

LEGISLATIVE ASSEMBLY

Friday 5 September 2003

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

Mr Speaker offered the Prayer.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Watkins agreed to:

That standing and sessional orders be suspended to allow the resumption of the adjourned second reading debate on the Sporting Venues (Pitch Invasions) Bill forthwith.

SPORTING VENUES (PITCH INVASIONS) BILL

Second Reading

Debate resumed from 4 September.

Mr DEBNAM (Vaucluse) [10.03 a.m.]: In his second reading speech, which he gave yesterday, the Minister for Police requested that we move the bill through the House expeditiously. The Coalition has had a quick look at the bill overnight. We do not have any particular concerns with it, but we will continue to review it over the next few days and raise any concerns we have in the upper House. As the Minister said in his second reading speech, essentially the bill extends the powers and penalties that can be used against pitch invaders at sporting events and venues. This legislation is aimed specifically at deterring pitch invasions at venues to be used for the Rugby World Cup matches. The legislation reproduces the existing penalties and powers that apply to pitch invasions at the Sydney Cricket Ground, Sydney Sports Stadium and Sydney Olympic Park. Obviously we support any initiative that will deter that sort of activity.

Earlier today some Labor members were crowing that in the past they applauded this sort of activity. The honourable member for Swansea said that he did not have any great difficulties with it. Perhaps the honourable member for Swansea is not concerned about this sort of behaviour, but the rest of us are. If the bill is applied exactly as the Minister purported in his second reading speech, then the Coalition supports it. However, this is another example of a bill concerning the NSW Police suddenly being introduced and rushed through the Parliament. It is not the first time this has occurred. I believe that after the State election the first piece of legislation the new Minister introduced into the House was the Crimes Legislation Amendment (Commencement) Bill. He did so because NSW Police had not prepared for changes in the implementation of search warrants pursuant to legislation that had been introduced before the State election.

I made the point in my contribution to that bill that whenever legislation is introduced relating to the NSW Police, we will have to check with the ministry and the commissioner and ask whether they have done their planning and homework. It was evident at that time they had not. The same situation is now occurring with this bill. I have known about the Rugby World Cup for some time. I am amazed that we need to rush through another bill to help out the Minister for Police. This demonstrates a problem that has arisen year after year with the ministry—a lack of planning, a lack of rigour and a lack of honesty in explaining the problems. The Government often uses its numbers to intimidate bills through this House, and we help the Government out by letting the bills go through. It is as a result of this lack of rigour, planning and honesty displayed by the Carr Government that crime statistics in New South Wales have gone through the roof. The Coalition has had an ongoing debate with the police Minister in the last few weeks about problems that have been evident in New South Wales in the eight years since Bob Carr became Premier. As I have noted time and again and as Don Weatherburn's figures highlight, since Bob Carr was elected a crime spree has been under way in New South Wales. I noted statistics the other day that the incidence of attempted murders was up 50 per cent since Bob Carr was elected.

Mr Watkins: Point of order: The bill relates to pitch invasions on particular grounds in New South Wales on the Central Coast and at Wollongong. The honourable member for Vacluse is traversing areas that are a long way from the legislation. I ask that he be directed to return to the leave of the bill.

Mr SPEAKER: Order! Before the Minister took the point of order, it had occurred to me that the honourable member for Vacluse had strayed beyond the leave of the bill. Having extended some latitude to the honourable member, I now ask him to return to the leave of the bill.

Mr DEBNAM: In fact, I looked through Don Weatherburn's list of 62 offences and I did not find pitch invasions on it. However, I did find other offences, the incidence of which had increased by 300.1 per cent since Bob Carr became Premier. I assumed pitch invasions were in that category. As I said, they would not be counted under attempted murder, which increased by 50 per cent, or assault, which increased by 69 per cent. The relevant point is that for some years the Minister's office and the ministry have displayed a lack of rigour, planning, forethought, honesty and transparency in policing matters. That is why we are repeatedly experiencing runaway crime figures.

I note that the incidence of assault has increased by 69 per cent, stealing from person has increased by 89.8 per cent, fraud has increased by 81.6 per cent, other theft has increased by 21.9 per cent and even extortion and blackmail have increased by 166.7 per cent. Those figures are the reality of New South Wales today. This rushed bill dealing with pitch invasions demonstrates the same lack of rigour we have witnessed with regard to the planning and honesty of policing in New South Wales under this Government. It is increasingly focused on media strategies, not policing strategies. As I said at the outset, the Opposition will continue to review this bill. If any further concerns emerge they will be raised in the other place.

Mr WATKINS (Ryde—Minister for Police) [10.12 a.m.], in reply: I thank the Opposition for some of its comments and support for this legislation.

Motion agreed to.

Bill read a second time and passed through remaining stages.

COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL

Bill introduced and read a first time.

Second Reading

Mr NEWELL (Tweed—Parliamentary Secretary), on behalf of Mr Debus [10.13 a.m.]: I move:

That this bill be now read a second time.

The Commonwealth Powers (De Facto Relationships) Bill proposes to refer power to the Commonwealth in relation to property and other financial resources on the breakdown of a de facto relationship. The referral has been discussed in the Standing Committee of Attorneys-General [SCAG] for some time, and this bill has been prepared in conjunction with SCAG. Following references of power by all States—except Western Australia, which has a State Family Court—de facto children's issues are now dealt with by courts exercising jurisdiction under the Family Law Act 1975. Without similar references, de facto property issues will remain outside the Commonwealth jurisdiction. This issue has risen in importance since the commencement on the 28 December 2002 of the new Commonwealth superannuation splitting regime, contained in the Family Law Legislation Amendment (Superannuation) Act 2001. This regime enables married couples to divide their superannuation interests in the same way as their other assets upon marriage breakdown.

It is not possible for New South Wales to amend the Property (Relationships) Act to properly regulate the division of superannuation interests of de facto couples along the lines of the provisions made in the Family Law Act without amendments to the Commonwealth superannuation industry supervision legislation. However, the Commonwealth has indicated that it is not prepared to make amendments to the superannuation industry supervision legislation to give effect to State legislation for the division of superannuation interests of de facto couples, either for heterosexual or same-sex couples. The Commonwealth considers that it is preferable for issues concerning the division of superannuation to be dealt with at the Commonwealth level. This will provide uniformity between married and de facto couples in the division of superannuation interests and will ensure that the treatment of de facto couples does not vary between individual States and Territories.

The Commonwealth's view is that the national interest would be best served by all States making suitable references and that referring States should enact their reference legislation in substantially identical form. This is the best way to ensure that the resultant scheme for the property of de facto couples established by Commonwealth legislation will not be vulnerable to challenge on constitutional grounds, and that the scheme operates in a uniform manner across different States. References by States to the Commonwealth would enable the provisions of the Family Law Act to apply in those States to the property of de facto relationships. De facto couples would be able to use federal courts to resolve issues relating to both children and property. Property legislation would thus apply consistently and nationally to both married and de facto couples.

Under the present regime, de facto couples in different States may have their property treated differently for no good reason. Even if States intend to enact and maintain uniform legislation, process delays can result in legislative anomalies. Such an approach would be highly complex, time consuming and impracticable. Success would in any event require a high degree of continuing co-ordination to ensure all necessary amendments to Commonwealth and State legislation were from time to time effected. These difficulties would not arise if States were simply to refer power to the Commonwealth. It should be noted that the referral bill contains separate definitions applying to heterosexual and same-sex de facto couples. This has been done to ensure the validity of any Commonwealth legislation in the face of clear indications from the Commonwealth that it intends to exercise power only in relation to heterosexual de facto couples.

In contrast, under the New South Wales Property (Relationships) Act, same-sex de facto couples have the same rights as heterosexual de facto couples in relation to the division of property on the breakdown of a relationship. Ideally the advantages of superannuation splitting upon the breakdown of a de facto relationship should be provided to same-sex de facto couples. The Commonwealth is not prepared to allow this to happen. This intransigence on the part of the Commonwealth in refusing to legislate in respect of same-sex couples is to be deplored and is clearly discriminatory. In the face of the discriminatory behaviour of the Commonwealth, the majority of States consider that it is desirable to extend the benefit of the family law property provisions to the very many heterosexual de facto couples in their jurisdictions, particularly as de factos will otherwise be denied access to the superannuation splitting arrangements that took effect at the end of December 2002. It is therefore thought preferable that a reference be made even if the Commonwealth refuses to legislate with respect to same-sex de facto couples.

The referral of power would be of obvious benefit to the very many de facto couples in New South Wales, especially those with children. Once the Commonwealth has passed legislation extending the benefits of the family law property provisions to heterosexual de facto couples, they will be able to use federal courts to resolve issues relating to both children and property upon the breakdown of a relationship. The ability to have both children and property issues dealt with by a single court will help minimise the heavy burdens and stresses that accompany the breakdown of any relationship. The referral will also provide added financial security for the many non-working and lower-income partners in de facto relationships. The majority of such partners are women. As the Australian Institute of Family Studies report *Superannuation and divorce in Australia* points out, entitlements to the wealth represented by superannuation funds is unevenly distributed between the sexes. This is not an issue as long as a relationship lasts to retirement and beyond. However, access to the benefits of superannuation are lost to many women upon the breakdown of a relationship. This has become more of an issue given the Federal government policy of promoting self-support in retirement. This has resulted in superannuation increasingly representing a greater proportion of wealth in Australia, second in importance only to the family home.

In the face of the increasing reliance on superannuation as a form of wealth, allowing superannuation interests to be divided on the breakdown of a relationship will help ensure that the future interest of all parties is taken into account on the breakdown of a relationship. This is especially so, as the Australian Institute of Family Studies report shows, given that many couples whose relationships break down do not consider superannuation among their assets upon their division of property. I commend the bill to the House.

Debate adjourned on motion by Mr Maguire.

POWERS OF ATTORNEY BILL

Bill introduced and read a first time.

Second Reading

Mr NEWELL (Tweed—Parliamentary Secretary), on behalf of Mr Debus [10.21 a.m.]: I move:

That this bill be now read a second time.

The Powers of Attorney bill removes the statutory provisions governing powers of attorney from part 16 of the Conveyancing Act 1919 and substantially re-enacts them, with some changes, in a new Act to be

called the Powers of Attorney Act. The changes are aimed at remedying problems that currently exist in practice. This bill is the result of an extensive and lengthy consultation process, which sought the views of a wide range of organisations to identify problems with the existing legislation and generate solutions. A power of attorney is a document whereby one person, called the principal, authorises another, called the attorney, to act on his or her behalf. It can be limited to authorise very specific actions, for example, signing certain documents, or it can be general, authorising the attorney to do anything the principal may legally do. It can be limited to a certain period of time, for example, where the principal is going overseas for a period.

Prior to 1983, all powers of attorney automatically terminated at law when the principal suffered a loss of mental capacity through unsoundness of mind. In 1983 the law was changed to allow a principal to make a power of attorney that continued to be effective after he or she lost mental capacity. Such a document is called a "protected power of attorney" under the present legislation, but this bill will change the name to "enduring power of attorney" to bring it into line with the name used in other States. An enduring power of attorney can be a particularly useful tool in planning for later life. It enables people to choose who they want to make financial decisions for them when they are no longer able to do so themselves, thereby giving people greater control over their future welfare.

I will outline some of the other changes regarding enduring powers of attorney. An enduring power of attorney will not commence to operate until the attorney has accepted appointment by signing the power of attorney document. At present only the principal is required to sign an enduring power of attorney and this can cause confusion in practice if an attorney does not know he or she has been appointed. Requiring an attorney to sign an enduring power of attorney will bring the law in New South Wales into step with other States. It is also consistent with the procedure for appointing enduring guardians under the Guardianship Act 1987. It will make the attorney aware that he or she has been appointed and give him or her an opportunity to refuse to act. This is important because some people may not want to accept what can be an onerous responsibility. An attorney will also have the opportunity to obtain instructions from the principal about the principal's preferences. The new requirement will also provide a specimen of the attorney's signature for comparison by persons dealing with the attorney.

I should point out that the requirement for an attorney to sign would not apply to ordinary powers of attorney. It is considered that the requirement for the attorney to sign would make the use of ordinary powers of attorney in the business context more difficult, because companies often appoint multiple attorneys in different States. It is considered preferable to limit the requirement for an attorney's signature to enduring powers of attorney. One of the distinguishing features of an enduring power of attorney is the certificate by a prescribed witness stating that he or she has explained the effect of making the enduring power of attorney to the principal. The certificate changes an ordinary power of attorney into an enduring one, allowing it to continue to be effective after the principal has lost mental capacity.

This bill expands the category of "prescribed witnesses". Currently only a solicitor, barrister or clerk of a Local Court can give the certificate. It is proposed to add licensed conveyancers and employees of the Public Trustee or a trustee company who have successfully completed an appropriate course of study approved by the Minister. The intention is to make it easier for people to make an enduring power of attorney, while at the same time ensuring that the only people who can give the certificate are those who understand the legal effect of making an enduring power of attorney, either because they are lawyers or because they have undergone an appropriate course of study.

An important innovation introduced by this bill is to recognise enduring powers of attorney made in other States and Territories of Australia. At present each State and Territory has its own requirements for the formalities for creating a valid enduring power of attorney. This means that an enduring power of attorney made in another State currently is not valid in New South Wales, if it does not meet the legal requirement for a certificate from a prescribed witness. This is causing inconvenience for people who, for example, have moved interstate in retirement but still have property in New South Wales. It is particularly difficult if the principal has already lost mental capacity, for example through dementia, when the attorney attempts to use the power of attorney in New South Wales. The principal cannot make a new power of attorney because he or she has lost mental capacity, so the only way to deal with the New South Wales property is to have a "manager" appointed by either the Guardianship Tribunal or the Supreme Court.

Under this bill, if an enduring power of attorney is validly made in another State or Territory according to the requirements of that State or Territory, then it will be recognised as valid in New South Wales and the attorney will be able to act under its authority in New South Wales even if it does not meet the New South

Wales formal requirements. These provisions arise out of the endorsement of draft mutual recognition provisions for powers of attorney by the Standing Committee of Attorneys-General in March 2000. The bill replaces the current statutory short form of power of attorney with a more comprehensive form. The new form contains more information and more choices to enable people to make a better-informed decision about what they want to authorise their attorney to do. The new form—called a "prescribed power of attorney"—will authorise the attorney to do anything that the principal may lawfully authorise an attorney to do, but will be subject to any conditions or limitations set out in the document. The prescribed form can be used to create either an ordinary power of attorney or, by having a prescribed witness complete the required certificate, create an enduring power of attorney.

The bill introduces provisions that will help clarify what an attorney can or cannot do in several common situations that have sometimes caused confusion in practice. A prescribed power of attorney does not authorise an attorney to give a gift of all or any of the principal's property to any other person unless the power of attorney expressly authorises the giving of the gift. In this regard, the proposed section provides that if a prescribed power of attorney includes a certain expression, set out in schedule 3, this will authorise an attorney to give the kinds of gifts specified in the schedule for that expression. The types of gifts authorised in this schedule are gifts to a relative or close friend of the principal on occasions such as birthdays or marriages. Or the gift may be a donation of a kind that the principal would make if he or she had capacity to do so. In addition, the value of the gift must be reasonable having regard to all the circumstances and, in particular, the principal's financial circumstances and the size of the principal's estate.

Similar provisions apply to an attorney signing any document or doing anything that would result in the attorney gaining a benefit at the expense of the principal or conferring a benefit on third parties. If the prescribed expression is used, it will allow an attorney to confer on the attorney or third party a benefit only for expenses for housing, food, education, transportation and medical care or medication. These provisions will allow, for example, a person who is an attorney for their spouse to use the spouse's money to pay for housing, food, et cetera, for the attorney and their children. The new form of prescribed power of attorney set out in the bill contains the prescribed expressions within the printed form, so that if left unamended, the attorney will only be able to do the things referred to in schedule 3 as discussed above. This will help clarify for both the principal and the attorney what the attorney is authorised to do. If the principal wants to give the attorney more extensive powers, the principal can change the form.

Another important innovation in this bill is the provision to overcome hardship which currently may be caused in certain circumstances by a rule of common law called *ademption*. This concept is perhaps best explained by an example. Say a person, a testator, leaves a will in which he or she gives a particular item, such as a car or a piece of jewellery, to a beneficiary. If the testator sells that item before he or she dies, so that, at the time the will is put into effect, the item is not part of the estate, the law says that the beneficiary gets nothing, not even the monetary value of the item. The gift is said to be *adeemed*, or lost. The law assumes that the testator could have changed the will after selling the item, to give the beneficiary either money or another object, and if the testator does not change the will the beneficiary is to receive nothing.

The *ademption* rule can operate particularly harshly where a testator, who has made a gift of a specific item in a will, loses mental capacity and his or her attorney sells the item under an enduring power of attorney. In this case the testator has no chance to alter the will after losing mental capacity. To overcome this situation and prevent injustice to the beneficiary, the bill introduces a provision which will entitle the beneficiary to any surplus left from the proceeds of the sale of the item sold by an attorney under an enduring power of attorney. The provision is modelled on section 48 of the Protected Estates Act, which protects beneficiaries from sales by a manager appointed under that Act to administer the estate of a protected person. The new provision will protect not only named beneficiaries but also classes of beneficiaries—for example, where an item is left to "my children".

In addition, the bill enables the spouse of a person who dies intestate, that is, without a will, to have a greater proportion of the deceased's estate, where their shared home has been disposed of by the attorney under an enduring power of attorney, and the spouse has no claim in respect of any replacement shared home. The bill also expands the jurisdiction of the Supreme Court and the Guardianship Tribunal with regard to the review of powers of attorney. At present only the Supreme Court has jurisdiction. The Guardianship Tribunal will be given a range of powers in relation to enduring powers of attorney, including the ability to review, revoke, alter, or confirm the enduring power of attorney, as well as to adjudicate on whether the principal lacks mental capacity. The Supreme Court will have the same powers in relation to enduring powers of attorney, so an applicant will have a choice of forum. Proceedings before the tribunal should be cheaper, quicker, and less formal than in the Supreme Court.

If the tribunal considers that a particular matter would be more appropriately dealt with by the Supreme Court, the tribunal may refer the matter to the court, and vice versa. Appeals from decisions of the Guardianship Tribunal will be to either the Supreme Court or the Administrative Decisions Tribunal. The bill also clears up the current uncertainty about what happens when two or more attorneys are appointed and one dies. When the attorneys are appointed to act jointly—that is, both must act together—the death of one will terminate the power of attorney. However, if the attorneys are appointed severally, that is, either one can act alone, or jointly and severally, the death of one will not terminate the power of attorney.

The definition of "incommunicate" is being expanded. At present the Supreme Court may make orders concerning a power of attorney where the principal is "incommunicate". The current definition of "incommunicate" refers to persons under such a handicap of body or mind that they are unable to receive communications about their property or affairs, or to express their intentions. The definition is being expanded to include a person who is unable to receive communications because they cannot be located or contacted. This amendment is being made at the request of the Supreme Court, as the result of a court decision where a person on a yacht at sea, and unable to be contacted, did not come within the current definition.

The changes to the law contained in this bill will, in the main, apply only to powers of attorney made after the commencement of the bill. However, there are three exceptions. First, the new provisions relating to the review of powers of attorney by the Supreme Court and Guardianship Tribunal will apply to powers of attorney that are already in existence, as well as those made after the commencement. Second, the recognition of intestate enduring powers of attorney will apply to existing powers of attorney. It is considered that these provisions are beneficial and there would be a hardship if they did not apply to existing powers of attorney. Thirdly, the provisions dealing with registration of powers of attorney will apply regardless of when they were made. Finally, the bill will commence on a date or dates to be proclaimed. This is necessary to allow time to educate the public and the legal profession about the changes introduced by the bill. I commend the bill to the House.

Debate adjourned on motion by Mr Maguire.

DRUG SUMMIT LEGISLATIVE RESPONSE AMENDMENT (TRIAL PERIOD EXTENSION) BILL

Bill introduced and read a first time.

Second Reading

Mr NEWELL (Tweed—Parliamentary Secretary), on behalf of Ms Meagher [10.37 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill. The purpose of the bill is to extend for a further four years the trial period of the Medically Supervised Injecting Centre operated by Uniting Care at 66 Darlinghurst Road, Kings Cross. The bill amends part 2A of the Drug Misuse and Trafficking Act 1985 to extend the trial so that it now concludes on 31 October 2007. Other amendments in the bill ensure that a review of the operations of the centre and the legislative framework are completed by May 2007.

All aspects of the current licence, the terms and conditions for operating the centre and the trial remain unchanged for the additional period. However, in line with this Government's evidence-based approach to drug policy, the trial over the next four years will continue to be carefully monitored. The extension period will be used to trial and assess new approaches to encouraging drug users into treatment. For example, a special case manager will be appointed to the centre to build relationships with clients and service providers in the area, and to take a proactive approach in client referral and follow-up.

Other research suggested by the New South Wales Expert Advisory Group on Drugs and the independent evaluators of the trial will also be considered. This includes research into the impact on the health of individuals of early intervention at drug overdoses in the centre. The extension will also provide an opportunity for information and data to be collected over a longer period and to take account of any changes in the drug market, such as any changes in the supply of heroin. A new evaluation protocol will be developed in the coming months under the direction of the Chief Health Officer, New South Wales Health.

The Government has made the decision to extend the trial based on the "Final Evaluation Report of the Medically Supervised Injecting Centre (Trial)", released on 9 July 2003, and on advice from the New South Wales expert advisory group on drugs. Honourable members will be aware that an evaluation was

commissioned by the Government in July 1999 to independently assess the feasibility of the centre. The evaluation was undertaken by a team of experts drawn from several research institutions. It was conducted according to a detailed and publicly released protocol and was independent of government. The committee's report provides comprehensive information about the centre's operations during the first 18 months of the trial from 1 May 2001 to 31 October 2002. The final evaluation report has been available to the public since 9 July 2003.

The evaluators concluded that the operation of the centre is feasible in Kings Cross; the centre made service contact with its target population, including many who had no prior treatment for drug dependence; a small number of opioid overdoses managed at the centre may have been fatal had they occurred elsewhere; the centre made referrals for drug treatment, especially among frequent attendees; there was no overall loss of public amenity; there was no increase in crime; and the centre has afforded an opportunity to improve knowledge that can guide public health responses to drug injecting and its harms.

Some of the key statistics contained in the report show that the typical user of the centre was a 31-year-old male who had been injecting drugs for 12 years. Only 28 per cent of people registered had completed high school, 26 per cent had been imprisoned in the past year, and 11 per cent were homeless. About half the clients had injected daily or more in the last month. Some 66 per cent had been in drug treatment at some time but it had failed, while more than 1,000 attendees in the 18 months had never been in drug treatment. There were 329 heroin overdoses managed by staff. Some 44 per cent of people registered to use the centre had previously survived an overdose, 74 per cent reported their last overdose required an ambulance, and 36 per cent had overdosed in public.

It is estimated that the centre saved at least six lives during the trial period. It is likely that the centre played a role in reducing overdose-related morbidity through early intervention, which can minimise brain and vital organ damage. The rate of confirmed uptake of referral to treatment from the centre was three times higher among more frequent attendees. There was no evidence that the centre increased theft and robbery incidents in Kings Cross, and there was no evidence of a large increase in drug-related loitering—that is, no "honey-pot". The evaluators noted that the first six months of service utilisation data were likely to under-represent the capacity and impact of the centre.

In addition to the findings in the first 18 months, the evaluators have continued to report on the process operational data from the centre. I can report that in the 26 months to 30 June 2003 some 5,038 individuals were assessed and registered by the centre. New registrations have stabilised at a rate of approximately 197 per month. One in every five visits resulted in the provision of health care and medical and social services by centre staff. There were 906 referrals for drug treatment, 614 for health care—the majority being for medical consultations—and 488 for social welfare services. Some 600 drug overdose-related clinical incidents were recorded as requiring medical management but there were no deaths. Some 502 were heroin overdoses. The centre is continuing to operate without major incident and to manage injecting drug users, who in many cases are in the depths of the addiction cycle.

I turn now to the provisions in the bill. This bill amends the Drug Misuse and Trafficking Act 1985. Part 2A of the Drug Misuse and Trafficking Act 1985 currently permits the operation and use, under licence, of a single medically supervised injecting centre but restricts the period during which such a licence can have effect to a trial period to conclude on 31 October 2003. The Act is amended to extend the trial for four years as set out in schedule 1 to the bill. Section 36A (1) is amended to omit "30 months" and insert at the end of the paragraph "and ending on 31 October 2007". A consequential amendment is made to the definition of the "*trial period*" in section 36D to ensure that the defined period ends on 31 October 2007.

Two amendments are made to section 36B to require that a review of the centre's operation and use, as well as the legislative provisions governing the centre, must be undertaken and concluded by 1 May 2007. This review is to be conducted by the Commissioner of Police and the Director-General of NSW Health as the "Responsible Authorities" for the medically supervised injecting centre trial. The amendments ensure that the review will be available for consideration before the trial concludes in October 2007.

Section 36T is amended to provide that the current licence is extended for the whole of the extended trial period and may not be challenged in the courts as a consequence of its term having been so extended. The extension of the trial is covered by this provision. The Government considers the provision is necessary to minimise disruption to the centre's operations by vexatious litigants. The legality of the centre has, in any event, been well tested by the courts. Honourable members should be quite clear that continuing the centre as a

monitored and evaluated trial is a conservative option. All the current strict regulatory safeguards and arrangements will be kept in place. This bill does not change the current licence holder or any of the licence conditions, except for the length of the trial. Information on the operations of the centre will, however, be provided over a longer period and without the complication of the "start-up" period.

Caution has been our watchword in implementing this initiative, which was a recommendation of the New South Wales Drug Summit. Caution will continue to be paramount in our consideration of all issues pertaining to the centre. This Government does not condone drug use and we will do all in our power to discourage people from this destructive course. But we will not give up on anyone with a drug dependency problem who needs help to get his or her life back on track. We will continue to review all the available research and evidence to assist us to make informed decisions about ways to deal with the drug problem. I commend the bill to the House.

Debate adjourned on motion by Mr Maguire.

EDUCATION AMENDMENT (COMPUTING SKILLS) BILL

Bill introduced and read a first time.

Second Reading

Mr NEWELL (Tweed—Parliamentary Secretary), on behalf of Dr Refshauge [10.47 a.m.]: I move

That this bill be now read a second time.

The Education Amendment (Computing Skills) Bill proposes an amendment to the Education Act 1990 to require candidates for the School Certificate to be tested for computing skills. This change represents another milestone in the continuum of K-12 education in New South Wales. It fulfils the Government's commitment to ensuring that, by the end of compulsory schooling, all students in New South Wales are capable and competent users of information and communication technologies. The K-12 continuum has already seen the implementation of a full suite of K-6 syllabuses with outcomes, and a new standards-based Higher School Certificate and a strengthened School Certificate. A review of the years 7 to 10 curriculum has been completed, with syllabuses to be distributed to schools this year for progressive implementation from 2005 to allow teachers time for familiarisation and planning. Since coming to office in 1995 the Government has acted to renew and reinvigorate the School Certificate. Mandatory external tests in English literacy and mathematics were introduced in 1998, science was added in 1999 and Australian history, geography, civics and citizenship in 2002.

Computing skills assessments for year 10 are currently being trialled in our schools, with over 580 schools taking part this year. Mandatory computer skills testing will be implemented as part of the School Certificate in 2006. The new year 7-10 syllabus contains a strong emphasis on using information and communication technologies and the mandatory implementation of the computing skills test in 2006 would be well timed. The bill achieves the objective of requiring a mandatory computing skills test in government and non-government schools by amending the Education Act 1990. Section 94 of the Act prescribes the requirements for the award of the School Certificate. This section currently mandates statewide tests in English literacy, mathematics, science and Australian history, geography and civics and citizenship. This section also determined the effective dates from which these tests were to be conducted.

Schedule 1 [1] to the bill adds a further statewide test in computing skills to those already specified at section 94 of the Act. Schedule 1 [2] sets the timing of the mandatory status of the test in Computing Skills to have effect from 1 January 2006 or, if a later date is deemed necessary by the Minister after consultation with the Board of Studies, that later date. The bill represents the fulfilment of the Government's plan to strengthen the School Certificate. Placing an external examination at the end of year 10 will demonstrate the importance with which the Government views the acquisition of computing skills by students prior to them proceeding into year 11 and studying for the Higher School Certificate. I commend the bill to the House.

Debate adjourned on motion by Mr Maguire.

SPECIAL ADJOURNMENT

Motion by Mr Scully agreed to:

That the House at its rising this day do adjourn until Tuesday 16 September at 2.15 p.m.

BUSINESS OF THE HOUSE**Private Members' Statements: Suspension of Standing and Sessional Orders****Motion by Mr Scully agreed to:**

That standing and sessional orders be suspended to allow the taking of private members' statements forthwith.

PRIVATE MEMBERS' STATEMENTS

LAWRENCE HARGRAVE DRIVE UPGRADE

Mr McLEAY (Heathcote) [10.51 a.m.]: I wish to inform the House of a \$40 million commitment to upgrade Lawrence Hargrave Drive, a dangerous section of road in my electorate. The communities that hug this beautiful section of the Illawarra escarpment were founded on the economies of underground mining in the late 1800s. The dangers of mining brought them closer together, and from these foundations community solidarity has never been forgotten. Since the 1980s tourism has been the driving force behind these towns and the coast road is the vital network for connecting people to their homes, work, schools, friends and neighbours. Since December 2002 the coast road from Coalcliff to Clifton will have been closed for 100 days. This has impacted on the community by forcing many people to travel on long detours to school and work, a loss of trade to local businesses through a slump in tourism, as well as isolation of older residents.

In December last year a community working group was set up to address some of the social impacts that the closure has caused. I would like to thank the members of the working group for their tireless work for their local community. I particularly mention David Bromley, Kim Cochrane, Yvonne Terkildsen and Richard Major, who all came with me to express their concerns with the Minister on 8 August. I also acknowledge the representative from the Northern Illawarra Chamber of Commerce who met with the Minister and me in December last year in Stanwell Park to address concerns about the road closure before the major impacts became so obvious. At the meeting on 8 August I was pleased that a number of short-term and medium-term solutions were agreed to. These were a school shuttle bus to transport children to schools affected by the closure, advertisements to encourage tourists to visit the area, a regular shuttle bus for the elderly, and funding an Illawarra Regional Information Service study into the social and economic impacts.

Following the release of the geotechnical reports, a commitment of \$40 million has been made by the Minister for Roads to facilitate a permanent and safe reopening of the road. This task will be major engineering construction to fix the most dangerous road in New South Wales, without sacrificing safety. I thank the Minister for Roads, and Minister for Housing for his dedication and hard work to find a permanent solution. This commitment is a fantastic result for the community. It will mean that the residents will have a safe and permanent opening of the coast road, reconnecting the strong-knit communities and revitalising towns that breathe on the business of tourism. In addition, \$2million dollars will be allocated to provide much needed support for the community to cope with the closure of the road, and that will be extended further. The undertaking to fix the road will include a complete reconstruction in part, with large rock walls, rock shelters, cages and additional netting to satisfy the geotechnical constraints of the area.

I know, and am confident, that the Minister will do his best to complete the works on time. He has a great track record of completing major works. I commend his work on other commitments to the Heathcote electorate, including the Woronora Bridge. It is also pleasing to see the recent commitment to fast-track the construction of the Bangor bypass, which will greatly ease traffic conditions in the area and thus allow better conditions for my constituents who regularly use this road. One needs only to look at the M5 East—completed well ahead of schedule—to see that Labor Ministers and Labor governments deliver. I again thank the Minister for Roads, and Minister for Housing and members of the community working group. It has not been smooth sailing, but if we all work together a great outcome will be achieved.

Mr NEWELL (Tweed—Parliamentary Secretary) [10.55 a.m.]: I congratulate the honourable member for Heathcote on the work that he has done, as he has outlined to the House this morning. I particularly commend his working with the community. He has indicated how he is working with various groups on a particular problem that arose within his electorate. He has seen the benefits that come from a resolution worked out with the community, as he has achieved on this issue, and also from his effective lobbying for the Government. I note his congratulations to the Minister for Roads, and Minister for Housing on the great work that he has done in working with the honourable member for Heathcote.

I commend the member for Heathcote for the good work he has done with community groups in working to achieve a monetary commitment of about \$40 million. I particularly commend the honourable member for his work with the community to enable short-term solutions to ease the inconvenience that will be caused to the local community when Lawrence Hargrave Drive, a tourist road, is out of use during the upgrade. I note that the new member for Heathcote is also quite well versed in embracing the local history of that area, which is commendable for any local member.

GAMING MACHINE TAX

Mr CONSTANCE (Bega) [10.57 a.m.]: I draw the attention of the House to the profound impact of the club tax issue on my rural and regional electorate of Bega. New South Wales has 40 per cent of all the clubs in Australia and, of those, 43 per cent are located in rural and regional communities. This fact cannot be ignored by the Government as these clubs are great local employers and are often the sole meeting place for many groups and individuals in regional and rural areas. There are 25 clubs in my electorate, some of which will close as a result of this greedy grab for cash on the part of the Carr Labor Government. This week has shown that the economic boffin in Michael Egan has demonstrated the commercial inexperience of Bob Carr. I believe that is the Premier's greatest weakness because to not listen to what Labor caucus is saying, to not listen to what the broader community is saying, to not listen to what the Opposition and the clubs are saying in relation to this issue will ultimately have a profound impact, particularly in regional and remote communities.

I believe that the information that Clubs NSW put out earlier this week about the impact of the club tax changes in western Sydney is a little skewed because the impact will be more profound in regional and rural New South Wales. Despite being the third-largest employer, clubs provide great benefits to the broader community. To put that into perspective, the additional tax from these changes will be about \$238 per voter in the Bega electorate. That is \$11.5 million that will be taken out of local economies throughout my electorate. That means lost jobs, both indirect and direct, and lost social capital.

Recently I held meetings with the clubs in my electorate and a number of community organisations that are dependent on them. I was informed, for example, that 80 per cent of the income of the royal coastal patrol in Merimbula is dependent upon the club movement. If that income goes, who will fund the coastal patrol to assist it in providing emergency services and marine support? Local government or the State Government? I do not think so. It is one thing for the Government to cost-shift onto the community the increase in poker machine tax, but to tax community organisations out of existence is absolutely ludicrous.

Other community groups in my electorate, including surf life saving clubs, are critically dependent upon the revenue that is provided by local clubs. I am pleased that the honourable member for Strathfield has just walked into the Chamber, because she agrees with absolutely everything I am saying. However, she was not prepared earlier this week in this Chamber to vote for a review. It is an enormous failure on the part of Government members that they can vote in favour of such matters at internal caucus meetings but when it comes to the Parliament they are not prepared to support their local communities and clubs.

The clubs in the Eurobodalla shire in my electorate banded together to collate some interesting information about how the changes will impact on them, and 12 of the 13 clubs in the shire contributed. One club is going to cancel its courtesy bus and six clubs are going to reduce the service. One club is going to cancel all entertainment services, and 10 clubs are going to reduce those services. Six clubs are going to cancel subsidised meals and beverages, and 15 clubs are going to reduce the subsidies. The 320 community organisations that are supported by the clubs in the Eurobodalla shire will be forced to scale back the services they provide, and this will have a devastating impact on the local community.

We have heard much from the Premier and the Treasurer about the large salaries of many club managers. However, in regional New South Wales that is simply not the case. The managers of eight clubs in the Eurobodalla shire receive an income of below \$70,000. The Carr Labor Government speaks about managers' salaries of hundreds of thousands of dollars, but it fails to recognise the impact of these changes. I call on the Government to review the tax increase, and I look forward to hearing the Parliamentary Secretary's response to my private member's statement given the way he voted in caucus recently.

Mr NEWELL (Tweed—Parliamentary Secretary) [11.02 a.m.]: The honourable member for Bega raised an issue that is topical at the moment right across New South Wales, not just in country New South Wales. The honourable member stated that there are 25 clubs in his electorate of Bega, and that they have concerns about the proposed changes. However, I was disappointed that the honourable member for Bega did

not elaborate on which of those 25 clubs will be substantially impacted by the changes that will come into force in July 2004. He also did not differentiate between clubs with gross income of more than \$10 million, those with gross income of less than \$200,000, which will simply pay GST, and those with gross income of less than \$1 million, which will also simply pay GST. If the honourable member wants to be honest with the clubs in his electorate, he needs to inform them that they should lobby the Federal Government about the GST, because the GST is a Federal tax.

Mr Constance: You're not going to approach the Federal Government for the rebate?

Mr NEWELL: You know the story about the rebate. If I had more than 30 seconds, I would respond to the interjection. I conclude by saying that as long as the clubs continue, the community development and support expenditure funding of 1.5 per cent will also continue.

MEALS ON WHEELS

Ms D'AMORE (Drummoyne) [11.04 a.m.]: I draw to the attention of the House that 3 September 2003 was national Meals On Wheels Day. In doing so I wish to acknowledge the role and contribution of the New South Wales Meals On Wheels Association, a peak body that represents more than 230 meals on wheels and food services organisations in New South Wales. More than 35,000 volunteers in New South Wales offer their time to regularly deliver meals to approximately 20,000 aged and disabled people and their carers every day. In particular I wish to thank the local services and volunteers in my electorate: Drummoyne Meals On Wheels, Homebush-Strathfield Community Service Meals on Wheels and Concord Community Food Services.

Last Wednesday evening I attended the Concord Community Food Services annual general meeting, and I had great pleasure in meeting the valued board of management and volunteers. Concord Community Food Services exists to provide a quality Meals On Wheels service for people in need in the Concord area, and to provide and expand other community services to clients that improve the quality of life whilst still living in their own homes. This year the service celebrated its thirty-first year of operation since the commencement of the Meals On Wheels service in 1972, and it continues to offer to the Concordian residents high-quality meals to cater for their daily needs. The service is vital for those who are unable to fend for themselves, and for needy people who require a well-balanced and nutritious meal, together with the benefit of daily contact with the volunteers who deliver the meals.

Concord Community Food Services has 150 volunteers, who this year have delivered 9,378 meals, as well as serving 750 meals at the monthly centre-based luncheons and a further 160 meals at the annual Seniors Week picnic luncheon held at the Kokoda Track in Concord. These functions help the elderly and other clients of the community to enjoy an outing away from their normal environment, together with a meal and entertainment. I commend the Chairman of Concord Community Food Services, Mr Alan Wright, who acknowledged at the annual general meeting that the service would not be able to function so smoothly and efficiently without the support of many dedicated volunteers who continuously make themselves available to deliver meals in all types of weather.

I thank one of my local high schools, Rosebank College, and the year 11 students who dedicated their time to be volunteers with Concord Community Food Services. I understand that the clients of the service are extremely appreciative of having the young people service them. It is fabulous to see our youth participating in community services and putting smiles on the faces of all the clients they assist. I also thank the local businesses, particularly the Massey Park Golf Club and Concord Rotary Club, for their generous gifts and moneys donated to Concord Community Food Services. I especially thank the valuable day captains—Jeanette O'Hara, Ellie Olip, Jenny Nicholls, Anne Gough and Beryl Jenkins—who ensure that teams of volunteers are available to deliver the meals each day. I extend my congratulations to the board of management—Alan Wright, Beryl Robinson, Clarrie Langham, Bruce Dunlop, Robert Brown and Barbara Newman—and warmly welcome the new board of management elected on Wednesday evening, which comprises the majority of the existing board members. I thank them for their dedication and service to the Concord community.

Mr NEWELL (Tweed—Parliamentary Secretary) [11.08 a.m.]: I congratulate the honourable member for Drummoyne on raising this issue in the House today. The Meals On Wheels service is an institution right across Australia, providing a great service to the elderly. The honourable member rightly pointed out the valued services provided to the needy in her electorate by Drummoyne Meals On Wheels, Homebush-Strathfield Community Service Meals On Wheels and Concord Community Food Services. The role of Meals On Wheels in improving the quality of life of elderly people is appreciated by all, and the honourable member for

Drummoyne has done great service to her community in acknowledging the great work of the members of those organisations to improve the quality of life of many people.

The participation of youth in providing contact is of great benefit to the elderly, and offers a beneficial experience for the young people that will enhance their development. I am sure they will remember the experience for the rest of their lives. The honourable member for Drummoyne acknowledged also the role of businesses in supporting those organisations and I commend those businesses for their support. I thank the honourable member for Drummoyne for drawing to the attention of the House the role of the Meals on Wheels organisations within her electorate.

WILLOUGHBY ELECTORATE CHAMBERS OF COMMERCE

Ms BEREJIKLIAN (Willoughby) [11.10 a.m.]: I pay tribute to the chambers of commerce within the Willoughby electorate and to the area's vibrant small business community. The Willoughby electorate has a very long and proud tradition of being a centre of excellence in retailing and small business. Having one of the State's largest central business districts within my electorate means that people from across the State utilise the goods and services provided not only in the central business district but also in the specialty shops at Northbridge, Castlecrag, Naremburn and Willoughby. As the local member I am proud of that achievement. The two largest chambers of commerce in my electorate are the Chatswood Chamber of Commerce and the North Sydney Chamber of Commerce. I take this opportunity to acknowledge the people who, in a voluntary capacity, run those chambers and, in doing so, provide an important service to the broader community.

The Chatswood Chamber of Commerce is run by a diverse group of local business people and community representatives. Its executive comprises President Richard Sainsbury, Vice-Presidents, my good friend Edoardo Mazzoni, Micheal Eddy and Scott Hoddinott, Treasurer Doug Wood, Honorary Auditor Phil Williams, and Honorary Solicitor Peter Benjafield. The office is capably run by Julie Burgess, who has held that position for 17 years. She personally knows every small business within the jurisdiction of the Chatswood Chamber of Commerce. I take this opportunity to pay special tribute to Julie on 17 years of service to the chamber, and look forward to working with her in future.

The members of the board of the chamber give unstintingly of their time for the local community. The board comprises the executive plus Steve Gunns, Barbara McCarthy—who has been a stalwart of the chamber for a good part of the past two decades and continues to play a large role in supporting many important charity organisations—Joseph Rizk, Linda Squires and Laurence Tang. The board enhances the activities of the chamber and provides invaluable service to new members who may be starting up a new local business and want to expand their networking opportunities.

I turn now to the North Sydney Chamber of Commerce, initially known as the North Sydney Business Forum. It was founded in 1990 in response to the need for business owners and managers to have a network of colleagues to support their goals for growth and development in the North Sydney area. The executive of the North Sydney Chamber of Commerce comprises Wendy Foster, who also runs the office, Ian Harry and Julie Kennedy. I commend them for their role and work in the chamber. The North Sydney chamber has an advisory board, which provides advice to the executive and new members. The advisory board comprises Chairman Matthew Burrows, Tom Menhennitt, Jackie Quang and Keith Bales. They give unstintingly of their time to support the North Sydney Chamber of Commerce.

Since I was elected to represent the Willoughby electorate earlier this year, I have been very impressed by the dedication of both those chambers of commerce to the local community. They provide excellent networking events at which small businesses throughout the electorate are able to exchange ideas, promote their businesses and generate tremendous goodwill. The two chambers also provide excellent advice to their members. I have attended police forums and safety forums at which operators of small businesses have been given an opportunity to consult with local police on safety measures they can adopt. I have attended forums provided by the chambers on customer service and other interesting and useful matters of enormous benefit to members. I acknowledge the fantastic effort of these chambers of commerce in supporting charities and local sporting communities. I look forward to working with the chambers in the future. [*Time expired.*]

PORT KEMBLA CONTAINER TERMINAL

WOLLONGONG SWIMMING CARNIVAL

Ms HAY (Wollongong) [11.15 a.m.]: I wish to refer to two issues involving the Wollongong electorate. The first is to add my support to that of the Minister for the Illawarra for the establishment of a container terminal at Port Kembla. Port Kembla is situated in the heart of the Wollongong electorate and in my

view is ideally strategically situated to provide a container terminal service. In my inaugural speech to Parliament I indicated that job creation in the Illawarra needed government assistance. The decision to establish a container terminal at Port Kembla would have the potential to create hundreds of blue-collar jobs. I have made representations to the appropriate Ministers and will continue to lobby in support of that worthwhile project.

Second, I refer to the Wollongong Swimming Carnival held on Sunday 31 August. I congratulate the organisers and participants on the carnival, which was hosted by the Wollongong Swimming Club. The carnival involved 18 clubs from the region with more than 700 entrants aged from 6 years to 15 years. Mr Michael Sinadinovic, the club's president, and Ingrid Vanderberg, a well-known local swimming club identity, were instrumental in the organisation of the carnival. The Wollongong Swimming Club has operated for 77 years. I had the privilege of presenting medals to the winners, along with a number of local identities, including Mr Ted Tobin. The events ranged from 25 metres to 200 metres. Ted Tobin joined the Wollongong Swimming Club in 1946. During his time as a councillor he opened the Beaton Park pool in 1983, and he continues his involvement to this day as a local identity. I congratulate Ted on that magnificent achievement.

The Wollongong Swimming Club was the overall winner at the end of the carnival, winning 26 gold medals, 23 silver medals and 13 bronze medals. The Wollongong Swimming Carnival is the lead-up to the State carnival. Each year kids from many clubs use that carnival to fine-tune their times, et cetera. The whole day was magnificent, with a huge number of local families and spectators in attendance to support and encourage the children. I congratulate the organisers on their success in the smooth running of such a large carnival, which had very few hiccups. I could see from the laughter of the kids that they thoroughly enjoyed the whole event. The carnival highlighted the enormous talent that we have in the Illawarra region, particularly in Wollongong. I encourage those young people to continue their efforts and to strive in their attempts to reach the State events and hopefully do as well there.

Mr NEWELL (Tweed—Parliamentary Secretary) [11.18 a.m.]: I commend the honourable member for Wollongong for bringing those two matters to the attention of the House. She is concerned about jobs growth in the Wollongong area and has the foresight to acknowledge the benefits of a container terminal to the area. I assure her that I will assist her in lobbying for the results she requires for her electorate. Many young people participate in the Wollongong Swimming Carnival, which is a lead-up to the State carnival and involves considerable organisation. I also congratulate the organisers of that carnival and on behalf of all honourable members I wish the young swimmers who have qualified to compete in the State carnival every success.

BATTLE FOR AUSTRALIA COMMEMORATION

Mr ROBERTS (Lane Cove) [11.20 a.m.]: I had the honour of representing the Leader of the Opposition at the Battle for Australia commemoration on 3 September held at the Cenotaph, Martin Place, Sydney. I pay tribute to a member in the gallery today, Mr Mark Ashburner, who is a committed teacher in the Catholic Education system and a good friend of my family. I welcome him and all the students from Marist Brothers.

The Battle for Australia Commemoration honours those who served on land and sea and in the air, repulsing the direct threat to Australia between 1942-45. The Second World War involved Australian service personnel from its earliest days: the Navy on all oceans, and the Army in North Africa, Greece, Crete, Syria, Malaya and the Air Force in the United Kingdom, Europe and North Africa. The battle for Australian territory began on 23 January 1942 when the Japanese attacked Rabaul in New Britain. The small Australian force was quickly overwhelmed, as were two other small Australian garrisons on Ambon and Timor—all with heavy loss of life. The way was clear for the invasion of Papua New Guinea, unopposed. The Japanese quickly landed at Lae and Salamaua and advanced into the Markham Valley, which gave no easy route to Port Moresby.

So, in May, they attempted a direct landing at Port Moresby but were turned back by a combined Australian-United States of America naval force at the Coral Sea Battle. They then landed in strength at Gona and advanced on the Kokoda Track over the Owen Stanley Range to capture Port Moresby. After eight weeks of very bitter fighting, with heavy casualties on both sides, they were stopped by the Australian infantry a scant 50 kilometres from Port Moresby. Meanwhile, a separate force of Australian soldiers, sailors and airmen inflicted the war's first defeat on the Japanese by repulsing a numerically superior force at Milne Bay in a fortnight's hard fighting. It took a further 18 weeks of equally bitter fighting to drive the Japanese back over the Owen Stanley Range and, finally, to totally defeat them in a series of bloody battles at Gona, Buna and Sanananda. This period also saw Australia's northern population centres enduring repeated enemy air attacks.

In March 1943, in a classic example of air power, the Royal Australian Air Force [RAAF] and allied aircraft destroyed a Japanese troop convoy in the Bismarck Sea, so preventing a significant reinforcement of the Lae-Salamaua force. The Japanese lost four destroyers, seven troop carriers and a support vessel with at least

3,000 casualties. The Lae-Salamaua force and others which had occupied, unopposed, the western parts of Papua New Guinea, New Britain and Bougainville, were defeated at Finschhafen, driven back along the Ramu Valley and the Rai Coast and contained until war's end at Aitape-Wewak and on New Britain and Bougainville.

All four Second AIF Divisions, three AMF operational Divisions, local resident and indigenous units, 60 RAN ships and 30 RAAF squadrons took part in the fighting from 1942 to 1945. They were courageously supported by the Merchant Mariners of a diversity of nations and by the troops and civilians—the Fuzzy Wuzzy Angels—of Papua New Guinea. In all these battles, Australians removed the threat of invasion of our mainland in struggles reminiscent of Gallipoli, France and Flanders in their significance to our history. That is what we commemorated on 3 September.

I pay tribute particularly to our Governor, Her Excellency Professor Marie Bashir, AC, who graciously presided over the events. The master of ceremonies was Mr Leon Becker, AM, and the Chaplain of the RAAF, Reverend Andrew Knight, gave a wonderful address. I also pay tribute to the Battle for Australia Commemoration Committee (NSW) and its Honorary Secretary, Mr David Cooper. Finally, I commend the choristers of St Andrew's Cathedral School who led the singing. I also commend the remaining Fuzzy Wuzzy Angels from Papua New Guinea who attended in their native dress. I conclude with the Ode of Remembrance, which was delivered to the fallen by two students from Tempe High Languages School:

*They went with songs to battle.
They were young, straight of limb,
true of eye, steady and aglow.
They were staunch to the end
against odds uncounted,
They fell with their faces to the foe.*

*They shall grow not old,
As we that are left grow old;
Age shall not weary them,
nor the years condemn.
At the going down of the sun
and in the morning,
We will remember them*

Lest we forget.

Mr NEWELL (Tweed—Parliamentary Secretary) [11.25 a.m.]: I thank the honourable member for Lane Cove for bringing to our attention the recent Battle for Australia Commemoration in Martin Place, at which he had the honour to represent the Leader of the Opposition. It is correct to refer to earlier battles as part of an overall larger Battle for Australia. I thank the honourable member for his rendition of history. I acknowledge that the battle for Milne Bay, in which my father, a serviceman, participated, played a pivotal role. I know that many honourable members and previous honourable members have connections with that period of Australian history. I was pleased that representatives from the Fuzzy Wuzzy Angels from Papua New Guinea attended the ceremony. They were an integral part of the allies' effort in defeating the invading Japanese force. I hope that the notion of a Battle for Australia receives the acknowledgment that it deserves as an important part of our history, particularly our Second World War history.

TRIBUTE TO MRS GLADYS CRAVEN

Mr CRITTENDEN (Wyang) [11.27 a.m.]: Today it gives me great pleasure to draw to the attention of the House a good news story of active citizenship that all honourable members encourage. Mrs Gladys Craven, who is 89 years of age, has been an active member of the Toukley ladies social tennis club for the past 28 years. Mrs Craven has been an office holder in that august organisation and, more important, has been a regular participant in its weekly Tuesday tennis matches. I am sure that those of us who have the privilege of turning 89 years of age hope to be as active as Mrs Craven.

Several months ago two prominent citizens in the Wyong Electorate, Mrs Leone Dupont and Mr Allan McDonald, who is a tennis professional at Toukley, brought this matter to my attention. We organised a Premier's community service award for Gladys because she not only plays tennis on Tuesdays with the ladies but also she is active in encouraging young people in the Toukley community to also play tennis. In fact, Allan

McDonald told me that he uses her as a beacon for younger players to demonstrate that they can lead an active life and play tennis well into their octogenarian years. Gladys is helping to bridge the generation divide by encouraging young people. Many honourable members would be aware of the significant population growth in the Wyong electorate, which has two distinct demographic groups—retirees and younger families. Gladys has been prominent in helping people to develop a strong sense of the community.

Mrs Craven commenced playing tennis in Sydney when she was 16 years of age. She raised a family and maintained her interest in tennis, but it was not until she retired to Toukley that she resumed playing tennis. It was good to see that all the ladies were at the pleasant function, which everyone enjoyed. People in Gladys' family from Sydney, her granddaughters and her daughter and son-in-law were there. It was a real community event. I am sure honourable members would relate to the fact that often when we attend a big function of 200 or 300 people the humanity of the function is lost, to some extent. At a function of 25 people everyone knows everyone else, people have a chat and it is a good interaction for everyone concerned. This function was certainly that for me.

I congratulate Gladys on achieving such a milestone. The previous speaker talked about the Second World War. It is interesting to note—and I am sure Gladys will not mind me saying this—that she was born on 11 August 1914, only three months before the commencement of the First World War. Many of my constituents fall into that category, and they have a wealth of experience over many years. Gladys would not recall the First World War in any great detail, but she lived through the Depression, the Second World War and, indeed, the Cold War. She has certainly made a tremendous contribution to this country over many years, as have many other senior citizens in my electorate. I congratulate them on that tremendous contribution.

SUTHERLAND CONCRETE BATCHING PLANT

Mr KERR (Cronulla) [11.31 a.m.]: I agree with the honourable member for Wyong— obviously Gladys is one of the guns of August. Today I raise an important matter: the environment of the Sutherland shire and the need for a clean and safe environment. Previously I have referred to the fact that shire residents must put up with unpleasant smells because of the failure of the council and the State Government in relation to waste disposal. We now find that there is a serious proposal for a cement batching plant to operate within the shire, which is causing a great deal of consternation to my constituents and to businesses in the shire.

I am advised that Sutherland Shire Council has not yet acknowledged the effects that such a plant will have on the environment, on existing industry and on residential neighbourhoods. The environmental impact statement [EIS] clearly acknowledges that, for example, Tynan Motors will have a minimum of 50 times more cement dust than previously. The dust will enter the air stream regardless of the latest dust traps to be installed. There will be a stack structure 10 storeys high to house the mixing plant. The major industry investment of about \$50 million in the vicinity of the proposed development will be unsustainable if cement dust products affect paint work, glass, rubber, interior trims, vehicle computer systems and braking components.

Residents with respiratory problems will be affected, and those who do not have respiratory problems now may find that they do have them in the future, given the effect of cement dust. Unfortunately cement dust forms an alkaline solution of a severely corrosive nature when mixed with moisture. As I said, it is a matter of great concern to both residents and businesses in the shire. If a number of businesses must move, who will pick up the costs of relocation and damages? Not only will the batching plant be an immediate threat; I am advised that heavy trucks are proposed to operate around the clock, seven days a week, in relation to the plant's operations. That is another matter of concern to my constituents.

I call upon the Minister for the Environment to refuse to grant a licence to enable the applicant to proceed at this time. I also call upon Labor members of Parliament in the shire to work together to ensure that the outcome is satisfactory. I point out to honourable members that the Victorian Environment Protection Authority has released environmental guidelines for the concrete batching industry, which are set out in appendix 1. The guidelines, which are freely available on the web as well as in hard documentation, contain an environmental performance check list for concrete batching plants. Sutherland shire has a Labor-controlled council with its shire watch allies. I ask all councillors to go through the check list when they determine whether approval should be granted. The check list includes:

Buffer zone: At least 100 metre buffer between plant and residential zone.

Winds: Bunkers located out of prevailing winds.

Access: Plant access minimises potential impacts on amenity.

Amenity: Batching plant does not detract from local amenity.

The list goes on. This matter should be of concern to all honourable members.

Mr DEPUTY-SPEAKER: Order! The honourable member for Cronulla is dealing with the operations of another chamber. Development applications are not usually dealt with in this way by this House. Past rulings indicate that he may be only marginally in order. I suggest that in future he should deal with the matter in a different way.

Mr KERR: I am grateful for the Chair's advice. Hopefully, this will be the last time I am marginalised.

SHORTLAND WETLANDS CENTRE

Mr MILLS (Wallsend) [11.36 a.m.]: I indicate my strong support for the visionary and progressive plans for the future of the wetlands centre at Shortland on the eastern fringe of the Hexham wetlands. Last week I met for a briefing with Christine Prietto, the chair of the board, and the new Chief Executive Officer, Tara Ure, to be briefed on those plans. The centre is 18 years old this year. Mr Deputy-Speaker, I know of your careful and vigorous involvement in support of the centre because for many years it was located in your former electorate of Waratah. Your support is much appreciated by the current and previous office bearers of Shortland Wetlands Centre.

The wetlands centre is a jewel of the Hunter. It is a community-based environmental education centre, which last year achieved the great distinction of being listed as a site of international environmental significance under the Ramsar convention. That achievement was a wonderful credit to the great work of the local community. I refer particularly to the hard work of the hundreds of volunteers who have worked for Shortland Wetlands Centre over many years who have turned the centre basically from an industrial tip site into an environmental jewel. In addition to the volunteers, the board has been active throughout those 18 years, and I pay tribute to the current Chair—Christine Prietto, who is the head of the Awabakal Environment Education Centre based at Shortland wetlands—for her great work. I pay tribute also to such distinguished people as Brian Gilligan, who was involved with the centre in the early days, and Professor Max Maddock, who brought a strong scientific basis in terms of the plants and bird life that are attracted to the centre.

The plans for the future that I was briefed about included the sale of a fairly large parcel of land—a 19,600 square metre parcel—adjacent to the roundabout at the corner of Sandgate Road and State Highway 23. The land is currently used for overflow parking. It is not wetlands, and it is used only a few times a year. The purpose of the sale of this land is to try to achieve financial sustainability. As a community-based organisation the centre has had some support from both State and Federal governments over the years but its aim has long been to have a sustainable financial future. Hopefully, with the sale it will be better placed to achieve that goal. In the media release announcing the sale Tara Ure said:

The Wetlands Centre is a community, not-for-profit organisation. We have survived on a shoestring for over 18 years, I have found that increasing costs combined with the ever-increasing challenge of sourcing funding has taken its toll over time. The land sale will provide The Wetlands Centre with a debt-free future. Investment of the proceeds from the sale will provide the Centre with additional income each year, and will place us in a stronger financial position than we have been in for many years.

The proceeds will also provide funds for a necessary upgrading of the building, which is more than 23 years old. The centre needs about \$50,000 for maintenance and improvement. The wetlands centre board intends to weigh each offer against a set of criteria that will include the assurance that any development will not affect the value and integrity of the wetlands. The centre is hoping to attract a developer that can use the opportunity to showcase principles of environmentally sustainable development. It was reported in the *Newcastle Herald* on 23 August that listing agent Anthony Merlo of Robinson Property said the subdivision could yield 15 to 20 building blocks, up to 50 medium-density townhouse or villa dwellings, or 75 or more villas for aged care accommodation. He also said that would give the developer an opportunity to tap into the eco-friendly real estate market.

The second aspect of the future plans is that the centre desires to be part of something bigger in the Hunter estuary. The centre has had a vision for some years and has been promoting the idea of a lower Hunter conservation park. The plans include positioning the wetlands centre as a gateway to the park. The park would include the Hexham wetlands and the Kooragang wetlands, and the centre could be a marketing and information hub for visitors. Two big planning instruments in the Hunter—the ports concept proposal and the Thornton to Killingworth subregional strategy—include the concept of environmental corridors across the wetlands. I hope there will be plenty of support from local organisations to see this vision come to fruition.

Ms MEGARRITY (Menai—Parliamentary Secretary) [11.41 a.m.]: I thank the honourable member for bringing to the attention of the House the efforts and achievements of the Shortland Wetlands Centre. The

dedication and commitment of such community organisations is something we should all be grateful for. In my electorate the Sutherland Shire Environment Centre performs a similar function, along with the Georges River Education Centre. The honourable member talked about an environmental education centre as part of this organisation's efforts. I congratulate the centre for its years of dedicated effort. I hope its plans for the future roll out exactly as intended. The rehabilitation of degraded land is a great investment for the future. I wish the centre all the best with its efforts.

NORTH EPPING PUBLIC SCHOOL PEDESTRIAN CROSSING

Mr TINK (Epping) [11.42 a.m.]: I wish to refer to a 40-kilometre school zone and supervised pedestrian crossing for North Epping Public School. I am representing in particular Michelle Seale, who has written to me on behalf of the North Epping Kindergarten Management Committee and the Epping North Public School Parents and Citizens Association. On 8 August I had a site meeting with Michelle and some other interested parents on Malton Road, North Epping. We were there from about 2.55 p.m. to 3.30 p.m. to observe the way in which schoolchildren coming from North Epping Public School crossed Malton Road in particular.

The pedestrian crossing in Malton Road, North Epping, has concerned local residents, parents, and preschool and primary school groups for some time. With an increasing number of near misses at the crossing, the community lobbied Hornsby Shire Council with more than 260 petition letters. The pedestrian crossing has become an increasingly dangerous area due to a number of factors, including the increased number of cars driving through it at inappropriate speeds, general confusion of cars parking at the shops on the other side of Malton Road, a large number of shade trees on the north side directly next to the crossing that make it difficult for drivers to see pedestrians, parents dropping off children, and cars turning at the corner. Adding to all this confusion are some children and parents who have given up on using the crossing altogether and just walk across the road.

Although the crossing is situated across from the local preschool, it is used not only by preschoolers and their parents but also by the local primary school children. Students from Epping North Public School have direct access to the school from a laneway only about 15 metres from the crossing. A count of students using the crossing showed that on a single day between 25 per cent and 30 per cent of students from Epping North Public School use the crossing unsupervised. When I attended the school on the afternoon of 8 August it was clear to me that students from Epping North Public School were making significant use of the Malton Road crossing. At least half, and maybe 60 per cent, of the school students who attend that school come from the southern side of Malton Road, that is to say, the southern part of the suburb of North Epping.

In a sense, it is a main road crossing that links the northern part of the suburb with the southern side, the school being located in the northern part. It is a major thoroughfare for about half of the students at the school. Although the crossing is not directly outside the school it might as well be, given the use made of it. Hornsby council considered a whole series of proposals put forward by the community—particularly through Michelle Seale—and came up with a number of commitments. They include the maintenance of the existing road markings and signage to make them more visible, and removal of several of the large trees on the north side of the crossing. This is not done without some thought.

The removal of any tree is always an issue, but these trees really do cast a huge shadow over the road at about 3 o'clock in the afternoon, which is the critical time, so it is a real safety issue. Another commitment is the provision of pedestrian fencing at both ends of the lane to encourage pedestrians not to cross at these points—that is to say, to funnel the school students onto the crossing. There were two other proposals that are beyond the control of the council, but it is happy to support a request to the Roads and Traffic Authority [RTA] to provide a 40-kilometre school zone in Malton Road. I strongly endorse that, and raise the matter today to bring it to the attention of the Minister for Roads as a formal request. The second request I make to the Minister is for the RTA to provide school crossing supervisors at Malton Road and at Boundary Road, where there is a similar problem of getting cars to stop for children. I put those requests to the Minister and respectfully seek his assistance.

MR WAYNE WEST WORKERS COMPENSATION CLAIM

Mr LYNCH (Liverpool) [11.47 a.m.]: I draw the attention of the House to a situation concerning Wayne West, a constituent of mine. Mr West has been doubly unfortunate. In the first place, he was involved in a workplace accident. His second stroke of misfortune was to become ensnared in the New South Wales workers compensation system as most recently modified in 2001. My constituent was hurt while he was working for Woolworths as a baker on 12 October 2001. As part of his employment he was required to lift bags

that weighed more than 12 kilograms each, and he had to lift them to a height of about eight feet. This was not one isolated lift; it was an activity carried on over a period of time. As a result of this activity he sustained an injury to his back. This injury was objectively confirmed by an MRI scan, which indicated a disk protrusion in his back at the L3/L4 level.

Because of this injury it is impossible for him to continue his work. He faces the profoundly uncertain future of retraining and of attempting to obtain alternative employment, even though he sustained a compensable injury. He is retraining at the moment, although that is not being paid for by the insurer; he has had to do that on his own, and there is no guarantee at the end of the process that he will have certainty of employment. Additionally, his income is certainly not what it was. He is now being paid his compensation on a weekly basis—only about \$200 a week. He was earning more than \$500 a week net. He has had two months without pay. In addition, he has to traipse all over Sydney to see insurers' doctors, for which he has to pay, and then wait months for reimbursement of his travel costs.

Travelling costs for someone in his financial position are a serious issue. The overall level of compensation that he has received seems wholly inadequate. It is significantly less than the compensation he would have received had his entitlements been determined prior to the changes in the workers compensation system in 2001. To obtain lump sum compensation under the 2001 amendments, Mr West would have to prove he is greater than 15 per cent impaired on a "whole person" basis, pursuant to the American Medical Association guidelines fifth edition. Mr West's legal advisors believe on the basis of their expertise that he would not qualify under this regime for a lump sum payment, despite the severity of his injuries. This is in contrast to the prior situation. Mr West's legal advisors believe that under the previous common law system he would have undoubtedly been able to prove negligence and would have received substantial damages at common law.

Apart from the possible common law proceedings, the pre-2001 legislation allowed for lump sum claims for permanent loss of use of particular parts of the injured worker's body. These would also seem to have been far more generous to Mr West than the current "whole person" assessments. The new 2001 scheme has meant less money for injured workers. Mr West's lawyers have provided me with a table of some 15 cases from their files comparing lump sum payments pursuant to section 66 of the Act under the post-2001 system and the pre-2001 system. In every case the old system, before the most recent amendments, provided more benefits to injured workers. I will not recite all 15 cases, but I note that in some cases workers would get 11 per cent less and in other cases they would get 96 per cent less than they would have received under the pre-2001 system. In two of the cases I have been shown, one involves an injury to the right arm. Under the old system the injured person would have got \$19,943 lump sum payment, but under the current system the injured worker would get nothing. Another case involved an injury to the right arm. Under the old system the injured person would have got \$21,543, but under the new system the worker would get nothing.

I recall the fairly intense debate surrounding the 2001 changes. I expressed my great concerns then about the proposed changes in a letter to the relevant Minister on 2 April 2001. He eventually replied on 11 February 2002 and assured me that injured workers would receive more than \$890 million in additional benefits per annum. There were many other claims in the media to that effect. The figures quoted to me seem problematic for such claims. This is not just my view or that of Mr West's solicitors. I have seen another assessment prepared by a solicitor well versed in this field, Mr John Isaksen from Geoffrey Edwards and Co. In a paper entitled "Is This The End of Fair Compensation for Injured Workers", Mr Isaksen makes a number of comments about the new scheme. He points to the new provision requiring a greater onus on workers to establish a connection between injury and employment.

Mr Isaksen also points to the problem with medical panels where doctors appointed by the Workers Compensation Commission form a conclusive and decisive view. Those doctors are chosen from an approved list, which is riddled with the names of doctors who have spent many years earning lots of money by providing reports to insurance companies to prevent workers receiving their entitlements. Some of those specialists are providing assessments of disability which are even less in particular cases than those given by a doctor qualified by the insurance company. The analysis also looks at lump sum payments for permanent impairment under the pre-2001 and post-2001 regimes. Mr Isaksen is of the view that under the old system of lump sum compensation under section 66 there were more generous payments to injured workers. He cites a number of examples to that effect. It seems to me that any claim that under the new system benefits for injured workers have been increased is untrue.

HORNSBY ELECTORATE VOLUNTEERS

Mrs HOPWOOD (Hornsby) [11.52 a.m.]: I am pleased to draw to the attention of the House three wonderful aspects of community involvement in the electorate of Hornsby. I recognise that today is Legacy badge day. I commend the activities of legatee Norm McFarland and his untiring attention to detail in organising

local people, as well as legatees, to sell badges at Hornsby station and throughout Westfield. He utilises the services of local schoolchildren, and in particular I refer to Asquith Girls High School which year after year provides students to assist Norm in selling the badges. Norm McFarland is a well-known and well-respected legatee with a long service in assisting widows in our area.

I refer to some exciting news in my electorate. Earlier this year I had the pleasure of meeting Mr Alan Clarke of Mount Kuring-gai at Relay for Life, a fundraising mechanism of the Cancer Council. This Relay for Life event, the first such event held in the Hornsby shire, was successful in raising \$50,000-plus for cancer research. Following our meeting, I nominated Mr Alan Clarke for the *Advocate* Father of the Year. Yesterday it was announced that he beat a field of wonderful dads to be named Father of the Year. He is a most deserving winner. Mr Clarke is a father of two boys who lost his wife, Lyn, to breast cancer. He is now in the running for the New South Wales community Father of the Year award. The winner of this award will be announced in Parliament today at a special luncheon, which also supports the Shepherd Centre for Deaf and Hearing Impaired Children. I wait with anticipation for perhaps another exciting announcement for our electorate.

I nominated Mr Clarke because I was impressed with his fighting spirit. He not only gives to his immediate family and meets their needs, but he has also demonstrated that he is more than willing to give to the local community. Not long after his wife's death, Alan Clarke gave up his job as a senior credit officer in the city to care for his sons, Daniel, 13, and Nathan, 10. He has taken on keeping of the house, cooking for the family and partaking in school duties, including manning the canteen. Last Sunday I saw him refereeing a local soccer match. He was there supporting his local soccer association, the Ku-ring-gai and District Soccer Association.

The third matter I draw to the attention of the House is the recognition that I received for being a volunteer for the recent Daffodil Day. I assisted two local Rotary clubs, Berowra Rotary and Hornsby Rotary. Berowra Rotary president Rich Moore organised two stalls in Westfield to sell daffodils and other items for the purpose of raising funds for the Cancer Council. Les Howard was the main organiser of Hornsby Rotary's contribution to the Cancer Council. Les extended the hours for selling, and organised volunteers to sell daffodils from 6.00 a.m. to catch the rush-hour and another session from about 4.00 p.m. to 8.00 p.m. By doing so, Hornsby Rotary raised more than \$8,000 for cancer research. I am not sure of the total amount raised in New South Wales, but certainly in the Hornsby electorate the Rotarians, led by Les Howard and Rich Moore, and many others have significantly contributed money for research and for other day-to-day work activities of the Cancer Council. I also commend the valuable work of the Cancer Council. I will continue to be a long-standing supporter of any activity that researches cures for cancer and the prevention of cancer, which will benefit our community, particularly those who have contracted cancer.

Ms MEGARRITY (Menai—Parliamentary Secretary) [11.57 a.m.]: I am pleased to hear about the efforts of Hornsby electorate residents in their maintenance of longstanding traditions such as Legacy and the more recent annual Daffodil Day event. I extend the House's congratulations to Mr Alan Clarke on his nomination as Father of the Year. Finally, I echo the honourable member's thoughts about the Cancer Council in its efforts to find a cure for cancer, which is the scourge of so many lives in our communities.

ST CHRISTOPHOUS GERMAN-SPEAKING CATHOLIC COMMUNITY

Ms JUDGE (Strathfield) [11.58 a.m.]: I am pleased to draw to the attention of the House the fiftieth anniversary of the St Christophorous German-speaking Catholic community, which was held in Strathfield electorate on Sunday 27 July at St Christophorous Church, 112 Edwin Street, North Croydon. It involved a mass of thanksgiving, celebrated by Bishop Norbert Trelle from Cologne, Germany. The mass was followed by lunch and entertainment by the Caecilian Choir of the St Christophorous community and the community's Bavarian dance group, which was fantastic. Special guests included Bishop Norbert Trelle from Cologne, Germany; Father Peter Lang, parish priest, St Christophorous community; Mr Martin Unger, honorary President, St Christophorous community; Dr Matthias Wentzel, Consul-General of the Federal Republic of Germany; Mr Albert Mehr, Consul-General of Switzerland; and Councillor Mark Bonnano, the Mayor of Ashfield.

It was a pleasure to attend that function with St Christophorous' German-speaking Catholic community, which was formed under the leadership of Father Gottfried Stein 50 years ago. "St Christopherous" is the name adopted for their community by Sydney's German-speaking migrants. After the Second World War there arose a special need concerning the spiritual welfare of German-speaking Catholics in and around Sydney. In 1953 the German Catholic Church responded by sending Father Stein to Sydney. Since its inception the community has grown and expanded. After the arrival of Father Lepartz the community acquired a permanent home for its

priest in 1959, which after extension work in 1960 doubled as a small community centre in Brady Street, Croydon. In 1965 the community was able to complete the purchase of the neighbouring home and convert it into a home for the aged of the community. Since 1965 the Sisters of Mary have assisted the community's activities.

In 1972 the community purchased its own church in Edwin Street, Croydon, which was blessed and opened in 1973. In 1976 the community built a permanent function centre adjacent to the church for members and guests of the community. It is a fabulous hall in a great position only a few minutes from the station. In the mid 1980s the community was able to purchase a holiday home for its members in Kangaroo Valley, and a few years later it opened a hostel and retirement village on the grounds of the community's sister community, St Raphael, in Blacktown. It is now supported jointly by both communities. With the support and leadership of Father Peter Lang, who is a dedicated, caring and compassionate priest, the community continues to preserve and enhance its religious and cultural heritage.

I have been advised that the St Christopherous community is probably the only new Australian community based not on former nationality but on language and members from Germany, Austria, Switzerland and some Eastern European countries. It is wonderful that people from so many different countries have been drawn together by their spirituality. German migrants have been part of some of the most defining moments in Australia's European history, right from the inception of the colony. I believe that Captain Arthur Phillip was the son of a German language teacher from Frankfurt, and one of his senior crew, also of German background, established the colony's first vineyards. We have all benefited from that in one way or another, albeit in a balanced way and mindful of the recent successful Alcohol Summit. Bernard Holterman, who migrated to Australia to avoid conscription, dug up a 286 kilogram nugget, the largest piece of gold found in Australia. Lucky him!

More recently, the German community has made a significant contribution to our nation, particularly in academia, literature and music. Many also worked on large state sponsored programs such as the Snowy Mountains Hydro-electric Scheme—on which my father was a surveyor many years ago—or in rural industries. German culture has become so much a part of our culture that today we see festivals such as Oktoberfest celebrated at hotels and in people's backyards around Australia. It is a testament to the strength and commitment of the German community that it has established such a well-organised and active community around its church. I am fortunate that it is in the electorate that I have the privilege to represent. I congratulate the St Christophorous parish on its fiftieth anniversary and I thank the parishioners for inviting me to share in this special occasion.

Ms MEGARRITY (Menai—Parliamentary Secretary) [12.03 p.m.]: This week in Parliament I attended a function to celebrate 30 years of multiculturalism in Australia. It has been suggested that the term "multiculturalism" is almost redundant because ours is a multicultural nation and there is no need to keep telling people. I was unaware that the honourable member for Strathfield had that community in her electorate. It sounds as though a wonderful time was had by all. I am sorry I was not there as well as at the function held in this place, which was attended by the very colourful Al Grassby. I thank the honourable member for telling us about this community and the valuable work it does for her electorate.

GAMING MACHINE TAX

Mr DEBNAM (Vaucluse) [12.04 p.m.]: I refer to concerns raised by clubs in my electorate and throughout New South Wales that are doing such a fantastic job for the community, not only the returned servicemen's clubs at Rose Bay, Bondi Junction, Waverley, Paddington and Woollahra but also the Hakoah Club, the Eastern Suburbs Cricket Club, the Royal Motor Yacht Club, the surf clubs at Bondi, North Bondi, Tamarama and Icebergs, and the bowling clubs at Vaucluse, Double Bay, Waverley and Bondi. Bowling clubs have closed down under the Carr Government because of its lack of interest.

I acknowledge the selfless efforts of community clubs in my electorate and across the State. I will also relay their concerns about the Carr Government's betrayal of clubs. I deliberately did not say "Bob Carr and Michael Egan's betrayal" because every member of the Carr Government, including the two Labor members in the Chamber this morning, must take responsibility. Since the State election there has been an outrageous and unprovoked attack on community service clubs in New South Wales. The clubs are doing their best to fight back against the arrogance and strength of the Carr Government, which is using its many resources to attack them. The clubs have released a report entitled "Economic and Distributional Impacts of New Gaming Taxes on NSW Clubs". The key findings section states:

The combined impacts of the changes in taxation will also result in additional negative spillovers that will adversely affect the local communities in which clubs operate.

It also states:

It is difficult to escape the conclusion that taking \$1.5 billion out of clubs must reduce their capacity to contribute to social capital. As a recent review by the Productivity Commission concluded, while it is problematic to devise policies to create social capital, governments should ensure that policies do not erode social capital.

That is exactly what the Carr Government is doing. The report goes on to state:

The club movement relies not only on paid employees, but also on substantial numbers of volunteers to provide services to members.

It also refers to the Carr Government's attack on community service clubs and points out:

Generally, this implies a reduction in the services that clubs provide including:

- lawn bowls;
- golf;
- rugby league;
- soccer;
- netball;
- other football;
- junior and amateur sports;
- emergency services;
- cultural activities;
- social club activities;
- local schools and playgroups;
- returned soldiers' and war widows support groups;
- local hospitals and nursing homes;
- surf lifesaving;
- seniors activities;
- local neighbourhood activities; and.
- charities in many areas, of all sizes.

The Carr Government's policy will have an extraordinary impact on many organisations in our community. This problem has come about as a result of the Carr Government's arrogance. On a number of occasions in this House I have referred to the almost total breakdown of trust between the New South Wales community and the Carr Government. That has happened gradually over the past eight years. It has happened because honourable members, like the honourable member for Maitland, do not listen to their electorates. I am not sure how he voted in coward's castle—that is, caucus. He is not listed, so obviously he was not in Parliament again. One of the biggest problems with the honourable member is that he is never here.

The Opposition gave Labor Party members an opportunity to vote for their communities yesterday, but they rejected it. That happens time and again, whether we are dealing with policing or community issues. Government members simply toe the party line; they are not interested in the community's concerns. It happened when I introduced legislation to deal with car hooners and it happened again yesterday when I spoke about legislation dealing with young offenders. The Opposition has led the Government on bail laws and suggested reforms relating to the Director of Public Prosecutions. On each occasion, Labor Party members have toed the party line instead of working for the community.

HUNTER RIVER FLOOD MITIGATION PROGRAM

Mr PRICE (Maitland) [12.09 p.m.]: I wish to speak about a matter of note that happened recently in the Maitland electorate. The flood mitigation program for the middle and lower Hunter has resulted in significant improvement to the amenity of the Hunter River and tributaries in my electorate. I speak specifically about the \$11.5 million currently being spent on those works between Merriwa and Raymond Terrace—the bulk of it in the Maitland electorate—to improve levee banks, reconstruct bends in the river, and improve that portion of the Hunter River behind the Maitland central business district.

Anyone who goes behind the shops there will find that the levee bank, which is used regularly, has been vastly improved. As honourable members no doubt are aware, this is a combined Federal-State program to fund flood mitigation, with a very small proportion of Hunter Catchment Management Trust funds also being allocated to the program. In the current reconstruction mode, the ministry responsible for land and water conservation has made provision for a wall to extend the walkway on the levee to incorporate a cycleway and walkway. That will enable a number of commercial centres on the Maitland Mall, which backs onto the river, to have their premises open onto the riverfront. It will allow many more restaurants, coffee shops and similar businesses to take advantage of that beautiful sweep of the river in that location, opposite the suburb of Lorn.

Of course, Lorn is one of the lovely old areas of Maitland that has many heritage homes. From the central business district side of the river can be seen the very gradually sloping lawns and parklands that have been created over the years as part of the flood mitigation works carried out in former times. A huge amount of rock has been put along the river edge to strongly reinforce that section of bend in the river against future flooding. The gradient of the levee bank has been improved and is now fully grassed and planted in a way that will reduce erosion in times of serious floods. Naturally, no-one can predict what floods that occur ever 100 years or so would do in that area, but I believe the flood mitigation works undertaken upstream of Maitland city will be very effective, as they have been in severe floods that occurred some four years ago. Those works actually improved the way the river flowed, reduced the level of the water and, where required, enabled retention of the water for slow release over a period of time at a number of locations further upstream. That includes work on the Williams River and Patterson River.

The council has responded positively by placing a special levy on the central business district, with the usual round of resistance that one would expect to that. However, that it will raise some \$3.5 million to improve the central business district and the surrounds of the city itself, ensuring that Maitland city is restored to its former beauty. The council already has done some wonderful work near St Marys Cathedral and the former Methodist Church in that area, now the Uniting Church. It removed buildings, improved roundabouts in front of that area, and made the entrance to that end and the southern end of the central business district very beautiful and desirable areas for people to use, as well as giving easy access for motorists. I commend the council for its city reconstruction work, and I thank the governments responsible for their visionary outlook in providing this funding as this is not just for flood mitigation but also city beautification. The careful use of funds such as these will mark any government's progress of community expectations. I thank the governments concerned.

Ms MEGARRITY (Menai—Parliamentary Secretary) [12.14 p.m.]: I was very pleased to hear the honourable member's comments about flood mitigation improvements for the Hunter River. Several years ago I was in picturesque Maitland and saw some graphic photographs of previous flooding incidents in the central business area that the honourable member spoke about. So it is good to hear about the significant funding of about \$11.5 million for those works, and about other works undertaken by the council through the imposition of a levy. However, it takes a commitment by the whole of the community to achieve the sorts of improvements. It is good to hear of these works. Let us hope they roll on quickly for the maximum benefit.

HOLBROOK MULTIPURPOSE SERVICE CENTRE

Mr MAGUIRE (Wagga Wagga) [12.15 p.m.]: I have raised previously in the House the proposed redevelopment of the Holbrook Multipurpose Service Centre. In fact, stages one and two of that redevelopment have been completed. The entire project originally was estimated to cost \$1.5 million, but only stages one and two have been funded, at a total cost of \$2.479 million. That left stage three, which related to the acute care wing, in need of funding. The multipurpose committee, the council and the community lobbied the then Minister for Health, Craig Knowles, for an additional allocation of funds. We received that stage three development funding, for which we were very grateful. I understand that at a recent meeting of the Holbrook Multipurpose Service Committee concern was raised about a reduction in the scope of works associated with refurbishment of the Holbrook health care service acute unit and the ambulance station, the stage three works. It is my understanding that the reduction in the scope of works results from tenders exceeding available funding.

The works considered for reduction included road works to form a hard stand outside the kitchen, work associated with a bread delivery hatch, inset patterns in vinyl floor to palliative care and entry/waiting area, paving and planter beds outside palliative care, miscellaneous joinery, work associated with the link to aged care, work associated with the relocation of the body holding area, and work to the north end of the kitchen. In July 2002 the committee wrote to the Greater Murray Area Health Service suggesting that the old hospital in Holbrook be sold and that the funds raised be allocated to funding the possible shortfall in the current works. The committee was advised that available funding was sufficient to complete all works. Clearly, that is not correct. It is now apparent that the funding is not sufficient.

The old hospital is to be auctioned on 19 September, only a few days away. I ask in this private member's statement that the Minister for Health respond quickly to my request that the moneys realised from the sale of the old hospital be allocated to complete the long-awaited redevelopment of the Holbrook Multipurpose Service Centre. I understand there are precedents for such requests relating to the sale of hospitals or properties owned by the Greater Murray Area Health Service, with the proceeds being allocated to the service and the new hospital. I seek the Minister's quick response and his assurance that the money will be allocated for the benefit of the Holbrook community, which has worked so hard along with the Greater Murray Area Health Service. They have lobbied intensely. They have waited for a long, long time for this multipurpose centre.

The work that has been done so far is of excellent standard. I give credit for that to the architects, the builders and everyone involved with this redevelopment. It really has been a co-operative project. I cannot recall a better example of a small community pulling together and working for an outcome, sharing their ideas and putting forward positive and productive solutions. This is another solution to the shortfall, to ensure that the Holbrook Multipurpose Service Centre will be one of the very best in the region. I understand that surplus property in Culcairn was sold and that the funds from the disposal of that property were allocated to the benefit of the Culcairn Multipurpose Service Centre.

Ms MEGARRITY (Menai—Parliamentary Secretary) [12.19 p.m.]: I join the honourable member in acknowledging the efforts of his community in getting so far with their project. I will ensure that the Minister for Health is made aware of the comments made today by the honourable member.

CARERS

Mr DRAPER (Tamworth) [12.19 p.m.]: Earlier this week my honourable colleague the member for Manly brought on a debate about the difficulties that carers in our State face on a daily basis. The honourable member for Menai made a strong contribution to that debate. Being a carer is not a career choice—it is often the last thing any person thought would ever happen to them. There are estimated to be around 800,000 carers in New South Wales, and more than half of them are over 75 years of age. It is with a great deal of sympathy and understanding that I wish to speak on the role of carers in the electorate of Tamworth. If there was ever a group of more selfless and dedicated people, I am yet to hear of them.

I have had the privilege of meeting many carers, both during my campaign and since my election as the member for Tamworth. I have heard the concerns from people who are living in fear as to what will happen to their loved ones when they are unable to continue home care, or they pass on. I have listened to people who are physically and mentally exhausted by the day-to-day grind of caring for a loved one with a disability. I met many parents who are jeopardising their own health because of a lack of respite facilities in Tamworth—and Tamworth is a major centre that is recognised for its empathy towards people with disabilities.

As I said in my inaugural speech to this House, while I was campaigning I met one inspirational woman who has continually postponed an operation necessary for her long-term wellbeing because she does not want her child, who is now over 30 years of age, to be housed in a facility out of our area where he will not know anybody. I fully support her stance, and I believe there is a strong social obligation on the Government to provide facilities within regional communities that will allow people with disabilities, and their carers, to have a decent standard of life. Tamworth is widely recognised as a centre of excellence for giving opportunities to people with disabilities. It is home to a number of excellent organisations that focus on service delivery for children with disabilities and their carers.

Carers take so much of the burden off the Government through their selfless devotion to those they are caring for, yet the Government does not recognise the sacrifices they make and does not provide the facilities necessary for them to lead a life resembling what most of us would consider to be normal. While overnight respite care is available in Tamworth, the fact remains that if a parent requires a longer period of care for a child

with a disability, that child must be housed outside our city. And in a major regional city such as Tamworth, I personally believe that is simply not good enough. In my formative years I learned that disability is not something to be scared of. Many years ago the community of Tamworth had numerous young people with disabilities living at home with their parents. In those days having a child with a disability was something to hide and, in many cases, something to be ashamed of.

In the 1950s my grandmother, Mary Riley, started Tamworth's first school for children with disabilities. It opened in a shed at the showgrounds. My grandmother was the inaugural principal. As a young child I was fortunate to spend considerable time with her at what was then known as the Tamworth Handicapped Children's School. It is now known as the Bulimbal Special School, and the Government now runs the entire operation. This school made an enormous difference to the life of those young people's carers, and I believe we have reached the point where another quantum leap is needed for today's carers. I have attended carers' support group meetings, and I have to say that these people are absolutely inspirational. They do not whinge, they do not want anything out of the ordinary. They quite simply want to have their contribution recognised by the Government, and they want to see the Government put some additional resources into this area.

These people save the Government significant amounts every year through their devotion to giving their loved ones a level of care that they believe is necessary. But this devotion comes at a very high personal cost. The small things many take for granted, such as a movie, a night out, or a weekend away, are currently impossible dreams for many carers. Improved and readily accessible respite facilities are needed across the State, but especially in large regional centres such as Tamworth where people who have children with disabilities come to live because of the many fine facilities I detailed earlier. I urge the Government to re-examine the current situation and recognise the contribution that carers make to our community. They deserve a break. Let us make it sooner, rather than later.

GAMING MACHINE TAX

Mr TORBAY (Northern Tablelands) [12.24 p.m.]: The State Government's pernicious raid on not-for-profit service and sporting clubs through the proposed hike in poker machine taxes will gut the social network of country towns and centres. These clubs are the heart of the social infrastructure in small and large regional centres. They are owned and run by local community members, and their profits are shared with the whole community through sporting, social and cultural support, and sponsorship. They provide jobs for local people and contract work for local trades people, and they buy food and other products from local suppliers. At risk through this tax increase would be free concerts and low-cost events for seniors, such as bingo, financial and infrastructure support for sporting and cultural organisations, and affordable hospitality services for the community—amounting to hundreds of thousands of dollars. Services clubs, bowling clubs and golf clubs would all be seriously affected.

A lot of people will not be able to afford a night out, and a lot of sporting activities will close down if this tax impost proceeds. The increased tax is based on gross revenue without taking into account the community contribution involved in the net result. Statistical information from many clubs in the north and north-west shows that several are already on the financial edge and would be forced to close. Others will be forced to drastically reduce or charge more for their services. It is difficult to understand how any government would seek to undermine and limit the activities of these clubs and leave a vacuum that would have to be filled by government services in any case. By gutting the economic base of these clubs, which plough their profits back into the community, the Government would be penalising the very people it is supposed to support.

The community sees this increase as nothing more than a greedy grab for tax revenue at the expense of community frameworks and values. When these clubs were established they quickly became self-sustaining social hubs because their services were affordable and community based. It is a system that works, and regional communities do not want to see the Government undermine it through tax imposts that threaten sustainability. It is unrealistic to compare the cashed up megaclubs in metropolitan cities with the network of small clubs in country areas on which the local community depends. The managers of these small clubs do not receive high executive salary packages, and they do not waste membership funds.

Recently I attended a meeting in Inverell of more than 100 representatives from registered clubs in the north and north-west of the New England electorate with my colleague the member for Tamworth. At that meeting the Chief Executive Officer of ClubsNSW, David Costello, was guest speaker. We heard that the tax would have a devastating effect not only on many small clubs but also on the community's cultural, social, and sporting organisations to which they now contribute. We heard that the club movement in New South Wales

supports and maintains 1,700 bowling greens, 300 golf courses, 260 playing fields, 89 gymnasiums and 50 swimming pools. It subsidises meals and encourages participation in sport at both junior and senior levels. Statistics show that around 53 per cent of adults in New South Wales are members of registered clubs, and 83 per cent have visited a club in the past 12 months.

New South Wales clubs employ over 39,600 people, and 43 per cent of bowling, ex-services, golf, leagues, workers and other clubs are located in regional and rural areas. Club volunteers contribute over 2.8 million hours to their communities across the State and, overall, clubs of all sizes provide more than \$100 million in cash and in kind each year to local community groups. The \$1.5 billion that the Government expects to earn from this tax hike over seven years is not a tax on profits: It is a tax on revenue, and a tax on local autonomy. In my view, self-sustaining local club networks should be nurtured and encouraged to extend their support and sponsorship of community organisations, to provide free entertainment for seniors, to encourage people of all ages to participate in sport, and to involve families in social outings and events at an affordable cost. That model could easily have been conceptualised by hundreds of experts at innumerable workshops and talkfests as ideal for the promotion of a sense of self-reliance and resilience in the community. We have this model in action through the registered club movement, and it should not be put under threat.

Private members' statements noted.

POLICE INTEGRITY COMMISSION

Report

Mr ACTING-SPEAKER (Mr Mills) tabled, pursuant to section 103 (2) of the Police Integrity Act 1996, the report titled "Report to Parliament—Operation Ibis", dated September 2003.

Ordered to be printed.

The House adjourned at 12.29 p.m. until Tuesday 16 September 2003 at 2.15 p.m.
