for ongoing modification and improvements as circumstances change, and to the maintenance and improvement of the native timber industry in this State.

I turn now to the provisions of the bill. This bill revokes the dedication of certain State forests and reserves them as national park, nature reserve, flora reserves and State conservation areas, and declares areas of special management zones on State forests. It is important to firstly draw attention to the new category of State conservation area under the National Parks and Wildlife Act. The bill creates several new State conservation areas in areas of known or likely mineral potential. In one case, Jilliby State Conservation Area, the reservation is restricted to a depth of 50 metres to facilitate underground coalmining. This new category of reserve was established with a dual purpose: to protect conservation values while permitting mineral and petroleum exploration and production.

While exploration and mining will require the concurrence of the Minister for the Environment and consideration of environmental impact, it is important to emphasise that the government intends that exploration and mining will occur within State conservation areas with appropriate environmental safeguards. Consistent with the National Parks and Wildlife Act, all State conservation areas will be reviewed every five years to determine if the State conservation areas category remains appropriate or if a different reserve type should be used. I deal now with the specific details of the bill. The object of the bill is to transfer certain State Forest land to the national park estate. The bill is divided into three parts, which I shall outline to the House. The first part is the preliminary section, which, among other things, provides for the commencement of the proposed Act on 1 July 2003.



Part 2 deals with land transfers, including the necessary revocations and reservations. The descriptions of the land to which part 2 applies are in schedules 1, 2, 3 and 4. I draw attention to clause 9, which enables the Director-General of National Parks and Wildlife to adjust the descriptions of land in schedules 1, 2, 3 or 4. These adjustments must be in order to alter the boundaries of the land for the purposes of the more effective management of national park estate land and State Forest land and to adjust boundaries to public roads. Any such adjustment must not result in any significant reduction in the size or value of any such land and can be made only up to dates specified in the bill. Adjustments are also authorised in connection with easements. The director-general must have the agreement of relevant Ministers to make any changes. Part 3 covers a number of miscellaneous matters giving effect to the provisions of the bill. Clause 13 amends the Native Title (New South Wales) Act 1994 to preserve native title rights and interests in respect of a reservation, or vesting of, or declaration over, land or waters by the operation of the proposed Act.

I now turn to the schedules in this bill. Schedule 1 deals with State forest to be reserved as national park, nature reserve or State conservation area. Schedule 2 deals with certain areas included in schedule 1 whose reservation is delayed until July 2006 to allow plantations within the new reserves to be harvested once, prior to reservation. Schedule 3 sets out the land whose dedication as State forest is revoked and is vested in the Minister administering the National Parks and Wildlife Act 1974 for the purposes of part 11 of that Act. This is to accommodate small quarries and other continuing uses. The schedule also applies to land held under Crown leases in State forests whose dedication is to be revoked. These crown leases will continue, unless sold on a voluntary basis to the National Parks and Wildlife Service. If purchased, the land will be reserved under an appropriate category.

Schedule 5 makes ancillary and special provisions relating to transitional arrangements. They include the exclusion of freehold and certain leasehold interests from the provisions of the bill, except in the case of land that immediately before the commencement of the Act was vested in the Minister or Her Majesty for the purpose of part 11 of the National Parks and Wildlife Act 1974.

Schedule 5 deals also with existing interests and gives the Minister administering the National Parks and Wildlife Act administration of those interests where land is transferred to the management of the National Parks and Wildlife Service. Schedule 5 also contains special provisions with regard to access roads within national parks, nature reserves and other reserves to ensure that right of access through the new national parks can continue and be formalised where it is necessary to do so, such as where the access road leads to a private land-holding or to timber resources available for logging.

The aim of this Government's forest policy has been to create a reserve system that is comprehensive, adequate and representative, protecting and conserving the biodiversity of the State's forests through scientific and systematic reservation rather than piecemeal reservation, while at the same time maintaining viable and ecologically sustainable forest industries. Our success in delivering on this policy is a great achievement for the people of New South Wales and for people, both Australians and visitors from overseas, who visit our State. I have no doubt that the legacy of this Government's decisions on our forests will be welcomed and praised by future generations.

This Government's forest policy has resulted not only in unprecedented levels of scientific and other data, but also in the conservation of nearly one million hectares of New South Wales forests. It has also resulted in a legislative process for ensuring ecologically sustainable forest management through forest agreements and integrated forestry operations approvals. I am pleased to be able to say that this Government has dealt with the last remaining forestry conservation icons on the North Coast. A cornerstone of this achievement has been the Forestry and National Park Estate Act 1998, which was a major legislative reform on which subsequent forestry legislation, including this bill, has been based. I am proud to introduce this bill, which forms a critical part of our continuing forest reform achievements. I commend the bill to the House.

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

### **SPECIAL ADJOURNMENT**

**Motion by Mr Scully agreed to:**

That the House at its rising this day do adjourn until Tuesday 6 May 2003 at 2.15 p.m.

## CONSIDERATION OF URGENT MOTIONS

### Hospital Waiting Lists

**Mr O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [3.43 p.m.]: My motion is urgent because we think we have 54,000 people on the waiting lists of New South Wales hospitals. I say "we think we have" because yesterday the Minister for Health could provide the House with no reassurance as to actually how many people are waiting for surgery in the State's public hospital system. My motion is urgent because a hospital system cannot be run efficiently unless it is known how many people require service. Resources cannot be apportioned, staff cannot be deployed, and the service simply cannot be run until these issues are resolved.

My motion is urgent because this morning during another debate the Minister described waiting lists as "a source of intrigue". The Minister is indeed the Minister responsible for the Department of Health; the Minister has to explain what he means by "a source of intrigue". Waiting lists are meant to be a credible and reliable form of performance measure as to how the State's hospital system is operating, yet when commenting upon the administration of the former Minister for Health—the Minister who introduced the previous bill—the present Minister said that the system over which the former Minister presided is "a source of intrigue".

My motion is urgent because waiting lists go to the very credibility of the Carr Government. This was a government that was elected in 1995 in no small way on its promise to halve hospital waiting lists. That promise was given by the Premier and the Deputy Premier—the Leader and the Deputy Leader of the Labor Party—and it was a promise, they said, signed in blood. They promised to resign within 12 months unless that promise was kept. At the time Labor came to office, the number of people on waiting lists in this State stood at 43,000. If the figures can be believed and the "source of intrigue" can be overcome, as the Minister for Health describes them—notwithstanding that they have been referred to the ICAC and the Auditor-General for investigation—waiting list figures now stand at 54,000.

The legitimacy of this Government has been in doubt over the whole period of its office. For eight years members of the medical profession, members operating within the medical community, users of the health service, ancillary health organisations, and members of the Opposition in this place have repeatedly raised concerns about the efficacy and the accuracy of waiting list figures in this State. We need to have those matters resolved. Waiting list numbers were 43,000 when Bob Carr and Andrew Refshauge promised to halve them, but they are 54,000 today—if those figures are to be believed. We cannot adequately run the health system in this State without some light being shone in this area, without some accuracy being provided in this area, without some solidity being provided to these sorts of figures.

This matter is urgent because we also need to look at the way in which these ICAC referrals were made. I am very pleased that the Leader of the House has come back into the House because one of the great features of his success with matters relating to his administration of the Transport portfolio was that in a very upfront way he announced that matters were being referred to the ICAC for investigation. That meant that matters have been referred by the Opposition and by the Government relating to the Leader of the House's administration of the Transport portfolio. Michael Costa at least did it in an upfront and accountable manner.

This matter is urgent today because we need to discuss the way in which the former Minister for Health dealt with the referral to the ICAC of issues relating to waiting lists in New South Wales. In a letter released yesterday, the Director-General of Health cited two reasons for referring issues to ICAC: an anonymous phone call to the Alan Jones program during the election campaign and concerns raised by the Leader of the Opposition on 11 March in a debate about code red alerts at Nepean hospital. The director-general referred the matter to the ICAC two days later. Do we believe that the Minister for Health at that time, the Hon. Craig Knowles, publicly announced what he was doing in the same way that Michael Costa dropped a bucket on the Leader of the House? Absolutely not. What is the difference? Well, of course, the Hon. Craig Knowles would have been dropping a bucket on himself.

We need to debate these matters so there can be some confidence in the way in which our hospital system is being administered, so we can get to the bottom of the waiting list debacle in this State, and so we can overcome once and for all the problems created by this Government's administration of the State's hospitals, as reflected by those waiting list figures. What the Minister announced yesterday is not an independent review of remaining hospitals, and it is simply unacceptable. We need greater independence and greater transparency. My motion calls for a resolution of this matter by this Parliament: The Federal Government's proposed changes to Medicare will not resolve the problem. My motion ought to take precedence. [*Time expired.*]

### Federal Government Medicare Policy

**Mr BLACK** (Murray-Darling) [3.48 p.m.]: If my matter of urgent consideration proceeds I will move that this House oppose the Federal Government's proposed changes to Medicare. I inform the House, and one and all, that I will move that motion on an urgency basis because once again in this place the National Party is rattling on the people of regional and rural New South Wales with this vicious attack imposed on us by the Federal Government. It is not interested and it is not defending the people in regional and rural New South Wales. This matter is urgent because in towns in western New South Wales that have bulk-billing doctors, the number of people going to a hospital emergency department rather than to a general practitioner is 60 per cent above the State rate.

At present, regional and rural areas have the lowest rate of bulk-billing in this State. Members of the National Party are supporting the Federal Government's proposed changes to Medicare. If doctors decide to bulk-bill all health care cardholders they will receive an additional payment for service of \$1 in capital cities, \$2.95 in cities such as Newcastle, \$5.30 in rural centres such as Broken Hill, and \$6.30 in small country towns such as Hay. The Federal Government's proposal is an insult to the intelligence of people living in rural and regional New South Wales. It knows that no doctor who is currently not bulk-billing will pick up on that. I refer, for example, to the Federal seat of Parkes in the Murray-Darling electorate. Today the average patient contribution is \$12.34—double what is currently being offered to doctors by the Federal Government if they bulk-bill in places such as Hay. The average patient contribution in the Federal seat of Gwydir is \$11.85.

**Mr Roberts:** You should run for Federal Parliament.

**Mr BLACK:** I did. That is why I am here. This matter is urgent. I refer also to the patient contribution in the Federal seat of Riverina. The honourable member for Murrumbidgee—Australopithecus Murrumbidgeeitis—and other members of the National Party are rattling on people in regional and rural areas. A survey in regional and rural New South Wales revealed that only 9 per cent of all general practitioners in the greater Murray health area are bulk-billing. General practitioners are now saying that only 4 per cent of all doctors in the greater Murray health area will continue to bulk-bill. This is a massive con job on ordinary families in regional and rural New South Wales. Regional and rural New South Wales are suffering from a drought but National Party members do not give a damn. They and the Federal Government do not give a damn about people with no cash flow. They have no cash flow because of the acid test imposed on them by the Federal Government.

People who cannot find a doctor who bulk-bills and who is prepared to charge the right price have no hope. Members of the National Party are literally saying to the people of western New South Wales, "Forget about going to a doctor, because you cannot afford it." Do honourable members remember the great election result in the Federal Liberal-held seat of Farrer? I can remember the Deputy Leader of the Opposition doing deals behind the Speaker's chair. The Labor Party pulled out its scrutineers and the Deputy Leader of the Opposition said, "You beauty! The National Party is stuffed. Under the agreement we will keep Farrer at the next election."

At present, the public patient contribution in the Federal seat of Farrer is \$11.77. In the last two years the public patient contribution in Parkes has increased by 17.4 per cent. What a great victory for the National Party—an increase in basic health care of 17.4 per cent! What a hopeless lot we have in the National Party. In the last 4½ years there have been three National Party leaders. [*Time expired.*]

**Question—That the motion for urgent consideration of the honourable member for Ku-ring-gai be proceeded with—put.**

**The House divided.**

**Ayes, 37**

Mr Aplin  
Mr Armstrong  
Mr Barr  
Ms Berejiklian  
Mr Brogden  
Mr Cansdell  
Mr Constance  
Mr Debnam  
Mr Draper  
Mr Fraser  
Ms Hancock  
Mr Hartcher  
Mr Hazzard

Ms Hodgkinson  
Mrs Hopwood  
Mr Humpherson  
Mr Kerr  
Mr McGrane  
Ms Moore  
Mr Oakeshott  
Mr O'Farrell  
Mr Page  
Mr Piccoli  
Mr Pringle  
Mr Richardson  
Mr Roberts

Ms Seaton  
Mrs Skinner  
Mr Slack-Smith  
Mr Souris  
Mr Stoner  
Mr Tink  
Mr Torbay  
Mr J. H. Turner  
Mr R. W. Turner

*Tellers,*  
Mr George  
Mr Maguire

**Noes, 50**

Ms Allan	Mr Greene	Mrs Paluzzano
Mr Amery	Ms Hay	Mr Pearce
Ms Andrews	Mr Hickey	Mrs Perry
Mr Bartlett	Mr Hunter	Mr Price
Ms Beamer	Mr Iemma	Dr Refshauge
Mr Black	Ms Judge	Ms Saliba
Mr Brown	Ms Keneally	Mr Sartor
Ms Burney	Mr Knowles	Mr Scully
Miss Burton	Mr Lynch	Mr Stewart
Mr Campbell	Mr McBride	Mr Tripodi
Mr Collier	Mr McLeay	Mr Watkins
Mr Corrigan	Ms Meagher	Mr West
Mr Crittenden	Ms Megarrity	Mr Whan
Ms D'Amore	Mr Mills	Mr Yeadon
Mr Debus	Mr Morris	<i>Tellers,</i>
Ms Gadiel	Mr Newell	Mr Ashton
Mr Gibson	Mr Orkopoulos	Mr Martin

**Pair**

Mr Merton

Mr Gaudry

**Question resolved in the negative.****Question—That the motion for urgent consideration of the honourable member for Murray-Darling be proceeded with—agreed to.****FEDERAL GOVERNMENT MEDICARE POLICY****Urgent Motion****Mr BLACK** (Murray-Darling) [4.06 p.m.]: I move:

That this House opposes the Federal Government's proposed changes to Medicare.

It has come to my attention that autopsies are the only things of a medical nature that the National Party has been interested in recently. Following the National Party's devastating election result, I read in the *Sydney Morning Herald* on 24 March a statement by a former leader of the New South Wales National Party who said that the Nationals must have an autopsy and examine the carcass. I used the word "carcass" following the 1999 election when I was asked to describe the election result in my electorate of Murray-Darling. On that occasion I said that the Labor Party and the One Nation dogs were dining on the National Party carcass. The National Party does not care. Not one National Party member is in the Chamber for this debate. That is how much they care about pensioners, working families and drought-stricken farmers in the bush. Not one National Party member is present to repel this attack on the working people of country New South Wales.

**Mr O'Farrell:** Point of order: My point of order goes to relevance. The honourable member for Murray-Darling has now spoken for a minute and a half on a motion that the House decided was more urgent than my motion. Yet the honourable member has not yet mentioned Medicare.

**Ms Allan:** You're a sore loser, Barry; that's your problem.

**Mr O'Farrell:** I am happy to be a sore loser. The reality is that the honourable member for Murray-Darling has been in this place long enough to know that if he moves a motion on Medicare he should talk about Medicare, not about internal National Party or caucus issues.

**Mr ACTING-SPEAKER (Mr Mills):** Order! The Deputy Leader of the Opposition has made his point. The honourable member for Murray-Darling will address the motion.

**Mr BLACK:** The Deputy Leader of the Opposition mentioned internal National Party matters. Let us consider the following. Families in 29 country electorates in New South Wales are threatened by the Federal

Government's proposed new form of Medicare. People will not be able to afford to see a doctor. We are following the American road down the tube. The National Party has gone down the tube. Only 12 National Party members were elected in 29 country electorates. The Liberal Party won five seats and the Independents won four seats in what used to be the National Party heartland. The National Party is going down the tube because it is not listening to the people of New South Wales. It is not listening to country people's real concerns about bulk-billing. The New South Wales National Party is desperate. It has only 12 members in this place, seven of whom are on the Coalition front bench. But guess who the seventh member is? It is the honourable member for Murrumbidgee, the shadow Minister for Mineral Resources. What a joke! He does not know the difference between a coal pit and a cesspit. The honourable member for Murrumbidgee should be in this Chamber to debate Medicare and bulk-billing, and he should be embarrassed.

Only 4 per cent of GPs in the greater Murray health area have said that they will be bulk-billing in six months time. Currently, 9 per cent of GPs in greater Murray bulk-bill, and that will reduce to 4 per cent. The shadow Minister for Mineral Resources is not here to comment on the disaster in his electorate. I repeat: he does not know the difference between a coal pit and a cesspit. What an extraordinary representative! He should be here demanding that something be done to rectify the position in which we find ourselves. I shall go through the figures again: if GPs bulk-bill health care card holders, that will mean an extra \$1 for every person in Sydney.

**Mr Knowles:** Not one Nat in the Chamber.

**Mr BLACK:** Not one Nat in the Chamber. We do not want Nats here, because they are irrelevant. There are 29 country seats. Honourable members might recall that my mate Slacky organised for George to take over from me. He is reported in the papers as saying that they won 19 out of 22 seats, that they gave Country Labor a thrashing in 19 out of 22 seats. Goodness gracious me! He did not count the Liberal seats, and he certainly did not count the Independent members up there. I must tell honourable members how they count the National Party seats. This is a lesson for members opposite. Imagine that this is the National Party: one hand is six, two hands is 12, three hands is 18—let us keep it going—and four hands is 24. Then the National Party should take off one shoe, because four hands and one foot equals the 29 seats that we actually have in western New South Wales.

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

**Mr BLACK:** Come on—I am being nice to the Liberal Party.

**Mr O'Farrell:** I again raise the issue of relevance, and in terms to help the honourable member for Murray-Darling. Tell us what the Murrumbidgee division of GPs said! Tell us what the Labor Party member Dr Bob Burns said about these proposals!

**Mr ACTING-SPEAKER (Mr Mills):** Order! The honourable member for Murray-Darling will address the motion before the chair.

**Mr BLACK:** I think we could go through some of these figures.

**Mr O'Farrell:** Tell us about Bob Burns. Do you want his membership number?

**Mr BLACK:** I will tell you about him because the Liberals have five country seats. Not one member of the National Party is here. The wonderful Liberal member for Wagga Wagga is here because he is concerned about what will happen to the people in his electorate who will miss out on bulk-billing. Not one National member is in the place. Where are they? I will tell the House why the Nats are ashamed. This is what is happening today. In relation to bulk-billing of all patients, there is a difference and a considerable distance between areas. The highest incidence of bulk-billing doctors is in south-western Sydney, with 77 per cent of GPs indicating that they will bulk-bill all patients. Some 63 per cent of GPs in Western Sydney, 52 per cent in Wentworth and 47 per cent in central Sydney bulk-bill all patients.

I turn now to country areas. The lowest incidence of bulk-billing is in the greater Murray. Currently, 9 per cent of GPs bulk-bill, and that figure will reduce to 4 per cent. Other rural areas with low incidences of bulk-billing include—members opposite should listen to this—the mid North Coast. I thought some National members up there would be concerned, but they are not interested. The National Party is only interested in railway lines and trains. Only 14 per cent of GPs on the mid North Coast bulk-bill their patients. The shadow Minister for Health does not believe in closing railway lines. However, when he was in charge he demolished

two railway stations in my electorate. The only reason the Deputy Leader of the Opposition is the shadow Minister for Health now is because he wanted to be included in the autopsy that the honourable member for Lachlan wanted to carry out. Listen to them! Only 25 per cent of GPs in New England and only 26 per cent of GPs in the Hunter bulk-bill. I refer to the figures I gave earlier. How can the Commonwealth reasonably expect GPs to bulk-bill health care card holders? At present, in the Federal electorate of Parkes the figure is \$12.34 above the rebate; it has gone up 17.4 per cent in the past two years. Cop this little one: in Gwydir it is \$11.85; it has gone up 22.2 per cent in the past two years.

**Mr O'Farrell:** Tell us about Murrumbidgee.

**Mr BLACK:** I referred earlier to Australopithecus Murrumbidgeeitis. In Riverina the figure is \$13.55; it has gone up 33.5 per cent in the past two years. National Party members at the Federal level, who are supported by the National Party at the State level and go crawling to their Liberal masters, do not care about the 33.5 per cent on top. They do not care about drought-stricken farmers. The figure for the Riverina has gone up 33.5 per cent. As I said, the Federal seat of Farrer, in which the shadow Minister for Health is so interested, is a marvellous seat. There are many National Party branches alongside the Murray but not one Liberal branch. That is how much the Nats are on the nose down there. In Farrer the figure is \$11.77; it has gone up 17.9 per cent over the past two years.

**Mr ACTING-SPEAKER (Mr Mills):** Order! It being after 4.15 p.m. business is interrupted for the taking of private members' statements.

### PRIVATE MEMBERS' STATEMENTS

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#### HONOURABLE MEMBER FOR BANKSTOWN RADIO INTERVIEW ALLEGATION

##### BANKSTOWN ELECTORATE CENTENARY MEDAL RECIPIENTS

**Mr STEWART** (Bankstown) [4.20 p.m.]: I draw the attention of honourable members to the Centenary Medals, my involvement with them, and the people in my electorate who received them. However, before dealing with that matter I shall raise an issue pertaining to me as the member for Bankstown which has been of some interest over the past few weeks. The issue has been around for some time and I want to clear the air. On 22 April I was interviewed by Ray Hadley on his morning program on radio 2GB in Sydney. During the interview Mr Hadley raised an allegation, as he put it, that a rumour had been spread that prior to entering Parliament I used, and was born under, a name other than Tony Stewart. I put on the record strongly that there is absolutely no basis for this allegation.

I was born Anthony Paul Stewart on 23 November 1956 at Crown Street Women's Hospital—a great hospital. My father, who is now deceased, was James Cyril Stewart. He was born in Australia Avenue, Matraville, to an Irish immigrant mother, Mary Gallagher—that was her maiden name—and a Scottish immigrant father, George Stewart. My mother is Josephine Stewart—her maiden name is Pisani—and she immigrated to Australia as a British citizen from Port Said in Egypt in 1949. Her father was Maltese and her mother was Italian. I am very proud of my Australian multicultural heritage—stock that is a snapshot of Australia today—involving Irish, Scottish, Maltese and Italian backgrounds.

I am extremely disappointed and perplexed that for some time attempts have been made, probably through political rumour mongering, to suggest that I changed my name before entering Parliament to gain some form of political advantage. What sort of advantage, I do not know. However, one bit of dignity that members retain in this job is their family's name—in this case, my father's name. I am extremely proud of what my father represented and what he did for me, that is, my character makeup, and I will not have that assassinated by such rumour mongering. Finally, I put on the record that my family moved from Camden to Bankstown in 1968, and I have remained in the Canterbury-Bankstown region ever since. I am a proud Bankstownian, and I am proud to be Australian. Hopefully, this ill-informed, gutless rumour mongering will now cease. In that context I lay my birth certificate upon the table for perusal and comment by anyone.

I am proud to inform the House that Centenary Medals have been awarded throughout New South Wales. I am proud that I nominated the 10 people in my electorate who received medals. The recipients were proud to receive a beautiful Commonwealth Centenary dress or lapel medal in recognition of their achievements in the community. I nominated people whose great achievements would not usually be noticed by the wider community.

I am very proud of them. Those people were Helen Williamson, from Greenacre Lions and Greenacre Chamber of Commerce; Val Campbell and Hilda Garwood, who worked together with Greenacre senior citizens and with a group known as the Greenacre Senior Entertainers to help and entertain people in aged care homes; Petroula Arthur, President of the Greenacre Chamber of Commerce; Kevin McCormick, OAM, President of the Bankstown District Sports Club; Jack Bedford, OAM—a legend and a great contributor to our local community—President of Bankstown RSL; Marianne Panici, of Greenacre Senior Entertainers; Alan Robinson, aged 22, who has made an outstanding contribution in ice hockey and has received many awards; and Skye Louise Sargent, aged 20, whom I have known since she was 12 years old. She won Premier's certificates for her achievements nationally and internationally in ice skating.

### MANLY AND MONA VALE HOSPITALS

**Mr HAZZARD** (Wakehurst) [4.25 p.m.]: On behalf of residents of the northern beaches I refer to the need for the Government and the current Minister for Health to urgently commit to the rebuilding of Manly hospital and the upgrade of Mona Vale hospital. It is opportune to note that Minister Knowles is seated at the table. We have had Minister Refshauge, Minister Knowles and now Minister Iemma as health Ministers. That is almost enough Ministers to change a light bulb, but apparently not enough to build our hospital. People in the northern beaches area are waiting to find out what will happen to its hospitals.

**Mr Knowles:** You'll never know.

**Mr HAZZARD:** The Minister is right: The northern beaches area is a sad and very lonely place under this Government and all three Ministers for Health. The Minister is interjecting while I am trying to talk about an issue that is important to the local community. I have a reasonable relationship with Minister Knowles, but he has let down the people of the northern beaches. Shortly after he became Minister for Health I asked him personally, both in this Chamber and by telephone, whether he would have a private non-political meeting with me and discuss the future directions of Manly and Mona Vale hospitals. He knew I was not seeking to make political points. Two appointments were made and on both occasions they were cancelled.

**Mr Knowles:** That is right.

**Mr HAZZARD:** Perhaps it was purely inadvertent, but unfortunately it is typical of what has happened. Today I extend an invitation to the new Minister for Health, with whom I also share a reasonable personal relationship, to visit Manly and Mona Vale hospitals as soon as possible to see what is necessary for the northern beaches area. Minister Knowles and the Northern Area Health Service were clearly privately committed to one single hospital for the northern beaches. That meant the eminent destruction of our two hospitals, Manly and Mona Vale hospitals. When the recommendations of the Northern Area Health Service were finally released in July 2002, the *Manly Daily* noted, "Only Manly MP David Barr has agreed with the Northern Sydney Health Area's group recommendation of a single hospital." Suddenly the honourable member for Manly was supporting the area health service with his Labor mates—

**Mr Roberts:** Shameful.

**Mr HAZZARD:** It was a shameful exercise. But then a month or two before the election Minister Knowles helped his Labor mate, the honourable member for Manly, announce that there would now be two hospitals: a new hospital for Manly—although it is not clear whether it will be on the same site—and an upgrade of Mona Vale hospital. The honourable member for Manly issued an extraordinary newsletter which stated:

After years of uncertainty about the future of two Northern Beaches hospitals, Northern Area Health has announced that it is finalising plans for a new \$180 million Manly hospital to be built at Brookvale.

Obviously he was telling big porkies because the Minister later pointed out in the press that no decision was made by the area health service as to the site. Brookvale was just a fanciful idea of the honourable member for Manly, as had been his entire approach to the genuine concerns of the people of the northern beaches area. It is only a month or so until the State budget is handed down. I congratulate the new Minister for Health on his appointment and I ask him to meet with us privately—not necessarily as a political exercise—and talk with community members about what they want. At the end of the day, the Government is responsible for the governance of the whole of New South Wales for the next four years, and—contrary to what this Government thinks—the northern beaches are part of New South Wales.

I also ask that, in accordance with the undertaking given by Minister Knowles, there will be a new hospital at Manly and an upgraded Mona Vale hospital. In fact, on behalf of the people of the northern beaches I demand that money be set aside in the next budget to start the process because we need the hospital as soon as

possible. I deal with the families of people who are dying because they cannot get the reasonable services they need. I ask Minister Knowles to talk to his successor to ensure that he understands the undertakings he made.

**Mr KNOWLES** (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [4.30 p.m.]: The honourable member for Wakehurst was the shadow Minister for Community Services who presided over a decision by his own party in the lead-up to the election to gut DOCS to the tune of 700 caseworkers. And he talks about families under stress!

**Mr Hazzard:** Point of order: On two occasions today senior Ministers have said that the Opposition resiled from its promises in relation to the Department of Community Services [DOCS]. We promised that there would be a royal commission into DOCS and there would be 200 new workers, and we have not resiled from that promise one iota.

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

**Mr KNOWLES:** Assume for one moment that the honourable member for Manly was the biggest liar and story teller, as alleged by the honourable member for Wakehurst. What does that say about the Opposition? The honourable member for Manly won his seat with an increased majority under the most extraordinary attack and effort by the Coalition. In question time we heard that it cost \$40,000 a vote and the Opposition still could not win from an alleged liar, according to the honourable member for Wakehurst. I will pass on the issues to the Minister for Health. I know that what we ended up doing on the northern beaches is precisely what the community said it wanted: Mona Vale left as it is and a new hospital for Manly.

I am sure the Government will do what it made a commitment to do. It is only Labor governments that build hospitals in the northern suburbs of Sydney. It is only a Labor Government that is spending approximately \$456 million on a brand new state-of-the-art Royal North Shore Hospital. Before the election I saw the first part of the beautiful state-of-the-art paediatrics, obstetrics and emergency medical building. It must gall the Liberal Party terribly that, under attack, it cannot even knock off the honourable member for Manly.

#### **MINISTER FOR REGIONAL DEVELOPMENT, MINISTER FOR THE ILLAWARRA, AND MINISTER FOR SMALL BUSINESS BATHURST ELECTORATE VISIT**

**Mr MARTIN** (Bathurst) [4.32 p.m.]: I inform the House today of a visit by the Hon. David Campbell, Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business, to my electorate on 24 April. The Minister visited Bathurst, Blayney and Lithgow. He visited the Devro plant, which has been in Bathurst almost 30 years. The plant is now being upgraded to develop and export collagen, taking advantage of biotechnology on the international market. The Minister also visited the new container facilities being installed by George Tanos at Blayney.

The principal reason for the Minister's visit was to be the guest of honour at the tenth annual Lithgow Business Awards. More than 300 people representing Lithgow's business community attended the awards, which are generously sponsored by Delta Electricity. The President of the Lithgow Chamber of Commerce, Steve Saladine, and Vice-President Janelle Johnston deserve credit for the professional organisation of the night. A great night was had by all. The Minister gave the keynote address as part of his duty of presenting prizes. The Mayor of Lithgow, Councillor Neville Castle, was pleased to hear the Minister announce that the Government would once again assist in the development of a business park planned for Lithgow.

I place on record those members of the Lithgow business community who were honoured at these tenth anniversary awards. The Business of the Year was Century 21 Real Estate. The Business Person of the Year was Steve Hawkins, who operates the McDonald's outlet at Lithgow. The McDonald's standard is fairly uniform but staff at McDonald's at Lithgow go above and beyond that standard. Because of Steve Hawkins's input, it is a very special business and does exceedingly well. The Employee of the Year was Amanda Muir, from Lithgow City Council's environment and planning department, a young lady I have seen progress through Lithgow council after having started as a cadet many years ago. The Young Employee of the Year was Melinda Clough, from C and W Printing, and the New Business Award went to Healeys at Hartley. My good friend John Healey and his wife, Rosemary, have transformed this former apple orchard—which was previously owned by a former member of this House, Barry Morris—into a thriving rural business.

The Travel and Tourism Award was won by the Lithgow Visitor Information Centre, and Jody Rayner and her staff deserve to be congratulated. The Trading Provider award winner was Central West Community



College. The Trades classification was won by Vought Engineering Services, and Graham Vought and his wife, Julie, have done very well in a short time to build up this business. The Retail Business winner was Coates Home Centre, a long-established business in Lithgow, and one that is undergoing a renaissance under the younger family members. The Restaurant and Cafe Award went to Ambience Cafe, which is another new business that is doing exceptionally well.

The Professional Services Award was won by Century 21 Real Estate, and the Home Based Business Award went to Rose Deco Planning and Design. The Health and Beauty Award went to Top To End Hair Studio. The General Services Business Award went to Howard and Sons Pyrotechnics. I think people in Sydney would be well aware of that business; it is a wonderful success story of decentralisation to a country area. The Education and Children's Services Award went to Wallerawang Kids Club, and the Community Contribution by a Business Award went to Lithgow Business Enterprise Centre. Finally, the award for Community Contribution by a Group went to Hartley District Progress Association.

The Minister was most impressed, not only with the standard and quality of the presentation on the night but also with the discussions and deliberations he had with the various business people. He saw the very professional and positive attitude of these people in Lithgow. They welcome investment by the Government in the new \$11 million State Office Block, which will house the Office of State Debt Recovery. Such investments by the Carr Government are giving renewed hope to country centres such as Lithgow. The Police Call Centre will also be relocating to new facilities. I thank the Minister for his first major visit in his new role and particularly for lending his presence to the Lithgow Business Awards.

### **FLAIR FASHION AWARDS PUBLIC LIABILITY INSURANCE**

**Mr J. H. TURNER** (Myall Lakes) [4.37 p.m.]: I refer today to the insurance concerns faced by an organisation called Flair Fashions, a not-for-profit organisation which runs a fashion show each year in the Taree area. The show is in its ninth year and has attracted to the Manning Valley talented designers from across the country. Many young designers have been found at the Flair Fashion awards. It is a terrific boost for the town as well as for the designers. It showcases some of our best young talent, particularly in the designing of clothes. In the past nine years it has attracted people such as Lady Sonia McMahon, Deborah Hutton, Christopher Essex, John Adams, Alexander Perry and Jonathan Ward.

However, because of the public liability insurance problems that beset many of these organisations there are real concerns about the ongoing viability of the awards. When the awards began—bearing in mind that a community group got together to do it—public liability insurance cost about \$600. It is now thousands of dollars, and organisers have a great deal of trouble raising the money. Although this House—with the goodwill of both the Government and the Opposition—passed legislation to try to do something about the skyrocketing costs of public liability insurance, it does not seem to have had a great impact out there.

Mrs Aggie McClutchey founded the Flair Fashion awards, and is still actively involved with them. She did some homework to see where she could get insurance. She found an underwriting venture called Community Care Underwriting Agencies—an amalgamation of Allianz Australia, NRMA and QBE—which was formed in response to the need for public liability insurance for not-for-profit organisations. Its web site states:

The primary purpose of the CCUA is to help Not For Profit Organisations operating in NSW, ACT and WA get access to Public Liability insurance for activities including community events, community centres and home care.

There are limits to how much a not-for-profit organisation can turn over. The web site also states that the groups are anticipated to be community groups which are involved in cultural and recreational services and creative arts. The Flair Fashion awards would obviously fall into that category. The real catch in this whole sad story is that Flair Fashions is basically built on volunteers and people assisting out of the goodness of their hearts. This insurance cover does not include injury to volunteers, employees or participants. I fail to see the point in setting up this consortium if the insurance will not cover volunteers, employees or participants.

This is becoming a real problem. The problems associated with the inability of not-for-profit organisations to hold many events have been chronicled in the House on many occasions. Those problems are still occurring. I would have thought that insurance companies would have made a genuine effort, particularly as this House attempted to remove some of the impediments to allow the lowering of insurance premiums, but this has not been passed on to the participants. Now policies are being worded in such a way as to be of little benefit to the Flair Fashion committees, which are made up of volunteers and participants. Many of the designers model their own clothes because they cannot afford the cost of a model. This is another unfortunate situation in country

New South Wales. Flair Fashions is a very good initiative, which has put Taree on the map in relation to fashion design, and I hope it will not fail. But Mrs McClutchey has great concerns about it because of the impact of the insurance premiums.

### LANDSDOWNE CARAVAN PARK REDEVELOPMENT

**Mr LYNCH** (Liverpool) [4.42 p.m.]: I draw to the attention of the House the attitude of constituents of mine to the future of Lansdowne Caravan Park. Many of my constituents have a lively interest in the future of this caravan park at Lansvale and their interest was attracted earlier this year by media reports of a proposed redevelopment of the park. The media reported that the owner of the caravan park, the developer Meriton, wanted a spot rezoning to redevelop Lansdowne Caravan Park. Meriton was also reported to have made an approach to Fairfield City Council in January. The rezoning was reported to have been from a current zoning of private recreation—which allows rental accommodation—to a residential zoning.

About 1,000 residents live in mobile homes and cabins in the park. Accordingly, the proposed redevelopment has received a significant degree of public opposition. One form of opposition focused on the impact of redevelopment upon the current tenants. Many tenants have very limited financial means. Quite simply, they cannot afford to rent anywhere else. Rents have risen dramatically in my electorate over the last few years and it is indisputably the case that those of limited financial resources often could not survive in the private rental market in our area. People are forced into overcrowded premises, or to take even more drastic steps.

Lansdowne Caravan Park plays a particularly important role for the most marginalised and the most disadvantaged. As I know from the experience of my own electorate office, it is used in a number of cases as crisis accommodation for the Department of Housing. The removal of the caravan park would have very serious consequences in this regard. The problems were exacerbated in the eyes of many because Meriton seems to have never raised the relocation of current tenants. One resident was quoted as saying that if Meriton really did want to redevelop the park, then the only decent thing to do would be to relocate the residents. Of course there are other objections. Many people expressed concern that high-rise development was being considered for this site, which they considered was inappropriate for such development.

In addition to other concerns about high-rise development, objectors pointed out that this site was flood prone and thus highly unsuitable for any substantial development. It is sometimes possible to take mitigating action to flood-proof developments, but that would be likely to be a quite substantial exercise. In an effort to determine the attitude of my constituents I decided to conduct a survey of the portion of Lansvale that is within my electorate. It seemed to me that that was probably a more useful way of gauging the views of the community than simply relying upon media reports.

The survey showed a significant degree of opposition to the proposed redevelopment—although there was also an almost equally large response supporting the redevelopment. The largest single response from those who responded to my survey was that they required more information about the proposal. That is an eminently reasonable and not at all surprising position. Accordingly, I have been trying to obtain more information about what precisely is being considered and thus may be proposed for the site. I wrote to Fairfield City Council, which is the responsible consent authority, with a view to finding out what was being discussed. A relevant council officer responded in a letter dated 7 April. Part of that letter reads as follows:

At this stage there is no official development or rezoning application before Council proposing redevelopment of the site. Any possible future application would be notified to surrounding residents. In the case of a rezoning application there are also statutory provisions under the Environmental Planning and Assessment Act 1979 requiring notification of the proposal in the local press.

That is undoubtedly correct. It is, however, monumentally unhelpful and sheds no light at all upon the information that I was seeking. Residents and the House may be interested to know that I have written again to Fairfield City Council seeking advice concerning not only formal applications but details of the parameters of pre-lodgment discussions and any time frame involved. I will be fascinated by council's response—as will, I am sure, many of my constituents. In an effort to try to determine what is actually happening, I also wrote to the owner of the site on 14 April. I received a response dated 17 April from the General Manager, Meriton Apartments Pty Ltd. Part of the letter reads as follows:

Meriton is considering options for the best use of the land occupied by the park. At this time, it is considered that a traditional, low density, residential subdivision is the most appropriate use.

The letter notes that such a use is consistent with the surrounding area and many people would like to buy there. It also argues:

On the other hand, a mobile home estate is an incongruous land use. This type of house is more appropriate in a rural or semi-rural environment, or in a "holiday setting".

The letter also includes the following:

Subject to a successful rezoning, existing residents will be given ample time and opportunity to find new housing, and Meriton will of course assist them.

This perhaps advances the issue a little. However, until applications are formally made, it is not possible to determine precisely what is actually proposed. Some indication from Fairfield City Council as to the parameter of pre-lodgment discussions would certainly help residents of the area to know exactly what is being proposed, apart from simply relying on assurances from the developer. It should be noted that Meriton's stated position does not address the broader issue of low-cost housing and its place in south-western Sydney. That issue needs to be considered seriously not only in relation to Lansdowne Caravan Park but far more generally. It is not appropriate to ignore that issue and simply deal with developments on a case-by-case basis.

### GOSFORD WATERFRONT REDEVELOPMENT

**Mr HARTCHER** (Gosford) [4.47 p.m.]: As the member for Gosford, I am proud of the town of Gosford, located on Brisbane Water. The poet Henry Kendall wrote about Gosford in the late nineteenth century:

When Gosford gleaming like a bright little Athens  
Shall be as a spot over the waters  
Its elders shall be able to point to their children  
Spots massed with its ancient tradition.

The Gosford township originally grew up at what is now East Gosford, located on Brisbane Water, as, mainly, a timber port. With the coming of the railways in the 1880s, the railway station was located in what is now Gosford proper, and the township of Gosford grew up around the railway line. Thus Gosford turned its back on the water and grew up around its main transport artery. The Pacific Highway, of course, was not bridged from Sydney to the Central Coast until the 1930s, so rail remained the only means of access between Gosford and Sydney. The township of Gosford was slow to grow. It does not have any of the great historic buildings of many other country towns in New South Wales. It was a railway town servicing the local farming community. But it started to grow after the Second World War.

In the period of interregnum in the council, following the dismissal of the council for improper activities, the affairs of Gosford city were administered by an administrator, Mr Dane. When the reclaimed land on the foreshore in front of Gosford was developed after the reclamation, a road built along the foreshore was named Dane Drive. For many years Dane Drive was only a low-traffic vehicle road, but recent years have seen it become a high-traffic vehicle road. In fact, it has been widened to four lanes, now effectively cutting off the township of Gosford from the water.

I have a vision for Gosford. I can see Gosford reconnected to the water. I can see Gosford facing the water once again. I can see Gosford transformed from a railway town to a beautiful city facing Brisbane Water and drawing as a magnet to its people by land and by sea. But for that vision to be achieved, Dane Drive needs to be re-routed. The only effective transport solution for Dane Drive is to put it underground. Accordingly, with the assistance of Mr and Mrs Mathieson of the Mathieson Group on the North Shore, who are planning consultants, I developed a visionary plan for the re-routing of Dane Drive and the redevelopment of the waterfront area, making Gosford once again a water city, in the same sense that Sydney itself is a water-based city. This visionary plan, which was carried in full colour on the front page of the *Central Coast Express* of 7 March, has drawn much favourable comment. The plan is available for community consultation, input and opinion. It is, as I say, a concept plan. I am indebted to Ian Mathieson and his wife for their assistance.

Accordingly, it is somewhat disappointing that a certain councillor on Gosford City Council, Councillor Daniel Cook—who is in charge of the marina foreshore development program—has sought to use my conceptual plan as an excuse for the marina development committee, called the Gosford Boatharbour Marina Sunset Committee, failing to receive suitable tenders for marina development along the Gosford waterfront. My plan in no way conflicts with the development of the marina. The marina would go elsewhere, to the point where my visionary plan for Gosford re-routes Dane Drive and reconnects the city to the water.

The two interested parties who have withdrawn their expressions of interest have done so for their own reasons. One withdrew because its bankers made a financial decision not to further fund any marina or airport projects. The second interested party withdrew because it was unable to persuade Gosford City Council to provide funding of \$50,000 for a feasibility study for the marina. They were two good reasons: lack of financial support and lack of assistance from council. Notwithstanding that, this councillor, for his own political purposes, tried to destroy the vision for Gosford. When Gosford councillors seek to destroy a vision for Gosford, their failure should be visited upon them.

### **DUNGOG SHIRE POWER OUTAGES**

**Mr PRICE** (Maitland—Deputy Speaker) [4.52 p.m.]: I wish to speak about a concern in the electorate of Maitland, that is, power outages in the Dungog shire, particularly in the areas of Gresford, Vacy, Martins Creek and Paterson. On or about 19 March I arranged a visit to East Gresford by the Chief Executive Officer of Country Energy, Mr Craig Murray. Mr Murray came with senior members of his staff and we adjourned to the hotel with a group of rather hostile locals who were concerned about a number of power outages of remarkable duration and frequency over the previous two months. The Country Energy officers received a great deal of flak from the people who were present but, to their credit, they responded well and have taken a number of steps to correct the problems.

The local hotel, the local bowling club, the local IGA store and the sole service station in these country villages were all out of action from two to six hours on various days during the period. Apart from the inconvenience to the average citizens, the commercial cost was substantial. Whilst we are at the end of the line, as they say, a number of steps could have been taken, even in NorthPower's time, to improve the service. Country Energy has made strenuous efforts to improve the service subsequent to the changeover from NorthPower. But a lot more needs to be done. Whilst I acknowledge the efforts of Country Energy, I must insist that it increase its efforts. The reason I say that is because on Monday 28 April another power outage occurred. This time the source of the problem was a swan flying into powerlines erected by EnergyAustralia.

**Mr Armstrong:** Its swan song.

**Mr PRICE:** Absolutely. That outage was publicised and I received a press release. The problem was supposed to be remedied by approximately 1.00 p.m., but the work was not completed by that time. Whilst the swan may have expired, so did a substantial part of EnergyAustralia's network and, I suspect, some of Country Energy's network. Several more hours were spent replacing the network and progressively restoring power to the centres of Paterson, Martins Creek, Vacy, East Gresford, Gresford and so on. The work was completed by 11.15 p.m. By that time everyone's freezer had been out of action for a day and two small country hotels had closed. I can inform the House that a pub with no beer in my electorate is a major problem. The sole service station was out of action for a day and food outlets were unable to function because their coolrooms could not be opened.

I appreciate that country people accept certain disadvantages, but in this day and age they should not be expected to tolerate such a situation. I make an urgent appeal to both Country Energy and EnergyAustralia to lift their game at the interface. I am sure I am not the only country member whose electorate has this problem. Whilst the major part of power and energy authorities' money comes from larger metropolitan areas, those organisations have a community service obligation to service country people in this State. Compensation may be available, and I have no doubt that compensation will be paid. However, apart from the sheer inconvenience, there may be people on life-support systems or dialysis machines in those areas.

I have spoken briefly to the Minister for Energy and Utilities about this matter. I urge him to ensure that in future these interfaces of power are supplemented by two main leads. I cannot understand why in this day and age the authorities rely on one system. When it fails it can wipe out power for half a shire. Such a situation is unreasonable and, I believe, unnecessary. I wish Country Energy all the best in its endeavours to overcome this problem in the future.

### **PUBLIC LIABILITY INSURANCE**

**Mr ARMSTRONG** (Lachlan) [4.57 p.m.]: Members from the last Parliament will be well aware that we spent much of the winter and spring sessions last year debating and passing legislation to address the rising cost of public liability insurance. We passed legislation that we hoped would be a major step towards improving accessibility to reasonably priced public liability insurance and enable, in particular, community organisations to

continue their traditional process in communities, that is, staging arts and crafts festivals, country agricultural shows, race meetings, annual festivals involving bicycles, wheelbarrow races, kicking footballs over silos at Mirrool Creek, speedboat championships and so on.

As honourable members will appreciate, legislation was passed in this Parliament, and the Commonwealth Parliament passed complementary legislation. I believe that the situation in regard to professional indemnity has improved, but there seems to be very little improvement with insurance for the broader community. For example, in my electorate the Forbes wheelbarrow classic race and the annual Forbes Railway Arts and Tourist Centre wool day have been cancelled. The camp oven day at Bedgerebong—an active village not far down the river from Forbes—has been cancelled. Community public halls have been forced to shut their doors because of the cost of public liability cover. Their closure has impacted on a host of functions, such as balls, wedding receptions, parties, dinners and meetings. The Gundagai and District Sport and Recreation Club has closed its doors. There are no authorised carriers for insurance willing to take on the horse industry in Australia and regional arts events have been cancelled across the State.

In the last few days ladies from Lake Cargelligo Arts and Crafts have approached me about their public liability insurance policy. Bear in mind that they hold one show a year, which is attended by possibly 300 people. Their public liability insurance will rise from \$285 to \$872. Where is the risk? Will someone trip over a ball of knitting wool? It is an absurd situation. We in this Parliament have a responsibility to address once again fundamental public liability insurance in all of its facets. People still sue each other with great abandon. Some people seem to have the ethos these days that if they trip over a step or a ball of wool at an arts and craft festival they will not call an ambulance; they call their lawyers first. After the lawyers arrive, then they call the ambulance.

The insurance industry has taken a financial pounding in the past couple of years. The number of insurance companies that are prepared to accept any risk seems to be almost non-existent. I appeal to the Parliament in general to revisit this issue. I intend through the Opposition to promote some parliamentary activity so that once again we can debate this issue. We have to find answers. We do not want organisations in the suburbs of Sydney and in country towns such as Lake Cargelligo, Cootamundra, Temora, Harden and Young, to cease their ordinary, everyday activities. Various organisations, such as Probus, Rotary and Apex, face similar problems. Last year country shows in New South Wales were able to successfully negotiate a 5 per cent increase in their premiums for the year. However, premiums in Queensland rose 75 per cent and premiums in South Australia rose 15 per cent.

Representatives of the council of the Royal Agricultural Society of New South Wales have told me that its insurance is likely to rise 30 per cent to 40 per cent. Communities cannot afford the cost of these premiums. I ask the question: Why are the increases necessary? Why has the risk become so great? What can we do to put the responsibility back onto individuals to look after themselves? Children will fall out of trees and break their arms; they will fall off pushbikes and graze their knees. Little old ladies will fall down steps and a kid's pony will escape at a show and gallop over the top of you. That is life and we have to accept responsibility for ourselves. We cannot expect to have every risk catered for by the owner of premises where an accident may occur. I make an appeal for commonsense to prevail and for Parliament to urgently address this widespread community problem in New South Wales.

### **COMO HUTCHISON TELECOMMUNICATIONS MOBILE PHONE TOWER INSTALLATION**

**Mr COLLIER** (Miranda) [5.02 p.m.]: Comment is often made about the way in which multinational enterprises go about their business. Some of these multibillion dollar enterprises have no hesitation in engaging in aggressive, divisive, discriminatory and unconscionable behaviour to improve the bottom line for their shareholders. My constituents in the little suburb of Como have had first-hand experience of this kind of behaviour with the multinational company Hutchison Telecommunications, which launched the new third generation [3G] mobile phone system on 15 April. Hutchison deliberately refused to advise or consult Como residents living in Novara Crescent before it started work on installing mobile telephone antennas for the new 3G network behind their back fences.

People might wonder what is unusual about a telephone communications giant failing to consult. In December last year Hutchison wrote to residents in Como Parade in the Heathcote electorate, on the western side of the Como rail overpass, stating its intention to install mobile phone antennas in their street. When the residents complained, Hutchison decided to move its installation to the eastern side of the overpass behind Novara Crescent, which is in the Miranda electorate. However, Hutchison did not bother to advise affected

Novara Crescent residents or me about its new plans until April 2003. The first time that Novara Crescent residents had any notification was on 3 April when they received a leaflet in their letterboxes advising that Hutchison would begin work behind their homes. The letter said:

This site was chosen following consultation with residents in Como Parade in December.

In other words, the decision to install the facility in my electorate on the eastern side of the rail overpass behind Novara Crescent was based on consultation with residents in the Heathcote electorate on the western side of the overpass, who will not now be affected by it. But rather than be honest and up front, Hutchison has tried to divide the Como community through its discriminatory tactics. That is contemptible. By failing to advise these residents it has also blatantly and unashamedly discriminated between residents who live on different sides of the Como railway line. Hutchison has made different rules for different sides of the track. When Novara Crescent residents made me aware of the situation I wrote to the Chief Executive Officer of Hutchison, Mr Kevin Russell, demanding that the carrier stop work and consult with residents of Novara Crescent. Mr Russell, of course, refused. This is the same Mr Russell who boasted to the *Australian* on 22 April that his company, Hutchison-Whampoa, was the most profitable enterprise in the world in 1999. This is the same multinational that cannot spend \$1 to consult with the residents of Novara Crescent, Como.

On 10 April I attended a meeting of 22 residents of Novara Crescent organised by Mr Paul Gardiner and Mr Adam Turville. The residents are still shaking their heads in disbelief at the discriminatory behaviour, arrogance and high-handed attitude of the representatives of Hutchison, Ms Jacqueline Crompton and Mr Anthony Osmet, who simply repeated the company line that the network must go ahead. The residents received no apology and company representatives had no idea who had been consulted. Hutchison continues to refuse to consult, despite the fact that affected Novara Crescent residents, some of whom are pregnant, are genuinely concerned about the effects on their health of the antennas behind their back fences. The antenna is about 100 metres away from Como Public School and fewer than 100 metres away from Optus and Telstra phone towers in nearby Ortona Parade. But rather than give residents a report about the combined effect of electromagnetic radiation, Hutchison published a simple report focusing only on the effects of electromagnetic radiation from the Hutchison tower.

New laws requiring greater community consultation by telecommunications carriers came into effect on 10 April, two days after Hutchison commenced work. Clearly, Hutchison failed to consult with Novara Crescent residents before commencing work, and its continued insistence that it does not have to consult can be regarded only as a cynical attempt to avoid the spirit and intent of the new laws. As a result of Hutchison's persistent failure to consult with Novara Crescent residents, I have lodged a formal complaint about its conduct with the Australian Communications Authority. As late as yesterday the telephone tower had not been erected. Hutchison still has time to consult with my constituents. I hope it does so. [*Time expired.*]

### THE HILLS ELECTORATE TRANSPORT INFRASTRUCTURE

**Mr RICHARDSON** (The Hills) [5.07 p.m.]: I bring to the House the concerns of my local community about the proposed transitways to be built between Blacktown and Castle Hill, and Mungerie Park and Parramatta. The budgeted cost of the 32 kilometres of transitways, which are part of the Government's Action for Transport 2010 plan, has blown out by \$160 million, from \$380 million to \$540 million, and completion will be delayed until 2010. Baulkham Hills Shire Council is particularly alarmed that construction of the Old Windsor Road to Castle Hill section of the Blacktown to Castle Hill transitway has been delayed from 2006 to 2010. Buses will run on the existing road network between those dates. This will result in increased congestion on the road network, especially on the two-lane Showground Road between Carrington Road and Pennant Street, which can barely cope with existing traffic.

The Hills community desperately needs Showground Road to be widened to four lanes, even in the absence of the transitway. As the corridor already exists—no land acquisition is involved—the cost of doing so would be as low as \$2 million. When the buses run, for maximum efficiency they should run on their own separate transitway lanes. In the absence of a dedicated bus transitway, travel speeds along the proposed transitway are unlikely to be any better than the 22 kilometres per hour buses average along the Liverpool to Parramatta transitway. According to the *Daily Telegraph* it takes 82 minutes to travel from Liverpool to Parramatta along the transitway, compared with 25 minutes by train. For public transport to be well patronised, it must offer real tangible benefits over private motor vehicles—an issue identified by Lord Rogers in his 1999 report to the British Government entitled "Towards an Urban Renaissance". Adding 57 minutes to one's travel time does not qualify as a real tangible benefit.

Commuter parking is a real issue. It was not provided at the Oakes Road bus station on the M2 city express bus service, which has proved to be a real inhibitor to passenger growth. According to the environmental impact statement [EIS] for the transitways, it will be provided at only four stations out of 40 on these two transitways, only two of which—Burns Road and Merriville—are in Baulkham Hills shire. Members of the Castle Hill and Hills District Agricultural Society are concerned that The Hills Centre car park, which is filled with horse floats and tow vehicles during the annual Castle Hill show, will be used for commuter parking and will further encroach on the showground. This will not prove to be a problem unless significant numbers of people elect to use the Blacktown transitway. Based on the EIS, that seems extremely unlikely. Indeed, the EIS figures suggest that the Blacktown transitway will be a white elephant.

According to the EIS, only 95 people, or 7 per cent, of the Blacktown work force live in the Baulkham Hills shire—the whole shire, not only the suburb of Castle Hill. Twice as many people travel from Penrith to Blacktown every day, and no transitway is proposed between those two centres. Even if 50 per cent of the people from Baulkham Hills used the transitway to get to work, we are talking about only 460 people or nine busloads. Realistically, we would be lucky if 20 per cent used the buses. Therefore we are talking about 185 people commuting by transitway between Castle Hill and Blacktown each day, which scarcely justifies the expenditure of more than \$250 million. Baulkham Hills Shire Council officers, in their report to council, point out that it is unknown whether the transitway system will change residents' travel patterns, adding that it will depend on the frequency, affordability and reliability of the service, and the person's destination.

I strongly support the provision of improved public transport for my electorate. It is something we desperately need in one of the fastest-growing parts of New South Wales. As honourable members would be aware, my electorate has the highest population in the State. The Mungerie Park to Parramatta transitway, in particular, will serve a useful purpose. Its usefulness would be greatly enhanced if the transitway were connected to the M2 instead of crossing its extension at Abbott Road by a flyover. A direct connection would allow Kellyville residents to get into the central business district from Kellyville in as little as 40 minutes, even in peak hour, particularly if the Government were to agree to my proposal to convert the breakdown lanes between Epping Road and Beecroft Road on the M2 to peak hour bus-only lanes.

The jury is still out on the value of the Blacktown to Castle Hill transitway. The money might be better used to fast-track the proposed railway line from Epping to Castle Hill and Mungerie Park. I have written to the new Minister for Transport Services asking for more accurate patronage figures. I ask him to respond to my letter and to the other issues I have raised—that is, parking, road widening and the proposed route of the Blacktown to Castle Hill transitway. It goes through a greenfield area, not the north-western business district and I have serious concerns about its viability. The money might be better spent fast-tracking the railway line, which would be welcomed by my constituents.

#### **ST JOSEPH'S RIVERWOOD SPORTS CLUB THIRTY-FIFTH ANNIVERSARY**

**Mr GREENE** (Georges River) [5.12 p.m.]: On 29 March I attended the thirty-fifth anniversary of the St Joseph's Riverwood Sports Club. I declare my interest as a co-patron of the organisation; in fact, my six children have all played sport with the club. It was a pleasure to attend the celebrations at the Peakhurst Bowling Club. It was also pleasing to be welcomed by the club president, Gary McSweeney, who started his junior sporting career with the club. I am sure that he is proud of the fact that his mother and father, Brian and Cathy, travelled from Mollismook to share in the occasion. They have been heavily involved in the club almost from year one. The club secretary, Deb Cummins, also started her junior sporting career at the club. She has been secretary for more than 10 years and does a magnificent job. These days the club is involved in rugby league, cricket, T-ball and basketball, and fields teams in those sports every weekend throughout the year. Deb has done an enormous amount of work to ensure the club's ongoing success and viability.

Many people have been involved in and have done a great deal of work for the club over its 35 years. It was great to see many of those people at the function, including Neil and Pat Finn, Peter and Helen Cozzi, Norm Keane, Terry Payne, Roley Rimer, John and Margaret Vaughan, Maureen Burgess, Chris and Bronwyn Bennett, Peter and Julie Winchester, Peter and Colleen Cassilles, and Tim and Robyn Martin. Many of them have had an ongoing involvement with the club for more than 20 years although their children have finished school. They were able to share in the great moments and friendships experienced through their children's involvement in the club. As parents we appreciate that a number of our long-term friendships commence when our children start school and those friendships quickly develop in the sporting arena.

St Joseph's Riverwood Sports Club has been a major part of the lives of hundred of families in the St George district. It was great for those people to get together and share their memories, and there are plenty of

them. Until seven or eight years ago, the club also organised swimming and athletics squads on behalf of the school. We remember the involvement of people such as Ron Heffernan, who sadly passed away a couple of years ago. He and his wife, Barbara, gave up their backyard pool for swimming training for many years. Graham Kelly, who now works for me, has also been the club's swimming chairman. I also remember John Puckeridge and Peter and Lorraine Maley. These names and memories of the deeds of their children and the parents' involvement were relived repeatedly on 29 March.

I am proud to be a co-patron of the club. My wife and I shared our first dance at a St Joseph's function many years ago—and look what that led to! The 29 March function brought back many happy memories. I was reminded of children who have grown to be outstanding sportsmen. James Turner, a first-grade cricketer with the St George District Cricket Club, comes to mind. Many talented sportsmen and women have emerged from those athletic endeavours. Most importantly, as I intimated, it is the friendships that people develop through these activities that we should reflect upon. That is what all sporting clubs and schools—of course, in this case I am referring to a school sporting club—engender in our local communities. They bring people together. I am sure those good people enjoyed the opportunity to get together and to share some great moments.

### COFFS HARBOUR BYPASS

**Mr FRASER** (Coffs Harbour) [5.17 p.m.]: I have raised this issue previously and I hope that if the Minister for Roads is still in his office he will come into the Chamber to listen to my contribution. I refer to the Coffs Harbour bypass. The idea was originally presented as an electoral stunt for a Federal Labor candidate and mayor of Coffs Harbour. It involved a broad-brush approach for a bypass route around Coffs Harbour and the northern suburbs. The process has dragged on and on, thousands of people have been affected and their properties have been devalued. A community consultative group meeting held last week was informed that the northern section of the route—for which \$280 million was allocated with work to commence in 2006—the coastal Ridgeway proposal, which was put forward by community members, and option A have been dismissed. Those options were probably the best plans for the long-term economic survival of the coastal area.

We have been left with options B1, B2 and D. Option D relates to the existing highway and would require the removal of dozens of homes in Sandy Beach and would divide Woolgoolga. Options B1 and B2 would divide some of the most valuable banana-producing land in the northern beach area of Coffs Harbour. It has been stated that an inner bypass is the preferred option for the Coffs Harbour city area. I questioned the Roads and Transport Authority [RTA] representatives at a public meeting during the election campaign and was informed that since the opening of the Chinderah deviation an extra 350 heavy vehicles pass through the Coffs Harbour area each day. Yet, this Government, the RTA, PlanningNSW and the Coffs Harbour City Council are accepting that as a fait accompli.

Coffs Harbour is arguably the largest regional city in New South Wales. It is a magnificent area with a beautiful hinterland and it is becoming ever more attractive to tourists. However, this Government is prepared to have thousands of heavy vehicles and tourist traffic pass through the town on a daily basis. As I said, not only does that downgrade the value of people's property, but it also drives people away from the area as a tourist destination. During the Anzac Day long weekend traffic was backed up from Arthur Street and through the city centre. The Minister for Fair Trading, and Minister Assisting the Minister for Commerce, who is at the table, and her friend Lance turned on the lights and opened the bridge on that street, so she understands the distance involved. I was caught in that traffic jam and it took me 20 minutes to get from the city centre to the other side of the plaza. That is totally unacceptable. The Government cannot contemplate bringing the road into the Arthur Street overpass area or to the northern side at the bottom of Cora Hill and expect that volume of traffic to pass through.

The construction of sound barriers along the northern end at Korora would be unseemly and unsightly. People have built houses in that area that are worth millions of dollars and the placement of concrete sound barriers is not the answer. I suggest that the answer lies in extension of the Orara Way so that it becomes part of the Summerland Way. Because the cost-benefit analysis and studies have now been shown to be severely flawed, I call on the Minister to have them done again. I believe that the extension of the Summerland Way or a similar proposal is a viable option. The data that was presented previously is flawed and the Government cannot use it to bring 350 heavy vehicles a day onto the road. That is the number of vehicles now. Who knows what the number will be in the future? The Government cannot justify the proposal that it intends to proceed with.

### TOMAREE EDUCATION CENTRE CROSSBOW SHOOTING

**Mr BARTLETT** (Port Stephens) [5.22 p.m.]: In 1963 I was a first-year student at the former Nelson Bay High School. In 1975 I returned to the school as a teacher-librarian, and 22 years later, in 1999, I was elected as the member for Port Stephens. I have had a close relationship with the Nelson Bay High School and



the Tomaree Education Centre for nearly 40 years. I am the chairman of the work placement committee, which puts year 11 and year 12 students into jobs as part of their Higher School Certificate [HSC] education. The event to which I wish to refer has never occurred previously, nor has anything like it, during my 40-year association with the school.

On Thursday 3 April two young female students were shot with a crossbow at Tomaree Education Centre. The bolt went through the back of one of the students and came out through her chest, and then penetrated the legs, pinning them together, of the student sitting next to her. It was a horrendous incident which occurred at approximately 8.15 a.m. By the time I arrived at 9.15 a.m. on that day of heavy rain in the local area, the fire brigade had set up tarpaulins over the crime scene, the staff had stabilised the girls, a rescue helicopter had evacuated the girls to the hospital, and 30 police officers were at the scene interviewing students and staff about the incident. The suspect had been taken to the Maitland police station, counselling was occurring for students and staff, and staff from Tomaree community health had handed out trauma pamphlets to staff and students. The staff and students were placed into the multipurpose centre, from where parents came to collect students, who were marked off by the staff for the day.

The school has 1,300 students. The response by the staff to what occurred at the school on that day was absolutely magnificent. The parents started arriving almost immediately as a result of mobile phone calls between students and parents describing what had happened. The response of staff and emergency services personnel was simply fantastic. The whole Tomaree community responded in a mature way. I cannot express enough admiration for the staff members and students, community members and all emergency service workers who were directly involved in the incident and in the aftermath. The question now is how a student gets a crossbow that can do that type of damage. Crossbows are made from wood or composite with bolts that can be propelled in excess of 95 metres a second. Crossbows are banned in New South Wales under the Weapons Prohibition Act 1998. Only people who have a genuine reason for possessing crossbows may have them. According to NSW Police, permits are issued only for archery participation with a club that belongs to the Archery Society of New South Wales.

Despite crossbows being illegal in New South Wales, they can be bought at stores in Queensland and South Australia without a licence for as little as \$250. I appealed to the Minister for Police to take action about this at a Federal level. I was delighted by the Minister's quick response to my call for action. At the next Australian Police Ministers Council meeting, the Minister will ask for a national ban on all crossbows, not just pistol or concealable crossbows. He will also ask for new Commonwealth laws to make it illegal, in the course of interstate trade, to buy or sell crossbows where the disposal or acquisition of the weapons is an offence under State and Territory law, and for new Commonwealth laws to make it illegal, in the course of interstate trade, to take or send a crossbow from one State or Territory to another with the intention that the crossbow will be disposed of illegally in that State or Territory. That horrendous incident was reported in all the newspapers. I congratulate the Minister on his quick response to my call. The Minister for Police said:

A uniform ban would mean less attempts to bring crossbows into Australia across the Customs barrier and less crossbows available to be sent illegally into NSW from other states.

All in all, 3 April was a horrendous day. I am sure honourable members on both sides of the House support the action that the Minister will take at the Australian Police Ministers Council meeting. I ask all honourable members for their support. They would never want to go through a day like 3 April.

### **KU-RING-GAI ELECTORATE SCHOOLS**

**Mr O'FARRELL** (Ku-ring-gai—Deputy Leader of the Opposition) [5.27 p.m.]: I too wish to discuss an education issue, but one that, happily, is more joyous than that referred to by the honourable member for Port Stephens. Ku-ring-gai is characterised by its fine schools, but I wish to pay a special tribute to local public schools. The quality of education in the Ku-ring-gai local government area is one of the reasons why people are attracted to living there. I am sure that all honourable members would agree that one of the best parts of the role of a local member of Parliament is visiting local schools and, essentially, seeing the future in young people with an enormous thirst for knowledge being taught well. One of the best parts of the role of attending annual presentation days at the end of the year is seeing the skills and achievements of students being highlighted. That also reflects credit on the quality of teaching they receive and each year serves to reassure me that the future of this country is secure and in safe hands.

At the outset I wish to acknowledge teachers generally and particularly pay tribute to two teachers who have been awarded Centenary Medals: Margaret Wick, the principal of the Pymble Public School, and Graeme

McMartin, the principal of the Turrumurra High School. They are both well-deserving recipients of the medals and I applaud the awarding of those medals to them. Our students and local schools are in good hands, given the quality of teachers such as Margaret and Graeme. I am pleased to say in this place at this time that their calibre is replicated in other principals in schools across my electorate. This year four of the public schools in my electorate celebrate significant achievements. Beaumont Road Public School in Killara celebrates its fiftieth anniversary. Kay Drummond is the school's principal, Helen Barrie is the president of the parents and citizens association and Rick Stern is the president of the school council. They all deserve to be congratulated. I attended the anniversary concert and was impressed by the quality of the students.

Turrumurra Public School celebrated its fiftieth anniversary as well. I attended its fete with my Federal counterpart, Brendan Nelson. We were both blown away by the quality of the music and the presentations. It was a terrific day. I pay a tribute to Philip Wills, Jean Fairfax and Gerry Stevens, who is a member of the school council. Jenny Sinclair is the principal of the Gordon East Public School and that school is also celebrating its fiftieth anniversary this year. I acknowledge Jock McCormack of the parents and citizens association and Jenny Lyons of the school council, and look forward to attending a parents and citizens association meeting at the school later this year. I come now to the more senior school that is celebrating its anniversary, and that is the Lindfield Public School.

I confess up front that I have a special association with the school because my children are being taught there. I acknowledge the tremendous job being done by the principal, Trish Gillett, by Philip Clay of the school council and by Andrew Clarke of the parents and citizens association. They form part of a well-based school community that has produced a fine school for the students of my electorate. The school is to hold a fete later this year, and I believe the Governor is to visit. I am trying to convince the Minister for Education and Training to reverse his earlier decision not to attend the event. As a new Minister it would be significant for him to visit such a fine public school on its centenary. On the weekend after next we will attend a ball at which Ian Sinclair, an old boy of the school, is to be a guest speaker.

I felt it was important to pay tribute to those four fine schools, particularly during the first days of this sitting, 123 years after the Public Instruction Act was put in place by this Parliament. I have long believed that our access to free compulsory secular education is one of the things that has helped to ensure the successful development of this State. Australia as a country has thrived as that Act has been replicated in other States, and that is one of the reasons why our future is so bright.

Given that shortly the State budget will be delivered, it is timely that I note that two schools in my electorate seek funding from the State budget for well-deserved redevelopments. The schools have been assisted to this point by the Department of Education and Training, and they are also supported by parents. Clearly, many schools across my electorate need funding for capital works projects. However, I hope to hear good news regarding capital works funding in the forthcoming budget for the redevelopment of Killara Public School and the final stage of the redevelopment of Wahroonga Public School. Again I pay tribute and place on record my appreciation to the teachers of those schools for their great work, and I acknowledge the achievements of the students. I also thank the parenting communities involved for their great work.

### **LAKE MACQUARIE CLEAN-UP PROGRAM**

**Mr HUNTER** (Lake Macquarie) [5.32 p.m.]: On 6 March, with the Mayor of Lake Macquarie City, Councillor John Kilpatrick, I had the honour to officially dedicate a newly constructed wetland on the Booragul foreshore which is part of the Lake Macquarie clean-up program. The new Booragul wetland and the adjacent foreshore stabilisation project has cost in excess of \$400,000. The project is stage one of a plan to improve water quality in nearby Cockle Bay. The Cockle Bay improvement project is budgeted to cost around \$2.1 million, with the second stage of the project, the stabilisation of the Speers Point foreshore, having recently been completed.

The State Government is contributing around \$10 million towards the Lake Macquarie clean-up program. We are making considerable progress with the clean-up of the lake. By constructing artificial wetlands, the impact of stormwater and sediment on the lake has been reduced and water quality has improved. This is because the wetlands act as a natural filter. In addition, foreshore areas such as at Booragul have been stabilised and extensive revegetation has taken place.

Other works to be undertaken during this financial year include the completion of the construction of a wetland on Bay Road at Bolton Point; a stormwater treatment device and vegetated swale drain to be

constructed at Macquarie Road, Fennell Bay, to cost in excess of \$100,000; a stormwater treatment device in Victory Parade, near Toronto Sailing Club, to cost in excess of \$70,000; a stormwater treatment device at Thorne Street, Toronto, which is part of the Fennell Bay-Edmunds Bay improvement project, to cost in excess of \$40,000; foreshore stabilisation works at La Petite Creek near Windermere Park, to cost in excess of \$40,000; and foreshore stabilisation and revegetation works on Toronto foreshore north of the sailing club, to cost in excess of \$30,000.

Later in the financial year it is planned to construct three stormwater treatment devices and vegetated swales at Clydebank Road in Balmoral, near Secret Bay, which will improve the water quality in that section of Lake Macquarie. On 12 March the *Lake Macquarie News* published an article on the new wetland on the Booragul foreshore under the headline "New wetlands open". The article also showed a photograph of the mayor and I officially unveiling a plaque dedicating the wetland. The article read in part:

Located on the foreshore in Edwards Park, the wetland covers an area of almost 3000sqm and will receive stormwater runoff from the surrounding catchment, runoff that previously discharged directly into Lake Macquarie.

The purpose-built wetland will service a catchment area of about 20ha and is designed to filter out coarse sediments, together with 70 per cent of suspended solids, as well as a high percentage of phosphorus and nitrogen from the stormwater runoff.

Planting of the wetland surrounds with native shrubs and grasses was completed with the assistance of Lake Macquarie High School and Booragul Public School also provided artwork in the form of totem sculptures.

I attended the official unveiling of the totem sculptures some weeks before the dedication of the wetland. I would like to congratulate and thank the staff and students of Booragul Public School and Lake Macquarie High School for their fine work and assistance. I also thank the staff of the Lake Macquarie Art Gallery for assisting those schools. The Lake Macquarie clean-up program has been a great team effort. As I said, the New South Wales Government has contributed \$10 million to the program. The ratepayers and Lake Macquarie council are also contributing to the program, and members of the community are working together to improve our local environment. I congratulate all those involved, and I look forward to more improvement works around Lake Macquarie.

### DEATH OF MR FRANCIS THOMAS MILLER

**Mr DEBNAM** (Vaucluse) [5.37 p.m.]: On Good Friday a good man died in Sydney. On 18 April Frank Miller suffered a heart attack which was unexpected, but I note it came 10 days after a Greenpeace stunt which caused considerable concern to Frank. Before I speak about Greenpeace and its illegal activities on 8 April, I wish to inform the House about Frank Miller. Francis Thomas Miller was "Frank" to his family and many friends. He was a constituent of mine, but unfortunately I had not had the privilege of meeting him. After hearing Alan Jones speak about Frank Miller on air yesterday, I made contact with Frank's employer and then I spoke with his wife, Irene, and his son Shayne. They told me of a much-admired husband and father.

Frank Miller was born in 1935 in Hong Kong to Irish parents. Frank's father was with the police in Hong Kong and was to die as a prisoner of war of the Japanese during World War II. In 1941 six-year-old Frank and his mother fled as refugees to the Philippines and in 1942 they made their way to Sydney. From 1942 Frank Miller grew up in Sydney and I understand he went to Waverley College. He did National Service and continued with the Army until 1962. He was promoted to captain and was a member of the First Commando Unit.

In 1962 Frank Miller began a second career in sales and marketing in South-east Asia. He later began his own business in import and export, and grew his business throughout South-east Asia. Frank Miller was not the sort of person to settle back in Sydney and retire when he came back to Sydney in the late 1990s, so he got his truck driver's licence and last June went back to TAFE to get a marine engine driver 3 qualification. He then set out to find a couple of jobs. A few months ago he began driving water taxis on Sydney Harbour.

Shayne and Elissa are Frank's son and daughter from his first marriage, and Patrick and Jack are sons from his marriage to Irene. I understand Shayne delivered a moving and very personal eulogy at Frank's funeral this week. Frank was also given a military send-off at his funeral. As his son Shayne told me today, Frank Miller was a self-made man. He did a lot of things in his life; he made money at times and he also lost it at times. He loved the ocean and sailing. He enjoyed South-east Asia, especially Hong Kong.

Shayne says his father was a true battler with very strong views and he stood up for what he believed in. Shayne said his father never boasted and never complained. But Frank Miller was upset with what happened on 8 April when Greenpeace activists attacked HMAS *Sydney* and refused to follow Frank's instructions while

on board his boat. On 8 April Frank was asked to take three people who he understood were Reuters News photographers to view the departure of HMAS *Sydney*. But he soon discovered that these people were from Greenpeace and they were going to cause him considerable grief and result in his being fined by the Waterways Authority. We will never know whether Greenpeace's illegal activities contributed to Frank Miller's heart attack, but, as his wife, Irene, told me:

Frank had strong views about the Greenpeace type of activists and their attacks on our community and Australia. He believed they threatened our security.

Frank Miller wrote to the Waterways Authority to take exception to receiving a fine and the recording of the infringement on his record. Irene said the fine really got up his nose and he was concerned to set the authorities right about his actions on the water. Frank Miller had tried to do the right thing but his passengers had firstly deceived him and his company about their identity and had then refused to obey the law while on board his boat. A few days before his death Frank Miller wrote to the Waterways Authority as follows:

On Tuesday 8th April at about 0830 hrs I was advised by my base to go to Rose Bay Public wharf to pick up a number of photographers. I was advised they were from Reuters News and wished to record the departing of HMAS Sydney.

I arrived at Rose Bay wharf on time and picked up three Photographers with their equipment. On the way from Rose Bay to Woolloomooloo Bay I was advised all three represented "Greenpeace" and were being employed to record, not the departure of the HMAS Sydney, but the protests they knew would occur.

I explained they could take photographs either through the windows or the open door on the starboard side of the vessel. One of them asked could he film from the roof of the vessel and I explained this could not be done nor could they film from anywhere outside the housing ...

Later when the protesters were able to secure one of their number on the starboard bow of the Sydney ... three photographers moved to positions outside the vessels housing. I repeatedly told them to come inside. Initially they ignored my instructions and only after I steered my vessel away from the Sydney, they responded.

I stopped the vessel and told them they were breaking the law and I could not allow them to film from the gunwales.

Frank noted a couple of other instances in which the photographers broke the law. The point I make is that Frank Miller was a good, responsible citizen; his passengers were not. I can understand Waterways initially citing Frank for the unlawful behaviour of his passengers, but in the circumstances of the day I think Waterways should have acknowledged that Greenpeace had broken the laws and Frank Miller was the meat in the sandwich, as were the Water Police who were injured as a result of the attack by Greenpeace. The three activists on Frank Miller's boat should have been the focus of attention for Waterways and the police. I understand that this afternoon Waterways dismissed the fine and infringement. However, I ask Greenpeace to identify the three activists who broke the law on Frank Miller's boat. I ask the activists and Greenpeace to apologise to the Miller family for their illegal activities on 8 April and for the concern they caused to Frank Miller.

### THE SPIT BRIDGE WIDENING

**Mr BARR** (Manly) [5.42 p.m.]: Recently the Roads and Traffic Authority [RTA] submitted to Manly and Mosman councils a Crown development application [DA] to widen The Spit Bridge by two lanes on the western side. Currently The Spit Bridge has four lanes, and the approaches each side comprise six lanes. The bridge is a point of constriction for the 70,000 vehicles that travel that length of roadway each day. Its widening will bring significant benefits. Currently, traffic in the contra peak-hour period—that is, in the afternoons—coming from Balgowlah heading south across the bridge is funnelled from nine lanes into one lane; that is, from the two sides of Sydney Road, from both Seaforth and Balgowlah, and from the Burnt Bridge Creek Deviation. Traffic is then funnelled towards The Spit Bridge.

In the afternoons only one lane is available for vehicles travelling south. The widening will bring immediate relief during that contra peak-hour flow, including relief for buses. The corridor from The Spit Bridge and along Military Road is a significant bus thoroughfare. In the morning peak, busses carry between 8,000 and 9,000 passengers per hour along Military Road; it is one of the busiest bus carriage routes in the country. An improvement is needed to that flow of traffic, and the widening of the bridge will be a significant improvement. The same can be said for the morning contra peak-hour for people driving north towards Manly. Only one lane is available for such traffic because three lanes on the bridge are dedicated for south-bound peak-hour traffic.

Most significantly the bridge widening will improve the south-bound morning peak-hour traffic flow, because the nine lanes from Sydney Road and the Burnt Bridge Creek Deviation funnel down to three lanes, one

of which is a bus lane. The proposed widening will allow an increase in the peak-hour flow from three lanes to four lanes. In addition, I have suggested to the RTA that that peak-hour flow be carried as far as Spit Junction. If that were provided, there would be a significant improvement, a 50 per cent increase, in car lanes during the morning peak hour. I am delighted with this DA, it is a proposal I put to the Government about a year ago. Some people are still playing petty politics with this proposal, and there have been many mischievous suggestions about it.

The Liberal Party election campaign brochure stated that the Norfolk Island pines along The Spit would be cut down if this proposal were approved. Totally and absolutely untrue! Not one tree will be lost; they will not be affected. The proposal is to widen the four-lane section of the bridge over the water; the trees are located along the six-lane section on the approaches to the bridge. Another mischievous suggestion is that there would be no access to Battle Boulevard. Once again, totally and completely untrue. This proposal will bring a very significant benefit with very little impact. The proposal will be of benefit to bus and motor vehicle users and it should be warmly accepted by both councils. Unfortunately, I do not believe that that will happen.

I do not pretend that this proposal is a panacea for all northern beaches traffic problems, but this is the first time in almost 50 years that anything of such significance has been done. We need to look at improving the transport corridor problems on the northern beaches, and the bridge widening will be a key element in achieving that improvement. The people living on the Mosman side—and possibly some councils—may not be happy with the proposal, but the reality is that a major arterial road traverses the area and that situation will not change. We need to find ways of improving the traffic flow from the northern beaches area and getting traffic off Warringah Road with better connection to the Gore Hill Freeway and onto the M2, rather than continuing to accept this fetish that many people have of funnelling all the traffic through Manly. I welcome the proposal and urge both councils to embrace it.

**Private members' statements noted.**

**The House adjourned at 5.47 p.m. until  
Tuesday 6 May 2003 at 2.15 p.m.**

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