

# LEGISLATIVE ASSEMBLY

Tuesday 2 September 2003

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**Mr Speaker (The Hon. John Joseph Aquilina)** took the chair at 2.15 p.m.

**Mr Speaker** offered the Prayer.

## DEATH OF MRS ANNE MICHELLE AQUILINA

**Mr SPEAKER:** Members would recall that my wife, Anne, passed away from the effects of cancer shortly before the end of the last sitting of Parliament. I would like to extend my sincere thanks and the thanks of my children, Bede, Jeremy and Bridget, to all members and staff for your prayers and the overwhelming expressions of sympathy you conveyed. They have been a great comfort to the family.

## ASSENT TO BILLS

Assent to the following bills reported:

Human Tissue and Anatomy Legislation Amendment Bill  
 Lotteries and Art Unions Amendment Bill  
 Human Cloning and Other Prohibited Practices Bill  
 Research Involving Human Embryos (New South Wales) Bill  
 Bail Amendment Bill  
 Local Government Amendment (Elections) Bill  
 National Park Estate (Reservations) Bill  
 Crimes Legislation Amendment (Parole) Bill  
 Commission for Children and Young People Amendment (Child Death Review Team) Bill  
 Crimes Legislation Amendment Bill  
 Police Powers (Drug Detection in Border Areas Trial) Bill  
 Workers Compensation Legislation Amendment Bill  
 Local Government Amendment (Employment Protection) Bill  
 Appropriation Bill  
 Appropriation (Parliament) Bill  
 Appropriation (Special Offices) Bill  
 State Revenue Legislation Amendment Bill  
 Fair Trading Amendment Bill  
 Firearms Amendment (Prohibited Pistols) Bill  
 National Parks and Wildlife Amendment (Telecommunications Facilities) Bill  
 Occupational Health and Safety Amendment (Dangerous Goods) Bill  
 Explosives Bill  
 Statute Law (Miscellaneous Provisions) Bill  
 Valuation of Land Amendment (Valuer-General) Bill

## BILLS RETURNED

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

Appropriation Bill  
 Appropriation (Parliament) Bill  
 Appropriation (Special Offices) Bill  
 State Revenue Legislation Amendment Bill  
 Valuation of Land Amendment (Valuer-General) Bill

## ALCOHOL SUMMIT

**Mr SPEAKER:** I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that having considered the Assembly's Message, dated 26 June 2003, regarding the Summit on Alcohol Abuse, it has this day agreed to the following resolution:

- (1) That this House, recognising the problem of the abuse of alcohol in the community and its impact on society, agrees to hold a Summit on Alcohol Abuse, at Parliament House, involving members of both Houses of Parliament and invited community representatives, in order to:
- Create a better understanding by members of Parliament and the community of the causes, nature and extent of the problem of alcohol abuse.
  - Better inform members of Parliament and the community through a forum bringing together a range of alcohol experts, public health experts, law enforcement, industry and community representatives who reflect the spectrum of views on alcohol.
  - Examine existing approaches to the problems arising from alcohol abuse and consider new ideas and new options in a bipartisan forum.
  - Consider evidence regarding those strategies that work and those that do not, and in particular, to consider:
    - The effectiveness of existing NSW laws, policies, programs and services.
    - The cost to the community of alcohol related harm.
    - The impact on human services and their effectiveness in responding to problems and needs.
    - The effectiveness of current resource allocations in targeting the problem of alcohol abuse.
    - The role of Commonwealth Government agencies, programs and strategies.
  - Implement specific strategies to ensure the views of women, young people, Aboriginal people, rural and regional communities and people from culturally and linguistically diverse communities are fully represented at the Summit.
  - Identify ways to improve existing strategies, programs and services.
  - Build political and community consensus about future policy directions which target alcohol abuse and deal with its impact.
  - Recommend a future course of action so that the best and most cost effective strategies, policies and programs, both long and short term, are available to address and impact on the problem of alcohol abuse.
- (2) That the services of the Parliament of New South Wales be provided for the hosting of the Summit on Alcohol Abuse from Tuesday 26 August 2003 to Friday 29 August 2003, with Plenary Sessions in the Legislative Council Chamber and Working Groups convening in the various meeting rooms.
- (3) That the Summit be chaired by Mrs Kerry Chikarovski and the Honourable Neal Blewett.
- (4) That members of both Houses attend as Parliamentary Delegates and fully participate in all proceedings in accordance with the proposed Summit rules to be agreed on by the Summit.
- (5) That the non-Parliamentary Delegates and Associate Delegates, as invited by the Premier, be admitted to participate in Plenary Sessions and Working Group meetings in accordance with the Summit rules to be agreed on by the Summit.
- (6) That this House request the Summit to provide a communiqué outlining an agreed framework and directions for the Government to consider.

Legislative Council  
3 July 2003

MEREDITH BURGMANN  
President

## LEGISLATION REVIEW COMMITTEE

### Membership

**Mr SPEAKER:** I report the receipt of the following message from the Legislative Council:

Mr SPEAKER,

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

That Mr Obeid be discharged from the Legislation Review Committee and that Mr Primrose be appointed as a member of the committee.

Legislative Council  
3 July 2003

AMANDA FAZIO  
Deputy-President

## **DEATH OF MR JAMES CHRISTIAN LANG, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY**

**Mr SPEAKER:** I inform the House of the death on 14 December 2002 of James Christian Lang, a former member of the Legislative Assembly who represented the electorate of Auburn from 9 November 1946 until 22 May 1950. On behalf of the House I have extended to his family the deep sympathy of members of the Legislative Assembly in the loss sustained.

## **BUDGET ESTIMATES AND RELATED PAPERS**

### **Financial Year 2003-04**

**Mr Knowles** tabled Budget Estimates 2003-04, Budget Paper No. 3 Volume 3.

## **INDEPENDENT COMMISSION AGAINST CORRUPTION**

### **Reports**

**Mr Speaker** announced the receipt, pursuant to section 78 (2) of the Independent Commission Against Corruption Act 1988, of the following reports:

Report on an Investigation into the Conduct of the Hon. Malcolm Jones MLC, dated July 2003

Report on Investigation into the Conduct of Certain Officers of the New South Wales Grains Board, dated August 2003

**Ordered to be printed.**

## **PARLIAMENTARY ETHICS ADVISER**

### **Report**

**Mr Speaker** tabled the report of the Parliamentary Ethics Adviser for the period 1 December 2001 to 30 November 2002.

## **WARRINGAH COUNCIL PUBLIC INQUIRY**

### **Report**

**The Clerk** announced the receipt, pursuant to the Royal Commissions Act 1923, of the report of the public inquiry pursuant to section 740 of the Local Government Act 1993 into aspects of Warringah Council by Emeritus Professor Maurice Daly, Volumes 1 and 2, dated July 2003.

## **AUDIT OFFICE**

### **Reports**

**The Clerk** announced, pursuant to the Public Finance and Audit Act 1983, the receipt of the following Performance Audit Reports:

Sydney Water Corporation—Northside Storage Tunnel Project, dated July 2003

Freedom of Information—Ministry of Transport, Premier's Department, Department of Education and Training, dated August 2003

## **PETITIONS**

### **Autism Spectrum Disorder**

Petition requesting additional support for children affected by Autism Spectrum Disorder in all educational settings in New South Wales government schools, received from **Mr Maguire**.

### **Gaming Machine Tax**

Petitions opposing the decision to increase poker machine tax, received from **Mr Pringle**, **Ms Saliba**, **Mr Souris** and **Mr Tink**.

**Redox Chemicals Pty Ltd Relocation**

Petition opposing the relocation of Redox Chemicals Pty Ltd to Minto and storage of flammable and toxic chemicals within close proximity to residential homes and the local school, received from **Mr West**.

**Redox Chemicals Pty Ltd Chemical Plant Proposal**

Petition opposing the proposal by Redox Chemicals Pty Ltd for a chemical storage and distribution plant at Minto, received from **Mr West**.

**The Spit Bridge Traffic Arrangements**

Petition opposing the proposal to add a two-lane drawbridge next to the Spit Bridge, and calling for a responsible and holistic solution to the transport, traffic, and freight needs of the area, received from **Mrs Skinner**.

**Woodstock Police Station**

Petition requesting that Woodstock Police Station be given a permanent operating classification, received from **Mr R. W. Turner**.

**Wagga Wagga Electorate Fruit Fly Control**

Petition requesting funding for fruit fly control/eradication in Wagga Wagga, Lockhart, Holbrook and Tumbarumba, received from **Mr Maguire**.

**QUESTIONS WITHOUT NOTICE**

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**GAMING MACHINE TAX**

**Mr BROGDEN:** My question without notice is addressed to the Premier. Why did he vote against a motion from the member for Strathfield to review the club tax, which will have enormous ramifications on the services provided by clubs to the people of New South Wales?

**Mr CARR:** For this reason: On Friday in Canberra the Howard Government made a decision that has an impact on the budget—

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

**Mr CARR:** —of every hospital in this State and, indeed, every hospital in Australia.

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

**Mr CARR:** The new Commonwealth agreement leaves us \$278 million short of where we would be if the current agreement was simply rolled over. If the current five-year agreement on health were continued, we would be \$278 million better off than we will be. That impact on the State budget translates—

**Mr SPEAKER:** Order! The Leader of the Opposition has asked a question. He will extend to the Premier the courtesy of listening to him in silence.

**Mr CARR:** That reduction translates into 93,000 fewer admissions to public hospitals over the next five years. It translates into the capacity to employ 4,500 fewer full-time nurses. It translates into an increase in the New South Wales waiting list of some 9,200 people a year. The agreement does not even begin to address the projected growth in the cost of providing health care for an ageing population with complex illnesses. Every cent of the increase in poker machine taxes goes, as directed, straight into super growth funding for the health budget.

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

**Mr CARR:** The additional revenue to be dedicated to health spending is \$45 million in 2004-05, \$98 million in 2005-06, \$155 million in 2006-07 and \$216 million in 2007-08. That super growth funding is all the more urgently required because of what Prime Minister Howard forced on the States last Friday.

**Mr SPEAKER:** Order! The House has just returned from a long break. Some members obviously wish to leave it again quickly. The fact that the House has been sitting again for only a short period is no excuse for the disruptive behaviour of some members. If those members continue to behave in the way they have been behaving, they will not be in the House for the end of question time. Honourable members will remain quiet. If any member who has been called to order again attracts the attention of the Chair that member will be placed on three calls to order. This Chamber should be treated with respect. When a question is asked of the Premier or of a Minister, members should have the courtesy to listen quietly to the answer.

**Mr CARR:** All the new revenue from poker machine taxation goes to health. It goes to the doctors, the nurses and the ambulance employees, who make this health system work. That is where it goes, every cent of it, in super growth funding. If the Coalition says it would reduce the tax, it is saying it would spend less on health: It would spend less on doctors, nurses, hospital employees and the patients of New South Wales.

### **P-PLATE DRIVERS BLOOD ALCOHOL CONCENTRATION**

**Mr McLEAY:** My question without notice is addressed to the Premier. What is the Government's response to recommendations to consider a zero blood alcohol content for learners and P-plate drivers, and related matters?

**Mr CARR:** By the time the Alcohol Summit officially ended last Friday it had already achieved one of its goals. Alcohol abuse was on the agenda and a thoughtful public debate over its implications was under way. I acknowledge the contributions of all members of Parliament, particularly those who held their own local summits.

**Mr SPEAKER:** Order! I call the honourable member of Gosford to order.

**Mr CARR:** I acknowledge the contribution of the alcohol industry and its willingness to be part of the solution. New South Wales is not alone in grappling with the problem. Among observers at the Summit were representatives from the United Kingdom Prime Minister's strategy unit. The Parliamentary Secretary to the Federal Minister for Health and Ageing, Trish Worth, attended, congratulating the State Government on its initiatives. The Cabinet committee on drugs has been reconstituted as the Cabinet committee on drugs and alcohol, correctly emphasising the place of this legal drug in the wide spectrum of drug use. Its task, which is overseen by the Special Minister of State, is to analyse the Summit communiqué and present a plan for Cabinet's consideration. The Government will release a response by the end of the year.

The Summit generated 318 resolutions. Each will be carefully analysed, but not all of the resolutions will be adopted. The Government has already decided, for example, not to accept one resolution. The Government will not support the proposal for a designated area for supervised under-age drinking. I share the view of delegates at the Summit that the case for such a proposal was not made out. I offer this assurance to parents: the concept of a supervised drinking area for teenagers is dead. Another initiative put forward is worthy of immediate adoption. In its submission to the Summit the NRMA suggested a zero blood alcohol limit for L-plate and P-plate drivers. That is a reduction from the current limit of 0.02. The proposal has been endorsed by the Minister for Roads, and the Government agrees. The new laws should be in place for the Christmas holidays.

A zero blood alcohol limit sends a zero tolerance message to young people: if you are planning to drive, you cannot drink. There is no confusion, no ambiguity, no excuses. Anyone who drinks and drives is at greater risk of a crash, but young people are especially vulnerable because they are more willing to take risks. Despite comprising only 6 per cent of licence holders, 17-year-old to 20-year-old drivers represent 78 per cent of all drink-drivers involved in fatal crashes. We have to reduce that figure. Alcohol abuse has been sidelined for too long. It is a significant Australian problem, and we are tackling it. We will examine the other resolutions from the Summit. We will follow through with concrete plans to reduce the impact of alcohol on health, lifestyle, community standards and national character.

### CIVIL LIABILITY LEGISLATION REFORM

**Mr STONER:** My question without notice is directed to the Premier. Why did he lie to the people of New South Wales yesterday when he said, in relation to the \$100,000 paid to former prisoner Craig Ballard for falling out of bed, "Our reforms—"

**Mr SPEAKER:** Order! The Chair finds the terminology of the question—"Why did he lie"—offensive. I ask the Leader of the National Party to rephrase his question.

*[Interruption]*

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

**Mr Hazzard:** Point of order: I was just repeating a direction from a Speaker's ruling—"lying his head off" as opposed to "lying". I have assisted the Leader of the National Party in having his question available immediately to help the House.

**Mr SPEAKER:** Order! The honourable member for Wakehurst is being deliberately offensive. I remind him that he is on three calls to order. The Leader of the National Party will rephrase his question.

**Mr STONER:** Why did the Premier mislead the people of New South Wales yesterday when he said, in relation to the \$100,000 paid to former prisoner Craig Ballard for falling out of bed, "Our reforms to public liability prevent this happening again," when his reforms only prevent criminals from claiming compensation if their injuries are sustained during the commission of an offence?

**Mr CARR:** Putting in place the Civil Liability Act meant that the claim would have been subject to these reforms. By the way, when we announced that our legislation on civil liability was going to be backdated to the time of the announcement, these characters, the Opposition, criticised that element of retrospectivity. They denounced it. The Leader of the National Party sparks up. He has made some profound political statements in the last month. In the face of the last election outcome he said:

We sold our policies as well as we could have but all that is changing.

He went on to say:

We still have a strong rural base but we are delivering a regional package.

What does that mean? The rural base is deserting you. There they are, the country Independents, they sit up there. Your rural base is deserting you. Against all the complaining by the Opposition, we passed the civil liability reform legislation, which I baptised the personal responsibility Act. Our advice is firm: If the claim had been subject to these reforms and was based on events that happened, as I recall, in 1999, it would have failed to meet the tightened requirements. Even if the action did succeed, the threshold for compensation was significantly lowered. The Opposition's only contribution to the reform process here was to try to whip up dissatisfaction with our passage of the greatest reform of tort law that New South Wales had seen in 70 years.

### CLASS SIZE REDUCTIONS

**Mr WHAN:** My question without notice is addressed to the Minister for Education and Training. What is the latest information on the Government's commitment to reduce class sizes in kindergarten, year 1 and year 2?

**Dr REFSHAUGE:** I thank the honourable member for Monaro for his ongoing interest in issues regarding education. The Government is pushing ahead with its election commitments in education, particularly the reduction of class sizes. We have initiated a \$329 million four-year plan to increase the number of teachers by almost 1,500 and capital funding of \$107 million to build and install additional classrooms. These initiatives will reduce class sizes to an average of 20 students in kindergarten, an average of 22 in year 1 and an average of 24 in year 2 by 2007. I have previously advised the House of the establishment of the Class Size Reduction Unit in the Department of Education and Training. This unit is planning the recruitment and employment of up to 1,500 teachers and the provision of extra classrooms.

We have also established a Class Size Advisory Committee, which includes representatives from the Primary Principals Association, the New South Wales Teachers Federation and the Federation of Parents and Citizens Associations of New South Wales. Our policy is being progressively implemented with the involvement of these key groups in the education system. We are well advanced with our plans to reduce kindergarten class sizes to a statewide average of 20 students in the 429 government schools identified as priorities.

Today I am pleased to inform the House of the first schools in the State to receive the new classrooms for the start of the 2004 school year. Four new classrooms will be provided at public schools at Auburn, Auburn West, Cabramatta, Canley Vale, Greenacre, Hampden Park and Lansvale. Two new classrooms will be provided at public schools at Bankstown, Cabramatta West, Canley Heights, Crawford, Dubbo West, Ettalong, Fairfield, Fairfield Heights, Fairvale, Granville East, Gwandalan, Harrington Street, Hebersham, Kurri Kurri, Lake Illawarra South, Laurieton, Moree, Northlakes, Nowra East, Pottsville Beach, Rosemeadow, The Entrance and Wiley Park. That totals 74 new classrooms for 30 schools across the State. These new classrooms represent the first stage of our capital program to achieve lower class sizes. They will give principals and teachers the flexibility they need to manage the year 2004 and subsequent enrolments. It will be the responsibility of each school to determine which class will be accommodated in which classroom.

Our new classrooms are state-of-the-art buildings. They are bigger, brighter and better than the classrooms of days gone by. They are designed to be environmentally friendly and include energy-efficient features, such as cross-ventilation through high-louvred windows and better use of natural light. Each building comprises two classrooms and has been developed so that it can be manufactured off-site and assembled on the school site within four weeks, compared to an average of six months for a standard classroom. Each building has a practical activities area, shared space and individual storerooms. The classrooms will be linked with each school's communication and data network. We are providing high-quality, environmentally sustainable facilities for our primary school students and their teachers, which can be built quickly and assembled at the school with minimal disruption. Tenders have been awarded for the construction of these new buildings, which will be ready to be used by our students on day one of term one next year. This major election commitment is being implemented in a staged way. I will make further announcements about our \$107 million capital program to reduce class sizes in the coming months. Our commitment to reduce class sizes is fully funded.

**Mr Brogden:** How?

**Dr REFSHAUGE:** By an increase in our budget. The honourable member for North Shore goes far and wide promising new schools wherever she appears. She has just racked up \$35 million worth of promises in about two weeks. I presume the shadow Treasurer has ticked off the \$35 million worth of promises.

**Mrs Skinner:** No.

**Dr REFSHAUGE:** The honourable member for North Shore says "No". The shadow Minister for Education and Training made these promises without them being ticked off by the shadow Treasurer. No wonder the Opposition is in disarray. Our class size reduction program is on target, will be delivered and is fully funded.

**Mrs Skinner:** Point of order: I refer the Minister for Education and Training to a document which shows that 1,172 jobs are to be abolished to pay for reduced classroom sizes.

**Dr REFSHAUGE:** To the point of order: Talk about letters—

**Mr Brogden:** You're finished.

**Dr REFSHAUGE:** I am speaking to the point of order.

**Mrs Skinner:** You have misled the House.

**Dr REFSHAUGE:** No, I have not.

**Mr Brogden:** You're finished.

**Dr REFSHAUGE:** You're finished, and she's finished.

**Mr SPEAKER:** Order! On a number of occasions I have asked the Leader of the Opposition to come to order. I have been very patient with his boyish attitude and his behaviour in the Chamber. His constant caterwauling does him no credit and shows no leadership so far as either side of the Chamber is concerned. While the Chamber welcomes a constructive Opposition and constructive contributions to the process of government, it does not welcome childish interjections, silly calling out or the manner in which the Leader of the Opposition has behaved today. The Leader of the Opposition is skating on thin ice. I remind honourable members that a number of them have been called to order. If those members again attract the attention of the Chair, they will find themselves out of the Chamber before the end of question time.

**Mr O'Farrell:** Point of order: The Opposition will never argue with your right, Mr Speaker, to vigorously uphold standing orders in this place. But the sort of performance that you just displayed, and which included personal invectives against the Leader of the Opposition, is simply unforgivable. That was an outrageous attack upon the Leader of the Opposition. You need to understand that you are no longer a Minister; you are the Speaker of this Chamber; you need to uphold standing orders. You do not need to use words such as "caterwauling" and "boyish" to denigrate the Leader of the Opposition.

**Mr SPEAKER:** Order! I place the Deputy Leader of the Opposition on three calls to order.

*[Interruption]*

**Mr SPEAKER:** Order! I ask the Serjeant-at-Arms to remove the Deputy Leader of the Opposition.

*[The honourable member for Ku-ring-gai left the Chamber, accompanied by the Deputy Serjeant-at-Arms.]*

**Mr SPEAKER:** Order! I call the honourable member for Gosford to order for the second time. The Minister for Education and Training has the call.

**Dr REFSHAUGE:** Our class reduction program will continue, it will be completed and it is fully funded.

**Mrs Skinner:** Point of order: Mr Speaker, you just gave a speech about behaviour in this House. I ask you to make a ruling on the Minister, who deliberately misleads this House. In my opinion, that does no credit to this Parliament.

**Mr SPEAKER:** Order! The honourable member for North Shore will resume her seat.

#### **DEPARTMENT OF COMMUNITY SERVICES AND PORT KEMBLA BROTHEL UNDER-AGE WORKERS**

**Ms SEATON:** My question without notice is directed to the Premier. How can he defend the Department of Community Services' [DOCS] failure to respond in 24 hours and physically sight the girls as is required for category one complaints after police told DOCS that two girls aged under 14 had been working in a Port Kembla brothel and its further neglect in taking 10 days to return a phone call from one of the girl's parents?

**Mr CARR:** I will answer the question about DOCS, but I will first inform the House about the police response to this case. I am advised that the police investigation into this matter is ongoing. I am also advised that Lake Illawarra detectives were investigating the matter prior to the story that appeared in the *Illawarra Mercury* on 29 August. I understand that, to date, several lines of inquiry have been pursued. The Deputy Commissioner, Operations has informed me that police attended the premises in response to a complaint on 20 August and conducted preliminary inquiries. Since then, four persons have been spoken to concerning the allegations. At this time police are still pursuing formal statements from potential witnesses. DOCS is working with police in relation to the welfare of the alleged underage girls and civilian analysts and forensic specialists are assisting with the case. Police are in the process of collecting evidence. Any further comment about their work on the case might jeopardise it, so I will refrain from providing more details about police involvement.

I am advised that DOCS referred the matter to a joint investigation response team on the same day a report was received at the help line. That was the appropriate response to a report of this nature, which clearly involves criminality. From that point, the priority of DOCS has been to co-operate with police and to ensure that nothing is done to compromise the criminal investigation. That might mean that DOCS is unable to provide the



level of feedback that a family might want to receive or that DOCS might want to give them. This is a difficult situation, but the priority must be to ensure the successful progress of criminal investigations. I am advised that DOCS has been in contact with both families and is endeavouring to arrange all appropriate support and assistance. As I mentioned earlier, I am advised that the police investigation is continuing.

### COMMONWEALTH STATE AND TERRITORY HEALTH AGREEMENT

**Ms D'AMORE:** I direct my question without notice to the Minister for Health. What is the Government's response to community concerns about the Commonwealth State and Territory health agreement and its impact on New South Wales health services?

**Mr IEMMA:** We signed the agreement, but we did so because we had to, not because we wanted to. The agreement that has been forced on the States means that for the next five years our public hospitals will suffer longer queues at emergency departments, more pressure and an increase in elective surgery waiting lists and times. At the heart of this five-year agreement is a formula concocted in Canberra based on the belief that our public hospitals are less busy. It was concocted in Canberra because John Howard and Peter Costello simply do not care; they do not want to fund public hospitals at the level required to keep pace. The next five years will see Canberra's contribution to public hospital funding increase by 3 per cent a year when John Howard and Peter Costello know—as does everyone else; and all the health experts have told them—that health costs are increasing by 8 per cent a year. Peter Costello and John Howard tell us that they have offered a very generous deal at 3 per cent. The only people in this country who believe that public hospitals are not under the pressure are the people in Canberra; of course, I am referring to Peter Costello and John Howard.

Yes, the Government signed the agreement. It did so because the gun was at the heads of the States. Not to have signed—notwithstanding that the agreement sees New South Wales lose \$278 million over five years—would have seen the State hit with penalties of \$1.1 billion. The old agreement was a better deal, but we could not fall back on it because Peter Costello and John Howard inserted penalties. Despite our three-month battle to get a better deal and the fact that what they forced us to sign on Sunday will see us lose \$278 million, not to have signed would have resulted in the New South Wales public hospital system losing \$1.1 billion. Peter Costello and John Howard think that the money used to fund our public hospitals is their personal property. That is why they inserted the penalties. The only people who will suffer are the patients who rely on public hospitals; that is, families who are increasingly turning to our public hospital system. Canberra controls bulk-billing and as it goes into free fall and more families turn to public hospitals greater pressure will be placed on them.

In those circumstances one would think that John Howard and Peter Costello's funding deal would include compensation. The forward estimates available in early April contained an additional \$918 million, but between April and the end of May that money disappeared. Where did it go? It reappeared when John Howard announced his supposed rescue package for Medicare. He took it out of our hospital budget to try to save bulk-billing. What was the doctors' reaction to the extra \$1 to \$3 offered to general practitioners to try to lift the bulk-billing rate? No wonder the Australian Medical Association, the Doctors Reform Society and every other medical association and organisation in this country has condemned him. John Howard and Peter Costello do not care. They will not pay doctors adequately so that they can maintain bulk-billing. Will there be compensation as the rate of bulk-billing decreases, co-payments are introduced, the basic cost of family health care increases and families turn more often to our emergency departments and public hospitals? No, the Commonwealth Government has removed that funding.

The State signed the agreement because it was forced to do so. Not only do John Howard and Peter Costello not care, but they have also inflicted on the States a recipe for an escalation in elective surgery, more pressure on our public hospitals and no relief for the overstretched doctors and nurses in the system. The formula they have used is flawed. It was blown out of the water at the end of May by the National Health and Medical Research Council, which did a survey of all hospitals in the country and found that attendances in public hospitals have increased by 2.5 per cent in the past 12 months. Yet did the Federal Health Minister amend the agreement to take into account the fact that a national survey has found that there has been more activity in public hospitals over the past 12 months? The findings of the survey are not surprising; everybody knows—that the people in the gallery would know just from any daily experience—that our hospitals are under more pressure.

But the only people who refuse to listen to their own national survey are the Commonwealth Government—Peter Costello and John Howard. The only people who believe that our public hospitals can get by with fewer resources are the people in Canberra. They do not care. They are not committed to improving the health care of the people of this country by supporting our public hospitals more. They have a flawed

ideological commitment. At the same time as reducing the funding for our public hospitals, they are allowing private health insurance premiums to increase by somewhere near the cost increase of health care. There is no control on private health insurance increasing premiums.

The Prime Minister does not want any reform to take place on private health insurance rebates. He wants no serious examination of where the \$2.5 billion goes that the private health insurance companies get. Even more so, one of the reasons why he did not want any reform to be discussed on Friday and any reform to be inserted in the agreement for the next five years is that he funds private hospitals on the basis of how many procedures they perform. There is a financial incentive to get people into hospital and operate on them if it is a private hospital. But what does the Prime Minister do with public hospitals? Does he give them an incentive? No. He actually punishes our health system and our public hospital system. If we look at innovative ways of treating people and keeping them out of public hospitals he reduces the funding under the formula. Running a health system that tries to keep people healthy and well and out of hospital loses money. A health system that is based on inefficiencies gets more money from Canberra.

That is why we were all talking about reform. That is why we were saying to the Prime Minister that in our public hospitals in New South Wales we provided outpatient services on 23 million occasions, and we actually lost money for it; under the State health agreement we lose money for it—we get punished. We get punished for engaging clinicians and using the best available techniques in medical treatment to treat people in an outpatients setting so they can get back to their families. John Howard and Peter Costello take money off us if we do that and, at the same time, they do not want an examination of the inefficiencies that apply to private hospitals and the private health insurance rebate.

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

**Mr IEMMA:** We signed because we had to—the gun was at our heads. But John Howard and Peter Costello have passed up an historic opportunity to reform our system. We need more resources for our public hospitals, more nurses, and who controls the number of nurses? Canberra. This year we had 6,500 applications from young men and women who wanted to become nurses and doctors through our universities, and the Commonwealth funded only 2,500. The Federal Minister says that to address the nursing shortage, over the next four years she will increase those places across the nation by 200, giving New South Wales an extra 50. How generous. It is the same situation with doctors. As Bill Glasson has made the point time and time again, there is a critical shortage of general practitioners. So not only is bulk-billing in free fall but fewer general practitioners means families turning to emergency departments.

Aged care is the other area of failed reform for the Commonwealth. There are between 700 and 800 senior citizens in public hospital beds who should be in nursing homes. The Commonwealth does not care about them. This health agreement does nothing to address that crisis, which is across the State. In the Hunter about 30 people are in acute care hospital beds who should be in nursing homes; at St George Hospital there are about 20; at Prince of Wales Hospital about 12; and on the Central Coast about 50. These are senior citizens who deserve better than what was dished up by John Howard and Peter Costello. There will be more unsustainable pressure over the next five years. John Howard and Peter Costello do not care and the only people who can make them care are the electors right around the country. We are going to take every opportunity to remind them of what they have inflicted on people right across the State in this health care agreement. We are going to work with the nurses and doctors on the front line in our public hospitals to try to do what we can to make up for the mess that Howard and Costello have inflicted on the States.

### **TAMWORTH EQUINE CENTRE**

**Mr DRAPER:** My question is to the Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business. Will the Minister advise what is the latest information regarding the State Government's public commitment to \$3.25 million in funding for the proposed National Equine Centre in Tamworth?

**Mr CAMPBELL:** This is a good question about regional development in a regional centre in the State. It comes from an Independent member of the House, someone who represents the country parts of the State very well indeed, and it is a pleasure to answer the question. The New South Wales Government strongly supports regional development statewide. We actively encourage regional centres to build on their strengths to become centres of innovation and expertise. That is why we have supported Tamworth's efforts to build its equine industry.

In December 2001 the Government publicly said that it would provide \$3.35 million towards a National Equine Centre in Tamworth. That offer was subject to a matching contribution from the Federal Government. This would have been a national project, benefiting the industry Australiawide. For that reason, it was vital that the Federal Government matched our funding commitment. Their side of the bargain to come up with matching funds never eventuated. That is typical of the Federal Government's neglect of regional New South Wales. Once again the Federal Government has ignored the New England and the north-west region of the State. In fact, the Deputy Prime Minister John Anderson washed his hands of the project last May. Ignoring industry's need for a development of this type, the National-Liberal Coalition decided not to provide any money at all.

The Carr Government supported the project from day one. In fact, it funded the initial feasibility study for the proposed Australian equine and livestock centre. We have worked with the Tamworth community, who are still keen to develop this proposal. But any development is subject to money being provided by the Commonwealth. The Federal Government has made it very clear that it will not part with a cent for an equine centre in Tamworth. It is a decision that also impacts on the horse industry statewide and nationally.

### COUNCIL OF AUSTRALIAN GOVERNMENTS WATER AGREEMENT

**Mr BLACK:** I direct my question without notice to the Minister for Infrastructure and Planning, and Minister for Natural Resources. What is the Government's response to the Council of Australian Governments [COAG] agreement on water?

**Mr KNOWLES:** I thank the honourable member for Murray-Darling for his question and I acknowledge his longstanding interest in water. Out west, of course, where there has been a little bit of rain recently, the COAG agreement on water last Friday was particularly important. It is fair to say that it was an agreement that has been welcomed by most of the key players in the debate right around the nation, which is in sharp contrast to health where the Prime Minister and the Commonwealth Government abrogated their responsibility to properly fund the health system. On Friday, we managed to get a collaborative approach that will see the first good step in water reform around this nation. As one example, Murray Irrigation described the agreement last Friday as an agreement that would bring new confidence for rural communities.

New South Wales Farmers identified it as a first and historic agreement, and as welcome recognition for farmers and the environment. In Gwydir, in John Anderson's electorate—where there are enormous problems with historic overallocations, going right back to the National Party priming the pump up there in the 1980s—the Gwydir Irrigators Association is describing the agreement as a decision that would give irrigators continued confidence to invest; whilst the Wentworth group welcomed the decision as providing real money for real water. That is \$500 million of real money that is now available to start to provide for healthy rivers and strong regional and rural economies. There are many of those sorts of testimonials, yet the Leader of the National Party still felt the need to issue a press release acknowledging the value of last Friday's deal. Now, in a search for relevance—

**Mr Stoner:** Thank goodness for John Anderson.

**Mr KNOWLES:** I join with the Leader of the National Party. In the context of the butcher and the block, thank God for John Anderson. He is much better than Kay Patterson, because he is a leader who is willing to take the bat to the Prime Minister and Peter Costello and collaboratively work with State government agencies and State governments to produce a \$500 million plan. In contrast, Kay Patterson, the Federal health Minister—who was made to look good by the former shadow Minister for Health in this place—could not deliver one zack and denies the reality of what is happening with national health in this country.

As my colleague the Minister for Health said, there are declining rates of bulk billing, continued overburdening of public health facilities, a decline in aged care services, and a collapse in private health insurance, but the Federal Government does not put one cent into health. I agree with the Leader of the National Party: Thank goodness for John Anderson, because he has had a lonely time in Canberra. I am very appreciative of his remarks in response to my efforts over recent times. There have been very strong levels of support for the efforts put in over recent months and the results we achieved within COAG last Friday.

The COAG agreement is an important first step that has been born out of the collaborative relationship that has been developed in this State between John Anderson and me over recent months. I also acknowledge the efforts of John Wade, my Victorian counterpart, in working together to sort out this national conundrum of

how to reconcile the need for healthy rivers, a sustained environment and sustained rural economies whilst at the same time underpinning the viability, productivity and growth potential of rural economies, wherever they might be. Over the next five years the Commonwealth will contribute \$200 million, New South Wales and Victoria \$115 million each, South Australia \$65 million, and the Australian Capital Territory \$5 million—a total of \$500 million.

Whilst the focus of COAG was on the Murray-Darling system, decisions on water access licences, water markets and water pricing, urban water issues and water for the environment, as well as opportunities for infrastructure development, all established a strong foundation for a consistent national plan for water for the first time in our nation's history. This is the first time that governments have signed off on a funded plan to move water issues ahead for a country. New South Wales and the Commonwealth, continuing to work together, will capitalise on Friday's result.

I have already discussed with John Anderson the potential opportunities that this new money provides. We will meet in the near future to discuss the details. For example, New South Wales will now move to align our plans with the COAG agreement to define water access licences in perpetuity. This will provide greater certainty and security for water users, especially when negotiating loans and other finance arrangements with the banking sector. Equally, we will readdress the roll-forward period for water licences to give greater certainty to the farming sector, whilst ensuring a progressive path towards increasing the health of our rivers. We will support nationally functioning water markets. We will not support water barons who lock up water licences in bank vaults in Zurich. Water must be used for productive purposes.

Equally, under the broad new COAG framework I believe there is real potential to explore a clear role for the States and the Commonwealth in how the \$500 million should be best used. For example, it may be appropriate for the States' contributions to be targeted towards infrastructure projects to avoid waste through evaporation and degradation of the environment through salinity. Done properly, such expenditure would boost the amount of water presently available for irrigators and the environment alike, and allow further localised investment in water management, savings and trading.

Equally, the Commonwealth, whose traditional role lies in industry and structural adjustment assistance, could focus its efforts on industry support, the establishment of water markets—particularly as they relate to a national water market; crossing State boundaries, where exchange rates will have to be established—and support for the areas of our nation in which the overallocation of water continues to be a problem. The Deputy Prime Minister's electorate of Gwydir is a classic example. I foreshadow to farming communities and the Commonwealth Government that if this could be an agreed position, it would be appropriate in this State to reconsider how we deal with active and inactive water licence holders. In other words, if funds from the Commonwealth could be targeted for the purpose, it may be appropriate to acquire inactive licences and underpin the productive capacity of those in our rural communities who have invested large sums in highly efficient water management systems.

In the context of last Friday's historic agreement, it is essential that efforts be focused on maintaining the economic viability of active and efficient water users who underpin regional economies and provide a capacity as a nation to invest in environmental rehabilitation and renewal. This is all about getting the balance right. We cannot have a productive agricultural sector without healthy rivers, and we cannot have healthy rivers without strong regional economies to generate the funds necessary to invest in them. The \$500 million and the decisions coming out of last Friday's COAG meeting give us a strong starting point to move forward, as does the proposal to appoint the Rt Hon. Ian Sinclair as the new President of the Murray-Darling Basin Commission. My hope is that Ian will accept the position. If he does, he will play a fundamental role in the success of our collective efforts over the next five years.

As I said at the outset, I extend my congratulations to John Anderson on the result he has produced within his Government. It must have been difficult trying to wangle money out of John Howard and Peter Costello. He has had that win, but we have achieved this win together, for the benefit of all our communities. As members opposite know, if you go to the bush you understand that people do not want politics, they want results—they want solutions. We achieved a \$500 million exclamation mark for water last Friday, yet there is absolutely zip from the Commonwealth Government for health. On the same agenda, Howard and Patterson will not even talk to the States and Territories about health. It demonstrates just how you succeed when you work together.

### LOCAL GOVERNMENT BOUNDARY CHANGES

**Mr FRASER:** My question without notice is directed to the Premier. What did the Premier mean when he said he was going to "crack the whip" on councils that did not make their submissions to the boundaries commission by 30 August? Will the Premier now dissolve those councils, as the Minister for Local Government proposes to do with Yarrawlumla?

**Mr CARR:** Why crack the whip when, without a whip being cracked, 150 councils have responded to our call for reform? The Leader of the National Party is clever: he has designed his little sticker. With the power of gentle suggestion 150 councils have come forward with their plans for boundary adjustment. We are very pleased with the number and quality of the responses. Many councils are suggesting boundary changes and some are suggesting voluntary amalgamations. Others have developed innovative ideas for improved services. The Opposition is clever: it has its little sticker. Its members sit around the table with their butcher's paper and crayons, tongues sticking out, doing their little workshop. They have a little shadow ministry workshop with butcher's paper. In comes the Whip and crayons are handed out around the table.

**Mr SPEAKER:** Order! Earlier in question time the Leader of the National Party passed around a number of stickers. I had hoped that, in keeping with the standards of the House, the stickers would not be used during question time or otherwise displayed in the Chamber. It is now obvious that this was a pre-determined stunt; it was childish and out of character. The honourable member for Coffs Harbour has asked a question relating to a matter of concern to the community. I expect him to listen to the Premier's response with the dignity the question deserves.

**Mr CARR:** It is sad when an Opposition is reduced to bringing little objects into the Chamber as a stunt. Nothing is more repellent to those of us who believe in parliamentary democracy.

**Mr J. H. Turner:** Point of order: During your absence at the last sitting the Acting-Speaker clearly acknowledged the right of people to hand out things when he allowed the Deputy Premier to wave around a T-shirt from a Forster or Taree radio station.

**Mr CARR:** The gallery will note the air of good-humour that pervades the Chamber—

**Mr Hazzard:** Point of order—

**Mr CARR:** —until this moment. You are knocking off Costa's clothes line.

**Mr Hazzard:** I have not, as yet, had my hair shaved, but I will take the advice of the Premier and do it for charity. The Premier created a precedent in this House, rather unfortunately, when he came into this Chamber last year with a little helmet on one occasion, and with newspapers on other occasions. You, sir, and your predecessors, have allowed the Premier on a number of occasions to bring in these sorts of items. Unless the rules are the same for both sides, one can expect the Opposition to play by the Government's rules.

**Mr SPEAKER:** Order! The honourable member for Wakehurst would be aware that I was not in the Chair last year. I have no recollection of such matters.

**Mr CARR:** The gallery will note the air of good-humoured exchange in this House. It is good that there are no great issues between the two sides in acknowledging that the Government is doing a sound job.

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

**Mr CARR:** In place of the antagonism and divisive exchanges that disfigure the atmosphere of other parliaments, everyone here is having a joke and making a point as they do so, creating an air of good humour. There are big smiles all round. I have been asked a question about local government boundaries. The answer is that 150 councils have responded—

**Mr Piccoli:** With a gun to their head.

**Mr CARR:** Not with a gun to their heads. What a silly thing to say. You ought to go to those workshops and play with those crayons. These self-respecting sovereign bodies are themselves coming forward to the Government with their own proposals, not nonsense drawn on butcher's paper with crayon but carefully

worked out proposals to adjust boundaries. In these circumstances, faced with a veritable avalanche of proposals for boundary adjustment, we are doing the only right and proper thing in giving them due consideration. That is what we do. The suggestion that it has all happened in response to some, what did he say, "cracking of the whip" is to be dispelled.

**Mr Fraser:** I didn't say that. You did.

**Mr CARR:** I would not have said such a thing. In the spirit of goodwill I suggest to the Opposition that when they get together around that table, spread out the butcher's paper and are issued with the green, brown and yellow crayons, they give us their ideas on boundary adjustment; and they, too, will be taken into account.

**Mr FRASER:** I ask a supplementary question. In light of the Premier's response that 150 councils have now made responses to the Boundaries Commission, will this mean a delay in the council elections of March next year?

**Mr CARR:** No.

**Questions without notice concluded.**

## **DOMAIN NAMES AUSTRALIA PTY LTD AND INTERNET REGISTRY PTY LTD BUSINESS PRACTICES**

### **Ministerial Statement**

**Ms MEAGHER** (Cabramatta—Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [3.27 p.m.]: Section 86A of the Fair Trading Act gives me the authority to issue a public statement warning about an unfair business practice so further damage to consumers is minimised while Fair Trading continues its investigations. I want to issue a warning to New South Wales business operators to be wary of any unsolicited approaches to register their Internet address with Domain Names Australia Pty Ltd or Internet Registry Pty Ltd. The warning also extends to approaches from Mr Chesley Rafferty, a director of both companies. Domain Names Australia has been targeting businesses across Australia, including thousands in New South Wales, with a letter seeking a registration fee of up to \$237 to register their domain name.

A domain name is the unique address that identifies a web site. Domain names in Australia are registered with DOT AU Domain Administration, a non-profit organisation that has assumed responsibility for that task. A domain name licence has to be renewed every year and, normally, a renewal notice is sent from the original supplier. The problem with Domain Names Australia Pty Ltd and Internet Registry Pty Ltd is that their letters are worded in such a way that they could easily mislead recipients into believing that the fee is to renew an existing domain name rather than to establish a new one. Business operators who sign up with these two companies end up with an extra domain name that may be of no additional value to their business.

After receiving complaints from across the State, the Office of Fair Trading contacted Mr Rafferty seeking to have his companies amend their letters to make it clear about exactly what they were offering. A legal representative for Mr Rafferty contacted Fair Trading to advise that they did not believe the letter was misleading. However, several days later he advised that they would consider amendments to it. Since then, Mr Rafferty has stopped responding to requests for information from Fair Trading and, based on a recent complaint, it appears that the companies have not made any effort to amend their misleading ways. Fair Trading is investigating the matter. I urge all business operators to be wary of unsolicited approaches to renew their domain name, particularly if they come from Chesley Rafferty or one of his companies. Businesses that have received an offer from Domain Names Australia or Internet Registry are encouraged to report it to Fair Trading by calling the hotline number, 13 32 20.

**Ms HODGKINSON** (Burrinjuck) [3.30 p.m.]: The Coalition joins with the Government in relation to the warning just given by the Minister under section 86A of the Fair Trading Act. As the Minister said, it is unconscionable that people such as Chesley Rafferty and companies such as Domain Names Australia Pty Ltd and Internet Registry Pty Ltd are taking the approach they have in poaching small businesses and vulnerable people in relation to the relatively new service of providing an Internet or web site domain name.

Web sites are an integral part of business today, and it is important that small businesses are aware of exactly how to register domain names. The Government has fallen down in providing advice to small

businesses, and this enables them to be misled by companies such as Domain Names Australia Pty Ltd and Internet Registry Pty Ltd and people such as Chesley Rafferty. The Minister for Fair Trading should be telling small businesses how to obtain an appropriate domain name and what are the appropriate processes for developing this important business tool. It is 2003 and the Internet, email facilities, and online services are important elements of business.

How many small businesses are simply not aware of the exact processes for registering their web sites and ensuring that their web sites are kept up-to-date on an annual basis? People like Chesley Rafferty are able to target businesses across Australia and particularly in New South Wales because this information is simply not available. Why? Because the Minister for Fair Trading is too lazy to let businesses know exactly what they should be doing to target this important clientele and new business. The Minister said that Mr Rafferty must amend his letters to make clear what he is actually offering businesses. A much more practical way for the Government to address such problems and ensure they do not arise again is to give small business operators proper instructions on exactly how to set up their domain names and web sites, and on what sort of fees and charges will apply.

## **UNIVERSITY OF WOLLONGONG BROADBAND INTERNET CONNECTION**

### **Ministerial Statement**

**Mr CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [3.33 p.m.]: I inform the House of a major communications upgrade for the University of Wollongong. The New South Wales and Federal governments have each pledged \$4.2 million to upgrade the broadband capacity of this award-winning educational institution, which is of critical importance to the ongoing growth and success of the Illawarra. This new funding means that \$8.4 million will be spent on a fibre-optic cable linking the university's main campus and its new innovation campus to Sydney. It means that the university will have dramatically improved broadband access with unrestricted future bandwidth growth.

This new high-speed Internet access has been described by the university's Vice-Chancellor, Professor Gerrard Sutton, as "one of the most major infrastructure achievements in the university's history". This new funding is a boon not only for students but for the university's researchers, who will be able to collaborate more easily with colleagues throughout the world. It follows the New South Wales Government's previous \$24.5 million commitment towards the innovation campus, a world-class technology park of the not too distant future. This extra funding is great news for the university, for Wollongong, and for the Illawarra. It will take the university into the future, giving its researchers and students excellent access to the best of new technology.

**Ms SEATON** (Southern Highlands) [3.34 p.m.]: I am sure we are all pleased to hear of the broadband upgrades at the University of Wollongong. The university is a major asset not only for the Illawarra but for the Southern Highlands, because a University of Wollongong campus located at Moss Vale is of great benefit to the people in my area. Joanna Gash, John Fahey and I worked very hard with Professor Gerrard Sutton to achieve that campus at Moss Vale. I am pleased to hear that the University of Wollongong will have improved broadband access to the Internet.

However, if the Minister is interested in regional development, I ask him to extend his interest to the lack of action on the roll-out of broadband access in schools, which is way behind schedule. Many schools in New South Wales, including the Oaks and Oakdale in my area, are still waiting for the promised broadband roll-out by this Government. I recommend that the Minister spend some time with the Wollongong Catholic diocese education office, which has put a lot of effort into the Canadian broadband model. I am sure it has a lot to tell us that the Government could adopt to ensure that all educational institutions—tertiary, primary and secondary—get that facility.

## **BUSINESS OF THE HOUSE**

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

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

That standing and sessional orders be suspended to provide for the introduction and progress through all stages at this sitting of the Criminal Procedure Amendment (Sexual Offence Evidence) Bill, notice of which was given this day for tomorrow.

**CRIMINAL PROCEDURE AMENDMENT (SEXUAL OFFENCE EVIDENCE) BILL****Bill introduced and read a first time.****Second Reading**

**Mr DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [3.37 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Criminal Procedure Amendment (Sexual Offence Evidence) Bill, which amends the Criminal Procedure Act 1986 to protect a claimant in sexual offence proceedings from being questioned directly by an unrepresented accused person. Sexual assault has a devastating effect on its victims. While sexual violence only occasionally results in physical injury, the emotional impact can be significant and long lasting. Sexual assault is also notoriously underreported. There are many social, cultural and personal reasons why victims of sexual assault do not report the crime to police. One factor may be the victim's expectations of how he or she will be treated by the criminal justice system. This bill is aimed at alleviating some of those fears.

On 27 March 2002 I referred the issue of unrepresented accused persons cross-examining complainants in sexual assault trials to the New South Wales Law Reform Commission. The Law Reform Commission published an issues paper on this topic in August 2002, inviting submissions from members of the public. The final report, titled "Questioning of complainants by unrepresented accused in sexual offence trials", was released in July, and I have tabled that report today. The report forms the basis of the Government's legislation. There is already legislation in New South Wales limiting the right of an accused person to cross-examine a child witness in certain proceedings. Pursuant to the Evidence (Children) Act 1997, unless the interests of justice demand otherwise, a child witness must be questioned by a person appointed by the court, rather than by an unrepresented accused, in any criminal proceedings or in a civil proceedings arising from the commission of a personal assault offence.

However, this Act applies only to evidence given by a child under the age of 16 years at the time the evidence is given. Complainants over the age of 16 years at the time the evidence is given are not protected. Although it is rare for a person accused of a sexual offence to be unrepresented at trial, the process of being questioned personally by the accused is extremely distressing for complainants, even if the questions are not offensive or otherwise objectionable. The DPP submission to the Law Reform Commission cites one example of an unrepresented accused cross-examining his daughter, the complainant, for approximately 10 days. A 1996 report by the New South Wales Bureau of Crime Statistics and Research found that the vast majority of complainants nominated seeing the accused as the worst feature of having to attend court. Being cross-examined by the accused is even more distressing and traumatic for a complainant, particularly if the questions being asked are of an intimate nature, which is invariably the case in sexual offence proceedings.

Minimising the trauma for complainants in sexual offence proceedings is not only a worthwhile pursuit in itself, but will undoubtedly promote the accuracy and coherency of the complainant's evidence. It is also hoped that the legislation will encourage complainants to report sexual offences to the authorities, with a view to ensuring that offenders are brought to justice. Under proposed subsection (2) of section 294A a complainant in sexual offence proceedings cannot be questioned by an unrepresented accused person but may be so questioned by a person appointed by the court. The court does not have a discretion to decline to appoint such a person. Under proposed subsections (3) and (4) of section 294A, the court-appointed intermediary is to ask the complainant only the questions that the accused asks to be put to the complainant, and must not give the accused any legal or other advice. The court-appointed intermediary need not be a legal practitioner. This is consistent with the provisions that apply to child witnesses under the Evidence (Children) Act 1997.

The role of the court-appointed intermediary is simply to repeat the questions sought to be put by the accused to the complainant. The intermediary is not to give the accused any legal or other advice. No specific benefit would therefore be achieved by requiring the intermediary to be a legal practitioner. The court-appointed person is required only for the questioning of the complainant by the accused, not for the entire proceedings. It is not desirable to inject a legal practitioner into a portion of proceedings and impose on that legal practitioner the professional duties and authority involved in a client-lawyer relationship. Legal practitioners may well be reluctant to become involved in proceedings that could make them vulnerable to complaints if the accused person alleges that the legal practitioner has failed to adequately cross-examine the complainant. The position



contained in the bill was supported by some notable submissions to the Law Reform Commission, including submissions from the Director of Public Prosecutions, the Department for Women and the Violence Against Women Specialist Unit. In its submission to the Law Reform Commission, the DPP noted:

It is not necessary that the third person be a legal practitioner. The appointed person should not have any influence on cross-examination. In addition, a friend or relative of the accused should not be enlisted as a third party, as there may have existed a domestic or known relationship between the victim or the vulnerable witness and the relative or friend and this may add to any intimidation or humiliation that the complainant may feel. Suggestions for a third party could include the judicial officer's assistant or associate, a court officer or a person employed by the Attorney General's Department.

I support that submission. In addition, the Northern Territory and Western Australian jurisdictions have similar provisions that do not require the court to appoint a legal practitioner. Even though the accused may ask a particular question to be put to a complainant, the court will allow the question to be put only if it is in admissible form and does not otherwise breach the provisions of the Evidence Act. For example, a judge should not allow a question to be put to a complainant if the question is unduly annoying, harassing, intimidating, offensive, oppressive or repetitive. These are qualities mentioned in section 41 of the Evidence Act. At this point I would like to make it clear to honourable members that the intermediary is appointed by the court and not by the accused person. The accused cannot insist on a particular person being appointed. It is up to the court to appoint a suitable person, and it is expected that in the normal course of events this will be a court officer or a judge's associate, although the provision deliberately allows some flexibility in this respect. Judges may even appoint themselves to ask the questions. I do not anticipate that the practical implementation of these provisions will be problematic.

I would expect that the accused would convey his or her questions to the court-appointed intermediary in much the same way that they would if, for example, an interpreter was being utilised. The intermediary may then, subject to any ruling on the admissibility of the question by the court, repeat that question to the complainant. A sexual offence is defined broadly in proposed subsection 294A (9) to include all sexual assault offences, sexual offences against children and sexual servitude offences. This is to ensure that all complainants in sexual offence proceedings are afforded the protection provided in the legislation. It will apply to hearings before magistrates, committal proceedings, judge alone and jury trials. Proposed subsection 294A (5) makes it clear that the prohibition applies to child witnesses who are complainants in sexual offence proceedings, despite the provisions of the Evidence (Children) Act 1997.

This bill goes further than that Act in that the bill does not give the court a discretion to decline to appoint an intermediary. By contrast, the Evidence (Children) Act 1997 gives the court a discretion to appoint an intermediary but that Act applies to a broad range of child witnesses, not just complainants, in all criminal proceedings and in certain civil proceedings. To demonstrate the inter-relationship between the bill and the Evidence (Children) Act 1997, if a complainant is giving evidence in sexual offence proceedings, whether an adult or a child, the complainant will be covered by proposed section 294A. If a child witness under the age of 16 years is giving evidence other than as the complainant in a sexual offence proceeding—for example, the child is the alleged victim of a non-sexual offence—the provisions of the Evidence (Children) Act 1997 will apply.

All honourable members are aware that the introduction of this bill has been expedited to ensure its timely commencement. Therefore, it is not possible to put the bill before the Legislation Review Committee. The bill is to commence on assent. It should be noted that this bill does not seek to remove the accused person's right to represent themselves, nor does it seek to remove the accused person's right that the complainant be cross-examined. It simply prohibits the accused from conducting such cross-examination in person, providing what the Victorian Law Reform Commission has described as a "protective filter between the accused and the complainant". The possibility of prejudice to the accused is reduced by providing that the court is required to warn the members of the jury that they must not draw any adverse inference or give the evidence any greater or lesser weight based on the appointment of an intermediary. This requirement is found in proposed subsection 294A (7).

It was not considered necessary to implement the recommendation made by the Law Reform Commission that the court warn an unrepresented accused about the rule in *Browne v Dunn*. This direction—that is, the provision contained in the so-called rule in *Browne v Dunn*—is already adequately covered in the bench books maintained by the Judicial Commission of New South Wales. This warning is one of general application, to be given to an unrepresented accused person in any trial, not limited to sexual offence proceedings. Therefore, it is unnecessary to introduce a specific requirement for sexual offence proceedings. The Law Reform Commission's recommendation regarding alternative arrangements is presently being explored

by my department, with a view to the Government introducing legislation during this session of Parliament. This bill achieves the necessary balance of reducing the trauma experienced by complainants in sexual offence proceedings without denying the accused a fair trial. I commend the bill to the House.

**Mr TINK** (Epping) [3.48 p.m.]: The Opposition does not oppose this bill. Indeed, we consented to it being brought on urgently. However, I want to refer to a number of things, both in relation to the background and the substance of the bill. This is a very important bill. It affects the rights of defendants across the State into the future and it is of general application. It has been introduced with great speed. The reason for that, and it is a matter of public record, is that the legislation has been brought into force to be applied in a trial that commence in approximately two weeks. I am disappointed about the timing of this bill in the sense that when the Leader of the Opposition and I became aware of the procedural issue in this case, we pleaded with the Attorney General to recall Parliament and introduce this bill at a time far more distant from the trial.

I note in passing that the Labor Party, particularly in the lead-up to the 1995 election, was shrill in its demands that Parliament be recalled, even after it had prorogued, to deal with Mr Fred Many. When one considers the antecedents involved in this case, it is disappointing that Parliament was not recalled during the recent vacation to deal with this bill much earlier than today. Only a few members—basically a quorum plus a presiding officer in both Houses; a combined total of fewer than 30 members—would have been required to pass this legislation. I want to read onto the record comments by the Attorney General at the time the Leader of the Opposition and I raised this matter. I refer to an AAP report dated 15 July. The Attorney General said:

I expect it to be in place before the present case that has created controversy actually commences.

It's not necessary ... to call the parliament early.

I refer to an ABC report of the same date, where I said:

If we wait until Parliament comes back in the ordinary course these changes will not become law until September.

The Attorney General said that is soon enough and added:

It's not necessary in respect of the particular case that's been raised today to call the parliament early.

I repeat that the Government missed the opportunity to deal with this matter at the appropriate time. One wonders why the Government did not introduce the bill earlier. The Government said that it would await the outcome of the Law Reform Commission report. In an AAP report dated 17 July, a spokesman for the Attorney General said:

On face value, the recommendations made by the commission are practical and in line with the government's objective of preventing the accused from cross-examining sexual assault victims.

I note that the Attorney General said in his second reading speech today that the Law Reform Commission report is the basis of key parts of the bill. It is not. The only thing that the bill has in common with the Law Reform Commission report is that it agrees the law should be changed to prevent people accused of, for example, rape from cross-examining the alleged victim. That is the only thing this bill has in common with the Law Reform Commission recommendations. I will go through the recommendations and demonstrate that this bill has nothing to do with the Law Reform Commission recommendations. The only recommendation that can be ticked off with any certainty as being in concurrence with the bill is recommendation 1, which states:

An unrepresented accused should be prohibited from personally cross-examining a complainant in a sexual offence proceeding.

I am sure that not one member of this House, certainly not one member of the Opposition, would disagree with recommendation 1. Recommendation 2 is a consequential amendment defining "sexual offences". Then it gets interesting. Recommendation 3 states:

Notwithstanding section 28 of the Evidence (Children) Act 1997 (NSW), the recommendations in this Report should be applied in all sexual offence proceedings involving children.

The Government has done the reverse. Not only has it ignored recommendation 3, it has used the Evidence (Children) Act as the precedent for the Act before the Parliament. That is precisely the opposite of the Law Reform Commission's recommendation. The Law Reform Commission wanted its principal recommendation, which I am about to come to, on the books. Then it wanted children in sexual offence proceedings to have the

protection of its recommendations. The Government has gone completely in the opposite direction. Not only has it ignored recommendation 3, it has framed the bill in the terms of the Act. The Law Reform Commission wanted its recommendations followed, notwithstanding the provisions of the Act. Recommendation 3 is a strike out for the Government. Recommendation 4 states:

A legal practitioner must cross-examine the complainant in sexual offence proceedings where the accused is unrepresented.

Strike that out. The Government has not complied with recommendation 4 in this bill. Recommendation 5 states:

The accused must be advised, at the earliest possible time after arrest and no later than the commencement of proceedings, that legal representation is necessary in sexual offence proceedings if he or she wishes the complainant to be cross-examined. The accused must be invited to make arrangements for representation and be given the opportunity to do so.

Strike that out as another recommendation not followed by the Government. Recommendation 6 states:

Where the accused is unwilling to make arrangements for representation because legal aid is unavailable in the circumstances, the court must direct the Legal Aid Commission to provide the accused with legal assistance for the purpose of cross-examining the complainant only.

Strike that one out too as another Law Reform Commission recommendation not followed in this bill. Recommendation 7 states:

The court-appointed legal representative has the same obligations and authority as if he or she were engaged by the accused. In particular, the legal representative has a duty to ascertain, advise concerning and act upon the accused's instructions. Where the accused gives no instructions, or where the instructions given are inadequate or perverse, the duty of the legal representative is to act in the best interests of the accused in the same way as if there were a conventional retainer.

As to recommendation 8, the Attorney General has dealt with the rule in *Browne v Dunn*. I do not have a problem with that, if it is part of the briefings for judges. That is not an issue. The Government has not followed recommendation 9, which also talks about the court-appointed legal representative. Recommendation 10 is not relevant to the key issue we are dealing with because it relates to closed-circuit television. Of the 10 Law Reform Commission recommendations, the Government has agreed with two: recommendation 1 because it is self-evident and obvious, and recommendation 2 because it is a technicality arising from recommendation 1. Recommendation 10 does not relate to this bill. The other recommendations—recommendations 3, 4, 5, 6, 7 and 9—have been ignored by the Government. It is wrong and misleading for the Attorney General to say that the Law Reform Commission report is the basis of key parts of the bill. It is not. The report has been comprehensively ignored. I hesitate to mention this: When the exposure draft of the bill was released on 24 August, the Attorney General issued a press release. In paragraph 11—the first reference to the Law Reform Commission in the press release—he stated:

The NSW Law Reform Commission has also recommended the State Government prohibit an unrepresented accused from personally cross-examining a complainant in a sexual offence proceeding.

I was troubled by that sentence because it implies that the Law Reform Commission had been referred to earlier in the press release or that it follows on from other Law Reform Commission recommendations. It implies that in some way the Government is wrapping up and adopting the Law Reform Commission's recommendations. This bill is a complete spin around, up to and including the Minister's second reading speech. It is a matter of concern to me that this bill does not relate in any way to the Law Reform Commission's recommendations. Had the bill been introduced, as the Leader of the Opposition and I sought, in July—perhaps immediately after the Law Reform Commission report was published on, I think, 17 July—we may have had more time to consider it. As it stands, we have not had any opportunity to consider the bill and we have to go along with the Government's proposals. It is a very unsatisfactory state of affairs. I refer to the report in more detail. In relation to an election commitment by the Government on 18 March 2003, the *Sydney Morning Herald* reported the Premier as saying:

... defendants representing themselves in sexual assault cases would be barred from cross-examining victims, a practice he said was used to intimidate their accusers. Instead, court-appointed lawyers or judges could conduct cross-examinations.

On 18 March, just prior to the State election, the Premier made a public commitment, reported by the *Sydney Morning Herald*, that court-appointed lawyers or judges could conduct cross-examinations. This bill breaks that promise. Under this bill, court-appointed lawyers will not be able to conduct an examination on behalf of an accused person, nor will judges. I know that some people think that that is inappropriate, but as far as I am

concerned it is correct, and I will deal with that issue later. The Premier made an important promise on this topic on the eve of the election, and it is being broken by this bill. The bill does not provide for lawyers or judges to conduct cross-examinations; effectively they can be carried out by any person but a lawyer or a judge.

Queensland law provides the correct precedent in dealing with this issue. It was ultimately the precedent accepted by the New South Wales Law Reform Commission. It provides that, where the prohibition applies—that is, the prohibition against an accused cross-examining a victim—the court must appoint a lawyer, funded by Legal Aid, to conduct the cross-examination. The lawyer is the accused's legal representative for the purpose of cross-examination only. I believe that that is the appropriate model to adopt. I suspect it might have been adopted by this Government had this bill not been introduced so close to a relevant trial. There has been no time to include such a provision before the trial and that bothers me. I note the Attorney General's comments about the Director of Public Prosecutions [DPP] and that he is also referred to in the footnotes to this report. An article on this topic appeared in last Saturday's *Sydney Morning Herald*. I did not respond to it at the time and I respond to it now with some care. Nevertheless, the matter is on the public record and it must be addressed. Reference is made to Deputy Senior Crown Prosecutor Cunneen allegedly stating:

I don't believe the director's office has had any contribution to the proposed workings of the legislation.

In the circumstances and without going further down that track, I would appreciate it if the Attorney General would address those comments and give the House a specific assurance that what he said is the DPP's point of view extends to Cunneen. It is a very important point. I draw honourable members' attention to page 61 of Law Reform Commission Report 101. The Attorney General said in his second reading speech that this bill is based on the Evidence (Children) Act, but the commission came to the opposite opinion. It stated:

An important difference between the recommendations in this Report and the regime currently in place for child complainants is that our recommendations require (with no discretion in the court) that the person appointed by the court for the purpose of cross-examination be a legal practitioner and that the normal client-practitioner relationship should apply in this situation.

Let us be under no misapprehension: The Law Reform Commission specifically addressed section 28 of the Evidence (Children) Act and came to the view that in this case that provision should not apply, that a legal practitioner should be appointed, not a "person". Indeed, it went further and said that for the purposes of this type of proceeding involving children the existing law should be changed to reflect the fact that a legal practitioner should be appointed to do this job. That is a fundamental departure from the bill and from what the Attorney General just said. I am most uncomfortable with that aspect, but what choice do we have given that the case commences in two weeks? Had this matter been before the House six or eight weeks ago, when it should have been, we would have had more time to consider these issues.

The Law Reform Commission went on to refer to other jurisdictions, not only in Queensland but also in England, Scotland and Canada. Legal practitioners are the appropriate people appointed to do the job and the commission strongly supports the legal practitioner model. Some people believe that the trial judge should be able to do the questioning himself. Indeed, some believe that this legislation would allow the trial judge to do so. I make it clear for whoever might be interested in this debate that I reject that interpretation. In jurisdictions in which a judge has the power to ask questions on behalf of an unrepresented accused, the legislation makes specific reference to a judge carrying out that role. Section 5 of the Northern Territory's Sexual Offences and Procedure Act provides:

Unrepresented defendant not to cross-examine a complainant

...

- (a) shall not be entitled to cross-examine the complainant directly; and
- (b) shall put any question to the complainant by stating the question to the Justice, Judge or another person approved by the Court, and the Justice, Judge or other person shall repeat the question accurately to the complainant.

The Northern Territory legislation provides that it must be spelt out that judges have that power if we want them to exercise it. Section 106G of Western Australia's Evidence Act 1906 provides:

Cross-examination of a child under 16 by an unrepresented defendant

Where in any proceeding for an offence a defendant who is not represented by counsel wishes to cross-examine a child under 16 years of age, the defendant—

- (a) is not entitled to do so directly; but
- (b) may put any question to the child by stating the question to the judge or a person approved by the Court,

Again, it must be spelt out. Section 23F of New Zealand's Evidence Act 1908 contains the same requirement. Where an accused is prohibited from cross-examining and is not represented by counsel, he or she may put the questions to the complainant by stating them to the judge and so on. If this Parliament wishes to sanction a judge asking questions on behalf of an accused it must spell it out in words of one syllable. This bill does not contain that instruction to judges and they will not have that power. Under the heading "The trial judge" on page 67 of the Law Reform Commission report the following important point is made:

Submissions to the Commission were overwhelmingly of the view that the questions should not be asked by the trial judge. Judges who ask questions on behalf of an accused run the risk of compromising their neutrality, indeed, they may be perceived as being biased ... The Queensland Law Reform Commission, the English Home Office, and the Scottish Executive have expressed similar views.

I strongly endorse those views. In cases of this type a judge is, in common parlance, an umpire. He is not someone who gets into the arena and becomes involved in asking questions for one side or the other. That is the wrong model, the wrong way to do things, and it is not something that should be taken in any way to be implicit in this legislation. The Liberal Party and National Party members of this Parliament utterly reject the idea that the current wording of this bill provides a green light for any judge to start asking questions of a rape victim on behalf of an accused person; it does not. The New South Wales Parliamentary Library Research Service has written a paper on this matter. I refer to the comments on page 28 about the Victorian Law Reform Commission:

... the Victorian Law Reform Commission specifically recommended against the implementation of this option—

that is, a judge asking questions on behalf of an accused—

because of the creation of "a potential or actual conflict between the impartiality of the judicial officer and the judicial officer's role in putting questions on behalf of an accused".

That puts the matter very well. The Attorney General has now put before the House the issue of the neutral intermediary and, on the technical side, we will reluctantly let it through because we have no practical option at this time. Page 69 of the Law Reform Commission report states:

Suggestions of neutral intermediaries included the judicial officer's assistant or associate; a person employed by the Attorney General's Department, a friend of the court, or a specially trained court officer.

Apart from the fact that as a general rule it is better to have somebody with some legal training asking those sorts of questions than somebody who is not so trained, the reservation I have is whether it can seriously be suggested that any of those people are perceived to be unbiased? They are people who are acting for or on behalf of the Crown in various capacities. A judicial officer's assistant is employed by the Crown. A person employed by the Attorney General's Department is employed by the Crown. A specially trained court officer is employed by the Crown in a direct sense. I have reservations about this model, although time does not permit us to oppose it.

**Mr Debus:** The Director of Public Prosecutions [DPP].

**Mr TINK:** The Attorney General interjects and says "The Director of Public Prosecutions". The DPP is subject to some special legal rules—a special Act of Parliament and all sorts of other arrangements—that carefully set out his role and responsibilities. None of that framework is available for any of the people now under contemplation. Indeed, if a lawyer were appointed a lot of my concerns would disappear. But that is not the case here, and it remains a problem. The Law Reform Commission also says at page 69:

The Legal Aid Commission argued that, if the person asking the questions is not legally trained, and simply acts as a mouthpiece for the accused, the witness might not be adequately shielded from inappropriate questioning. There is nothing to stop the accused from putting offensive or intimidating questions to the complainant through the intermediary.

In other words, in some ways it is the same problem mouthed through a different mouthpiece. On page 70 the commission referred to the New South Wales Law Society as:

critical of the procedures adopted for child witnesses—

So the Law Society is not happy about child witnesses or the current laws that this bill seeks to follow—

which "merely separate the child by one degree from direct questioning by the accused", arguing that the provisions do little to minimise the witness' trauma.

This bill is supposed to be all about minimising the witness's trauma. The commission goes on to say:

In contrast, retaining a legal practitioner creates a desirable level of distance between the complainant and the accused.

That is my view. If we had more time to debate this bill we might have got there. Most importantly, the New South Wales Court Of Appeal has recently pointed to the undesirability of lay advocates presenting cases on behalf of persons who are not legally represented. *Damjanovic v Maley* [2002], *New South Wales Court of Appeal* 230 was a case where a lay advocate was refused leave to appear on behalf of the appellant. There was the Court of Appeal saying, in substantially similar circumstances, that it is an undesirable practice and here we are with no alternative but to put the bill through in this form. It is a sad day. The formal finding of the Law Reform Commission was:

... a legal practitioner should cross-examine the complainant. This is not only in the interests of the accused, but also of the administration of justice ...

It is inappropriate for questions to be directed through the trial judge. This will compromise the judge's neutrality and create a perception of bias. An adequate cross-examination by the judge is, in any event, wellnigh impossible ...

Just as with the judge, the intermediary will not have any factual foundation for the questioning, and the effectiveness of the process will be seriously compromised by inexperience. Moreover, such cross-examination will be perceived as significantly unfair to the accused; it will make it more difficult for juries to be confident about their assessment of a complainant's credibility; and it is too great a distortion of the trial process. It also highlights the situation of the complainant and renders him or her an obviously special class of witness.

This is a strong report, and I believe it is a very good report. It is not a unanimous report—it is a majority report—but it heads in a strong and unmistakable direction towards a legal representative being appointed to do the questioning, emphatically rejecting a judge doing it and emphatically rejecting the basis of this bill, namely, using some person appointed by the court to do it. In no way whatsoever is the Attorney General right to claim that the report is the basis of the key parts of this legislation. That is completely and utterly untrue. The only common link between the Law Reform Commission report and this bill is the recommendation that an unrepresented accused should be prohibited from personally cross-examining a complainant in a sexual offence proceeding.

We all agree with that; that is why we are all here. That is why the bill will go through this House; I am sure it will go through the upper House. It will go through as quickly as the Government wants it to. But as to anything beyond that, we are in a tight corner on our side, given the urgency of something the Attorney General was warned about weeks ago, and on which we all should have been recalled from leave—or enough of us to get a bill through that accorded much more closely with the recommendations of the Law Reform Commission.

I need to go back briefly to the article in the *Sydney Morning Herald* on Saturday. It is a matter of public record. I cannot debate this bill without simply asking these questions. The article stated that Justice Sully would take up the matter with the Chief Justice's legislation officer. I ask the Attorney General to advise whether that has occurred and, if so, what the result was. If the report is true, Justice Sully commented on practical difficulties he believes he will face. I ask the Attorney General to address in reply each and every one of the concerns allegedly raised by Justice Sully. It is not appropriate for me to take the matter further. However, if I did not seek a response, given that the matters have been made public in the media, I do not understand how we, as members of Parliament, could debate and competently deal with the matter. This bill has the potential to impact on all superior courts hearing these types of cases and on all defendants who choose to be unrepresented in those courts. We cannot escape the fact that this matter requires some answers. I am uncomfortable with the bill. If the Attorney General had heeded the call for the debate to be held six to eight weeks ago, my level of discomfort would be less.

As a result of reading this article I sought a briefing from the Attorney General's Department. I place on record my gratitude to the two officers who spoke to me about the bill. The Opposition does not oppose the bill, although we would prefer it include the term "legal representative" rather than a reference to an individual person. I ask the Attorney General to outline in reply how it is proposed that a judge will decide upon and appoint a person to ask questions. The bill does not contain any regulation-making power, although it is not dissimilar to the Evidence (Children) Act. I accept that there are limitations on what one can say about Children's Court proceedings, if anything, but perhaps the Attorney General could indicate, with authority, that this procedure has been deployed in the past without difficulty and, without making reference to individual cases, how it was done. For example, has some person exercising Children's Court jurisdiction appointed his or her associate or has someone else been appointed? I ask the Attorney General to assist by explaining how the system works.

**Mr LYNCH** (Liverpool) [4.23 p.m.]: I make a brief contribution to the debate on the Criminal Procedure Amendment (Sexual Offence Evidence) Bill. I preface my comments by saying that I only saw the bill when it was tabled by the Attorney, so my comments may not be as definitive as they might normally be

when I speak on these matters. I seek clarification from the Attorney on five points relating to the bill. First, some complaints that have given rise to the bill are not covered by it. In his second reading speech the Attorney referred to the case of an accused asking questions of a complainant for a number of days. The bill does not address that situation. I have read about a case where the accused wore the same clothing he was alleged to have worn at the time of the offence. Presumably, the bill does not address that possibility and I ask the Attorney to deal with it in reply.

Second, from my reading of the bill, it applies to all proceedings; it is not restricted to trial by jury. If that is the case, it must also apply to committal hearings and, presumably, summary proceedings. My understanding, albeit anecdotal, is that legal aid is not automatically available in committal hearings or summary proceedings. Therefore, under this bill an accused who cannot afford legal representation will be precluded from cross-examining the victim. The practical effect of the bill is that it will privilege the rich and disadvantage the poor. That is fundamentally wrong in principle. The matter could perhaps be dealt with by a commitment that legal aid will be available in every case to which this legislation applies, regardless of the jurisdiction. I seek clarification on this matter.

The third point relates to the article in the *Sydney Morning Herald* referred to by the honourable member for Epping about comments by a Supreme Court judge. For obvious reasons I shall not go into detail, but I note the suggestion that a matter involving a number of defendants, some of whom are represented and some not, may result in the cases being separated. Will this mean that the victims will have to undergo cross-examination twice in separate court processes? That is not the intent of the bill. However, for obvious reasons I am reluctant to deal further with that matter.

The fourth point on which I seek clarification relates to recommendations by the Law Reform Commission that a legal representative, rather than a non legally qualified person, is to be appointed solely for the purpose of cross-examination. If the recommendation of the Law Reform Commission were to be adopted, I assume that would be a legally aided solicitor or advocate. I seek an assurance that the reason for not adopting the recommendation of the Law Reform Commission is not simply that that measure is cheaper than the provision of legal aid representation. The fifth point on which I seek clarification relates to the person to be appointed because, from the wording of the bill, it is not clear whether a judge can ask the questions. I would like that matter clarified because if that is the intent, it should have been enunciated more clearly in the bill.

**Mr KERR** (Cronulla) [4.27 p.m.]: The honourable member for Liverpool is a trained lawyer and he has raised concerns similar to those I wish to mention. The bill lacks clarity. The honourable member for Liverpool stated that the bill could benefit those who can pay for legal representation and disadvantage the poor, and that should be of concern to every member of this House. The honourable member for Miranda was previously employed by the State Government, in the Public Solicitor's Office and the Office of the Director of Public Prosecutions [DPP]—

**Mr Collier:** Point of order: I do not think that my legal training in the Legal Aid Commission or with the DPP is relevant to the debate. I ask you to bring the member back to the leave of the bill.

**Mr DEPUTY-SPEAKER:** Order! That is not an unreasonable request. I ask the honourable member for Cronulla to return to the leave of the bill.

**Mr KERR:** I would have thought that my comments were relevant, given that both offices will be concerned in applying the law under this bill. Certainly, employees of those two offices will be called upon to take part in proceedings that are governed by the bill. Is the Attorney General aware of the article in the *Sydney Morning Herald* that mentioned Justice Sully and the State's Deputy Senior Crown Prosecutor, Margaret Cunneen, to which the honourable member for Epping referred, and is that article accurate? I associate myself with the requests made by the honourable member for Liverpool and add two additional inquiries about the accuracy of the article and whether the concerns raised by Justice Sully have any basis and will be addressed in this legislation or by the Government.

**Mr DEBUS** (Blue Mountains—Attorney General, and Minister for the Environment) [4.30 p.m.], in reply: I thank honourable members for their contributions. The Government said that it would introduce this bill on 2 September, and it has done so. I express my gratitude to the Opposition for its expressed support for the bill, however qualified. As widely reported, the bill forms part of the Government's commitment to ensure that the harm suffered by sexual assault victims is not compounded by the processes of the criminal justice system. I restate the observation of the Law Reform Commission in its report:

There is substantial interest in ensuring that witnesses are not subjected to procedures that might be oppressive or humiliating although they must answer all the questions that fairly test their evidence. This is not only to ensure, as far as possible, that potential witnesses are not bullied into giving untrue or inaccurate evidence, but also because such conduct must undermine public confidence in the administration of justice. Without these protections for witnesses, the court would be an instrument of injustice rather than an instrument of justice.

The bill reflects the Government's commitment to ensuring that courts are not used as instruments of injustice against sexual assault complainants. It does not much matter how much members opposite twist and turn in an attempt to suggest that the Government is in some way misapplying the recommendations of the Law Reform Commission. The passage I have just read is the essence of the Law Reform Commission's report and observation, and it is that essence that has been translated into the bill.

Indeed, all the numbered recommendations in the Law Reform Commission report have been thoroughly and robustly considered by the Government and the staff of my department in the preparation of the bill. The bill differs from the Law Reform Commission report, but essentially only in three respects. I repeat: That does not mean that all the recommendations have not been thoroughly considered. Some of the recommendations in the Law Reform Commission report flow from one major recommendation, that is, that the person appointed by the court must be legally qualified. Specifically, recommendations Nos 4 to 7 deal with that issue. I can only reiterate that the essence of the Law Reform Commission's report has been followed, but I will re-examine some of the matters raised in the debate.

In my view, there are good reasons for not requiring the court to appoint a legal practitioner to conduct cross-examination on behalf of an unrepresented accused person. The bill is consistent with the provisions that apply to child witnesses under the Evidence (Children) Act 1997, which provides for a court-appointed intermediary, not necessarily a legal practitioner, to question the child when an accused person is unrepresented. Also consistent with the Evidence (Children) Act 1997, the role of the court-appointed intermediary is simply to repeat the questions sought to be put by the accused to the complainant. The intermediary is not to give the accused person any legal or other advice. For the life of me, I cannot understand what specific benefit can be achieved by requiring that the intermediary be a legal practitioner.

As the honourable member for Epping pointed out, it is true that in some jurisdictions where similar provisions are already enacted, the intermediary is required to be a legal practitioner. But equally in some other jurisdictions there is no such requirement. To my knowledge, in Western Australia and the Northern Territory there is no requirement that the intermediary be a legal practitioner, and there are no reports from those jurisdictions that that circumstance has in any way brought about any difficulty within the justice system. After all, the court-appointed person is only required for the questioning of the complainant by the accused, not for the entire proceedings. So there is a very powerful argument that it is, at least in many cases, not desirable to inject a legal practitioner into a portion of the proceedings and, therefore, impose on the legal practitioner the professional duties and authority that are involved in the client-lawyer relationship.

Indeed, legal practitioners may be reluctant to become involved in proceedings that could make them vulnerable to complaints if the accused person then alleged, for example, that the practitioner had failed to adequately cross-examine the complainant. I cannot emphasise enough that the role of the court-appointed intermediary is simply to repeat the questions sought to be put by the accused to the complainant. The intermediary is not to give the accused any legal or other advice. Therefore, it is hard to discern what specific benefit could be achieved by requiring that the intermediary be a legal practitioner.

There is a question of the judge asking the relevant questions, that is, the judge taking on the role of the intermediary. I do not think that matter needs to be mentioned explicitly in the legislation. The Evidence (Children) Act 1997 does not specifically refer to the judge as a person who may ask questions, yet I am told this is what occurs on occasion in practice in the courts. We are talking about something that already occurs, not something that is new. The real point is that in this bill we are establishing a circumstance in which each judicial officer can decide whether it is appropriate for him or her to ask those questions, or whether it is desirable for somebody else to do so in each case, appropriately informing the accused of the relevant circumstance.

The honourable member for Epping claimed to show that the Supreme Court, in the case of *Damjanovic and Maley*, had in some way criticised this kind of intermediary role in the questioning of other witnesses. In fact, the case referred to involved a so-called McKenzie friend. The McKenzie friend situation is quite different from the one we are talking about in the context of this bill. The issue of the McKenzie friend was about someone appearing on behalf of the accused instead of a legal representative. That is not the same thing as someone simply appearing as an intermediary, as a mouthpiece, for the unrepresented accused. It is a different situation, and the difference is crucial.



The crucial difference is that in this case we are simply providing for an otherwise unrepresented accused person to provide some questions which someone else asks. The unrepresented accused provides the questions. In the McKenzie friend circumstance we are talking about an unqualified person who shows up but who chooses to act as a lawyer in the court. It is a different situation. I reiterate that if an accused seeks a legal practitioner to ask these kinds of questions, he or she can have a legal representative. This legislation does not say that an accused cannot have a legal representative. It does not argue one way or another whether one can have a McKenzie friend. The legislation provides that if you choose to go into court unrepresented, the justice system will not allow you to unreasonably humiliate or intimidate a victim.

I refer also to opinions that were recently expressed in the Supreme Court by a judge and a Crown prosecutor relating to the bill and its workability. Honourable members might be aware that I referred the issue of complainants in sexual assault trials being cross-examined by unrepresented accused persons to the Law Reform Commission on 22 March 2002—2½ years ago. The Law Reform Commission published its issues paper in August last year and recently finalised the report on which the bill is based. The suggestion that it is knee-jerk legislation is clearly misplaced. The whole question has been under the most serious consideration for a long time by the Law Reform Commission, Attorney General's Department officers and me. The issues paper prepared by the Law Reform Commission was circulated to a great many people identified as potentially being interested in the subject, and a great many organisations and individuals made submissions to the Law Reform Commission. Those submissions were ultimately incorporated in the commission's report. Again, so much for the peculiar idea that this is some kind of knee-jerk legislation.

It should be noted also that the Director of Public Prosecutions [DPP] submitted a response to the issues paper. The DPP supported the introduction of a prohibition against unrepresented accused directly questioning complainants in sexual offence proceedings. In particular, the director expressed the view, as I said in my second reading speech, that the court-appointed intermediary need not be a legal practitioner—and that is the approach adopted in the legislation. To reiterate, the DPP made a submission to the Law Reform Commission that supported the position taken in this bill in a general sense, and was specific in proposing that the intermediary need not be a legal practitioner.

I hope the honourable member for Epping will follow every single word of the Law Reform Commission's next recommendations as slavishly as he purports to do in this case. In any event, it is important to say for the benefit of the honourable member for Epping and my colleague the honourable member for Liverpool that I have received correspondence as late as 11.00 a.m. today from the DPP saying that he stands by the submission he made to the Law Reform Commission. I think I have done all I can to indicate the position of the DPP.

The honourable member for Liverpool asked several questions that I should respond to. He asked about an example I used—it came from the DPP, if I am not mistaken—about the length of time taken in one case to cross-examine a witness. He is quite right that this bill does not specifically address that question. Neither is it necessary to do so specifically, because under the Evidence Act that kind of matter is for the discretion of the court. I should also mention that the overwhelming number of committal cases dealt with in the Local Court concerning sexual offences will not involve cross-examination. Without doubt the overwhelming proportion of such cases involve a paper committal, and in consequence there would be no cross-examination at that stage.

The honourable member also asked about splitting a case that had been mentioned in the media involving a number of offenders, some of whom were represented and some of whom were not. I understand that the reason for splitting that case was that some defenders were represented and some were not; it had absolutely nothing to do with the existence or potential existence of this legislation or the possibility of a double cross-examination. I do not think the legislation will have any effect on increasing the incidence of separate trials. That derives from the fact that some accused are represented and others are not all. I remind honourable members that in almost every conceivable case—lest there be an exception that does not come immediately to mind—we are talking about circumstances in which an accused has chosen to be unrepresented. If an accused wants the benefit of cross-examination by a legal practitioner, he should accept a Legal Aid representative and not try to conduct the case unrepresented. With those remarks, and again acknowledging the support of the Opposition for the bill, I again commend it.

**Motion agreed to.**

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

## CONSIDERATION OF URGENT MOTIONS

### Western New South Wales Minerals and Petroleum Exploration

**Mr HICKEY** (Cessnock—Minister for Mineral Resources) [4.47 p.m.]: My motion is urgent and deserves priority because families across western New South Wales depend on the long-term stability of our minerals industry. The key to maintaining jobs and wealth in the mining sector is to nurture research, exploration and development. Acting now will secure our future. The New South Wales Government actively promotes minerals and petroleum exploration so that our State remains an attractive investment option in a complex, involved, and volatile international market.

The same cannot be said of the Federal Government. While the State Government backs exciting research and development programs, the Commonwealth slashes funds and jobs in higher education and scientific agencies. This matter is of the highest priority, given that the House of Representatives Standing Committee on Industry and Resources is due to this month's report on the free fall in minerals and petroleum exploration. The Commonwealth has been presented with the evidence of its short-sighted research and exploration policy. It has created uncertainty and discouraged investment. I urge all members to support this motion and to send this clear message to Canberra: Your blinkered approach to research and development is failing our minerals industry and will prove disastrous to communities throughout rural and regional New South Wales and Australia.

### Gaming Machine Tax

**Mr STONER** (Oxley—Leader of the National Party) [4.49 p.m.]: My motion is urgent because increased poker machine taxation will force the closure of many clubs and the sporting facilities they support. It is urgent because increased poker machine taxation will cost jobs and cut funding to community groups. An independent study found that only 55 per cent of clubs would remain viable by 2010 under the burden of Labor's mean-spirited tax. This motion is urgent because the Labor backbench, by a vote of 34 members to 13, have recognised that this tax will kill clubs in their electorates. Today's vote nearly rolled the Premier and the Treasurer and shows that at least half of the Australian Labor Party, the intelligent half, know the urgency of this matter.

This matter is urgent because 19 of the 20 hardest-hit clubs are in Labor electorates. For example, 50,000 members of the Central Coast Leagues Club are distressed at the proposed poker machine taxes included in the recent State budget. The club's budget forecasts that within three years the club will suffer a trading loss. It already owes \$10.8 million to the National Australia Bank to pay for fire safety measures it was forced to undertake. If the Government's tax proposal proceeds, and if the club manages to maintain its current turnover—which is becoming more and more difficult—it will lose \$1.7 million within the next seven years and could be forced to cease trading.

At Tweed Heads Bowls Club, 163 workers would become unemployed. That club will have to pay almost an additional \$6 million in poker machine taxation between 2004 and 2010. The Treasurer and the Premier want the club to pay a whopping \$18.336 million in poker machine tax, as well as \$7 million in GST, in just seven years. My motion is urgent because apart from the loss of jobs in clubs, the jobs of Labor members in marginal seats will be lost. Good-bye Gerard, Grant, Virginia, Neville and Blackie. My motion is urgent because the Labor Party continues to mislead the public by saying that only the largest clubs will pay more. In fact, the withdrawal of the GST rebate will hit all clubs, including small and struggling clubs such as Comboyne Ex-Services and Recreation Club, which is the only venue for a drink, a meal, a game of bowls, and a flutter on the pokies within a half-hour drive up a steep mountain range in my electorate near Wauchope.

The Allen Consulting Group report shows that 60 per cent of clubs earning less than \$200,000 would make a loss by 2004 under the unsustainable burden of this heartless tax. My motion is urgent because this tax will take money and jobs out of regional New South Wales. At just one club, Ballina RSL Club, an additional \$4 million will be taken out of the local community with no likelihood of one red cent coming back into Ballina. My motion is urgent because junior sport and needy community groups will suffer due to a contracting in funding from clubs. It is urgent because the Opposition, along with the clubs movement, supports a fair tax and a review of this decision by the Treasurer and the Premier.

In 2001 and 2002 clubs contributed 66 per cent more than was required under the legislation. This additional tax will mean that in Tweed Heads, for example, groups such as the scouts and the guides, churches,

the ambulance service, the Children's Cancer Institute, Red Cross, schools, preschools, Camp Quality, Care Flight, parents and citizens associations, sporting clubs, the Endeavour Foundation, Glaucoma Australia, kids in need, surf life saving clubs, the Leukaemia Foundation, Life Education, Make-A-Wish Foundation, Multicap, Neighbourhood Watch, the Northern Rivers Area Health Service, the New South Wales Fire Brigade, the Police, the Rural Fire Service, Riding for the Disabled, the Royal Institute for Deaf and Blind, the Salvation Army, senior citizens, the St Vincent de Paul Society, and the State Emergency Services, just to name a few, would receive less funding.

My motion is urgent because so many members on this side know that this is a key issue in their electorates. These clubs are community groups; they contribute an enormous amount to their communities. The Treasurer is all about taxing them out of existence. He sees them as a big milch cow, but they will not be around forever if he gets his way, because he will tax them out of existence. He will kill the goose that laid the golden egg and Government members will pay the price.

**Question—That the motion for urgent consideration of the honourable member for Cessnock be proceeded with—put.**

**The House divided.**

**Ayes, 50**

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

**Noes, 35**

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

**Pairs**

|           |               |
|-----------|---------------|
| Ms Saliba | Mr Humpherson |
| Mr West   | Mr Richardson |

**Question resolved in the affirmative.**

## BUSINESS OF THE HOUSE

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

#### Motion by Mr Scully agreed to:

That standing and sessional orders be suspended to allow the following variation in the routine of business at this sitting:

- (1) postponement of the taking of private members' statements until after the conclusion of the debate on the motion for urgent consideration;
- (2) consideration of the condolence motion for Colin Murray Fisher, OAM, former Minister of the Crown, at 7.30 p.m.;
- (3) consideration of the matter of public importance; and
- (4) consideration of Government business.

## WESTERN NEW SOUTH WALES MINERALS AND PETROLEUM EXPLORATION

### Urgent Motion

**Mr HICKEY** (Cessnock—Minister for Mineral Resources) [5.06 p.m.]: I move:

That this House notes the State Government's continued support of minerals and petroleum exploration in western New South Wales.

New South Wales is the cradle of Australia's minerals industry. Mining directly employs more than 15,000 people across the State. For every person employed in mining, another four jobs are generated in the wider community. Annual production is valued at more than \$7 billion and minerals are our single biggest export earner. Nowhere is our minerals industry more appreciated, or valued, than by the families in western New South Wales. Since taking responsibility for the mineral resources portfolio, I have visited western regions including Mudgee, Lithgow, Orange, Broken Hill and Lightning Ridge. This has given me valuable first-hand experience of the importance of mining in western New South Wales. Quite simply, the jobs and income generated through minerals exploration have been the lifeblood of many centres throughout this terrible drought. However, operating mines are the end-result of many years of funding, research and innovation.

The Carr Labor Government has a three-part plan to make sure we maintain this wealth: providing innovative scientific solutions to encourage exploration; using cutting-edge technology to find new resources; and promoting New South Wales as a preferred location for minerals exploration in an increasingly competitive global market. We are implementing this plan by directly funding scientific programs and expressing confidence in our earth scientists.

New South Wales is home to 34 per cent of the Australian population and consumes roughly one-third of the country's total energy requirements. However, we are the only mainland State that does not produce petroleum and our State remains largely under-explored for petroleum and gas. The accepted wisdom has been that prospectivity was limited, despite the fact that oil was first produced here in 1865. Disregarding this commonly held view, Department of Mineral Resources Geological Survey staff reviewed the geology of the sedimentary basins of western New South Wales. Our earth scientists have rewritten our understanding of the geological and structural history of this region.

As a result of their tenacity and the promotion of this new data both in Australia and overseas, New South Wales now has a higher level of petroleum exploration than it has had for almost 25 years. The vast bulk of this activity is occurring in western New South Wales, from the Eromanga and Surat basins on the Queensland border, through the Darling and Gunnedah basins and south to the Murray Basin extending into Victoria. These virtually untapped resources hold significant petroleum potential and represent a unique opportunity for us to satisfy our large coastal markets.

Our scientists are supported by this Government's willingness to invest in new technology. In March this year, a FALCON airborne gravity survey over Broken Hill was completed. The first tranche of data from this survey was released in July. The survey covered 1,000 square kilometres centred on the Broken Hill area. The State Government provided \$420,000 through its seven-year, \$30 million Exploration New South Wales program for this exciting initiative. The survey is part of a research project contract between the Department of

Mineral Resources, Geoscience Australia, the Co-operative Research Centre for Predictive Mineral Discovery and industry. This technology was developed by BHP Billiton, and the Broken Hill survey is the first time it has been applied in a government-supported project.

To further interpret this data, we have recently committed to a groundbreaking project using new geological software, known as "3D WEG Geological Editor". This technology is similar to creating an "ultrasound" of the earth's body and will provide new insights into the region's significant lead, zinc and silver mineralisation. This new geological information and enhanced exploration interest are building bright prospects for western New South Wales. Further mineralisation discoveries would be good news for Broken Hill and would provide additional employment in the area. I am proud to be part of a State Government that supports optimism within our mining and exploration science communities with targeted funding and research. The two programs crucial to ensuring future success are the seven-year, \$30 million Exploration New South Wales initiative and the Broken Hill Exploration initiative.

Exploration New South Wales stimulates mining and petroleum exploration and investment, and ultimately creates jobs in rural and regional New South Wales. Thanks to this funding, around 70 per cent of the State is now covered by state-of-the-art geophysical surveys. This is a major drawcard in attracting further mineral and petroleum exploration investment. A record number of new geoscience maps and CD-ROM packages are now available, covering areas including East Lachlan, Inverell, Goulburn, East Cobar, Surat-Bowen Basin and Murray Riverina. This is the fourth year of the Exploration New South Wales program and the \$5 million allocation is largely directed to western New South Wales, with \$1.2 million for Broken Hill and surrounding areas; \$1.1 million for Cobar and Bourke; \$500,000 for the Central West; \$500,000 for the north west; and \$200,000 for the Murray Basin. The Carr Government's decision to direct this funding to western New South Wales demonstrates our commitment to the minerals industry and to local communities.

Explorers are further assisted through an allocation of \$400,000 over the next two years to maintain and make available the valuable contents of the Broken Hill core library. A vast amount of drill core has been obtained from many years of company exploration in the region. To maximise the chances of new discoveries it is essential to ensure explorers have secure access to a well-maintained core library. But technology and scientific innovation alone will not ensure a thriving exploration atmosphere. This Government is fighting on the world stage for exploration dollars. We are positioning New South Wales as the State for successful minerals and petroleum exploration and investment. The continued success of the annual New South Wales Mineral Exploration and Investment Conference demonstrates domestic and international investor confidence in this State. This year's conference attracted 270 delegates from the Australian and international mining and investment sectors, and provided a timely showcase for the latest information on exploration initiatives, project updates and investment opportunities.

The Carr Government takes a whole-of-government approach to major projects, co-ordinating planning approvals and making safe, secure and transparent laws. Our approach has been applauded throughout the minerals industry, most recently by Mr Patrick Garver, Executive Vice-President of Barrick Gold. Barrick, one of the world's leading gold explorers and producers, is making a \$340 million investment commitment to New South Wales with the Cowal gold project. In his keynote address to the 2003 New South Wales Exploration and Investment Conference, Mr Garver said:

After geological potential, there are several criteria that stand out in mining investment decision-making:

- Security of tenure;
- Consistency of minerals policies;
- Ability to predetermine environmental policies;
- Ability to achieve fiscal and tax stability for the life of an investment; and
- A transparent and predictable rule of law.

Patrick Garver went on to say:

I'm delighted to tell you that your own government authorities are working with us in a thorough and professional manner, consistent with the laws of New South Wales. These authorities have been tough—but most importantly, they also have been fair, responsive and entirely transparent—which is all an investor—or the public—can ask.

It is this kind of confidence, expressed by one of the world's leading mining companies, that will stimulate further investment in new minerals and petroleum exploration development and jobs for people throughout western New South Wales. Now is the perfect time to keep up the momentum. Families throughout western New South Wales are depending on the Government and on the Opposition to ensure that we are best placed on the exploration stage so that there can be money and food on tables.

**Mr PICCOLI** (Murrumbidgee) [5.15 p.m.]: I support the Government's funding for mineral resources exploration. Indeed, as the Minister for Mineral Resources said, the mineral resources sector in New South Wales is an important contributor to the gross domestic product of the State and Australia. Before I refer to the substantive elements of this urgency motion, I will pick up on one of the last things the Minister referred to: a conference attended by Patrick Garver, the Vice-President of Barrick Gold, who referred to security of tenure as being of paramount importance in making investment decisions in New South Wales.

That issue relates to investment in New South Wales, and Mr Garver is exactly right. I raise the issue because of a situation that occurred a few months ago when one of the coalmines in the Hunter Valley was placed into administration. The coalmines were part owned by one of the Macquarie Bank funds. As a result, the Minister threatened to revoke the mining lease. Issues were raised about security of tenure of mining leases. I believe that the threat by the Minister to revoke that lease was unprecedented. Although the Minister has the power, it has not been exercised, or threatened to be exercised, in New South Wales before. I recall that at the time there was some concern within the mining industry about a Minister who was prepared to exercise that discretion.

**Mr Black:** Point of order: This matter is beyond the terms of the debate. The debate is quite specific: it deals with the mineral industry of western New South Wales; it does not deal with a coastal village that has coal.

**Mr SPEAKER:** Order! I am sure that the honourable member for Murrumbidgee will return to the leave of the motion.

**Mr PICCOLI:** Security of tenure is important. I did not understand what the honourable member for Murray-Darling was going on about. Security of tenure is absolutely critical, and I hope that in the future the Minister will use better judgment than he did a few months ago. Nonetheless, the Coalition supports any assistance in funding for mineral exploration. There have been some exciting potential discoveries, particularly in mineral sands exploration, in the far west of New South Wales. Eastern Star Gas has discovered gas reserves in the Pilliga region. As it is in his electorate, I am sure my colleague the honourable member for Barwon will refer to that discovery during his contribution to this debate.

Those types of discoveries are welcome, but it is not just about exploration and discovery. Whilst that is critical for mining to take place in New South Wales, there needs to be more than just discovery; there needs to be a climate in which mining companies want to invest in New South Wales. We have to look at the reasons they would or would not make those investment decisions. It is not just about getting the funding and exploration right. This is the message I would like to get across to the Minister and to other Ministers in this Government who have responsibility in these areas.

Staffing is a problem for any mining company that seeks to exploit mineral deposits in many areas in western New South Wales. Recently some of my National Party colleagues and I visited Moree and we were told that significant businesses in that town had had to relocate because of the unavailability of staff. I do not mean that as a slight on the town; I merely state that it is paramount that the Government find ways to attract staff to country areas. Many mining operations will experience difficulty getting off the ground if they cannot attract appropriate staff to those areas. Housing is also an issue. In the Murrumbidgee electorate housing is very expensive. We always hear about the lack of affordable housing in Sydney, but the same could be said of many towns in country New South Wales. Griffith is a good example of a town in which investment in housing is not occurring at a reasonable rate to maintain housing affordability.

Incentives must be given to encourage people to move to the west from Sydney, the coast or larger centres in eastern New South Wales. Accessibility to health services is also an issue. The first question people ask when they move to my electorate is: Where are the health facilities and where can babies be delivered? My electorate covers some 30,000 square kilometres, but babies can be delivered only in Deniliquin, Albury, Wagga Wagga, Leeton and Narrandera hospitals. We want to attract mining and other industries to western New South Wales, but this requires the appropriate infrastructure to attract investment. I note that education is currently being reformed. Economic issues are as relevant as health, housing and education. These issues sometimes act as a disincentive to mining investment because mining companies have to go through numerous planning processes before they can start mining deposits.

Mining companies are hampered because of restrictions placed on them by the Environment Protection Authority, the Department of Infrastructure, Planning and Natural Resources, and the National Parks and Wildlife Service. These act as a deterrent to developing mineral deposits in New South Wales. Threatened

species is perhaps the most significant deterrent and its impact on the development of mineral deposits is unknown. I have said many times in this place—and I know the Minister does not like to hear it—that workers compensation is relevant to mining.

**Mr Hickey:** Point of order: The shadow Minister regularly speaks about workers compensation in the House. I again direct him to the Minister responsible: the Special Minister of State. I ask you to draw him back to the leave of the motion: mining exploration in western New South Wales.

**Mr ACTING-SPEAKER (Mr Mills):** Order! The honourable member for Murrumbidgee may make passing reference to such matters, provided he speaks in general to the motion.

**Mr PICCOLI:** Workers compensation is very much a part of this urgency motion. The State Government's support of minerals and petroleum exploration does not merely mean putting money into exploration, diesel and the like; a significant cost includes workers compensation. The Minister referred to preferred locations in Australia for investment in mineral exploration and mineral development. I believe the preferred location is not New South Wales but States such as Queensland, where workers compensation premiums are much cheaper. The coalmining industry pays up to \$40,000 per employee, which is hardly an incentive. Workers compensation is a significant factor in any industry in New South Wales, including extraction and exploration conducted by the mining industry. Money is not simply required for diesel and machinery; the State Government must allocate sufficient funds for workers compensation. If issues such as workers compensation, water, streamlining planning processes and staff are addressed we will have a more vibrant and profitable mining industry that creates jobs for western New South Wales.

**Mr MARTIN (Bathurst) [5.25 p.m.]:** I am pleased to support the motion for urgent consideration. Once again the shadow spokesman gave an almost bizarre performance, but we have become used to that in recent times. He did not do his homework, and his contribution contained many red herrings. However, I shall address the salient issues. Our State's minerals industry is a major contributor to our economy in terms of investment, regional development, export revenue, job creation and business activity. New South Wales is a no-cost, world producer of coal, gold, base metals, mineral sands and gemstones.

**Mr George:** Point of order: My point of order relates to relevance.

**Mr ACTING-SPEAKER (Mr Mills):** Order! No point of order is involved. The honourable member for Bathurst is speaking to the motion.

**Mr MARTIN:** New South Wales continues to be a leading source of minerals, particularly coals, for markets in Asia. Coal is still the major export in New South Wales. The New South Wales Government is consolidating its position as a value-added centre for processed metals and mineral products. The Carr Labor Government's funded exploration initiatives have stimulated private mineral and petroleum exploration investment in New South Wales. The main focus for exploration has been on gold and base metal deposits in the Lachlan Fold Belt and the Broken Hill region, and mineral sand deposits in the Murray Basin. As a result of the Government initiatives, 62 per cent of the State is covered by modern, high-resolution airborne geophysical surveys. The wealth generated by the State's minerals industry is based on approximately 56 coalmines—of which I have six in my electorate—approximately 13 major metalliferous mines and a dozen or more significant industrial minerals operations, of which my electorate also has a couple.

Since the beginning of 2000 the New South Wales Government has granted mining leases for the Ardlethan tin mine, the Ridgeway goldmine, the new Cobar open-cut goldmine and extensions to the Peak Hill goldmine, just to name a few—all in western New South Wales. In April last year the Premier opened the \$378 million Ridgeway goldmine in central western New South Wales. It will be the fourth largest underground mine in Australia and is expected to produce 350,000 ounces of gold and 34,000 tonnes of copper. It is capable of employing approximately 200 full-time personnel. The Government is encouraging investment in minerals exploration. The Ardlethan tin mine is the lowest cost tin producer in Australia and one of the lowest in the world. Despite certain pressures, the mining industry can and does operate low-cost operations. Approximately 100 tonnes of tin worth \$750,000 is recovered each month out of Ardlethan. A staff of 50, including contractors, are employed at the mine—and some would be constituents of the shadow Minister. If they heard his contribution today they would not vote for him. The honourable member for Barwon should return to the front bench because he makes the honourable member for Murrumbidgee look like a piker.

These projects and many others like them can only happen because the Carr Labor Government is putting in the effort and, more importantly, the dollars into exploration and research. This is in direct contrast with the Federal Government's refusal to adequately support geoscience research. Once again, as we have seen in health and other areas, the Federal Government is not pulling its weight. Our major research programs—most notably, the Broken Hill exploration initiative—involve joint efforts with co-operative research centres at our universities and Geoscience Australia. New South Wales is leading the nation on minerals exploration and geoscience research. However, we cannot do it alone; New South Wales cannot do this work in isolation. We need the Commonwealth to support our scientists and back our rural communities 100 per cent. Members opposite should be sending a strong message to their Federal counterparts; otherwise they are failing the people of western New South Wales whom might they profess to support.

**Mr George:** So are you, for not putting up the workers comp.

**Mr MARTIN:** The National Party can talk about workers compensation until it is blue in the face. Workers compensation does not stop minerals exploration by overseas companies. New South Wales has a great reputation in minerals exploration initiatives, but it needs Federal Government assistance to continue its efforts.

**Mr SLACK-SMITH** (Barwon) [5.30 p.m.]: I wish to clarify a matter raised by the honourable member for Murray-Darling. Everyone in Sydney knows that western New South Wales starts at Penrith. Indeed, the weather forecast for Sydney's west extends to Penrith. Of course, the worst thing about Sydney is that it is so remote. It was the Greiner-Murray Government that commenced and put a lot of money into minerals exploration in New South Wales. The Carr Government stopped it, then it started it up again, and it is now claiming all the credit for it. Much of the minerals exploration and discovery took place well before the Carr Government came to office.

I wish to point out a couple of matters to the Minister for Mineral Resources. First, Eastern Star Gas indicates that the gas field in the Pilliga State Forest, which is bigger than the Surat Basin, is under threat following the indecision of the Resource and Conservation Assessment Council [RACAC] to lock up one million acres of scrub in the Pilliga State Forest, which did not exist 100 years ago. While the Government procrastinates on its decision, Eastern Star Gas is sitting back waiting. The company has conducted the necessary studies, for the past three years it has been drilling in the Pilliga State Forest and areas to the north, and it has spent a lot of money there. The town of Narrabri is also sitting on a huge gas field, so the combined gas field is absolutely massive.

I wish to clarify a matter raised by the Minister in relation to Lightning Ridge. I can assure the Minister that miners in Lightning Ridge will say that they never get opals out of the ground. I have never yet met a miner who has admitted that he has got some colour from Lightning Ridge. I think it is simply a tourist attraction, and that is about all. If the Minister were fair dinkum about these matters he would think about fixing up the railway between Narrabri and Newcastle, especially the Murrurundi tunnel. The world's highest-quality coal comes from the Gunnedah basin. The coal from Gunnedah and the areas north to Narrabri, including the Leard State Forest, which is under lease from mining companies, is the best coal in the world, but New South Wales cannot touch it because the State's rail infrastructure is so lousy.

The Greiner-Murray Government commenced minerals exploration, the Carr Labor Government stopped it, it started it again, and now it is criticising the Federal Government because it is not pulling its weight. The Greiner-Murray Government did not criticise the Hawke-Keating Labor Government when it was in power. The Greiner-Murray Government simply got on with the job, and we are now reaping the benefits. Not only have gas, coal and other resources been discovered in western New South Wales. The other day I heard that traces of uranium were discovered in the bore water west of White Cliffs. The indications are that the professional kangaroo shooters in the area are very happy about that, because they believe that they can now shoot kangaroos without the use of spotlights!

The Carr Labor Government boasts that it now has 68 per cent of New South Wales under minerals exploration. But what about the remaining 32 per cent? If the Government thinks that New South Wales leads the field in minerals exploration, it should look at what Western Australia has done. I believe that every square kilometre in Western Australia has been opened up to minerals exploration, and it is a much bigger State than New South Wales. Most of Western Australia is now under mining lease, but a lot of areas of New South Wales are not. In many areas, we still do not know what is there. We know that the gas field, which starts at Coonabarabran and runs north, extends virtually all the way to Queensland, but the largest concentration of that is threatened by RACAC's indecision in relation to the Pilliga State Forest. The Government must make a



decision about allowing Eastern Star Gas to explore and extract the huge natural gas reserves in the Pilliga State Forest. The area has the potential to be the largest gas field in Australia, and it would be ridiculous if such exploration were refused. [*Time expired.*]

**Mr BLACK** (Murray-Darling) [5.35 p.m.]: What an extraordinary performance we have seen from the Opposition this afternoon. I refer to the contribution of the honourable member for Barwon, who, as he said, does know something about this topic. However, he needs to take his shoes off if he is going to get his calculations right. I also refer to the contribution of the shadow Minister for Mineral Resources, who went on with 10 minutes of absolute waffle but did not deal with the topic at hand, which is the Government's continued support of minerals and petroleum exploration in western New South Wales. The shadow Minister spoke about coal in a coastal village. He does not know the difference between bituminous coal and anthracite. The shadow Minister did not speak about Broken Hill, because no-one has told him the difference between galena and staurolite yet. He then went on to speak about staffing and economic matters. But the shadow Minister did not mention the gang of three: the Federal Minister for Transport and Regional Services and Deputy Prime Minister, the Hon. John Anderson; the Federal Minister for Regional Services, the Hon. Wilson Tuckey; and the Federal Minister for Science and Deputy Leader of the House, the Hon. Peter McGauran.

In the mid-1990s there were 5,200 exploration geologists working in Australia. Today there are precisely half that number, 2,600. One might ask: How does that relate to western New South Wales? It is very simple. According to the Australian Bureau of Agricultural and Resource Economics, minerals exploration reached a high of \$1.15 billion in 1996-97 but it plummeted to \$640 million in 2001-02, less than 60 per cent of the 1996 level. Some members opposite think that the nation still rides on the wool on the sheep's back and wheat, but that is not true. In fact, Australia is now dependent upon its mineral wealth. Similarly, the Australian Bureau of Statistics states that offshore petroleum exploration fell from \$814 million in 1998 to \$667 million last year.

I cannot believe that in this debate about minerals exploration in western New South Wales, the shadow Minister failed to mention the Broken Hill exploration initiative. I have been very fortunate to be involved in that project, together with honours students, since 1990. Indeed, I think I am the only member of any Australian parliament to have done so. It may be of interest to members opposite to hear that in 1993 a conservative State government took on board that initiative, together with the South Australian Government and the Federal Government. Yet tonight we hear that the shadow Minister does not know anything about it.

We have spent a great deal of time putting students through the Broken Hill exploration project, and I am proud to have been associated with it. However, I believe that many people are now out of a job as a result of the cutbacks by the gang of three I referred to. The CSIRO has suffered 90 sackings. On the opening day of the exploration initiative conference in Broken Hill earlier this year, the Federal Government announced that 90 CSIRO employees at North Ryde would lose their jobs. I note the deafening silence from members opposite. Ninety minerals exploration jobs have been lost, many of them in western New South Wales. Mt Isa has been sold offshore. At the same time, many exploration jollies in Mount Isa got the sack as well. It is wonderful stuff, this gang of three.

As for western New South Wales, we have \$2.5 million for the continuation of the mine safety reform initiative; \$1.6 million to rehabilitate derelict mines, including the CSA mine near Cobar; \$1.2 million for mineral investigation under the Exploration NSW initiative; and \$400,000 over the next two years to start the Broken Hill core library—something I have been passionately concerned with for some years, at the instigation of the current chair of sciences at the University of Melbourne University, Ian Rutherford—\$1.1 million for mineral exploration under the Exploration NSW initiative for Cobar and Bourke; and \$200,000 for mineral exploration under the Exploration NSW initiative for the Murray Basin.

In relation to BeMaX, we are getting on with the job, assisting mightily in so far as we can. Time prevents me from continuing with BeMaX. I shall simply mention two things in conclusion: first, the Black Range project at Syerston, adjacent to Fifield. This project has been held up, and I put the charge at members opposite and their Federal colleagues, who do not support the project. That magnificent nickel cobalt platinum project should be off the ground by now. Another project I should mention is the Triffin project adjacent to Hermidale. Again, the Federal framework is not in place, although it should be, to assist these mining developments to proceed.

**Mr HICKEY** (Cessnock—Minister for Mineral Resources) [5.40 p.m.], in reply: I thank the honourable member for Bathurst, the honourable member for Murray-Darling, the honourable member for

Barwon and the honourable member for Murrumbidgee for their contributions. I am more than a little perplexed about the inability of the Opposition spokesman to acknowledge the basic thrust of the motion, which is about attracting exploration and supporting western New South Wales. This is what makes companies invest, and it is what drives the economic and social wellbeing of these communities. Does the Opposition spokesman honestly believe that a critical decision to invest in new ore deposits in western New South Wales is dependent on workers compensation?

Mines being operating 5 years to 10 years after initial exploration has taken place. However, if there is no exploration, there will be no hospitals, housing or people in western New South Wales because there will be no jobs. The shadow Minister did not show any concern about the mining industry. He spoke about the Nardell issue, which is specific. The company did the wrong thing, and suspending its lease was only one of the avenues explored. I continued the negotiations. We have now got a better offer on the table for the unsecured creditors. The offer from Nardell would not have been achieved if we had not continued the negotiations and tried to extract a better deal for the unsecured creditors. The shadow Minister should think about that.

The honourable member for Barwon referred to the Greiner Government's commitment to exploration and development. He made a good point. The Greiner Government started Discovery 2000, and Labor pushed through and committed a further \$30 million. If we are going back in time, let us thank the Keating Government for enabling Australia to reach its record mineral exploration investment of \$1.15 billion in 1995—something the Howard Government has taken and destroyed. Greiner succeeded in having 8 per cent of New South Wales surveyed. The Carr Labor Government has identified 70 per cent of New South Wales for potential mineral and petroleum deposits. That is 62 per cent on what the Greiner Government achieved.

We should be concerned about the Environment Protection Authority, the Department of Infrastructure, Planning and Natural Resources, the National Parks and Wildlife Service, and threatened species. The Carr Labor Government is ensuring that the protection of the environment remains a priority. We simply cannot have things as we like them; we simply cannot dig up as many minerals as we like. We must ensure that the environment is protected for the community and for future generations. The Opposition spokesman should think about that. We cannot simply go out willy-nilly and do as we please; we must ensure that a balance is reached.

The total value of mineral production in New South Wales in 2001-02 was \$7.9 billion, a 12.9 per cent increase on the \$7 billion in 2000-01. Direct full-time mining employment for 2001-02 was 14,417, a 5.3 per cent decrease on 2000-01. There are many issues pertaining to that decrease, and we need to explore them further down the track. In 2001-2 saleable coal production was 114.3 million tonnes, a 3.7 per cent increase over 2000-01, and was valued at \$6.1 billion. Private minerals exploration, excluding petroleum, in New South Wales for 2001-02 was \$48.2 million. We need to ensure that that exploration continues, and we need to promote New South Wales to ensure future growth and benefits for western New South Wales. If the attitude of the Opposition spokesman is that mining companies go to western New South Wales only because it has schools, hospitals and the like, we have put the cart before the horse. We need to ensure that we put the horse in front of the cart; we need to provide decent exploration opportunities in New South Wales for companies throughout the world, which would make us number one in the world. [*Time expired.*]

**Motion agreed to.**

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

#### **PRIVATE MEMBERS' STATEMENTS**

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##### **No. 26 CITY OF NEWCASTLE SQUADRON AIR FORCE ASSOCIATION TROPHY**

**Mr BARTLETT** (Port Stephens) [5.46 p.m.]: On Saturday 30 August I attended a presentation at the Royal Australian Air Force [RAAF] base at Williamstown of the Air Force Association Trophy, which was presented to No. 26 City of Newcastle Squadron. At the presentation were the Lord Mayor of Newcastle, John Tate, and the Mayor of Port Stephens, John Nell. Amongst other distinguished air force guests was Air Marshal Angus Houston, Chief of the Air Force. The trophy, which is donated by the Air Force Association, is awarded annually to the most proficient air force reserve squadron. Each squadron is assessed on its overall effectiveness and efficiency.

At this stage I must declare an interest: I was a member of the No. 26 squadron for some 16 years between 1982 and 1999. I am very proud of the squadron. The strategic role for the modern-day reserves is that of supporting and sustaining military operations in which the Australian Defence Force may be engaged. The RAAF reserve and all its components have about 4,000 members. The reserves are under the command of the headquarters combat reserves wing at RAAF Glenbrook in New South Wales.

All members of the reserves are liable for call-out. Reservists may be called upon to support activities such as peacekeeping, humanitarian missions and civil and disaster relief. A RAAF reserve squadron is located in all capital cities, as well as in Townsville and Newcastle. No. 26 City of Newcastle Squadron was established on 1 July 1981 at the RAAF base at Williamstown. I joined the squadron in 1982 and left in 1999. The RAAF base is approximately 30 kilometres north of Newcastle and employs about 2,500 permanent Air Force personnel and 250 reservists. The squadron was given formal approval to be named No. 26 City of Newcastle Squadron by the Lord Mayor in August 1981.

Members of the squadron are employed primarily in operational units throughout the RAAF base at Williamstown, working and training alongside their permanent Air Force counterparts, on deployment to other bases and on field exercises throughout Australia and overseas. The RAAF base at Williamstown is Australia's primary fighter base and home to the air combat group flying the FA-18 Hornet, the Hawk 127 introductory fighter trainer and the PC-9 aircraft. In my time with the squadron there was a seamless transition between one's role in civilian life and one's training in the areas the Air Force wanted. We would then work with the squadrons. In those 16 years I had probably 18 months service at Townsville—we used to go there with High Sierra exercises and the FA-18 squadrons—and six months in Butterworth and Singapore combined. So you went away and worked with the squadrons, depending on where the squadrons were going and what they were doing.

This award is important to No. 26 squadron. As I said before, there are squadrons in Townsville, Newcastle and all capital cities. This is the sixth occasion that No. 26 squadron has won this trophy from the Air Force Association. It is a remarkably good acknowledgement of just how good the squadron is. Over the past 18 months a significant number of squadron members have contributed to and backfilled positions at RAAF Williamstown for personnel who were deployed to various recent operations in Australia and overseas. These include operations Citadel, Falconer, Catalyst, Bali Assist and High Sierra. Since its inception No. 26 squadron has maintained a high standard of service to Williamstown and the RAAF. This standard has now been formally acknowledged with the awarding of the Air Force Association trophy for the best RAAF reserve squadron. I add my congratulations to those that were given on the day. Winning the award six times in the past 20 years is a tremendous effort when competing against every other reserve squadron in Australia.

### CENTRAL COAST DRAG RACING VENUE

**Mr HARTCHER** (Gosford) [5.51 p.m.]: Nobody appreciates being woken up at 3 a.m. by some growling V8 doing donuts in a suburban street. On the Central Coast, the Ridgeway at Ourimbah, the Esplanade and the car park at Terrigal, and Racecourse Road at West Gosford are used, effectively, as speedways by many young people. If they are moved on, it is only a short trip up or down the F3 to Parramatta Road or the waterfront at Newcastle. A great number of young people rid themselves of their surplus energy and aggression in this manner, the same adrenaline stimulant rugby players get on the football field. The problem is that although rugby players have football fields, these people have no like areas to indulge in their sport. One has to ask "Why not?" Many people may argue that there are better ways for young people to expend their energy. They could help with gardening, help the homeless or help on community projects. But for young people cars hold a sense of mysticism and power. Many young people seek out that sense of power as they continue through their adolescence.

For many young people, especially males, there is a sense of achievement in obtaining their licences. They went for the test themselves and passed on the basis of their own skill. Among many of them there is great pride in having the fastest, best-looking, and most modern, loudest and original motor vehicle. For car enthusiasts their love of cars is a sport. Improving their driving skill, creating the fastest car and challenging their friends. Indeed, for many young people, it replaces sport as they grow older. The sad fact is these young people have nowhere to indulge their sporting activity, especially on the Central Coast. Instead, the only place for them to indulge in their sport is on public roads.

For this reason I have been contacted by a group of young men from my area. They are tired of having young people forced to use local roads for entertainment, because they are conscious of the safety of other road

users and that roads should not be used for entertainment. They desperately want to have a place they can go, created by the Government, so they can enjoy themselves with relative safety and security. There are many places on the Central Coast where unused roads are simply cordoned off and never used again. Why force these young people to use our local roads when we could supply them with an outlet for their energy—a sporting field for young activists, high-speed drivers, if you would.

In Queensland such an area existed. Performance car enthusiasts used an old car park of a closed amusement park every weekend. They were kept off the public roads and used this empty space to enjoy themselves. It was nowhere near residents and young people made it their own. Police knew about it and regular checks were made for alcohol and antisocial behaviour. But for no reason local councils closed the space and the young motorcar activists were forced back on the roads. Since then, car clubs from the area have reported more accidents and more dangerous driving, and have continuously asked for the space to be reopened. We need spaces like this in New South Wales, spaces that will not be shut down.

These sportsmen need a playing field. The only alternative is to stifle their growth and ban them from the activities they love, or force them to stay on public roads to the detriment of other road users. There are four Australia-wide performance car websites: *FordLaser.com*, *RollaBoyz.org.au*, *boostcruising.com*. and *SkylinesAustralia.com*. They boast 13,166 registered active members between them. These are but four of the hundreds of sites dedicated to the aftermarket automotive industry. Many of these members are preparing a petition to present to New South Wales Parliament. I look forward to presenting that petition on their behalf to this House at a later date.

The reality is, though, that these young people will disturb the peace if they do not have a place of their own. With nowhere else to go, they turn to the streets and car parks in our local neighbourhoods. I have received many letters from constituents who say they have contacted the police on many occasions only to be told these people are too organised and communicate too well to ever be caught. There are rare occasions when the police get the upper hand. In these cases the cars are impounded and the police confiscate the scanners. But the young people are often back next weekend, in their parents' car, a sibling's car or a mate's. Local councils and the State Government need to get together and discuss this issue. It will not go away.

We simply need to provide them with drag racing venues. There are some in Sydney's west but these are few and far between. There are none on the Central Coast, and it is important for the people of the Central Coast that we establish them where they can be used under proper supervision. They will be an outlet for young people to enjoy themselves and participate in this sport. They use the Internet extensively to communicate their ideas and opinions. They have open forums on the Internet. They talk about their cars and about racing their cars. They are involved in the activity and, if we are sensible, we will make sure that adequate opportunities are provided for them.

### ILLAWARRA JOB CREATION

**Mr CAMPBELL** (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [5.56 p.m.]: As the member for Keira I have spoken in private members statements many times about the need to create jobs in Wollongong. The city's economy has been undergoing structural change for probably 20 years. There has been substantial progress in the diversification of the economy and strong success in new jobs. I am pleased to note this evening the Government's support for the relocation of the Superannuation Administration Authority, now known as Pillar, to a location in Coniston. There has also been a commitment by the Government to support development of the University of Wollongong innovation campus. Previously, \$24.5 million was committed to that project and, as I indicated to the House in a ministerial statement earlier today, the Government is now contributing \$4.2 million for the upgrade of telecommunications infrastructure as part of the innovation campus project. That totals \$28.7 million worth of support.

In 2002, in my capacity as the member for Keira, I chaired the Port Kembla container terminal task force, which assessed the potential for a container terminal at Port Kembla. This report was presented to government earlier today and, as a result, a whole-of-government strategic review into the State's three major ports is now under way. I support the expansion of Port Kembla. I want more ships to come through the port and more product to go over the wharf and, as a result of that, more jobs in the local economy. I am working to secure a revitalised port industry. We need to ensure more jobs for the Illawarra.

I recently convened a meeting between the Premier and the Minister for Transport Services, along with the Lord Mayor of the City of Wollongong and community and union representatives, to discuss the way

forward for this proposed container terminal. Those of us from Wollongong argued forcefully in that meeting about the strong support that exists in the Illawarra community for the proposal. However, there is an onus on the shipping lines and stevedores to decide to move to the Illawarra. They will not do this out of the goodness of their hearts because the region needs more jobs; rather, they will make a decision based on harsh commercial reality.

The Government cannot pass a law forcing private companies to relocate their businesses to certain places. However, we can initiate complex talks with all parties concerned, which is exactly what the State Government and I are doing. The Illawarra business community needs to encourage local export and import businesses to demand that their shipping companies and stevedores put their goods through Port Kembla. Local businesses have an opportunity to influence the way their suppliers do business with them and how they provide their import-export services. I have argued that case forcefully and I place on record that the potential exists for that to occur.

The whole-of-government strategic review of the State's three major ports is a significant move forward. I trust that this review will examine future opportunities for growth at Port Kembla and the development of a complementary port strategy for the State. I believe strongly that Port Kembla can play a complementary role to the overall New South Wales freight task. I will continue to do all I can to bring extra jobs to our region, at the port and elsewhere. No-one wants an expanded port industry, with more jobs through its expansion, than I do. I will continue to work hard for the gradual expansion of the port and will encourage others to do the same.

I particularly note the efforts of Wollongong City Council, the Australian Industry Group through its Illawarra office, the South Coast Labor Council and the Illawarra Business Chamber to support the initiative of promoting our region as a viable alternative for an expanded port industry. I welcome their support for my efforts to achieve this goal. There is a sense of united purpose in the region to encourage ports growth and, through that growth, ports trade, particularly blue-collar jobs. A sense of purpose and united effort has been missing in the Illawarra for a long time. I am particularly pleased to be among those with the sense of purpose I have been talking about. I welcome the opportunity to work with others to achieve another milestone in the diversification of the region's economy. There is more work to be done, but with goodwill and a joint effort I am sure that our efforts will bear fruit.

### COFFS HARBOUR SCHOOL CROSSING SUPERVISORS

**Mr FRASER** (Coffs Harbour) [6.01 p.m.]: I wish to express the concern of parents from both the Coffs Harbour Public School and the Coffs Harbour Christian Community School about the imminent withdrawal of crossing supervisors at the corner of Curacoa Street and Harbour Drive. At this crossing children regularly alight from buses and cross from the northern side of the road to the southern side. They also alight from buses in Salamander Street, next to Coffs Harbour Public School and cross Harbour Drive to attend the Christian Community School.

The Roads and Traffic Authority [RTA], in its wisdom—without consultation with council, the traffic committee, the parents and citizens associations or the school principals—decided to install traffic lights on one of the busiest roads in Coffs Harbour: the main road that joins the jetty area with the top of town. During the morning, when children alight from buses to go to school, traffic is basically non-stop. The students' parents have organised a petition that has thousands of signatures. On numerous occasions I have written to the Minister for Roads on behalf of the Coffs Harbour Public School parents and citizens association, the Coffs Harbour Christian Community School parents association and individuals. I have received acknowledgements from the Minister that he will look at the issue. But the RTA has continued with its plan. Whilst it has delayed the removal of the crossing supervisors in the short term, it has now advised them that they will be without positions as of next Friday. The problem is outlined in a letter from Coffs Harbour Public School which states:

These lights pose a serious safety risk to our school community for the following reasons

- Students are inexperienced in the use of pedestrian lights
- The RTA, despite requests from the school Principal, has provided negligible support for the education of students in the safe use of the crossing
- Sunlight affects visibility of signals to pedestrian and motorists at crucial times
- "Beeping" sounds confuse children who hear the signal from Curacoa and attempt to cross High St
- The protection of RTA crossing guards is to be withdrawn
- A preventable death of a young student occurred on this crossing some years ago
- More students than necessary utilize the lights due to the unwillingness of bus companies other than King Bros to use the Salamander St bus bay.

In order to ensure the safety of our children we require your support in

- Maintaining RTA supervision,
- Ensuring all bus companies use Salamander St bus bay when servicing Coffs Harbour Public School,
- Obtaining education for students regarding the correct use of this crossing,
- Establishing to what degree sunlight affects the visibility of signals and
- Correcting visibility problems

There is also a problem with a block of Department of Housing units that are located adjacent to the bus stop. Visitors to the block of units, particularly in the afternoon, often arrive in an intoxicated state. On more than one occasion the crossing supervisor has had to intervene when these people have approached children waiting for the buses. It is unacceptable for the RTA to remove the crossing supervisors and place these children at risk, both morally and physically, because of a miserable \$27 per day—a paltry amount. Thousands of members of the community have signed the petition. I have spoken to the Minister about this matter but he is unable to be in the House this afternoon as he is very busy.

I call on the Minister to direct the RTA not to remove the crossing supervisors in the short term and to have the matter fully investigated with a long-term view of retaining them. As a minimum I ask that flashing lights, which I have seen in other towns across the State, be installed to warn motorists when the crossing is being utilised by schoolchildren. It is a busy main road and an extremely busy intersection. There is also the problem with the visitors to the Department of Housing units. Obviously, they cannot be shifted. In the interests of fairness and safety, I urge the Minister, on behalf of the people of Coffs Harbour—particularly the students of these two schools and their parents—to have the problem rectified immediately.

### INNER WEST SMALL BUSINESS AWARDS

**Ms JUDGE** (Strathfield) [6.06 p.m.]: I wish to inform the House about a marvellous function I had the pleasure of attending recently, the Inner West Small Business Awards, which were held at Canterbury-Hurlstone Park RSL on 20 August 2003. I was interested to learn that, according to the Department of State and Regional Development small business web site, in 2000-01 there were 372,500 small businesses in New South Wales. That was 33.2 per cent of all the small businesses in Australia, more than in any other State. Small businesses make up 97 per cent of all of the businesses in New South Wales and employ about 80 per cent of Australians.

The number of small businesses in New South Wales grew by 65,500, or 21.3 per cent, between 1994-95 and 2000-01. This growth was 3 per cent more than in the rest of Australia. Moreover, 99.4 per cent of the growth in the number of businesses of all sizes in New South Wales was in small business. During the same period the number of people working in small businesses in New South Wales grew by 149,600, or 16 per cent. Small businesses provided 70.4 per cent of the increase in employment in all New South Wales businesses between 1994-95 and 2000-01, whereas in the whole of Australia the figure was only 45.3 per cent. That has been under the leadership of Ministers such as Minister Nori, who has played a pivotal role in engendering growth in this sector and making sure that people have jobs.

This is the eighteenth time the Inner West Small Business Awards have been held in my area. These awards demonstrate the important role that small business plays in Australian life, particularly in generating employment and providing specialist goods and services to the inner west. This function was kindly supported by Sarah Lorden Real Estate and Burwood, Marrickville and Leichhardt councils. The media partner was the *Inner Western Suburbs Courier*, which is a wonderful local weekly paper that is popular with residents. The editor is a fine gentleman called Mr Geoff Howe, a noted historian who writes well-researched articles that we all love to read.

The presentation evening was very memorable, with more than 600 people in attendance, including small business proprietors, friends and dignitaries. Many local community leaders also attended: the honourable member for Drummoyne, Ms D'Amore; the Marrickville Mayor, Barry Cotter; the Burwood Mayor, Ernest Wong; the Deputy Mayor of Burwood, David Weiley; Warwick Russell, representing the Mayor of Leichhardt; and Doug Sutherland, the President of the Burwood Chamber of Commerce. Doug Sutherland is taking the chamber from strength to strength and he plays an active part in promoting small businesses in Burwood.

Awards were presented in 25 categories and the winners in Strathfield were: florist—Flower Express at 55 Burwood Road; men's fashion store—Boyagi Menswear, Westfield Shoppingtown, at 100 Burwood Road; seafood outlet—Fishermen's Fresh shop at 144/100 Burwood Road; and women's fashion—Tuchuzu Burwood, 150 Burwood Road. Finalists in the Strathfield electorate were Iseli Butcher, Star Ace Patisserie, Thai Number One Noodle, Cris Cross For Hair, Ashfield Hotel, Baymen Menswear, Moss Clothing, and L.J. Hooker-

Ashfield. The Burwood finalists were Mojan Beauty Therapy, Biviano's Continental Deli, Michael's Patisserie-Burwood, Hair XXL, Nix Hair Design, Howards Storage World, and Eternity Jewellers. The Enfield finalists were Silktouch Nail and Hair Beauty Salon, Beauty Gallery Concepts, L.A. Lulus Touch of Style, Il Buco Restaurant, and Myssy's Fresh and Cooked Seafood. The Summer Hill finalists were Absolutely Fabulous Skin Therapy, and Pier 26 Seafood Restaurant.

I appreciated being invited to the celebrations and I congratulate all the finalists and award winners. I also thank the enterprising and dedicated small business people who live in my electorate. It is these businesses that make my electorate such a great inner urban seat. I wish all the small business in the area the best of luck with their enterprises. I am sure they will continue in the great manner they have in the past. This wonderful function seems to be getting bigger and better each year. It was a sell-out this year, so one can only imagine what will happen next year.

### **LIFESAVER STREET SIGNS**

**Mr PRINGLE** (Hawkesbury) [6.11 p.m.]: Adequate street signage in Hawkesbury or elsewhere can often make the difference between life and death in emergency situations. Honourable members recently would have received emails from Mrs Beatrice Player, the principal of StreetSigns Australia, about a trial of Lifesaver street name signs in Ashfield. These signs grew out of an earlier trial conducted in the Epping Area. The signs use a concise method for property numbers called "wedge notation", which allows drivers to make safe decisions in seconds. I have been a strong supporter of wedge notation since Mrs Player introduced it to Hornsby Council in 1997. It is elegantly simple, yet more powerful than the current notation, and it is devoid of the flaws in current methods of showing addresses on signs. It is an Australian innovation that could well be adopted internationally.

I have recently asked three councils in my electorate to consider the Lifesaver format. I do this with confidence because I saw the wedge notation working effectively during the Epping trial, and because I saw it enthusiastically received when I showed a sample sign at various public meetings in north-west Sydney. The honourable member for Epping, Mr Andrew Tink, was present at many of those meetings and is a strong supporter. In a private member's statement to this Chamber in November 2001 he urged all members to recommend Lifesaver signs to councils in their electorates, citing the endorsement of 10 emergency services superintendents. I have also asked my councils—Hawkesbury, Hornsby and Baulkham Hills—to do the same.

The Epping trial showed that once wedge notation and its advantages are explained, it is invariably well received. It showed that both the emergency services and the general public highly value property numbers on signs, and would like them on all signs, not just those in central business districts or on arterial roads. It also showed that road users want both streets named at all intersections, and that in metropolitan areas the suburb name is equally important in easily identifying a property. The current Ashfield trial showcases all these things, all of which are part of StreetSigns Australia's six-point Lifesaver plan. At all 38 intersections in the trial area, both streets and the suburb are named, and all signs use the famous wedge notation. At intersections, drivers can tell at a glance which way to turn, and at every corner they can see not only what two streets they are on, but where they are on those streets. That also makes it easier for emergency services to reach those in need.

Standards Australia says that Lifesaver signs and wedge notation will be included in the Australian Standard once they have become widely accepted. This involves wide exposure, both in the media and on street corners. Standards Australia has also suggested that wide exposure could be fostered by councils receiving grants or other incentives to introduce Lifesaver signs. I ask the Government to do three things. First, to formally thank Ashfield Council for showcasing Lifesaver signs. It has set an example for other councils, and provided a tool for teaching road users the wedge notation system. Second, to foster wide media coverage of Lifesaver signs so that the public can quickly and easily learn to interpret wedge notation and to appreciate its advantages. I am advised that the emergency services have had their own internal awareness programs operating for some time.

Third, to make grants available to encourage councils to adopt a Lifesaver format. That could be done in several ways—perhaps by financing a council's first 50 or 100 Lifesaver signs, or by granting a fixed sum to the first 10 councils to adopt a Lifesaver format, or by financing the installation of Lifesaver signs along the length of a major artery such as the Pacific Highway, Parramatta Road, or the Hume Highway. It is notoriously difficult to find addresses along busy roads like these. As several councils have said, it is very important to have properties numbered. Efforts by this Government to hasten the use of Lifesaver signs will be a legacy benefiting present and future generations of Australian road users by saving time, money and, most importantly, lives. I thank honourable members for taking this into account.

### GEORGES RIVER ELECTORATE FUNDRAISING EVENTS

**Mr GREENE** (Georges River) [6.16 p.m.]: In the past six weeks I have had the pleasure of attending a number of fundraising events for a number of hospitals and health organisations in my electorate. On 19 July I attended the Knights of St George biannual dinner. The Knights of St George function was organised by Ron and Elaine Ruprecht, who have had a considerable impact on the organisation in recent years. The function was held at Penshurst RSL, and President Wal Chin and his wife, Lorraine, were again our hosts. Penshurst RSL Club has been a magnificent supporter of the Knights of St George. All funds raised are donated to the heart unit at St George Hospital, and Dr David Horton again attended to thank the Ruprechts and the committee for the fantastic work they do on behalf of the hospital through the Knights of St George organisation.

On 26 July I attended the Hurstville Local Area Command Police Ball, which was held at the Revesby Workers Sport and Recreation Club. I was welcomed by Acting Superintendent Mark Walton and it was pleasing to see Commissioner Moroney there. The committee did a magnificent job in raising almost \$15,000 for the Westmead Children's Hospital. This is the fifth occasion on which the Police Ball has been held and on each occasion it has provided funding for the hospital. The committee does a magnificent job not only for the hospital but also for the reputation of our local police and the generosity and support they offer. On 1 August I attended the Hurstville Council Mayoral Ball. The theme this year was horses, no doubt associated with the date of the function. Mayor Vince Badalatti was pleased to advise that \$12,000 was raised on the evening, again for the St George Hospital. It is great to see Hurstville Council's ongoing support for the local hospital. I particularly congratulate Mayor Badalatti and the committee, which organised a very enjoyable and successful evening.

On 21 August I attended the Canterbury Hospital Ball. The honourable member for Canterbury, Ms Burney, also attended that event, as did the Minister for Health, the Hon. Morris Iemma, in his capacity as the member for Lakemba. I am sure the honourable member for Canterbury would agree that it was a great function for the hospital. It was held at the Canterbury-Hurlstone Park RSL Club, which offers very generous support to the committee that organised the event. The committee was chaired by Vicki Manning. I also note the strong contribution on the committee of Shirley Smith, Francis Carolan and Jean Stewart and her husband, Kevin, who is well known to members of Parliament. Kevin Stewart is now the chairman of Canterbury Leagues Club. I also note the role of Kevin Moss, the former member for Canterbury. Kevin is now on the organising committee for the Canterbury hospital ball. As Mossy was moving around selling raffle tickets—none of which won me a prize—I was reminded of another great Labor stalwart, Johnno Johnson.

Last Saturday evening I attended the Children's Cancer Institute Ball as a guest of good friends of mine, Michael and Maria Maher. Michael is a board member of the Children's Cancer Institute of Australia. That organisation does magnificent work to support the research units under the leadership of Professor Michelle Haber. The function was very well attended and raised in excess of \$500,000 for the Children's Cancer Institute. It was a great privilege to attend it. I congratulate all on that organising committee, not only for the amount of money they raised—which was certainly enormous—but also for the manner in which they conducted the function last Saturday evening.

On the preceding Sunday the Children's Cancer Institute had its annual cancer update, which is an opportunity for parents of children who are suffering from cancer to be updated on many of the current research techniques. I am pleased to advise that Minister Frank Sartor opened the event and that Michael and Maria Maher were, for the fifth year in a row, the prime organisers. As well as those who were in attendance at the Prince of Wales Hospital, where the Children's Cancer Institute is situated, other parents saw the update via video links to five regional centres. I believe that the sort of feedback provided to parents, and indeed to children, and the support they got in that update was magnificent and says a lot for the organisation. In the past six weeks I have seen an enormous amount of generosity from our local and wider communities and I thank all involved for the enthusiastic support they give to our health system.

### MANNING GARDENS PUBLIC SCHOOL

**Mr J. H. TURNER** (Myall Lakes) [6.21 p.m.]: Manning Gardens is a school that operates out of Taree. It was opened in 1984. The school predominantly serves families from two large public housing estates which surround the school. It has a total enrolment of 252 students in 13 classes. Incorporated in the school is a purpose-built support unit catering for 36 children with moderate to severe intellectual disabilities, and an early intervention class catering for 28 preschool students with disabilities or developmental delays. Twelve children with disabilities are fully integrated into the mainstream classes. Forty-one per cent of the mainstream students



are of Aboriginal descent, and no other cultural or ethnic group is significantly represented. The school has a teaching staff of 19 and a non-teaching staff of 8 who cater for the educational needs of the children. The majority of the staff are very experienced.

The school made an application under the Priority Action Schools Program and was successful in receiving funding. It then pooled the money it had obtained from various other schemes and had sufficient funds to integrate the priority action plan into the school. The primary concern was to improve literacy and numeracy within the school. The driving force behind this project was Lesley Steele. Lesley not only put together the application for the funding but also runs the overall program in the school, and she is hands-on. When I visited the school recently and saw the program first hand, Lesley took me around to see how the program worked. Later in the day I saw her sitting on the floor in the literacy course and conducting a concentrated study period for two children.

I applaud Lesley and all the staff, including the principal, Steve Eddington, for this initiative. I raise this matter tonight because although they have been so very successful they really need to be funded for next year and possibly for years afterwards if they are to continue their success. The concept of the plan is that they conduct not only literacy and numeracy classes but physical development, physical education, and hygiene courses.

When I arrived, the entire school was doing physical education—normally they do it in groups of about four or five. They might be walking, running or doing something else. On this day it was raining, so they were doing aerobics. Everyone, including the teachers, were involved. Then they have something to eat, and the whole school participates in that. There is an emphasis on nutritional food, with a lot of fruit and fruit juices. From that start, the children are invigorated and want to learn. They then concentrate on literacy and numeracy for the rest of the day, allowing for about one hour at the end of the day for ancillary matters that they might be involved in.

Literacy in particular can embody the whole school core; it includes social studies and geography—all those sorts of subjects. Classes vary: they may be one-on-one, one-on-two, or a small class for those who are having great difficulty. With the money they have they have integrated into the program outside volunteers, such as psychiatrists, psychologists, speech therapists, physiotherapists, and audiologists. This gives the children a great deal of confidence. The established levels they want to reach include a 10 per cent increase in fluency and comprehension, a 10 per cent improvement in the writing of high-frequency words by K3 students, and a 10 per cent improvement in the numeration skills of years 4 to 6 students. I am told they are achieving those levels now.

It is a very important program, and one that I believe is very worthwhile. I certainly compliment the whole of the school community for being involved in it. I particularly mention Ian Dyball, the president of the school council, who invited me to the school, and the principal. Everyone, including the parents, is invigorated by the program. It reflects the school motto, "Together we grow", and I hope we can continue this program in future years.

#### **MINISTER FOR TOURISM AND SPORT AND RECREATION LAKE MACQUARIE ELECTORATE VISIT**

**Mr HUNTER** (Lake Macquarie) [6.26 p.m.]: This evening I would like to speak about the ministerial visit to Lake Macquarie of the Minister for Tourism, Minister for Sport and Recreation, and Minister for Women, the Hon. Sandra Nori. The Minister visited the Lake Macquarie electorate on Wednesday 20 August and spent the day inspecting a number of facilities. First was the official launch of a Southlake tourism brochure, which was held at Dobell House at Wangi Wangi, the home of the great artist Sir William Dobell. I invited Minister Nori to visit Lake Macquarie to launch the brochure on behalf of the Southlake Tourism Action Group, which is part of the Southlake Community Alliance. That alliance comprises local community and business groups. The brochure is an alliance initiative designed to promote tourism-related businesses and attractions in the south-western area of Lake Macquarie.

The brochure is A3 size and folds down to DL for easy mailing and display. One side of the brochure has an area map with key numbered listings to picnic areas, public facilities, historical places, boat ramps and other natural features, and the key listings are linked to businesses that have paid a subscription fee to be represented. The businesses are categorised around the map, and the categories are tourism related. The reverse side of the brochure has local photographs, information and one DL panel of business card size advertising.

All the funds to produce the brochure were contributed by local businesses and community groups, and all the work involved in completing the brochure was voluntary. Certainly it is a fine example of a community working together to promote its local area. Many people know that the attractions in the Morisset area are the Mega Markets and the Power Barn, but a naturally beautiful area like South Lake Macquarie has more to offer visitors than just those two features.

We hope that the new brochure will encourage people to visit and have a closer look at our area. I am certainly encouraged that the tourism brochure has been a 100 per cent community effort. That demonstrates to me that people in the area want visitors because they know it is good for business and good for the community. Following the launch of the brochure at Dobell House—and I congratulate the Sir William Dobell Memorial Committee on providing Dobell House for the launch of the brochure—the Minister travelled south to the Myuna Bay Sport and Recreation Centre, where she inspected some \$6 million of upgrading work currently under way at the facility. Some five new accommodation lodges have been built on the site over the past few years. The centre can now cater for 250 clients.

Following the Minister's visit, tenders went out for the construction of a \$2.5 million new kitchen and dining room facility on the site. I note that the Minister was very impressed with the dedication of the staff, ably led by John McGregor, the general manager of the centre, and she was certainly impressed with the facilities. I advise the Minister that the community is very pleased that the Government is spending some \$6 million on upgrading that facility.

Following the inspection we travelled to Lake Macquarie City Council at Speers Point, where we met with the mayor of the city, Councillor John Kilpatrick, and representatives from the Hunter Tourism Board. The Minister spent considerable time discussing regional tourism and issues relating to Lake Macquarie. Following that we travelled north of my electorate to Glendale to visit the Hunter Sports Centre, where the Minister met with the sports centre manager, Colin Southworth.

She inspected the facility and was told of the plans the local community have to expand the facility so that it is more revenue-generating, is not a burden on local ratepayers and improved facilities are available for the region's sporting community, not just for the Lake Macquarie area. As I said before, it is a Hunter region sports facility and I am pleased that the State Government has contributed in excess of \$2 million to it. The Minister was keen to view the Ken Booth Gymnastics Centre, named after our former Treasurer and former member for Wallsend. That facility was opened a few years ago by Premier Bob Carr. I thank the Minister for visiting Lake Macquarie and for her interest in the activities of local groups there.

**Ms NORI** (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [6.31 p.m.]: I thank the honourable member for Lake Macquarie for his contribution, although I am not accustomed to having my diary read out in the House. It was a very busy day but regardless of which facility I visited, the one clear message I confidently took away was that communities in that part of the world are thinking about tourism and the connection between sport, recreation and tourism. Those communities are being proactive, not waiting for government handouts. They are working out strategies for themselves. I was particularly impressed that Southlake Community Alliance had developed its own pamphlet, because any community that is thinking forward, thinking tourism and how it can work together to obtain a bigger and better result, has a future.

It is not enough to have a wonderful product, although they do. There must be leadership and a vision to make things happen. I feel very comfortable that that part of the world has a good tourism future because the locals are taking ownership. I thank the honourable member for Lake Macquarie for inviting me to visit. It was an extremely busy and tiring day but it was well worthwhile. I enjoyed it very much. I had not previously visited Dobell House but I commend it to all honourable members. The house dates back to the 1950s and is in much the same condition as it was in Dobell's time. It was extremely interesting and a great way to spend a couple of hours.

#### **CRIMES ACT SECTION 10 IMPLEMENTATION**

**Mr KERR** (Cronulla) [5.33 p.m.]: I wish to refer to the injustice suffered by a number of my constituents with respect to the implementation of section 10 of the Crimes Act. Section 10 replaced section 556A, which honourable members would be more familiar with. That section was designed to blend compassion with mercy in tempering the full force of the law. It was applied when a person was technically guilty of, say, a traffic offence but because of the overwhelming favourable circumstance the court was prepared to exercise mercy.

When the Crimes Act was amended to replace section 556A with section 10, the courts still had the power to find a person guilty but not record a conviction. However, injustice is being caused when people who are alleged to have committed traffic offences decide, rather than pay the fine, to exercise their right and contest the matter or seek to give an explanation in court. They weigh up the matter and choose to take the matter to court, knowing that the court has the discretion to increase the penalty. Even if the court decides not to impose a penalty the Roads and Traffic Authority has the authority to record points against their drivers licence, and in some cases that results in the loss of licences. The *St George and Sutherland Shire Leader* has brought this matter to the notice of the public through extensive articles. It referred to one case as follows:

In 2001, a young man from Gympie was driving home from a party when a police car ticketed him for travelling about 90 kph on a suburban road. The youth went to court. He claimed he had been stopped at traffic lights and it was not possible to reach the speed the police alleged in the distance available. The magistrate agreed and put the youth on a bond. However, the points from the speeding charge stayed on his record.

That was not the intention of the court, but he still suffers that penalty. The law should reflect the intention of legislators, but that is not happening. The Law Society of New South Wales has also expressed concerns in a submission that I ask be made public so there can be informed debate on the matter. The legislation needs to be amended to accurately reflect the intent of the court when people are granted leniency under section 10 of the Crimes Act.

**Ms MEGARRITY** (Menai—Parliamentary Secretary) [6.37 p.m.]: I was a little surprised by the contribution of the honourable member because I am accustomed to Opposition members asking for sentences to be tougher or mandatory or for latitude not to be given. However, I welcome his contribution because, to paraphrase Shakespeare, the quality of mercy should not be strained and it should bless both him who gives and him who receives. I agree with the honourable member that latitude should be available. However, it seems that whenever an incident occurs where it appears that too much latitude has been given it is always the Government's fault that the judiciary has taken a certain position. I join with the honourable member, and many other members, in taking up cases on behalf of constituents whom we feel have been harshly dealt with by the courts. I will refer the honourable member's remarks to the Ministers concerned to see whether some of these issues can be dealt with fairly. However, it is important to recognise that the courts have some discretion in these matters and, at the end of the day, should not be held accountable.

### CHILD PROTECTION LEGISLATION REVIEW

**Mr DRAPER** (Tamworth) [6.39 p.m.]: I spoke in the House some time ago on the paltry salary increase offered to our teachers in the New South Wales public education system. On that occasion I was unable to expand on another issue due to time constraints, but today I return to the subject of child protection legislation, fulfilling a promise I made to the teachers of my electorate. I have received some 100 emails from the Teachers Federation on behalf of teachers from around my electorate, expressing their concern at flaws in this legislation. Effectively, it means teachers cannot carry out what were once everyday functions or actions. The House would be aware that the Government recently announced a review of the child protection code for teachers. To assist in this review, I want to inform the House about the everyday impacts of the current code. I relate the story of one teacher, which clearly shows the frustration caused by this legislation. The letter reads:

I am a teacher of over 25 years experience and teach Computing Studies, History and also English. I will speak about the situation I find myself in as a teacher of Computing Studies.

The Computer Rooms are popular retreats at recess and lunchtime—even before school for many students. Some come to work on class assignment tasks, others to complete Computer Studies projects and others just find the Computer Room a congenial place. Some students who find the playground a daunting environment use the Computer Room as a safe haven at times of trouble where they can sit and relax or do some educationally sound work.

But this act has had this serious consequence. I can no longer have the room open for only one or even a few students. I have made it obligatory that there be at least three or four students, usually of mixed gender before I will permit its use. I am guarding my career and my reputation!

Previously I would not have concerned myself if the room had one or two students only—with the door open, all was proper. But now I think twice about the potential students that I have to supervise and often help.

It has meant that on a number of occasions, students seeking a quiet place from the rigours of the playground have had to be turned away. On a number of occasions, students wishing to do school work or requiring my assistance with a computer matter have not been able to have my attention.

The very pupils the Act seeks to protect are now pushed into environments they don't find congenial or are denied the opportunity to do legitimate educational tasks!

The irony is galling!

This applies also to the helping of students with classroom problems once a period has ended. The definitions of child abuse are so vague that it is often unclear what is abuse and what is appropriate discipline!

A quiet, private and confidential interview with a student—the old "quiet word"—is now under clear and obvious threat. So much for the fostering of care and trusting relationships that lead to better educational results! So is the effective use of eye contact in directing students back to task and a plethora of other appropriate techniques including the raising of the voice where it is warranted and necessary.

I, like many others, have been the victim of a minor and trivial matter I found more vexatious than real. But having been through at a local level the round of reporting, investigation and interview I am determined to ensure that my valuable professional time and that of my colleagues is not wasted in future. I can only say this has affected the development of positive and trusting relationships with students that are the basis for good pedagogy.

It is stories like these that the Government needs to hear and listen to. I have written to the Attorney General and the Minister for Education and Training to ask that the laws and guidelines surrounding child protection in our schools be urgently reviewed. I am pleased to hear that the Government is now looking at these concerns. Of course, we must balance the need for child protection with the ability of teachers to carry out their profession. This is an issue that deserves the prompt and serious consideration of the New South Wales Government. I have had many personal approaches from teachers of many different subjects. It is untenable that while teachers are trying to do their very best for our children, who are the future of this country, we are putting in place processes that clearly inhibit their ability to relate to the students and deliver the outcomes that we all strongly desire. Once again I urge the Government to look at this issue seriously. The teachers in my electorate will be waiting to hear whether their concerns will be acted upon or ignored once again.

**Ms MEGARRITY** (Menai—Parliamentary Secretary) [6.45 p.m.]: The honourable member for Tamworth has raised a critical issue facing schools and teachers not only in his electorate but throughout New South Wales. In my electorate of Menai similar issues have been brought to my attention, particularly by male teachers. At a time when we are trying to encourage males into the profession and keep them in the profession, especially in primary schools, the teachers feel that they are putting themselves at risk. As the honourable member said, the Government has already announced its intention to review some of the unintended consequences of the important concept of child protection. Indeed, legislation in that regard should be introduced during this session of Parliament. It is incumbent upon all members to look at that legislation closely, and to ensure that if there are loopholes or unintended consequences they are brought to the attention of the relevant Minister as soon as possible so that unforeseen problems do not arise and teachers, who are such a critical part of our children's future, are protected, but not at the risk of students.

### ADULT AND COMMUNITY EDUCATION

**Mr TORBAY** (Northern Tablelands) [6.46 p.m.]: The lack of detail in plans for the restructure of education in this State is creating enormous anxiety in country communities who believe that when the axe falls and 1,000 jobs are lost, they will be the principal losers. There are two primary areas of concern: TAFE and the Adult and Community Education [ACE] sectors. Both are great performers in providing education and training for people in rural communities, and both are extremely flexible in fitting their programs to meet local needs. Should either of these excellent providers suffer substantial cuts, as appears likely, they will leave a gap which cannot be filled by other services because no other services exist.

I recently attended a rally in Tamworth, together with my colleague the honourable member for Tamworth, to address the concerns that no specific allocation for ACE had been included in this year's budget. The assumption is that it is being targeted for cuts, and there has been no clarification from the Government to counter this assumption. Everyone knows that the Government is looking for ways to fund its education election promises, but in my view it would be unwise to plug one gap and create a gaping hole in the process. At the well-attended rally I said that it would be an act of vandalism if the planned education restructure penalised the sector that provides the most flexible and equitable programs for adults in country communities. Those participating in numeracy, literacy and skills upgrade programs would be hardest hit through budget cuts.

Last year the ACE system delivered eight million hours of teaching for 428,992 students throughout the State and helped many people gain the skills they needed to seek jobs. The State and the Commonwealth contributed \$17 million to the sector last year, but this year the State has made no specific allocation. I have received representations from almost every centre in the Northern Tablelands and some beyond that. From the information I have received it appears extraordinary that the system that virtually pays for itself through student fees, and which responds readily to the needs of the community for accredited and non-accredited training and is

held in such high regard, should be fighting for its life. The funding allocation directed to ACE centres keeps the doors open by paying for co-ordinators, essential maintenance and some equipment.

It is a successful public-private partnership arrangement, as the courses offered at these centres are paid for by the students and the local companies who require specialist training. When a request is made the centres find an appropriate tutor whose fees are paid by those who attend the course. In terms of updating skills in small country towns, this is the only service available. There are many examples of quick responses to the needs of local companies to provide accredited training for a small number of employees in occupational health and safety, first aid, farm business management, aged care and disability work, the responsible service of alcohol, safe food handling and new computer skills. It also meets the needs of individuals, particularly members of the indigenous community, who wish to acquire accredited skills such as operating chainsaws, machinery and agricultural equipment to secure jobs.

The flexibility of the ACE system means that courses can be offered for smaller numbers and at times that are suitable. TAFE, on the other hand, has different criteria and offers specific courses for specific numbers in larger centres. These do not necessarily accord with the need for short accredited courses to provide skills or update skills to help those looking for work or promotion to better jobs. At a time when education is considered to be the solution to so many social problems, particularly for those who fall through the loop at school or who have received little formal education, the Government should be boosting a system such as ACE rather than placing it under threat.

ACE offers numeracy and literacy courses that are both sustainable and supportive to people who would otherwise have no opportunity to access them. Many people can afford to pay the fees necessary for a local course but not to travel long distances to a TAFE centre. However, by taking bridging courses in literacy and numeracy at a local level, many young people are persuaded to take further steps and pursue TAFE qualifications. ACE also provides employment for local people and makes its facilities available to the community, particularly in providing access to computers for those who do not own them. New South Wales has taken a leading role in adult and community education in the past 10 years through its board and the director within the Department of Education and Training. Through this restructure, there are fears that ACE will be merged into the vocational education and training sector and lose its identity, autonomy and the community-based operations that are so successful. I thoroughly support the campaign to retain the current ACE structure, which is delivering such impressive results for country people. I ask the Minister for Education and Training to give an assurance that adult and community education will continue to be funded at the current level or above to continue its good work.

**Private members' statements noted.**

*[Mr Deputy-Speaker left the chair at 6.51 p.m. The House resumed at 7.30 p.m.]*

**DEATH OF MR COLIN MURRAY FISHER, OAM, A FORMER MINISTER OF THE CROWN**

**Mr SCULLY** (Smithfield—Minister for Roads, and Minister for Housing) [7.30 p.m.]: I move:

That this House extends to Mrs Fisher and family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death on 7 July 2003 of Colin Murray Fisher, OAM, a former Minister of the Crown.

On behalf of the Government I convey my sincere condolences to the Fisher family. We are sincerely sorry for the family's loss. Colin Murray Fisher was the member for Upper Hunter throughout the duration of his service in this House, and he served as Minister for Local Government, Minister for Lands and Minister for Forests. I am sure that many other members will speak of his service. I understand that he was also a member of the Australian military at some time, and I am sure other members will speak about that. It is always sad to lose a former member of the Parliament, particularly a former Minister. In speaking to some of the older members of the House, I understand that Colin Fisher served with distinction. Our thoughts and condolences are with his family.

**Mr SOURIS** (Upper Hunter) [7.33 p.m.]: I am proud to speak to the condolence motion for my predecessor as the member for Upper Hunter, the late Colin Murray Fisher. I do so because I have known Colin Fisher and his family for many years. I am delighted to see his son, Richard Fisher, his daughter, Julia Wokes, and his grandson, Nicholas Wokes, in the gallery this evening. Colin Murray Fisher was born on 23 January 1923 and died on 7 July this year aged 80 years. His public life commenced when he became part of the second Australian Imperial Force, and he saw service as a 21-year-old captain in Papua New Guinea, Borneo and Celebes.

Colin Fisher met Adrienne Goldring, a member of the Women's Auxiliary Australian Air Force at the time, and they were married after the war, on 6 January 1949. His two children, Richard and Julia, who are present in the gallery, continue to have outstanding careers in their own right. I know Richard, Diana and their children. Richard is my former economic statistics tutor at the University of New England. I know Julia, Chris and their children, including Nicholas, who is present this evening. Julia is the parent of a son who attended the same school at the same time as my son. So there are even more connections than I can imagine.

In 1956 Colin Fisher was elected to the Patrick Plains Shire Council, where he served for 13 years. He was continuing his general service to his community; he was formerly involved in the military and subsequently became involved in local government. At the same time he was also a director of the Singleton Co-operative Dairy Company for 10 years. He then entered Parliament on 14 February 1970 after a by-election, and served in this Chamber for 18 years. His maiden speech took place on 18 March 1970, and I read it again only today. Although most new members, in their maiden speech, concentrate on issues about the election campaign and who was or was not involved in the campaign, Colin Fisher spoke at length and in depth on various issues, particularly the issues facing the dairy industry.

Fortunately, the debate in which Colin Fisher chose to deliver his maiden speech was the Dairy Industry Authority Bill. He was able to speak with considerable insight and impact, and he made his mark with his first speech on matters relating to rural industries and the dairy industry in particular. He also referred to a couple of other issues: road funding and rail freight. I note that in his speech he urged the Federal and State governments to increase road funding in country New South Wales to 40 per cent of the total cake. Forty per cent is an interesting figure because when the Coalition came to office the figure was ultimately increased to 60 per cent—a figure which, give or take some political debate, still prevails. It was of interest to me that his maiden speech was so strong on policy matters, and on legislation in particular.

Colin Fisher had the privilege and honour of serving the people of New South Wales and this Parliament as a Minister for the last part of the Coalition Government's term of office, just prior to the change of government in 1976—the Wran Government. He then served as a shadow Minister for a number of years and in a wide range of portfolios. He was Minister for Local Government, Lands and Forestry. As a shadow Minister, he was the shadow Minister for Local Government and Planning, then Local Government, then Planning and Environment, then Planning, Environment and Energy—under the leadership of John Dowd—and then Energy. During that time—1983 and 1984—there was a considerable level of development in power generation in the Hunter Valley. I know Colin Fisher would have been able to see the exhaust chimneys from Bayswater Power Station rising as they did from his farm in Jerrys Plains.

Subsequently, he was the shadow Minister for Public Works and Ports. He was shadow Minister right up until 15 May 1986, when I imagine he may well have made his announcement that he would not be contesting the subsequent election. It was around that time or later that same year that the preselection process for his replacement got under way. Most of his parliamentary career was spent in Opposition. It is a feeling I have come to appreciate acutely over the past 8½ years, but at least I am able to say that I enjoyed seven years in government prior to that. Obviously, it is hard going for a member to have spent so long in opposition and then to retire literally on the day of the Greiner landslide that catapulted the Coalition into government in March 1988.

I have known Colin Fisher well. I was involved in what was then called National-Country Party affairs in one form or another and, therefore, had considerable involvement with Colin Fisher at that level. He retired with his reputation intact. Parliamentarians hope that they are able to leave this place with their reputations enhanced or intact. I can say that in this case it was so. He was awarded an Order of Australia medal and recently was awarded a Centenary Medal. I am proud that he has been recognised well after his period of service in this Parliament, when one could expect that many people would have forgotten about the contribution he made. I shall read onto the record some remarks made upon his death by his electorate secretary—the only electorate secretary he had, and the only electorate secretary I have had. Pam de Boer is either the longest-serving or equal longest-serving electorate secretary in this Parliament. Without putting it too mildly, she had a very great affection for Colin Fisher. On the day he passed away she said:

Colin was the most outstanding gentleman I have had the pleasure of knowing. His qualities of fairness and integrity made him such an outstanding representative of Australian people.

His untiring efforts in serving the constituents of Upper Hunter electorate for eighteen years were well recognised.

And that was when electorate secretaries were first appointed. Prior to that members shared common rooms in buildings that are no longer here. She went on:

For 13 years I had the privilege of working closely with Colin. I learnt of his compassion and his commitment to the community and his work both as a Member of Parliament and State Government extended well beyond the normal duties associated with the Parliamentary position he held.

I had the deepest respect for him as a person, who always put others first, irrespective of their political affiliation. He was a man of enormous character, great intelligence, charm and wit and a tireless worker for the people of his Electorate, his family and everyone he came in contact with.

She said her family:

... shared my admiration, love, loyalty and respect for such a fine gentleman.

Pam de Boer has encapsulated very much my sentiments this evening as I think about Colin Murray Fisher. My press release on the same day is nowhere near as good or as well written as Pam de Boer's. I felt it was the end of an era—the era of gentleman politics. I stated:

Colin Fisher was a gentleman and a thoroughly responsible citizen who served his community and his country with distinction ...

Colin Fisher had well and truly made a contribution to society, one that we are proud of and grateful for; a career and life that was an example to us all.

Colin Fisher's time was described by one of his best friends—a former member of this Chamber, a former member of the House of Representatives and a former Deputy Prime Minister, Tim Fischer. When Tim Fischer delivered the eulogy at Colin Fisher's funeral he said:

It was his undisputed spirit of generosity, loyalty, integrity and good humour; in one word, absolute decency.

Colin Fisher had quite a number of friends in this Chamber in addition to Tim Fischer. Roger Wotton, Wendy Machin and George Freudenstein were perhaps his closest friends in this Parliament, but I do not wish to imply that he was not good friends with many more people. I have identified the few people who were perhaps closest to Colin Fisher. Tim Fischer said in the eulogy that he rarely made a move in politics without chewing it over with Colin Fisher. Tim said he was a friend of the objective and of the personal variety. I record my appreciation of the guidance and example I have gained from the member of Parliament I followed into this House. Colin Fisher shepherded me into the National Party. He superintended the various positions I occupied as treasurer or chairman of branches, etcetera. He was completely professional throughout the preselection and generous with his advice immediately after that, especially so during my early years as a member of this House. Adrienne, his wife, was also quite forthcoming with advice, which I very much valued.

I will always remember Colin Fisher one afternoon prior to a difficult local branch meeting. He came to my home to dinner. My wife thought the meeting would be very difficult and thought he needed a quadruple strength Greek coffee and a stiff ouzo. During the meeting he was in a semi-oblivious state, but he easily proceeded through the agenda. Colin taught me many things, but I will relate one amusing story. I said to him, "You always buy a Ford." He said, "Yes, I always buy a Ford, I always make sure it is of a very similar colour to the one I had before and I always use the same number plate on each car", which had the letters "CMF" followed by numbers. He said, "It doesn't look any good if you change your car too often." I stuck to this piece of advice and I have done exactly the same. The colour I have adopted is silver-grey. He also had another car, a clapped-out Volkswagen, which he bestowed on Wendy Machin. She dines out on the story that it was a free car but she had to spend \$700 on it to get it to work.

Colin Fisher taught me one very important principle about parliamentary representation that is worth repeating: Every constituent in the electorate, irrespective of his or her circumstances, philosophical or political disposition, is entitled to equal representation. I have always been cognisant of that principle. I knew Colin Fisher observed the principle and I have tried to do likewise. He represented members of the Miners Federation, known ALP members—anyone and everyone equally. It did not matter to him. It is no wonder that Colin Fisher's margin grew so healthily, even during the height of Neville Wran's premiership. I extend my condolences to Mrs Adrienne Fisher and Richard, to Julia and Nick, who are present in the gallery tonight, and to the whole extended family. I express in Parliament the gratitude of a community well served by such a fine legislator.

**Mr ARMSTRONG** (Lachlan) [7.51 p.m.]: I join with my colleagues the honourable member for Upper Hunter and other members of the National Party in speaking to this condolence motion. At the outset, on

behalf of my wife, Jen, and myself, I extend our sympathy to the family of the late Colin Murray Fisher, namely, Richard and Julia and grandson Nick, and particularly to his widow, Mrs Adrienne Fisher. I ask that the family members present tonight extend our condolences to Mrs Fisher. George Souris, the honourable member for Upper Hunter, has enunciated very ably Colin Fisher's record in this place. He also made mention of his service in the Army. His five-year stint in the Australian Army from 1940 to 1945 as a young man showed an extraordinary devotion to service. That took the prime years not only of Colin Fisher but of his colleagues as well. He served mainly in Borneo and in the southern Pacific campaign, which was a tough campaign indeed. To rise to the rank of captain in those days was a significant achievement.

I was not surprised to learn about that when I became a member here in 1981. Colin Fisher was one of my mentors when I arrived. He was a natural gentleman through and through. He had a lot of style and natural charm. He was a person of high intelligence, a person who liked to succeed and to do everything well. He was an excellent farmer. He ran a beef cattle and dairy enterprise called "Montrose" at Jerrys Plains until the day he died. Over the years Colin and Adrienne made it into a model enterprise, in terms of the quality of his cattle, milk production, pasture improvement, the introduction of new technologies and techniques and usage of irrigation water—he had significant irrigation pastures—and, most important, in terms of the quality of product he delivered to the factories.

How do I know that? Because I was the Minister for Agriculture and Rural Affairs for some years when Colin Fisher was a member. He was always a good reference point if I wanted some information. I could go to him about any matter on the dairy industry and its politics, on the practical application of farming and, most important, on the business side. It is one thing to grow good pastures, produce good milk and turn out good cattle; it is another thing to make money. Colin Fisher did that as well. He was, in my opinion, a most consummate man.

I was thinking about him this afternoon when I was making a few mental notes. If I wanted to present someone as a role model to my own children I would say, "If you made a role model of Colin Fisher, read about him, you would do pretty well." He is the sort of fellow we would all like to have as a father or brother; we would like to have a young Colin Fisher as our son. He was an Australian through and through—very proud, quietly proud. He was not a noisy man. He was proud of Australia and of his position in Parliament. He was proud of the protocols and the process of the democratic system in this Parliament. He was proud of his family. Colin Fisher was one of those men who, when he came into a room, had a presence—but not a noisy one. There was always a presence about Colin Fisher because of the strength of the man and what he stood for. He stood for those values that many of us would like to emulate.

Colin Fisher was one of a group of men from both sides of this Parliament who went out in the 1980s. It was a different style of politics in those days and a different style of community because many of those men and women had come back from serving in World War II and they had a certain strength about them that I have always admired, and I always will. As the honourable member for Upper Hunter said, Colin Fisher made a significant contribution to this Parliament. His contribution was not so much what is recorded in the library annals; it is recorded in the man's own persona. He injected decency and a certain pride into this place that is sometimes wanting in this day and age.

The honourable member for Upper Hunter mentioned Wendy Machin, a former Deputy Speaker in this House. Wendy was one of the early female members; I think she was the first female on this side of the Chamber. It was not easy for her. Colin Fisher and his friend Roger Wotton mentored Wendy. When she suffered a torrid attack in the first few weeks she was here, those two men advised her and enabled her to turn the attack around and, at least, to neutralise it. It was an unfair attack, but the advice from Colin Fisher and Roger Wotton was significant. That was typical of Colin: being wise and forthright.

I might make him sound a bit dry, but he was not. He had a great sense of humour and he loved the whisky, particularly about nine o'clock at night. You would be thinking about going home, not having a drink and getting an early night. You would be going down the corridor and the next thing you would hear, "Armstrong, Armstrong". It would be Colin Fisher or Jack Boyd—there was a little group of these chaps—and in you would go. An hour later you might get out of there in one piece. They enjoyed life. They were great raconteurs; they told their stories and they were a vibrant group of men. Colin Fisher was a leader amongst them. It is with great pride that I participate in the debate on this motion. Not only was Colin Fisher all the things I have said, in his *Who's Who* reference his recreation was listed as golf. He had to be a good bloke if he liked golf, which he did. The Parliament was much the poorer when Colin Fisher retired and society was much the better for his presence on earth. He has left behind him his family as a legacy.



**Mr STONER** (Oxley—Leader of the National Party) [7.59 p.m.]: I pay tribute to Colin Murray Fisher, OAM, the much-respected and loved former Country Party member for Upper Hunter. I extend my condolences to his wife Adrienne, and children, Richard and Julia and his grandson Nick, who are in the gallery tonight and their extended families. While I did not have the privilege of serving in this Parliament at the same time as Col Fisher, his legacy lives on in both the National Party and the Parliament as a whole. During my discussions with honourable members who served with him, I have been struck by the recurring themes of honesty, decency, loyalty, generosity and fair-mindedness. He was a true gentleman who gave much to others, yet expected little in return. He was someone upon whom parliamentarians should model themselves. Aspiring and serving members studying the personal and political life of Colin Fisher would find a framework for political probity and respect.

Colin Fisher was born in 1923 at Leura and was educated at Seaham Primary School, Sydney Church of England Grammar School and Hawkesbury Agricultural College. In 1940 he enlisted in the 2<sup>nd</sup> AIF and saw active service overseas in New Guinea with the 7<sup>th</sup> Australian Division and in Borneo with the 2/27 Australian Infantry 21<sup>st</sup> Brigade. He was discharged from the Army in 1945 with the rank of captain. In his eulogy for Colin, former New South Wales parliamentarian and Federal National Party Leader Tim Fischer recalled a famous story demonstrating that Colin was not short of initiative. When enjoying a brief period of leave at Cairns he found himself downtown and short of a lift. He quickly commandeered a United States Army vehicle that had been left idling outside a shop for the return to trip to battalion lines. Following the war, he joined his brothers and utilised his agricultural college training when in 1948 they purchased the family property, Montrose, at Jerrys Plains. Colin was well known and respected as an excellent dairy and beef farmer.

Like many members of Parliament, Colin started his political career in local government. He was elected to Patrick Plains Shire Council in 1956 and served 13 years as a councillor. He was also a director of the Singleton Co-operative Dairy Company for 10 years and was active in a number of other community organisations. He was first elected member for Upper Hunter in a by-election on 14 February 1970. He was appointed Minister for Local Government in December 1975 and Minister for Lands and Forests in 1976. He served in various capacities in Opposition, including as a member of the Public Accounts Committee. Colin Fisher served through a great period of transition and change in the National Party, with the Country Party changing its name in 1977 to the National Country Party, and ultimately to the National Party in 1982. He retired from this place in 1988 and continued to play an active role in the Upper Hunter community.

As Tim Fischer correctly pointed out, Colin was a deserved recipient of the Order of Australia Medal in recognition of his years of public service and as a tireless worker for the people of Australia. He was associated with the Hunter River Water Users Association and the Jerrys Plains Bushfire Brigade, and was chairman of the Old Sydney Town Committee. In tribute to Colin, his electorate secretary for 13 years, Pam de Boer, said of him:

He was a man of enormous character, great intelligence, charm and wit and a tireless worker for the people of his electorate, his family and everyone he came into contact with.

Those sentiments concisely summarise the man Colin Fisher was to this Parliament, his community and his family.

**Mr PAGE** (Ballina—Deputy Leader of the National Party) [8.05 p.m.]: I join with the honourable member for Upper Hunter, the honourable member for Lachlan and the Leader of the National Party in paying tribute to Colin Murray Fisher. Although I did not know Colin Fisher as well as the honourable member for Upper Hunter and honourable member for Lachlan, I did know him well enough to appreciate him as a man of substance and integrity and as a man with a sense of humour. He was a thoroughly decent man. He served our nation in war and our community in peace.

Even though Colin Fisher retired as a member of this House on the day I was elected, we got to know each other when he often came back to Parliament after his retirement. I well remember the many occasions when Col and Roger Wotton, who it seemed were inseparable at that time, would entertain and educate new members like me late into the evening during the early years of the Greiner-Murray Government between 1988 and 1991. I remember thinking that if even half the stories being told by the two gentlemen about what went on in and around this place during the Wran-Unsworth years were true it must have been a very interesting, if not dangerous, place to be. I remember the story about one member being hung over the balcony by other members for not having done what was considered appropriate at the time. Many other stories were told that I am hesitant to put on the parliamentary record.

I also remember thinking that these were men from another era. As the honourable member for Lachlan said, Roger Wotton and Col Fisher were great raconteurs. They were charming company and fun to be with. It was common to be walking down the corridors of this place and to be invited by one or other gentleman to join him for a scotch. The conversation was always fascinating and worldly. It was interesting, as a new young member of Parliament, to share time with these men who had served our nation in war and who had developed their character to such an extent that they knew who they were, what they were about and what contribution members of Parliament could make to the welfare of the country and the State. As we have heard, Colin Fisher served his constituents as the State member for Upper Hunter for 18 years and for 13 years in local government prior to that. That is a total of 31 years of service to the community—a significant contribution. No-one can be elected and re-elected as often as he was without being genuinely dedicated to the welfare of the community. Col certainly possessed that dedication. Of course, that service was recognised when he was awarded the Order of Australia Medal.

Col also had a reputation for doing his homework. He could be relied upon to research an issue and to provide quality advice on which others could rely. While serving as a Minister prior to the 1976 Wranslide, Col spent much of his parliamentary time in Opposition, including many years as a shadow Minister. Having spent too many years as a shadow Minister I can relate to the frustration it would have caused. I have no doubt that if Col had had an opportunity to be a Minister for longer—he was the Minister for Local Government, Minister for Lands and Minister for Forests prior to the Wranslide—he would have clearly demonstrated that he had the calibre, intellect and compassion to be a very good Minister. If serving one's community and nation and supporting one's family are key criteria on which people should be judged then Colin Fisher gets full marks.

As Deputy Leader of the State National Party, I acknowledge Col and express our appreciation for his wonderful contribution to the country and the National Party over many decades. I also offer my condolences to his wife, Adrienne, and his son, Richard, whom I have known since my university days. Like the honourable member for Upper Hunter, I studied economic statistics under him. Thank God for Richard Fisher—I would never have passed if not for his tuition and tutorship during those interesting years. I also extend my condolences to his daughter, Julia, and to his grandson, Nick, who are in the gallery this evening and, of course, to the whole Fisher family. You have every reason to be proud of Colin Fisher: a man of integrity, decency and generosity. He will be remembered fondly by all of us who were fortunate enough to have known him.

**Ms HODGKINSON** (Burrinjuck) [8.09 p.m.]: I wish to make a few comments on the condolence motion for Colin Murray Fisher, a former Minister of the Crown, as a mark of respect to his memory. I acknowledge that Richard, Julia and Nick are in the gallery this evening. Clearly, Colin Fisher was a dedicated member of Parliament and a great man. His passing is a sad loss to the National Party, as evidenced by the number of speakers on this motion. I extend my sympathies to the family. I was fortunate enough to be able to read Tim Fischer's eulogy. Unfortunately, I was unable to attend the funeral so I was grateful to Tim Fischer for writing out and circulating the eulogy, which enlightened me on some aspects of Colin Fisher's life. I knew that he was the former member for Upper Hunter from 14 February 1970 until 1988, during which time he provided dedicated and long service as a Minister, a backbencher and a shadow Minister—a well-rounded parliamentary career.

I recently attended the funeral of the former member for Goulburn, my predecessor, Ron Brewer, who was a colleague of Colin Fisher. Both men served in the war and formed a great part of our parliamentary history. Whilst their convictions were strong, so too were their representations on behalf of their rural constituencies on roads, agriculture, education and health—similar issues to those we debate in this Parliament today. The speeches that appear in *Hansard* in the 1970s and 1980s era could just as easily be delivered today. Colin Fisher's maiden speech was about the dairy industry, which is still a topical issue today, one that has been debated in this House on several occasions since I became a member of Parliament. Men of Mr Fisher's generation and the stories of their time serve as folklore in our great National Party history. They are legends and we look to their memory with respect. We thank them for the service they have given to us.

**Mr J. H. TURNER** (Myall Lakes) [8.12 p.m.]: In about 1983 my wife and I received a letter from Col Fisher welcoming us to the electorate. My wife said that it was the first letter she had received from a member of Parliament that she would be voting for—she came from Newcastle. Little did I know that shortly after that Col Fisher would play an intimate part in my life when I was approached by the National Party to stand for the Federal seat of Hunter. At that stage I lived at Rothbury in the Hunter Valley. Col was one of the people who put my name forward for the position. Someone arrived one day and asked me if I would consider standing for the National Party for the seat of Hunter and, after consideration, I agreed. From then on Col was a great help.

It was my first foray into politics and I did not understand what was going on. Col may have been asked to help me, but it seemed that he was part of the team trying to win the seat of Hunter. He realised it was

an enormous task based on results in Cessnock and further north. But he was there and I thank him for that. He took me all over the Hunter Valley, which was part of his electorate. He door-knocked for me, he introduced me to people and he attended functions. The first fundraising function for the seat of Hunter was in my home at Rothbury on a terrible windy day. I lived on a few acres and we were going to hold the function outside. Instead, we clustered in a little area out of the wind. I clearly remember Col standing and eating, with a plate and glass in one hand. We all think we could do that, but Col actually could. I made a remark about it and Col said, "That is the true test of a politician, if you can actually do that". I still cannot hold a plate and glass in one hand and eat.

I do not want to be flippant because it is not the right occasion to do so, but Col taught me something that is vital to my life as a parliamentarian when I am touring. He said, "Every time you go into a town make sure you know where the conveniences are because you may need them". Believe it or not, in every town I visit I follow that advice. I was a member of council at the time I stood for the seat of Hunter. Cabinet came to Cessnock and Col represented the part of Cessnock in which I lived. Barrie Unsworth was Premier at the time. Cabinet was seeking to help Stan Neilly get elected and we provided lunch for them. As I was deputy mayor I was sitting at the top table, a couple of seats away from Barrie Unsworth. Sitting at the far end of the table was Col Fisher; he had been relegated to the back corner.

The Premier made numerous promises for funding and I remember that Stan was to receive funding for the re-gravelling of the road leading to Cessnock racecourse. That was the big announcement. He was also to receive, so the Premier thought, funding for the Black Creek Bridge near my home. With that, Col lit up like a lantern. Mr Unsworth sat down and I said, "That was a lovely speech and on behalf of council we thank you for that. I am sure that Col Fisher will congratulate you on giving him the \$3.5 million Black Creek Bridge" That was a lot of money in those days. I cannot use the terminology in this Chamber that the Premier used at that time, but I know that a number of advisers were called aside and words were exchanged because it was in Col's electorate! However, Col was very happy about it.

I took great pleasure in knowing Col Fisher. He was a gentleman in every sense of the word. I was proud to know him and I thank him for his contribution. He is one of the reasons I am here, because I had the smell of gunpowder in my nose. When it was time for me to make a decision to come into Parliament, Col was supportive of that decision. I thank Col Fisher for the memories he has given me and for the privilege of knowing him.

*Members and officers of the House stood in their places.*

**Motion agreed to.**

## **STATE EMERGENCY SERVICES STORM DAMAGE RESPONSE**

### **Matter of Public Importance**

**Mr PEARCE** (Coogee) [8.19 p.m.]: I ask the House to note as a matter of public importance the response of State Emergency Services [SES] to the windstorms that hit the State on Sunday 24 August, which were the worst since the hailstorms of 1999. No doubt honourable members will recall the army of State Emergency Service [SES] volunteers that could be seen across the eastern suburbs then, hanging tarpaulins and repairing damaged roofs. That earlier disaster generated more than 20,000 tasks as the people of Sydney called the emergency services for help. This time around it was no different. The army in orange was out in force, repairing roofs and cutting fallen trees away from power lines. Extensive damage was caused by winds bringing down innumerable trees onto homes, other buildings, and vehicles, and over streets and major roads. The SES received almost 14,000 calls for help over a couple of days.

There are now just 61 jobs outstanding, with crews still out providing any assistance needed. That is an incredible 99.56 per cent completion rate. SES volunteers are highly trained, skilled and dedicated. They have done an incredible job under the leadership of Philip McNamara and I am sure all honourable members will join me in congratulating Phil and his team. Here in Sydney, some of the worst hit areas were in my electorate and neighbouring electorates. Waverley-Woollahra SES volunteers, supported by Waverley Council, of which I am mayor, and neighbouring Woollahra Municipal Council, responded to 672 jobs—and I am happy to say that they are all completed.

This is a mammoth effort, and I know that Nicole and her team of local volunteers worked tirelessly. Some gave up work and family commitments to brave the storm to assist families in the area. I cannot thank

them enough for their efforts. They went beyond the call of duty and at times put their own safety at risk to protect homes, families and businesses. People in the eastern suburbs and other areas of the State can well imagine the risk at which those volunteers placed themselves with wind gusts of up to 140 kilometres. Branches, roofing iron, tiles and other debris were flung around streets, dragging down power lines and blacking out suburbs.

Other areas that suffered extensive storm damage include the Blue Mountains, Pittwater, Warringah, Shellharbour, Shoalhaven and Wollongong. In all, thousands of SES volunteers turned out. A special thanks must go to the 41 crews from around the State—including Lismore, Dubbo, Walgett, Coonamble, Narrabri, Broken Hill, Griffith, Parkes, Yass and Kempsey—who came to assist in southern Sydney, the Illawarra and the Blue Mountains. Five Australian Capital Territory emergency services teams also travelled up to assist. Obviously this was a huge event for our emergency services but, as always, their performance was a credit to them and their agencies.

The SES is the lead agency in storm response operations in this State. Its volunteers were ably assisted by personnel from New South Wales Fire Brigades, the Rural Fire Service, and the Volunteer Rescue Association. I add also that a number of councils, including Waverley Council and Woollahra Municipal Council, put their tree gangs on the streets that Sunday afternoon, as did. They were more than happy to assist using their expertise. The role of the unionized work forces in our local government areas should be acknowledged. At worst, 110,000 homes and businesses were without power. Energy companies worked around the clock to restore the power as quickly as possible. Personnel from the electricity companies, EnergyAustralia and Integral Energy, put in a huge effort. They worked in difficult terrain and challenging conditions, using helicopters to fast-track the location of faults in bushland areas. Out-of-area crews and teams from Country Energy, TransGrid and Actew-AGL joined the massive repair operation in the Illawarra, Sydney and the Southern Highlands.

On the Monday after the storm, I was with the Minister for Emergency Services to declare 27 local government areas natural disaster zones. They included the municipalities of Woollahra, Waverley and the city of Randwick. When I was in Woollahra that day I was confronted with an incredibly dangerous situation in Edgecliff Road, a high-density population area that has eight-storey and nine-storey older style blocks of flats. An extremely large figtree had become uprooted and the SES had secured the area, working with police and electricity authorities. They did a magnificent job to ensure public safety during this dangerous situation on a main road. The declaration as a natural disaster zone enables residents, local businesses, community groups and councils to apply for necessary assistance.

The Insurance Council of Australia also co-operated in this matter. The Department of Community Services has maintained a 24-hour hotline for people who have suffered because of the storm. The hotline acts as a link between agencies, such as the Department of Housing, the Department of Fair Trading, and energy providers. As usual, we are also working closely with the insurance industry to help make sure that claims are processed quickly and accurately. Early last week the insurance industry put the repair bill at \$11.5 million and expects the total to reach \$15 million, representing 3,000 claims. Unfortunately, this storm was not without tragedy. Honourable members would be aware that one man died on Sydney's North Shore when a huge gum tree fell on the car in which he was a passenger. I am sure all honourable members join me in expressing our condolences to his family and friends.

SES volunteers spend hours training for events such as this storm. I have witnessed this training, which for some period was conducted at the Waverley Council Chambers. Recently the group moved to new premises at the Waterloo depot but the number of interested volunteers was so great that there were insufficient facilities and trainers to accept everyone who wished to volunteer. It is wonderful that we have so many committed people within the community prepared to give their time to the SES. This was an outstanding effort and I congratulate everyone concerned on their swift and professional response. It is also important to point out that following the successful recruitment campaign over the past year, this was also the first major operation for many newer SES recruits—and they passed the test with flying colors. They have done a fantastic job and deserve our gratitude and congratulations.

**Mr HUMPHERSON** (Davidson) [8.28 p.m.]: On behalf of the Opposition I acknowledge the terrific work done by so many people in response to the recent storms. The SES is the primary agency that deals with such events, and its volunteers and professional personnel across New South Wales always perform at their best. Despite adverse, and sometimes sad, occurrences, community personnel right across New South Wales demonstrate their skills. Their commitment and dedication come to the fore in seeking to lessen the impact on those who have been adversely affected.

It is inevitable that on occasions we will suffer extreme events such as this. The recent storms were the most extreme event Sydney has experienced since the hailstorm some years ago. It was the volunteers and full-time personnel of the State Emergency Services [SES] who came to help us out, and they deserve our thanks and congratulations on going about their tasks and fulfilling their responsibilities in a most admirable fashion. The SES officers have performed this role on so many occasions, and they have demonstrated why they have so much pride in their job. Special thanks and congratulations go to Phil McNamara and his professional full-time staff. Hopefully, on behalf of all members our thanks will be passed on through the ranks of volunteers.

I also acknowledge the work done by other agencies, including the New South Wales Fire Brigade, the Ambulance Service, the police, who were required to assist other volunteer agencies, and particularly the Rural Fire Service, which I understand provided some 200 volunteers at peak times. As always, the members of the Rural Fire Service are available to perform an important role across a wide range of emergency services. At peak times during the storms the SES turned out some 700 volunteers each day, a role that could not be readily substituted by any other professional agency, short of engaging the army.

During the event, Sydney experienced extreme conditions. There were winds of up to 130 kilometres an hour, trees were uprooted, roofs were uplifted, there was damage throughout various parts of coastal and inland New South Wales, and some 110,000 people were without power. Many homes and businesses were without telephone services. Telstra and other telecommunications services deserve acknowledgement for improving and recovering telecommunications infrastructure. Paul Broad of Energy Australia did the best he could to ensure that services were restored as quickly as possible.

I am advised that as at this afternoon parts of the State still do not have power. I believe it is timely to look at the capacity of our State and the Government's preparedness to address the inadequacies and vulnerability of the State's power infrastructure. Obviously many areas were hit, including the Sydney metropolitan area, the Hunter, the Central Coast, parts of the North Coast, and parts of the South Coast and the Illawarra. I am aware that members representing the electorates of Albury, Wagga Wagga and Lismore were keen to contribute to this debate if they could, and I know they wish to acknowledge the work that was done throughout the storms on behalf of their local communities.

I am told that Helensburgh and areas on the South Coast and in the Illawarra are still without power. We must acknowledge the extreme vulnerability of the State's infrastructure and the extent of its exposure to such events, perhaps through inadequate maintenance or poor design. It is worth contrasting the recent storms with a substantial blackout that occurred several weeks ago in the north-eastern part of the United States and the south-eastern part of Canada in which power was recovered in large part within 24 hours and fully recovered within three days.

Yet here in New South Wales, parts of the State are still without power a week after the event. This brings with it consequences for businesses and people going about their normal lives. Clearly there is a cost to many of them. Some of that cost may be picked up by insurance, but ultimately it is a community cost. Clearly, there are shortcomings regarding the quality of our infrastructure that need to be addressed. The Government must learn from the lessons of the past, and develop strategies that go beyond the goodwill and tolerance of the community and the great efforts of our volunteers.

I wish to refer to the vulnerability of people's properties and, sadly, of members of the public to trees and tree branches. The honourable member for Coogee referred to the tragic death of a man in St Ives, in my electorate, on the Sunday afternoon of the storms when a tree fell on him. Two people who were travelling to a soccer match also lost their lives in that incident. Fate was simply unkind to them. Our thoughts go out to the families and friends of those people, because it was such a tragedy.

I am advised that the tree that fell on those people had been the subject of a request to Ku-ring-gai Council for its removal by the adjoining property owner on at least one occasion, and possibly three occasions. From time to time after such major storm events requests are made for a sensible review of tree preservation orders. Trees potentially can create a threat to property and people, and are often regarded as vulnerable by local residents. However, when people seek to remove trees, the council bureaucracy and the zealotry of some council staff prevent that occurring. If anything positive comes out of these events, it is the need to tone down our tree preservation orders across many local government areas. The honourable member for Cronulla voiced similar concerns. The *St George and Sutherland Shire Leader* recently published an article written by a local resident, Mrs Cox of Caringbah, in which she voiced concerns about Sutherland Shire Council putting the preservation of trees ahead of the safety of residents and their homes. Ms Cox wrote:

Surely it would be beneficial for the council to be more obliging and lenient in approving the removal of a potentially hazardous tree with the resident bearing the cost.

If council wants to replace it with another maybe more appropriate, people-friendly tree they would be still upkeeping the shire's green policy guidelines.

I believe that many people would share those sentiments. Many of the trees that present a threat or risk were originally planted because people wanted greenery in their local area. Those trees have grown almost beyond maturity, to the point where they pose a threat or risk. We will have learnt nothing from such events if there is not a sensible modification of tree preservation orders. I trust that that will be a further outcome from such storm events. We must not understate the important role of the volunteers in our community, including members of the Rural Fire Service, the SES and other agencies, to whom we owe a great debt.

**Mr COLLIER** (Miranda) [8.38 p.m.]: I am pleased to join the honourable member for Coogee in congratulating the volunteers of the State Emergency Service on their first-class effort in repairing damage caused by the windstorm on 24 August. The Sutherland shire was one of the worst hit areas in the State. On 26 August the *St George and Sutherland Shire Leader* reported:

The ferocious 140km an hour winds downed trees and branches, ripped roofs from buildings and left thousands of residents without electricity and telephones ...

During the storm, gusts of up to 93km an hour were recorded at ANSTO while at Kurnell, the wind measured 113kmh. Sylvania, Cronulla, Caringbah ... and Menai were among the hardest hit suburbs.

The article further stated:

The roof was ripped off a brand new unit development in Mackay Street, Caringbah.

Police were forced to evacuate dozens of first floor residents after the building was deemed unsafe.

The Georges River resembled a surf beach at times, with the strong westerly wind whipping up the usually still waters.

At least one boat came out worse for wear in Edith Bay, Lugarno, while four were washed into mangroves in Holt Road at Sylvania.

Our volunteers responded to a massive 856 calls for assistance, and I am pleased to say that all of these jobs have now been completed. This was a monumental response, once again demonstrating the commitment, capacity for hard work, and know-how of our emergency services. Between 600 and 700 volunteers worked around the clock every day, ably assisted each day by more than 600 personnel from the fire brigades, the Rural Fire Service, and the Volunteer Rescue Association. They secured damaged buildings, cleared trees and branches, put tarpaulins on roofs and removed hazardous storm debris to ensure that people had access to their homes and cars.

In major events such as this, the resources of many government and community organisations are funnelled into helping people in the immediate aftermath and the recovery operation. Police and ambulance personnel turned out, along with the emergency services, to help families in need. The Department of Community Services [DOCS] has also been hard at work. I am aware that last week the department found emergency accommodation for five storm victims from the Caringbah area. DOCS is continuing to provide assistance to families in need following the storm.

The problems of wind storms are not new. Indeed, in the lead-up to the official start of the storm season in October, the SES will hold Stormsafe week—a major community education campaign. This will give home owners, businesses and others in the community the chance to learn more about storm safety and how to ensure they are as well protected from storm damage as possible. Stormsafe week will run from 22 to 28 September. In the meantime further information about storm preparations can be found on the SES web site, [www.ses.nsw.gov.au](http://www.ses.nsw.gov.au), or on the SES helpline at 1800 201 000.

Returning to the events of Sunday 24 August, it is important once again to thank all employers who allowed the emergency service volunteers on their staff to leave their workplace and answer the many calls for help. Without the support of employers of volunteers—and, of course, crucially, the support of their families—they would not be able to do the work they do for all of us. Again I pay tribute to all those involved in the operation on 24 August and on subsequent days, from the volunteers on the roof tops to the incident controllers co-ordinating the response and behind the scenes, to the support staff and their families. It also demonstrated once again the truth of the SES motto: The worst in nature, the best in us.

**Discussion concluded.**

## **SPECIAL ADJOURNMENT**

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

That the House at its rising this day do adjourn until Wednesday 3 September 2003 at 10.00 a.m.

## **BUSINESS OF THE HOUSE**

### **Divisions and Quorums: Suspension of Standing and Sessional Orders**

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

That standing and sessional orders be suspended to provide that until the adjournment of the House at this sitting no divisions or quorums be called.

## **BUDGET ESTIMATES AND RELATED PAPERS**

### **Financial Year 2003-04**

### **Debate resumed from 3 July.**

**Ms BURNEY** (Canterbury) [8.44 p.m.]: I shall make a brief response in terms of the budget allocations for the Canterbury electorate. Since becoming the member for Canterbury only six months ago, the electorate to which I am responsible has received several financial allocations from the State Government. I was in Parliament only a matter of weeks when I had the pleasure of announcing an influx of new police officers in the two patrol areas that cover the electorate of Canterbury: Campsie local area command, which received eight new officers, and Ashfield local area command, which received five new officers. The professionalism and co-operation of both patrols is commendable.

In the six months since I became the member for Canterbury I have come to know both patrols, and the commanders of those patrols, very well. The professionalism and co-operation of both patrols has been absolutely invaluable to my settling into the electorate, and my respect for both patrols is enormous. Also, the usefulness of the local Police Accountability Community Team committee cannot be underestimated in assisting local members to understand the issues relating to crime in the area. It is an excellent forum for discussion and raising issues in relation to policing and the way in which community groups, local government, police and the State Government work together.

Obviously, these new officers were a precursor to the commitment clearly demonstrated by the Carr Government when the budget was released in late June. Some \$1,816 million, which is an increase of \$143 million or 9 per cent, was announced in the budget for New South Wales Police. Increasing police numbers by 1,000 has been met ahead of schedule, and other allocations of increased funding across the board in the law and order realm, including \$8 million for new police uniforms, indicate the level of commitment the Government has shown towards fighting crime and protecting the public. Obviously, it is a lot more than just uniforms but that is an indication.

Policing is a challenging profession. In some ways it is similar to our profession as parliamentarians: we get to see the best and the worst of society, and we get to see the sadness and the joy of our communities as well. Only yesterday I announced yet another influx of new officers into the electorate of Canterbury—four to the Ashfield patrol and nine to the Campsie patrol. I welcome these new probationary constables and appreciate their commitment to the tough job they have taken on. What is refreshing is that they were not all 18-year-olds or 20-year-olds. In fact, the new police officers were men and women across different age groups. More importantly, certainly for the Ashfield and Campsie areas, they are from different backgrounds, including non-English speaking backgrounds.

Again, prior to the budget being delivered, I had the privilege of announcing in May that \$10,000 was to be spent at Canterbury Community Child Care Centre for bathroom improvements. That does not sound like a lot of money, but this well-run local community child care centre was absolutely thrilled that it could now improve its standard in terms of providing proper bathroom facilities. It is hard to think that toilets can be cute, but the tiny toilets and basins in a kindergarten bathroom bring a smile to your face. The \$10,000 that was allocated for the Canterbury Community Child Care Centre for new bathrooms—

**Mr Campbell:** Money well spent.

**Ms BURNEY:** —is money well spent and it put a smile on many little faces, as well as on the face of the workers who do a fantastic job at the centre.

On 5 June I announced a continuation of funding to the tune of \$175,177 from the Casino Community Benefit Fund to the Chinese Australian Services Society [CASS] based at Campsie in the inner western suburbs. This funding will enable CASS to continue its excellent work in providing support and treatment for problem gamblers in the Chinese and Korean communities of the Canterbury electorate. In the last session of Parliament I made a private members statement about the wonderful work of CASS, which is a non-government organisation. I am absolutely in awe of the fantastic work, the drive and commitment of people who work at CASS and the board. I had the opportunity to have dinner with them before their last regular monthly meeting.

It was a Saturday night and we had something to eat at about 6.30 and they told me they would probably be there until about 11 o'clock that night. They are all busy people, with their own lives, businesses and professions, yet they contribute to this fantastic non-government organisation that provides services in many areas, including child care, tenancy advice and a range of other extraordinarily important services for the community at Canterbury. Announcing this funding made me realise why I got into this business in the first place. I could not have been more proud or happy to announce that almost \$200,000 funding for CASS.

Then the budget came out! I was thrilled to announce that Canterbury had been allocated a healthy share of the record amount being spent on public facilities and infrastructure. Canterbury scored—like my colleague from Strathfield—a new fire engine for the Campsie fire station, costing about \$516,000. I had no idea that fire engines cost that amount. It is important that I have a good relationship with the fireys in Canterbury—they are my next-door neighbours. I had a cup of tea with them and they were pretty happy about getting the new fire engine. The sum of \$4.1 million will be spent on rail track reconstruction and upgrades, and \$270,000 has been allocated for maintenance of station and passenger facilities at Canterbury railway station.

Canterbury railway station is an extraordinarily busy station. I have become very familiar with it. It caters for many schoolchildren, from infants right through to secondary school, morning and afternoon. The schoolchildren attend nearby schools. Once the kids are through the turnstiles, an enormous number of older community members use Canterbury station to get about to do their shopping. This will increase with the new Aldi supermarket that has been built and is being finalised right next to the railway station. This is a particularly fine allocation when one considers that it will complement the recently completed Campsie railway station and will go a long way to making the Bankstown rail corridor safer and in line with facilities provided at CityRail stations.

In addition, \$335,000 has been allocated to repaint the Cooks River Bridge. This is on top of the \$4.9 million announced by the Deputy Premier prior to the election to further improve the river's surrounding parklands, embankments and ecosystems over the next couple of years. A really positive message is starting to come through from people who live along the Cooks River and who use the river parklands. I took my dog for a pushbike ride there on Sunday morning, much to the alarm of some people who were surprised to see their local member out in tracky dacks on a very old bicycle. There has been incredible rejuvenation of the mangroves along the river. I am no botanist, but I am told that when mangroves are rejuvenating in the way they are along Cooks River it is a great indication that the river is becoming healthier. I admit that the Cooks River is not in a great state, but we in the Canterbury electorate are starting to see a change along the river and in the number of people who use it. On Sunday morning I saw a rowing boat with "Coogee" written on it. I could not understand that, but it is fantastic how well those parklands and the river are being used in Canterbury and in neighbouring electorates.

A total of \$1.8 million will be spent on public housing in Canterbury. I welcome this budget allocation. There is enormous demand for public housing across the State, and Canterbury is an extraordinarily economically disadvantaged part of our State. The new allocation for public housing is welcome to the electorate of Canterbury. All councils within my electorate—namely, Canterbury, Ashfield, Marrickville and Burwood—received a healthy boost from the roads program budget to ensure that the road network and traffic management systems in these local government areas will be maintained to an appropriate standard. My announcements have not stopped since the budget. I was thrilled to second the honourable member for Bankstown's motion on 25 June that aimed to demonstrate the Government's efforts to work closely with the Arabic and Pacific Islander communities in the west and south-west of Sydney. In that regard, I announced a \$430,000 allocation to conduct the Pacific Islander Student and Family Support Project that will operate in my electorate as well as in Mount Druitt, as I understand it.

The Pacific Islander community is a growing community in many parts of our city, and in particular in the electorate of Canterbury. We have discussed in this Chamber and in other places the young people of the



Pacific Islander community, who are unfortunately becoming one of the larger groups in the juvenile justice system. This measure will go a long way towards addressing that. More importantly, it is a long-term strategy, not just something that will last 12 months. It is involving the community and young people, and my interest is very great—to the point that I am going to become a member of the governance of this program. It runs concurrently with the Arabic youth strategy that was announced last year. Not only is it a highly significant initiative, but it is also fulfilling an election commitment made by the Premier through our citizenship policy—promoting harmony and valuing diversity. During last week's Alcohol Summit mention was made of the fact that many members of the Pacific Islander community have had no prior experience with alcohol because of the communities in the Pacific that they come from. This is important because, obviously, their children will come in contact with alcohol. It is important that families get support and are provided with information about this issue. This strategy will play a part in the community-building and community-development exercise that the Government is quite rightly involved in.

In July I had the pleasure of announcing an allocation of \$226,000 to support young people in Campsie through the activities of Fusion Cafe. I visited Fusion Cafe in the past six weeks. It is a service that has been providing young people between the ages of 12 and 18 with somewhere safe and supportive to go after school, on weekends and during school holidays. Once again, many of the patrons of Fusion Cafe are young people from the Pacific Islander community. It is a place for them to get information and develop their skills. It is important to make sure that there is a place for these young people to meet, communicate and undertake activities in a safe, supportive environment. Fusion Cafe was absolutely thrilled with this funding, as it is recurrent funding. Yet there is more. In early August I received advice that \$227,000 was allocated to the Canterbury electorate under the schools works program to enhance schools in the electorate.

This is the real funding that my constituents want to see. This money will go to various schools in the Canterbury electorate towards projects such as upgrading bitumen in playgrounds, replacing floor coverings, improving the sewerage system at Canterbury Girls High and numerous other projects to improve our children's schooling lives. I have been advised that future projects will be released during the course of the financial year, so there is more to come. As a former schoolteacher I was delighted to discover that in 2003-04 an overall record sum of \$8.7 billion has been allocated to education and training in our State. I believe that since 1995 the Carr Government has increased total funding in this portfolio by \$2.9 billion, an increase of an amazing 50 per cent. Part of the outcome of this increased spending will be smaller class sizes. We all know that the most important years of schooling are the infants years. They are important in terms of literacy and numeracy development. If a child can read and grow into an adult with those skills, his life chances and choices are much better.

As do all members in this House, I have a number of local groups who vie for financial assistance. As their local member of Parliament I support their applications and will continue to do so to ensure that Canterbury receives its fair share of funding. As a new member of Parliament I eagerly awaited the release of the budget. I was proud and impressed that it was the eighth balanced budget, one that sees a total of \$29 billion being spent over the next four years on capital works. I believe that is an increase of 22 per cent, which will be spent across all facets of State responsibility. I commend the Treasurer on this budget. Once again, as the honourable member for Canterbury I am very appreciative, as is the electorate, for the allocations we have received.

**Mr PRINGLE** (Hawkesbury) [9.01 p.m.]: The latest Carr Government's budget yet again fails to address the needs and aspirations of the people of the Hawkesbury, the north-west of Sydney and the wider New South Wales community. For nearly nine years the Carr Government has been riding on the coat-tails of the economic success of the Howard Federal Government. Record low interest rates have created a property boom in New South Wales, which has fuelled the New South Wales Treasury coffers with revenue collected from the pockets of hard-working families struggling to purchase their family home. Despite the record yields from stamp duty and other State taxes and charges, the Carr Government fails to adequately invest in community infrastructure and services that are needed in the high-growth area of north-west Sydney.

This budget specifically fails to address the increasing problem with roads in the area; the poor standard of the Richmond rail line between the western area of the electorate and the rest of Sydney; the expanding stamp duty burden borne by first home buyers and families—many of whom require urgent upgrade to their houses to facilitate the needs of a modern family with teenagers—the lack of sewerage services in many parts of my electorate and the burden that it places on our rural village residents; the problems experienced by TAFE students in the area; the increasing burdens placed on small business; and real community aid issues. These are all examples of where this budget fails to address the real needs of the Hawkesbury electorate.

I welcome the recent belated commitment from the Government to allocate \$600,000 to the upgrade of the busy traffic intersection at North Richmond, the continuing upgrade of Windsor Road and the reconstruction of Cattai Road. However, those of us who regularly drive through and work in the Hawkesbury know that this year's budget commitments do not go anywhere near far enough to solve or even reduce the traffic congestion problems. That is an inexcusable situation, given that the Hawkesbury electorate is one of the most car-dependent areas in the Sydney region. Also no funding has been allocated to solve traffic congestion along Old Northern Road, New Line Road, Kenthurst Road and Annangrove Road, which are all vital parts of my electorate. The Roads and Traffic Authority has acknowledged, in particular, that a section of Old Northern Road, from Quarry Road to Stonelea Court—locally known as the funnel—experiences a very high level of congestion. Despite this, once again no money has been allocated to this route.

I recently met with the managers of the Glenorie Bus Company to express serious concerns about a notoriously dangerous intersection at Hastings Road and Old Northern Road. The bus company and I have previously requested that lights be installed to control traffic and to ensure the safety of motorists and pedestrians. Unfortunately, once again, this project is conspicuously absent from the Carr Government's budget. On the western side of my electorate no money has been allocated to upgrade Kurrajong Road or to widen the busy and dangerous bridge at Busby's Creek, Wilberforce. These issues have drawn a great deal of attention from the constituents of my electorate. I note that this budget allocates \$53 million for the Windsor Road upgrade. I also note that Western Sydney residents have some of the longest travelling times to work in the region. My constituents and I will monitor the upgrade of this vital road to make sure that the Government fulfils its commitment to north-west Sydney. Motorists deserve a modern road system that will save time, save money and reduce stress.

As I identified in my inaugural speech, the problems associated with our inadequate road system can cost local households up to \$2,000 per year in direct and indirect costs, and it is an incalculable cost to the community and our environment. Longer travel times lead me to look at the next problem that this budget also fails to address in the Hawkesbury. The mismanagement of the rail budget, such as the debacle with the Millennium trains and the ill-timed and ineffectual advertising campaign for these trains, took money away from those areas that have a history of deprived funding. The Richmond to Riverstone rail line links commuters to the Greater City of Sydney. Sydney is the largest city in Australia, yet in the twenty-first century one of its major lines still remains a single track.

The people of the Hawkesbury can be justified in thinking that they have been neglected by a Labor Government once again. Much of the commute is on a single track, which clearly limits the number of services possible. There is only one half-hourly peak service and a single hourly off-peak service, all trying to operate on a single line for most of the way from Windsor to Richmond. The Hawkesbury has been waiting too long for the completion of the duplication of this line. Whilst I appreciate that it is on the drawing board, it does not do anything to help a busy commuter in 2003. A question I asked recently in this place about the number of train carriages that are airconditioned revealed that only 68 per cent are airconditioned on weekdays. This is a serious problem in an area that has one of the highest temperatures during the Sydney summer. The trains are saunas on rails.

I note that the latest budget allocates a mere \$15,000 to Windsor railway station. Good news perhaps, but I wonder how that money will be spent. The key problem at Windsor station is its inadequate parking facilities. Commuters have put up with this for as long as they have put up with the single track. I also note that two adjoining stations, Clarendon and East Richmond, will receive a half million dollar upgrade to their parking facilities. Seventy people use Clarendon station every day, yet 1,300 commuters use Windsor station. The people of Windsor ask whether that is equitable and question the priorities of the Government. I am afraid it is the same old, same old for our rail commuters. I also welcome the commitment to make minor improvements to Mulgrave station, which includes expanding and sealing the car park and some improvements to lighting. However, I feel that commuters will not see this as going anywhere near far enough. It is a marked high-growth area and does not offer platform services after 1.30 p.m. As a result, commuters do not have access to platform toilets and there are many reports of considerable damage and theft to cars and of Windsor High School students having serious concerns about their safety.

The people of the north-west are once again being neglected by this Government. The Parramatta to Epping rail link is the desperately needed missing section of the Sydney rail network. It is unfortunate to have confirmed that this rail link will not now be constructed. It was one of the centrepieces of the Government's transport promises. We were told about this Government's commitment to building part of the link by 2008 and the final section was to be completed by 2010. However, the project has now been abandoned, so obviously the

budget does not provide for it. I also note that the budget contains no reference to the north-west rail link. If the Parramatta rail link has been abandoned, perhaps some of that funding can be spent on the north-west rail link instead. The western line is already totally congested, so another line is desperately needed to transport the people of western and north-western Sydney into the city and to other places of employment. Sooner or later, the people of the west will refuse to put up with budgets that fail to meet their needs.

Perhaps the most talked about issue since the election is the Government's failure to provide any stamp duty relief. The massive increase in stamp duty over the past eight years has made it very difficult for many families to buy their first home or to allow families to upgrade existing homes. The median house price in Rouse Hill—one of the fastest growing areas of Sydney—is \$481,000. The stamp duty payable on the purchase of a house at that price is \$17,135. Treasury's coffers are being filled by young families who are struggling to purchase new homes. Too much is being taken away and far too little is being given back to the community.

I welcome the allocation of funds to upgrade the Richmond sewerage treatment plant. However, many local villages in the Hawkesbury electorate—for example, Freemans Reach, Galston, Glenorie, Glossodia and Wilberforce—still have no connections to the sewer. The residents of those villages feel neglected by this budget. They live at the outskirts of Sydney—they are within an hour's drive of the city centre—but they are still subjected to old sewer technology which clearly does not do the job and which is polluting the environment. It is like an old computer that keeps on crashing. As a resident of Galston, I know the reality of paying in excess of \$100 a week to have sewage pumped from my suburban block. Families are clearly crippled by the burden of poor and inadequate infrastructure. Residents in these areas have noted that funding to connect 3,000 properties in the Blue Mountains and a further 1,170 properties at The Oaks and Oakdale to the sewerage system has been provided in this budget. They continue to ask when it will be their turn to get the same facilities. They have been left sitting on the bench budget after budget.

The plan to increase Technical and Further Education [TAFE] fees by up to 300 per cent has not escaped the attention of many residents of the Hawkesbury seeking to obtain skills to get their first job or to upgrade their skills within their current field of employment. The fee increases mean that the cost of a certificate qualification will increase by 230 per cent from \$260 to \$850 a year and the cost of a graduate diploma will increase from \$710 to \$1,650. This clearly demonstrates the Government's lack of foresight in jeopardising the supply of graduates from that vital area of vocational and trade courses that affects the competitiveness of our State in Australia and, importantly, internationally. I refer honourable members to a letter sent to me from the TAFE Outreach program at one of the colleges in my electorate. Outreach is a quality education program that works to overcome the barriers to education faced by the most disadvantaged in the community. It seeks to meet the needs of the mature-aged employed, youth at risk, women seeking to re-enter the work force, people of non-English speaking backgrounds, people with disabilities and indigenous people.

The letter expressed great concern about the increased TAFE fees and the fear that the fee-exempt status of the vital access and equity courses will disappear. The letter states that those involved are aware of the reversal in the New South Wales Labor Party's policy, which stated that the Labor Party was committed to abolishing all TAFE fees for mainstream vocational courses. I agree. They identify the problem that many students undertaking Outreach courses will not fall within the criteria for an exemption. A family might have one income, with perhaps the husband or wife wanting to return to work, but feeling that they cannot afford the retraining because of mortgage repayments and massive stamp duty debts. The other problem is that individuals who are eligible for exemption can claim for only one course a year, regardless of the duration of the course. Many people believe that the budget demonstrates no understanding of the vital role that TAFEs play in the community for second-chance learning and life-long learning. This Government's lack of understanding also extends to the club industry in the Hawkesbury electorate and throughout New South Wales. I know that that concern is shared by many honourable members on the other side of the House.

**Mr George:** All 34 of them.

**Mr PRINGLE:** Exactly. That view is strongly held in regional and country areas. The Government fails to realise the strong interconnection between a community and its clubs. Meddling with clubs will have a flow-on effect to the wider community. Clubs are not like big business with shareholders who are paid dividends. Members of the community are the shareholders and the dividends are the benefits and assistance provided that the Government therefore does not have to provide. That is often in the form of aid to local schools, funding for junior sporting clubs, assistance with cultural activities, subsidised meals for pensioners and the aged, assistance for returned servicemen and women, firefighters, charities and so on. If the Government hits the clubs, it will also hit their beneficiaries—the communities and the activities and events that hold them

together. Like all honourable members on this side of the House, I work closely with the clubs in my electorate and I am aware of what they put back into the community.

The Galston Club deserves particular attention. It supports Galston High School to the tune of \$10,000 a year, a Young Endeavour Leadership Training Program, the Duke of Edinburgh Award Scheme and overseas music tours. The club predicts that it will have to cut its funding to a mere \$3,000 a year. Which activity will the school cease to offer? What will the teachers and parents say to younger students who look forward to participating in the events that their older brothers and sisters have enjoyed? If the Government imposes a tax on our clubs it will limit the activities of those students. I have also had correspondence from the Glenorie RSL Club, which has expressed exactly the same concerns. The club importantly offered essential assistance to our firefighters during the December 2002 bushfire season. What will happen during the next bushfire season, which may well be as bad as last year's, when our clubs will be forced to talk to their accountants before they offer any assistance?

The chief executive officer of Clubs NSW was quoted in the *Australian Financial Review* in June this year saying that tax increases will affect the viability of many clubs. Every club will be affected, not only the rich clubs. The Treasurer refuses to pass on gaming GST compensation from the Federal Government and clubs cannot afford the increasing tax burden. As I mentioned, clubs are not profit-making businesses—they put the money back into our local community. I would hate to see any New South Wales community lose its vital community-based club. My concerns about this flawed budget also relate to the effect it will have on small businesses in my electorate and in New South Wales as a whole. Like many other areas, the Hawkesbury has numerous hardworking small business proprietors who provide employment for residents and who often operate on tight margins. [*Extension of time agreed to.*]

I refer to the cost of the new workers compensation for trainees now being borne by small businesses. I also refer to the absence of any tax relief for them that would bring them into line with the level of the other States. Is it any wonder that growth in New South Wales has been less than the national growth rate and less than that of all other States and Territories, except for South Australia and the Australian Capital Territory? Budgets should not be a burden on small businesses; they should offer initiatives and give them room to grow and prosper and to benefit our local communities.

I make my last point on a more sombre note. One of my constituents, Mrs Carol Tinios, has a disabled daughter, Simone, who was the victim of a tragic accident. Mrs Tinios now cares for Simone at home and hence has transferred her care package to daytime requirements, losing most of her weekend and night-time care. She also cares for elderly parents. Mrs Tinios has recently been informed that her funding from the Department of Ageing, Disability and Home Care has ceased. This is because Simone apparently no longer fits the criteria in that she is not in immediate danger of being rendered homeless and that she is not in danger of being abused, along with a few other criteria. But she still needs full-time care.

Mrs Tinios has been given Centacare funding of \$7,000 a year. That is a disgrace; it is nowhere near enough to provide nursing aides at \$27 an hour on week days, so the funding will quickly be eaten up. Simone is classified as a critical care patient, yet the system cannot meet her needs. She needs to stay at home with her mother and the family where she belongs. Budgets need to do more for Mrs Tinios and Simone and their like because there go all of us but for the grace of God. This ninth budget fails to address in the Hawkesbury the increasing congestion on our roads, the antiquated rail system, the increasing stamp duty burden on home buyers, the continuing problems with old technology sewerage systems that leave our environment in a shambles, the increased fees for TAFE courses, the needs of sporting communities and schools, the extra tax on clubs, and the requirements of our differently abled people. Surely New South Wales deserves much better than this budget.

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

**The House adjourned at 9.21 p.m. until Wednesday 3 September 2003 at 10.00 a.m.**

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